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Planning Committee (South)

Tuesday, 16th October, 2018 at 2.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Brian O'Connell (Chairman)	
Paul Clarke (Vice-Chairman)	
John Blackall	Gordon Lindsay
Karen Burgess	Tim Lloyd
Jonathan Chowen	Paul Marshall
Philip Circus	Mike Morgan
David Coldwell	Kate Rowbottom
Ray Dawe	Jim Sanson
Brian Donnelly	Ben Staines
David Jenkins	Claire Vickers
Nigel Jupp	Michael Willett
Lynn Lambert	

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
<i>To approve as correct the minutes of the meeting held on 18 September 2018 (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>	
3. Declarations of Members' Interests	
<i>To receive any declarations of interest from Members of the Committee</i>	
4. Announcements	
<i>To receive any announcements from the Chairman of the Committee or the Chief Executive</i>	

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/18/0584 - Storrington Squash Club, Greyfriars Lane, Storrington** 15 - 28

Ward: Chantry

Applicant: Storrington Squash Club

7. **DC/18/1431 - The Anchorage, Coombelands Lane, Pulborough** 29 - 42

Ward: Pulborough & Coldwaltham

Applicant: Nick Wyatt

8. **DC/18/0902 - Godmans Court, Henfield Road, Cowfold** 43 - 52

Ward: Cowfold, Shermanbury & West Grinstead

Applicant: Mr Anchor

9. **DC/18/1138 - Stockmans, Blackstone Street, Blackstone, Henfield** 53 - 64

Ward: Bramber, Upper Beeding & Woodmancote

Applicant: Mr and Mrs Colton

10. **TPO/1506 - Cedars Byre, Parbrook, Billingshurst** 65 - 70

Ward: Billingshurst & Shipley

11. **TPO/1508 - Peat Moor, West Chiltington Road, Pulborough** 71 - 76

Ward: Chanctonbury

12. **TPO/1510 - Highbanks, Church Street, West Chiltington** 77 - 82

Ward: Chanctonbury

13. **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

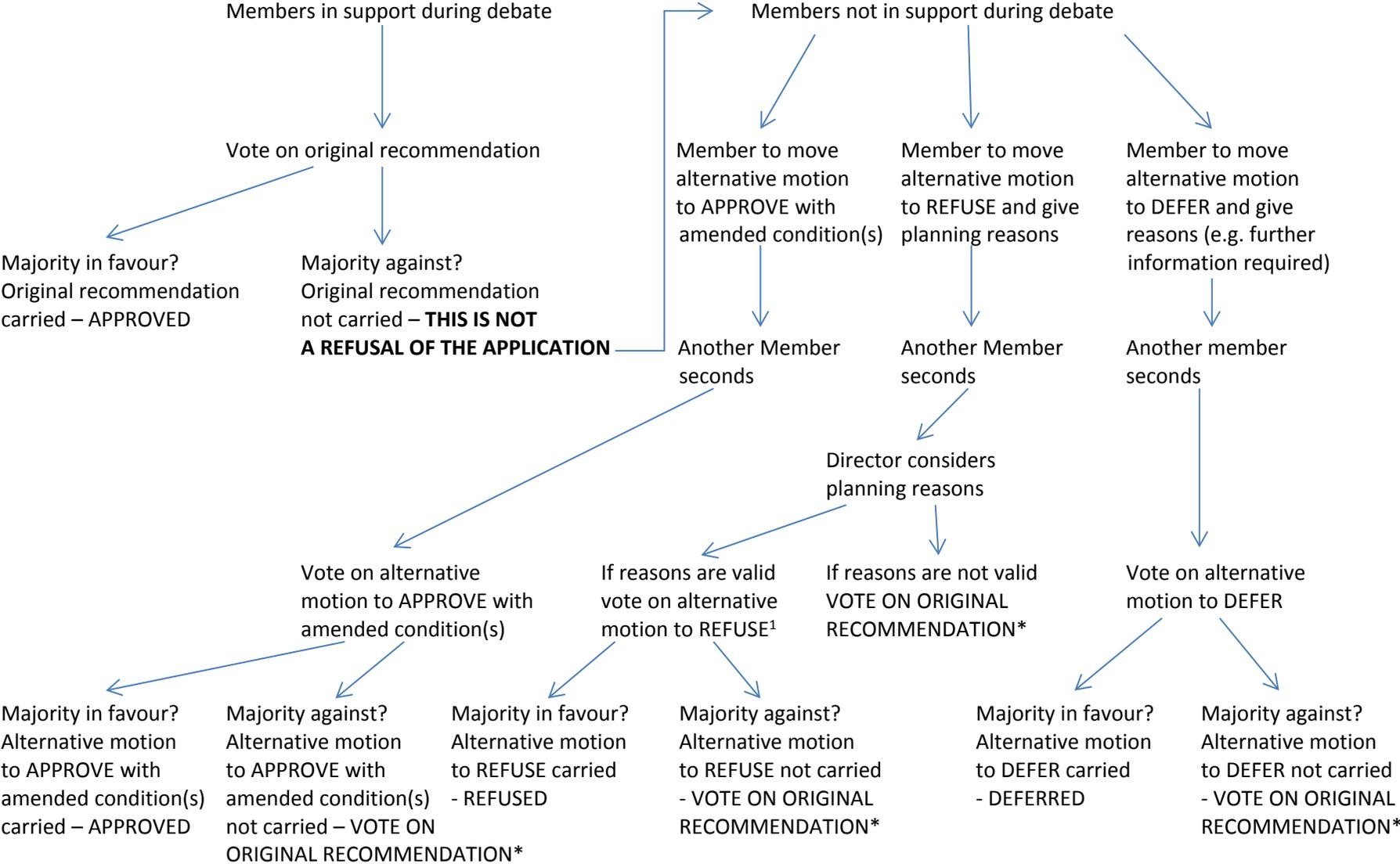
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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 (South)
18 SEPTEMBER 2018

Present: Councillors: Brian O'Connell (Chairman), Paul Clarke (Vice-Chairman), John Blackall, Karen Burgess, Jonathan Chowen, Philip Circus, David Coldwell, Ray Dawe, Brian Donnelly, David Jenkins, Lynn Lambert, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Kate Rowbottom, Jim Sanson, Ben Staines and Claire Vickers

Apologies: Councillors: Nigel Jupp and Michael Willett

PCS/22 **MINUTES**

The minutes of the meeting of the Committee held on 21 August 2018 were approved as a correct record and signed by the Chairman.

PCS/23 **DECLARATIONS OF MEMBERS' INTERESTS**

Councillor Tim Lloyd declared an interest in items DC/18/0496 and DC/18/0497 as he knew the applicant and subsequently left the room during those debates.

PCS/24 **ANNOUNCEMENTS**

There were no announcements.

PCS/25 **APPEALS**

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

PCS/26 **DC/18/0018 - GARAGE BLOCK, ROWAN DRIVE, BILLINGSHURST**

The Head of Development reported that this application sought permission for the demolition of eighteen garages and erection of six 2-bedroom and three 1 bedroom dwellings in a two-storey building with a three-storey central section. All the dwellings would be affordable housing, including temporary accommodation. Ground floor flats would have private amenity space and a communal amenity space for all residents was proposed. Two parking areas providing a total of nine allocated and two unallocated spaces were proposed. There would be 16 cycle spaces.

The original application had been amended, in response to concerns, to provide a pitched roof instead of a flat one and increase parking provision.

The application site was located within the built-up area of Billingshurst on Rowan Drive, close to its junction with Coombe Hill. It was surrounded by residential development, with Jubilee Fields to the north-west.

Details of relevant government and council policies, 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 objected to the original application and to the amended plans. Twenty objections from 17 households had been received in response to the original application and a further seven objections had been received in response to the amended scheme. An objection had also been received from Wealden District Council regarding the proposal's impact on the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area, and on the Lewes and Pevensey Levels SACs. One member of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of the development; its impact on the character and appearance of the street scene; the privacy and amenity of neighbouring occupiers; affordable housing; highway safety and parking provision; and its impact on the SACs.

Members concluded that although some issues raised by those objecting are valid concerns, the need for more affordable housing in the district outweighed them.

RESOLVED

That planning application DC/18/0018 be granted subject to the conditions and reasons as reported.

PCS/27 **DC/18/0496 - 58-62 HIGH STREET, STEYNING**

The Head of Development reported that this application sought permission for the conversion of the first and second floors into four self-contained flats, a two-storey first and second floor rear extension, and conversion of an attached ancillary barn to the rear into a holiday let. The application also proposed changing the ground floor A2 office use at 58 High Street into A1 retail use. Three of the flats would have roof terraces. Eleven parking spaces, including six unallocated ones for the ground floor commercial premises, were proposed.

The application site was located in the built-up area and Conservation Area of Steyning on the east side of the High Street. It comprised three linked Grade II Listed Buildings. The neighbouring properties were also Grade II listed.

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 objected to the application. There had been 28 objections from 15 households, and two letters of support. Two members of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; heritage impacts; its impact on residential amenity; and parking and traffic conditions.

Members concluded that any negative impact on nearby residential properties could be negated by a relatively few amendments to the proposed design.

RESOLVED

That planning application DC/18/0496 be granted subject to the conditions and reasons as reported.

PCS/28 **DC/18/0497 - 58-62 HIGH STREET, STEYNING**

The Head of Development reported that this application sought Listed Building Consent for alterations to three Grade II Listed Buildings to enable the conversion of the first and second floors into four self-contained flats, a two-storey first and second floor rear extension, and conversion of an attached ancillary barn to the rear into a holiday let. The application would also facilitate the change of use of the ground floor A2 use at 58 High Street into A1 retail use.

The application site was located in the built-up area and Conservation Area of Steyning on the east side of the High Street. It comprised three linked Grade II Listed Buildings. The neighbouring properties were also Grade II listed.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The consultation response from the Council's Conservation Officer, as contained within the report, was considered by the Committee.

The Parish Council objected to the application. There had been 22 objections from 12 households, and one letter of support. One of the Local Members had raised no objection. One member of the public spoke in objection to the

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal was its impact on the special character and distinctiveness of the Listed Buildings and their setting.

RESOLVED

That Listed Building application DC/18/0497 be granted subject to the conditions and reasons as reported.

PCS/29 **DC/18/0926 - 31 CONCORDE CLOSE, STORRINGTON**

The Head of Development reported that this application sought permission for the erection of a detached two-storey dwelling to the east of the existing property, and retrospective permission for the relocation of a 1.8 metre high fence approximately one metre to the east, closer to Storrington Road.

The application site was located within the built-up area of Storrington on the north side of Concorde Close, adjacent to Storrington Road. It was the side garden of a two-storey detached property. There were similar properties nearby, and dwellings of varied scale and appearance within the wider street scene. There was a group of protected trees along the northern site boundary.

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 objected to the application. Fifteen objections, from 11 households, had been received. The two joint applicants 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; design and layout; its impact on neighbouring amenity; highway impacts; and the new position of the fence.

Members raised some concern over the potential loss of trees on site although they were reassured by the comments provided by the HDC Arboricultural Officer.

RESOLVED

That planning application DC/18/0926 be granted subject to the conditions and reasons as reported.

PCS/30 **DC/18/0520 - THE ACORN, FRYERN ROAD, STORRINGTON**

The Head of Development reported that this application sought permission for the retention of a repositioned sand school and storage barn, and the change of use of the land for private equestrian use in connection with the six stables and dwelling on the site. The sand school had been constructed approximately three metres north of the position approved under DC/16/2491. The barn was used to store hay, feed and agricultural equipment.

The application site was located to the east of Fryern Road, outside the defined built-up area.

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. 17 letters of objection and 4 of support had been received. 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; design and appearance; amenity impacts; existing parking and traffic conditions.

RESOLVED

That planning application DC/18/0520 be granted subject to the conditions and reasons as reported.

PCS/31 **DC/18/1320 - WINDWAYS, COMMON HILL, WEST CHILTINGTON**

This item was withdrawn from the agenda.

PCS/32 **DC/18/1412 - ARUN FEEDS, SINCOX LANE, SHIPLEY**

The Head of Development reported that this application sought full permission for the erection of 4 detached dwellings with associated garaging, hardstanding and landscaping. The dwellings would seek to reflect a Farmhouse, Coach House, converted Stable Building, and Chaffeurs Cottage.

The application site was located to the south east of Sincox Lane, outside of any built-up area boundary and was comprised of an unused former commercial site.

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.

Both Shipley and Thakeham Parish Councils objected to the application. 2 letters of objection and 10 of support had been received. The applicant and two members of the public 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; design and appearance; amenity impacts; existing parking and traffic conditions.

RESOLVED

That planning application DC/18/1412 be refused for the reasons as set out in the report.

The meeting closed at 4.32 pm having commenced at 2.30 pm

CHAIRMAN



Planning Committee (South)

Date: 16th October 2018

Report on Appeals: 06/09/2018 – 03/10/2018

1. Appeals Lodged

HDC have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/17/1978	West Sussex Showground Grinders Lane West Grinstead West Sussex	17/09/2018	Refused	N/A
DC/18/1020	Cart Shed Court Farm West Chiltington Lane Coneyhurst Billingshurst West Sussex RH14 9DL	17/09/2018	Prior Approval Required and Refused	N/A
DC/18/0458	Old Reservoir Farm East Street Billingshurst West Sussex RH14 9DA	26/09/2018	Refused	N/A
DC/18/0152	Little Stoke Sandgate Lane Storrington Pulborough West Sussex RH20 3HJ	03/10/2018	Permitted	N/A

2. Live Appeals

HDC have received notice from the Department of Communities and Local Government that the following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/17/0506	South Lodge Knepp Castle West Grinstead Horsham West Sussex RH13 8LJ	Fast Track	02/10/2018	Refused	N/A
DC/18/0717	1 Hungerhill Cottages Coolham Road Coolham Horsham West Sussex RH13 8QE	Fast Track	11/09/2018	Refused	N/A
DC/17/2074	Land Adjoining The Orchard Cowfold Road West Grinstead West Sussex	Written Representation	13/09/2018	Refused	Refused
DC/17/2418	16 Covert Mead Ashington Pulborough West Sussex RH20 3PR	Written Representation	13/09/2018	Refused	N/A
DC/18/0209	Steyning Football Club Shooting Field Steyning West Sussex BN44 3RQ	Written Representation	19/09/2018	Prior Approval Required and Refused	N/A

3. Appeal Decisions

HDC have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
EN/17/0241	Land Parcel at 509771 121066 Harbolets Road West Chiltington West Sussex	Written Representation	Dismissed	-	-



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 16 October 2018

DEVELOPMENT: Outline application for the demolition of an existing squash club facility and erection of a three storey building comprising 8 flats (6 x two bedroom and 2 x one bedroom) with 14 associated car parking and landscaping. All matters reserved except for access and layout.

