



Email: committeeservices@horsham.gov.uk
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Planning Committee (North)

Tuesday, 6th November, 2018 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:	Karen Burgess (Chairman) Liz Kitchen (Vice-Chairman) John Bailey Andrew Baldwin Toni Bradnum Alan Britten Peter Burgess John Chidlow Roy Cornell Christine Costin Leonard Crosbie Jonathan Dancer Matthew French Billy Greening	Tony Hogben Adrian Lee Christian Mitchell Josh Murphy Godfrey Newman Brian O'Connell Connor Relleen Stuart Ritchie David Skipp Simon Torn Claire Vickers Tricia Youtan
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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
<p>To approve as correct the minutes of the meeting held on 2nd October 2018. <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to 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.)</i></p>	
3. Declarations of Members' Interests	
<p>To receive any declarations of interest from Members of the Committee</p>	
4. Announcements	
<p>To receive any announcements from the Chairman of the Committee or the Chief Executive</p>	

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

5. **Appeals** 13 - 14
- Applications for determination by Committee:
6. **DC/18/1792 - Great Ventors Development Site, Coolhurst Close, Monks Gate** 15 - 40
Ward: Nuthurst
Applicant: Mr Burstow
7. **DC/18/1584 - Stafford House, Bonnetts Lane, Ifield, Crawley** 41 - 58
Ward: Ruspur & Colgate
Applicant: Hasnain Mohsin
8. **DC/18/1520 - Land Between Trundle Mead and April Rise, Cox Green, Rudgwick** 59 - 68
Ward: Rudgwick
Applicant: William Lacey Group
9. **DC/18/1563 - Windacres Farm, Church Street, Rudgwick** 69 - 90
Ward: Rudgwick
Applicant: Mr John Bailey
10. **DC/18/1921 - Morriswood, Old Holbrook, Horsham** 91 - 98
Ward: Holbrook West
Applicant: Mr Antony Hogben

ADDENDUM - DC/18/1792 and DC/18/1520

11. **Urgent Business**
- 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

Agenda Annex

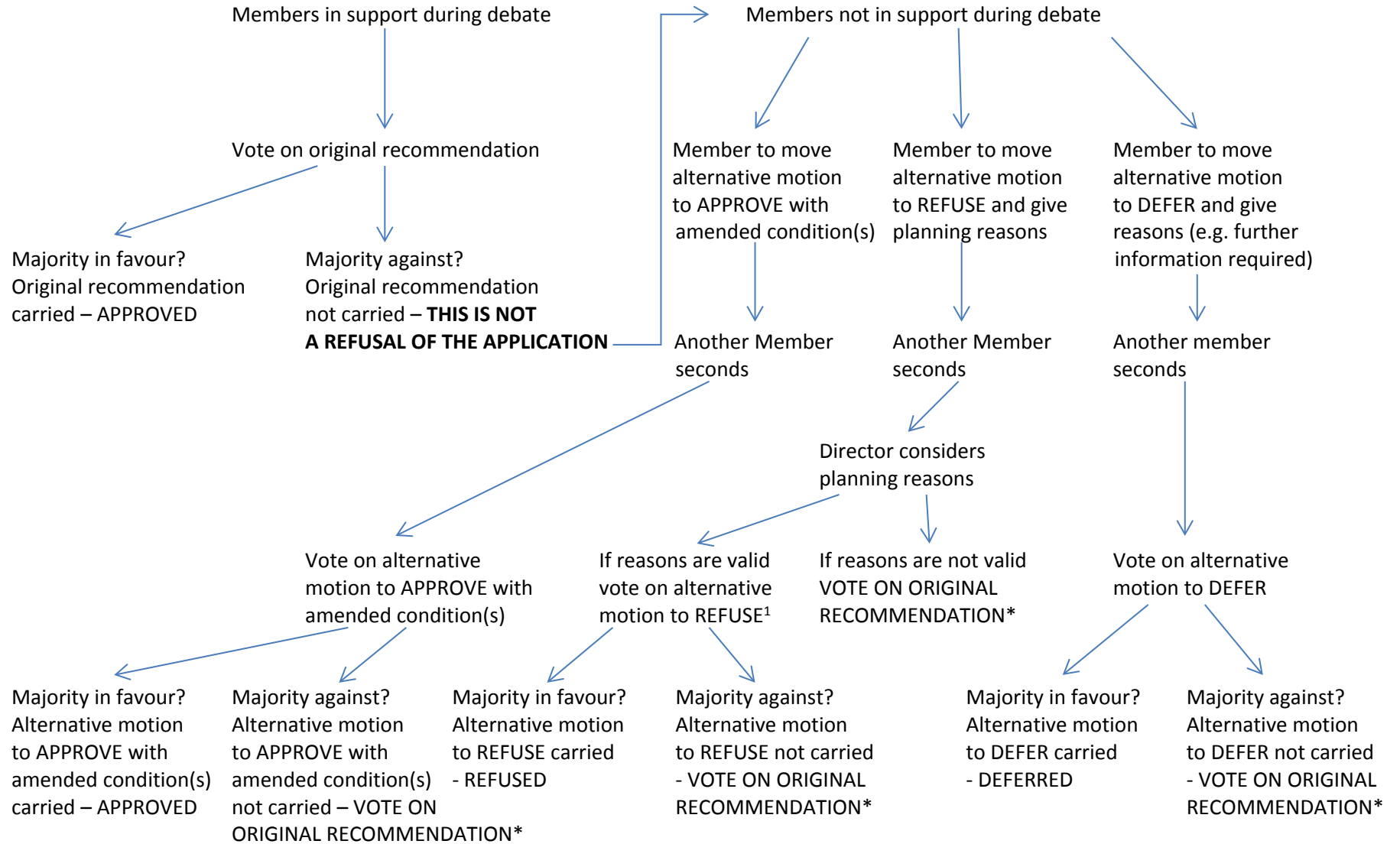
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

Addressing the Committee	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.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only.
Quorum	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.
Declarations of Interest	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.
Announcements	These should be brief and to the point and are for information only – no debate/decisions .
Appeals	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
Agenda Items	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.
Public Speaking on Agenda Items (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 2 minutes each to make representations; members of the public who object to the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes; applicants and members of the public who support the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes. Any time limits may be changed at the discretion of the Chairman.
Rules of Debate	<p>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max 5 minutes or longer at the discretion of the Chairman) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment to a motion o To move a further amendment if the motion has been amended since he/she last spoke o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of original motion

	<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"> ○ 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. ○ 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. <ul style="list-style-type: none"> - Amendments to motions must be to: <ul style="list-style-type: none"> ○ Refer the matter to an appropriate body/individual for (re)consideration ○ Leave out and/or insert words or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - 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). - 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). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
Alternative Motion to Approve	<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>
Alternative Motion to Refuse	<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>
Voting	<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"> - Two Members request a recorded vote - A recorded vote is required by law. <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>
Vice-Chairman	<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>

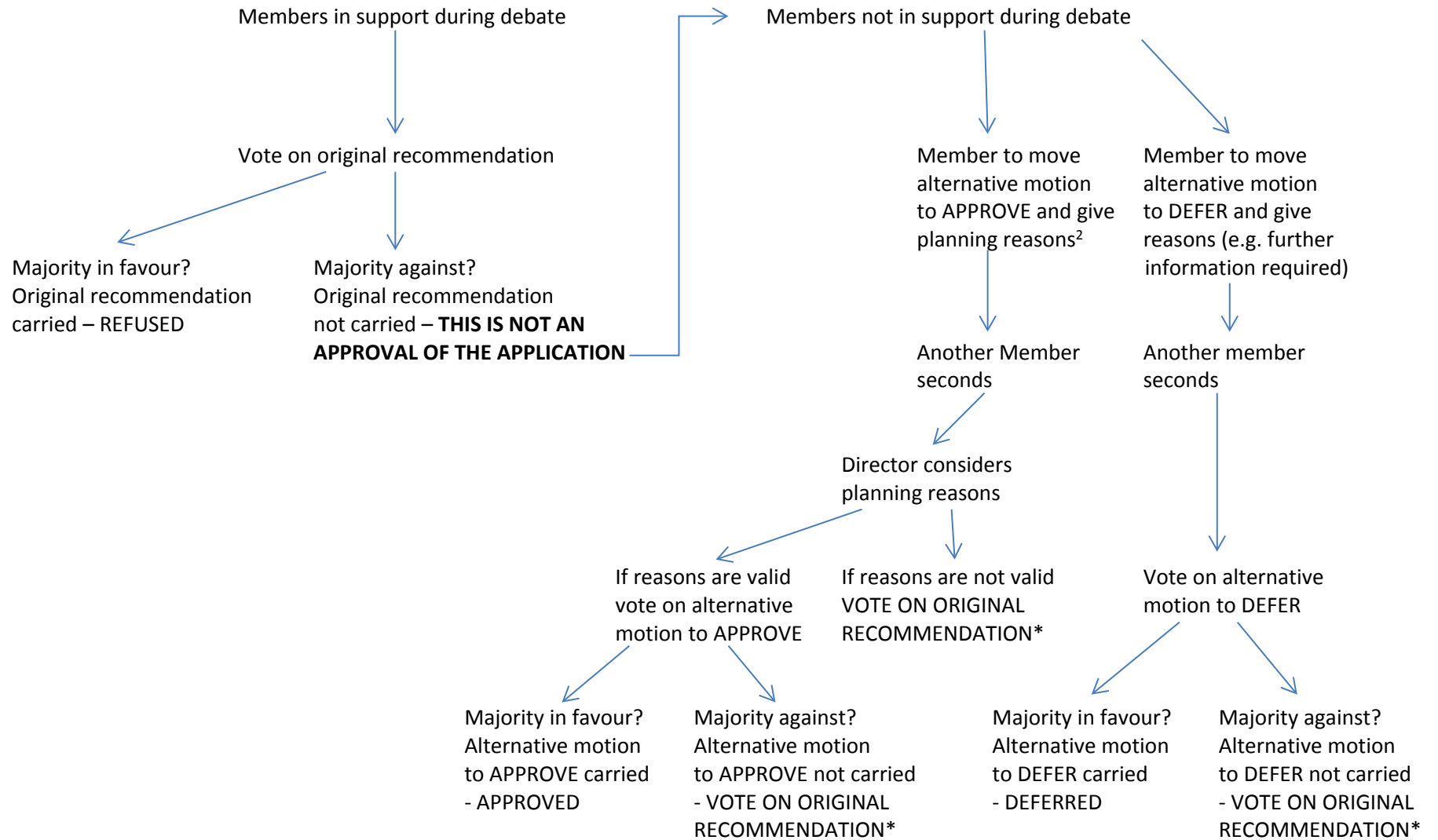
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ 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

² Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

Planning Committee (North)
2 OCTOBER 2018

Present: Councillors: Karen Burgess (Chairman), Liz Kitchen (Vice-Chairman), John Bailey, Peter Burgess, John Chidlow, Roy Cornell, Christine Costin, Leonard Crosbie, Jonathan Dancer, Adrian Lee, Christian Mitchell, Godfrey Newman, David Skipp, Simon Torn and Claire Vickers

Apologies: Councillors: Andrew Baldwin, Toni Bradnum, Alan Britten, Matthew French, Billy Greening, Tony Hogben, Stuart Ritchie and Tricia Youtan

Absent: Councillors: Josh Murphy, Brian O'Connell and Connor Relleen

PCN/42 **MINUTES**

The minutes of the meeting of the Committee held on 4 September were approved as a correct record and signed by the Chairman.

PCN/43 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/44 **ANNOUNCEMENTS**

There were no announcements.

PCN/45 **APPEALS**

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

PCN/46 **DC/18/1239 - LAND AT FOUNDRY LANE, FOUNDRY LANE, HORSHAM**

The Head of Development reported that this application sought permission for the demolition of a retail building and the erection of a Lidl convenience store with customer parking for 51 cars, cycle storage and landscaping. One new vehicular access, instead of the two existing ones, and a dedicated delivery dock for goods vehicles on the northern boundary were proposed.

There had been a number of amendments to the original proposal to address officer concerns including: improved design to elevation fronting Kings Road; additional soft landscaping to the south; improved cycle parking; operational restrictions; and a pedestrian crossing point on Foundry Lane.

The application site was located on Foundry Lane approximately 250 metres north east of Horsham Railway Station. It was adjacent to the Horsham Gates

Junction. The two retail units on the site were vacant and had permitted use for sale of non-food bulky goods. The site was approximately one mile from Horsham shopping centre in an area of mixed commercial, retail and residential use.

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.

Forest Neighbourhood Council raised no objection to the application. In addition to the twenty letters of support and ten letters of objection as reported, a further 130 comments in support had been received since publication of the report. There had also been an objection on behalf of Waitrose Ltd. A representative of the Horsham Society spoke in support of 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 quality of design and its impact on townscape character; the amenity of existing and prospective occupiers; access, parking and highway safety; and drainage.

Members welcomed the proposal and considered that, given the conditions to limit the impact on adjacent neighbours and restrictions on the scope of the store, the proposal would not cause any significant harm, and introduce a popular facility in a sustainable location.

In response to concerns regarding parking capacity and the impact on highways, Members were advised that the Safety Audit did not identify a need to extend the parking restrictions along Foundry Lane, and that the Local Highway Authority was satisfied with this. However officers would report to the Local Highway Authority the suggestion by Members regarding the extension of double yellow lines along Foundry Lane.

RESOLVED

That planning application DC/18/1239 be granted subject to the conditions and reasons as reported.

PCN/47 **DC/18/1433 - THE HOLBROOK CLUB, NORTH HEATH LANE, HORSHAM**

The Head of Development reported that this application sought permission for the change of use from indoor rifle range to gymnasium, with associated external works including a new main entrance, side fire exits, three roof lanterns and three wall-mounted air conditioning units to the rear. The application was a resubmission of a similar application, DC/14/0270, which had been granted by the Committee but now expired (Minute No. DCN/140 (13.05.14) refers).

The application site was located within the built up area of Horsham on the east side of North Heath Lane. The application referred to a long narrow flat roofed building north of the main club house. The area was predominantly residential, with an industrial estate to the west on the opposite side of the road.

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 raised no objection to the application. The Local Members supported the proposal. Nineteen objections had been received, 16 of which were from members of the Holbrook Club. There had been 17 letters of support. 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 the change of use; the character of the development and visual amenities of the street scene; the amenities of occupiers of adjoining properties; and parking and highway safety implications.

Members noted that the current rifle range facility was underused and considered the financial and community benefits of a new gymnasium.

RESOLVED

That planning application DC/18/1433 be granted subject to the conditions and reasons as reported.

PCN/48 **DC/18/0055 - ENTERPRISE HOUSE, 80 LAMBS FARM ROAD, HORSHAM**

The Head of Development reported that this application sought permission for a variation of conditions 4 and 7 to previously approved DC/11/1660 (change of use from retail/office to a hot food takeaway with a chimney to the side elevation to service the extract duct).

Condition 4 restricted hours of trade to 0900 - 2200 hours Monday to Saturday and at no time on Sundays. The proposed variation would allow opening hours to be extended to: 0900 – 2300 hours Monday to Saturday; 0900 – 2200 hours on Sunday and Bank Holidays.

Condition 7 set out required ventilation and extraction details. The application sought to amend this in the light of a new ventilation system and to include the submitted maintenance regime within the condition to ensure it is maintained in accordance with approved details.

The application site was located in the built-up area of Horsham on the southern side of Lambs Farm Road. The unit was in a small parade of shops

with flats above. There were three delineated parking spaces serving the unit. The surrounding area was predominantly residential.

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 raised no objection to the application and sought reassurance regarding the need for adequate ventilation. Six objections had been received. A petition with 156 signatures supporting the application had been submitted. One member of the public spoke in objection to the application, and the applicant's agent spoke in support of it.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were its impact on neighbouring amenity and highway safety.

Members noted the planning history of the site and discussed the proposal in the context of its location within a residential area. They were particularly concerned by the detrimental impact on residential amenity caused by cooking odours, general disturbance and noise created by the business, including vehicle movements, and concluded that it was unacceptable to extend activity on the site to seven days a week and later opening hours.

RESOLVED

That planning application DC/18/0055 be refused for the following reason:

The proposal, and the resulting later opening hours and new Sunday and Bank Holiday opening, would result in an undesirable environmental impact by reason of general disturbance, including noise and odour, in the surrounding area which would be detrimental to the amenities of nearby residential properties. The proposal is therefore contrary to the Policy 33 of the Horsham District Planning Framework (2015).

PCN/49 **DC/18/1277 - 10 WELLWOOD CLOSE, HORSHAM**

The Head of Development reported that this application sought permission for the change of use of a 6-bedroom house of multiple occupation (HMO) to an 8-bedroom HMO. There would be no external alterations. A two-storey side extension had been added under permission DC/17/0965. All bedrooms would be en-suite and there would be a communal kitchen and lounge. There were a total of five off-street parking spaces.

The application site was located within the built-up area of Horsham in a residential area. It was a two-storey semi-detached dwelling on the southern side of Wellwood Close.

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.

Local Member Councillor Cornell had requested the application be considered by the Committee. Sixteen objections had been received. One member of the public spoke in objection to the application. The applicant spoke 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 change of use; its impact on amenity; and highways.

Members considered that the additional two bedrooms would not significantly change the impact of the use of the dwelling on amenity or parking, provided that the number of occupants was limited to eight adults. It was requested that, in addition to the restrictions imposed by the HMO Licence, an additional condition be added to ensure the number of occupants was no more than eight.

RESOLVED

That planning application DC/18/1277 be granted subject to the conditions as reported, with an additional condition to require the number of occupants to be limited to no more than eight persons.

The meeting closed at 6.54 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee North

Date: 6th November 2018

Report on Appeals: 20/09/2018 – 24/10/2018

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/17/2636	20 Abbots Leigh, Southwater	21 st September 2018	Permit	Refuse
DC/17/2835	Stud Farm, New Barn Farmhouse, Capel Road, Rusper	26 th September 2018	Refuse	N/A
DC/18/0307	Colt Farm, Burnthouse Lane, Lower Beeding	11 th October 2018	Refuse	N/A
DC/18/1233 & DC/18/1234	Mill Hill House, Guildford Road, Rudgwick	11 th October 2018	Refuse	N/A
DC/17/2294	Dun Horse Inn, Brighton Road, Mannings Heath	17 th October 2018	Refuse	N/A
DC/17/2605	Windacres Farm, Church Street, Rudgwick	17 th October 2018	Refuse	Refuse
DC/18/1563	Windacres Farm, Church Street, Rudgwick	18 th October 2018	Refuse	Refuse

2. Live Appeals

The following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/18/0971	14 Pondtail Road, Horsham	Fast Track	14 th September 2018	Refuse	N/A
DC/18/0768	26 Pollards Drive, Horsham	Fast Track	11/09/2018	Refused	N/A
DC/17/2731	Mill Hill, Guildford Road, Rudgwick	Written Representation	12/09/2018	Refused	N/A

3. Appeal Decisions

No appeals have been determined by the Planning Inspectorate in the period 20/09/2018 – 24/10/2018

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 6 November 2018

DEVELOPMENT: Outline application for the erection of 5 residential dwellings and associated works. All matters reserved except for access.

SITE: Great Ventors Development Site Coolhurst Close Monks Gate West Sussex

WARD: Nuthurst

APPLICATION: DC/18/1792

APPLICANT: **Name:** Mr Burstow **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received within the consultation period, raised material considerations, contrary to the recommendation of the Head of Development

RECOMMENDATION: To approve planning permission, subject to appropriate conditions and to a Section 106 agreement to secure affordable housing contributions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The site is part of an allocated site under Policy 5 of the Nuthurst Parish Neighbourhood Plan (NPNP). The site has been split into two parcels with the western parcel gaining outline planning consent in 2016 (DC/15/1946) and Reserve Matters consent in 2017 (DC/17/0667). Works have commenced on site to implement the western phase, including a new access from Nuthurst Road into the site (Coolhurst Close).

1.3 This current application seeks consent for a further 5 dwellings and associated works on the eastern parcel of the allocated site. Access is proposed via Coolhurst Close which utilises the new access point from Nuthurst Road.

1.4 The application is made in outline, with access for consideration now. Matters of appearance, landscaping, layout and scale are reserved for later consideration.

1.5 The indicative layout shows a linear pattern of development which continues on from the approved development to the west. A pair of semi-detached dwellings and a detached dwelling are proposed to the north of the site and two detached dwellings to the south. Parking areas are proposed to the front of each dwelling.

- 1.6 The indicative housing mix is as follows:
- 1 x 2 bed bungalow
 - 2 x 3 bed home
 - 2 x 4 bed homes
- 1.7 No onsite affordable housing is proposed however the Applicant has confirmed their agreement to provide a financial contribution in lieu, based on consideration of the quantum of affordable housing required across the combined site and that already secured for the western parcel.
- 1.8 The application has been accompanied by a number of supporting documents, including:
- Design and Access Statement
 - Ecological Survey
 - Reptile Mitigation Strategy
 - Arboricultural Implications Assessment
 - Heritage Assessment
 - Flood Risk Assessment
 - Site Risk Report (Contamination)
 - Transport Statement
 - Affordable Housing Statement

DESCRIPTION OF THE SITE

- 1.9 The site forms part of an allocated site under Policy 5 of the NPNP. The site has been split into two with the western parcel of the site having gained planning consent under references DC/15/1946 (Outline) and DC/17/0667 (Reserved Matters). Works have commenced on site to implement these permissions, including the construction of a new access point from Nuthurst Road. Under these Applications preservation and management of the 'nature reserve' between the site and Nuthurst Road was also secured.
- 1.10 The remainder of the site (referred to in this report as the eastern parcel) is the subject of this Application. The land forms part of the remainder of an un-developed paddock associated with Great Ventors Farm which is located immediately to the east of the site. The site has mature vegetation and trees to its northern and southern boundaries. The site is open to the west and east. A line of laurel has however been recently planted to mark the site's eastern boundary. The site rises to the east.
- 1.11 To the south of the site is open countryside which benefits from two Rights of Way. Right of Way 1718 runs approximately 140m to the south west of the site. Right of Way 1710 runs approximately 170m to the south east.
- 1.12 To the north of the site is the A281 and beyond this a series of residential dwellings which form part of the settlement of Monks Gate. These includes Monks Cottage which is Grade II listed.
- 1.13 Immediately to the north west of the site are two pairs of semi-detached dwellings (Corner House, Cherrington Cottage, 1 and 2 Southlands Cottages), both of which front the A281 and have gardens adjacent to the Application site.

