



# Planning Committee (North)

Tuesday, 7th August, 2018 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:	Karen Burgess (Chairman)	
	Liz Kitchen (Vice-Chairman)	
	John Bailey	Tony Hogben
	Andrew Baldwin	Adrian Lee
	Toni Bradnum	Christian Mitchell
	Alan Britten	Josh Murphy
	Peter Burgess	Godfrey Newman
	John Chidlow	Brian O'Connell
	Roy Cornell	Connor Relleen
	Christine Costin	Stuart Ritchie
	Leonard Crosbie	David Skipp
	Jonathan Dancer	Simon Torn
	Matthew French	Claire Vickers
	Billy Greening	Tricia Youtan

You are summoned to the meeting to transact the following business

Glen Chipp  
Chief Executive

## Agenda

### Page No.

#### GUIDANCE ON PLANNING COMMITTEE PROCEDURE

1. **Apologies for absence**

2. **Minutes**

7 - 12

To approve as correct the minutes of the meeting held on 3 July 2018  
(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to [committeeservices@horsham.gov.uk](mailto:committeeservices@horsham.gov.uk) at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)

3. **Declarations of Members' Interests**

To receive any declarations of interest from Members of the Committee

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

**To consider the following reports of the Head of Development and to take such action thereon as may be necessary:**

- |     |   |         |
|-----|---|---------|
| 5.  | <b>Appeals</b>  | 13 - 14 |
|     | Applications for determination by Committee:  |         |
| 6.  | <b>DC/18/1046 - Micklepage, Nuthurst Street, Nuthurst</b>   | 15 - 28 |
|     | Ward: Nuthurst  |         |
|     | Applicant: Green Plan   |         |
| 7.  | <b>DC/18/0572 - 39 Rookwood Park, Horsham</b>   | 29 - 36 |
|     | Ward: Trafalgar   |         |
|     | Applicant: Ms Anna Sterling   |         |
| 8.  | <b>DC/18/1127 - Warnham Nature Reserve, Warnham Road, Horsham</b>   | 37 - 46 |
|     | Ward: Holbrook West   |         |
|     | Applicant: Horsham District Council   |         |
| 9.  | <b>DC/17/2605 - Windacres Farm, Church Street, Rudgwick</b>   | 47 - 54 |
|     | Ward: Rudgwick  |         |
|     | Applicant: Mr John Bailey   |         |
| a)  | ADDENDUM TO ITEMS 6 – 9   | 55 - 58 |
| 10. | <b>Urgent Business</b>  |         |
|     | Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances |         |

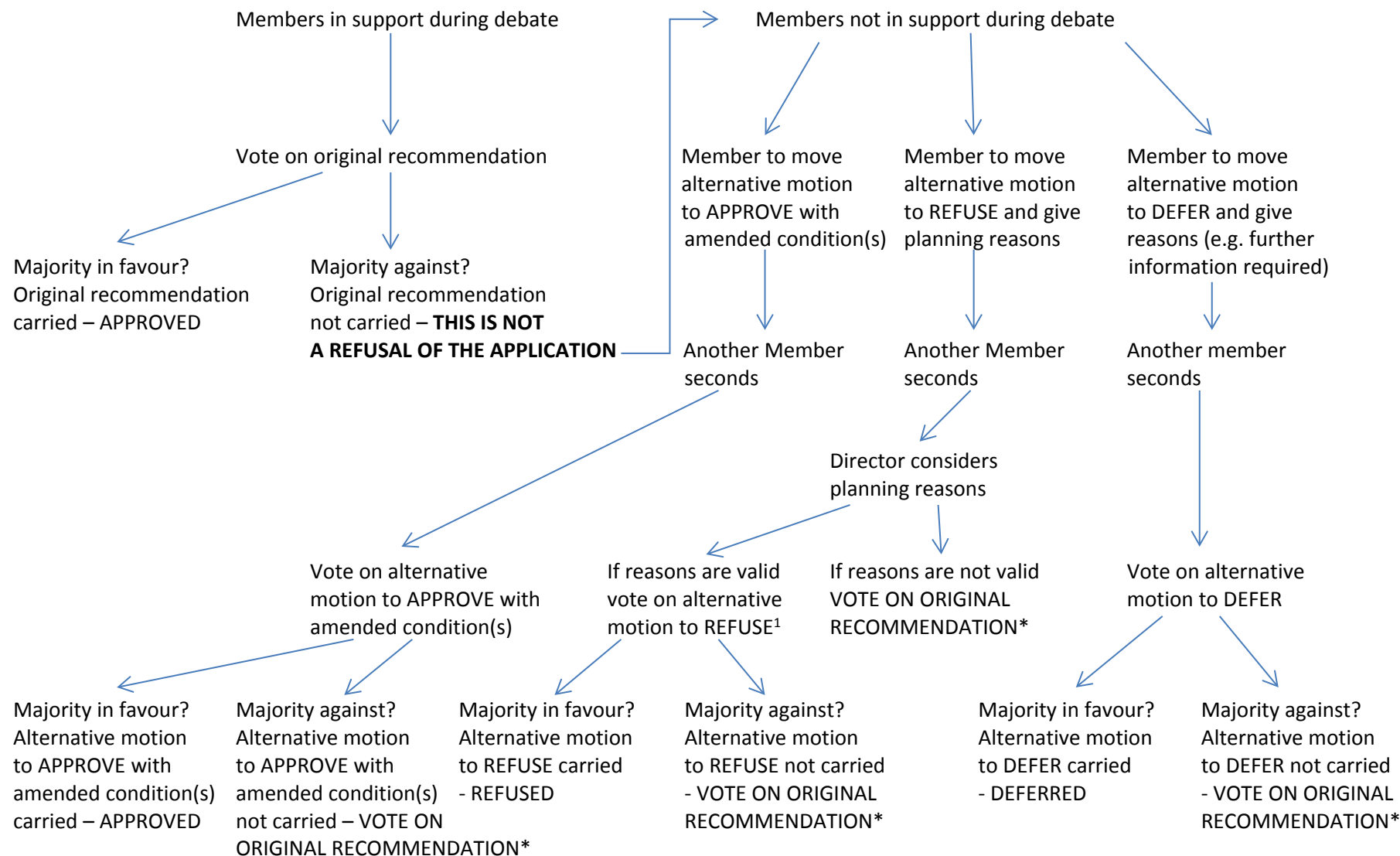
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

<b>Addressing the Committee</b>	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
<b>Minutes</b>	Any comments or questions should be limited to the accuracy of the minutes only.
<b>Quorum</b>	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
<b>Declarations of Interest</b>	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
<b>Announcements</b>	These should be brief and to the point and are for information only – <b>no debate/decisions</b> .
<b>Appeals</b>	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
<b>Agenda Items</b>	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
<b>Public Speaking on Agenda Items</b> (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed <b>2</b> minutes each to make representations; members of the public who object to the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes; applicants and members of the public who support the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes. Any time limits may be changed at the discretion of the Chairman.
<b>Rules of Debate</b>	<p><b>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</b></p> <ul style="list-style-type: none"> <li>- No speeches until a proposal has been moved (mover may explain purpose) and seconded</li> <li>- Chairman may require motion to be written down and handed to him/her before it is discussed</li> <li>- Secunder may speak immediately after mover or later in the debate</li> <li>- Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max <b>5</b> minutes or longer at the discretion of the Chairman)</li> <li>- A Member <b>may not speak again except:</b> <ul style="list-style-type: none"> <li>o On an amendment to a motion</li> <li>o To move a further amendment if the motion has been amended since he/she last spoke</li> <li>o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried)</li> <li>o In exercise of a right of reply. Mover of original motion</li> </ul> </li> </ul>

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> <li>○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final.</li> <li>○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman's ruling on the admissibility of the personal explanation will be final.</li> </ul> <ul style="list-style-type: none"> <li>- Amendments to motions must be to: <ul style="list-style-type: none"> <li>○ Refer the matter to an appropriate body/individual for (re)consideration</li> <li>○ Leave out and/or insert words or add others (as long as this does not negate the motion)</li> </ul> </li> <li>- One amendment at a time to be moved, discussed and decided upon.</li> <li>- Any amended motion becomes the substantive motion to which further amendments may be moved.</li> <li>- A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).</li> </ul>
<b>Alternative Motion to Approve</b>	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer's recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
<b>Alternative Motion to Refuse</b>	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer's recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
<b>Voting</b>	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> <li>- Two Members request a recorded vote</li> <li>- A recorded vote is required by law.</li> </ul> <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
<b>Vice-Chairman</b>	<p>In the Chairman's absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

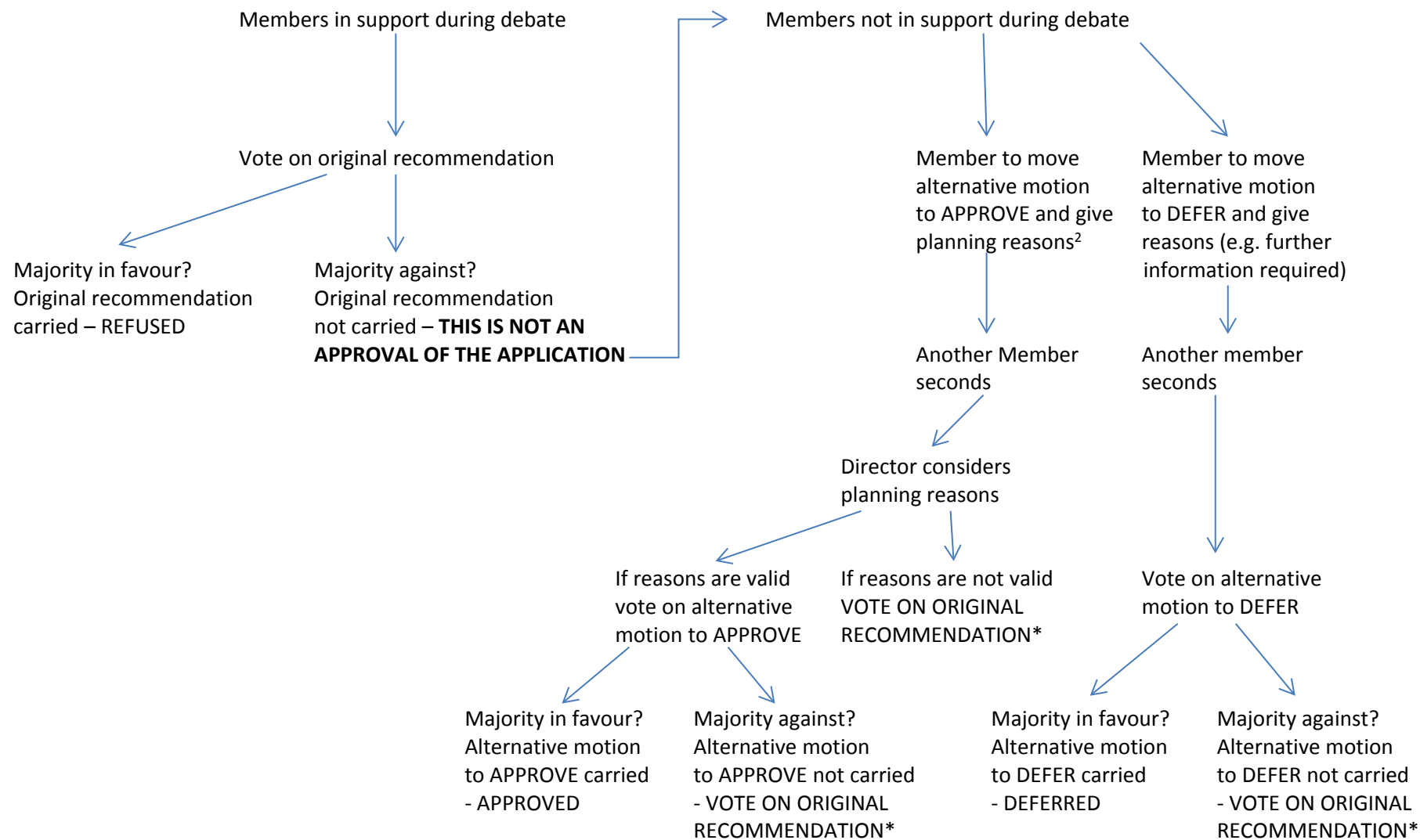
## Original recommendation to APPROVE application



\*Or further alternative motion moved and procedure repeated

<sup>1</sup> Subject to Director's power to refer application to Full Council if cost implications are likely.