SITE: Storrington Squash Club Greyfriars Lane Storrington Pulborough West Sussex RH20 4HE

WARD: Chantry

APPLICATION: DC/18/0584

APPLICANT: **Name:** Storrington Squash Club **Address:** Storrington Squash Club Greyfriars Lane Storrington Pulborough West Sussex RH20 4HE

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received which are contrary to the officer recommendation

RECOMMENDATION: To approve planning permission subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks outline planning permission for demolition of the existing squash club and the erection of a replacement building containing 8 self-contained flats. The application seeks consent for access and layout with the appearance, scale and landscaping of the development being reserved matters, which would be considered as part of a subsequent application. The access would utilise the existing arrangement, off Greyfriars Lane, with the layout including the siting of the building and the associated car parking.
- 1.2 While appearance and scale are reserved, the application is accompanied by illustrative plans. The plans indicate a three-storey brick building with a third-storey set in from lower levels of the building. The proposal includes 14 car parking spaces for the flats.
- 1.3 This proposal is a revised scheme following on from the refusal of DC/15/1992. The previous proposal was for outline consent for 9 flats and was refused at the May 2017 meeting of Planning Committee South for lack of on-site parking. The refused scheme included 10 parking spaces.
- 1.4 The current proposal originally proposed a scheme for 10 flats with 15 parking spaces. This proposal was considered inappropriate as the building was shown closer to the north and

eastern boundaries when compared to the previous refused scheme. This was considered to result in a detrimental impact on the amenity of adjacent properties and an unacceptable impact on the setting of the adjacent listed building and conservation area. Amended plans were subsequently received which show the building set back from the north and eastern boundaries to the similar extent as the previous refused scheme. As amended, the proposal has reduced the number of proposed flats to 8 and with 14 parking spaces.

DESCRIPTION OF THE SITE

- 1.5 The application site comprises a detached two-storey building, within the built-up area of Storrington, which comprises a private members squash club and associated changing facilities, gym and club room. The building has a flat roof with ground floor brick work, first floor tile hanging and windows.
- 1.6 The site is adjoined by Storrington Community Centre and Museum to the north, Storrington Tennis Club to the west, listed buildings to the east (St Marys Parish Church, Horsecroft and St Josephs Abbey), and a surface car park (associated with the squash club and tennis club) to the south. The north and eastern boundaries of the site mark the edge of the Storrington Conservation Area.
- 1.7 The site is accessed off Greyfriars Lane via an access shared with Storrington Tennis Club and neighbouring residential properties.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework:**
 - NPPF 5 – Delivering a sufficient supply of homes
 - NPPF 9 – Promoting sustainable transport
 - NPPF 11 – Making effective use of land
 - NPPF12 – Achieving well-designed places
 - NPPF14 – Meeting the challenge of climate change, flooding and coastal change
 - NPPF15 – Conserving and enhancing the natural environment
 - NPPF16 – Conserving and enhancing the historic environment

RELEVANT COUNCIL POLICY

- 2.3 **Horsham District Planning Framework (HDPF 2015)**
 - Policy 1 – Strategic Policy: Sustainable Development
 - Policy 2 – Strategic Policy: Strategic Development
 - Policy 3 – Strategic Policy: Development Hierarchy
 - Policy 16 – Strategic Policy: Meeting Local Housing Needs
 - Policy 31 – Green Infrastructure and Biodiveristy
 - Policy 32 – Strategic Policy – The Quality of New Development
 - Policy 33 – Development Principles
 - Policy 34 – Cultural and Heritage Assets
 - Policy 38 – Strategic Policy: Flooding
 - Policy 40 – Sustainable Transport
 - Policy 41 – Parking
 - Policy 42 – Inclusive Communities
 - Policy 43 – Community Facilities, Leisure and Recreation

- 2.4 Supplementary Planning Guidance:
- Planning Obligations and Affordable Housing Supplementary Planning Document 2017
 - Storrington and Sullington Parish Design Statement 2010

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 A Draft Plan has been submitted for the Storrington, Sullington & Washington Neighbourhood Plan 2017-2031. A public hearing was held in September to address matters raised by the Inspectorate regarding the Draft Plan. At the time of writing this report, the Inspector's comments from the hearing had not been received.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 The recent and relevant planning history relating to the site is as follows:

DC/15/1992	Outline application for the demolition of existing squash club facility and erection of 9 flats with associated car parking.	Application Refused on 31.05.2017
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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 Community and Culture:** Comment. Previous comments on the refused application required a S106 contribution towards additional community sports facilities within the District to compensate for the loss of the existing facilities. With the adoption of CIL regulations, it is understood that requiring a direct sporting contribution would be difficult.
- 3.3 **HDC Conservation:** Objection. A landscape and visual impact assessment is required to describe the impact of the proposal on all the heritage assets.
- 3.4 **HDC Ecology Consultant:** Comment. The proposal will affect low numbers of bats around the building. In the event that the Local Planning Authority is minded to grant permission, a condition is recommended that works are in accordance with the mitigation measures outlined in the submitted Bat Survey Report.
- 3.5 **HDC Drainage:** Comment. Detailed drainage details are required by conditions.
- 3.6 **HDC Housing:** Comment. Given the lack of any proposed housing units the application is not supported.

***NB:** Since the Housing Officer's comments were received, the NPPF has been amended so that affordable housing requirements are only applicable to proposals for major schemes (i.e. 10 or more houses).*

- 3.7 **HDC Landscape:** No comment.
- 3.8 **HDC Policy:** Comment. The change of use is accepted subject to appropriate mitigation and provision of affordable housing. Scale and massing to be assessed subject to on-site assessment and all consultee responses.

- 3.9 **HDC Archaeology Consultant:** No objection subject to a programme of archaeological monitoring.

OUTSIDE AGENCIES

- 3.10 **Sport England:** No comment.
- 3.11 **Southern Water:** No objection, a formal application would be required for any connection to the public sewerage system.
- 3.12 **West Sussex Country Council – Highways:** No objection.
- 3.13 **West Sussex County Council – Flood Risk:** Comment. Detailed surface water drainage designs are required to be submitted for approval by the Local Planning Authority prior to development commencing.
- 3.14 **Historic England:** No comment.

PARISH COUNCIL

- 3.15 **Storrington & Sullington Parish Council:** Object. The squash club is a local asset, would result in the loss of a leisure facility, would be detrimental to adjoining properties and features an inadequate access.
- 3.16 **Parish Council comments on amended scheme:** Object. The club has been classed as an amenity in the Neighbourhood Plan and is in close proximity to a Listed Building and the Conservation Area. The site is not suitable for development in the Neighbourhood Plan and is not acceptable adjacent to Horsecroft and the Church. The use should be actively marketed as a business. Concern is raised regarding dustcart access.

PUBLIC CONSULTATIONS

- 3.17 7 representations were received objecting to the application on the following grounds:
- The proposal will have too high a visual impact and is out of character in the conservation area.
 - The proposal will substantially increase traffic and population density.
 - The top floor flats would result in privacy intrusion, noise and light pollution for adjacent residents.
 - Construction would cause access problems.
 - There is insufficient parking and lack of suitable access for emergency vehicles.
 - The scheme results in highway safety concerns.
 - The Squash Club does not have permission to cross the tennis club car park for the proposed use.
- 3.18 2 further representations have been received commenting that the submitted amendments have not addressed the concerns raised.
- 3.19 The Storrington Tennis Club Committee has made the following comments:
- No development to commence until a Construction Management Plan has been submitted and approved by the Local Planning Authority.
 - No parking on the communal driveway or the right of way.
 - Fencing to be constructed dividing the site from the tennis club access.
 - Hours of work to be limited to 08.00 – 17.30 Monday to Friday and 08.00 – 13.00 Saturday.
 - The developer to be responsible for restoring the communal driveway.
 - The submitted plans do not show the 10ft right of way.

- Concern is raised regarding construction vehicle access.
- Concern is raised regarding the accuracy of the submitted plans.

- 3.20 The Tennis Club have further commented on the submitted amendments:
- The drawings are not accurate and the true boundary of the site is not indicated.
 - It would be impossible to access the parking spaces without going onto the tennis club's parking area.
 - Concern is raised regarding refuse vehicles and construction traffic access.

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 of consideration relate to the principle of development, including the loss of the existing squash club; the impact on the character and appearance of the area; the impact on neighbouring amenity; and highway issues. A material consideration is also whether the current proposal has addressed the previous reason for refusal relating to lack of parking.

Principle of development

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas, with any infilling and redevelopment required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement. The application site is within the built-up area of Storrington, which is recognised as being a settlement with a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and / or bus services. In principle, it is considered that a development of 8 flats would be appropriate to the characteristics of the settlement and is acceptable in principle, subject to detailed considerations.
- 6.3 As existing the site provides a leisure facility in the manner of a private members squash club, within Use Class D2. Policy 43 of the HDPF seeks to retain leisure facilities unless, amongst other criteria, equally usable facilities can be provided nearby and that continued use of the service is no longer feasible. The policy also advises that a loss may be considered acceptable if a significant enhancement to the nature and quality of an existing facility will result from the redevelopment.
- 6.4 The applicant has advised that the existing membership of the club, which comprises 42 individuals, is not sufficient to sustain the facility which is in need of wholesale repair and refurbishment in order to sustain the use of the site. The applicant has further advised that the level of investment required would not be viable given the income generated by the use.
- 6.5 As in the previous proposal, there are no reasons to dispute this view and at the time of the site visit it was apparent that the building was in need of repair and refurbishment. The applicant has identified squash clubs in the vicinity of the site, including Horsham, Christ's

Hospital and, outside of the District, Worthing, which would continue to serve the local population.

- 6.6 Since the last application was considered, the Draft Storrington, Sullington and Washington Neighbourhood Plan has been submitted for consideration to the Council. One of the objectives of the Plan is to protect community facilities in the Parish such as clubs and societies. It should be noted that this is not a policy requirement in the plan. The plan has been considered by an Inspector who requested matters and questions to be dealt with by way of written submissions and for questions to be dealt with at a hearing. The hearing was held in September. The Inspectors comments following on from the hearing had not been received at the time of writing this report. Given the uncertainty regarding the Plan, it does not carry full weight.
- 6.7 In any event, we would need to consider whether or not a site is viable as we cannot permanently retain a site if evidence suggests that it does not have a longer term future. Furthermore, it should be noted that this is a private facility and therefore its loss should not be given the same weight as the loss of publicly owned facility. Additionally, the applicant has submitted evidence to indicate that the facility is not viable. It is therefore considered that the loss of this facility is reasonably justified.
- 6.8 Having regard to the above, the principle of development is considered appropriate subject to the below considerations such as design, impact on amenity and highways impact.

Affordable Housing:

- 6.9 Policy 16 of the HDPF requires, on sites of between 5 and 14 dwellings, 20% of dwellings to be affordable, or where on-site provision is not achievable a financial contribution equivalent to the cost of providing the units on site.
- 6.10 The requirements of Policy 16 have now been superseded by the new National Planning Policy Framework (NPPF), published in July 2018. Paragraph 64 of the new NPPF states that affordable housing provision is applicable for major development. Major development is classed as development for 10 or more houses or sites with an area of 0.5 hectares or more. Paragraph 64 reflects the Government guidance in the PPG and states that affordable housing contributions should not be sought for development of 10 units or less.
- 6.11 The guidance in the new NPPF and PPG is considered to carry significant weight and outweighs the requirements of Policy 16 of the HDPF adopted in 2015. As such, the current proposal for 8 units is not required to provide an affordable housing contribution.

Character and appearance

- 6.12 The application site adjoins the Storrington Conservation Area and a number of historic and listed buildings. The existing building is of no architectural interest and there would be no objection to its demolition. The current application seeks consent for the layout, and this includes the siting of the proposed building and the associated car parking.
- 6.13 The proposed building would feature a similar same footprint to the existing building with separation from adjacent boundaries. As amended, the proposed building is set an appropriate distance from the north and eastern boundaries. This siting is considered acceptable and would allow for enhanced landscaping to the remaining curtilage. The layout to the frontage of the site would allow for car parking and refuse / recycling and cycle stores, with intermittent planting areas. The proposed layout is considered acceptable, and an improvement on the existing, having regard to the characteristics of the site and its relationship with surrounding development.

- 6.14 The scale and appearance of the development is a reserved matter, discussions have though taken place to ensure a development could be achieved on the site which would preserve the character and appearance of the surrounding area. As in the previous scheme, the submitted plans indicate a three-storey building with a recessed lightweight top-storey which would reduce the resulting bulk, massing and visual impact of this height. The use of brick as the dominant material would help to assimilate the building into its surroundings, and in public views from Church Street, from where the rear of the building would be visible, the development would not appear incongruous or unduly dominant. It is considered that this approach, which would be secured as part of a future reserved matters application, would represent an improvement on the existing building, and would preserve the character and appearance of the surrounding area.
- 6.15 The Council's Conservation Officer has objected to the current proposal on the grounds that the indicative elevations show a building which would not be appropriate in the context of the surrounding conservation area. It should be noted that the previous scheme was not refused on design grounds. Additionally, the current proposal has reduced the number of flats to 8. This allows scope for the design of the building to be amended to help mitigate its impact on the setting of the adjacent conservation area and listed buildings. A landscape and visual impact assessment could also be required as part of Reserved Matters application to describe the impact of the proposal on all the heritage assets. An informative is recommended that the applicant seeks further views of the Planning Department regarding the design of the building to ensure an appropriate scheme in the context of the setting of the conservation area and listed buildings.
- 6.16 Overall, it is considered that there is sufficient detail within the outline application to demonstrate that the site is capable of accommodating the proposed development without harm to the visual amenities of the site and surroundings. As such there is considered to be no conflict with policies 32, 33 or 34 of the HDPF at this outline stage.