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:

2.3 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making efficient use of land
Chapter 12 – Achieving well designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

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

Policy 1 - Strategic Policy: Sustainable 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 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
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 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

- 2.5 Supplementary Planning Guidance: The Nuthurst Parish Design Statement (2017).

RELEVANT NEIGHBOURHOOD PLAN

- 2.6 The Nuthurst Parish Neighbourhood Plan was 'made' on 21st October 2015. The Application site is allocated under Policy 5 of NPNP which reads as follows:

- 2.7 The residential development of 1.2 Ha of land at Great Ventors Farm, Nuthurst Road, Monks Gate, as shown on the Policies Map, will be permitted provided that:

- i. the scheme comprises a mix of 1 to 4 bedroom houses;
- ii. the scheme comprises a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site;
- iii. access is made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council;

- iv. the scheme layout and landscape proposals retain the screen of trees and bushes on the boundary with Nuthurst Road (allowing for the access road), provide a screen for the four properties on the A281 and provide for the protection of the pond and surrounding area as a nature reserve;
- v. the scheme makes satisfactory provision for managing sewage treatment; and
- vi. the scheme make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.

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

Policy 1 – A spatial plan
 Policy 10 – Housing Design
 Policy 14 – Green Infrastructure and Biodiversity

2.9 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/1946	Outline application for the erection of 10x dwellings with all matters reserved except access	Permitted on 26.08.2016
DC/17/0667	Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval DC/15/1946	Permitted on 07.07.2017

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

INTERNAL CONSULTATIONS

3.2 **HDC Strategic Planning:** Comment.

The proposal is on a site allocated for development in the Nuthurst Neighbourhood Plan. The proposal accords with HDPF Policies 4 and 15 and the application is considered acceptable in principle, subject to the Case Officer having received satisfactory Highways comments from West Sussex County Council.

3.3 **HDC Landscape Architect:** No objection subject to conditions.

Existing and native hedge and tree species to the site boundary should be retained and any gaps closed up with additional native species.

3.4 **HDC Conservation:** No Objection.

Officers are satisfied that the additional dwellings proposed to the permitted cul-de-sac development at Coolhurst Close will not harm the setting of the listed buildings.

3.5 **HDC Environmental Health:** Comment.

Given the proximity of the site to the Brighton Road, a condition should be applied requiring a noise assessment and mitigations to be submitted to the Local Planning Authority for approval.

3.6 **HDC Housing:** Comment.

The applicant has proposed a development consisting of 5 dwellings. Of these the applicant has proposed no affordable housing units. In accordance with Policy 16 of the HDPF housing officers have considered this application as part of the larger overall development site at

Coolhurst Close. This incorporates this application (DC/18/1792) alongside an application for ten residential units within planning application ref DC/15/1946.

Collectively, this site should provide 35% affordable housing which equates to 5.25 units. I understand a commuted sum has been accepted in respect of the four units required as part of DC/15/1946. Given the remaining number of affordable units that would be required (1.25) the applicant is likely to struggle to find a registered provider willing to offer on the site. On this basis Housing Officers would support a commuted sum in lieu of the remaining affordable housing requirement.

3.7 **HDC Drainage Engineer: No Objection.**

The surface water drainage strategy proposed is considered to be adequate therefore if this development is permitted it is recommended that only regulatory drainage conditions are applied.

3.8 **Arboricultural Officer: No Objection.**

Having regard to the Arboricultural Implications Assessment (AIA) as compiled by Broad Oak Tree Consultants Limited (*dated 12th July, 2018*). No trees are required to be felled to facilitate the proposed construction at this site. The premier tree is the large oak (T3 within the AIA) in the garden beyond the north-east corner of the site. This is a large and impressive specimen well worthy of retention. Given the proposed position of the dwelling at plot 3, some of the branches of this tree will overhang a small part of the rear garden to the plot – but far from excessively. The footprint of the dwelling is set outside the RPA (root protection area) as defined under **BS 5837 'Trees in relation to design, demolition, and construction - Recommendations'** (2012) and this relationship is accordingly satisfactory.

To the south of plot 5 is a hedgerow Field maple tree of fairly large size which will have an adverse effect upon the availability of afternoon and evening sunshine to the plot. This may place it under threat of removal, but I register no objection to this; the tree is a rather indifferent specimen, having no particular or especial merit. It is certainly not worthy of permanent protection by way of a TPO. The field hedgerow along the southern site boundary is to be retained, though trimmed more formally than a purely agricultural hedgerow; this appears prudent and unobjectionable. The measures put forward for the protection of the peripheral tree stock during the construction (set out within the AIA) are consistent with BS 5837, realistic, and satisfactory.

OUTSIDE AGENCIES

3.9 **WSSC Highways: No objection**

The development of 5 private dwellings, added on to the end of Coolhurst Close has been considered by WSSC as the CHA, in relation to its impact on the Local Highway Network. As there are no significant issues affecting the highway WSSC raise no objection to the above proposal, subject to any conditions attached.

Access to the site will be via a new access drive serving the permitted development of Coolhurst Close (DC/15/1946). A Transport Statement has been prepared by GTA Civils and is supported by TRICS data to demonstrate there would be an increase of 3 movements in the network peak hours. This equates to 1 additional movement every 20 minutes which would not be a capacity issue. An interrogation of the Road Casualty and Collision Database also shows there have not been any transport related incidents along this stretch of road in the last 5 years.

The site, although within a semi rural location, is considered to be sustainable in line with NPPF guidance. There are bus stops located along the site frontage and opposite the site, representing a 1-2 minute walk from the development site, and these provide good services to Haywards Heath approx. 10 a day, and 6 a day to Horsham and surrounding areas. Cycle

parking will also be provided in the rear gardens of each dwelling, and a provision of 9 spaces will be included; ideally these will be covered and secured in sheds.

The internal layout of the road will be laid out as a residential cul-de-sac, with shared use surfacing which will be a continuation of what is already in place and considered suitable for small developments. WSCC are satisfied with the principle lay out proposed.

Servicing and Emergency vehicle access can be accommodated and a turning head is provided to allow this size of vehicle to turn to enable them to exit in forward gear. This has been satisfactorily demonstrated in Refuse Vehicle Tracking Plan 7499/100.

3.10 **Ecology Consultant:** Comment.

We have reviewed the available information, including the Extended Phase 1 Habitat Survey dated July 2018, and the Great Crested Newt Survey and Reptile Mitigation Strategy dated August 2018, both by AEWL Ltd. These reports confirm that there is potential for impacts to great crested newts and reptiles, and, as such a mitigation strategy has been proposed. As mitigation for great crested newts (and, indirectly, reptiles) will need to be agreed with Natural England through the licensing process, we have no proposals for planning conditions with regards to newts or reptiles. However, the LPA may wish to include an informative note confirming that great crested newts are likely to be present within the redline boundary. A condition is also proposed which requires that no external lighting is installed without the details having been submitted to and approved by the Local Planning Authority demonstrating that a sensitive lighting scheme to reduce impacts on retained vegetation and ecological receptor areas has been prepared in consultation with the Applicants Ecologist.

3.11 **Southern Water:** No Objection.

PUBLIC CONSULTATIONS

3.12 **Nuthurst Parish Council:**

First Response: Objection.

- **The development contravenes policy 5 of the Nuthurst Parish Neighbourhood Plan** because it would mean 15 dwellings on the Neighbourhood Plan (NP) site which is three more dwellings than the maximum of 12 permitted by the NP.
- **These three additional dwellings are not needed in the Parish.** The NP is already fulfilling the requirements for some 50 new houses which were identified in surveys carried out during consultations on the NP. Furthermore HDC has a 5 year housing supply, so there is no need for any additional houses.
- **There would be unacceptable harm to the amenities of nearby properties in contravention of Policy 33 of the HDC's Planning Framework.** This is supported by HDC's Pre-Application Advice (PE/17/0217) in which the planning officer referred to the potential effect of new housing on the existing cottages fronting the A281 by saying on page 6 'I do have concerns over the potential for amenity impact on the occupants of numbers 1 and 2 Southlands Cottages'.
- The Parish Council has noted the impact of the 10 houses already being built on the site on these cottages and that the houses appear very obtrusive from the A281 because the land rises to the east. The addition of 5 more houses on the land rising to the east will exacerbate the impact on these cottages and the obtrusiveness from the A281. In effect, they would further urbanise the area.
- **Further unacceptable harm to the amenities of properties and the environment.** There are two significant problems regularly reported by Monks Gate residents; foul sewerage flooding due to capacity issues; and surface water flooding in Nuthurst Street since it is lower than the fields on which the developer is currently laying impermeable surfaces. Additional houses will exacerbate this problem.

- **Over-development of Monks Gate.** Policies 5 and 6 of the NP allow for a maximum of 18 new houses in Monks Gate which represents an increase of 36% in housing stock in Monks Gate. An additional 3 houses over the maximum allowed in Policy 5 of the NP would mean a 42% increase in housing stock. This increase represent over-development of the settlement of Monks Gate and **adversely affects the character and community balance of the settlement.** This conflicts with one of the key criteria in 'Policies for Growth and Change' in HDC's Planning Framework which states 'Adding large new housing areas on existing small settlements may affect the character and community balance'.
- **There are many reasons why this planning application should be refused.** **Principally:** the total of 15 dwellings on the site contravenes policy 5 of the NP; and the Parish Council cannot have developers over-riding the 50 new houses scheduled for the Parish. If every developer followed this example, the number of new houses would soar far beyond what was democratically decided and agreed by HDC.

Second Response: Objection

These comments are made in response to Strategic Planning Internal Consultation response dated 3rd October and to put some additional facts before HDC.

HDC have not fully considered the consequences of granting planning permission for this Application. Other developers will follow suit, with the consequence that the Parish's contribution of new dwellings will exceed the figure of 50 dwellings. Control would be lost over housing numbers, negating the Parish's Neighbourhood Plan.

Point One: Policy 5 is the whole of the section that bears that title.

- The intention of the NP was the whole section headed 'Policy 5' should be policy. Policy 5 was written in a style current in 2015. The NP was approved by an Independent Examiner and was legally made by HDC. The whole section was accepted as a policy without query.
- Had the NP considered that 15 dwellings on the site would be appropriate, it would have said so.
- Policy 5 confirms it is policy stating (at para 4.23) that '*the location and nature of the land require a number of key development principles to be adhered to in order for a satisfactory scheme to be delivered and these are also set out in the Policy*'.
- *The use of the word 'may'* in the text of the policy does not mean the number 'could be' 9-12 or higher or lower at the developers discretion. The Policy 'gives permission for' 9-12 dwellings (Oxford Dictionary of English, where one definition of 'may' is given as 'to give permission').
- The NP provides for 9-12 dwellings as a result of community engagement in line with Section 2.2 of the HDPF which says 'Local Plans are primary vehicles for making decisions about scale and local growth'. It follows then that developers are not primary deciders on how many dwellings should be built on the site.
- The developer should not be allowed to over-ride the NP by dividing the site into two in an attempt to exceed the allocated number of dwellings.

Point Two: The five criteria in Policy 4 of the HDPF are not satisfied by this application, they must all be satisfied.

- Criterion 2 requires '*the level of expansion to be appropriate to the scale and function of the settlement type*'. There are currently 44 dwellings in the hamlet of Monks Gate. The total NP site was allocated for 9-12 dwellings. This would increase the size of Monks Gate to between 53-56 dwellings. An increase of between 20% and 27% for this small, unclassified settlement. The approved application provides an increase of 23%. This respects the percentage growth of

Monks Gate that was intended by the NP. The current Application proposes another 5 dwellings. This would result in an increase of 34% in the total number of dwellings in Monks Gate. This re-presents over-development and adversely affects the character and community balance of the settlement.

- Criterion 3, *'the development is demonstrated to meet identified local housing needs and / or employment needs or will assist the retention and enhancement of community facilities and services'*. The NP assessed local need for housing with the assistance of AirS. A figure of 50 dwellings emerged which will be met by the 9 allocated sites in the NP and the number of dwellings in their policies. The additional dwellings proposed under this Application would therefore not meet an *'identified local housing need'*. Nor are they demonstrated as necessary for *'employment needs'* or for *'the retention and enhancement of community facilities and services'*.

Point 3: The density of Housing is inappropriate.

- The allocation of 9-12 dwellings on the site resulted in a housing density of 7.5-10 houses per hectare. Splitting the site into two has resulted in a density of 10.3 houses per hectare on the approved site. The proposal for 5 dwellings on the remaining parcel of land would be 21.7 houses per hectare. This doubles the density that was intended in the NP and is not in keeping with the rest of the hamlet.
- In addition, this high level of housing density and massing would not provide a gradual transition from the built environment to the open fields beyond. The proposal does not *'integrate with the surroundings and historic landscape'* which are agricultural fields (HDPF, Policy 32.3).
- The proposal because of its unacceptably high housing density contravenes Policy 5ii and Policy 10 of the NPNP, and Policies 32 and 33 of the HDPF.

Point 4: Impact on Neighbouring Properties

- The dwellings currently being built are having an effect on the neighbouring properties, particularly Southland Cottages and have altered the hamlets skyline when viewed from the A281 travelling southwards. The current proposal would exacerbate those effects.
- In pre-application advice the Officer recognised the potential for amenity impact on numbers 1 and 2 Southlands Cottages.
- The impact is wider than this. The development is too intensive and does not respect the nature of the hamlet.
- The proposal due to overdevelopment of Monks Gate, high density of housing and its impact on neighbours contravenes Policy 5ii of the NPNP, Policies 32 and 33 of the HDPF and a key criterion in *'Policies for Growth and Change'* in the HDPF which seeks to avoid *'Adding new housing areas on existing small settlements'* and *unduly affecting 'the character and community balance of the settlement'*.

Point 5: Housing requirements are being met.

- The NP is fulfilling its housing requirements so extra dwellings are not needed.
- HDC has a 5 year housing land supply so these extra dwellings are not needed.

Point 6: Efficient use of land

- Policy 33 of the HDPF states that development must *'Make efficient use of land....whilst respecting any constraints that exist'*. Constraints exist. The site is

constrained by the NP's Policy 5 which requires 9-12 dwellings. It is also constrained by Policy 10 of the NPNP which covers scale, density and massing of developments, and as been shown, 15 dwellings on the site contravenes Policies 5 and 10.

(Officer Note: HDC met with members of Nuthurst Parish Council on 23rd October 2018 in response to the concerns raised in the above representation).

Letters of Representation

3.13 60 letters of objection have been received in total. 42 objections were received within the three week consultation period. 18 letters were received after this date. These objections can be summarised as follows:

- The application is not in the agreed Parish Plan.
- The NPNP allocates the site for between 9-12 dwellings on the site. This development would result in 15 dwellings which is over what has been allocated.
- Ignoring the number of houses allocated for this site goes against the democratic process and the point of making a neighbourhood plan.
- This development will set a precedent for speculative development if approved.
- This Application has already been refused and should not be considered again *(Officer Note: this application is not a re-submission. This is the first time that Horsham District Council are considering the Planning Application).*
- Monks Gate at this time has 18 extra properties being proposed or developed which equates to a 36% increase in the size of the hamlet. There are very limited services in the hamlet. This development would result in pressure on existing infrastructure which would be unacceptable.
- There is no requirement for an additional five houses to be added to this site. Horsham District Council can demonstrate a 5 year housing land supply and additional housing is not required to meet the targets of the Neighbourhood Plan.
- The development would result in overlooking and loss of privacy for the cottages along the A281.
- Over development of the site which is not in keeping with the character of the area.
- Loss of green fields / open space which has amenity value.
- Urbanisation of Monks Gate.
- There is not enough car parking for residents or visitors.
- The existing sewerage system (foul and surface) does not have sufficient capacity to accommodate further development.
- There is not sufficient water pressure to accommodate new development.
- The access from the development onto Nuthurst Road is dangerous with people often speeding. It is especially dangerous for school children who have to catch the bus to school from the A281.
- This development will increase the volume of traffic on an already congested junction with the A281. This junction is already dangerous. Further development will exacerbate the problem.
- Smaller houses suitable for first time buyers are not being catered for in this development.
- The continuing development of Monks Gate is eroding its small community.
- The existing developer is not taking care of the green strip of land between the site and the road.
- The landowner is trying to circumnavigate the planning process by subdividing the site and not providing affordable housing.

3.14 **Monks Gate Residents Association: Objection**

This small site is within an area of potential development as per policy 5 of the Nuthurst Neighbourhood Parish Plan (NNPP) but the application should be REFUSED as it breaches the NNPP and HDPF policies.

- The whole site in the NNPP is 1.2 hectares and it already has planning permission for 10 properties which are currently being built. This application is for an additional 5 properties crammed into 0.23 hectares averaging less than 0.046 hectares each and is more than twice the planned density of the site. The NNPP suggests 9-12 homes across the whole site averaging a reasonable 0.1-0.13 hectares each.
- The number and layout of buildings will cause harm to the nearby properties: the scale and massing are not sympathetic to the surroundings, are not similar to the local homes, overlook existing properties and certainly do not safeguard or enhance the area.
- The proposed insensitive layout seeks only to maximise profits and any contentions that the smaller properties are meeting parish needs cannot be believed. Had an application for 12 homes across the whole site been received, small homes could have been included. The landowners chose to split the site: but it should be considered as one area.
- The proposed layout further encroaches on the cottages along the A281. The residents have suffered more than enough as a result of the existing planning permission. The documents associated with the application suggest that foul and surface water disposal proposals are acceptable. MoGRA would re-iterate residents knowledge of, and concerns about, the capability of the sewers and drains: none of which has been addressed.

The number of properties proposed is reason enough to REFUSE planning permission: the whole site in policy 5 of the NNPP can accommodate 9-12 homes. Within the NNPP, Monks Gate has an additional 18 properties proposed: an increase of 36% in the hamlet. A further 3 takes the increase to 42%: too much for a rural community to absorb without causing irreparable harm to its unique nature and character. Over-developing a small site is NOT an effective or efficient use of land as has been suggested: it is clearly over-burdening a small area.

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

Principle of Development

- 6.1 The Applicant has proposed the development of 5 dwellings and associated works on the site. Policy 4 of the HDPF permits the expansion of settlements outside of Built up Area Boundaries only where they have been allocated in the Local Plan or within a made Neighbourhood Plan. In this case the development proposed is within the boundary of the site allocated under Policy 5 of the Nuthurst Parish Neighbourhood Plan. As such, Officers consider that the principle of residential development in this location to be acceptable.

6.2 A number of objections have been received relating to the number of houses proposed. Principally objectors have set out that a total of only 2 dwellings should be provided on this site as Policy 5 provides for a maximum of only 12 houses on the wider allocated site (10 having already been granted on the western parcel). Specifically, reference is made to the supporting text to Policy 5 at paragraph 4.23 which states that:

'This policy allocates land adjoining the edge of Monks Gate for a housing scheme that may comprise nine to twelve dwellings'

6.3 On this basis objectors state that that the provision of 5 dwellings on this site (15 dwellings across the combined site) is contrary to Policy 5 and therefore unacceptable. The objectors further argue that the Parish's Housing Needs Assessment established a need for 50 dwellings over the plan period and no more. Objectors consider that this figure is being met and therefore there is not a requirement for additional housing within the Parish.

6.4 Whilst Officers are mindful of the views raised by objectors, it is not considered that the wording of Policy 5 places a cap on the quantum of development that the site must carry, rather it advises of the number of dwellings the site may accommodate. The final capacity of a site is subject to final layout proposals and an assessment of their impact on the character, appearance and amenity of its surrounds. In this case, as set out below, it is considered that the wider site can appropriately accommodate 15 dwellings without resulting in harm.

6.5 In terms of the overall housing needs for Nuthurst parish, Paragraph 60 of the NPPF states that a housing needs assessment should identify the minimum number of homes needed. This is reflected in paragraph 4.12 of the NPNP which states that:

'In overall terms, the indicative total number of houses specifically provided for in the NPNP is approximately 50 over the plan period....As the policy allows for sustainable development proposals in the form of windfall and other sites within the Built up Area Boundary of Mannings Heath and the confines of Maplehurst, Monks Gate and Nuthurst, the total number of dwellings consented over the plan period will be greater than the number resulting from the allocations of the NPNP.'

6.6 It should also be noted that at paragraph 3.36 of the Examiner's Report for the Nuthurst Parish Neighbourhood Plan, the examiner makes it clear that the housing figure contained within the supporting text for each policy is not prescriptive and is given as a range. Furthermore, the examiner states that 'There is no evidence to support the particular figures given and it appears to be no more than an estimate based upon site area and local characteristics'. In conclusion, the examiner states that as the housing number is contained within the text it does not carry the same weight as policy, although it is still a material consideration in the context of a planning decision.

6.6 On this basis neither Policy 5 nor the Nuthurst Neighbourhood Plan as a whole places an absolute cap on development, therefore the provision of an additional 3 dwellings over the indicative number set out in the supporting text to Policy 5 can be considered acceptable in principle, subject to all other material considerations as discussed below. It is your officers view that the Government have made it clear that we cannot cap the numbers of new homes if proposals are acceptable in all other respects. The District's housing targets are a minimum, and we cannot refuse developments when the Council reach the target, and the same principal applies to local needs assessments as highlighted above. Members will also be aware of recent discussions in the Storrington examination report for their Neighbourhood Plan where the Inspector made reference to removing all housing numbers for proposed allocated sites.

6.7 It should also be noted that in March 2018, cabinet members approved the publication of the first stage of the Local Plan Review, the Issues and Options – Employment, Tourism and Sustainable Rural Development for consultation. This document proposes the introduction of

'Secondary Settlement Boundaries' and includes an accompanying draft policy. The draft policy states that residential infilling will be approved (subject to meeting certain criteria) within defined secondary settlement boundaries. In this document Monks Gate is proposed as a secondary settlement boundary. The boundary includes the Neighbourhood Plan site set out under Policy 5 of the NPNP. Whilst this draft Policy carries limited weight, it demonstrates the direction of travel for future policy formation and further supports the proposal to developing more than 2 dwellings on this parcel of land.