## Original recommendation to REFUSE application



\*Or further alternative motion moved and procedure repeated

<sup>2</sup> Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

**Planning Committee (North)**  
**3 JULY 2018**

Present: Councillors: Karen Burgess (Chairman), Liz Kitchen (Vice-Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, Peter Burgess, John Chidlow, Christine Costin, Leonard Crosbie, Tony Hogben, Adrian Lee, Christian Mitchell, Godfrey Newman, Brian O'Connell, David Skipp, Simon Torn, Claire Vickers and Tricia Youtan

Apologies: Councillors: Roy Cornell, Jonathan Dancer, Matthew French and Stuart Ritchie

Absent: Councillors: Billy Greening, Josh Murphy and Connor Relleen

PCN/15 **MINUTES**

The minutes of the meeting of the Committee held on 5 June were approved as a correct record and signed by the Chairman.

PCN/16 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/17 **ANNOUNCEMENTS**

There were no announcements.

PCN/18 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated, was noted.

PCN/19 **DC/18/0205 - FIRTREE PLANTATION, HYES WOODLAND, WATERLANDS LANE, ROWHOOK**

The Head of Development reported that this application sought retrospective permission for an access track which had been laid into an area of woodland to provide vehicular access to Oakesfield Plantation and Firtree Plantation. The main track was almost 600 metres long with an adjoining 120 metre track. Most of the track had been laid with crushed hardcore over a geo-textile membrane. To form part of the track, hardcore had been placed on approximately 245 metres of a public right of way.

The application site was in the countryside approximately three and a half kilometres northwest of Broadbridge Heath and two kilometres north of Slinfold.

The small settlement of Rowhook lay to the northwest. The site was part of an area known as Roman Woods which was in both Rudgwick and Slinfold parishes.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

Rudgwick Parish Council raised no objections, though some concerns had been raised. The Local Member confirmed that Slinfold Parish Council objected to the application. Sixteen objections from 13 households had been received. Since publication of the report two further objections had been received and an addendum to the report advised Members of details of the objections and officer comments. Three members of the public, including the Chairman of the Rowhook and Chelmsfold Amenity Society, spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of the development and whether it served a forestry purpose; impact on the rural character of the area; and the further impact that removal of the track would have on ecology and biodiversity.

Officers confirmed that the tracks did not fall within ancient woodland and that the structures on site were for forestry purposes and not for residential use. Members discussed the quality of the track surface, in particular in relation to the public footpath, and noted concerns raised by the Arboricultural Officer that removing the hardcore surface could cause further damage to tree roots.

Members noted that the track laid on the public footpath included unsatisfactory material as outlined in the report, and were concerned that the timescales indicated in the conditions requiring an approved Method Statement followed by the laying of the wearing course in an appropriate manner were too slow. It was therefore agreed that these would be amended so that all works should be completed within six months instead of eight months.

#### RESOLVED

That planning application DC/18/0205 be granted subject to the conditions as reported, with the timescale of 'four months' referred to in conditions 2 and 3 to be revised to 'three months' as follows:

Condition 2: Within three months of the date of this permission, a Method Statement detailing a suitable wearing course for the length of track that forms part of the Public Right of Way shall have been submitted and approved in writing by the Local Planning Authority. The wearing course shall have a minimum depth of 100mm of Type 1 material with plenty of fines and shall be laid in two courses, each having a minimum depth of 50mm.



Each layer shall be compacted well between the courses and a geo-textile membrane added to prevent fines getting in to the sub-base. Within three months of the date of the written approval by the Local Planning Authority of the Method Statement, the wearing course shall have been laid strictly in accordance with the approved Method Statement and be retained as such thereafter.

Condition 3: Within three months of the date of this permission, an Ecological Construction Methodology Plan (ECMP) shall have been submitted to and approved in writing by the Local Planning Authority. The ECMP shall incorporate all measures proposed within the *Preliminary Ecological Appraisal* and shall include details of habitat protection for adjacent habitats, avoidance measures with regards to protected and notable species and enhancement measures for biodiversity. The measures outlined in Section 4.11 of the *Preliminary Ecological Appraisal* by The Ecology Co-op dated 26<sup>th</sup> April 2018 should be adhered to, to prevent impacts to protected species and damage to adjacent habitats. The approved provisions shall be implemented before the works to lay the wearing course commences and shall thereafter be retained and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

PCN/20 **DC/18/0612 - MR LIS CHINESE RESTAURANT, 45 SPRINGFIELD ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the change of use from a restaurant to a hot food takeaway to enable Domino's Pizza to relocate from 41 Springfield Road. The proposal included the installation of extraction equipment towards the rear of the building and external alterations to the shop front including new fenestration and entrances. Internal alterations were also proposed.

The application site was located in Horsham Town Centre on the western side of Springfield Road at the end of a row of commercial premises. There were other commercial units east and south of the site, and residential development to the north and west.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council had not commented on the application. There had been 23 objections from 22 respondents. Since publication of the report one further objection had been received and an addendum to the report advised Members of details of the objection and officer comments.

In response to concerns regarding the impact of late night traffic movements caused by pizza delivery vehicles, an additional condition was recommended requiring a Delivery Service Management Plan for the takeout delivery service to be agreed and implemented. It was agreed that this condition, as set out in the addendum, would be amended to require an Operational Management Plan so that all activity on the site would be in accordance with an approved plan.

Two members of the public, including a representative of the Potters Place Residents Association, spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its appearance and the visual amenities of the street scene; the amenity of neighbouring occupiers; and parking and traffic conditions.

Whilst Members were concerned that the proposal would lead to additional traffic movements, they acknowledged that there were no highways grounds on which to refuse the application and considered that the Operational Management Plan would help to safeguard the amenities of adjacent occupiers and be in the interests of highway safety.

In response to concerns regarding the storage and removal of refuse, including the capacity and type of bin, it was agreed that an additional condition requiring an approved Refuse Strategy be added to safeguard the amenities of the area.

#### RESOLVED

That planning application DC/18/0612 be granted subject to the conditions as reported, with two additional conditions:

- (i) A condition requiring an Operational Management Plan to, to be agreed with the Chairman, Vice-Chairman and Local Members:

‘The use hereby permitted shall not commence until an Operational Management Plan has been submitted to and been approved in writing by the Local Planning Authority. All activity at the site, including all delivery services shall take place in full accordance with the Operational Management Plan thereafter from date of first use.’

- (ii) A condition requiring a Refuse Strategy:

‘The use hereby permitted shall not commence until a Refuse Strategy has been submitted to and been approved in writing by the Local Planning Authority. The approved Refuse Strategy shall be implemented at first use and shall be retained as such thereafter.’

PCN/21 **DC/18/0751 - 78 IRWIN DRIVE, HORSHAM**

The Head of Development reported that this application sought permission for the demolition of a garage and store and the erection of a two storey side extension with pitched roof over a new garage, and a single storey rear extension. Works to construct extensions to the property had already commenced. It was noted that paragraph 1.1 of the report should state that the two storey side extension would have a depth of 8.3m at **ground floor** (not first floor) level.

Amendments to the original application had been received to ensure the works were confined to the application site and did not overhang onto 80 Irwin Drive.

The application site was located within the built-up area of Horsham on the southern side of Irwin Drive. It comprised a detached two storey dwelling with a large garden to the rear. There were dwellings of similar size and style in the vicinity, some of which had two storey side extensions.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The Parish Council had not commented on the application. Two objections from one household had been received. The Local Member had raised concerns because of the potential impact on the neighbouring property. One member of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; the impact of the proposal on the character of the dwelling and on the street scene; and the amenities of neighbouring occupiers.

Members concluded that the scale and design of the proposed extensions were acceptable.

**RESOLVED**

That planning application DC/18/0751 be granted subject to the conditions and reasons as reported.

PCN/22 **DC/18/0729 - THE CORNER OF PIRIES AND PARK PLACE ON THE HIGHWAY ADJACENT TO PIRIES PLACE CAR PARK, COPNALL WAY, HORSHAM**

The Head of Development reported that this application sought temporary permission for welfare and management facilities, comprising four huts and site hoarding with local information signage. The facilities would be allowed for up to 14 months and be required for the duration of the construction of a

replacement car park at Piries Place, which was granted in February 2018 (DC/17/2511).

Members were advised that paragraph 6.8 of the report regarding hours of working during construction incorrectly stated '8-1pm Monday to Friday'. This should be corrected to '8am-6pm Monday to Friday' as stated in Condition 6.

The application site was in the centre of Horsham south of Piries Place multi storey car park, which was being redeveloped. Part of the site was in Horsham Conservation Area although there were no listed buildings in close proximity. There were retail units with flats above along Park Place, and Burtons Court and Parkway House flats were nearby.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The consultation responses from HDC Environmental Health and the Highway Authority, as contained within the report, were considered by the Committee.

The Neighbourhood Council raised no objection, subject to conditions. One objection had been received. One member of the public spoke in objection to the application on the grounds that the proposal would prevent access to an area of informal car parking on private land. This was not a planning matter or relevant to the determination of the application and the Committee were satisfied that efforts would be made to resolve the matter.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; its impact on neighbouring amenity and on trade; and highways considerations.

Members noted that there was no viable alternative location available and given the temporary nature of the proposal concluded that it was acceptable.

#### RESOLVED

That planning application DC/18/0729 be granted subject to the conditions and reasons as reported.

*The meeting closed at 6.55 pm having commenced at 5.30 pm*

CHAIRMAN

## Planning Committee North

Date: 7<sup>th</sup> August 2018



Report on Appeals: 21/06/2018 – 20/07/2018

### 1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:-

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/18/0590	Baynards Motor Company, Rowhook Hill Farm, Bognor Road, Broadbridge Heath	26/06/2018	Refused	N/A
DC/17/1704	41 Pondtail Road, Horsham	27/06/2018	Permit	Refused
DC/18/0793	Forest House Cottage, Winterpit Lane, Mannings Heath	18/07/2018	Refused	N/A

### 2. Live Appeals

The following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
EN/17/0062	Millers Mead, Nuthurst Street, Nuthurst	Written Rep	21/06/2018	Compliance Notice	N/A
DC/17/1853	Land at 9 - 15 Crawley Road, Horsham	Written Rep	27/06/2018	Refused	N/A
DC/17/2752	Upper Bottle House, Stane Street, Slinfold	Written Rep	25/06/2018	Refused	N/A

### 3. Appeal Decisions

The following appeals have been determined by the Planning Inspectorate:-

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/17/2484	Trueloves Farm, Marches Road, Kingsfold	Written Rep	Dismissed	Refused	N/A
DC/17/2693	46 Barnsnap Close, Horsham	Fast Track	Allowed	Refused	N/A

This page is intentionally left blank



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 7 August 2018

**DEVELOPMENT:** Variation of Condition 1 of previously approved application DC/15/2493 (Erection of three two storey houses). Minor material amendments to facilitate alterations to approved site layout and approved designs.

**SITE:** Micklepage Nuthurst Street Nuthurst West Sussex

**WARD:** Nuthurst

**APPLICATION:** DC/18/1046

**APPLICANT:** **Name:** Green Plan **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the officer's recommendation.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION**

- 1.1 This application seeks amendments to the form and footprint of three dwellings approved under planning permission DC/15/2493, but built not in accordance with the approved drawings. These alterations relate to the overall built form of the dwellings and alterations to the internal layout of the ground and first floors as built, but also include proposed alterations not already constructed.
- 1.2 This application has been submitted following the refusal of an earlier application to amend the form and position of the dwellings approved at the site (under reference DC/17/2524). The amendments now proposed, when considered against the refusal, include:
  - Alterations to the roof form over each of the garages to reduce the length of the ridgeline and the overall massing of the roof form. This would include the provision of a shallower roof pitch to the northern roof slope, and the removal of the roof lights to the western roof slope.

- Removal of the hipped roof dormer to the southern roof slope of Plot 1, and the reinstatement of the approved first floor window to the western elevation of Plot 1.