Impact on neighbouring amenity

- 6.17 The layout, for which approval is sought, would allow for approximately 6 metres to the shared boundary with Horsecroft to the east, with the neighbouring building in excess of 25 metres from the proposed development. This separation is considered sufficient to prevent any harmful loss of light or outlook to this building. Horse Croft benefits from a generous curtilage and there are no reasons why a development, subject to appropriate reserved matters (of scale, appearance and landscaping), could not be achieved which would prevent any significant harm.
- 6.18 The adjoining building to the north comprises a community centre and museum and an adjoining dwellinghouse, Old School Cottage. The proposed building would be sited approximately 3 metres from the shared boundary with this building. This separation coupled with the illustrative design, with the top floor set back from lower levels of the building, and potential for improvements to the screening and landscaping is considered sufficient to prevent any significant harm to the adjoining building, and particularly the residential element. It should be noted that the boundary treatment and landscaping would be secured through the reserved matters application. Under the Reserved Matters application, the exact positioning of windows and balconies would be thoroughly considered to ensure there is no significant overlooking of adjacent properties.
- 6.19 The introduction of 8 residential units into an established mixed use area would not be expected to generate harmful levels of noise or disturbance for occupants / users of adjoining properties.
- 6.20 For the reasons outlined above it is considered that the proposed layout and access would not lead to significant harm for occupants of adjoining properties, and there are no reasons to consider at this outline stage that appropriate scale, appearance and landscaping could

not be achieved on the site to minimise the resulting impact on neighbouring amenity. The proposal therefore accords with Policy 33 of the HDPF.

Impact on highways

- 6.21 The access road does not allow two opposing vehicles to pass one another and no improvements are possible due to the presence of adjoining properties. The access road is though well-established and has served the squash club, Storrington Tennis Club and residential accesses to Ivy Cottage and Smugglers Hut for an extended period of time. It has been clarified that the proposed development would result in fewer trips than the existing use of the site (as a squash club) and a less intensive use of the access road. On this basis it is considered that the development would not generate a harmful level of vehicular movements along either Greyfriars Lane or the access road.
- 6.22 The proposed layout would provide 14 parking spaces (for 8 flats) which is considered acceptable in this location. This compares to the 10 spaces previously proposed (for 9 flats) and considered inappropriate under the previous proposal.
- 6.23 The layout includes a location for a cycle store, with further details on this provision sought through condition. Bins are currently collected via the access from Greyfriars Lane. It is expected that this arrangement would continue. A condition is recommended to secure details of refuse management to ensure that the refuse collection and provision is appropriate.
- 6.24 A number of representations have been received raising concerns of the impact of demolition and construction works on the shared access road and adjoining properties. While there is potential for short-term disruption a Construction Method Statement would be secured through recommended condition 3. This would include details of contractor parking, loading and unloading of vehicles, storage of plant and materials, security hoarding, and measures to reduce noise and dust impact. It is considered that this approach would minimise any disruption and protect neighbouring amenity and uses.
- 6.25 The highway impacts of the development are therefore considered acceptable, subject to conditions, and in this respect the proposal accords with policies 40 and 41 of the HDPF.

Community Infrastructure Levy (CIL)

- 6.26 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 is calculated at the relevant reserved matters stage.
- 6.27 The Council's Community and Culture Team have queried whether a S106 contribution could be sought towards additional community sports facilities within the District to compensate for the loss of the existing facilities. As outlined above, the existing club is not considered viable and is not sufficient to sustain the facility which is in need of wholesale repair. It could therefore be argued that there is insufficient grounds to require a direct contribution through a S106 agreement to mitigate the loss of facilities which are not viable. Notwithstanding this, CIL payments from this development could go towards improvements for leisure and sport infrastructure and facilities, as outlined in the CIL Charging Schedule (April 2017).

Conclusion

- 6.28 Through the provision of 14 car parking spaces for 8 flats, the current proposal has addressed the previous reason for refusal relating to lack of parking for the development. The principle and quantum of development proposed is considered appropriate and, subject to detailed designs at the Reserved Matters stage, the proposal would not result in a

significant impact on the amenity of adjacent properties or detrimentally impact on the setting of the adjacent conservation area and listed buildings.

7. RECOMMENDATIONS

7.1 That planning permission is granted subject to the following conditions:

1 A list of the approved plans

2 **Standard Time Condition:**

- (a) Approval of the details of the scale of the building, which shall not exceed three-storeys in height, the appearance of the 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 scale of the building, which shall not exceed three-storeys in height, the appearance of the 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 a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

4 **Pre-Commencement Condition:**

- i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

- ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. 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 complies with the current Building Regulations as well as Policy 38 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place level until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall 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).

- 7 **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).

- 8 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a refuse and recycling strategy shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of storage and collection of refuse. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 9 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, the parking turning and access facilities shall be implemented in accordance with the approved details as shown on plan no.2870/3 Rev B and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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).

- 11 **Regulatory Condition:** The development shall be carried out in accordance with the mitigation measures set out in the Bat Survey Report July 2018 from Verdant Ecology received on 10th July 2018.

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

- 12 **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).

Note to Applicant:

The applicant is advised to seek the views of the Planning Department regarding the design of the proposal prior to the submission of a Reserved Matters application. A landscape and visual impact assessment is also required as part of a Reserved Matters application to describe the impact of the proposal on all the heritage assets.

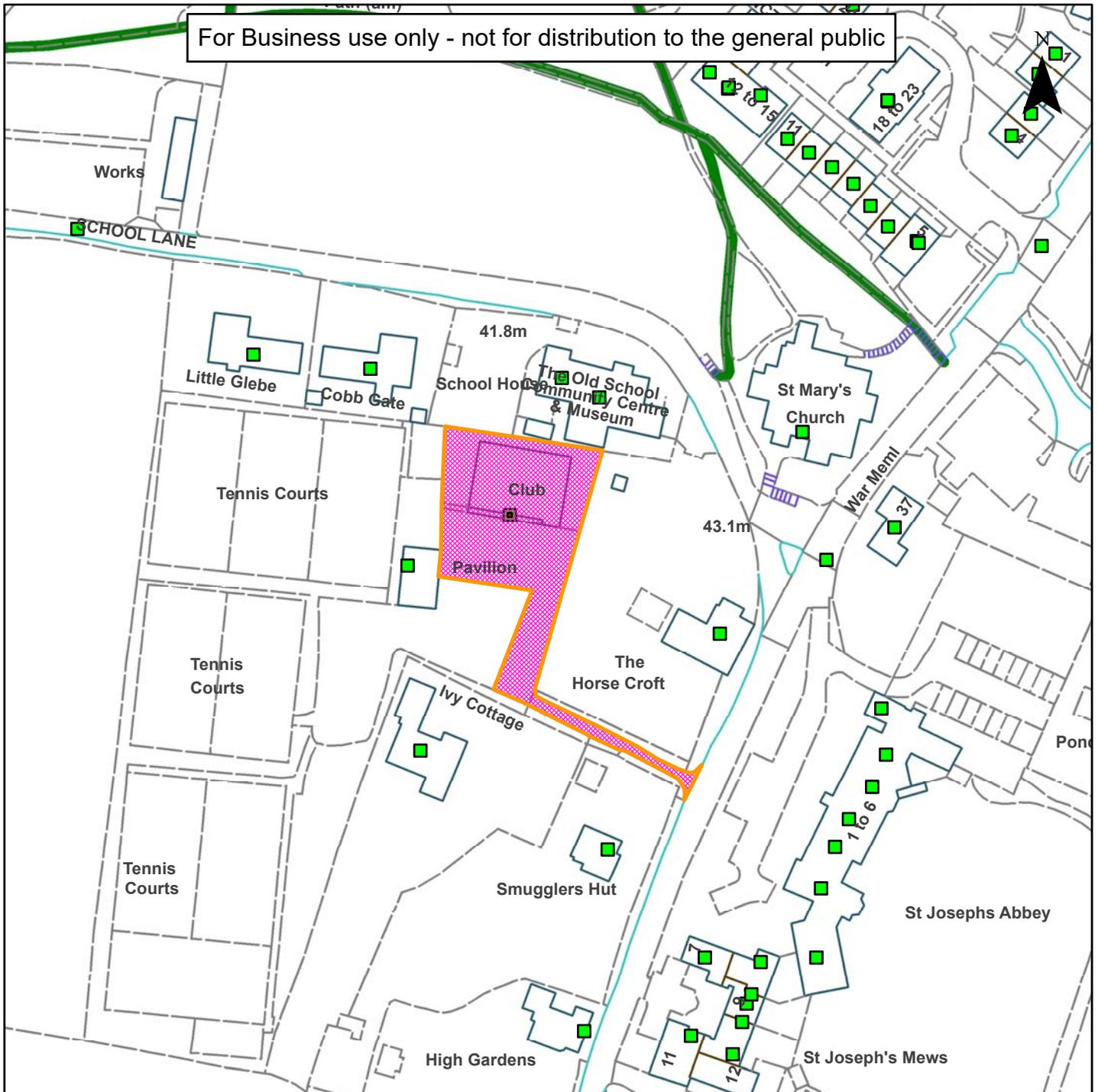
Background Papers: DC/15/1992

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Organisation	Horsham District Council
Department	
Comments	Not Set
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 16 October 2018

DEVELOPMENT: Variation of Condition 1 (plan numbers) to previously approved application DC/16/1860 (Erection of new build 32 bed dementia care home on land to the rear of The Anchorage Residential Home). Proposed installation of 5no. dormer windows to facilitate the creation of 8no. additional bedrooms within the approved roofspace.

SITE: The Anchorage Coombelands Lane Pulborough West Sussex RH20 1AG

WARD: Pulborough and Coldwaltham

APPLICATION: DC/18/1431

APPLICANT: **Name:** Nick Wyatt **Address:** The Anchorage Coombelands Lane Pulborough West Sussex RH20 1AG

REASON FOR INCLUSION ON THE AGENDA: By request of Pulborough Parish Council.

RECOMMENDATION: To approve planning permission, subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This is a Section 73 application which seeks amendments to the planning permission as approved under DC/16/1860 for a 32 bed dementia care home.

1.3 The proposed amendments relate to the use of the approved building's roof space, which was previously shown on the approved plans to be boarded and used as an area for back of house storage. Under this current Application, it is proposed to use this area of the roof space to create 8 additional bedrooms and associated living facilities (bathrooms, lounge and kitchen area) for dementia care patients. This amendment to the current planning permission would bring the total number of patient bedrooms from 32 to 40.

1.4 This proposal requires amendments to the external appearance of the building through the introduction of 5 new dormer windows and 8 roof lights. This includes 2 new dormer windows to elevation 'B', 2 new dormer windows and 4 roof lights to elevation 'F' and 4 new roof lights to elevation 'G'.

DESCRIPTION OF THE SITE

- 1.5 The application site forms a 0.53 hectare parcel of unused land on the western side of Pulborough, directly south west of the existing care facility at the Anchorage. To the east and south of the site is a railway line, with Pulborough Station approximately 300m south of the site with an intervening area of industrial development together and station car park. To the north is an open field with the approved access travelling along its western edge. To the north east is the existing care home.
- 1.6 The site abuts the defined settlement boundary of Pulborough, which lies to the south and across the railway line to the east. The Pulborough Conservation Area abuts the site along its eastern boundary, and encompasses the existing building at the Anchorage and large areas of Pulborough across the rail line to the east. This includes Church Place which provides for the main access route to the site from Pulborough. Church Place contains a number of listed buildings (including a Grade I listed Church), whilst further Grade II listed building sit opposite the existing Anchorage care home to the northeast of the site.
- 1.7 To the west of the site is a ploughed field which slopes down to the north to its boundary with Coombelands Lane. There is a footpath travelling east to west through the field following a line of trees. The footpath travels over 340m west to the west boundary of the field where it meets a bridleway travelling north to south along that west field boundary. The site provides for limited views over the South Downs National Park which is located over 350m to the west.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.2 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 10 - Rural Economic Development
Policy 18 - Retirement Housing and Specialist Care
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 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

2.4 RELEVANT NEIGHBOURHOOD PLAN

Pulborough was designated as a Neighbourhood Plan Area in 2014. Discussions are ongoing with the District Council to progress a Plan to Regulation 14 initial consultation stage.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/1860	Variation of condition 1 to previously approved application DC/15/1547 (Erection of new build 32 bed dementia care home on land to the rear of The Anchorage Residential Home); relating to amendments to the design and height of the roof of the building to facilitate the creation of additional first floor space to provide 3 x 2 bedroom self-contained staff accommodation units, along with elevational alterations, changes to external finishing materials and amendment to landscaping scheme.	Application 21.12.2016	Permitted	on
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DC/15/1547	Erection of new build 32 bed dementia care home on land to the rear of The Anchorage Residential Home.	Application 31.03.2016	Permitted	on
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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 Conservation:** No objection.
The dormer windows will not increase the impact of the care home compared with the previously permitted scheme.

- 3.3 **HDC Landscape Architect:** No objection.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No objection.
The various amendments are noted. The main change is the increase in the number of resident bedrooms from 32 to 40. A Transport Statement has been submitted in support of the proposed changes.
With regards to the increase in rooms, this will result in a slight increase in the number 12 hourly (7am to 7pm) vehicle trips from 111 to 139. In light of these trips being spread over the course of a 12 hour period, the increase is not considered to result in any severe capacity issues. No changes are otherwise proposed to the permitted access or parking arrangements. No highway objection would be raised. All previously recommended conditions and informatives remain applicable.