Compliance with Policy 5 of the NPNP

- 6.8 In considering the acceptability of the proposed development it is necessary to consider the proposal in the context of the Policy 5 of the NPNP which allocates the site for residential development. Policy 5 of NPNP states that the residential development of land at Great Ventors Farm, Nuthurst Road, Monks Gate, will be permitted provided that:
- i. the scheme comprises a mix of 1 to 4 bedroom houses;
 - ii. the scheme comprises a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site;
 - iii. access is made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council;
 - iv. the scheme layout and landscape proposals retain the screen of trees and bushes on the boundary with Nuthurst Road (allowing for the access road), provide a screen for the four properties on the A281 and provide for the protection of the pond and surrounding area as a nature reserve;
 - v. the scheme makes satisfactory provision for managing sewage treatment; and
 - vi. the scheme make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.
- 6.9 In the interest of clarity and proper assessment, criteria i, ii, iv will be fully considered under 'Impact on Character and Appearance'. Criteria iv will also be considered under Amenity Impact. Criteria iii will be considered under 'Highways Impact' and Criteria v and vi will be considered under 'Drainage Impact'. Notwithstanding this, Officers are satisfied that the proposal has either met the requirements of Policy 5 of the NPNP or that these requirements can be considered at Reserve Matters. The reasoning for this is explored in detail in the following sections of this report.

Character and Appearance

- 6.10 Policy 5 of NPNP requires any development on the site to:
- i. comprise a mix of 1 to 4 bedroom houses;
 - ii. comprise a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site;
 - iv. provide a layout and landscape proposal which retains the screen of trees and bushes on the boundary with Nuthurst Road (allowing for the access road), provides a screen for the four properties on the A281 and provides for the protection of the pond and surrounding area as a nature reserve.
- 6.11 Policy 10 of the NPNP requires the scale, density, massing, height, landscape design, layout and materials of all development proposals to reflect the architectural and historic character and scale of the surrounding buildings. Furthermore, it requires adequate functional private garden space appropriate to dwelling size and type.
- 6.12 Criterion i of Policy 5 of the NPNP requires a scheme to come forward which has a mix of 1 to 4 bed dwellings. The indicative housing mix provided at this outline stage is for 1 x 2 bed bungalow, 2 x 3 bed house and 2 x 4 bed house. Officers note that 1 bedroom dwellings have not been proposed. Nevertheless, the Crawley and Horsham Market Housing Mix

Report projects that the greatest future demand across the Horsham District will be for 2 and 3 bedroom sized dwellings with 4 bedroom dwellings following closely behind. This report also predicts that there will be only modest growth in demand for one bedroom dwellings. Whilst the final housing mix can be considered at Reserve Matters stage, in considering the indicative housing mix, Officers are satisfied that any forthcoming proposal would likely accord with the general requirements of Criteria i of Policy 5 of NPNP.

- 6.13 Criterion ii of Policy 5 of the NPNP requires a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site. As this application is made in outline, the layout is indicative only. However, the indicative layout plan shows a linear pattern of development following on from the development to west, demonstrating a suitable relationship with the western site, and provides for the continuation of the defensible boundary along the southern boundary of the site.
- 6.14 Criterion iv of the NPNP allocation requires the development to retain trees and bushes along the Nuthurst Road and screening for the properties on Nuthurst Road. Screening along the Nuthurst Road is relevant to the eastern parcel and was already been secured under the previous planning permissions. Officers consider that the northern boundary of the site would benefit from increased soft landscaping to improve the relationship with Southlands Cottages. This can be managed through consideration of the landscaping at reserved Matters stage.
- 6.15 The NPNP also includes Policy 10, relating to housing design. This requires the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, to reflect the architectural and historic character and scale of the surrounding buildings. This Application is made in outline only, with all matters reserved except for access. Therefore the matters of appearance, landscaping, layout and scale can be considered at Reserve Matters stage.
- 6.16 Notwithstanding this, Officers note objections from the Parish Council over the density of the proposed development. The proposed development site would result in a density of approximately of 21.7 dwellings per hectare (dph). Nevertheless, whilst it is acknowledged that the development site has been split into two, Officers consider that the development would be read as a whole. Based on the size of the entire allocated site (1.2 hectares), the total number of dwellings per hectare would be 12.5 dph. In calculating the density of the linear development to the northern side of Nuthurst Road, this results in a density of approximately 15 dwellings per hectare. To the southern side of Nuthurst Road there is a density of approximately 19 dph and to the north western side of the A281 a density of approximately 17.5 dph. It is acknowledged that the area is also characterised by lower density development such as the development off Fieldgate Close which is approximately 6.6 dph. Nevertheless, this development sits alongside the higher density development to its northern and western boundaries as set out above. Officers consider therefore that the proposed development as a whole would be in accordance with the existing pattern and density of development. Furthermore, the site would be representative of the wider pattern of development by utilising a mixture of densities in close proximity. It is considered therefore that the density of the development is in keeping with the character of the area in accordance with Policy 10 of the NPNP, and makes an efficient use of an allocated site.
- 6.17 Officers also note that the Parish Council have made comment on the potential for landscape and character harm due to the height of the properties and their positioning on elevated land. Officers are mindful of this point and acknowledge that the proposed application site is elevated above the approved western parcel. It is considered necessary to ensure that any development that comes forward on this site is sensitive to the existing development surrounding it and the views into the site. A condition has therefore been suggested on this Application to ensure that details of finished floor levels are submitted and approved by the Local Planning Authority prior to the commencement of any development on the site. The

Applicant should carefully consider this point as part of any forthcoming Reserve Matters Application.

- 6.18 Policy 10 also makes reference to the use of high quality building materials and landscaping, provision of adequate garden spaces and car parking and retention of existing trees and hedges. The appearance of the development is reserved however there is nothing to suggest that acceptable materials could not be delivered here to complement the character of the area. In terms of acceptable landscaping, and retention of existing trees and hedges, the indicative landscaping plan shows the retention of existing trees and planting and the strengthening of landscaping on the eastern, western and southern boundaries. As discussed above, the Applicant should consider additional landscaping to the northern boundary at Reserve Matters stage. Additional planting is also indicated to the front of the proposed dwellings. Although parking and amenity space are detailed matters to be considered at the reserved matters stage, the indicative layout does show each unit to have a driveway and private garden.

Amenity Impact

- 6.19 Criteria ii of Policy 5 of the NPNP allocation requires the layout of the site to be sympathetic to nearby houses and establish a clear and defensible boundary along the southern edge of the site. Furthermore criteria iv requires the landscape proposal to provide a screen for the four properties along the A281 (Corner House, Cherrington Cottage and No.'s 1 and 2 Southlands). Policy 33 of the HDPF also requires development to be designed to avoid unacceptable harm to the amenity of occupiers/ users of nearby property and land whilst having regard to the sensitivities of surrounding development.
- 6.20 The nearest property to the site are Numbers 1 and 2 Southlands Cottages which share their rear boundary with the site. There are a number of properties to the north of the site running along the other side of the Brighton Road, whilst Great Ventors shares a boundary with the site to the east. Public Right of Way (ROW 1718) also runs to the West of the wider site allocation boundary.
- 6.21 Objections have been received over the potential for amenity impact on the occupants of numbers 1 and 2 Southlands Cottages. As set out above criteria iv of Policy 5 of the NPNP requires the landscape proposal to provide a screen for the four properties along the A281 (Corner House, Cherrington Cottage and No.'s 1 and 2 Southlands). The indicative layout shows a separation distance of approximately 28m from the rear elevation of the proposed dwellings to the rear elevations of Southland Cottages. Whilst Officers appreciate that some level of amenity harm will occur to the residents of Southlands Cottages due to the open nature of their amenity space, in considering the proposal in the context of the existing development this harm is not considered to be significant. Furthermore, given the separation distance between the properties (approximately 28m) and the oblique angle of plots 1 and 2, it is not considered that any significant loss of privacy would occur. At this stage additional screening is not shown to the northern boundary of the site which would improve the relationship between the site and the dwellings along the A281. Final details of the screening would be secured as part of landscaping considerations at Reserved Matters stage.
- 6.22 In terms of Corner House and Cherrington Cottage, there is sufficient separation distance between properties and the proposed development to ensure that amenity harm does not occur. With regards to the amenity of those living on the other side of Brighton Road, given the sloping topography of the site and the existing mature hedging, trees and planting on this boundary, it is considered that the scheme as proposed would not present any appreciable amenity impact.
- 6.23 In terms of noise impact, HDC's Environmental Health Officer has reviewed the scheme and considers that the location of the proposed dwellings in proximity to the A281 (albeit across the side garden to Southlands Cottages) could result in adverse noise impacts for future

residents of the site. As such, a noise assessment and appropriate mitigation measures is required to ensure that future residents are protected for adverse noise impacts. In this instance given the site characteristics officers consider that the submission of this information can be appropriately managed by condition.

Affordable Housing

- 6.24 Policy 16 of the HDPF states that if a development site is sub divided to create two or more separate development schemes, the Council will seek an appropriate level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the site. Considering the site as a whole would result in a total of 15 dwellings. Policy 16 of the HDPF states that on sites providing 15 dwellings or more, the Council will require 35% of dwellings to be affordable. The Applicant has provided an affordable housing statement to support this Application. This statement proposes a commuted sum for affordable housing rather than on site provision, but does not set out an indicative figure.
- 6.25 In accordance with Policy 16 of the HDPF Officers have therefore considered this application as part of the overall development site at Coolhurst Close. This incorporates this application (DC/18/1792) alongside the approved application for ten residential units (DC/15/1946). Collectively the site should provide 35% affordable housing which equates to 5.25 units. Although the Section 106 approved under DC/15/1946 sought to provide onsite affordable housing, a commuted sum has been accepted as the Applicant could not find a Registered Provider to manage the small number of affordable dwellings. Under this Application, taking a site as a whole, the equivalent of 1.25 affordable units would be required. HDC's Housing Officer has confirmed that the Applicant is likely to struggle to find a registered provider for the equivalent of 1.25 units. On this basis Housing Officers are prepared to accept a commuted sum in lieu of the remaining affordable housing requirement to be used towards off site affordable housing. The Applicant has confirmed that they will pay the appropriate commuted sum to accord with 35% affordable housing provision and the requirements of Policy 16. Officers therefore consider that the proposal accords with Policy 16 of the HDPF subject to the signing of a Section 106 agreement.

Highways Impact

- 6.26 Criteria iii of Policy 5 of the NPNP requires access to be made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council. This access has already been secured and constructed in relation to the western parcel of the site.
- 6.27 In addition Policy 39 of the HDPF requires there to be sufficient capacity in the existing local infrastructure to meet additional requirements resulting from new development or suitable mitigation arrangements for the improvement of the infrastructure. Policy 40 of the HDPF requires development to maintain and improve the existing transport system. In addition to providing safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and delivery of goods. In addition Policy 41 states that adequate parking and facilities must be provided within developments to meet the needs of the anticipated users including cycle parking, motorcycle parking, charging plug-in or other low emission vehicles and the mobility impaired.
- 6.28 Officers acknowledge that objections have been received relating to the potential for the development to increase traffic volumes to unacceptable levels and create safety implications at the junction between Nuthurst Road and the A281. The Applicant has however submitted a Transport Statement to support this Application. This suggests that the development will result in approximately 3 additional car movements during peak morning hours and 3 additional car movements during peak evening hours. The report concludes that the additional number of car movements is relatively small and therefore that it is unlikely to result in a material impact on the operation of the highway network. This report has been

reviewed by Officers and WSCC Highways Officers who have raised no objection on this basis. With regard to Highway Safety Implications, WSCC Highways Officer has confirmed that Road Casualty and Collision Data shows that there have not been any transport related incidents along this stretch of road in the last 5 years. As such there would no basis on which to challenge the impact of the development on road safety.

- 6.29 With regard to access, parking and layout, the Application proposes access to the site via Coolhurst Close and the new access point from Nuthurst Road approved as part of the western site's planning permission. The road uses a residential cul-de-sac design with a 'T' shaped turning area and is an extension off of the existing permitted development. The Applicant has advised that parking provision will be in accordance with the WSCC car parking demand calculator. Based on the indicative housing mix this results in 9 allocated car parking spaces and 2 visitor car parking spaces. The Applicant also states that secure and covered cycle parking will be provided in accordance with WSCC standards. As this is an Application for outline permission with all matters reserved except for access, details of car parking and layout can be determined at Reserve Matters. Nevertheless, WSCC Highways Officers raise no objection to the proposed details including access to the site. As such, Officers consider that the proposal meets the requirements of 39, 40 and 41 of the HDPF.

Other Considerations

Drainage

- 6.30 Criteria V and VI of Policy 5 of the NPNP requires any scheme coming forward on the site to make satisfactory provision for managing sewage treatment; and make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.
- 6.31 Policy 38 of the HDPF requires that where there is the potential to increase flood risk, proposal must incorporate the use of Sustainable Drainage Systems where technically feasible, or incorporate measures which reduce the risk of flooding and ensure flood risk is not increased elsewhere.
- 6.32 Objections have been received over the ability of the existing drainage network to accommodate increase foul and surface water flows. The Applicant has submitted a Flood Risk Assessment to support the Application which considers the likelihood of both foul and surface water flooding.
- 6.33 With regard to foul water, the Applicant states that a sewerage capacity check was completed for the previous application (DC/15/1946). This application was for 10 new homes. At the time Southern Water confirmed that there was capacity for 20 new units within the local network. Southern Water have not raised any objections to the scheme on the basis of foul sewerage capacity. In terms of surface water flooding, the Applicant has proposed a scheme for the management of surface water. This includes a system of infiltration into the ground in accordance with the SuDs Hierarchy (infiltration, watercourse, public sewers, private sewers). Each dwelling will therefore have 2 infiltration blankets and any surface water from the roof will be routed to ground via the driveways which will be of porous paving. This scheme has been reviewed by Officers and HDC's Drainage Officer who has not raised any objections. As such, Officers consider the proposal to have met the requirements of Policy 5 of the NPNP and Policy 38 of the HDPF with regard to flood risk.

Ecology

- 6.34 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided (through locating on an alternative site

through less harmful impacts), adequately mitigated or as a last resort compensated form then permission should be refused.

- 6.35 Policy 14 of the NPNP requires that development does not significantly affect habitats for flora, fauna and wildlife corridors, to avoid the use of close board fencing to preserve wildlife corridors, to ensure that development does not affect ponds and lakes, streams or rivers.
- 6.36 Policy 31 of the HDPF states that where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can demonstrate that the reason for development clearly outweighs the need to protect the value of the site and that appropriate mitigation and compensation measures are provided. Furthermore, the supporting text at Para 9.33 states that development proposals must provide sufficient information to assess the effects of development on biodiversity, and should provide any necessary ecological surveys together with any prevention, mitigation or compensation measures. Policy 25 of the HDPF states that development proposals must maintain and enhance biodiversity, ensure no net loss of wider biodiversity and provide net gains in biodiversity where possible.
- 6.37 The Applicant has submitted an Extended Phase 1 Habitat Survey which concludes that the site has potential to Great Crested Newts and Reptiles. The Applicant has also submitted a reptile mitigation strategy to support this Application. These details have been reviewed by HDC's Consultant Ecologist who raises no objection to the application on the basis that the Applicant will need to obtain a licence from Natural England and agree suitable mitigation. A condition requiring any details of lighting to be submitted and agreed is also proposed to protect wildlife.
- 6.38 It should be noted that Policy 5 of the NPNP requires protection of the pond and surrounding area to the north of the site as a nature reserve. Officers note that ecology surveys were undertaken and a management plan produced in relation to this area under the previous planning permission. Officers therefore consider that this criteria has already been met.

Conclusion

- 6.39 The application is made in outline only, however the indicative information submitted with the application demonstrates that a scheme for 5 dwellings, in addition to the 10 already granted permission on the western part of the wider allocated site, is capable of being accommodated without harm to the landscape and townscape character of the area. The indicative details also provide assurance that the development would maintain a good level of amenity for adjacent residents and for future occupiers, and would be capable of providing sufficient onsite parking, with no harmful impact on highway safety. For these reasons the proposed development is recommended for approval in compliance with the relevant policies of the HDPF and NPNP, and subject to a s106 agreement to secure the necessary contribution towards affordable housing.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

7. RECOMMENDATIONS

To approve planning permission, subject to a s106 Legal Agreement and subject to the following conditions:

Conditions:

1. A condition listing approved plan numbers
2. (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

(d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
 - I. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
 - II. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

7. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

9. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall commence until a scheme for sound attenuation against external noise based on an acoustic assessment of the site has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the requirements of BS8233:2014 and shall include provision of adequate alternative ventilation where necessary and sufficient to prevent overheating. The approved sound attenuation works shall be completed before each dwelling is first occupied and shall be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10. **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

11. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures set out in Chapter 6 of the Extended Phase 1 Habitat Survey by AEW Ltd, dated July 2018

The approved landscaping 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. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes 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).

12. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a plan showing the layout of the proposed development and the provision of car parking spaces (including garages where applicable) for vehicles shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

14. **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or

side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

16. **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

17. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Extended Phase 1 Habitat Survey by AEWG, dated July 2018.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

18. **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

19. **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

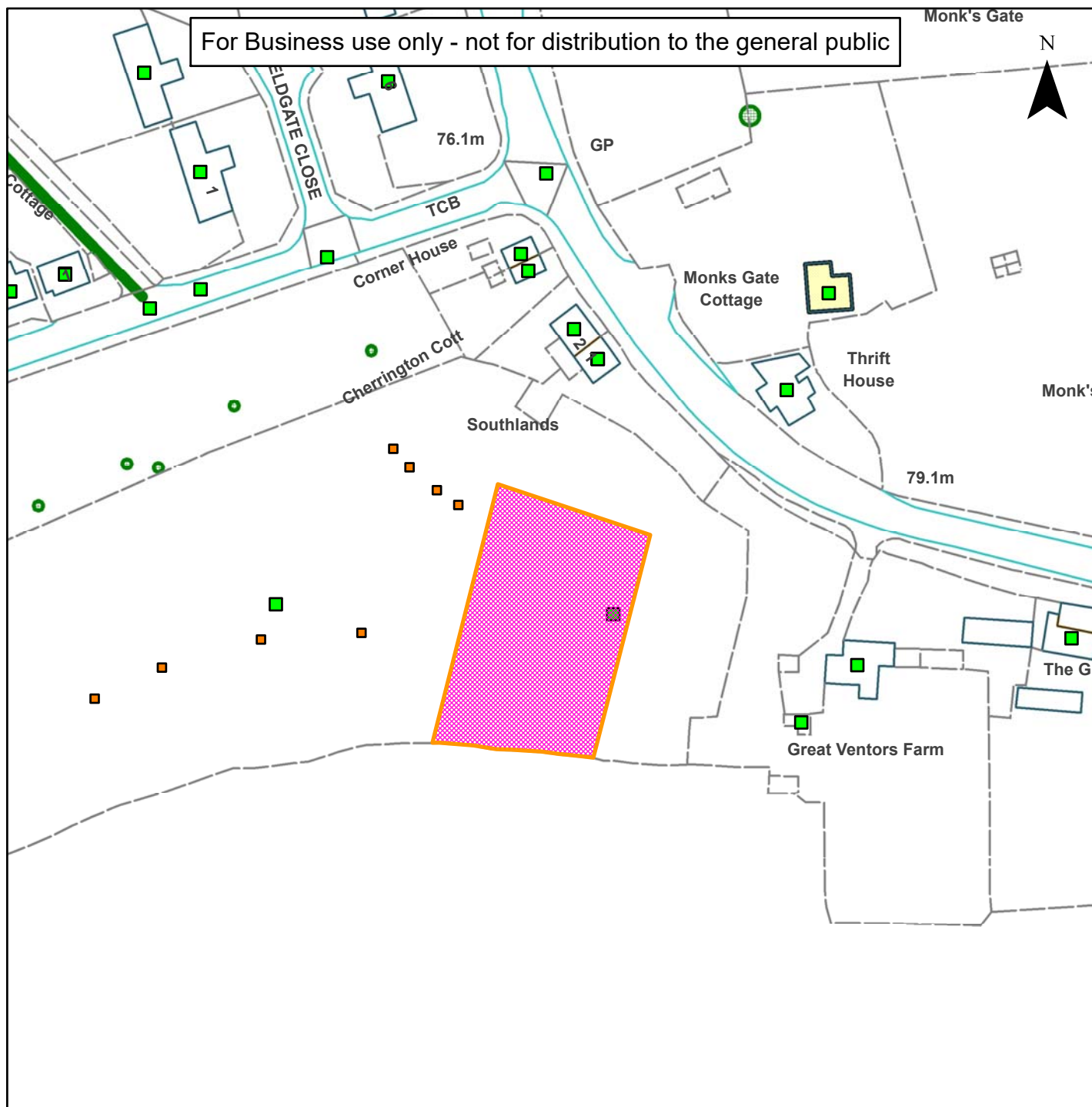
Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/1792

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Not Set



Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	25/10/2018
MSA Number	100023865

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Land at Great Ventors DC/18/1792 – Supplementary Comments from Spatial Planning

Following correspondence which has been received in connection with the above application, the Spatial Planning team have undertaken a review of the comments. The comments made by the spatial planning team on 15 October 2018 remain an accurate reflection of the policy position. To assist further with this interpretation of the policy position, the following supplementary comments are set out below:

- 1) The original box in the policy response confirms that the Nuthurst Neighbourhood Plan was made on 22 October 2015 and states that the plan is a material consideration in the determination of planning applications. To clarify, once made, a neighbourhood plan forms part of the Development Plan (along with the HDPF) – the policies in both plans therefore both form the basis for decision making in this parish. However, it is still necessary to consider other factors such as the NPPF which have emerged since that time.
- 2) An updated version of the National Planning Policy Framework was published in July 2018. The response from Strategic Planning identifies a number of key paragraphs in connection with this application. In addition to these paragraphs, we would also draw your attention to paragraph 59 of the 'new' NPPF. This states the government objective is to significantly boost housing supply. This is a material consideration and the proposal to increase numbers on this site must take this objective into account. It is worth noting that the outcome of the most recent Neighbourhood Plan Examination in Horsham District was a recommendation by the Examiner to remove the housing numbers ascribed to each site to help meet this objective and to ensure the most efficient use of land.
- 3) HDPF policy 4 – this section of our response covers why we consider that the proposal is in broad accordance with these criteria. It is important to note that the Examiner of the Nuthurst Neighbourhood Plan will have considered whether the allocation was in accordance with this approach (as well as the Core Strategy which was the adopted policy at that time). The principle of development at this location was agreed and the Examiner will have had to consider boundary / landscape impacts as part of this process (as referred to in section 5 of Policy 4). If there had been very significant landscape concerns the site would not have been allocated. Therefore, subject to the more detailed design issues, it is difficult to argue in pure policy terms that a relatively small number of additional dwellings within the wider site footprint would have such a significant effect on the landscape / boundary that the whole scheme becomes unacceptable, when the overall principle of development on this site has already been agreed.
- 4) Policy 15 of the HDPF – the 1500 homes to be delivered through neighbourhood planning is a minimum figure and the policy response correctly states 'at least'. However the point that this is a minimum figure as opposed to a ceiling is re-emphasised.
- 5) In the original response to this application, there was no direct commentary on the issue of affordable housing provision (policy 16). The site area is over 0.5ha which therefore requires the provision of 35% affordable. It is our understanding that the proposal will make additional contributions to ensure that the level of affordable housing provision continues to meet this requirement. We can therefore confirm that the scheme as proposed is compliant with HDPF Policy 16.