- 1.3 There is no statutory definition of a 'minor-material amendment' but it is usually considered to include amendments where the proposal results in a development that is not substantially different from the one that has been approved. Very minor changes are considered as part of a 'non-material amendment application.' Given the extent of the changes undertaken to the approved scheme, it was considered that these were significant enough to alter the appearance and scale, and therefore not 'non-material' in nature. However, the development as built remains of the same nature as that previously approved, and can be considered under a 'minor-material amendment'.
- 1.4 The alterations to the originally approved scheme have altered the footprint of the dwellings, with a slight enlargement to the north-east and south-west elevations, with an alteration to the southern elevation to encompass a projection that measures to a width of 7.1m (in lieu of the approved sunroom and porch), and an overhang provided over the front entrance to the northern elevation. These alterations have also encompassed internal alterations to the layout at both ground and first floor, albeit that the dwellings are retained as 3-bed chalet bungalows, as detailed on the submitted plans. The number of bedrooms is discussed in more detail within the body of the report.
- 1.5 The main ridge height of the dwellings has stayed the same as the originally approved permission, albeit that the dwellings have been constructed with additional roof bulk over the garage. The current application seeks permission for the alterations as built, with further alterations proposed to the roof form and height over the garage of the 3 no. dwellings, including the removal of the hipped roof dormer to the rear elevation of Plot 1.
- 1.6 The proposed alterations to the roof form over the attached garages when compared to the refusal would reduce the length of the ridge line, and subsequently reduce the degree of the pitch. Consequently the roof light as built within the western elevation would be removed. These alterations reduce the internal dimensions of the 'store room' above the garage, when compared to the refused scheme.

## DESCRIPTION OF THE SITE

- 1.7 The application site comprises a paddock within the countryside outside of any defined settlement. The site lies to the east of Nuthurst Street and to the south of an existing private access which serves adjoining development to the north and east.
- 1.8 The immediate surrounding area is characterised by linear residential development along Nuthurst Street, with the wider surrounding area predominantly rural in character.
- 1.9 The application site consists of 3 no. largely completed dwellings.. The site has been partially landscaped, with boundary hedging retained to the eastern boundary, and closeboarded fencing erected along the southern and eastern boundaries.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.



## RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

### 2.2 **National Planning Policy Framework**

### 2.3 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 41 - Parking

### 2.4 **Nuthurst Parish Neighbourhood Plan 2015-2031**

Policy 1 – A Spatial Plan

Policy 7 – Land at Micklepage Leigh, Nuthurst

Policy 10 – Housing Design

### 2.5 **Parish Design Statement**

Nuthurst Parish Statement (2017)

## 2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/2493	Erection of three two storey houses	Application Permitted on 10.06.2016
DC/17/2524	Variation of Condition 1 to previously approved application DC/15/2493 (Erection of three two storey houses). Minor material amendments to facilitate alterations to approved site layout and approved designs.	Application Refused on 07.03.2018

## ENFORCEMENT HISTORY

- 2.7 The application was submitted to the Council following a compliance investigation (reference EN/17/0502) which alleged that the development had not been built in accordance with the approved plans.
- 2.8 A site visit was undertaken on 13 October 2017. On this visit it was identified that the development was not being constructed in accordance with the approved plans. It was noted that the principle of the development had already been established through the approval of planning application DC/15/2493, therefore the planning breaches related to the design and scale of the buildings.

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

**HDC Conservation:** No Objection

The repositioning of the new dwellings will not obscure views of the Listed Building or reduce the opportunity to understand and appreciate it as a historic farm complex. The new dwellings will be no more harmful than the permitted scheme in terms of positioning. However, concerns are raised over the proposed roof form above the garage, where the shallower roof pitch would not relate to the principal roof of the dwellings, nor reflect the local vernacular.

**HDC Building Control:** Comment

The plan shows a store room within the loft space, with no windows in the room. From a Building Regulation perspective, the store room is not habitable space.

#### OUTSIDE AGENCIES

**WSCC Highways:** No Objection

In considering the changes in location to the dwellings, the parking and turning areas still appear to provide sufficient space for vehicles to park and turn to exit the site in forward gear. The Highways Authority does not therefore consider that the proposal would have 'severe' impact on the operation of the Highway network.

#### PUBLIC CONSULTATIONS

- 3.2 **Nuthurst Parish Council:** Objection on the following grounds:
- Layout of dwellings remains unaltered
  - Additional roof form above garage
  - Number of dormer windows
  - Number of bedrooms not in compliance with Nuthurst Parish Neighbourhood Plan
  - Overdevelopment of the site
  - Harmful to the character of the area
  - Fails to meet local housing need of smaller homes
- 3.3 A total of 64 letters of objection were received from 50 separate households. These held concerns over the following:
- Development not built in accordance with the approved plans
  - The development does not accord with the adopted Nuthurst Parish Neighbourhood Plan
  - Development should be reverted to original approval
  - The proposed alterations are insignificant and do not overcome the issues
  - Larger roof height to the dwellings as originally approved
  - Potential use of 'store room' as bedroom
  - Overdevelopment of the site
  - Harmful to the character of the area
  - Detrimental effect on the landscape

### 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

## **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## **6. PLANNING ASSESSMENTS**

- 6.1 The application seeks amendments to the development approved under reference DC/15/2493 following alterations to the approved scheme which have been built.

### **Background**

- 6.2 Planning permission for the three dwellings was granted under DC/15/2493 and subsequently built out not in accordance with the approved plans. The alterations as built include:

- Re-siting of the dwelling so that they sit along a continuous build line fronting the access track, rather than the staggered build line as previously approved. This also encompassed alteration of the orientation so that the dwellings now face north-west.
- Alterations to the footprint of the dwellings, including a slight enlargement to the north-east and south-west elevations, and an alteration to the southern elevation to encompass a projection measuring to a width of 7.1m (in lieu of the approved sunroom and porch) and an overhang added to the front entrance on the northern elevation.
- An increase to the roof height of the front projection, which extended to a height of 6.5m (an increase of approximately 1.4m), with the addition of a hipped roof dormers to the western roof slope, and the provision of hipped roof dormers to the northern and southern elevations.
- The alterations also encompassed internal alterations to the layout at both ground and first floor, with additional accommodation provided within the first floor.

- 6.3 A subsequent application to regularise these discrepancies was submitted under DC/17/2525 but refused for the following reason:

*The layout and increased form and massing of the amendments, creating four bedroom houses, represents an overdevelopment of the site that is harmful to the character of the area and fails to meet its housing needs, contrary to policies 7 & 10 of the Nuthurst Neighbourhood Plan and policies 33 and 42 of the Horsham District Planning Framework (2015).*

- 6.4 Following refusal of the previous application under reference DC/17/2525 Officers met with the Agent and Applicant, representatives of the Parish Council and the Local Member to discuss what may be acceptable to address the reason for refusal. It is understood that the Agent and Applicant subsequently attended a Parish Council meeting to seek their views on an amended proposal prior to submission of the current application.

- 6.5 This application seeks to address this reason for refusal by reducing the scale of the roofs over the front garages by enlarging their front hip form, and by removing the rooflight to the first floor front 'roof room'. The purpose of this amendment is to both reduce the massing and form of the dwellings and to reduce the size and usability of the 'roof room' as a fourth

bedroom. The application retains the amendments as already constructed to footprint of the dwellings as built out and the other alterations from the approved plans as detailed in paragraph 1.2.

- 6.6 It is acknowledged that a number of objections have been raised in respect of the submission of a s73 minor-material amendment application given the nature and extent of the alterations undertaken to the development.
- 6.7 There is no statutory definition of a 'minor-material amendment' application, but Planning Practice Guidance outlines that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. It is therefore the responsibility of the Local Planning Authority to determine the definition of 'minor-material'. A judgement of 'materiality' is a matter of fact and degree, along with taking into account the likely impact of the amendments on the local environment. Materiality is considered against the development as a whole, not just part of it; and the basis of forming a judgement on materiality is always the original planning permission. The cumulative effects of any previous amendments need also to be assessed against any original permission.
- 6.8 In reviewing the nature of the amendments, and following consideration of the previous application under reference DC/17/2525, it is considered that the nature of the application appropriately falls within consideration under a s73 minor-material amendment application. Further comment on this matter is made at paragraph 1.3.

### **Principle of Development**

- 6.9 The application site is located within a cluster of dwellings on Nuthurst Street, south of the main village of Nuthurst, and is allocated for residential development under Policy 7 of the Nuthurst Parish Neighbourhood Plan (NPNP).
- 6.10 Policy 7 of the NPNP states that *"the residential development of 0.3 Ha of land at Micklepage Leigh, Nuthurst Street, Nuthurst, as shown on the Policies Map, will be permitted provided that:*
- i. the scheme comprises primarily 2 and 3 bedroom houses or bungalows;*
  - ii. access is made to the scheme from the existing lane serving Micklepage Leigh with the access lane widened at the entrance to Nuthurst Street to allow two cars to pass; and*
  - iii. the scheme layout and access ensure the entrances to the houses from the access land bridge the drainage ditch at the side of the lane."*
- 6.11 Paragraph 4.30 of the NPNP provides guidance in respect of Policy 7, and this states *"the site is best suited to moderately sized houses or bungalows (of no more than two storeys) rather than larger houses."*
- 6.12 The original planning permission granted under DC/15/2493 sought consent for a development comprising three 3-bed detached bungalows with additional accommodation within the roofspace, and was considered to comply with Policy 7 of the NPNP and Policy 4 of the HDPF.
- 6.13 The subsequent application refused under DC/17/2524 sought to regularise amendments as built which included an enlarged 'roof room' within an enlarged front roof forms. In refusing planning permission for these amendments, concern was raised that the 'roof room' was reasonably capable of being used as a fourth bedroom, thereby contravening part i) of Policy 7 which requires the development to primarily comprise 2 and 3 bedroom houses or bungalows.

- 6.14 To address this, this submission proposes to increase the front hip above the garage and remove the roof light serving the roof room. This amendment reduces the size of the roof room and results in the room having no natural light, outlook, ventilation or means of fire escape.
- 6.15 A number of objections have been received to the proposed amendments stating that the proposed accommodation, comprising 3 no. bedrooms and a roof room would not comply with the requirements of Policy 7 of the NPNP. Specifically, concern has been raised in respect of the use of the potential use of the roof room as a fourth bedroom.
- 6.16 The roof room approved under the original planning permission had a total floor area of approximately 14sqm, with full standing height achievable at a ceiling height of 1.8m within the central section (amounting to a total of 8sqm of floor space). The Council's Building Control officers have confirmed that this room would have been capable of being used as habitable accommodation, providing appropriate head height to allow its use as a bedroom. In particular, it was noted that the room would have been serviced by a rooflight and had been plasterboarded at the time of site visit.
- 6.17 The proposed alterations to the roof form under this application would retain the previously approved internal dimensions of the proposed 'store room' at approximately 8sqm, albeit with a ceiling height of 1.8m. Of significant importance is the proposed removal of the rooflight serving the room. The Council's Building Control officers have advised that from a Building Regulations perspective the absence of a means of escape and natural ventilation (achievable through the provision of a roof light) means the room would not be capable of being used as habitable space, and therefore could not be considered a bedroom.
- 6.18 Overall, it is considered that the amendments to the 'roof room' render it unlikely to be used as a fourth bedroom given the absence of natural light, outlook or ventilation. The level of accommodation proposed remains the same as that originally approved, and indeed can be argued to be reduced given the reduced usability of the roof room compared to the original approved scheme. On this basis, and subject to conditions to remove permitted development rights to install rooflights or dormer windows under Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, the development is considered to comply with Policy 7 of the NPNP.

### **Character and appearance of the dwellings**

- 6.19 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.20 Policy 10 of the NPNP states that the scale, density, massing, height, landscape design, layout and materials of all development proposals will be required to reflect the architectural and historic character and scale of surrounding buildings.
- 6.21 The proposal relates to amendments to the built form and appearance of the dwellings, as approved under reference DC/15/2493. These alterations have altered the footprint of the dwellings, with a slight enlargement to the north-east and south-west elevations, with an alteration to the southern elevation to encompass a single storey projection that measures to a width of 7.1m (in lieu of the approved sunroom and porch), and an overhang provided over the front entrance to the northern elevation. The development as built has also increased the roof height of the front projection, which now extends to a height of 6.5m, with the addition of a hipped roof dormer to the northern elevation, and a hipped roof dormer to the southern elevation of Plots 2 and 3. Alterations are now also proposed to the roof form

over the garage which seek to reduce the length of this roof for, and subsequently reducing the pitch.