PARISH COUNCIL

- 3.5 **Pulborough Parish Council:** Objection

Pulborough Parish Council reiterate previous objections on the ground of over development and also members' previously recorded serious concerns regarding access / utility service issues to the site. In addition, Members object for the following reasons:

- The traffic survey that has been conducted has been conducted in the wrong location
- The increase in the number of rooms is not acceptable in terms of extra journeys bringing in extra traffic
- The stated change over periods are incorrect

PUBLIC CONSULTATIONS

3.6 Six letters of representation from three households were received objecting to the proposal. The points raised in these letters can be summarised as follows:

- The original planning permission was granted for a single storey building. To increase this by incorporating a second floor and with an increased roof height in part of the building is not acceptable and is out of keeping with the area, being on the edge of the South Downs National Park.
- The addition of 8 bedrooms constitutes an overdevelopment of the site
- There will be an increase in traffic leading in and out of Coombelands Lane at a point which is unsuitable for heavier traffic flow.
- The access point onto Coombelands lane is not safe
- There will be safety implications associated with an increase in traffic flows along Coombelands Lane due to visitor numbers
- Inadequate monitoring of the traffic along Coombelands Lane has been undertaken, traffic monitoring should be undertaken along Church Place which takes all the traffic for the Anchorage, as well as 2 churches and around 30 residential dwellings. This would show the true impact of new traffic (including construction traffic), so that the impact of a Dementia home can be accurately assessed
- Church Place is the heart of the historic part of Pulbrough. It already suffers from cars travelling at excessive speeds through narrow lane, traffic backing up and lorries getting stuck. This proposal would only exacerbate the existing situation
- Construction traffic could damage the historic pavement outside Church House which is privately owned.
- Construction traffic will not have a wide enough turning circle to be able to construct the new access road or to access the construction site for the new dementia home without crossing land to the East which is not under the ownership or control of the developer.
- The plan show gas being accessed from Coombelands Lane. There is no gas pipework here to support this.
- There is no electricity enabling access to the network from Coombelands Lane.
- Coombelands Lane floods regularly throughout the winter months. Drainage issues need to be resolved so all water is taken off into the drainage system and no water on the road can pond or freeze.
- The amendments as now proposed are going above and beyond what was originally permitted and what would originally have been considered acceptable.

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 application proposes an amendment to planning permission DC/16/1860. The application is made under section 73 of the Town and Country Planning Act 1990 (as amended), and proposes the variation of the 'approved plans' condition to substitute the proposed revised drawings. The granting of planning permission under s73 results in the issuing of a new planning permission, and the developer then has the option of implementing either the original planning permission or the amended scheme. If permission is granted under this application, it would be subject to the same time limit for implementation as the original permission, and the same conditions. Under the requirements of s73, the Council is only allowed to consider the question of the conditions subject to which planning permission should be granted. The principle of development therefore cannot be re-visited and the main consideration for this application is therefore the acceptability of the proposed amendments.

Design and Appearance

- 6.2 Policy 33 of the HDPF requires development to conserve and enhance the built environment through ensuring that development is locally distinctive in character, respectful of the character of the surrounding area (including its overall setting, townscape features, views and green corridors), of a high standard of building materials, finishes and landscaping and presumes in favour of the retention of natural features (such as trees, hedges, banks and watercourses). Furthermore that development is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land.
- 6.3 Policy 34 of the HDPF requires development to reinforce the special character of the district's historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques. In addition to make a positive contribution to the character and distinctiveness of the area and to ensure that development in conservation areas is consistent with the special character of those areas.
- 6.4 The amendments proposed under this Application relate to the use of roof space, which was previously shown on the approved plans to be boarded and used as an area for back of house storage. Under this current Application, it is proposed to use this area of the roof space to create 8 additional bedrooms and associated living facilities (bathrooms, lounge and kitchen area) for dementia care patients. This amendment to the current planning permission would bring the total number of patient bedrooms from 32 to 40, resulting in an increase of 8 bedrooms.
- 6.5 The footprint of the building and its overall height would not be altered, however 5 new dormer windows and 8 roof lights are proposed to the roof to provide the necessary room space. This is in addition to the 13 rooflights approved under the current permission. Given the extent, form and footprint of the approved single storey building, it is not considered that the addition of 5 suitably scaled and positioned dormer windows and 8 additional rooflights would harm the appearance of the building or the wider area. The Council's Conservation Officer has advised that the dormer windows will not increase the impact of the care home compared with the previously permitted scheme. Consequently it is not considered that the proposed amendments would result in harm to the setting of nearby heritage assets including the adjacent Pulborough Conservation Area and listed buildings, including the Grade I listed St Mary's Church. This conclusion includes consideration of the impacts of increased traffic movements on the setting of the listed buildings along Church Place.

- 6.6 Similarly, it is not considered that the proposed amendments would have a harmful impact on the landscape character of the area, or to the setting of the South Downs National Park, given their modest scale relative to the existing planning permission. The Council's Landscape Architect has raised no objections on landscape grounds, subject to the application of the relevant landscaping conditions.
- 6.7 In light of the conclusions of the Landscape Architect and Conservation Officer, it is considered that the proposed amendments to the proposal are acceptable in terms of design, appearance and visual impact in accordance with Policies 25, 33 and 34 of the HDPF.

Highways Impact

- 6.8 The development as now proposed incorporates an additional 8 dementia care bedrooms. The Highway Authority have advised that this amendment does not materially alter the scheme from a highway capacity or safety point of view. No objections are therefore raised in respect of highways and parking.
- 6.9 Policy 39 of the HDPF requires there to be sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development, or that suitable mitigation arrangements for the improvement of the infrastructure are provided. Policy 40 of the HDPF requires development to provide 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. The proposed amendments retain 10 parking spaces for staff and visitors to the development which is considered appropriate given the nature of the development and the transport demand it would likely generate. Although the WSCC parking calculator requires a maximum of 15 spaces for a C2 care home use (2 for residents, 5 for visitors, and 8 for staff), given that staff would be shared with the existing care home adjacent to the northeast, and that dementia care occupiers would be unlikely to require parking, it is considered that 10 spaces is an acceptable provision. In the worst case scenario the 6m wide access road would be capable of safely providing overspill parking away from the public highway.
- 6.10 In terms of highways impact, although traffic movements across the day (7am to 7pm) would increase from an estimated 111 to 139, this equates to an average of between 10 and 11 per hour. This is not considered significant such that a severe harm to the highway network would result, in particular having regard existing traffic volumes on Coombelands Lane and Church Road. In terms of highway safety, the access arrangements remain as previous, and were subject to a Road Safety Audit as part of the consideration of the original planning permission. Subject to the conditions requiring visibility splays to be provided, it is not considered that the increased capacity of the care home would lead to highway safety issues.

Other Matters

- 6.11 No objection was previously raised in respect of other matters including the archaeology, ecology, drainage and sustainability impacts of the development, and the proposed alterations do not impact on these matter. Whilst concerns have been raised by objectors over increased flood risk, this is suitably controlled by condition as per the existing planning permission. All other conditions to the existing planning permission have been re-applied to ensure the proposals remain in accordance with the development plan. This includes conditions to ensure suitable visibility splays are provided at the site entrance, controls over construction hours, and the provision of the access and parking facilities prior to first occupancy.

Conclusions

- 6.12 The principle of a care home on this site has been established by the existing extant planning permission. The proposed roof alterations to increase the capacity of the dementia care home from 32 beds to 40 beds, in tandem with the alterations previously approved to provide staff overnight accommodation, would not fundamentally alter the nature or extent of the planning permission and as such can be considered by way of an amendment to the original planning permission under Section 73 of the Town and Country Planning Act (as amended). The alterations would not harm the appearance of the building or wider area, including the setting of the Pulborough Conservation Area, Grade I and II listed buildings in the vicinity of the site, or the South Downs National Park. The increased number of bedrooms would not increase traffic generation in the area such that the impact on the highway network would be severe. Furthermore the proposals would not result in highway safety issues subject to the retention of the conditions applied to the original planning permission. The proposed amendments are therefore considered acceptable in accordance with the HDPF and NPPF.

7. RECOMMENDATIONS

- 7.1 To approve planning permission, subject to the following conditions:

Conditions:

1. **Plans Condition**

2. **Standard Time Condition:** The development hereby permitted must be commenced by the 31.03.2019.

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

3. **Regulatory Condition:** No construction works shall take place other than between the hours of 0800 - 1800 Monday to Friday, 0900 - 1300 on Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed, in writing, by the Local Planning Authority.

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

4. **Pre-Commencement Condition:** No development shall be carried out, including any works of demolition, until a Construction Environmental Management Plan (the Plan) has been submitted to and approved, in writing, by the Local Planning Authority. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
- ii. Hours of operation
- iii. Details of how residents will be advised of site management contact details and responsibilities
- iv. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
- v. The anticipated number, frequency and types of vehicles used during construction,
- vi. Details regarding parking of site operatives and visitors, deliveries, and storage;
- vii. The method of access to and from the construction site
- viii. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc.

- ix. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- x. Locations and details for the provision of wheel washing facilities, dust suppression facilities and the management of noise
- xi. The provision of measures to prevent drainage of water from the site onto the public highway,
- xii. Details of how the site access will be constructed including where plant machinery will be located and details of any mitigation measures required to reduce the impact on existing road users

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall be carried out until a desktop study and risk assessment to address any contamination have been submitted to and approved, in writing, by the Local Planning Authority. If this study deems necessary, then an intrusive investigation and further risk assessment will need to be submitted to and approved, in writing, by the Local Planning Authority. The scope of the investigation shall be agreed with the Council in advance of the works. The risk assessment will assess the degree and nature of any contamination on site and assess the risks posed by any contamination to human health, controlled waters and the wider environment. A detailed method statement for any required remediation works will need to be submitted to and approved, in writing, by the Local Planning Authority. No development shall be carried out until any required remediation works have been completed and a validation report to verify these works has been submitted to and approved, in writing, by the Local Planning Authority.

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 comply with Policy 24 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** No development shall be carried out until a Landscape and Ecological Management Plan (the Plan) has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan and the measures contained within it unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In the interests of preserving the local bat population and to comply with the NPPF and with Policy 31 of the Horsham District Planning Framework (2015).

7. **Pre-Commencement Condition:** No development shall be commenced until precise details of the finished floor levels of the development in relation to a nearby datum point have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Pre-Commencement Condition:** No development shall be carried out until details of a surface water drainage strategy, based on the principles of Sustainable Drainage Systems (SuDS), have been submitted to and approved, in writing, by the Local

Planning Authority. The strategy shall be in accordance with the principles of the Technical Guidance to the NPPF (or any subsequent version). The surface water drainage strategy shall:

- a.) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b.) include a timetable for its implementation; and
- c.) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure a satisfactory standard of development in accordance with Policy 38 of the Horsham District Planning Framework (2015).

9. **Pre-Commencement Condition:** No development shall be carried out until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved foul and surface water sewerage disposal details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development in accordance with Policy 38 of the Horsham District Planning Framework (2015).

10. **Pre-Commencement (Slab Level):** No development above slab level shall be carried out until details of external facing and roof materials have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of boundary treatments, including around the perimeter of the residents gardens, shall have been submitted to and approved, in writing, by the Local Planning Authority. The development shall not be brought into use until the boundary treatments, including the boundary around the perimeter of the residents garden, have been installed in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

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

12. **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).

13. **Pre-Occupation Condition:** No development shall be occupied until car parking has been provided in accordance with the details shown on the approved plan (Plan no. 202 received 6 July 2018). The approved car parking shall be retained for the purpose

of car parking at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory development and in the interests of amenity and highway and pedestrian safety in accordance with Policy 40 of the Horsham District Planning Framework (2015).

14. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until the cycle parking and refuse storage facilities serving it have been constructed and made available for use in accordance with approved drawing numbers AL(9)904 rev C and 205 rev 3 received 6 July 2018. 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 and storage of refuse in accordance with Policies 32 and 40 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking, turning and access facilities shall be implemented in accordance with the approved details as shown on plan no. AL(9)903 rev D received 6 July 2018 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

16. **Pre-Occupation Condition:** Prior to the first use of the development hereby permitted, the vehicular access shown on the approved drawing no. AL(9)903 rev D received 6 July 2018 shall have been provided in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority. The approved access shall be retained at all times.

Reason: In the interests of highway safety and the amenities of the area and to comply with the NPPF and Policy 40 of the Horsham District Planning Framework (2015).

17. **Pre-Occupation Condition:** No development shall be occupied or brought into use until vehicular visibility splays of 2.4m by 43m have been provided to the east and west of the site access to Coombelands Lane, unless otherwise agreed, in writing, by the Local Planning Authority. The approved visibility splays shall be retained at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the area and to comply with the NPPF and Policy 40 of the Horsham District Planning Framework (2015).

18. **Pre-Occupation Condition:** No development shall be brought into use until a Delivery, Collection and Service Management Plan (the Plan) has been submitted to and approved, in writing, by the Local Planning Authority. The Plan shall set out the arrangements for loading and unloading of deliveries to the proposed development, the location and frequency of deliveries and the arrangements for the collection of refuse. The development shall be operated in accordance with the approved plan unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety, to safeguard the operation of the public highway and in the amenities of the area and to comply with the NPPF and Policy 40 of the Horsham District Planning Framework (2015).

19. **Pre-Occupation Condition:** No development shall be brought into use until an employee training programme has been submitted to and approved, in writing, by the Local Planning Authority. The training programme shall include measures to support employee skills development, identify local training and development opportunities and include details of a mechanism for the success of the training programme to be reviewed in consultation with the Local Planning Authority. The training programme, and approved measures, shall be fully implemented at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In the interests of promoting and supporting the local rural economy and to comply with the aims and objectives of the NPPF and Policy 10 of the Horsham District Planning Framework (2015).

20. **Regulatory Condition:** No development shall be carried out other than in accordance with the approved Landscape plan (ref: 920 C, received on 6 July 2018) unless otherwise agreed, in writing, by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory development and in the interests of amenity in accordance with the NPPF and with Policies 25, 26, 31 and 33 of the Horsham District Planning Framework (2015).

21. **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).

22. **Regulatory Condition:** The on-site ancillary staff accommodation shall be used for no purpose other than as ancillary staff accommodation.