Catherine Howe

Principal Planning Officer - Strategic Planning 31/10/18

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**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee North

BY: Head of Development

DATE: 06 November 2018

DEVELOPMENT: Change of use from residential dwelling to mixed-use residential unit, religious meeting hall and place of worship. Demolition of various existing structures and erection of part single storey, part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed car parking

SITE: Stafford House Bonnetts Lane Ifield Crawley West Sussex RH11 0NX

WARD: Rusper and Colgate

APPLICATION: DC/18/1584

APPLICANT: **Name:** Hasnain Mohsin **Address:** C/O agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This application has been submitted following the previous planning application reference DC/17/1827 and its refusal at Committee on 09 January 2018. The proposal sought full planning permission for the same material change of use and development as proposed under this application, and it was resolved to refuse the application for the following reason:

“The change of use of the property as proposed would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).”

1.4 The current application again seeks the change of use and alteration of Stafford House to provide a mixed use residential unit and meeting/prayer facilities for the local Shia Muslim community. The proposal remains the same as the previous application under planning reference DC/17/1827, albeit that a ground floor window to the northern elevation of the proposed extension has been removed. This application has sought to address the reasons

for refusal with the submission of a Noise Assessment and an updated Supporting Statement.

- 1.5 The first floor of the property will be used as an Imam's flat which will have a bedroom, kitchen/diner, lounge and bathroom. An extension to the property will provide ladies bathrooms and a storage room. At ground floor level, the extension will provide a communal kitchen, disabled WC and a preparation room where bodies will be ceremonially washed and prepared prior to burial away from the site. The ground floor of the existing property will be reconfigured to provide an area where children will be taught religious teachings.
- 1.6 Along with a two storey extension to the main building, a new detached structure will be constructed within the grounds, linked by a single storey extension to the new two storey extension. Main prayers will be held on the ground floor of this detached structure, with male toilets and a meeting room within the roofspace. This area will also be used to teach children. The floorspace of the building will increase by some 277%; from 176m² to 488m².
- 1.7 It is also proposed to widen the existing access to the property to the north, with the laying of Terram Geotextile sheeting (infilled with shingle and grass seed) to the south-east of the site to provide a parking area for up to 80 vehicles.

DESCRIPTION OF THE SITE

- 1.8 The application relates to Stafford House; a two storey, detached property located within the open countryside at the junction of Bonnetts Lane with Charlwood Road. The property lies on the southern side of Bonnetts Lane and is accessed off Charlwood Road. There is a single storey dwelling (Daisy Cottage) to the rear and a number of dwellings on the opposite side of Charlwood Road. The site, whilst within Horsham District, is some 170m from the boundary with Crawley Borough and residential properties within the neighbourhoods of Langley Green and Ifield. The site has been the subject of a number of enforcement notices in the past for use as a bed and breakfast and for airport car parking. The site lies within an aircraft noise contour zone relating to Gatwick Airport.
- 1.9 Since the deemed withdrawal of a previous application for community use of the building (reference DC/11/1350- see Planning History below), the property has been used for residential purposes with occasional community uses. More recently, a marquee was erected in the grounds of the property to accommodate prayer meetings. The ground floor of the building is being used to provide two prayer and meeting rooms for the local Shia Muslim community. There is a small kitchen area to the rear, with a lean-to type structure to the rear of the property being used as an over-flow kitchen/storage area and providing access to WC facilities. The four rooms at first floor level are being used as bedrooms for friends and family of members of the Shia Muslim community.

PLANNING HISTORY

- 1.10 The proposed use of the application site has been subject of a number of applications in the recent past, with the first dating to 2011 under planning reference DC/11/1350. As outlined within the Committee Report dated 06 December 2011, the application sought permission for the use of the ground floor of the existing residential dwelling for occasional, low-key use, up to three days per week, for approximately 30 people. The supporting statement outlined that in addition to the normal residential use of the premises (which would consist of the Imam's residence) the weekly events would comprise Sunday School classes for children between 9am and 12pm one day per week, and two weekday events for families on Tuesdays and Thursdays between 6pm and 9pm. It was stated that an additional occasional meeting may take place between 6pm and 9pm for special events. It was also suggested that two one-day events would take place over the Islamic calendar, during the months of

Muharram and Ramadam. It was concluded that while the application site is not located within a sustainable location in relation to facilities within the Horsham District, its geographical location is in close proximity to the built-up area of Crawley to the east. It was therefore considered that the site is appropriately placed close to services and public transport within the adjoining borough of Crawley, and that the site would be in appropriate proximity to the Shi'a community. It was therefore recommended that the application be approved subject to a legal agreement restricting the number of events, timings of the events, and the number of delegates in attendance. However, this Legal Agreement was not signed, and the application was withdrawn.

- 1.11 A later planning application under reference DC/17/1827 sought permission for a change of use to mixed residential and religious meeting hall, with the erection of an extension and internal alterations, along with alterations to the access and landscaping. During consideration of this application, a site meeting was held to discuss the use of the building and the frequency of the events held there. During this meeting it was outlined that regular events are held on either Tuesday or Wednesday evenings and on Thursday evenings, with other meetings taking place on Friday around midday and Sunday morning. However, during the festivals of Ramadam, Muharram and Safar, events are held more often. It was set out that the building will be used two evenings per week between 6.30pm and 9.30pm, for Friday prayers between 11.30am and 12.30pm and 1pm and 2pm depending on the time of year, and on Sundays between 10am and 2pm. It was suggested that typical attendance at these gatherings is between 40 and 100 people. Additionally, the intention was to celebrate three festivals a year on the site, one of which lasts for 12 days and another for 30 days. The timings of use during these festivals would be between 6.30pm and 9.30pm, and could be attended by some 250 people, with some 76 vehicles being parked at the site.
- 1.12 In considering this application, it was concluded that while members had resolved to grant planning permission for the 2011 application, the supporting statement clearly set out that the ground floor of the premises was adequate to serve the needs of the community, and that it was likely that no more than 30 people would use the property at any one time. The scheme as proposed, subject of DC/17/1827, would significantly increase the floorspace of the building, the number of people attending events at the property, and the number of events being held. As such, the change of use of the property would result in an intensification of the use of the site, to the detriment of the amenity of occupiers of the neighbouring properties, and the rural character and nature of the locality, contrary to relevant policies in the Horsham District Planning Framework (2015). The application was therefore refused on this basis.

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:

2.3 **National Planning Policy Framework**

2.4 **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 11 - Tourism and Cultural Facilities
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 40 - Sustainable Transport
 Policy 41 - Parking
 Policy 42 - Strategic Policy: Inclusive Communities
 Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

RELEVANT NEIGHBOURHOOD PLAN

PLANNING HISTORY AND RELEVANT APPLICATIONS

RS/37/58	Residential development at 2 houses per acre (From old Planning History)	Application 12.11.1958	Refused	on
RS/35/93	Erection of annexe Site: Stafford House Bonnetts La lfield	Application 20.09.1993	Refused	on
RS/8/94	Erection of 2 polytunnels and a farm store Site: Stafford House Bonnetts La lfield	Application 18.05.1994	Permitted	on
RS/72/00	Variation of condition 4 of rs/8/94 to allow a garden/farm shop Site: Stafford House Bonnetts Lane lfield	Application 06.12.2000	Refused	on
RS/11/01	Conversion of buildings to dwelling & garage retention of access removal of hardstanding to form paddock Site: Stafford House Bonnetts Lane lfield	Application 11.04.2001	Permitted	on
RS/33/03	Double garage and workshop Site: Stafford House Bonnetts Lane lfield	Application 27.06.2003	Permitted	on
DC/04/0227	Conversion and extension of building to form dwelling	Application 22.04.2004	Refused	on
DC/05/0689	Change of use to HMO (used for rent to low income persons who rent a single room with ensuite facilities together with communal kitchen and eating facilities) and 2-storey extension.	Application 18.05.2005	Refused	on
DC/05/1429	Change of use of land to airport parking for 55 cars	Application 01.09.2005	Refused	on
DC/05/2353	Change of use from residential dwelling to bed and breakfast	Application 02.12.2005	Refused	on
DC/05/2354	Retention of entrance gates	Application 30.11.2005	Refused	on

DC/11/1350	Change of use to a mixed use comprising residential unit and meeting rooms	Withdrawn Application on 27.08.2014
DC/17/1827	Change of use from residential dwelling to mixed used residential unit, religious meeting hall and place of worship. Erection of part single storey part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed landscaping.	Application Refused on 11.01.2018

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

INTERNAL CONSULTATIONS

3.2 **HDC Strategic Planning:** Comment

Local Plan policies are generally supportive of the development; however, given the location outside of the defined built-up area, it will be necessary for the applicant to demonstrate that the proposed location is the only practicable option, and that the site can meet the parking and travel requirements of anticipated users.

3.3 **HDC Arboricultural Officer:** No Comment

3.4 **HDC Environmental Health:** No Objection

The former Annex 1 to PPG23 Pollution prevention guidance (withdrawn in December 2015) advised that in respect of pollution (including noise) causing statutory noise disturbance, the test is not fixed, but relies upon consideration of a range of factors including the character of the locality. The granting of planning permission of any type may change the character of the locality, and therefore raise or lower the standard for statutory nuisance in the area. Statutory nuisance is not intended to secure a high level of amenity but is a basic safeguarding standard intended to deal with excessive emissions. Nuisance does not equate to loss of amenity; significant loss of amenity will often occur at lower levels that would constitute a statutory nuisance. It is therefore important for planning authorities to consider properly loss of amenity from emissions in the planning process in its wider context, and not just from the narrow perspective of statutory nuisance.

The Acoustic Assessment submitted, whilst adequate in theory, makes several assumptions and relies heavily on the proposed works being completed and mitigation measures being implemented at all relevant times.

If the change of use is to be approved, the following matters will need to be subject to condition:

- Hours of construction limited to 08.00 – 17.00 Monday until Friday, 09.00 – 13.00 Saturdays and no activity on Sundays or Bank Holidays.
- No live, amplified or recorded sound shall be performed or played in the open air.
- Prior to the commencement of the use, full details of measures to ensure the sung/spoken prayers shall not exceed 90dBA within the premises including details of any volume control unit and the design of the speaker array. The information should be

prepared by a competent person, and shall be submitted to and approved in writing by the planning authority.

- A management plan must be submitted to this authority and approved in writing for the day-to-day activities on site. This must include, but is not restricted to:
 - Traffic management
 - Limiting to a maximum number of 80 delegates
 - Ensuring that the recommendations of the Noise Survey and assessment recommendations are adhered to, i.e. keeping certain doors and windows closed during prayer sessions, encouraging people to leave the site quietly.
- A management plan must be submitted to this authority and approved in writing for the night time vigils on site. This must include, but is not restricted to:
 - Traffic management
 - Limiting to a maximum number of 30 delegates
 - Ensuring that the recommendations of the Noise Survey and assessment recommendations are adhered to, i.e. keeping certain doors and windows closed during prayer sessions, encouraging people to leave the site quietly.
- A management plan must be submitted to this authority and approved in writing for the special activities on site. This must include, but is not restricted to:
 - Traffic management
 - Limiting to a maximum number of 80 attendees
 - Ensuring that the recommendations of the Noise Survey and assessment recommendations are adhered to, i.e. keeping certain doors and windows closed during prayer sessions, encouraging people to leave the site quietly.
- The storage of bodies on the premises prior to a funeral will require refrigeration plant which is not detailed in the application or the noise report. Details of any plant to be installed at the property must be submitted to and approved in writing before installation.
- A management plan for the storage of bodies must be submitted to, and approved in writing by the Authority.

OUTSIDE AGENCIES

3.5 **WSCC Highways:** No Objection

The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Bonnets Lane from the existing point are considered acceptable and have been demonstrated at 2.4 by 140 metres to the west and 2.4 by 131 to the east.

Ideally, it would have been beneficial if the applicant had provided more information in relation to trip generation. However, confirmation has been received that the latest proposals are comparable to the 2017 application in terms of their respective use. Given that no objection was raised in respect of trip generation as part of the previous application from 2017, it is considered that there will be no material increase in traffic movements over what was previously submitted.

Further information is required for the Travel Plan, and as such a condition is suggested requiring an updated Travel Plan to be submitted.

3.6 **Southern Water:** No Comment

3.7 **Crawley Borough Council:** No Objection

The proposed use would offer a range of facilities for the local Shia Muslim Community, many of whom live within Crawley. The proposal would therefore provide significant religious and social benefits to Crawley residents.

PUBLIC CONSULTATIONS

3.8 **Rusper Parish Council:** Objection on the following grounds:

- Volume of traffic increased in the rural locality
- Detrimental impact on the neighbouring property
- Location of access between two busy road junctions
- Inappropriate in the countryside location

3.10 130 letters of objection were received from 120 separate households, and these can be summarised as follows:

- Dangerously close to busy junction
- Noise nuisance
- Inappropriate location
- Parking issues
- Impact on infrastructure
- Site too small for need
- Hours of use inappropriate
- Out of keeping with locality
- No identified need
- Bordering a Conservation Area
- Increase noise disturbance

3.11 166 letters of support were received from 106 separate households, and these can be summarised as follows:

- Providing needed community facilities
- High quality facilities
- No other facilities within the area
- Ideally located close to community
- No impact on landscape
- No impact on residential amenity
- Design in keeping

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 the change of use and alteration of Stafford House to provide a mixed use residential unit and meeting/prayer facilities for the local Shia Muslim community. The current application has sought to address the previous reasons for refusal with the submission of a Noise Assessment and an updated Supporting Statement. No alterations to

the original size, scale and form of the extension are proposed, albeit that a ground floor window to the northern elevation of the proposed addition has been removed.

Principle of Development

- 6.2 The site is located outside of any defined built up area boundary and as such is located within the countryside. The site is located close to the administrative boundaries of Crawley but is still within the jurisdiction of Horsham. The immediate area surrounding the application site is characterised by a mix of residential, commercial and hotel guest houses. However, the surrounding area is predominantly rural, with some sporadic development, and as such the relevant countryside policies apply.
- 6.3 While the application site is not considered to be located within a sustainable area in relation to the facilities within the Horsham District, which are remote from the site, its geographical location is however in close proximity to the built up area of Crawley which lies to the south and east. As such the site is considered to be appropriately placed and in close proximity to services and public transport within the adjoining Borough of Crawley. The applicants also advise that the site is within sustainable walking and cycling distance of the main built up area boundary of Crawley, and that it is closer to the Shia community than other mosques in the built up area of Crawley.
- 6.4 Policy 26 of the Horsham District Planning Framework (HDPF) sets out that outside of built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location, and either: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. Proposals must be of a scale appropriate to the countryside location and should not lead to a significant increase in the overall level of activity in the countryside.
- 6.5 Policy 42 of the HDPF states that positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users, including the specific needs of faith and other community groups, to meet their long term needs will be encouraged and supported. In addition, Policy 43 of the HDPF states that the provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities. Specific to sites located outside of built-up areas, the policy continues that proposals will be supported where this is the only practicable option, and where a suitable site, well-related to an existing settlement, exists.
- 6.6 The Design and Access Statement submitted with the application sets out that this small community of Shia Muslims is a registered charity and was set up in September 1987. Over the past five years the group has rented local community and leisure centres in Crawley to host events (for example Crawley Town Hall and Langley Green Sports Club). While there are other mosques within Crawley, these are used by Sunni Muslims who, although celebrating the same events within the Islamic calendar, do not undertake prayers and meetings together.
- 6.7 Following the refusal of the previous application under reference DC/17/1827, no further information has been submitted setting out what alternative facilities and/or buildings within the Crawley Borough or within the defined settlement boundaries of Horsham District have been explored to lead to this application site becoming the only practicable option for this community group. The Agent has however advised that neither Horsham District Council nor Crawley Borough Council have been able to offer alternative sites for use.
- 6.8 Following consultation with HDC's Property Team, it has been confirmed that there is no Council owned property that would be suitable for the proposed use and the requirements of the faith group. However, no evidence has been put forward to suggest that there is no

available property within the wider marker that is suitable for the proposed use. As such, it is considered that it has not been sufficiently demonstrated that the application site is the only practicable option.

- 6.9 The supporting information for the previous application (reference DC/17/1827) outlined that in addition to the normal residential use of the premises (which would consist of the Imam's residence) the weekly events would comprise Sunday School classes for children between 9am and 12pm one day per week, and two weekday events for families on Tuesdays and Thursdays between 6pm and 9pm. It was stated that an additional occasional meeting may take place between 6pm and 9pm for special events. It was also suggested that two one-day events would take place over the Islamic calendar, during the months of Muharram and Ramadam. A later site meeting outlined that regular events are held on either Tuesday or Wednesday evenings and on Thursday evenings, with other meetings taking place on Friday around midday and Sunday morning. However, during the festivals of Ramadam, Muharram and Safar, events are held more often. It was set out that the building will be used two evenings per week between 6.30pm and 9.30pm, for Friday prayers between 11.30am and 12.30pm and 1pm and 2pm depending on the time of year, and on Sundays between 10am and 2pm. It was suggested that typical attendance at these gatherings is between 40 and 100 people. Additionally, the intention was to celebrate three festivals a year on the site, one of which lasts for 12 days and another for 30 days. The timings of use during these festivals would be between 6.30pm and 9.30pm, and could be attended by some 250 people, with some 76 vehicles being parked at the site.
- 6.10 The supporting documentation for the current application outlines that the premises would be used between the hours of 7.30am to 11pm Monday to Friday and 10am to 11pm on Saturdays, Sundays, and Bank Holidays. This would not only include use of the premises itself, but also movements to and from the parking area (which would likely begin prior to, and finish after, the times suggested).
- 6.11 During the course of the application, further information and clarification was sought from the Applicant in respect of the actual number of delegates to use the site (including during general activities, special festivals, and night-time vigils); with a general guide to the hours of worship and activities throughout a day and during the week, clarification on the number of attendees at various activities, and further details on the assessment and appraisal of other available sites within the area also requested. Having requested clarification from the Agent on these issues, no additional information has been provided.
- 6.12 The application as submitted proposes to replace the marquee, which is intermittently erected on the site, with a similar sized permanent brick building along with a two storey extension to the property and a single storey extension to link the extension to the new building. The first floor of the existing property will be used as an Imam's flat with the two storey extension providing a communal kitchen, disabled WC and preparation room at ground floor level and ladies bathrooms and a storage room at first floor level. The ground floor of the existing property will be reconfigured to provide an area where children will be taught religious teachings. A new link-detached structure will be constructed within the grounds, linked by a single storey extension to the new two storey extension. Main prayers will be held on the ground floor of this detached structure, with male toilets and a meeting room within the roofspace. This area will also be used to teach children.
- 6.13 The previous application under reference DC/17/1827 is of significant weight to the consideration of the current application, particularly as the current proposal seeks permission for the same use and development as previously proposed. No reduction in the proposed floor area has been submitted, with the proposed extension to the building remaining the same as previously proposed, albeit with the omission of a ground floor window to the northern elevation. Though sought, no further clarification has been provided on anticipated numbers of delegates or frequency of events held, with the numbers and frequency as summarised in paragraphs 6.9 and 6.10 considered the most up to date.

- 6.14 The reason for refusal on the previous application reference DC/17/1827 stated:
“The change of use of the property as proposed would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).”
- 6.15 This outlined that the change of use of the property as proposed, when considering both the existing building and the extension, would result in a level and intensity of activity on the site, that would be inappropriate in this location, and would result in harm to the amenities of neighbouring properties as well as the rural character and nature of the locality.
- 6.16 As outlined within the supporting information of the previous application, the number of delegates using the premises could range between 40 to 100 at regular meetings, with the potential for this to increase up to 250 during special events. The proposed extension to the building sought to accommodate this number of delegates within a permanent brick-built structure, rather than the temporary marquee. As such, the scheme sought to significantly increase the floorspace of the building, the number of people attending events at the property, and the number of events being held. As a result of these factors, it was concluded that the change of use would result in an intensification of the use on the site, to the detriment of the amenities of the neighbouring property and the rural character and nature of the locality.
- 6.17 The current application has not sought to address the issues above beyond the submission of the noise survey and supplemental planning statement. No reduction in the proposed floor area has been submitted, with the proposed extension to the building remaining the same as previously proposed, albeit with the omission of a ground floor window to the northern elevation.
- 6.18 It is considered that the size and scale of the proposed addition is an intrinsic part of any potential use. As can be clearly seen from the previous refusal, it was the resulting intensification of the use of the site, which is comprises the nature of the use, the level and frequency of activity, and the number of users, which is of particular concern; all of which are determined and accommodated for by the size of the resulting building in its totality.
- 6.19 Policy 26 of the Horsham District Planning Framework (HDPF) states that *“outside built-up areas, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location...In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside”*.
- 6.20 The ground floor area of the building in its totality, which comprises the existing building and the proposed extension, is considered to provide a useable area of space that would facilitate a high level of activity. The cumulative impacts of the size of the resulting building, the potential number of delegates using the resulting space, and the number of events being held, would result in an intensity of activity that would be harmful to the rural character, nature, and ambience of the locality.
- 6.21 While the principle of the use on the site may be considered acceptable given its proximity to the administrative boundary of Crawley Borough, it is the level and intensity of activity on the site, driven by the resulting floor area, potential number of delegates and frequency and length of events, which is of material significance. The Agent has been unwilling to provide clarification on the number of delegates likely to use the premises at any one time, with evidence from the previous application suggesting that the building could be used for

between 100 to 250 delegates during special events, with the submitted Noise Assessment suggesting that 80 delegates may be in regular attendance.