- 6.22 The locality is characterised by an eclectic built form which incorporates a mixed material palette, with the surrounding residential dwellings built at varying set-backs facing the street. These dwellings are positioned to the front of elongated plots, and consist primarily of single storey and chalet bungalows.
- 6.23 Policy 7 of the NPNP states under part *iii.* that *“the scheme layout and access ensure the entrances to the houses from the access land bridge the drainage ditch at the side of the lane”*. As stated within the Committee Report for the previous application, whilst the orientation of the proposed dwellings, set at a right angle to the street, would contrast with the surrounding residential development which fronts the highway, it is noted that this layout is a function of utilising the existing access road, as required by the Neighbourhood Plan Policy.
- 6.24 Whilst the alterations have increased the overall massing and bulk of the dwellings, the development still incorporates its first floor accommodation within the pitched roofspace in the manner of a chalet bungalow. This approach accords with Policy 10 of the NPNP and policies 32 and 33 of the HDPF, with the built form and appearance considered to be appropriately reflective of similar development within the locality.
- 6.25 The Council's Conservation Officer has stated that the repositioning of the dwellings into their current position would not harm the setting of the nearby listed buildings or have a harmful impact compared to the approved staggered layout. The Conservation Officer as though raised concerns that the shallower roof pitch above the garage would not relate to the principal roof of the dwellings or the local vernacular. Whilst these concerns are recognised, in this instance given the orientation of the proposed dwellings and their set back from the public highway and behind a vegetated site frontage, it is not considered that this differentiation in roof form would be appreciable from the street scene or otherwise harmful.
- 6.26 The increased height of the front projection over the garage has increased the massing of the proposed dwellings from that originally approved. However, given the orientation and siting of the dwellings, which are oriented at 90 degrees to Nuthurst Street, the north projecting garage element sits further back in the site. The proposed reduction in length of the ridgeline to this section, coupled with the shallower pitch of the roof, is considered to further reduce the overall massing and visual prominence when viewed from the street.
- 6.27 It is recognised that the proposed roof alteration seeks to overcome public concern in respect of the overall massing and scale of this element, and it is considered that whilst the shallower pitch would contrast the pitch of the principal roof, it is not considered to result in such harm to justify a reason for refusal on these grounds.
- 6.28 The continuous build line of the dwellings, coupled with the orientation of the dwellings, is considered to correspond with the access drive, and is considered to sit appropriately within the context of the site and the wider development pattern. Given the relationship between the site and the public highway, it is not considered that the proposed orientation and layout has resulted in a harmful intrusion on the visual amenities of the street scene compared to the original staggered layout arrangement, with only limited and oblique views of the development possible from the public highway.
- 6.29 The proposed dwellings, including the slightly enlarged footprint, are considered to sit comfortably within the site, with the proposed amenity space considered proportionate and appropriate. The dwellings are considered comparable in size to surrounding residential development, and are considered to be of a scale, massing, and design that reflects and relates sympathetically to the wider locality.

- 6.30 The development as amended is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policies 7 and 10 of the Nuthurst Parish Neighbourhood Plan.

#### **Amenities of neighbouring properties and occupiers of land**

- 6.31 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.32 The principle of residential development on the site was approved under planning reference DC/15/2493. It was considered that the proposed dwellings would be of a sufficient distance from neighbouring properties to prevent any harmful loss of light or outlook to adjoining window openings and outdoor amenity space. It was noted that the orientation of the proposed dwellings would create additional overlooking toward the adjoining property to the south, primarily from the central dwelling (House 2). However, it was recognised that there would be approximately 32m between the proposed first floor window opening and the northern boundary of this southern property, with the separation marked by an access to an adjoining paddock and an intermittent line of trees. It was considered that this arrangement would be sufficient to ensure that the resulting views would not be unduly harmful or intrusive.
- 6.33 Following refusal of the previous amendment application under DC/17/2524, the applicant has sought to address the concerns raised from overlooking through the removal of the hipped roof dormer to Plot 1. Rather, the first floor side window to the western elevation of Plot 1 as previously approved is sought to be reintroduced. The removal of the hipped dormer to Plot 1 is considered to limit overlooking to the neighbouring property of Windthrift, with the reintroduction of the window to the western elevation overlooking the public highway, not considered to result in harm to the amenities or sensitivities of neighbouring properties.
- 6.34 The conditions of the site have not changed since the previous approval, with the approximate 32m distance between the boundary and the neighbouring property of Winthrift and the site, and the intermittent tree line, considered to mitigate potential outlook. As such, the alterations subject of this application are not considered to result in any further harm to the amenities of neighbouring properties than that originally approved.
- 6.35 As such, the proposed development is not considered to result in harm to the amenities of sensitivities of the neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

#### **Existing Parking and Traffic Conditions**

- 6.36 Policy 41 states that development should provide safe and adequate access and parking, suitable for all users.
- 6.37 The development would be accessed from the existing road which serves adjoining dwellings to the east of the site. This arrangement accords with the provisions within Policy 7 of the NPNP.
- 6.38 The principle of the access arrangements, as well as parking provision, was approved under planning reference DC/15/2493, where it was considered that sufficient on-site parking for vehicles and cycles was available for each dwelling.
- 6.39 The conditions of the application and public highway have not changed since the previous application, with no alterations proposed to the access arrangements. As such, it is considered that the access and parking provision is acceptable, subject to the imposition of conditions relating to visibility splays.

#### **Other Matters**

- 6.40 The Local Authority adopted the Community Infrastructure Levy (CIL) on 01 October 2017. CIL is a charge placed on new development that creates net additional floorspace, and is chargeable based upon Gross Internal Floor Area of new development.
- 6.41 The CIL liability for any development is calculated at the point at which it is first permitted, usually by the granting of planning permission. The development under planning reference DC/15/2493 was approved prior to the Authority's adoption of CIL, and was therefore not liable for the charge. However, following the adoption of CIL on 01 October 2017, any subsequent application may be CIL liable.
- 6.42 The current application has been submitted as a s73 minor-material amendment application. Where an application under s73 is granted, the effect is the issue of a new planning permission. On this basis, any s73 application that is approved does trigger a liability to pay CIL. However, although a new CIL liability is triggered, only the net increase in floorspace which exceeds that of the original planning permission is liable. In effect, if the s73 application does not result in an increase in floorspace, then there is no CIL charge.
- 6.43 Having compared the Gross Internal Floor Area of the current application to that previously approved, there has been an overall reduction in chargeable floor space. On this basis, while the development would be CIL liable, there would be no charge as there has been a reduction in floorspace to that previously approved.

## **Conclusion**

- 6.44 The development as proposed would result in 3 no. 3-bed dwellings, which would accord with Policy 7 of the Nuthurst Parish Neighbourhood Plan, and is therefore considered acceptable in principle. The alterations both undertaken and proposed are not considered to result in harm to the character and context of the locality or the amenities and sensitivities of neighbouring properties. It is therefore considered that the development accords with relevant national and local planning policies, including Policy 7 and 10 of the Nuthurst Parish Neighbourhood Plan.

## **7. RECOMMENDATIONS**

- 7.1 To approve the application subject of the following conditions.

### Conditions

#### **1 List of Approved Plans**

- 2 Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).



- 3     **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A B and C of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the constraints of the site and relationship with adjoining properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4     **Regulatory Condition:** No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5     **Regulatory Condition:** No burning of materials in conjunction with the development shall take place on the site.

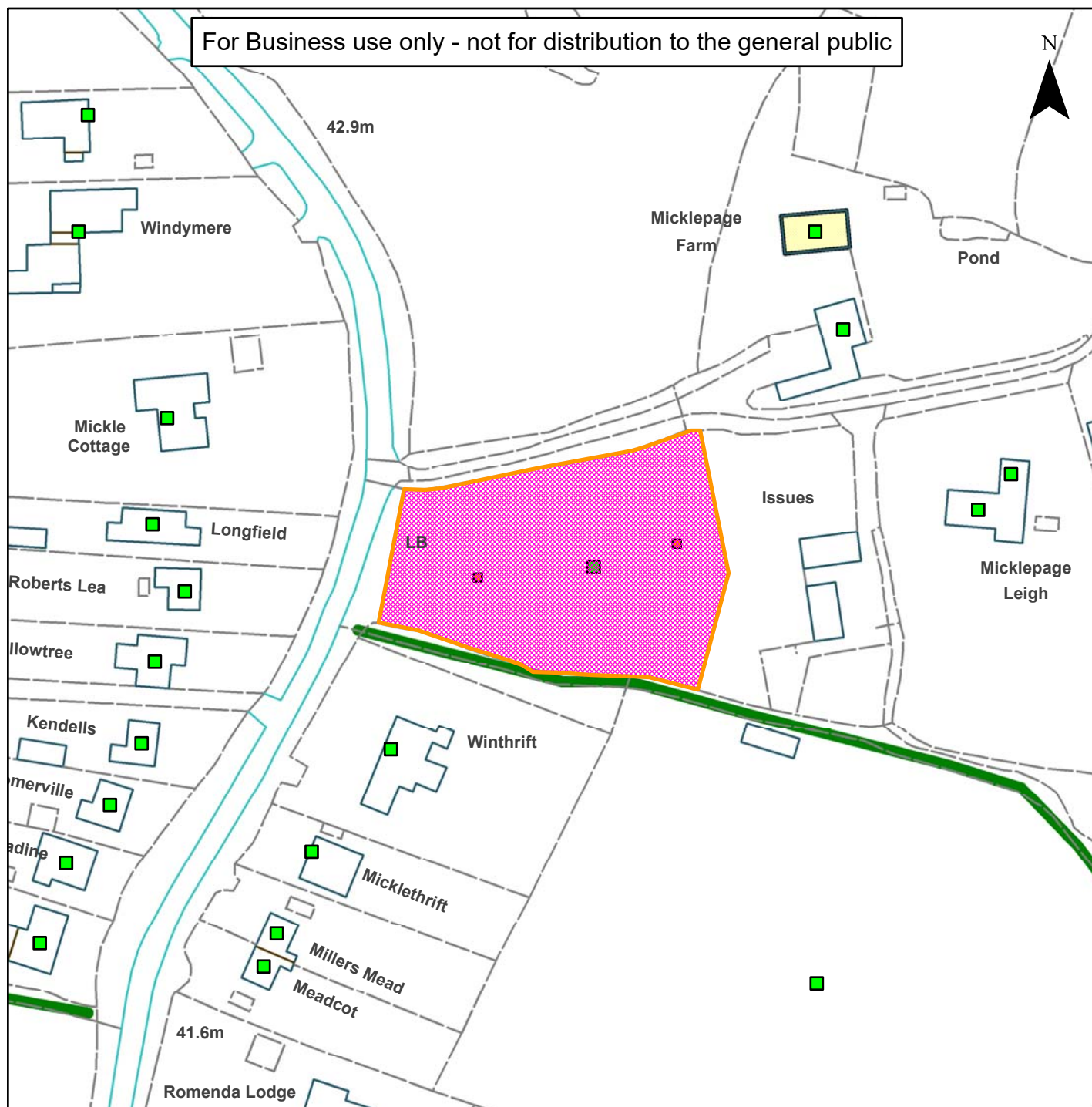
Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/1046  
DC/17/2524  
DC/15/2493

This page is intentionally left blank



Not Set



Scale: 1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Horsham District Council
Department	
Comments	Not Set
Date	27/07/2018
MSA Number	100023865

This page is intentionally left blank



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 07 August 2018

**DEVELOPMENT:** Erection of detached garage within front garden and new gates and hedging between proposed garage and existing house.

**SITE:** 39 Rookwood Park Horsham West Sussex RH12 1UB

**WARD:** Trafalgar

**APPLICATION:** DC/18/0572

**APPLICANT:** **Name:** Ms Anna Sterling **Address:** 39 Rookwood Park Horsham West Sussex RH12 1UB

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Cllr Costin

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION**

- 1.1 Planning permission is sought for the erection of a single bay, detached garage to be positioned to the front of the main dwellinghouse on site and access gates and hedging to be positioned between the proposed garage and the dwellinghouse. The proposed garage would have a width of 6m when viewed from the front north-eastern elevation and a depth of 8m. The proposed garage would incorporate a half hipped pitched roof design and would have an overall height of 4.9m to ground level.
- 1.2 The proposed garage would be constructed in materials to match the main dwellinghouse and would be positioned 4.5m away from the front boundary of the site. As part of the proposal a timber access gate with brick piers as well as hedging would be erected, running between the proposed garage and the front of the main dwellinghouse. The proposed gate would provide access to the side/rear garden areas of the host property. It is noted that as the application site is located within a private road, the access gate can be erected under current permitted development rights.
- 1.3 The application has been amended following concerns raised by Officers regarding the size, positioning and potential impact on neighbouring amenity. The proposed garage has been reduced in size and has been set further back into the site, away from the front boundary. The proposed hedging was initially submitted as a brick wall, however in order to create a softer appearance, this has been amended to hedging. The hedging would be located

between the north-western elevation of the proposed garage and the principal elevation of the main dwellinghouse on site.