Reason: To prevent the creation of independent units or residential accommodation outside of the Built Up Area Boundary and to comply with the NPPF and with Policies 1, 2, 10, 18, 26 and 32 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

- a. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction

traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

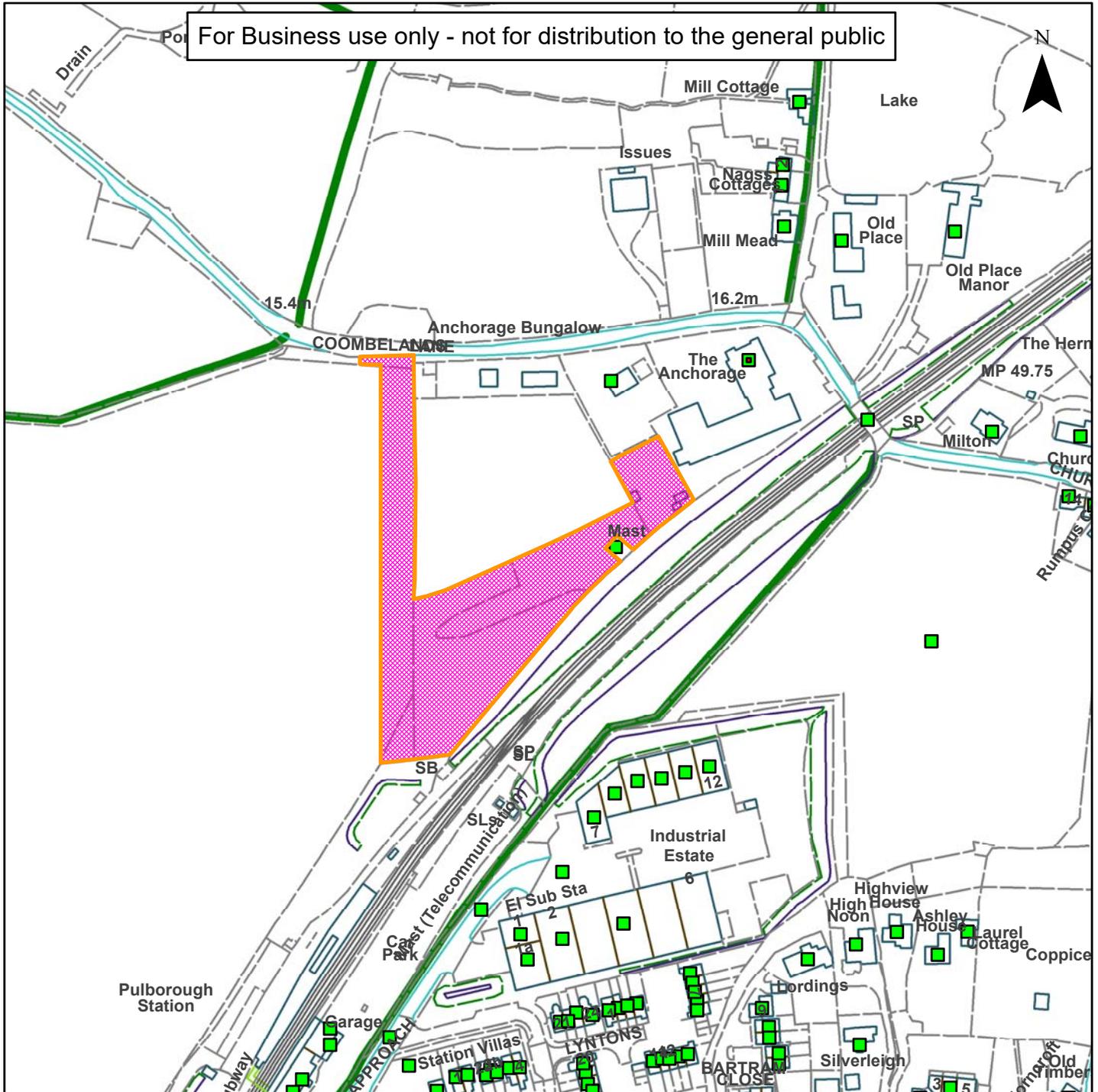
- b. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover any off-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- c. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Background Papers: DC/18/1431



Not Set

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	04/10/2018
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 16 October 2018

DEVELOPMENT: Change of use of existing ancillary Wardens accommodation to an independent dwelling.

SITE: Godmans Court Henfield Road Cowfold West Sussex RH13 8DZ

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/18/0902

APPLICANT: **Name:** Mr Anchor **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 different households have made written representations which are inconsistent with the Officers' recommendation

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The proposal seeks change of use consent to enable the former warden's cottage as an open market dwelling. When permission was granted in 1987, the development description was as follows: "Erection of 21 sheltered flat units; wardens accommodation; ancillary rooms & car parking."
- 1.3 The red line submitted as part of the proposal includes the entire parking yard, on the basis that this is provided as a communal parking area shared with the residents and visitors to Godmans Court.
- 1.4 The submitted planning statement sets out:
"Due to the way in which Godman's Court is managed, it is no longer necessary (nor has there been for some time) for a permanent on-site Warden serving the residents of Godman's Court. The bungalow has been vacant for a number of years and has fallen into disrepair. As a result, it represents a significantly underutilised vacant dwelling, which could be brought back into use by a household in need of such accommodation, but for this to happen it needs to be disconnected, in planning terms, from Godman's Court."

DESCRIPTION OF THE SITE

- 1.5 The application site comprises a small southern section of a larger site, forming a three-storey block of sheltered flats 'Godmans Court', located in the centre of Cowfold Village, which is also within the Cowfold Conservation Area. The wider site also faces Bolney Road with a number of balconies and ground floor court-yard style gardens set behind a boundary brick wall with railings above.
- 1.6 The site itself has vehicular and pedestrian access off Henfield Road, where the main boundary is defined by a 2m high brick wall. The main block is set back from the road frontage at an angle. The communal parking area provides 11 parking spaces, and a designated area for emergency vehicles to access the block.
- 1.7 Set alongside the southern boundary of the wider Godmans Court site, is a modestly proportioned single storey building, which is the former wardens cottage. There are no windows facing into the carpark, and two primary windows facing north over the communal gardens of Godmans Court, serving the main bedroom and living room to the cottage. The building is set about 1m off the southern boundary wall, which is about 2.5m in height and topped by a significant amount of ivy and other climbing plants, and there are also windows facing this wall, including a second bedroom. To the southern side of the boundary wall is a residential property of Maplebank.
- 1.8 To the rear of this building, facing east, is a small courtyard garden, some 5m x 4m in area, and enclosed on all sides by walls or the fenced enclosure to a sub-station. To the east of the boundary wall is an access track that serves a couple of small business premises, the rear of a number of residential properties, and provides parking and garaging space for neighbouring dwellings.
- 1.9 This single-storey building is currently vacant, but has previously been in use as the warden's accommodation for the associated Godmans Court. It is arranged as a simple 2-bed dwelling with aforementioned modest area of private open space provided to the eastern side.
- 1.10 The associated s106 agreement (s52 agreement dated 9th December 1987) on Godmans Court requires that the 21 sheltered flats be occupied only by residents over 55 years of age. This provision expressly excludes the warden's accommodation.
- 1.11 The decision notice for CF/34/87 include two restrictive conditions:
 - Condition 4: That there be a provision of 9 parking spaces which would be designated exclusively for parking, turning, loading and unloading for the Godmans Court site. It is noted that the approved layout plans show 8 parking spaces and 1 garage space attached to the Wardens Accommodation. It would appear that the garage was not provided, given the appearance of the west-facing wall to the Wardens Accommodation. In any event, it is noted that a total of 11 parking spaces are now provided.
 - Condition 11: That the 'residential development' permitted be occupied solely as sheltered housing accommodation on the grounds that the parking and private amenity spaces did not satisfy the standard that was in place at the time (of 1.7 parking spaces per dwelling and 750sq.ft of garden space per dwelling). This condition does not expressly exclude or include the Wardens Accommodation.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 18 - Retirement Housing and Specialist Care

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

2.4 RELEVANT NEIGHBOURHOOD PLAN

The Cowfold Neighbourhood Plan is still at an early stage, with no draft plan having been prepared for consultation.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

CF/34/87	Erection of 21 sheltered flat units wardens accommodation ancillary rooms & car parking	Approved 15.12.1987
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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 Conservation: No Objection.**

- It is not considered that the change of use of the warden's accommodation to an untied dwelling would result in harm to the perception of the setting of the neighbouring listed buildings, or detract from the character and appearance of the conservation area. However, it is suggested that any amendments to the boundary treatment are carefully considered so as to preserve the character of the conservation area.

OUTSIDE AGENCIES

3.3 **WSCC Highways: Comment.**

- An unallocated space will remain for the dwellings use. On this basis the WSCC Car Parking Demand Calculator anticipates a demand for 2 spaces for 2 bedroom bungalow. The LHA do not consider this shortfall in one space would be a highway safety reason to resist the application though the LPA may wish to consider the impact on parking from an amenity point of view.
- From an inspection of accident data supplied to WSCC by Sussex Police this access has been operating without evidence of highway safety concern. The proposals are

not anticipated to result in a highway capacity concern considering the existing level of vehicular traffic.

- The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

[Nb Paragraph 32 of the NPPF has been superseded by paragraph 109 of the new NPPF (2018) which similarly advises that 'development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe']

3.4 **Southern Water: Comment.**

- Should this application receive planning approval an informative is to be attached to the consent: "A formal application for connection to the public sewerage system is required in order to service this development"
- Please note, that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

PARISH COUNCIL

3.5 **Cowfold Parish Council: No objections on the sale, but as roadside parking can be an issue, allocated on-site parking should be part of the sale.**

PUBLIC CONSULTATIONS

3.6 To date the following representations have been received from 20 neighbouring properties, 17 of which are from residents of Godmans Court and one from the current management company (Millstream Management). These representations object to unrestricted the open-market sale of the property, but do not oppose a lease-hold sale of the property which includes an over 55's provision.

Comments:

- Happy for the proposal subject to the age restriction being to over 55-year olds as per Godmans Court and that residents have no right to park;
- Promised by the Landlords (Anchor Trust) that cottage would be disposed of and sold but subject to age restriction and meeting the same criteria as Godmans Court;
- Letter enclosed with one representation, dated April 2011, from the landlords of the site, Anchor, relating to the sale of the 'estate manager accommodation' in favour of a visiting estate manager service. In this letter, it was indicated that the 'estate manager accommodation' would be sold as a leasehold property, with Godmans Court then comprising 22 dwellings contributing to the overall service charges;
- Potential distress to existing residents if property was sold on the open market without restrictions.

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

- 6.1 Since the adoption of the HDPF in November 2015, the Council is able to demonstrate a full 5-year supply of housing land sufficient to meet the needs of the District to 2031, with a forecast that some 750 residential units will come forward by way of windfall sites, such as the application site (Policy 15).
- 6.2 The application site is located within the built up area of Cowfold, which is classed under Policy 3 of the Horsham District Planning Framework (2015), within the category of 'Medium Villages', where a moderate level of services and facilities are available along with some community networks and provision of some public transport.
- 6.3 Policy 3 of the HDPF states that development will be permitted within towns and villages which have defined built up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the identified settlement hierarchy set out within the policy.
- 6.4 In principle alone, the proposal is considered to accord with adopted local planning policies, and the re-use of the former warden's accommodation for open-market housing would be supported, subject to all other material planning considerations as discussed below.

Design and Appearance

- 6.5 Policy 3 of the HDPF requires any development to be appropriate in nature and scale to maintain the characteristics of a settlement. Policy 32 of the HDPF requires new development to 'Complement locally distinctive characters and heritage of the district', 'Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings'. Policy 33 requires developments to relate sympathetically with the built surroundings. Furthermore, Policy 25 requires development to protect, conserve and enhance townscape character.
- 6.6 No external alterations are proposed to the building. The proposal to re-use the former warden's cottage as an open market dwelling, would therefore, in itself, not change the overriding character of the site or its previous use. Current permitted development rights available under the GDPO are restricted on small plots, forward of the front building line and on roofslopes in conservation areas. Therefore, officers are satisfied that permitted development rights are already sufficiently restrictive in this instance, that there would be no need to apply additional planning conditions.

Heritage Impacts

- 6.7 Policy 34 of the HDPF seeks to ensure that developments affecting such assets should make reference to the significance of the asset as well as preserving and ensuring legibility of locally distinctive vernacular building forms and settings, features, fabric and materials. In addition, the setting of heritage assets, including views, should be preserved and retained. The new NPPF (2018) sets out that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and that they should be conserved in a manner that is appropriate to their significance. The NPPF also advises that new development within the setting of heritage assets should enhance or better reveal their significance.

- 6.8 In this instance, the proposal does not include any changes to the external appearance of the building, nor does it propose any additional boundary treatments. The proposal is therefore not considered to result in harm to the perception of the setting of any designated heritage assets, being the neighbouring listed buildings opposite, or the surrounding conservation area.

Amenity Impacts

- 6.9 Policy 33 of the HDPF seeks to avoid unacceptable harm to neighbouring amenities. Officers are aware that the proposed open-market dwelling would have facing habitable windows within about 7m of the nearest ground floor flat within Godmans Court, leading to a very close relationship between existing occupants and prospective inhabitants of the former wardens cottage.
- 6.10 It is appreciated, that as a tied dwelling to the wider Godmans Court, the dwelling could have formed a small family house associated with the warden employed at Godmans Court. However, owing to this intrinsic link between the wider sheltered accommodation and the wardens cottage, any potential harm occurring would have been self-policing, as the warden would have been employed at the site. Removing this link between the original wardens accommodation and the wider sheltered flats would potentially open up occupation of this dwelling to the open market, unrestricted in nature.
- 6.11 Officers consider that retaining an age-related condition on the future occupiers of the dwelling, would maintain a degree of linkage to the wider sheltered accommodation at Godmans Court. Prospective residents would be more likely to use the dwelling in a manner that is commensurate to the wider sheltered housing development of Godmans Court, taking account of the shared bin arrangements, communal parking court and close proximity between habitable facing windows.
- 6.12 A restrictive age condition for potential occupiers of the former wardens cottage would therefore be considered an appropriate and necessary planning condition in this instance. This would be relevant to the location of the former wardens cottage and the wider Godmans Court, reasonable in terms of providing an open market dwelling in the village, and appropriate when taking account of the close proximity of the sheltered flats.