- 6.22 Such an intensive use of the premises, facilitated in part by the size of the resulting building, is considered to cumulatively lead to a significant increase in the overall level of activity in the countryside. As such, it is considered that the proposed change of use and associated development would be contrary to the relevant policies within the HDPF. This level of harm is considered to outweigh any community benefit which would be derived from the scheme.

Character and Appearance

- 6.23 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.
- 6.24 The application proposes the change of use of the existing property and a number of extensions. The floorspace of the building will increase by some 277% from 176sqm to 488sqm. The site is relatively well hidden from public view by mature planting around the boundaries of the site and the extensions have been designed to appear as a two storey domestic extension with a detached garage-type structure.
- 6.25 While it is acknowledged that the extensions to the property have been designed to fulfil the needs of the community, the extensions are extensive and would increase the floorspace of the property significantly. The increase in the floorspace, coupled with the increase in the level of activity in this countryside location, will result in an adverse impact on the character of the area, contrary to policies 26, 32 and 33 of the HDPF.

Amenities of the occupiers of neighbouring properties

- 6.26 Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.27 The previous application under planning reference DC/17/1827 raised concerns in respect of the level of activity and intensity of use, and the impact this would have on the amenities of the neighbouring properties, particularly that of Daisy Cottage to the north. It was concluded that given the level of activity likely to take place at the site, the change of use for meeting/prayer facilities was inappropriate in this location, and was likely to result in unacceptable harm to the amenity of the occupiers of the neighbouring residential properties, contrary to Policy 33 of the HDPF.
- 6.28 The supporting documentation outlines that the premises would be used between the hours of 7.30am to 11pm Monday to Friday and 10am to 11pm on Saturdays, Sundays, and Bank Holidays. The use of the premises would not only include use of the premises itself for the hours as summarised, but also movements to and from the parking area, which would likely begin prior to, and finish after, the times suggested.
- 6.29 These hours of use far exceed those provided as part of the previous application(s), which outlined that the use of the premises would encompass regular events on either Tuesday or Wednesday evenings and on Thursday evenings, with other meetings taking place on Friday around midday and Sunday morning. During the festivals of Ramadam, Muharram and Safar, it was outlined that events are held more often, with the potential for the building to be used two evenings per week between 6.30pm and 9.30pm, for Friday prayers between 11.30am and 12.30pm and 1pm and 2pm depending on the time of year, and on Sundays between

10am and 2pm. The use of the building as previously suggested therefore ranged between the hours of 10am and 9.30pm across the week.

- 6.30 The proposed use of the building as now suggested in the current supporting documents would be far more intensive than previously suggested, with little information provided to outline what such an expansive day/week would encompass in terms of activities and general use. Furthermore, it is noted from the supporting information that it is also proposed to hold at least two “night-time vigils” which would run until 2/3am. The Agent has been unwilling to provide further clarification on what these events would entail, with no further information on anticipated numbers or nature of relevant activities provided.
- 6.31 Given the proposed hours of use, for the suggested number of 80 delegates (or more), it is considered that the cumulative impact of such an intensive use would be of a nature and level of activity that would detract from the countryside setting and ambience, and would likely lead to undue harm to the neighbouring property to the north, particularly at more sensitive times of the day/night.
- 6.32 The Applicant has submitted a Noise Assessment to illustrate that the proposed use of the building would not result in harm to the amenities of neighbouring properties. The Noise Assessment outlines that the survey was undertaken on Friday 08 June 2018, where the building was being used for an Evening Prayers event, followed by a Shared Meal. Some 70-80 people were in attendance, which it is stated is typical of this type of event, and represents the maximum use of the premises. It continues that other events attract far fewer numbers, with the June 8th event monitored as it involved the likely maximum use of the premises. It was concluded that the sound levels due to an event of approximately 80 delegates, when reaching the facades containing windows of the northern neighbouring property at Daisy Cottage, would not contribute to the soundscape of the neighbouring property. Mitigation measures are subsequently proposed in the Noise Assessment, including the enclosure of the rear yard, the closure of windows and doors unless in emergencies, and the restricted use of the conservatory so that no amplified sound is played within this area.
- 6.33 The Agent has outlined that the Applicant is unwilling to accept restrictive conditions in relation to number of delegates and hours of use. The Agent outlines that in his view, the use of the site for any number of delegates or events, would not result in harm to the neighbouring residential properties; and in any case, conditions should not be imposed if it is covered by separate Environmental Health legislation. The Agent therefore concludes that conditions should not be imposed on any determination as a statutory noise nuisance arising from the use would be covered by separate environmental legislation.
- 6.34 With respect to statutory noise disturbance, there is no fixed test, but consideration of a range of factors including the character of the locality is required. It is not intended to secure a high level of amenity, but is a basic safeguarding standard intended to deal with excessive emissions. Therefore, statutory noise nuisance does not equate to loss of amenity in planning terms; rather, significant loss of amenity can occur at lower levels that would constitute a statutory noise nuisance. As such, it is important to consider loss of amenity from noise in its wider context, and not just from the narrow perspective of statutory nuisance.
- 6.35 Residential amenity for the purposes of planning does not focus solely on whether a statutory noise nuisance would occur as a result of the proposed development, but rather gives consideration to all forms of disturbance. It is acknowledged that the site is within a noise sensitive location in close proximity to Gatwick Airport, where aircraft noise is a daily background source of noise alongside road traffic outside the site. Notwithstanding this, it is considered that general disturbance generated by, and associated with, the level of activity from the proposed use would result in a loss of residential amenity. This is in part owing to the potential number of occupants of the site and the impact sudden, continuous or unexpected noise can have on the quiet enjoyment of a property, particularly when such

noise occurs in close proximity across a boundary fence. This impact is different to that generated by traffic and aircraft which is both more regular and background given its distance from property.

- 6.36 The Noise Assessment refers to a maximum delegation of 80, with the proposed mitigation seeking to ensure that the noise from the proposed use remain under acceptable residential levels. While the Noise Assessment outlines that noise impacts would be minimal for a delegation of 80, there are still concerns in respect of the appropriateness of this number given the relationship of the application site with the neighbouring property of Daisy Cottage, as well as the countryside location of the site.
- 6.37 The neighbouring property at Daisy Cottage sits directly adjacent to the application site, and is of a modest residential dwelling set in an open plot. A 2m high wall and fence separates Daisy Cottage from Stafford House, with the rear elevation and open lean-to to Stafford House sitting in close proximity to the boundary fence. Consequently Daisy Cottage is vulnerable to noise from both activity within the open sided lean-to, from activity within the rooms facing the boundary, and from movements in the proposed car park which also abuts the boundary with Daisy Cottage. These activities would take place in close proximity to Daisy Cottage and as such would have a more intrusive and harmful impact than would be the case if the separation between the properties was more generous.
- 6.38 The Noise Assessment submitted in support of the application outlines that mitigation could be undertaken to reduce potential noise impact on Daisy Cottage. This mitigation could include the following:
- Management of parking area through reduced speed limits, signage directing noise levels, and the use of appropriate noise-limiting surface finish
 - Enclosure of the existing sheltered area to the rear (where food preparation currently occurs)
 - Closure of windows and doors on northern façade during use
 - Installation of glazed door between the main room and conservatory, with no loud speaker provided within the conservatory
 - Careful positioning of loud speaks so that broadcast is directed away from Daisy Cottage
 - Use of automatic volume control units so that the sound level from the PA system does not exceed allowable limits.
- 6.39 While the Noise Assessment outlines potential internal mitigation to reduce noise disturbance, it is nonetheless considered that the general level of activity, incorporating trips to and from the site as well as movement associated with activities and events, would be of a nature, number, proximity and intensity that would result in unacceptable harm to the amenities and sensitivities of the neighbouring property of Daisy Cottage, as well as the general ambience of the countryside location.
- 6.40 The mitigation as proposed within the Noise Assessment is heavily reliant on the actions of the delegates on a regular basis, with the mitigations needing to be carried out consistently on a daily basis in perpetuity to minimise the potential for disturbance. While a condition requiring such mitigation as proposed could theoretically overcome the concerns raised in respect of noise disturbance, it is considered unlikely that the imposition of such a condition could be sufficiently enforced given the number of mitigations required. Therefore, doubt is raised as to whether such mitigation would be a practical solution to overcoming the potential noise issues.
- 6.41 Notwithstanding the findings of the Noise Assessment, concerns remain that the proposed use of the site would likely contribute to movements, activities, and general noise that would go beyond what would usually be considered in close proximity to a dwelling and within a

countryside context. Although acknowledged that the application site does not sit within a residential enclave, the nearest neighbours comprise residential properties, with the wider area falling within the countryside where Policy 26 requires that development provides for its quiet and informal use.

- 6.42 Beyond this, the size of the site as a whole is of relevance when considering the context of the site and surroundings. The application site measures to approximately 0.2 hectares, with the existing building positioned to the north-eastern edge of the site on the closest part of the site to Daisy Cottage. At the proposed quantum of use, the existing building would be extended by approximately 277%, with the outer area of the site used solely for the parking of vehicles (equitable to 80 vehicles). Notwithstanding the anticipated numbers of delegates using the site (estimated to be between 40 and 250 people), the corresponding activity related with movements to and from the site, and actions associated with the festivals and ceremonies, would demonstrably affect the character and ambience of the countryside location to which the application site forms a part, and be significantly intrusive on the occupiers of Daisy Cottage immediately adjacent.
- 6.43 Furthermore, of particular concern is potential noise disturbance through vehicle movements and the shutting/slamming of doors etc when delegates leave the premises. A total of 60 vehicle parking spaces are shown on the submitted plan, with the annotation suggesting that another 20 unmarked vehicle spaces would be doubled banked on the site. A Green Travel Plan has also been submitted which outlines how sustainable forms of transportation will be promoted, with additional delegates arriving to the site through these means.
- 6.44 While noted that the level of parking in the site could be achieved, there is nonetheless concern that such parking, and the associated level of activity and noise from related movements, particularly during later hours, would result in harm to the ambience and rural character of the locality, and the amenities of Daisy Cottage given their close proximity. It is considered unreasonable for such a potentially significant level of use to occur later in the evening, with the regular hours of 11pm and intermittent hours of 2/3am considered to be outside of reasonable hours where such noise and activity, including high numbers of vehicle movements, would be considered acceptable. This is particularly the case given the countryside location of the site. Therefore, while the recommendations within the Noise Assessment have been given full consideration, it is nonetheless considered that vehicle movements and general activity to the level proposed, outside of the premises and into these later hours within the countryside, would result in unacceptable harm to the amenities and sensitivities of the neighbouring properties.
- 6.45 While it is acknowledged that Environmental Health raise no objection to the proposed use, subject to it being restricted by condition to no more than 80 delegates at a time, there are still concerns that the general level of activity associated with such number would be inappropriate given the close relationship of the application site with the neighbouring property of Daisy Cottage, and the character and ambience of the countryside location. In addition, while the Noise Assessment suggests that a number of 80 delegates would likely amount to the maximum use of the premises, the Agent has failed to confirm this, with the information provided for the previous application suggesting that maximum numbers during certain events could range up to 250 individuals.
- 6.46 As outlined within Planning Practice Guidance, the decision to grant or refuse a planning application ultimately rests with the Local Planning Authority, taking into account all relevant planning considerations, not just advice from consultees. Therefore, while the background noise environment of the site is noted, it is the cumulative impact resulting from level of activity, movements, and associated noise, in such close proximity to the neighbouring property of Daisy Cottage, and over such an extended length of time, that would result in harm to both the character and ambience of the countryside location, and the amenity of this neighbouring property. The general level and erratic nature of noise emanating from the use and associated activity is therefore considered to disturb the sense of peace within this

countryside location, and that experienced by the residential property of Daisy Cottage to the north.

- 6.47 The change of use of the property as proposed would therefore result in an intensification of the use of the site, to the detriment of the amenity of occupiers of the neighbouring properties, contrary to Policy 33 of the Horsham District Planning Framework (2015).

Existing Traffic and Parking Conditions

- 6.48 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. Paragraph 109 of the NPPF sets out that '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'.
- 6.49 A number of local residents have raised concerns with the suitability of the access into the site given the location of the property at the junction of Bonnetts Lane with Charlwood Road. Concerns have also been raised in respect of the level of parking provision being proposed.
- 6.50 A Green Travel Plan has been provided which provides a framework for the Shia Community to work to. A travel plan co-ordinator will be appointed and they will be named in the document. A car parking strategy has been provided which details how the cars will be managed on site. There is the potential for a maximum of 80 spaces, although this is proposed as the maximum and the plan details how the cars would be parked in a normal scenario. A Car Park Marshall would be used to ensure the cars are parked safely at very busy periods when tandem parking would be required.
- 6.51 Following consultation with the Highways Authority, no objection has been raised to the proposed use and development. The existing access is considered adequate to accommodate the anticipated level of activity, with the proposal not considered to materially increase the traffic movements beyond what was previously considered acceptable. As such, no objection is raised to the proposal, subject to the submission of a suitable Travel Plan.

Conclusion

- 6.52 Following the earlier refusal under reference DC/171827, the Applicant has submitted a Noise Assessment and supplementary Planning Statement which seeks to illustrate that the proposed use would result in limited harm to the residential amenity of the neighbouring property of Daisy Cottage. No reduction in the proposed floor area has been submitted, with the proposed extension to the building remaining the same as previously sought, albeit with the omission of a ground floor window to the northern elevation.
- 6.53 Despite requests to the Applicant, no further precise details in the events times, number of attendees, and nature of day-to-day activities and festivals, have been submitted to assess the likely impact.
- 6.54 The cumulative impacts of the size of the resulting building, the potential number of delegates, and the number of events being held, would result in an intensity of activity that would be harmful to the rural character and ambience of the locality. In addition, while the evidence and recommendations within the Noise Assessment has been given full consideration, it is nonetheless considered that the cumulative impact of vehicle movements and general activities at the site level, likely into later hours of the day/night, would result in unacceptable harm to the amenities and sensitivities of the neighbouring properties, in particular Daisy Cottage to the east given its close proximity.
- 6.55 The change of use of the property as proposed would therefore result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties

and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

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
District Wide Zone 1	378.9	154.3	224.6
	Total Gain		
	Total Demolition		

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

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 To refuse the application for the following reason:

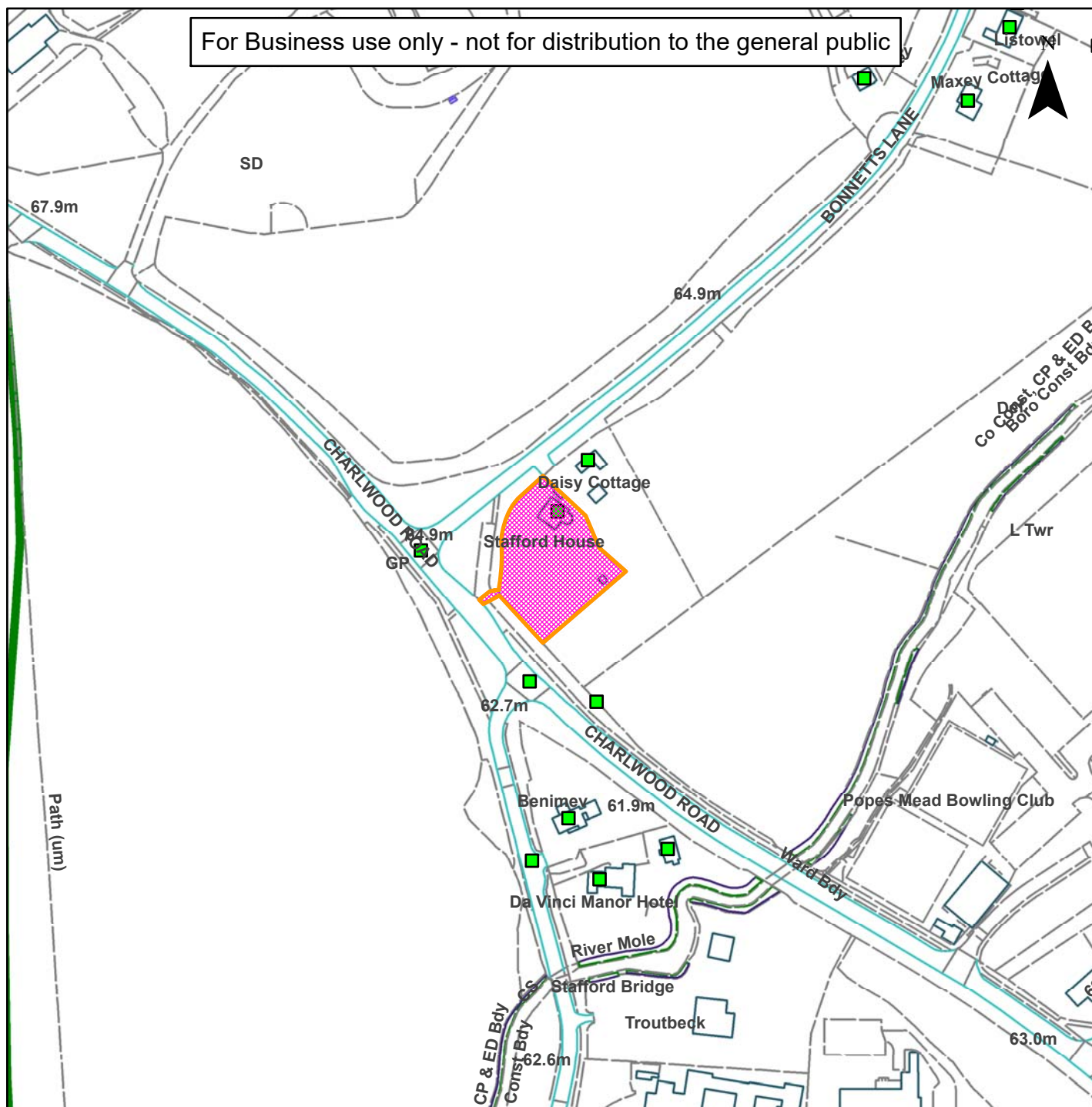
- 1 The change of use of the property as proposed, when considered in totality alongside the proposed extension, would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1827
DC/18/1584



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Department	
Comments	Not Set
Date	25/10/2018
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 6 November 2018

DEVELOPMENT: Provision of new road to enable access to proposed development of 57 houses at land at Windacres Farm (all proposed dwellings within Waverley Borough Council boundary)

SITE: Land Between Trundle Mead and April Rise, Cox Green, Rudgwick, West Sussex

WARD: Rudgwick

APPLICATION: DC/18/1520

APPLICANT: **Name:** William Lacey Group **Address:** C/O Agents WYG

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

The application involves land owned by a Council Member.

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 Outline planning permission is sought for the provision of a new access road off Cox Green. The new road would allow access for up to 57 houses being proposed to the south of the site at Windacres Farm. The proposed road would be between the houses at Trundle Mead and April Rise. The new road would include two lanes and a pavement. An area of land is shown adjacent the new road, to the north east side, which is indicated as a grassed area. This permission is for outline consent for the access only. If recommended for approval, other considerations, including design and landscaping, would be considered under a Reserved Matters application.

1.3 The current application is only for the access to the proposed houses as this is the only section of the site which is within the boundary of Horsham District Council. The section of the site at Windacres Farm which would provide for the 57 dwellings is within the boundary of Waverley Borough Council. The boundary between Waverley BC and Horsham DC cuts across the back of the rear gardens of the houses on Cox Green. As such, this is a cross

boundary proposal being considered by two separate councils. The main bulk of the proposal for housing is within the jurisdiction of Waverley BC. The application within Waverley BC's area is currently being considered (ref: WA/2018/1458).

DESCRIPTION OF THE SITE

- 1.4 The application site relates to land in between two detached houses on Cox Green called Trundle Mead and April Rise. The site is located to the northern end of Rudgwick within the built-up area boundary. The site includes an area of hedgerow and plant growth, and is separated from Trundle Mead by a row of semi-mature trees. April Rise includes a large detached garage to front of the house. A grassed area lies to the south of the site between the two houses. This area of Rudgwick is characterised by large detached houses within substantial grounds. The section of the site which is proposed for the housing is to the south of the site at fields at Windacres Farm.

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 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport

Supplementary Planning Guidance:

- 2.3 Rudgwick Parish Design Statement

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Rudgwick was designated as a Neighbourhood Development Plan Area in June 2016. To date, no draft neighbourhood plan has been produced for the Parish.

PLANNING HISTORY AND RELEVANT APPLICATIONS

RW/79/94	Erection of 1 dwelling and garage with new access	Application refused in 1995 (subsequent appeal dismissed)
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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

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No Objection
- 3.3 **HDC Drainage Engineer:** No Objection.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection subject to conditions.
- 3.5 **Ecology Consultant:** No Objection subject to conditions.
- 3.6 **WSCC Rights of Way:** Comment. The application should look into the possibility of creating a bridleway between Church Street through the development to link up to the existing bridleway to the south of the site.