## DESCRIPTION OF THE SITE

- 1.4 The application site comprises a large two storey detached dwelling set in a large rectangular plot on the north-west side of Rookwood Park. The development is on the western edge of the built up area boundary of Horsham, close to Farthings Hill Roundabout. The development is one of a collection of large modern houses set in very spacious plots, with Rookwood Park enclosed by mature trees. The exterior of the application property is of Mock Tudor design, finished in multi-stock brick with rendered panels and red roof tiles. The site also has a slight variation in the ground levels to the front of the dwellinghouse, the land sloping slightly downhill towards the road.
- 1.5 Planning permission has also been granted for a single storey side extension to the north-eastern side of the property under planning reference DC/17/2143.
- 1.6 It is noted that there are other examples within the vicinity and surrounding area of detached garages positioned forward of the principal building line of the main dwelling within the respective sites.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

#### **Horsham District Planning Framework (HDPF 2015)**

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 The un-parished part of “Horsham Town” (that being the Forest, Denne and Trafalgar Neighbourhood Council areas) were designated as a Neighbourhood Forum (Horsham Blueprint) on 5 June 2015. To date no neighbourhood plan has been developed for the area.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.4 The below applications are the most recent and relevant application relating to this site:

DC/17/2143	Erection of single storey side extension	Application Permitted on 27.10.2017
------------	--	--

## 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### PARISH COUNCIL

- 3.2 **Trafalgar Neighbourhood Council** – Objection on the grounds that the garage will be an imposing structure which will affect the neighbours.

#### PUBLIC CONSULTATIONS

- 3.3 A total of 14 letters/emails of objection have been received from 5 separate households. It should however be noted that 9 of these letters/emails were received during the two additional consultation periods. The nature of these objections can be summarised as follows:

- Detrimental impact on neighbouring amenity
- Overdevelopment of the site
- Proposal not in keeping with surrounding area
- Proposal considered to be of a large scale and design not appropriate

#### MEMBER COMMENTS

- 3.4 Cllr Costin requested that the application be called to Planning Committee due to potential impact on the neighbouring property.

### 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

### 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

### 6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:

- The principal of development
- The character of the dwelling and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties

#### Principle

- 6.2 Policy 3 of the HPDF states that development will be permitted within towns and villages which have defined built-up areas. The application site is within Horsham where the principle of development would be supported by this policy, subject to all other material considerations as set out below.

### Design and Appearance

- 6.3 Policy 32 of the HDPF requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 relates to development principles and requires development, amongst other matters, to recognise any constraints that exist, to not cause unacceptable harm to the amenity of surrounding occupiers, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.4 The proposed detached garage would be of an appropriate scale when considered in the context of the large plot size and the large host dwelling. As such the proposal would appear as a subservient addition that would not visually dominate the dwelling and is considered acceptable in this regard. The half hipped Sussex barn end design and materials to match the main dwelling are considered to be appropriate, reflecting the form, scale and detailing of the existing dwelling, resulting in a coherent and sympathetic addition to the site.
- 6.5 In terms of the impact on the wider street scene, the garage would be positioned away from the front boundary of the site by 4.5m, retaining existing landscaping buffers to the front. Given the size of the host building and site, as well as the size of neighbouring properties in this area, it is considered that the scale and position of the proposed garage would not have a detrimental impact on the character of the street scene and would not result in any harmful loss of openness within this section of Rookwood Park. It is noted that there are a number of other detached garages positioned to the side and forward of other dwellinghouses in the area, including immediately adjacent at No.40 which has a detached double garage set forward of its host dwelling. The proposed garage, as amended, would sit broadly in line with this garage. Given the spacious character of the area and the presence of detached garages to the front and sides of many of the dwellings, it is considered that the proposed garage would complement this existing character and would not appear out of place or otherwise imposing.
- 6.6 The proposed access gates and hedging are considered to be modest additions in conjunction with the proposed garage, and given the soft appearance of the hedging, would not have a detrimental impact in the front of the host property or the wider area.

### Impact on Amenity

- 6.7 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.8 As detailed above, the proposed garage has been amended both in terms of its overall size and its positioning within the application site. The proposed garage would be positioned approximately 11m away from the closest neighbouring property to the south-west (No.40 Rookwood Park) at the closest point. As the proposed garage has been set away from the boundary of the site and given the distance maintained, the proposed garage would adhere to the 45 degree rule, as set out in the Council's Householder Design Guidance, when measured from the centre point of the primary living room and bedroom windows of 40 Rookwood Park.
- 6.9 It is noted that the neighbouring property at 40 Rookwood Park has a side window facing the application site which serves a living room. This window however is considered to be a secondary window to the room as the living room benefits from windows to both the front and rear elevations which are considered to be the primary windows to the room. As the proposed garage would be positioned to the north-east of the neighbouring property at 40 Rookwood Park, it is considered that the proposal, would not result in any harmful loss of



light, privacy or outlook to this property. As such the proposed garage would not harm neighbouring amenity, in accordance with Policy 33.

### Conclusion

- 6.9 Overall, the proposed garage and associated works are considered appropriately designed and scaled in relation to the main dwellinghouse and are suitably sited within the large curtilage of the site. Although visible from the private road, taking into account the size of the site and the main dwellinghouse, it is considered that the proposed garage would be seen as a subservient addition and as such, would not have a detrimental effect on the appearance of the dwellinghouse or the wider area. The proposals are also considered to be acceptable on amenity grounds and as such, the application is considered to be in accordance in accordance with Policy 32 and 33 of the Horsham District Planning Framework.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission is granted subject to the following conditions -

1 **Plans List**

- 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and drawing number 18-01-01 REV C.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** All parts of the detached garage hereby permitted shall be used solely as a garage ancillary to the occupation and enjoyment of the main dwellinghouse at 39 Rookwood Park and shall not be used as habitable accommodation or occupied as an independent residential planning unit.

Reason: The use of this building as habitable accommodation or as an independent residential unit would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/0572

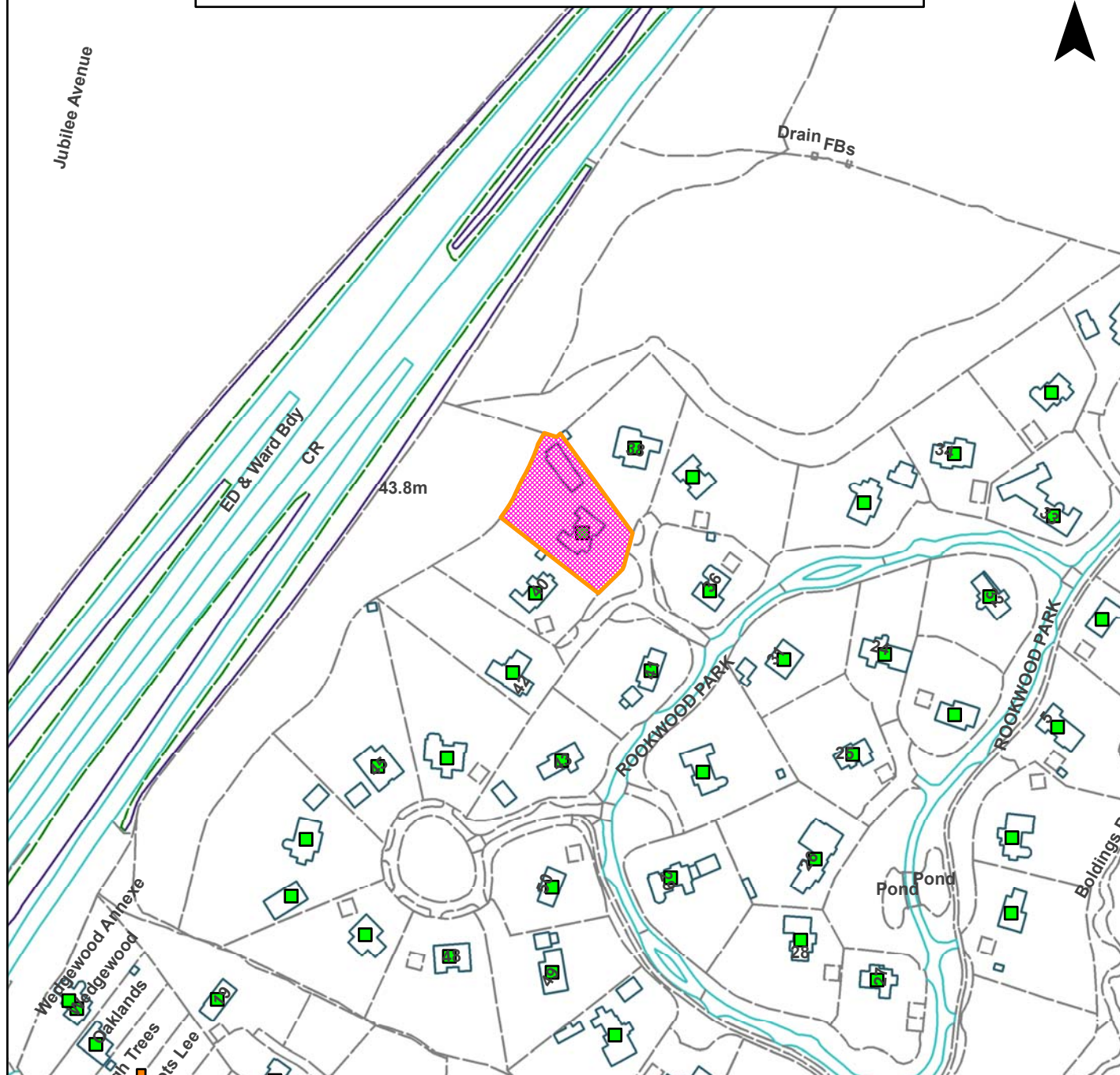
This page is intentionally left blank



Not Set

For Business use only - not for distribution to the general public

N



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Horsham District Council
Department	
Comments	Not Set
Date	27/07/2018
MSA Number	100023865

This page is intentionally left blank



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 7 August 2018

**DEVELOPMENT:** Erection of a single storey timber viewing hide and discovery hub

**SITE:** Warnham Nature Reserve Warnham Road Horsham West Sussex RH12 2RA

**WARD:** Holbrook West

**APPLICATION:** DC/18/1127

**APPLICANT:** **Name:** Horsham District Council **Address:** Parkside Chart Way  
Horsham RH12 1RL

**REASON FOR INCLUSION ON THE AGENDA:** Warnham Nature Reserve is owned by Horsham District Council

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

### **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks planning permission for the erection of a single storey hide and discovery hub at Warnham Nature Reserve and will take the form of a timber framed building, clad in Siberian Larch which will be allowed to weather naturally. The central octagonal section of the building will have steel stanchions and will have floor to ceiling one-way glass overlooking the Mill Pond.
- 1.3 The hide and discovery hub will be accessed from the existing visitor centre and café with a new entrance garden with a new gateway and more accessible paths be constructed. The garden will reflect elements of Shelly's poetry within its infrastructure.
- 1.4 The proposed building has a footprint of 112sq.m which includes the re-provision of the bird hide and an overall height of 3.97m. The scale of the building is smaller than the existing visitor centre which has a footprint of 151sq.m and an overall height of 5.7m with the existing hide having a footprint of 7sq.m.

#### DESCRIPTION OF THE SITE

- 1.5 Warnham Nature Reserve including Warnham Mill Pond is a Local Nature Reserve (LNR) located to the north-west of Horsham. The Nature Reserve is designated as a SNCI (Site of Nature Conservation Importance). The adjacent Warnham Mill to the east, is a grade II listed

building and is situated between the Mill Pond and Warnham Road. This is currently being used as a veterinary surgery. The Mill is designated as a heritage asset because of its historic and architectural significance, due to its important industrial heritage and aesthetic appearance. The nature reserve and mill forms an important feature in the landscape character of the area.