Highways Impacts

- 6.13 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Paragraph 109 of the NPPF (2018) advises that 'development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 6.14 WSCC as the Local Highways Agency have advised that there is no concern in terms of safety, capacity or policy insofar as the use of the existing access onto Henfield Road, nor with regard to the principle of the shared parking court belonging to the wider Godmans Court. Officers do not consider that it would be appropriate in this instance to designate one parking space permanently to the use of the proposed open market dwelling, but that some agreement is reached with the wider landowners, and management / stakeholders of the wider Godmans Court site, and that this management agreement be submitted as a planning condition.
- 6.15 The property is centrally located within Cowfold village where there is a degree of local services provided, along with a reasonably regular bus route, and where a lower level of on-site parking could reasonably be provided. As such the development is considered to be in

a relatively sustainable location where residents would not be wholly reliant on a private car to carry out day-to-day activities.

Conclusions and Planning Balance

- 6.16 In conclusion, the proposal has been considered within the context of the new NPPF and the presumption in favour of sustainable development, and Local Policies set out within the Horsham District Planning Framework (2015).
- 6.17 The character and nature of development in the immediate vicinity of the site, being Godmans Court, along with the relationship the application site has with this established and sensitive development, is of material consideration in this instance. Accordingly, given this interconnected nature between the two sites, and the inevitable close proximity between habitable spaces, it is recommended that any open-market occupation of the former wardens bungalow be subject to the same age restrictions as apply to the residents of Godmans Court.
- 6.18 Any detrimental level of harm that may potentially arise to the amenities of the residents of Godmans Court, by way of open-market sale of the application site, would be satisfactorily addressed by restricted occupation matching the terms of Godmans Court and subject to the over 55's.
- 6.19 The proposal would therefore be in accordance with HDPF policies 2, 3, 24, 25, 32, 33, and 34, 40 and 41.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.20 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.21 **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	55.00	55.00	0
	Total Gain		0
	Total Demolition		0

- 6.22 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.23 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 approve planning permission, subject to the following conditions:

Conditions:

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

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

- 3 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied, or use hereby permitted commenced, until the a management proposal has been submitted to and approved in writing by the Local Planning Authority, setting out the following details:

- a) Car parking provision / allocation within the shared communal parking court
- b) Provision of bin and recycling facilities for the new dwelling
- c) Secure cycle parking provision for the new dwelling

The agreed details shall be implemented in accordance with the approved management plans and thereafter be retained as such for their designated use.

Reason: To ensure that the provision of recycling, refuse, parking and alternative travel means are appropriate to the restricted site and are in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The accommodation hereby permitted shall be occupied solely by persons(s) over the age of 55.

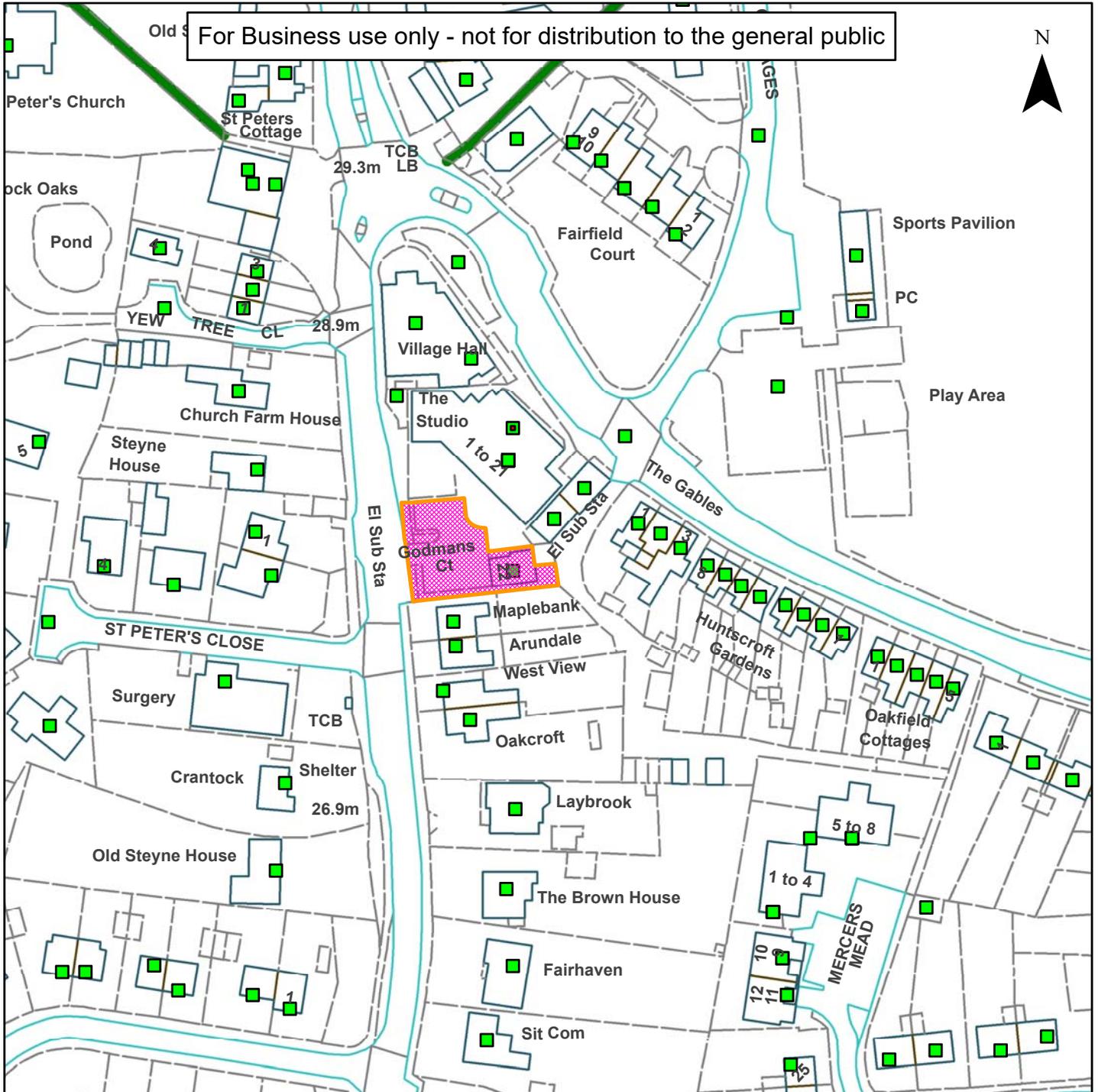
Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/0902



Not Set

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	04/10/2018
SA Number	100023865

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**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee South

BY: Head of Development

DATE: 16 October 2018

DEVELOPMENT: Demolition of existing outbuildings and erection of a two storey dwelling with associated parking and the creation of new access onto lane west of Stockmans (Full Application)

SITE: Stockmans Blackstone Street Blackstone Henfield West Sussex BN5 9TD

WARD: Bramber, Upper Beeding and Woodmancote

APPLICATION: DC/18/1138

APPLICANT: **Name:** Mr and Mrs Colton **Address:** Stockmans, Blackstone Street Blackstone BN5 9TD

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

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the demolition of the outbuildings on the site, and the erection of a two storey 3-bed dwelling that would be positioned to the rear of the Grade II Listed Building known as Stockmans.
- 1.3 The proposed dwelling would consist of a 'T' shaped building positioned to the western boundary of the plot, and oriented to face north/south. The dwelling would extend over two storeys, with a number of single storey projections to the south, east and west.
- 1.4 The proposed dwelling would measure to a total length of 16.1m and an overall width of 13m, and would measure to an approximate footprint of 115sqm. It would incorporate a hipped roof over the main bulk of the dwelling measuring to a total height of 7.3m, with a single storey projection to the south and east measuring to an overall height of 4.9m. The dwelling would be finished in timber cladding and brick, with plain clay tiles to the roof.
- 1.5 It is proposed to provide 2 no. parking spaces to the south of the application site, with a store provided to the south of these spaces. It is proposed to retain the hedging along the western

boundary, with post and wire fencing proposed to the north, south, and east. Access would be via an existing lane that runs along the western boundary of Stockmans.

DESCRIPTION OF THE SITE

- 1.6 The application site is positioned to the rear of the Grade II Listed Building known as Stockmans, in an area of the site currently used as a vegetable garden. The site is slightly set down from the principal Listed Building, with the land falling to the north. The site is located adjacent to the Blackstone Conservation Area, which extends to the south and west of the site, including Stockmans, but excluding the area of land the subject of this application.
- 1.7 The application site is surrounded to the east, west and south by a number of residential dwellings, most of which front the public highway of Blackstone Street, with larger agricultural buildings positioned to the far-west of the site. A public right of way runs north-south along the lane west of the site. The site is bound by a mature hedgeline, with open countryside surrounding to the north. Blackstone does not have a defined settlement boundary within the HDPF therefore the site is considered to be in the countryside.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 41 - Parking

Supplementary Planning Guidance:

- 2.4 N/A

RELEVANT NEIGHBOURHOOD PLAN

2.5 **Woodmancote Parish Neighbourhood Development Plan 2016-2031**

- Policy 1 – A Spatial Plan for the Parish
- Policy 2 – Housing Windfall Sites
- Policy 3 – Design
- Policy 7 – Broadband

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 No relevant planning history

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 Conservation:** Objection:
The proposal to erect a 3-bedroom dwelling to the rear of Stockmans would obstruct views of the High Weald, and with it, the ability to understand the landscape context of Blackstone from this part of the Conservation Area. In addition, concern is raised that the scale of the proposed dwelling would harm the setting of the Listed Building by preventing the understanding and appreciation of the Listed Building and its connection with the surrounding landscape.

OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection.
It is not considered that the proposal for a single dwelling would have a 'severe' impact on the operation of the highway network, and there are no transport grounds to resist the proposal.
- 3.4 **Southern Water:** No Objection.
- 3.5 **WSCC Rights of Way:** No Comment.

PUBLIC CONSULTATIONS

- 3.6 8 letters of support were received, and these can be summarised as follows:
- High quality design
 - Enhance the setting of the locality
 - Does not detract from the amenity of neighbouring properties

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 full planning permission for a detached two storey 3-bed dwelling to the rear of the Grade II Listed Building known as Stockmans.

Principle of Development

- 6.2 Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The application site is situated outside of any of the defined settlement as categorised under Policy 3 of the HDPF, and therefore is considered to be in the countryside in policy terms. Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 6.3 The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible. Policy 3 categorised Blackstone as an 'unclassified settlement', defined a settlements with few or no facilities or social networks and limited accessibility reliant on other villages and towns to meet the needs of residents.
- 6.3 Paragraph 79 of the NPPF directs that isolated homes in the countryside should be avoided unless there are exceptional circumstances. These special circumstances include whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside; the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets'; the development would re-use redundant or disused buildings and enhances its immediate setting'; the development would involve the subdivision of an existing residential dwelling; or the design is of exceptional quality. In conjunction with this, Policy 26 of the HDPF requires development to be essential to its countryside location and in addition meet one of the following criteria: 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.
- 6.4 Since the adoption of the HDPF in November 2015, the Council is able to demonstrate a full 5-year housing land supply to meet the needs of the District to 2031. The development plan and the policies within it are therefore up to date. These policies set out the spatial strategy for sustainable development within the District by establishing a development hierarchy, setting out policies that allow settlements to grow and expand over the lifetime of the plan.
- 6.5 The application site lies outside of the designated built-up area, approximately 4.2km from the centre of Henfield. Given the site's position outside of the designated built-up area, the site is considered to be within a countryside location in policy terms. The application site is located at a distance from the nearest defined settlement, with Woodmancote itself considered an 'unclassified settlement'. As such, the application site does not adjoin an identified settlement, and is not considered to be close to any identified settlements.
- 6.6 The HDPF is currently subject of a Local Plan Review relating to employment, tourism, and sustainable rural development which is at the Issues and Options stage. It is recognised that the land outside built-up areas within Horsham District is not uniformly undeveloped farmland, and it does include a number of small hamlets and villages which are defined as 'unclassified settlements' under Policy 3 of the HDPF. These settlements lack a significant

level of services and facilities, and are therefore not a sustainable location for large scale development, but conversely have been recognised as having potential for some limited development when compared with entirely undeveloped fields against which Policy 26 would apply. It has therefore been considered that some development could take place through the identification of 'secondary settlement' boundaries in which a small amount of infill development may be considered acceptable. This Policy remains in draft form, and therefore does not fall within adopted policy. It nonetheless provides guidance on potential future direction of policy within the District.

- 6.7 Blackstone has been identified as a 'secondary settlement' as part of the Issues and Options stage of the Local Plan Review 2018. The application site however, lies outside of the draft settlement boundary, and therefore remains outside of the defined built-up area boundary. The application site would remain within a countryside location, where countryside policies apply.
- 6.8 In this countryside location, the site is also considered against Policy 26 'Countryside Protection' which protects the countryside against inappropriate development unless it is considered essential and appropriate in scale, whilst also meeting one of four criteria. The proposed development does not meet any of this criteria, nor is it considered to be essential given the Council can demonstrate a full 5-year housing land supply against the required number of dwellings per annum.
- 6.9 The surrounding area is characterised by sparse and sporadic residential development, primarily consisting of farms and detached dwellings located outside of any built-up area boundary, and isolated from infrastructure, amenities and services. Whilst acknowledged that the application site lies to the rear of a cluster of dwellings forming the unclassified hamlet of Blackstone, it is recognised that the site lies outside of any designated built-up area boundary. As such occupiers would likely be reliant on the private car. It is therefore considered that the application site is located within an unsustainable location.
- 6.10 As the site is located outside of any defined built-up area boundary, policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages which have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The application site is not identified in the Local Plan and is not allocated within the adopted Woodmancote Neighbourhood Development Plan (WPNDP).
- 6.11 Notwithstanding the above, it is acknowledged that Woodmancote Parish has an adopted Neighbourhood Development Plan, with a specific policy relating to windfall sites. Policy 2 of the Woodmancote Parish Neighbourhood Development Plan states that development proposals for small scale housing development on infill and previously developed sites will be supported subject to the proposals being well designed and meeting all relevant requirements in other policies in the Neighbourhood Plan.
- 6.12 Officers are of the view that infill development is defined as development within a relatively small gap between existing buildings, and within existing communities. The proposed development would sit at a distance from the collection of buildings grouped within Blackstone, physically separate from the defined building cluster. Given these characteristics it is not considered that the proposal would result in infill development, and would therefore not accord with this policy of the adopted Woodmancote Neighbourhood Development Plan.
- 6.13 As the site is outside of a defined built-up area, the proposal would be contrary to Policy 3 of the HDPF. Notwithstanding this, given its countryside location, Policy 4 is also relevant. The application site is not allocated for development within the HDPF or in the adopted Woodmancote Parish Neighbourhood Plan, and does not adjoin an identified settlement

edge. Therefore, the proposed development for 1 no. dwelling would be contrary to Policy 4 which outlines the circumstances in which the expansion of settlements outside of the built-up area boundary would be supported. It is considered that the principle of the proposed development within the countryside is therefore contrary to the overarching spatial strategy and principles of the National Planning Policy Framework and Local Development Plan. The Council can demonstrate a five year supply of housing. The proposed dwelling would be remote from day to day services, where the provision of market housing in this location, not linked to a rural use, would be contrary to Policy 26 of the HDPF and would not be in accordance with the overarching spatial strategy for development as set out in policies 3 and 4 of the HDPF.