PUBLIC CONSULTATIONS

- 3.7 **Rudgwick Parish Council** have objected to the proposal on the following grounds:
- The negative impact on the properties along the new road.
 - The intrusion on the countryside. The new road affects the rural character and undeveloped nature of the countryside.
 - The development of the 57 houses would significantly urbanise and change the rural character of the site and result in the loss of the linear historic pattern.
 - Concern is raised regarding the accuracy of the comments from WSCC Highways and the Agricultural Statement submitted.
- 3.8 **Rudgwick Preservation Society** have objected on the following grounds:
- Whilst the scheme is within Waverley BC, the proposal is effectively an extension to Rudgwick. Permission should not be given for the road until Waverley BC have decided the proposal for the housing.
 - The road is unsuitable and the proposal will result in an unacceptable increase in traffic and parking.
 - The Society reject the comments of WSCC Highways.
- 3.9 **136 objections** have been received on the following grounds:
- Lack of infrastructure and services to cope with the additional demand, such as doctors surgeries and schools.
 - Impact of construction traffic.
 - The access and increased traffic will result in highway safety issues. The access is near to a bend in the road where there is busy traffic.
 - The findings of the traffic survey are questioned.
 - Disagreement with the comments of WSCC Highways.
 - Loss of countryside and overdevelopment.
 - Inappropriate design which will spoil the character of the village.
 - No more houses are needed in Rudgwick which is already struggling with current developments. The proposal is within Waverley BC and has no benefit for Rudgwick or Horsham DC.
 - Inaccuracies in the plans and supporting statements.
 - Impact on residential amenity.
 - Increase in pollution.
 - Removal of hedgerows.

- Ecological damage.
- Additional light pollution.
- The applicant is a District Councillor.
- Impact on water drainage and lack of sewage infrastructure.
- Refuse collection.

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 This application is to consider whether the proposed access road for up to 57 houses is appropriate. The access is the only part of the proposal within Horsham District Council's jurisdiction. The main part of the proposal for 57 houses is within Waverley Borough Council. At the time of writing this report, the Waverley BC application for the 57 houses is pending a decision. Horsham DC have been consulted on this part of the proposal by Waverley BC and will comment accordingly.

6.2 The main considerations for this proposal are whether the access is appropriate in terms of highway safety, design, impact on amenity, drainage, landscape and impact on ecology. A large number of objections have been received from local residents which relate to the principle and impact of the proposed housing. The proposed housing is not a consideration in the determination of this application as this section of the proposal is within the jurisdiction of Waverley BC.

Highway Safety and Access:

6.3 The proposed road would be provided on a section of unused land in between the houses at Trundle Mead and April Rise. The proposed road goes up to the rear boundary of these properties (127m). This is where the boundary of Horsham District Council meets the boundary of Waverley Borough Council. The road then continues on to serve the proposed houses to the south. The proposed access is shown as 5.5m wide with a 2m footway on the western side. The new footway would be an extension of the existing footway at Cox Green.

6.4 Paragraph 109 of the NPPF sets out that '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'.

6.5 To support the new access, a Transport Statement has been submitted. A Stage 1 Road Safety Audit has been carried out by the applicant as well as traffic surveys. An automated traffic count and speed survey was also undertaken in March 2016 to determine percentile speeds. WSCC highways have assessed the new access and commented that they have no objections in terms of highway safety. This is subject to conditions, including the submission of an updated Road Safety Audit.

6.6 Residents have raised concerns regarding the access and the data provided. This is, in part, in relation to when the surveys were taken and if they are reliable. In response, an additional Technical Note has been provided by the applicant. The note is in relation to the speed survey data and visibility splay dimensions. WSCC has commented that the traffic data

submitted is considered to be acceptable and there is no significant or meaningful evidence or reason to doubt the appropriateness of this data.

- 6.7 In terms of trip generation, proposed vehicle trips for the proposed housing have been provided using TRICS (Trip Rate Information Computer System). The report indicates vehicle movements in the region of 26 two way movements in the AM peak period (8-9am) and 25 two way movements in the PM period (5-6pm) to serve the proposed 57 dwelling development. The Highway Authority is satisfied with the parameters used in the report and has commented that the vehicle movements proposed would not have severe impact on the local highway network.
- 6.8 One of the requirements stipulated by WSCC highways is the provision of appropriate visibility splays. The proposal indicates visibility splays of 51m to the south and 53m to the north (from a setback of 2.4m). A condition is recommended that once the splays have been provided they shall thereafter be maintained and kept free of all obstructions in the interests of highways safety. The land in question is either adopted highway land or under the control of the applicant. If vegetation is overhanging from third party land, then this can be cut back without third party consent to maintain the visibility splays and highway safety.
- 6.9 Overall, it is considered that, subject to conditions, the new road is appropriate in terms of highway safety and is in accordance with Policy 40 of the Horsham District Planning Framework (2015) and paragraph 109 of the NPPF.

Design

- 6.10 As outlined above, this proposal is for the provision of the new access road only. The new road would be located at a section of unused land in between two houses on Cox Green, and would require the removal of hedgerow fronting Cox Green. The details regarding the final design of the road would be considered under a reserved matters application, in the event that approval is granted. This would include the materials of the new road, pavement and all landscaping. The proposed access will introduce a gap in an existing hedgerow between April Rise and Trundle Mead, however this is not uncharacteristic of the street scene and in itself is not considered to result in harm to the character of the area. The Council's Landscape Officer has raised no objection to the proposal accordingly. ON this basis it is considered that, in between the two houses within the defined settlement boundary of Rudgwick, a new road of the scale proposed would not stand out as an inappropriate addition, therefore the principle of the proposal in design and landscape impact terms is considered acceptable.

Impact on Amenity

- 6.11 Policy 33 of the HDPF states that developments are required to be designed to avoid unacceptable harm to the amenity of nearby properties. For this proposal, the amenity consideration is whether the use of the road would result in an unacceptable noise and amenity impact on the immediate adjacent properties at Trundle Mead and April Rise. The new road would be in close proximity to these two properties.
- 6.12 April Rise is a detached house to the west of the new road. The house is approximately 4m from the boundary and includes side windows facing the proposed access road. The house would be approximately 7m from the new road itself. April Rise includes a new garage which has been constructed to the front of the property. The garage is closer to the new road than the main house but is not indicated as habitable accommodation.
- 6.13 Trundle Mead is the immediate detached house to the east of the new road. This dwelling would be closer to the boundary of the site of the new road. Trundle Mead would be approximately 5m from the new road. Both properties have limited side windows facing the

new road. It should be noted that none of the side windows at April Rise which face the property serve habitable rooms.

- 6.12 The proposal would result in an increase in noise from cars coming and going to and from the site but this would generally be at peak times during the morning and evening. The properties already experience traffic noise through the daily use of Cox Green. Given the vehicle movements indicated for the wider housing development and the distances from the new road, it is not considered that the use of the new road would significantly increase the existing noise impact to any great degree. Whilst there would be a noise increase through the use of the new road, the increase would mainly be at peak times and it would be difficult to argue that this results in a significant impact in terms of noise disturbance. The use of the footpath to Cox Green is also likely to be limited given that it does not give access to any services for the future residents of the development. Shops and services at Rudgwick are all located to the south of the site. For these reasons it is considered that the proposed road would not result in a significant impact on the amenities of the two adjacent properties, or any other dwellings in the immediate area.
- 6.13 It should be noted that the amenity impact is only acceptable based on the number of vehicle movements associated with the proposed 57 dwelling scheme, with any more potentially having a harmful impact. Therefore a condition is required to link this development to the Waverley scheme, as outlined below.

Other Considerations

- 6.14 In relation to Ecology, the scheme includes a Preliminary Ecological Appraisal. This covers the whole of the wider site. The section of the site under consideration in this application includes a small section of hedgerow fronting Cox Green and an area of mainly grassland. The Ecological Appraisal states that the site as a whole has potential for foraging and commuting bats, terrestrial habitats for great crested newts, breeding birds, reptiles and dormice. The Council's Consultant Ecologist has commented that the main issue with this part of the site for the access is the impact on great crested newts and reptiles. No objection is raised subject to compliance to the measures outlined in the Ecological Appraisal.
- 6.15 In terms of drainage, the Council's Drainage Officer has not raised any objections to the proposed section of road. Full details of drainage for this section of the new road will be considered under the Reserved Matters application.
- 6.16 Details of landscaping will be submitted as part of a reserved matters application. It should be noted that this section of the proposal does not include any substantial trees which are proposed to be removed. The submitted Arboricultural Statement indicates that the trees and hedgerows along the boundaries of April Rise and Trundle Mead will be protected with fencing during the construction works.
- 6.17 The road is considered appropriate in the context of the overall development of the site in conjunction with the Waverley application. As a stand alone application, without the proposed housing, the new road would lead to nowhere and would be inappropriate. This proposal is therefore only acceptable as an access road in conjunction with the new houses, currently being considered by Waverley BC. Therefore, a condition is recommended that the new road is only used in conjunction with the application currently being considered by Waverley for 57 houses (ref: WA/2018/1458).

Conclusion

- 6.18 Subject to conditions and detailed design at the Reserved Matters stage, the new access road is considered appropriate in terms of highway safety, ecology, impact on amenity and design.

7. RECOMMENDATIONS

7.1 That planning permission be approved subject to the following conditions:

Conditions:

1 A list of the approved plans

2 **Standard Time Condition:**

- (a) Approval of the details of the layout and appearance of the new road and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the appearance of the road and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3 **Pre-commencement Condition:** No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention as indicated in Arboricultural Report by Dryad Tree Specialists, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The approved access road shall only be provided and used in conjunction with the proposal for housing at Windacres Farm (Waverley Borough Council ref: WA/2018/1458). The new road shall not be used for any other purpose.

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

- 6 **Regulatory Condition:** No part of the access road shall be first used until visibility splays of 51m to the south and 53m to the north (from a setback of 2.4m) have been provided at the proposed site vehicular access onto Cox Green in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** The development shall be carried out in accordance with the mitigation measures set out in the Preliminary Ecological Appraisal from the William Lacey Group received on 23rd July 2018.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 8 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

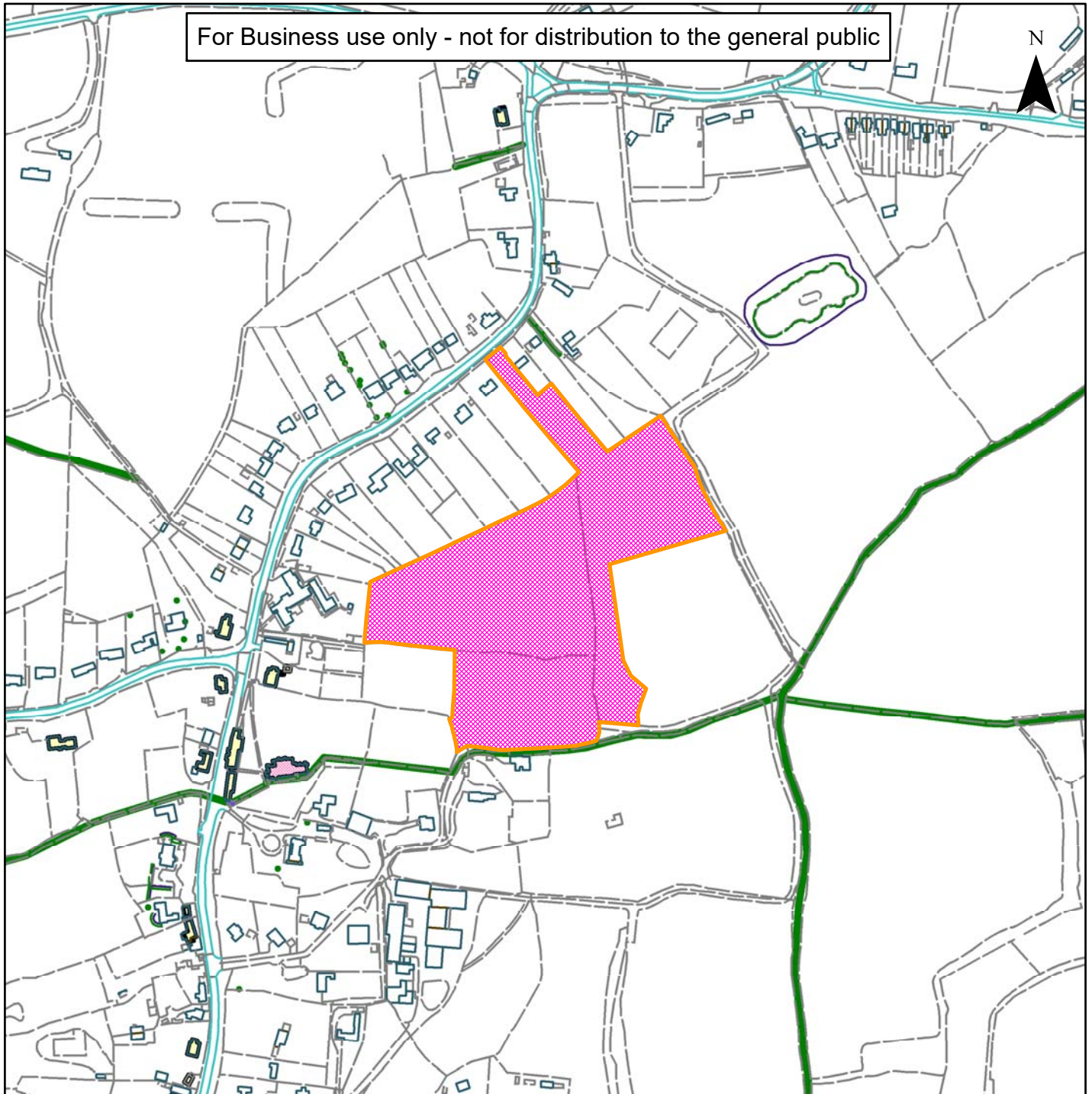
Background Papers: Waverley Borough Council ref: WA/2018/1458



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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 6 November 2018

DEVELOPMENT: Retrospective erection of a side extension to existing agricultural building for storage of agricultural machinery and animal feed.

SITE: Windacres Farm Church Street Rudgwick West Sussex

WARD: Rudgwick

APPLICATION: DC/18/1563

APPLICANT: **Name:** Mr John Bailey **Address:** Windacres Farm, Church Street Rudgwick West Sussex

REASON FOR INCLUSION ON THE AGENDA: Applicant is a Councillor

RECOMMENDATION: To recommend to the Planning Inspectorate that the Council's intention is to refuse the planning application.

1. THE PURPOSE OF THIS REPORT

In light of the recently submitted appeal against non-determination of this planning application, the purpose of this report is to consider the merits of the planning application, and to make a recommendation to the Planning Inspectorate regarding the Council's intended determination had the appeal not been submitted.

DESCRIPTION OF THE APPLICATION

- 1.1 The application is made in retrospect, and is for the erection of a 416m² 'lean-to' addition to an existing agricultural building, for the proposed storage of agricultural machinery and animal feed. It should be noted that the associated agricultural building does not benefit from the grant of planning permission, and is therefore unauthorised. The 'lean-to' addition is located to the south elevation of the associated building and contains 5 bays, two of which are enclosed, secure and fully clad; and 3 of which are open fronted. It measures approximately 13m in depth and 31m in width. The lean-to addition has a sloping roof, and reaches a maximum height of 6.2m lowering to 4m to the eaves.
- 1.2 The external appearance of the lean-to addition is similar to the associated building, and is of typical design and construction for its proposed agricultural use. It comprises a shallow sloping roof, steel framing, concrete internal flooring, and clad in olive green corrugated steel sheeting. A 'pedestrian' door is located within a larger sliding door on the western elevation which provide access to the enclosed bays of the lean-to section. There are 4 roof lights serving the enclosed two bays of the lean-to, in addition to 3 side windows on the western elevation (two at ground floor level, and one at an upper floor level). There is no indication of an upper floor or mezzanine level in the submitted plans.

- 1.3 Internal access to the associated building is via steps from the enclosed section of the extension. A mains electricity and water supply has already been connected. A single WC units is proposed in the enclosed lean-to section, but it is not clear whether this has been installed. No details of access or areas of hardstanding are proposed as part of this application, but hardstanding has been laid around the western and southern elevations.
- 1.4 The applicant states that the open bays of the extension are to be used for storage of agricultural machinery and animal feed including the storage of hay/straw bales and equipment. It is proposed that the enclosed section would also accommodate a replacement farm office, toilet and other welfare facilities.
- 1.5 The agreed determination date for this application was 5th October 2018, which has now passed. As a result, on 17th October 2018 an appeal against non-determination of the application was submitted by the applicant to the Planning Inspectorate (PINS). The appeal has not yet been registered by PINS, and no start date or confirmation of appeal procedure has been confirmed. Due to the pending appeal, whilst the application cannot now be formally determined by the Council, Officers consider that in order to fully inform PINS of the Council's intentions with regard to the proposed development, a notice of the Council's intended decision should be provided. As a result, Officers are seeking the Planning Committee's agreement to recommend an intent to refuse the application.

DESCRIPTION OF THE SITE

- 1.6 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 Street and Highcroft Drive. The site is accessed from Church Street via an existing access to the south of Windacres Lodge and Windacres Barn.
- 1.7 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 building from views to/from the West. The surrounding vegetation on the North, East and South does not afford much screening, leaving the unlawful barn and lean-to extension quite visible, to varying degrees, from the surrounding PROWs and dwellings. At the time of the Officer site visits, there was no evidence of livestock on the holding, and it has been confirmed by the applicant that the holding is arable only.
- 1.8 The proposed lean-to addition and associated building have already been erected on site. In terms of location, scale and materials, the building as a whole largely reflects the plans accompanying the application submission. However, the plans submitted in support of the application are incorrect as they propose sliding double doors on the western elevation of the lean-to addition, but the building on site has 3x additional window openings and a pedestrian access door which are not shown on the proposed plans. At the time of the Officer site visit (14/08/18) it was noted that 2 of the three open bays were filled with un-wrapped, stacked bales of hay. The remaining bay contained an old combine harvester and an array of other non-agricultural detritus such as building materials and ad-hoc personal items. Access into the enclosed sections of the lean-to addition was not possible, therefore it was unclear as to what was being stored inside. However, internal access was possible at a

previous site visit in February 2018 in connection with planning application DC/17/2410 (now withdrawn). At this time, the enclosed lean-to section of the building contained an assortment of building materials (bricks and scaffolding) and several household appliances.

- 1.9 An area of concrete hardstanding has been laid around the western and southern elevations which is not proposed as part of this planning application. A large oil tank was also present on site, but at the time of the site visits appeared to be unconnected. To the west of the storage building is a shipping container unit which appears to be in residential use. A separate planning application for this unit has recently been refused by the Council (DC/17/2605), and is subject to enforcement proceedings.
- 1.10 Demolition and construction (site clearance and implementation of access) has started on the Rudgwick Metals site, 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

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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 10 - Rural Economic Development

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

Community Infrastructure Levy (CIL) Charging Schedule

April 2017 (Adopted 1st October 2017).

2.3 RELEVANT NEIGHBOURHOOD PLAN

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 Plan.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/09/1231	Relocation of Agricultural Building and demolition of existing building - Prior Notification	Prior Approval Permitted With
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Conditions on
22.09.2009

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/12/1339	Demolition of existing building and erection of replacement agricultural building	Prior Approval Permitted With Conditions on 19.09.2012
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/17/2410	Retrospective application for the erection of an agricultural storage building	Withdrawn Application on 10.04.2018
DC/17/2605	Proposed siting of a container as temporary residential accommodation for a 36 month period	Application Refused on 16.08.2018

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

3.2 INTERNAL CONSULTATIONS

HDC Landscape Architect: Holding Objection

I have no further comments to make on this application – please refer to my previous comments for DC/17/2410 - (*'The barn, by virtue of its size and location, has introduced a large obtrusive feature in a sensitive location which has resulted in some harm to both the character and the visual amenity of the landscape'*).

HDC Environmental Health: No Objection

3.3 OUTSIDE AGENCIES

WSCC Highways: No Objection

(Summarised) *'There are no changes to access from the highway and it is not anticipated that the addition of this extension would give rise to any additional vehicular movements above and beyond those already happening given the sites permitted use'.*

Rudgwick Parish Council: Objection

'The associated building has not been approved. There are no animals to feed'.

3.4 PUBLIC CONSULTATIONS

4 representations have been received, all objecting to the planning application. The main (summarised) reasons for objection include:

- The application is confusing (unclear what is being applied for)
- The application is a stalling tactic against enforcement action
- the associated building has been constructed unlawfully
- There are no animals to feed on site
- lack of agricultural justification (no extensive farming occurs on site)
- may lead to alternative undesirable uses
- may turn into a motor repair business
- it is out of scale with the character of the surrounding countryside
- alters the natural beauty of the countryside setting
- unsightly views form nearby footpaths / bridleways
- the metallic finish causes reflection

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 issue for consideration in relation to this proposal is whether the proposed lean-to section of the building can be considered acceptable in principle, given the associated building is considered to be unlawful.

BACKGROUND

6.2 In September 2009, Prior Approval was granted (with conditions) for the demolition of an existing 458m² agricultural storage building on the Rudgwick Metals site (as part of plans to redevelop the site), and the erection of a replacement 457.5m² agricultural storage building (DC/09/1231). The storage building approved was a very similar size and scale to the existing building but was to be located approximately 170m to the east. Conditions attached to this Prior Approval included approval of details relating to materials and finished floor levels; and a requirement to demolish the existing agricultural storage building on site within 6 months of the completion of the new building. The building approved under this application was not constructed, and the permission has now expired.