- 1.6 The proposed Discovery Hub and hide would be located to the west of the listed building being separated from it by the sluice and sitting on the south western edge of the Mill Pond will be incorporated within the existing landscape features.

## **2. INTRODUCTION**

### **STATUTORY BACKGROUND**

- 2.1 The Town and Country Planning Act 1990.

### **RELEVANT PLANNING POLICIES**

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

##### **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 11 - Tourism and Cultural Facilities

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 40 - Sustainable Transport

Policy 43 - Community Facilities, Leisure and Recreation

### **RELEVANT NEIGHBOURHOOD PLAN**

- 2.4 The un-parished part of "Horsham Town" (that being the Forest, Denne and Trafalgar Neighbourhood Council areas) were designated as a Neighbourhood Forum (Horsham Blueprint) on 5 June 2015. To date no neighbourhood plan has been developed for the area.

### **PLANNING HISTORY AND RELEVANT APPLICATIONS**

- 2.5 The below applications are the most recent and relevant application relating to this site:

DC/13/1555	Remedial works to dam embankment and auxiliary spillway structures at Warnham Mill Pond Reservoir comprising installation of a sheet pile wall along the upstream face of the earth dam and placement of grass-crete on the auxiliary spill wall and minor works to reinforce the downstream face retaining wall and replacement of the flap valve control to the Mill water wheel. To include associated temporary construction access road and temporary construction compound (Full Planning)	Application Permitted on 15.10.2013
------------	--	-------------------------------------

DC/13/1556	Remedial works to dam embankment and auxiliary spillway structures at Warnham Mill Pond Reservoir comprising installation of a sheet pile wall along the upstream face of the earth dam and placement of grass-crete on the auxiliary spill wall and minor works to reinforce the downstream face retaining wall and replacement of the flap valve control to the Mill water wheel. To include associated temporary construction access road and temporary construction compound (Listed Building Consent)	Application Permitted on 15.10.2013
DC/17/1003	Proposed erection of two free standing non-illuminated entrance signs (Advertising Consent)	Application Permitted on 27.06.2017

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No Objection – The proposal does not negatively affect either the Landscape Character or the visual amenity of the site, any concerns regarding the building itself has been picked up by the Heritage Team
- 3.3 **HDC Conservation:** No Objection in principle – The nature reserve and mid-nineteenth century building contributes positively to the historic character of the Mill Pond. The proposal building is acceptable in principle and as such will not harm the setting of Warnham Mill, or dilute the historic interest of the existing visitor centre. However concern is expressed regarding the design of the building which it is suggested will have a tiled roof, however, such a proposal would be difficult to accomplish as the roof is too shallow and it is suggested that an alternative material should be explored. Also the use of one-way glass should it have a mirror finish, could lead to harmful reflected sun-light. Therefore a condition should be attached to any grant of permission requiring submission of materials to explore suitable finishes to overcome these concerns.
- 3.4 **HDC Environmental Health:** No Comment
- 3.5 **HDC Economic Development:** No Comment

#### OUTSIDE AGENCIES

- 3.6 **WSCC Highways:** No Objection – The Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (Paragraph 32), and that there are no transport grounds to resist the proposal
- 3.7 **Ecology Consultant:** No Objection – Recommends conditions in respect of the submission and agreement of an ecological mitigation and management plan and restricting external lighting.
- 3.8 **Environment-Agency Flood Risk Management:** No Objection subject to a condition relating to flood mitigation measures

3.9 **Natural England:** No Comment to make on this application

PARISH COUNCIL

3.10 **Horsham Denne Parish Council:** No objection

PUBLIC CONSULTATIONS

3.11 **Horsham Society:** Support the application, but do have queries regarding the roof construction and information regarding trees

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

6.1 The main issues in the determination of this application are:

- Character and Landscape
- Impact on the setting of the listed building
- Ecology
- Flood risk

##### Principle

6.2 The application seeks planning permission for the erection of a single storey hide and discovery hub at Warnham Nature Reserve. The main feature of the Discovery Hub is a panoramic floor to ceiling window which would open up views of the Warnham Mill Pond. The hub will provide extra visitor space and a learning centre to provide a striking interpretation of the story of the natural, industrial and community heritage of the Mill Pond. The provision of the Hub will facilitate and encourage a wider range of visitors to the centre and can be more easily used for exhibitions etc.

6.3 The NPPF seeks development to promote or reinforce local distinctiveness and, as detailed in paragraph 61, should secure high quality and inclusive design that goes beyond aesthetic considerations. This paragraph goes on to state that 'decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.' Of the three dimensions to sustainable development paragraph three 'an environmental role' requires development to ensure it will "contribute to protecting and enhancing the natural, built and historic environment" Also the 'a social role' of sustainable development requires proposals to create "a high quality built environment with accessible local services that reflect the communities needs and support health, social and cultural well-being".

6.4 Policy 43 of the HDPF which relates to community facilities, leisure and recreation supports the provision of new facilities where they meet the identified needs of local communities and



where they are well related to existing settlements when located outside of defined built-up area boundaries.

- 6.5 The proposal will provide expanded and improved facilities at Warnham Nature Reserve and will allow extra visitor space which will help to increase the range of visitors to the site. It is hoped that the hub will be an invaluable educational resource and will provide opportunities to extend educational activities for all ages. It is therefore considered that the principle of the development is acceptable as it would result in necessary improvements to the Warnham Nature Reserve.

#### Character and Landscape

- 6.6 Policies 32 and 33 of the HDPF require developments to be of a high quality and inclusive design based on a clear understanding of the context for development and to recognise any constraints that exist, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.7 The proposed discovery hub will take the form of a timber framed building, clad in Siberian Larch which will be allowed to weather naturally, with the central octagonal section having a floor to ceiling one-way glass overlooking the Mill Pond. It will have a footprint some 40sqm less than the existing visitor centre and a ridge height some 1.7m.
- 6.8 The overall visual impact and potential change in character to the visitor centre is considered to be minimal. The use of Siberian timber clad walls, which will over time 'weather' to a silver colour would not be considered to cause any adverse or material impact on the wider character and visual amenities of the locality. New reed-beds will be created on the west side of the structure integrating the 'hub' into the landscape, reducing its visual impact and softening its appearance. The reed-beds will form part of a new design for the 'Shelley Garden' which will provide a DDA compliant path and open up a distant view of the lake on the approach to the visitor centre.
- 6.9 No concerns have been raised to the proposal by the Council's Landscape Architect who has advised that the proposal does not negatively affect either the landscape character or the visual amenity of the site. It is not therefore considered that the proposal to construct a new visitor hub will have an adverse impact on the character and appearance of the locality and will comply with policies 32 and 33 of the HDPF.

#### Impact on trees

- 6.10 The proposal would result in the loss of a number of trees and vegetation, including a large Willow located at the pond edge, to make way for the structure. The trees to be removed, apart from the large Willow, a Silver Birch and a Rowan, are mainly self-seeded specimens. These trees are of a moderate size and are therefore considered to be of moderate value however they are generally only seen from within the nature reserve given their position. The trees identified for removal are not protected and therefore their loss, whilst regrettable, will not in the long term detract from the overall landscape character.

#### Impact on setting of listed building

- 6.11 The NPPF requires local planning authorities to take into account "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the desirability of new development making a positive contribution to local character and distinctiveness". Policy 34 of the HDPF states that development affecting a listed building or its setting will not be permitted unless the proposal has no adverse effect on the special architectural or historic character and appearance if the

building or its setting, uses building materials that respect the building, is of appropriate scale and design and would ensure the continued preservation and use of the building.

- 6.12 The application building would be situated to the west of Warnham Mill which is grade II listed. The Council's Conservation Officer has advised that the existing visitor centre is a mid-nineteenth century building which positively contributes to the historic character of the mill pond and the proposal to building an extension is acceptable in principle. The Conservation Officer is satisfied that a building of the size proposed and in the location proposed will not harm the setting of Warnham Mill or dilute the historic interest of the existing visitor centre.
- 6.13 Concern has however been raised in respect of the proposed roofing material and the ability for this to function given the shallow pitch of the roof slope and the complexity of the roof plan and the appearance of the proposed one-way glass. A condition requiring details of the proposed materials form part of the recommendation.
- 6.14 Given that the proposed building will be sufficiently separated from Warnham Mill and given the use of natural materials and a low profile roof, it is considered that the proposal will not harm the setting of the adjacent grade II listed building and that the proposal accord with the requirements of Policy 34 of the HDPF.

#### Ecology

- 6.15 An Ecological Appraisal was undertaken in July 2018 and submitted to the Council for consideration. The report details that additional reports are being prepared following surveys undertaken in respect of Great Crested Newts and Bats. The report also recommends that a badger survey is undertaken prior to the commencement of works in case recent colonisation has occurred. The Council's Ecology Consultant supports the recommendations made in the report that further surveys/reports are required to fully inform the planning application.
- 6.16 Subsequently a Great Crested Newt Survey was undertaken and submitted to the Council for consideration. The results of the surveys recorded no Great Crested Newts within the Shelley garden pond or any of the surrounding waterbodies. Following the submission of this report, the Council's Ecology Consultant has raised no concerns in this respect. In addition, a bat survey was undertaken and submitted to the Council for consideration. The assessment undertaken has determined that this species is also likely to be absent on the site. In respect of reptiles, the Council's Ecology Consultant agrees that given the relatively small area of potential reptile habitat affected, a mitigation strategy based on pre-existing data is likely to be sufficient.
- 6.17 Following the submission of the additional surveys/reports, the Council's Ecology Consultant has recommended a number of conditions. These conditions relate to the submission of an ecological mitigation and management plan prior to any site clearance works and the restriction of external lighting (unless agreed by the Council).

#### Highways

- 6.18 Policy 40 of the HDPF aims to secure a sustainable transport system and supports proposals which promote an improved and integrated transport network and non-car modes of transport. Policy 41 aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.
- 6.19 No changes are proposed to the existing access and parking arrangements and it is not anticipated that the proposal will generate a significant increase in vehicular activity to the site. WSCC as the Local Highway Authority has raised no objection to the application and

has advised that they do not consider the proposal would have a severe impact on the operation of the highway network.

### Conclusion

- 6.20 The proposal will provided expanded and improved facilities at Warnham Nature Reserve and will allow extra visitor space which will help to increase the range of visitors to the site. Whilst a number of trees will be removed to allow for the development, these are not protected and their loss, whilst regrettable, along with the design of the proposal will not result in a significant adverse impact on the landscape character of the locality. The building of the size proposed and in the location proposed will not harm the setting of Warnham Mill or dilute the historic interest of the existing mid-nineteenth century visitor centre.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.21 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.22 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
All Other Development	106.64	0	106.64
<b>Total Gain</b>			
<b>Total Demolition</b>			<b>0</b>

- 6.23 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.24 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## **7. RECOMMENDATIONS**

- 7.1 That planning permission be granted subject to the following conditions:-

1. A list of the approved plans
2. **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** Prior to any site clearance or works, the results of the baseline ecology surveys and recommendations should be used to inform a brief non-technical EMMP for use by site workers. This document should include details of habitat protection for retained habitats, avoidance measures with regards to protected and notable species, as well as enhancement measures and ongoing management for biodiversity. The EMMP should be submitted and agreed in writing by the Local Planning Authority. Any such measures shall thereafter be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015)

4. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls and roofs, including the proposed one-way glass to be fitted to the windows, has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Regulatory Condition:** The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (May 2018) and the following mitigation measures detailed within the FRA:
- Finished floor levels are set no lower than 41.91 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants as this matter is fundamental to control the development in detail in the interests of amenity and visual impact and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Regulatory Condition:** No new external lighting for the site shall be installed unless an ecologically sensitive lighting scheme to reduce impacts on protected species has been prepared in consultation with the applicant's ecologist, and approved by the Local Planning Authority. Any such lighting shall thereafter be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