- 6.14 The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements. Furthermore, the proposed development is not essential to its countryside location. Consequently, it represents unsustainable development contrary to policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).

Design and Appearance

- 6.15 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, mass, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.16 The proposed dwelling would consist of a 'T' shaped building positioned to the western boundary of the plot, and oriented to face north/south. The dwelling would extend over two storeys, with a number of single storey projections to the south, east and west. The proposal would measure to a total length of 16.1m and an overall width of 13m, and would measure to an approximate footprint of 115sqm. The proposed dwelling would incorporate a hipped roof over the main bulk of the dwelling measuring to a total height of 7.3m, with single storey projections to the south and east measuring to an overall height of 4.9m. The dwelling would be finished in timber cladding and brick, with plain clay tiles to the roof.
- 6.17 The submitted Design and Access Statement outlines that the design of the dwelling seeks to bring together design cues from the rural locality and village setting, with the dwelling emulating a series of barns and outbuildings linked together. In doing this, it is stated that the proposed dwelling would retain the openness of the Conservation Area and setting of the surrounding Listed Buildings in the locality.
- 6.18 The application site sits within a backland setting, where normally it would be anticipated that any new dwelling appear as a subservient addition to the principal frontage building. It is acknowledged that the proposed dwelling would sit on lower ground than the principal dwelling, with a distance of approximately 24m separating the proposed dwelling from the existing. However, it is considered that the proposed design, utilising a number of projecting elements, would be of a scale, mass and height that would not appear subservient within this backland setting. The ridge height of the proposed dwelling would extend to a similar height as the frontage property of Stockmans, with the footprint of the proposed dwelling considered to be of a size that would compete with that of the frontage dwelling.
- 6.19 Although noted that the proposed dwelling seeks to draw reference from agricultural and utilitarian buildings within the locality, it is considered that the proposed design results in a

number of awkward and ad-hoc projecting elements that contrast and juxtapose each other. This is considered to exaggerate the bulk and massing of the dwelling, with the overall height extending in line with the ridge height of the frontage dwelling of Stockmans. The cumulative effect of these features is considered to result in a dwelling that would be of a scale, mass and bulk that would dominate the backland setting, appearing as an addition that would not relate sympathetically to the character and vernacular of the locality.

- 6.20 Whilst it is acknowledged that there are a number of large agricultural buildings within close proximity to the site, it is considered that the application site retains the rural ambience and landscape character of the countryside location, and this is considered to be of importance to the rural character and setting of the surroundings and the distinctiveness of the locality. The proposal is considered to appear as an intrusive addition within the context of the site and rural surroundings, and is considered to be of a scale, form and appearance that would detract from the countryside setting.
- 6.21 The proposed development is therefore considered to result in a built form that would be of a scale, massing and design that would be visually dominant and intrusive within the rural landscape character of the area, and would detract from the countryside setting, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Heritage Impacts

- 6.22 Paragraph 132 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.23 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.24 Policy 34 of the HDPF states that work to Listed Buildings should reinforce and make a positive contribution to the special character of the historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques.
- 6.25 The proposed site lies to the rear of Stockmans, a Grade II Listed Building, and would be positioned directly north of the dwelling. The site would border the designated conservation area of Blackstone which extends to the south and south-east of the site. The Listed Building is set within a spacious plot, with the rear of the site backing onto open countryside, providing long open views across the fields to the north of the site. Having assessed the historic maps of the area, the layout of the plot remains the same as that shown on the 1879 OS map, with the open and spacious land of the Listed Building enhancing its setting, and complementing the wider area.
- 6.26 Blackstone is illustrative of a collection of nucleated farmsteads that coalesce on an area of higher ground of Greensand and the Low Weald to the north. This is important in considering how the geology determined where the settlement of Blackstone was established. The views through the Conservation Area to the north are important in providing opportunities to understand and appreciate the relationship Blackstone has with the landscape.

- 6.27 The proposal to erection of 3-bedroom dwelling to the rear of Stockmans would obstruct views of the High Weald, and with it, the ability to understand the landscape context of Blackstone from this part of the Conservation Area. In addition, concern is raised that the scale of the proposed dwelling would harm the setting of the Listed Building by preventing the understanding and appreciation of the Listed Building and its connection with the surrounding landscape.
- 6.28 It is acknowledged that modern agricultural development to the west has resulted in some impact on the setting of the Grade II Listed Building of Stockmans, however it is considered that additional development to the rear which would further enclose the Listed Building, would result in the incremental erosion to the setting of the Listed Building, disconnecting it from its wider setting.
- 6.29 For the above reasons, it is considered that the erection of a 3-bed dwelling to the rear of Stockmans would detract from the important views that define the historic connection of the Listed Building to its wider setting, and inform the special character and historic distinctiveness of the Conservation Area itself. Furthermore, it is considered that the scale, massing, and overall design of the proposed dwelling, would result in the incremental erosion of the setting of the Grade II Listed Building, with the additional built form within this location considered to detract from the interpretation and appreciation of its connection with the wider landscape.
- 6.30 It is therefore considered that the proposed development would result in unacceptable harm to the special character of the designated Conservation Area, and would not seek to make a positive contribution to the character and distinctiveness of the historic environment. As such, the proposed development is considered to be contrary to Policy 34 of the Horsham District Planning Framework (2015) and paragraph 132 of the NPPF.

Amenity Impacts

- 6.31 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.
- 6.32 The proposed dwelling would extend over two storeys and would be oriented to face north/south. A number of single storey projections would be positioned to the south, east and west, with the bulk over the two storey element positioned to the northern section of the dwelling. The proposed dwelling would be positioned approximately 24m from the rear elevation of Stockmans, with the proposed dwelling slightly set down due to the sloping ground level.
- 6.33 The proposed dwelling would include no first floor windows to the southern elevation, with the bulk of the two storey section positioned to the northern section of the dwelling. Given the siting of the proposal at approximately 24m from the ribbon of residential dwellings, and coupled with the orientation of the proposal, it is not considered that the development would result in harm to the amenities or sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.34 Policies 40 and 41 of the HDPF state that development should provide a safe and adequate access, suitable for all users.
- 6.35 A total of 2 no. car parking spaces are proposed to the south of the site, with access provided from the existing lane to the west. This access is located off a 90 degree bend forming Blackstone Street. Following consultation with WSCC as the Local Highway Authority, whilst acknowledged that the layout of the site would not accommodate on-site turning, it is

considered that the proposed number of parking spaces are sufficient for the needs of the proposed dwelling. It is therefore considered that the proposed development would provide sufficient parking for anticipated users, and it is not considered that the proposal would have 'severe' impact on the operation of the highway network or result in harm to the character of the area from any limited overspill parking potential. As such, the proposed development is considered to accord with Policy 41 of the Horsham District Planning Framework (2015).

Conclusion

- 6.36 The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements. Furthermore, the proposed development would be of a scale, mass and design that would be visually dominant and intrusive within the rural landscape character of the area, and would detract from the countryside setting of locality, as well as the setting of the Grade II Listed Building and designated Conservation Area.
- 6.37 It is therefore considered that the proposed development would be contrary to policies 1, 2, 3, 4, 26, 32, 33, and 34 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.38 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.39 **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	156.46	0	156.46
	Total Gain		
	Total Demolition		34.69

- 6.40 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.41 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 It is recommended that the application be refused for the following reasons.

Reasons for Refusal:

- 1 The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements. Furthermore, the

proposed development is not essential to its countryside location, and represents an isolated and unsustainable form of development. Consequently, it represents unsustainable development contrary to policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).

- 2 The proposed dwelling would be of a scale, mass and design that would appear as an intrusive addition within the backland setting, and would detract from and diminish the rural character and ambience of the countryside setting. The proposed development would therefore be contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).
- 3 The proposed dwelling, due to its siting, scale, massing and design, is considered to detract from the special character and significance of the Listed Building and designated Conservation Area, resulting in the loss of important views through the wider surroundings, and the incremental erosion of the setting and connectedness that defines the historic character and ambience of the Grade II Listed Building, its setting, and the designated Conservation Area. The proposed development would be therefore be contrary to Policy 34 of the Horsham District Planning Framework (2015) and paragraph 132 of the NPPF.

Background Papers: DC/18/1138



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Comments	Not Set
Date	04/10/2018
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South
BY: Head of Development
DATE: 16 October, 2018
SITE: Cedars Byre, Parbrook, Billingshurst.
WARD: Billingshurst & Shipley.
APPLICATION: Tree Preservation Order No. 1506.

REASON FOR INCLUSION ON AGENDA: Objection to a tree preservation order.

RECOMMENDATION: To confirm tree preservation order 1506 as served.

1. THE PURPOSE OF THIS REPORT

To consider whether tree preservation order 1506 should be confirmed as served.

DESCRIPTION OF THE ORDER

- 1.1 Provisional tree preservation order 1506, Cedars Byre, Parbrook, Billingshurst, was served on the 18 May 2018 on a yew tree under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under these Regulations, the tree included within the order benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The tree is sited in the far north-western corner of the property close to the boundary with Cedars Farmhouse to the west, and to the residential properties in Ostlers View, to the north.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on Local Planning Authorities to make a TPO if it appears to them to be "*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*".

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 Two letters of objection have been received in regard to the order, on the following grounds:
- That the species of tree in question is poisonous, and potentially damaging to human health by the release of toxic pollen;
 - That this pollen falls over parked vehicles, which “*isn't good for our cars*”;
 - That the tree is taller than the surrounding houses, and within striking distance of the closest should it suffer failure;
 - That it has been neglected, and, if retained, should be reduced in size to be more compatible with the nearby houses.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

5. ASSESSMENT

- 5.1 At around 13m in height, the yew tree the subject of this report is a well-shapen specimen, save for the recent extensive cutting back of the parts of the crown to the north over the properties 3 and 7 Ostlers View, works carried out under rights of Common Law. The centre of the trunk is sited only 1.9m south of the northern boundary wall to the property, hence the trimming back of the lateral branches overhanging the gardens to the north is understandable, and reasonable. The tree does not appear to have suffered from this surgery, and is in excellent overall health and condition.
- 5.2 The premier view of the tree can be had from the gardens of the properties to the north, from where it is prominent and dominant, being in such close proximity to the common boundary. From the areas of public domain, in Ostlers View and Farriers Close, it is primarily hidden behind the houses; though can clearly be seen from Ostlers View between No. 3 and Nos. 5 and 7. It can also be seen, at a greater distance, from the lane to the south serving Cedars Byre, Cedars Farmhouse, and the newer residential properties it serves to the west. Overall, it is considered to have the requisite level of public amenity value to justify its long-term protection.
- 5.3 The tree is also a specimen of considerable age: its trunk at 1.5m above ground level has a diameter of 1088mm. The industry standard formula devised by **Tabbush & White (1996)** for the dating of yew trees calculates an age of around 375 years, suggesting that this tree probably dates from the 1640's. Given the longevity of the species, this would not meet the criteria as 'veteran' or 'ancient' as defined under **Ancient and other veteran trees: further guidance on management (Lonsdale, Ancient Tree Forum, Woodland Trust, 2013)**, but, interestingly, would meet the definition of “*locally notable*”. Prior to the recent residential development to the north, the tree appears to have been within the farmyard (or perhaps an orchard) adjoining Cedars Farmhouse, noted on the 1877 edition of the Ordnance Survey as 'Clark's Land'.
- 5.4 The **Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas (2014)** advises that local authorities should assess the suitability of trees for formal protection taking into account visibility and “*individual, collective and wider impact*”, as well as a number of other lesser factors which alone would not warrant making an order. Included within the consideration of individual, collective and wider impact are the characteristics of “*rarity, cultural or historic value*”. This is not defined, but old yews provide a link with the past in cultural and historic terms, and have begun to have a raised profile in the public

consciousness, supported by such organisations as the Ancient Yew Group, the Conservation Foundation, and others. It is considered in this case that the age and species of this tree, as well as its original context associated with a farmhouse, meets the criteria in question, and adds support for the suitability of this tree for permanent protection.

- 5.5 The principle factor in regard to the objections is the proximity of the tree to the residential dwellings to the north. The release of pollen is a standard action of nature, and whilst its settlement on vehicles appears to represent no more than a minor nuisance in the everyday sense, it is true that the pollen is toxic to humans, and can cause headaches, lethargy, aching joints, itching and skin rashes; it can also be a trigger for asthma. This is of course common to all yew trees. The only way to eliminate this concern is to fell the tree, an action that would result in a loss of an asset of cultural and historic value, and harm to the amenities of the locality. Balancing the benefits of the tree to the many, whilst taking account of its inconvenience to the few, and paying due regard to the precedent that would be set for all yew trees within residential areas, it is considered that the objection carries insufficient weight to justify not confirming the order, thereby allowing the tree to be felled.
- 5.6 At 13m in height, the tree is certainly within striking distance of the nearest two residential dwellings to the north. However, it appears to be a specimen of typically sturdy root, with a low likelihood of rootplate failure; it is also stout of form, and has an excellent ratio between its height and crown spread and its stem girth.
- 5.7 An objector has recommended that the tree, if retained, should be reduced in size. Confirmation of the order is no barrier to carrying out such works, subject to formal consent. Any adverse determination may be subject to appeal.