- 6.3 In September 2012, another Prior Approval application (DC/12/139) was granted for the erection of a 463.6m² agricultural storage building on the same site as the 2009 Prior Approval, albeit the building was proposed to be re-orientated and repositioned slightly further to the north. Again, this building was proposed as a replacement of the existing 458m² agricultural storage building which was earmarked for demolition as part of site redevelopment of the Rudgwick Metals site. The same conditions were attached to this permission as for the 2009 permission (materials, levels, and requirement to demolish existing building). It should be noted that in order for the building to be considered permitted development, it must comply with the stipulations and conditions of the Prior Approval process set out within Part 6 (Class A) of the General Permitted Development Order.
- 6.4 In August 2013, permission was granted (DC/09/1623) for the redevelopment of the Rudgwick Metals site including demolition of 2 existing dwellings, derelict farm buildings and workshops; and the erection of 36 dwellings, B1 office space and a community building (DC/09/1623). This scheme was not constructed and permission has now expired.
- 6.5 In April 2017 a revised scheme was permitted on the same site which permitted the erection of 55 dwellings and B1/B2 commercial floorspace (DC/16/2917). In order to accommodate this development, the demolition of 2x existing dwellinghouses and various industrial/agricultural outbuildings was also permitted. Construction of this scheme has recently commenced.
- 6.6 As per the conditions of agricultural Prior Approval in Part 6 (Class A) of the General Permitted Development Order, the building approved under the 2012 Prior Approval (DC/12/1339) was required to be carried out within 5 years of the Local Planning Authority granting permission (which was on 19 September 2012). In the summer of 2017, construction of an agricultural storage building on this site began, and in September 2017 the frame of a building was erected but the building was incomplete (as verified by an Officer Site visit on 18 September 2017). The building is now complete, however, at 880m², the building has not been built in accordance with the 2012 plans (approved under Prior Approval), and the details reserved by condition have not been approved. Given that the building has not complied with the stipulations and conditions of the Prior Approval process set out within Part 6 (Class A) of the General Permitted Development Order, the Prior Approval is considered to have expired and the building on site does not benefit from planning permission. As a result, the Council are of the view that the building remains an unauthorised structure.
- 6.7 In November 2017, a retrospective planning application was submitted by the applicant (under reference DC/17/2410) for the 880m² agricultural building. The planning statement accompanying the application acknowledged that the current building required 'regularisation' because 'a revised Prior Approval application was not submitted prior to the erection of the building shown on the accompanying plans'. The applicant has therefore acknowledged that the 880m² building erected was not authorised. The Council assessed the retrospective proposal, and alongside specialist advice from independent agricultural consultants (Reading Agriculture), Officers determined that by virtue of its scale and location; the need for the building was not justified and it was therefore unacceptable. A report to Committee (see Appendix A) recommending refusal was prepared and published for the April 2018 Committee Meeting, but the application was withdrawn by the applicant before it was determined. By virtue of the erection of an unlawful building, enforcement proceedings are now underway. The current application seeks to regularise this matter again.

ASSESSMENT

- 6.8 For reasons described in paragraphs 6.2 to 6.7 above (and the assessment presented in the Committee Report for DC/17/2410 – see Appendix A), the associated agricultural building already erected on site does not benefit from planning permission. As a result, any extension or addition to this building cannot be considered acceptable in principle as it is reliant on an unauthorised development to be carried out. This conflicts with section 70(2) of the Town

and Country Planning Act (1990) as well as the requirements of paragraphs 2, 11, 12 and 47 of the National Planning Policy Framework (2018) which requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 6.9 The matters of need/justification for the proposed lean-to addition and impact on countryside character, are secondary to the matter of principle. Notwithstanding this, through the assessment of the previously withdrawn application (DC/17/2410) it has been established that the need for an agricultural barn on this countryside site (of the full 880m² proposed) is not required, and is therefore unjustified and contrary to Policies 10, 25 and 26 of the HDPF. No further information has been submitted under this application to demonstrate that the need for a building of this size is justified.
- 6.10 The planning application is therefore recommended for refusal based on its association with a structure that has been erected without the benefit of planning permission, and the fact that the need for the resulting structure as a whole on this countryside site is unjustified.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

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	390	0	390
	Total Gain		
	Total Demolition		

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

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

Recommendations to refuse to Planning Inspectorate:

1. The application seeks planning permission to extend an agricultural barn that does not benefit from planning permission. The principle of the proposed extension fails to accord with the plan-led strategy of the HDPF, and is therefore contrary to section 70(2) of the Town and Country Planning Act (1990) as well as the requirements of paragraphs 2, 11, 12 and 47 of the National Planning Policy Framework (2018).
2. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the resulting 880m² agricultural storage building is required to support the agricultural needs of the wider holding at Windacres Farm, therefore the development does not accord with the requirements of Policies 10, 25 and 26 of the Horsham District Planning Framework (2015).

As per the planning assessment for withdrawn application reference DC/17/2410, it is considered that a like-for-like replacement of the old grain store (i.e. a 465m² building) in this location could be acceptable. In order to regularise matters, it is advised that a planning application is submitted to the Council for a building no greater than this size. The laying of any external hardstanding also requires planning permission and must also be included. Notwithstanding the outcome of such a planning application, in order to fully regularise matters, it is advised that the additional lean-to section be removed and the land returned to its original state.

Background Papers:

- DC/18/1563
- DC/17/2410 – see Appendix A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee
BY: Head of Development
DATE: 10 April 2018
DEVELOPMENT: Retrospective application for the erection of an agricultural storage building
SITE: Windacres Farm Church Street Rudgwick West Sussex
WARD: Rudgwick
APPLICATION: DC/17/2410
APPLICANT: **Name:** Mr John Bailey **Address:** Windacres Farm, Church Street Rudgwick RH12 3EG

REASON FOR INCLUSION ON THE AGENDA: Applicant is a Councillor

RECOMMENDATION: To refuse the application

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 an agricultural storage building measuring 31.1m x 28.3m (880.1m²), comprising a lean-to building with 5no. bays to the south elevation (2no. secure, fully clad bays, and 3no. open fronted bays). The building reaches a maximum height of 7.9m to ridge and 5.9m to eaves. The building is of typical design and construction for its proposed agricultural location and use, comprising a shallow pitched roof, steel framing, concrete internal flooring (split level), and clad in olive green corrugated steel sheeting. Sliding doors on the western elevation access the main part of the building and a further pair of sliding doors access the enclosed part of the lean-to section. There are 20no. roof lights serving the main section of the barn, and 4no. roof lights serving the enclosed two bays of the lean-to.
- 1.2 A mains electricity and water supply has already been connected. A single WC units is proposed in the enclosed lean-to section, but has not been implemented yet. No details of access or areas of hardstanding are proposed as part of this application.
- 1.3 The applicant states that the building will be used for agricultural storage associated with the arable agricultural activities on site. Grain crop harvested from the land, farm machinery and agricultural commodities (fertilizers etc) would be stored within the building, as well as space within the open bays for the storage of hay/straw bales and equipment. It is proposed that the building would accommodate a farm office and workshop area with staff toilet facilities and rest room.

DESCRIPTION OF THE SITE

- 1.4 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 Street and Highcroft Drive. The site is accessed from Church Street via an existing access to the south of Windacres Lodge and Windacres Barn.
- 1.5 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 building from views to/from the West. The surrounding vegetation on the North, East and South does not afford much screening, leaving the barn quite visible, to varying degrees, from the surrounding PROWs and dwellings. At the time of the Officer site visits, there was no evidence of livestock on the holding, and it has been confirmed by the applicant that the holding is arable only.
- 1.6 The building subject to this retrospective planning application is already erected on site. In terms of location, scale and materials, the building largely reflects the plans accompanying the application submission, albeit the openings on the western elevation of the lean-to part of the building are not reflective of the plans (i.e. the plans propose sliding double doors, but the building on site has 3x additional window openings and a pedestrian access door which are not shown on the proposed plans). At the time of the first site visit (14/11/17) the building appeared to be recently completed, and was empty. At the second site visit (11/01/2018) access into the main storage building was not possible, therefore it was unclear as to what was being stored inside. At the third site visit (20/02/2018) access into the barn showed that the building contained a tractor, a classic car, building materials (bricks etc), and a variety of household goods. It was noted that around 100 wrapped bales of hay were being stored in the open bays of the lean-to section, as well as an old combine harvester and a tractor/trailer parked on the adjacent hardstanding. On the surrounding land was non-agricultural detritus such as building materials and unused household goods.
- 1.7 An area of concrete hardstanding has been laid around the western and southern elevations which is not proposed as part of this planning application. A large oil tank was also present on site, but at the time of the site visits appeared to be unconnected. To the west of the storage building is a shipping container unit which appears to be in residential use. A separate planning application for this unit is currently pending consideration by the Council (DC/17/2605).
- 1.8 Preliminary works (including ecology mitigation measures) have started on the Rudgwick Metals site, 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.

APPLICATION BACKGROUND

- 1.9 In September 2009, Prior Approval was granted (with conditions) for the demolition of an existing 458m² agricultural storage building on the Rudgwick Metals site (as part of plans to

redevelop the site), and the erection of a replacement 457.5m² agricultural storage building further to the east on the current application site. The storage building approved was a very similar size and scale to the existing building but was to be located approximately 170m to the east. Conditions attached to this Prior Approval included approval of details relating to materials and finished floor levels; and a requirement to demolish the existing agricultural storage building on site within 6 months of the completion of the new building. The replacement storage building approved under this application was not constructed, nor were the details reserved by condition approved.

- 1.10 In September 2012, another Prior Approval application was granted for the erection of a 463.6m² agricultural storage building on the same site as the 2009 Prior Approval, albeit the building was proposed to be re-orientated and repositioned slightly further to the north. Again, this building was proposed as a replacement of the existing 458m² agricultural storage building which was earmarked for demolition as part of site redevelopment of the Rudgwick Metals site. The same conditions were attached to this permission as for the 2009 permission (materials, levels, and requirement to demolish existing building). As per the conditions of agricultural Prior Approval in Part 6 (class A) of the General Permitted Development Order, the development was required to be completed within 5 years of the Local Planning Authority granting permission (on 19 September 2012). In the summer of 2017, construction of the agricultural storage building began, and in September 2017 the building was largely complete (as verified by an Officer Site visit on 18 September 2017). However, at 880m², the building was not built in accordance with the approved plans, and the details reserved by condition were not approved. The Prior Approval is therefore considered to have expired and the building on site is currently unlawful (hence the current planning application to regularise the development).
- 1.11 In August 2013, permission was granted for the redevelopment of the Rudgwick Metals site including demolition of 2 existing dwellings, derelict farm buildings and workshops; and the erection of 36 dwellings, B1 office space and a community building (DC/09/1623). This scheme was not constructed and permission has now expired.
- 1.12 In April 2017 a revised scheme was permitted on the same site which permitted the erection of 55 dwellings and B1/B2 commercial floorspace (DC/16/2917). In order to accommodate this development, the demolition of 2x existing dwellinghouses and various industrial/agricultural outbuildings was also permitted. Construction of this scheme has very recently commenced.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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 10 - Rural Economic Development

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles
Policy 37 - Sustainable Construction

Community Infrastructure Levy (CIL) Charging Schedule
April 2017 (Adopted 1st October 2017).

2.3 RELEVANT NEIGHBOURHOOD PLAN

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 Plan.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

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	Prior Approval 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	Prior Approval 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

3.2 INTERNAL CONSULTATIONS

HDC Strategic Planning: No objection

HDC Landscape Architect: Holding Objection

'The barn, by virtue of its size and location, has introduced a large obtrusive feature in a sensitive location which has resulted in some harm to both the character and the visual amenity of the landscape'

3.3 OUTSIDE AGENCIES

Rudgwick Parish Council: No Objection
No objection, with the following conditions:

- evidence to be provided that there is an agricultural need for a building of this size
- building to be used for agricultural storage only.

Reading Agricultural Consultants: Objection

Initial Comments Received 17 January 2018 (summarised)

'No agricultural justification for the building, or details of the agricultural trade or business have been submitted as part of the application. There was no evidence of livestock on the holding. 33ha will be able to produce approximately 165 tonnes of hay. Therefore requiring 990m³ of storage. Assuming storage to the eaves at 3.5m, the hay storage area will require a floor area of approximately 283m². If the applicant was storing 165 tonnes of hay, approximately 3.5 bays of the lean-to would be required for hay produced on the holding. If the remaining bays of the lean-to were not enclosed, they could provide storage for the combine harvester and tractor which appeared to be the only agricultural machinery on the site.

This would leave one side of the building redundant and as a result the building is too large for its intended use as an agricultural building for the storage of hay and agricultural machinery as stated in the application. As such, the size of the barn has not been justified for the stated needs and cannot therefore be reasonably required as supporting the needs of agriculture on the holding'.

Subsequent Comments Received 09 March 2018 (summarised)

'It is RAC's understanding that the applicant intends to bring the land back in to arable rotation and would have to meet the three crop rule to continue being eligible for the Basic Payment Scheme (BPS). RAC note that in order to convert permanent pasture back into arable production, a Screening Decision by Natural England is required, as part of the EIA Regulations before any conversion can take place.

Whilst RAC would accept that the barn is a like for like replacement of the existing grain store in the main yard area which has to be demolished, it was confirmed that the barn had not been used to store grain for over 15 years, and it is RAC's view that there is no guarantee that any limited agricultural activities currently taking place on the site will change and that grain storage will indeed be required.

RAC would consider the existing farm office building as excessive for farm of this size. The enclosed area of the lean-to in the new building would provide an area for a farm office and workshop. RAC considers through better planning this area (workshop and farm office) could have been contained within the remaining area of the grain store.

RAC considers it feasible that the owned and operable machinery that would be necessary for the small agricultural enterprise could be stored within the grain store.

The three open bays of the lean-to section are proposed to store straw bales which will be sold to the local equestrian market. However, the land at Windacres is not currently in arable production and therefore not producing any straw bales. Whilst it is accepted this may do in the future, this is not the current situation and there is no definite time line or evidence of any date when this will happen.

RAC would consider that the building as a whole, grain store and lean-to, is not reasonably justified in terms of the current agricultural activities at Windacres Farm, or any proposed increase in activities. RAC accepts the like for like replacement of the grain store and considers that with better planning a workshop and office area could be incorporated within the building including any agricultural machinery'.

8x letters have been received, all objecting to the planning application. The main (summarised) reasons for objection include:

- the building has been constructed unlawfully
- conditions of previous approval have not been discharged
- lack of agricultural justification (no extensive farming occurs on site)
- it is out of scale with the character of the surrounding countryside
- alters the natural beauty of the countryside setting
- unsightly views form nearby footpaths / bridleways
- may lead to alternative undesirable uses
- may turn into a motor repair business
- the metallic finish causes reflection

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
- Justification for need and scale
- Landscape impact

The Principle of the Development

- 6.2 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out that there is a 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. In addition, Policy 10 (Rural Economic Development) is also relevant when considering the acceptability of development in the countryside that is proposed to contribute to sustainable rural economic development and rural employment opportunities.
- 6.4 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. In accordance with the first criteria of Policy 26, development in countryside locations is considered acceptable in principle if it supports the needs of agriculture or forestry. 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. Acceptable development would not lead to a significant increase in the overall level of activity in the countryside, and would protect, conserve and enhance the key features of the landscape in which it is located.

- 6.5 Policy 10 aims to support rural economic development in order to generate economic, social and environmental benefits for local communities. The principle of rural economic development proposed in the countryside will be supported by the Council if it maintains the quality and character of the area, and contributes to the sustainable farming enterprises within the district.
- 6.6 The proposed development is for an agricultural storage building within a countryside location; therefore, provided that the use of the building is strictly to support the needs of agricultural activities on the associated holding, and that is of an appropriate location, scale and design to accommodate these needs, it would be considered an acceptable development.
- 6.7 It is acknowledged that on two separate occasions (2009 and 2012), the site has benefitted from approval of an agricultural storage building under Prior Approval (GDPO, Part 6). This is a material consideration in the determining the principle of this type of development on this site, but the weight afforded to it is relatively limited given the difference in quantum of development previously approved (around 460m²) compared to the structure proposed now (880m²). In addition, the timeframes imposed on the Prior Approvals from both 2009 and 2012 have now expired.

Justification for Need and Scale

- 6.8 Within the planning statement and additional supporting statements subsequently submitted with this planning application, it is stated that the proposed agricultural storage building is a replacement for an existing 465m² agricultural storage building on the Rudgwick Metals site ('the existing building'). The existing building (as well as several other agricultural buildings on site) are located within the Built-Up Area Boundary and are earmarked for demolition as part of the consented mixed-use redevelopment of the Rudgwick Metals site which will provide for 55 dwellings and commercial floorspace. The existing building forms part of the redevelopment site which has been sold, and is not now under the ownership of the applicant as shown on the submitted location plan (JL07/2012/01/Rev A). The agent states that the demolition of the existing agricultural buildings will leave the remainder of the 33ha agricultural holding bereft of any buildings suitable for agricultural uses.
- 6.9 In a confidential letter submitted to the Council on 5th March 2018, an inventory of agricultural machinery owned by the applicant was provided, and it is stated that this equipment is to be stored in the building when the current storage buildings are demolished. Fertilizers, hay, straw and other cereal crops grown on the holding will also be stored within the proposed building. In addition, it is proposed that a replacement farm office and workshop is also located within the proposed agricultural building (the existing farm office and workshop is earmarked for demolition as part of the redevelopment). This will include staff rest rooms, and toilet facilities. The WC facility is indicated on the submitted floor plan (8242/1A), but the detailed arrangement of the proposed farm office and workshop space (including staff rest room) has not been provided. At present, the building has temporary services connected (electricity and water), with the view of making these permanent 'later this year'. The agent states that the proposed agricultural storage building, including office, and workshop is necessary for the continuation and longer-term use of the land for arable and pasture agricultural uses.

- 6.10 In order for the agricultural building to be considered acceptable in planning terms, it needs (firstly) to be established that its intended use will be for agricultural uses relating to the associated holding; and (secondly) that the proposed scale and design is considered to be acceptable. The Council's specialist agricultural advisors (Reading Agricultural Consultants - RAC) and Landscape Architect were consulted and have advised Officers of their views on the above matters. RAC undertook two site visits – the first on 11th January 2018 (the first site visit) and the second on 20th February 2018 (the second site visit). RAC have made their assessments based on the site visits as well as the information and supporting statements submitted with the planning application.

RAC Initial Assessment:

- 6.11 In their initial assessment (based on the first site visit), RAC note that specific and up-to-date details of the agricultural trade or business on site were not submitted as part of the application. Whilst the supporting statements suggest that hay and cereal crops have been harvested on the holding, the absence of detailed information has made the projected calculation of harvested crops difficult as it is unknown exactly what, and how much, is being harvested from the 33ha holding. It was noted from the site visit that around 100 large bales of wrapped hay were stored in the open lean-to section of the building, therefore RAC have based their calculations on standard figures for the storage of hay.
- 6.12 It was calculated that the 33ha holding would be able to produce around 165 tonnes of hay which would require a storage floor area of around 283m². The majority of this (in addition to the agricultural machinery seen on site) could therefore be stored within the lean-to section of the barn (416m²); leaving the remaining section of 464m² largely surplus to requirements. RAC concluded that the building is too large for its intended use as an agricultural building for the storage of hay and agricultural machinery as stated in the application. As such the size of the barn has not been justified for the stated needs and cannot therefore be reasonably required as supporting the needs of agriculture on the holding.

RAC Subsequent Assessment:

- 6.13 Following the first site visit and the submission of the initial assessment, a second site visit was arranged. The second site visit was more comprehensive, and was attended by the Planning Case Officer, RAC, the applicant and the applicant's agent and agricultural advisor. All relevant buildings and land at Windacres Farm were inspected at this site meeting; and the requirement for further supporting information from the applicant was discussed. Subsequent to the site meeting, additional supporting information (some commercially sensitive, and marked as confidential) was received by the Council, and consultation was undertaken with RAC.
- 6.14 The additional supporting information notes the applicant's intention to return the land back to arable production (after several decades of permanent pasture required for the annual Rudgwick Steam Rally, which has now ceased). RAC note that an EIA Screening Decision from Natural England would be required before conversion to arable can take place (which can take up to 3 months). This has not been applied for yet.
- 6.15 The applicant is in receipt of the Basic Payment Scheme (BPS) from the Rural Payments Agency which requires the holding to grow and harvest at least 3 crops (no details of the 3 proposed crops have been provided). The applicant's intention is to use the main part of the proposed building for grain storage harvested from the 33ha holding. Given the existing grain store building on site (due for demolition) has not been used for over 15 years for the storage of grain, it is RAC's view that there is no certainty or guarantee that the holding will require grain storage in the near future.

- 6.16 Commercially sensitive and confidential information was submitted explaining the applicant's intention to expand the farm business in the near future thereby increasing the amount of crop grown and harvested on the holding. Whilst RAC note that the expansion of the holding could be feasible, no substantive evidence has been submitted to actively support this intention. Notwithstanding this, if the holding is expanded, a potential crop yield requiring 332m² of storage space within the grain store area of the building (71% of the grain store, based on a generous yield) could be achieved. In support of the application, the applicant details a crop yield requiring 270m² of storage space (58% of the grain store); and the existing 33ha holding is considered by RAC to be able to produce a yield requiring only 82m² of storage space (18% of the grain store). Therefore, even at the greatest yield (based on an expanded holding) the amount of crop harvested would not require the full extent of storage capacity that the building offers (i.e. a minimum of around 29% of the grain store area would be redundant).
- 6.17 However, it is appreciated that it would not just be crops that would require storage within the building, but associated agricultural machinery and an appropriately sized office space. A (confidential) list of machinery owned by the applicant was supplied, some seen and some not seen on site. The applicant states the intention to use contractors for the majority of the arable work, so RAC question why the amount of machinery owned by the applicant is reasonably required. RAC consider that machinery necessary for the small agricultural enterprise could also be stored within the proposed grain store.
- 6.18 An existing office building on site of 135m² is due for demolition as part of the redevelopment. At the site visit, this appeared redundant and not in use for a number of years. RAC consider this to be an excessive office space for a farm of this size. The proposed building includes an enclosed area of the lean-to (163m²) which is proposed as a farm office and workshop. The upper window suggest that a mezzanine level may be constructed, but this was not in-situ or detailed on the submitted plans. RAC appreciate the need for a farm office, and consider that through better planning and design, a suitably sized farm office and workshop area could be contained within the remaining area of the proposed grain store.
- 6.19 The 3 open bays of the lean-to section are proposed to store straw bales to be sold to the local equestrian market. RAC note that the land at Windacres is not currently in arable production and therefore not producing any straw bales. RAC accept that it may do in the future, but this is not the current situation and no evidence to suggest when this will happen.
- 6.20 RAC consider that the 880m² building as a whole, including the grain store and lean-to, is not reasonable justified in terms of the current agricultural activities at Windacres Farm, nor any proposed increase in activities. RAC accepts the like-for-like replacement of the old grain store (i.e. a 465m² building) in this location, and considers that with better planning, a workshop and farm office area could be incorporated within a building of this size, including any agricultural machinery necessary for the farming operations.