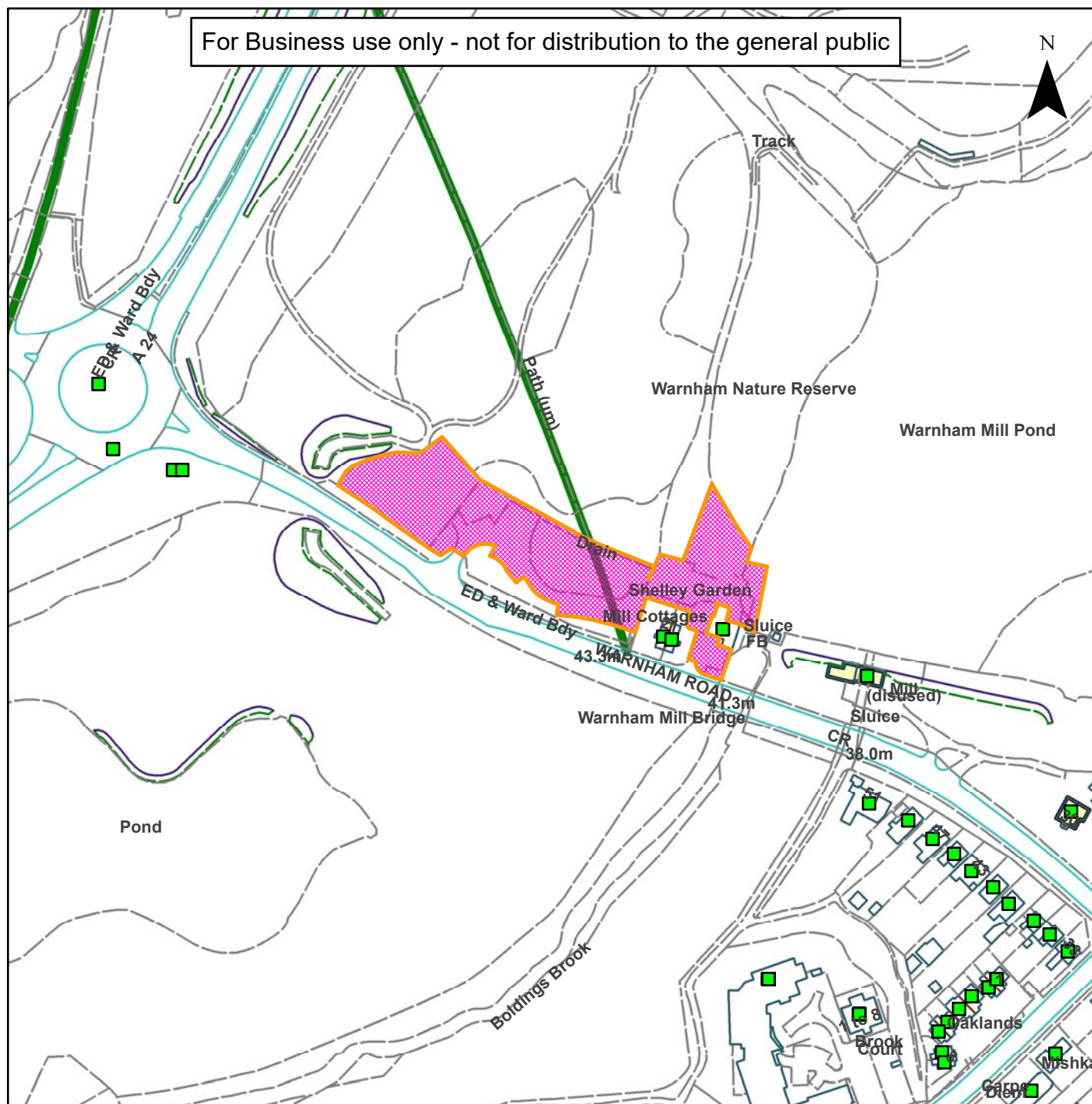
Reason: To provide ecological protection and enhancement in accordance with NPPF and Policy 31 of the Horsham District Planning Framework.

Background Papers: DC/18/1127



Not Set

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Horsham District Council
Department	
Comments	Not Set
Date	27/07/2018
MSA Number	100023865

This page is intentionally left blank



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 07 August 2018

**DEVELOPMENT:** Proposed siting of a container as temporary residential accommodation for a 36 month period

**SITE:** Windacres Farm Church Street Rudgwick West Sussex

**WARD:** Rudgwick

**APPLICATION:** DC/17/2605

**APPLICANT:** **Name:** Mr John Bailey **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** The application represents a Departure from the Development Plan. The applicant is a Councillor of Horsham District Council.

**RECOMMENDATION:** To refuse planning permission

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application is made in retrospect, and is for the erection of a temporary unit of residential accommodation for a 36 month period on land to the east of the Rudgwick Metals redevelopment site (DC/16/2917). The proposed unit of accommodation would measure 8m x 3m, and 2.5m in height with a flat roof. The unit has the appearance of a shipping container, and is finished with an olive green colour to match the adjacent agricultural building.
- 1.2 The unit has an access door and window on the front elevation and a small window on the rear elevation serving the internal bathroom. The unit is self-contained and consists of a studio-style living arrangement with a bed and kitchen/cooking facilities in the main section, and a separate bathroom/WC with shower. It has an electricity supply and is heated by convection and fan heaters, and a storage water heater. Concrete paving slabs have been laid outside the front elevation of the unit.

#### DESCRIPTION OF THE SITE

- 1.3 Windacres Farm comprises a total of 33ha of land, and is located to the north east of Rudgwick village. The application site is located approximately 400m to the east of Church Street and the Rudgwick Conservation Area. The land between the site and Church Street comprises open fields, beyond which are the commercial premises of Rudgwick Metals (a

metal cutting and storage business) located approximately 170m to the west of the application site, as well as several residential dwellings set in large plots along Church Lane and Highcroft Drive. The site is accessed from Church Street via an existing access to the south of Windacres Lodge and Windacres Barn.

- 1.4 The application site is located 100m to the east of the defined Built-Up Area Boundary of Rudgwick and therefore, is located in the countryside. The site is located to the northern end of an open field which is sited south of an existing vehicular access track linking the Rudgwick Metals site to Godleys lane to the east. The site is located within a quiet area of undulating open field which slopes gently in a southerly direction towards Godleys (a residential property approximately 400m to the south of the application site). The field boundary to the west of the site contains a line of semi-mature oak trees and hedging which partially screens the proposed residential unit from views to/from the West. The surrounding vegetation on the North, East and South does not afford much screening, leaving the unit quite visible, to varying degrees, from the surrounding PROWs and dwellings. There is no evidence of livestock on the holding.
- 1.5 The residential unit of accommodation subject to this planning application is already erected on site, and largely reflects the plans accompanying the application submission. At the time of the latest site visit Officers were unable to view inside the unit, but it appeared from the outside and anecdotal evidence that it was being occupied as a dwelling.
- 1.6 Concrete slabs have been laid to the front of the unit (beneath the front door), and asphalt has been laid in the area immediately fronting this, leading to the existing access track. The hard standing has not been proposed as part of this planning application. A large oil tank was also present on site, but at the time of the site visit appeared to be unconnected. To the immediate east of the unit is a large agricultural storage building with surrounding concrete hardstanding, which has been recently completed.
- 1.7 Construction is in the early stages of pre-commencement works on the Rudgwick Metals site to the west, which has the benefit of planning permission for 55no. residential units and B1 commercial units (DC/16/2917). This redevelopment includes the demolition of Windacres Lodge and Windacres Barn in order to construct a new vehicular access from Church Street to the wider site, as well as to properties adjacent including; Windacres House, Windacres Cottage and Windacres Bungalow.

## **2. INTRODUCTION**

### **STATUTORY BACKGROUND**

- 2.1 The Town and Country Planning Act 1990.

### **RELEVANT PLANNING POLICIES**

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework (NPPF, 2012)**

#### **Horsham District Planning Framework (HDPF, 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

Policy 20 - Rural Workers Accommodation

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development



Policy 33 - Development Principles  
Policy 37 - Sustainable Construction  
Policy 41 - Parking

### **Community Infrastructure Levy (CIL) Charging Schedule**

April 2017 (Adopted 1st October 2017).

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 Rudgwick Parish Council is designated as a Neighbourhood Development Plan area (June 2016). The Parish Council are at the early stages of preparing a plan (pre-Reg 14 evidence gathering stage). The Parish Council are assessing sites but a draft plan has not yet been prepared. Very limited weight can therefore be given to the NDP status in Rudgwick.

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.4 The below applications are the most recent and relevant application relating to this site:

DC/17/2410	Retrospective application for the erection of an agricultural storage building	Withdrawn
DC/16/2917	Demolition of 2 x existing dwellings, industrial and agricultural outbuildings and erection of 55 dwellings, 3 x offices (B1 Use Class) and industrial building extension (B2 Use Class) with associated access, drainage and landscape works	Application Permitted on 05.04.2017
DC/12/1339	Demolition of existing building and erection of replacement agricultural building	PriorApproval Permitted With Conditions on 19.09.2012
DC/09/1623	Redevelopment of site with mixed use scheme including demolition of existing 2 dwellings, derelict farm buildings and workshops and erection of 36 dwellings, parking barns, 3 x B1 office units and 3 x B1 shed units, a community facility (meeting rooms, coffee shop) and extension to existing industrial unit	Application Permitted on 08.08.2013
DC/09/1231	Relocation of Agricultural Building and demolition of existing building - Prior Notification	PriorApproval Permitted With Conditions on 22.09.2009

### **3. OUTCOME OF CONSULTATIONS**

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** Objection  
(Summarised Comments) *'This building represents an inappropriate development in the countryside and negatively effects and alters the agricultural landscape character of the site and can therefore cannot be supported on landscape grounds'*.

*'This building is not intended for agricultural use and will therefore alter the landscape character by its introduction. It will contribute to the cumulative change of the area in tandem with the barn erected beside it and the housing development to the West. Although the visual impact may be low the principle of introducing a dwelling, however temporary, to this site is one which cannot be supported on Landscape character grounds'.*

3.3 **HDC Drainage Engineer:** No Objection

OUTSIDE AGENCIES

3.4 **Southern Water:** No Objection

(Summarised Comments) *'The applicant is advised to contact the Environment Agency directly regarding the use of a sewerage treatment plan which disposes of effluent to sub-soil irrigation. The applicant is also advised to contact Southern Water for a formal application for connection to a public sewer. In addition, the Council's Building Control department should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development'.*

3.5 **WSCC Highways:** No Objection

(Summarised Comments) *'There is no evidence to suggest that the [existing] junction is operating unsafely, or that the proposed temporary dwelling would exacerbate an existing safety concern. Whilst a formal parking layout has not been provided both the plans and WSCC mapping show that there is sufficient space within the site for vehicle parking and turning. The LHA do not anticipate a material increase in vehicle movements to and from the site during peak hours for this 36 Month duration'.*

PARISH COUNCIL

3.6 **Rudgwick Parish Council:** Objection

*Objection on the basis of:*

- *no justifiable agricultural need for someone to live there*
- *development on agricultural land in the country side*
- *36 months being an excessively long period for temporary housing.*

PUBLIC CONSULTATIONS

3.7 5 letters/emails have been received, all objecting to the planning application. The main (summarised) reasons for objection include:

- No agricultural need to justify a residential presence
- 36 months is an excessive amount of time
- The unit should be sited within the built-up area boundary
- The proposed location will establish a residential footprint on a green field site
- If approved a permanent application will follow, leading to further development
- The unit is already being occupied therefore is unlawful
- No agricultural activities have taken place on site for many years

4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. **HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## **6. PLANNING ASSESSMENTS**

- 6.1 The key issues for consideration in relation to this proposal are:

- The principle of the development
- Character and landscape impact

### The Principle of the Development

- 6.2 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out that there is an overarching presumption in favour of sustainable development, and paragraphs 2 and 12 state that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF states that proposed development that conflicts with an up-to-date Local Plan should be refused unless there are other relevant material considerations that would indicate that the development would otherwise be acceptable. The Horsham District Planning Framework (HDPF) was adopted by the Council in November 2015 and forms the up-to-date development plan for the District. Rudgwick Parish Council was designated as a Neighbourhood Plan Area in 2016, but there is no 'made' Neighbourhood Development Plan (NDP) for this area at present.
- 6.3 The application site is not within a defined Built up Area Boundary (BUAB) and is therefore considered to form part of the District's countryside. HDPF Policy 26 (Countryside Protection) is therefore of key importance when determining this application. This policy makes provision for development in the countryside where certain criteria are complied with. Policy 26 aims to protect the countryside from inappropriate development and states that development in these locations would only be considered acceptable if it is essential to the countryside location and meets one of four criteria, including meeting the needs of agriculture or forestry or enabling the sustainable development of rural areas. In addition to this, in order to be acceptable under Policy 26, any proposal in the countryside must be of a scale appropriate to its countryside character and location.
- 6.4 The planning statement submitted with the application states that the proposed residential unit is required to provide the applicant with temporary accommodation to live in whilst his current house (Windacres Lodge) is being demolished to make way for the new access road and footpath as part of the permitted 55-unit redevelopment at Windacres Farm. The intention is that the applicant will occupy one of the new houses when complete. No evidence has been submitted with the application to explain why the applicant needs to live on site, or that there is no other realistic option to meet his temporary accommodation needs (i.e. existing rental accommodation).
- 6.5 With regard to the four criteria of policy 26, it is not proposed by the applicant that the temporary residential unit is required for any agricultural purposes (i.e. the requirement to tend to animals etc), to enable the extraction of minerals, for quiet recreation use, nor to enable the sustainable development of the rural area. As a result, the unit does not meet any of the four criteria required by policy 26 of the HDPF, therefore by virtue of its countryside location, is not considered to be acceptable in principle.

### Character and Landscape Impact

- 6.6 Policies 25, 32 and 33 of the HDPF seek to maintain a high level of quality and design of new development by ensuring proposals complement locally distinctive characters, and relate sympathetically with the built surroundings, open space and landscapes adjoining the site. In addition, policy 33 requires that high standards of building materials, finishes and landscaping are proposed to achieve attractive developments particularly in sensitive locations.
- 6.7 Whilst it is appreciated that the proposed unit would be temporary in nature, it is proposed to be in-situ for a period of 36 months which is thought to be a relatively long period of time for a build-out of 55 units. The applicant has not supplied information about the developer's proposed build-out programme, or when a house would be ready for permanent occupation nor justified why the unit is required for 36 months. With this in mind, and in conjunction with its countryside location outside the built-up area boundary, it is considered that the unit would have a relatively long-lasting visual impact that should be assessed for its suitability.
- 6.8 It is appreciated that the proposed temporary accommodation is sufficient for the applicant's requirements, but the external appearance of the proposed unit is very industrial in appearance and does not in any way compliment the character of the Sussex countryside it is located within. The Council's Landscape Architect was consulted and has objected to the development, noting that the building represents an inappropriate development in the countryside and negatively effects and alters the agricultural landscape character of the site. It is considered that although the visual impact may be low, the principle of introducing a dwelling, however temporary, to this countryside location is one which cannot be supported on landscape character grounds.

#### Conclusion

- 6.9 It is considered that a temporary unit of accommodation of this type would be acceptable in principle if it was located within the built-up area boundary, and if the period of use was reduced to the absolute minimum in order to justify its presence. However, as presented, the proposed unit is not considered to be reasonably required as it fails to meet any of the criteria specified in policy 26 of the HDPF, and the applicant has failed to explain why suitable temporary accommodation is not available elsewhere. In addition, the period of time proposed (36 months) has not been justified or explained, and the impact on landscape character, whilst relatively small, is considered unacceptable and contrary to the requirements of policies 25, 26 and 33 of the HDPF.

## **7. RECOMMENDATIONS**

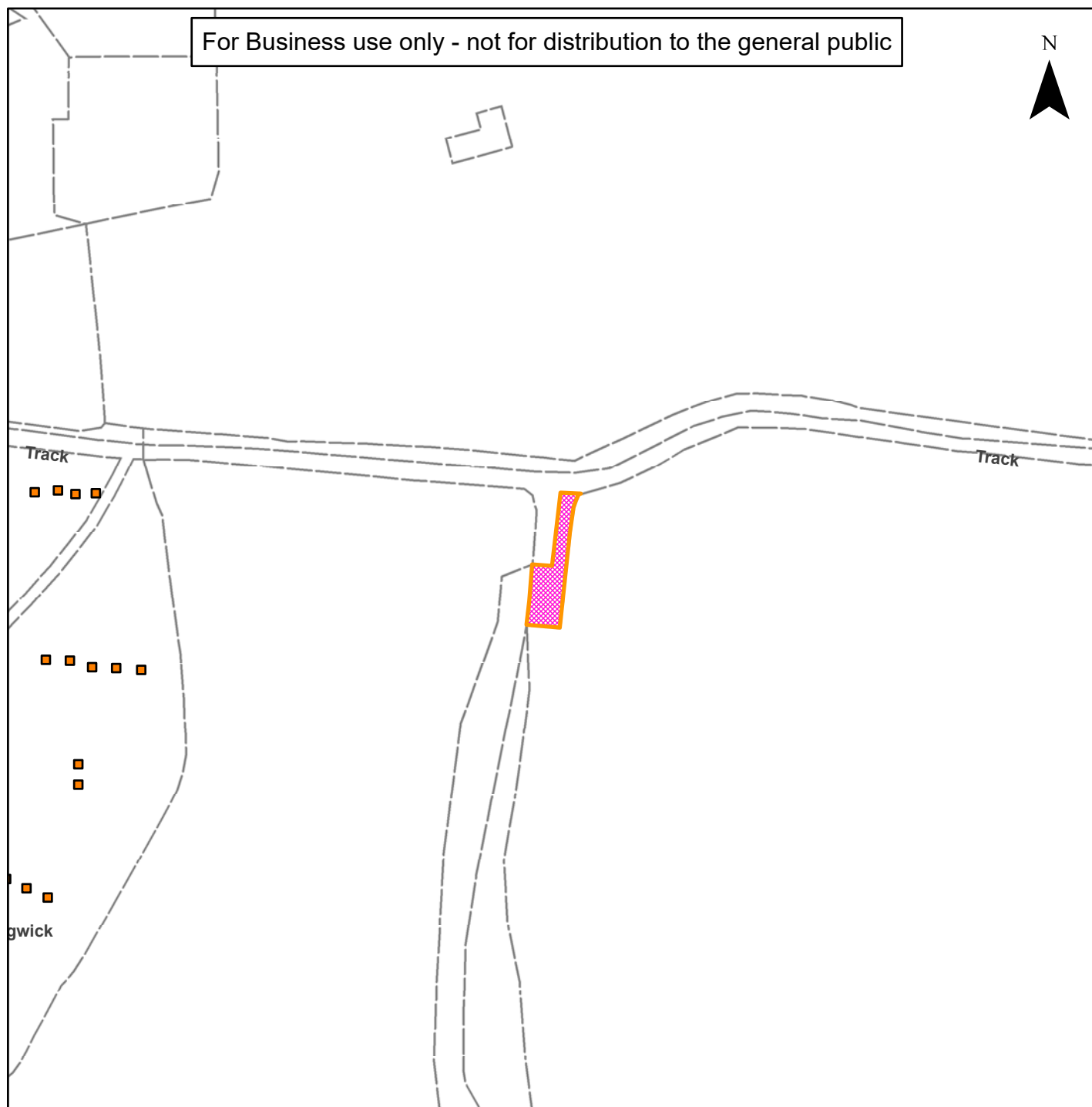
- 7.1 It is recommended that the application is refused for the following reasons:
1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the temporary residential dwelling is essential to this countryside location, or reasonably required for the period of time proposed. The proposal therefore fails to represent the sustainable development of the countryside contrary to Policy 26 of the Horsham District Planning Framework.
  2. The temporary residential dwelling has introduced an inappropriate, incongruous and obtrusive built form into a sensitive countryside location which fails to relate sympathetically to the character and visual amenity of the surrounding landscape, contrary to Policies 25 and 33 of the Horsham District Planning Framework.



Not Set

For Business use only - not for distribution to the general public

N



Scale: 1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller  
of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or  
civil proceedings.

Organisation	Horsham District Council
Department	
Comments	Not Set
Date	27/07/2018
MSA Number	100023865

This page is intentionally left blank



Horsham  
District  
Council

## **ADDENDUM**

Planning Committee North 7 August 2018

### **AGENDA ITEM 6 - DC/18/1046**

#### **Mickelpage, Nuthurst Street, Nuthurst**

The new National Planning Policy Framework (July 2018) supersedes the previous NPPF (2012) in all respects and is a material planning consideration in the determination of this planning application.

Paragraph 130 of the new NPPF contains new guidance, advising that:

'Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Officers consider that, whilst the appearance of the development is different to that originally granted planning permission, the overall quality of the development has not diminished.

It is not considered that the content of the new NPPF raises any other new material considerations relevant to this planning application.

#### **Additional representations:**

Two additional letters of objection have been received since the committee report was published, stating:

- There still remain many unaddressed major breaches of the original planning consent in the illegally built houses.
- The general bulk of these houses, (if left unchallenged) will completely destroy the character of this small hamlet
- The houses are significantly larger than the three bedroom dormer bungalows promised and the roof heights (over the garages is 1.5 metres higher than permitted affording the potential for this to allow a 4th bedroom above the garage
- HDC's intent to 'recommend' approval, simply flies in the face of reason
- The development does not create opportunities for first time local buyers or existing residents to downsize as was justification for this site allocation within the Neighbourhood Plan
- The houses have not been located on the site as permitted and there is no planning justification for this.
- The Council will lose all credibility as a Planning Authority if such flagrant disregard for Planning conditions is allowed to continue

#### **Officer comment:**

These impacts of the design, scale and layout of the development, and its compliance with the Nuthurst Neighbourhood Plan are already addressed in the report.

## **AGENDA ITEM 7 - DC/18/0572**

### **39 Rookwood Park, Horsham**

The new National Planning Policy Framework (July 2018) supersedes the previous NPPF (2012) in all respects and is a material planning consideration in the determination of this planning application. It is not considered that the content of the new NPPF raises any new material considerations relevant to this planning application.

**Update:**

Councillor Skipp has requested the application be determined by committee on the grounds of the garage representing an overdevelopment out of keeping with the neighbourhood, and impinging on the amenities of the adjacent property.

Councillor Newman has requested the application be determined by committee on the grounds that the garage would be in an imposing position and unneighbourly resulting in loss of light.

## **AGENDA ITEM 8 - DC/18/1127**

### **Warnham Nature Reserve, Warnham Road, Horsham**

The new National Planning Policy Framework (July 2018) supersedes the previous NPPF (2012) in all respects and is a material planning consideration in the determination of this planning application.

Paragraph 3.6 of the report references paragraph 32 of the NPPF (2012). The content of this paragraph has been replaced by paragraphs 108, 109 & 111 of the new NPPF (2018), which state:

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The test within paragraph 32 as to whether the 'residual cumulative impacts of development are severe' remains within the new paragraph 109. The highways comments do not identify any severe impact and do not identify any unacceptable impact on highway safety. Officer therefore recommend the proposed development remains on accordance with the new NPPF (2018).



Paragraph 6.3 of the report references paragraph 61 of the NPPF (2012), and to the three dimensions of sustainable development. Paragraph 61 is not directly replicated within the new NPPF, however paragraph 127 replicates many of the design principles set out in paragraph 58 of the old NPPF (2012), including to 'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;'

The references to the three dimensions to sustainable development within the new NPPF broadly replicate those within the old NPPF, albeit with the 'social' dimension now referencing a 'well-designed and safe built environment' rather than a 'high quality built environment'

Paragraph 6.11 of the report references "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the desirability of new development making a positive contribution to local character and distinctiveness" within paragraph 131 of the old NPPF (2012). This paragraph has been replicated in paragraph 191 of the new NPPF (2018).

It is not considered that the content of the new NPPF raises any other new material considerations relevant to this planning application.

## **AGENDA ITEM 9 - DC/17/2605**

### **Windacres Farm, Church Street, Rudgwick**

The new National Planning Policy Framework (July 2018) supersedes the previous NPPF (2012) in all respects and is a material planning consideration in the determination of this planning application.

Paragraph 6.2 of the report references paragraphs 2, 12 and 14 of the old NPPF (2012). Paragraphs 2 & 12 remains within the new NPPF (2018), albeit with minor alterations to the text that do not change the statutory status of the development plan or the requirement that planning decisions be made in accordance with an up-to-date development plan unless material considerations indicate otherwise.

Paragraph 14 of the old NPPF (2012) contains the 'presumption on favour of sustainable development', now updated within paragraph 11 of the new NPPF (2018). As the HDPF is an up-to-date development plan and the Council can demonstrate a 5 year housing land supply, the 'presumption in favour of sustainable development' remains not triggered in decision making. It is not considered that the content of the new NPPF raises any new material considerations relevant to this planning application.

#### **Correction:**

Paragraph 1.1: the application is for the 'siting of a temporary unit of residential accommodation' rather than 'erection of'

End

This page is intentionally left blank