Landscape Impact

- 6.21 The Council's Landscape Architect visited the site in December 2017, and has expressed concern about the scale and location of the building, and its impact on the surrounding countryside. The Landscape Architect notes that the building has '*introduced a large, obtrusive feature in a sensitive location*', which is considered to result in some harm to the character and visual amenity of the landscape. It has been noted that no Landscape Visual Impact Assessment (LVIA) has been submitted with the application which would have been useful in identifying the full impact of the development on the landscape from important viewpoints, which would help to inform mitigation options.

- 6.22 Due to the location of the building on an area of high ground in an open field, the sparse and distant surrounding vegetation on the north, east and south does not afford much screening, and leaves the barn visible from the surrounding public rights of way and dwellings. The Landscape Architect describes the landscape character condition as good, with only small areas of decline caused by the intrusion of some modern housing. The sensitivity to change in this landscape is high, with one of the key sensitivities being the impact of cumulative change.
- 6.23 The Landscape Architect acknowledges that the design and appearance of the building is generally in keeping with agricultural buildings in the area, and the sloping edge of the lean-to points downwards onto the undulating fields to the south. Despite this, it is considered that the building dominates the northern skyline as there are no trees or other screening to act as a backdrop, nor any effective screening to the other elevations to soften the visual impact. Without any proposed landscaping to screen the building, it is considered that the size and location of the structure has a negative effect on both the visual amenity and character of the landscape, and therefore does not accord with the requirements of Policies 25 and 26 of the HDPF.

Other Matters

- 6.24 Given the location and proposed use of the building (which would be for agricultural storage), it is not considered that it would have an adverse impact on the local highways network or highways safety, as limited vehicular movements would be required to and from the building.
- 6.25 Whilst the building is considered to be a visible and obtrusive feature in a countryside location; the impact it has on neighbouring amenity is considered to be minimal. The distance of well over 100m between the site and the nearest dwellings (Windacres to the south, and High Croft to the north-west) means that the building, whilst visible, would not cause any direct amenity harm.

Conclusion and Planning Balance

- 6.26 Whilst the general principle of development of an agricultural storage building in the countryside is supported by the Council; in order to be acceptable in planning terms, it must be satisfactorily demonstrated that the building is reasonably required to serve the agricultural activities on the associated holding, and that its size of the building is justified by the associated need.
- 6.27 It is stated that the proposed agricultural storage building is required as a replacement for an existing building on land that is to be redeveloped for a mixed-use housing scheme. Based on the information submitted in support of the planning application, and with the benefit of a comprehensive site visit where all relevant buildings and land were inspected; the advice from the Council's specialist agricultural advisors (RAC) outlines that the quantum of crops to be harvested on the holding (based on the existing 33ha site, or as a result of an expanded holding), in conjunction with the agricultural equipment and farm office reasonably required to operate the business, would not require a storage building of this size.
- 6.28 In addition, without an appropriate scheme of landscaping and planting to soften the impact of the building, it is considered that the location and size of the proposed building would be harmful to the character of the surrounding countryside by virtue of its scale (880m²) and relatively exposed location on high ground.
- 6.29 In summary, it is considered that the need for an agricultural storage building on this site and of the scale proposed has not been justified to the satisfaction of the local planning authority. This, in combination with the harmful impact upon the character of the

countryside caused by the building's size and location leads to the conclusion that the application should be refused.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development, but given the nature of the proposal (an agricultural building) this is not a CIL chargeable development.

At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	158.39	0	158.39

7. RECOMMENDATIONS

Reason(s) for Refusal:

1. The agricultural storage building, by reason of its overall scale, footprint and location, has introduced a large, obtrusive feature into a sensitive countryside location, to the detriment of the character and visual amenity of the surrounding landscape. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that an agricultural storage building of this scale and impact is required to support the agricultural needs of the wider holding at Windacres Farm, therefore the development does not accord with the requirements of Policies 10, 25 and 26 of the Horsham District Planning Framework.

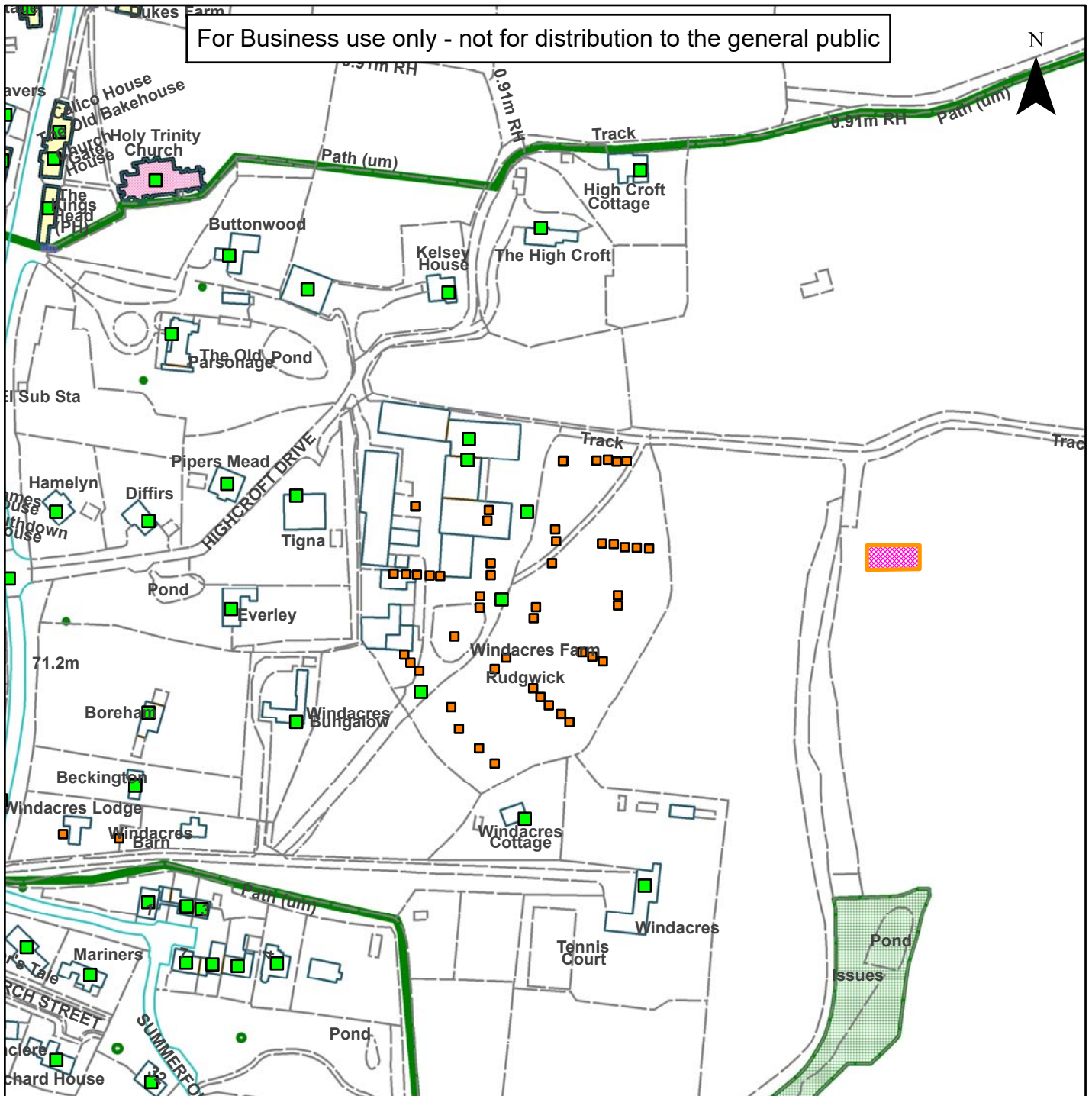
Background Papers:
DC/17/2410

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MSA Number	100023865

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**PLANNING COMMITTEE
REPORT**

TO: Planning Committee North

BY: Head of Development

DATE: 06 November 2018

DEVELOPMENT: Variation of Condition 3 of previously approved application DC/17/0445 (Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking) Relating to changes to opening times.

SITE: Morriswood Old Holbrook Horsham West Sussex RH12 4TW

WARD: Holbrook West

APPLICATION: DC/18/1921

APPLICANT: **Name:** Mr Antony Hogben **Address:** Morriswood Old Holbrook
HORSHAM RH12 4TW

REASON FOR INCLUSION ON THE AGENDA: The application is a Councillor

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 The application relates to the variation of condition 3 of planning approval DC/17/0445 to extend the opening hours of the swimming pool.

1.2 Condition 3 of planning approval DC/17/0445 states:

“Regulatory Condition: *The use of the swimming pool for commercial purposes shall only take place between the hours of 09:30 to 19:00 on Monday to Friday; 08:30 to 16:30 on Saturday; and not at any time on Sundays or on Bank or Public Holidays.*

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

1.3 The current application seeks to extend the approved hours to the following:

- 09:00 to 19:00 Monday to Friday;
- 08:00 to 19:00 Saturdays;
- 09:00 to 18:00 Sundays; and
- Closed on Bank Holidays.

- 1.4 The Applicant outlines that there is a high demand for private swim lessons within the District, with the Swim School currently subject of an extended customer wait list. It is stated that the extended hours would facilitate a greater number of lessons to accommodate this demand.

DESCRIPTION OF THE SITE

- 1.5 The site forms part of the residential property known as Morriswood, which is situated on the western side of Old Holbrook Road. It sits amongst sporadic development north of the A264 and the nearby settlement of Horsham.
- 1.6 The site comprises a two storey dwelling (including an attached single storey swimming pool building) together with various single storey outbuildings and a tennis court. The swimming pool building, which is the subject of this application, is L-shaped in plan-view and adjoins the southern and western elevations of the dwelling. A portion of the building provides a swimming pool together with associated changing rooms. In terms of adjoining land uses, the site is bounded on all sides by undeveloped land which appears to be in agricultural use.
- 1.7 The site has a single existing vehicular access from Old Holbrook Road, which serves as a principal route between Horsham and smaller settlements to the north. The site lies approximately 1km north of the A264.

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:

2.3 **National Planning Policy Framework**

2.4 **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 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- Policy 11 - Tourism and Cultural Facilities
- 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 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities
- Policy 41 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 North Horsham Parish is not a designated Neighbourhood Plan Area.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/0445	Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking	Application Permitted on 11.05.2017
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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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No Objection

OUTSIDE AGENCIES

- 3.3 None

PUBLIC CONSULTATIONS

- 3.4 **North Horsham Parish Council:** No Objection

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 relates to the variation of condition 3 of planning approval DC/17/0445 to extend the opening hours of the swimming pool.

Principle of Development

- 6.2 Previous planning approval DC/17/0445 established the principle of the use of the existing swimming pool and changing rooms for a mixed private and commercial purpose. Under this application it was considered that the meet a potential need of young people in the local community, therefore helping to create a socially inclusive and adaptable environment.

- 6.3 Condition 3 of planning approval DC/17/0445 states:

“Regulatory Condition: The use of the swimming pool for commercial purposes shall only take place between the hours of 09:30 to 19:00 on Monday to Friday; 08:30 to 16:30 on Saturday; and not at any time on Sundays or on Bank or Public Holidays.

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

6.4 The current application seeks to extend the approved hours to the following:

- 09:00 to 19:00 Monday to Friday;
- 08:00 to 19:00 Saturdays;
- 09:00 to 18:00 Sundays; and
- Closed on Bank Holidays.

6.5 The principle of the use has been established by the previous application, with the alterations to the openings hours considered acceptable in principle, subject to all other material considerations.

Impact on Highways

6.6 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

6.7 The Applicant has outlined within the Supporting Statement that a maximum of 12 clients are seen per hour, resulting in associated vehicle movements of approximately 12 an hour. In addition to this, the teachers generally work a 4-5 hour shift, arriving 30 minutes prior to the first class to set up, and remaining 30 minutes after their last class to clean up. This results in minimal additional vehicular movements a day.

6.8 The previous application which established the use for mixed commercial and private use found that the existing access to the site is satisfactory, with good visibility obtainable in both directions. It was considered that the increase in vehicular movements to the site would not therefore be expected to create a highway safety hazard.

6.9 It is acknowledged that the proposed extension to the opening hours would result in additional trips and vehicular movements to and from the site. However, given the limited capacity of the swimming pool, these additional trips would not occur at the same time as existing trips, and as such would not intensify the use of the swimming pool during existing hours of operation. Rather the additional low number of trips (the existing opening hours result in 8 in-out movements per hour) would take place only during the additional opening hours.

6.10 On this basis it is not considered that the proposed extended opening hours would intensify the use of the site such that it would result in a severe cumulative impact on the function of the highway network or highway safety concerns, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Amenity Impacts

6.11 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

6.12 The mixed commercial and private use of the swimming pool, and the resulting impact on the amenities of the neighbouring properties was considered under the original approval under reference DC/17/0445. It was concluded at this stage that the pool building and parking area were of a sufficient distance from the neighbouring properties (some 135m from

the nearest neighbouring boundary) so that the use would not adversely affect the living conditions of the nearby residential properties.

- 6.13 The Council's Public Health and Licensing Officer has considered the extended openings hours, and raised no objection in regards to noise or disturbance. It is therefore considered that the proposed use would not harm the living conditions of surrounding occupiers, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Conclusion

- 6.14 The extended opening hours as proposed are considered to be acceptable in principle, and are not considered to result in harm to the amenities of neighbouring occupiers or the function and safety of the public highway network, in accordance with development plan policies.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the conditions below.

Conditions:

- 1 Approved Plans
- 2 **Regulatory Condition:** The car parking spaces as indicated on approved layout plan submitted 05.04.2017 shall be retained at all times for their designated use.
Reason: To provide car-parking space for the use in accordance with Policy 41 of the Horsham District Planning Framework (2015).
- 3 **Regulatory Condition:** The use of the swimming pool for commercial purposes shall only take place between the hours of 09:00 to 19:00 on Monday to Friday; 08:00 to 19:00 on Saturday; 09:00 and 18:00 on Sunday; and not at any time on Bank or Public Holidays.
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/0445
DC/18/1921

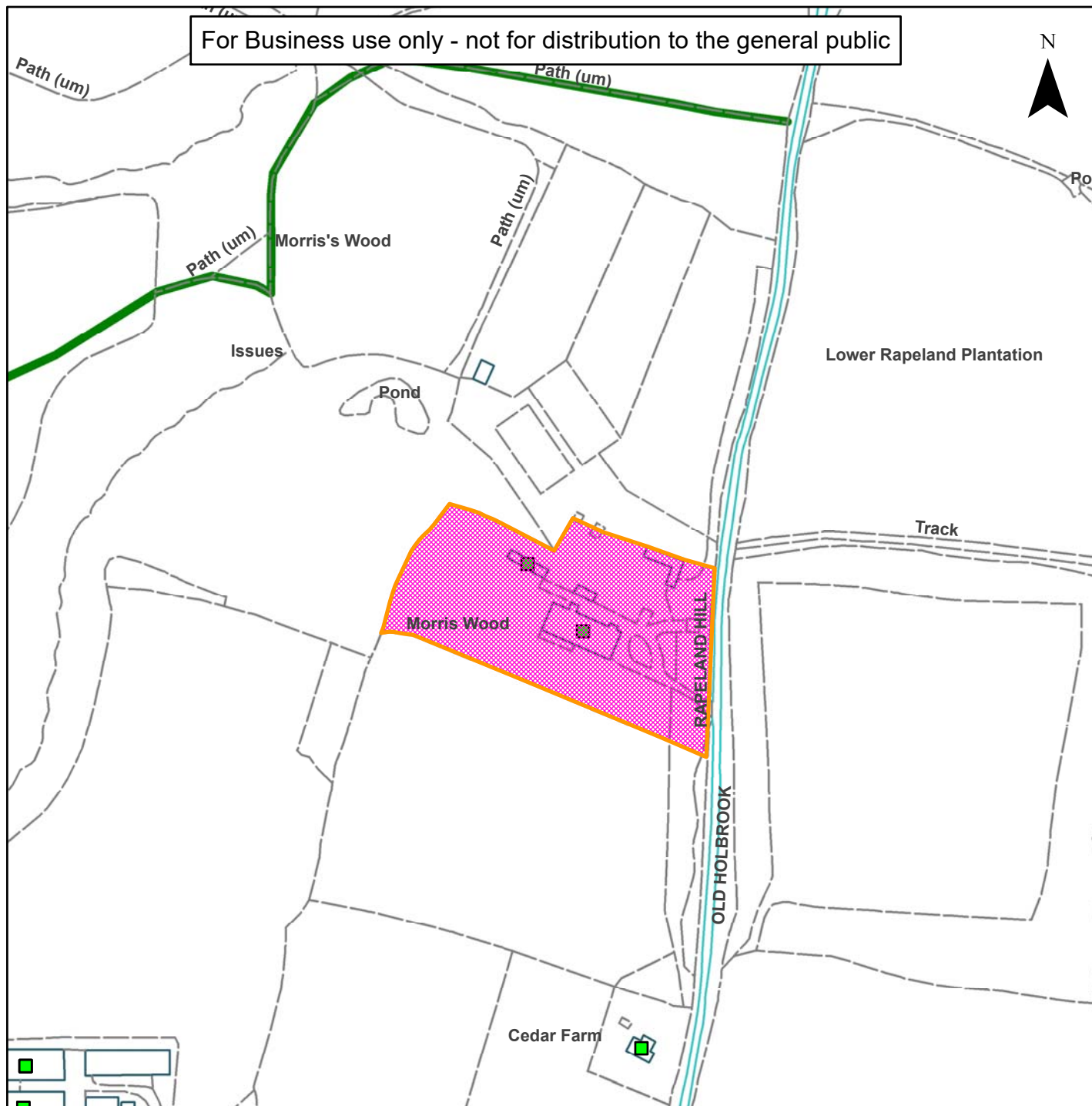
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Organisation	Horsham District Council
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Horsham
District
Council

ADDENDUM

Planning Committee North 6 November

AGENDA ITEM 6 – DC/18/1792

Great Ventors Development Site Coolhurst Close, Monks Gate

Amended Recommendation:

To ensure the completion of the legal agreement in a timely manner, an amended recommendation is proposed as follows:

- To approve planning permission, subject to appropriate conditions and to a Section 106 agreement to secure affordable housing contributions.
- In the event a suitably worded Legal Agreement has not been completed by 6th February 2019, or other later date as agreed by the Head of Development, to refuse the application in consultation with local members.

Additional Representation:

One additional letter of objection has been received. The objection references a recent High Court decision against Babergh District Council where it was held that Councillors had been misled as to what local housing needs means in the context of a local plan when granting planning permission for 10 homes to be built, as it did not take account of the needs of the village where the development was being proposed. The case also referred to the claimant's case that Babergh District Council's financial dependence was on the New Homes Bonus.

Officer response:

The Babergh case related to an unallocated site in an Area of Outstanding Natural Beauty, whereas this application is for housing on an allocated site in the Nuthurst Parish Neighbourhood Plan. This site has been allocated in the Plan to help address the housing needs of the Parish therefore housing on the site is in conformity with the requirements of the Plan to help meet local needs. In respect of the New Homes Bonus, the Planning Practice Guidance (PPG) sets out that:

'Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.'

The PPG advises that a 'local finance consideration' includes the New Homes Bonus and Community Infrastructure Levy (CIL). Officers advise that receipts from the New Homes Bonus are not a material consideration as they are not required to make development acceptable in planning terms. CIL is however a material consideration, however as a blanket charge on development across the district to mitigate impact on local services and infrastructure it does not carry significant weight in the planning balance.

AGENDA ITEM 8 - DC/18/1520

Land between Trundle Mead and April Rise, Cox Green, Rudgwick

Waverley Consultation:

As outlined in Paragraph 6.1 (Page 60) of the report, Horsham District Council has been consulted on the Waverley Borough Council application for the 57 houses. HDC have **objected** to the consultation on the following grounds:

- The scheme would be unsustainable development resulting in the loss of countryside. Both Horsham DC and Waverley BC have up to date local plans and can both demonstrate a five year housing supply. This site is not allocated for development by either local plans and is contrary to the strategic objectives for housing development of both Council's. On the outskirts of Rudgwick, outside the built-up-area, the development is considered unsustainable for a village of this size and would be a strain on infrastructure and services available for residents. It is felt that the application is premature and that the applicant should pursue the allocation of this site through the upcoming Ewhurst Neighbourhood Plan.
- There is insufficient justification for overriding the strong presumption in favour of preserving the setting of the listed building and conservation area.
- The proposed layout of the housing is considered unsympathetic with the residential character of the surrounding area and would create a discordant and uncharacteristically urbanised environment. The loss of countryside is also resisted given that there is no overriding need for this development.

Amendment to Condition 5:

Condition 5 for DC/18/1520 (outlined on Page 64 of the committee report) states that 'the approved access road shall only be provided and used in conjunction with the proposal for housing at Windacres Farm (Waverley Borough Council ref: WA/2018/1458). The new road shall not be used for any other purpose.'

This condition is necessary to ensure the access road is only delivered in relation to the proposal for housing for 57 houses only. There are concerns that if the road is used in the future for access for a larger number of housing, this would lead to an unacceptable amenity impact for the houses immediately adjacent the access to the road on Cox Green. Additionally, in the event the permission for housing is refused or not implemented, the condition would prevent the unacceptable possibility of a road being provided which leads to open fields.

As the proposed housing is within Waverley Borough Council jurisdiction, there are concerns that this condition is not enforceable. Legal advice has been sought and it has been decided that the requirements of the condition should be sought through an appropriate legal agreement to be secured as part of the planning application process. Condition 5 is therefore to be omitted.

An alternative recommendation is therefore proposed.

CONTINUED/...

Recommendation:

An alternative recommendation is therefore proposed as follows:

- To approve planning permission subject to appropriate conditions and the completion of a legal agreement to secure the provision of the access road only in conjunction with the proposal for housing at Windacres Farm (Waverley Borough Council ref: WA/2018/1458).
- In the event a suitably worded Legal Agreement has not been completed by 6th February 2019, or other later date as agreed by the Head of Development, to refuse the application in consultation with local members.

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