6. RECOMMENDATIONS

- 6.1 It is recommended that Tree Preservation Order 1506, Cedars Byre, Parbrook, Billingshurst, is confirmed as served.

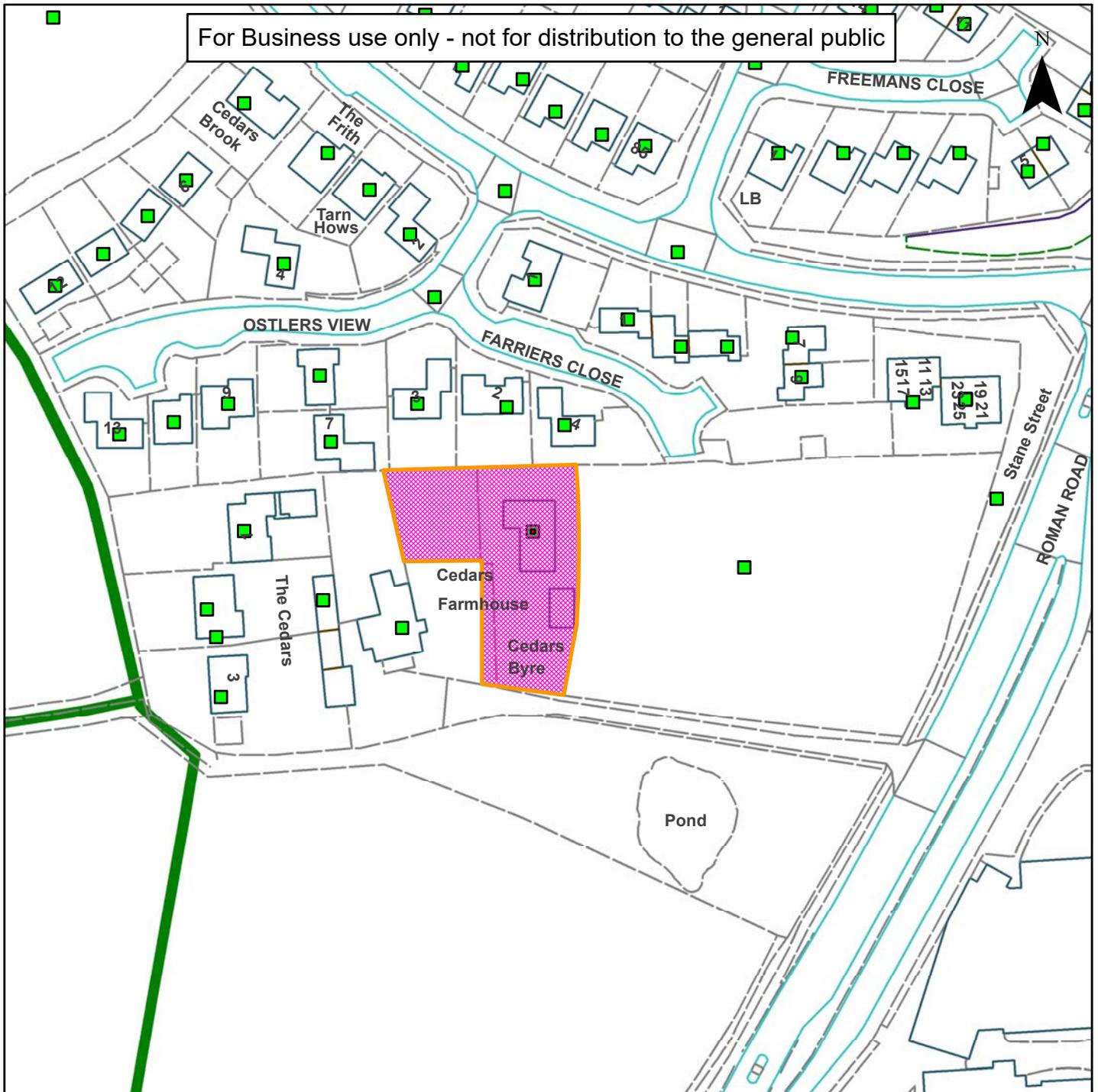
Background Papers: Tree Preservation Order: 1506.

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South
BY: Head of Development
DATE: 16 October, 2018
SITE: Peat Moor, West Chiltington Road, Pulborough.
WARD: Chanctonbury.
APPLICATION: Tree Preservation Order No. 1508.

REASON FOR INCLUSION ON AGENDA: Objection to a tree preservation order.

RECOMMENDATION: To confirm Tree Preservation Order 1508 as served.

1. THE PURPOSE OF THIS REPORT

To consider whether Tree Preservation Order 1508 should be confirmed as served.

DESCRIPTION OF THE ORDER

- 1.1 Provisional Tree Preservation Order 1508, Peat Moor, West Chiltington Road, Pulborough, was served on the 18th May 2018 on a Corsican pine tree under the provisions of the **Town and Country Planning (Tree Preservation) (England) Regulations (2012)**. Under these Regulations, the tree included within the order benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The tree is sited on the western boundary of the property close to the adjoining residence, Acorn House, 1 Panners Drive. Around 50m south-west of West Chiltington Road, its trunk is within 2.2m of the common boundary fence, and is one of three large specimens along the boundary, all within Peat Moor.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on local planning authorities to make a TPO if it appears to them to be expedient to do so.

PLANNING HISTORY

- 2.2 On 1 June 2006 appeals were allowed by the Planning Inspectorate for development of the Panners site, now known as Panners Drive, including the demolition of the existing dwelling and erection of 3 x new dwellings, with associated garages and access (planning references: *DC/05/1701*, *DC/05/2725*). As part of the subsequent construction works pursuant to the implementation of the one of these schemes (*DC/05/1701*), an access driveway was formed to Acorn House in accordance with the consent at a lower level than the previous land elevation along the eastern site boundary. The resultant variance in levels was revetted using large timber uni-posts, leaving a strip of elevated land adjacent to the fence approximately 6m in width.
- 2.3 On 24 November 2017 an application was received from the owner of Acorn House for the erection of a detached two-bay garage on the part of the property to the north-east of the dwelling, adjacent to the existing driveway area, set within, and requiring extensive excavation into, the raised strip (*DC/17/2376*). This application is presently undetermined.
- 2.4 Further to concerns that the proposed position of the garage, flanking the boundary fence immediately to the north-west of the tree, would cause extensive and likely terminal harm to it as a result of required excavations within its RPA (Root Protection Area, as defined under **BS 5837 'Trees in relation to design, demolition, and construction - Recommendations'** (2012)), the tree was assessed for its suitability for protection by a tree preservation order, TPO/1508 subsequently being served on 18th May 2018.

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 A letter of objection has been received in regard to the order, on the following grounds:
- That the tree has no amenity value to the neighbourhood;
 - It is an extremely poor specimen, showing signs of decay and a dead stem;
 - It is unattractive, and not rare;
 - It is not considered likely that the works to erect the proposed garage would cause any harm to the tree.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the assessment below.

5. ASSESSMENT

- 5.1 The tree the subject of this report is a large mature specimen around 18m in height based upon 4 x principal stems emanating from a broad basal bole. It is the largest of the three principal trees along this boundary, there being a Douglas fir to the north, a cypress to the south.
- 5.2 Whereas the two trees either side of the pine are of similar height, neither is a specimen considered to meet the criteria for protection; the Douglas fir has been topped, and appears scrappy of form and weak, the cypress has an asymmetric crown as a result of its proximity to the Corsican pine (and another, smaller, tree between the two).
- 5.3 It is pointed out by the objector that the tree has a dead stem, this being the furthest west, visible most prominently from Acorn House. The stem in question has indeed died, and needs to be removed forthwith to avoid catastrophic failure. This should be carried out promptly, and could be so whether the tree was protected or not.

- 5.4 Otherwise, the tree appears to be in reasonable health and condition. Although its crown is not dense, its form is typical of the species, most of the active live growth being at the head of the tree, the internal part of the crown containing a great deal of deadwood as a result of natural senescence, also very typical of this species. This deadwood could be removed without the need for formal application, at any time.
- 5.5 It is stated by the objector that this tree cannot be seen from the roadway or any other neighbouring properties. It is true that the tree lies some 50m south of West Chilmington Road, a thoroughfare through the village, and from this aspect is not prominent or particularly noticeable – though it is visible. It can be seen from the junction of West Chilmington Road and Panners Drive, and from the three residencies on the Panners Drive estate. It can be seen from the junction of Monkmead Lane and Harborough Hill, though at a considerable distance. On balance, it can be said that the tree has predominantly localised amenity value.
- 5.6 Whilst accepting that the tree is not in any way “rare”, it cannot be accepted that it is inherently “unattractive”.
- 5.7 As noted above, S.198(1) of the **Town & Country Planning Act 1990** places an obligation on local planning authorities to make a TPO, specifically if it appears to them to be “*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*”. Hence in making the decision as to whether to afford a tree protection it is required to consider expediency, or need, for an order, in conjunction with the merit of the specimen itself and its amenity value to the public.
- 5.8 The objector attests that the works necessary to erect the proposed garage would not cause it any harm, obviating the need for the TPO. Extensive excavations would be necessary to make room for the garage, which would need to match the elevation of the existing driveway. Thereby, a considerable breadth of spoil, to within less than 2.5m of the base of the tree, would need to be removed. This would cause extensive and likely terminal harm to the tree, and is in conflict with BS 5837. The fact that the tree has appeared to develop a dead stem further to, and on the commensurate side of, the excavation works to install the lower-level driveway (also within the tree’s RPA) some years ago is circumstantial – but telling. It is considered accordingly that the proposal put forward places a strong threat to the future of the tree, ramping up the expediency for its protection. It is therefore considered that there is justification in confirming the order.

6. RECOMMENDATIONS

It is recommended that Tree Preservation Order 1508, Peat Moor, West Chilmington Road, Pulborough, is confirmed as served.

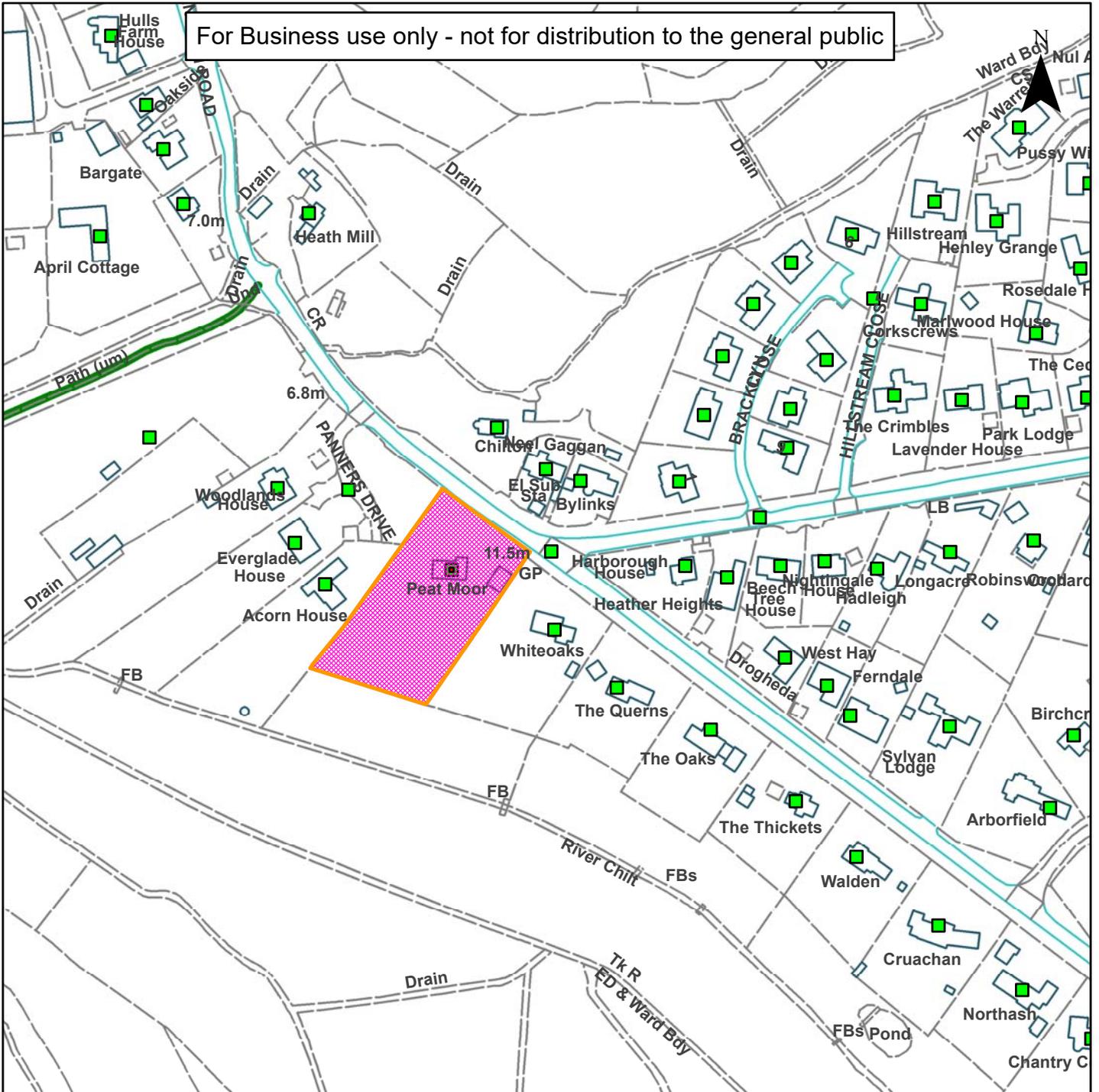
Background Papers: Tree Preservation Order: 1508.

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**Horsham
District
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PLANNING COMMITTEE REPORT

TO: Planning Committee South
BY: Head of Development
DATE: 16 October, 2018
SITE: Highbanks, Church Street, West Chiltington.
WARD: Chanctonbury.
APPLICATION: Tree Preservation Order No. 1510.

REASON FOR INCLUSION ON AGENDA: Objection to a tree preservation order.

RECOMMENDATION: To confirm Tree Preservation Order 1510 as served.

1. THE PURPOSE OF THIS REPORT

To consider whether Tree Preservation Order 1510 should be confirmed as served.

DESCRIPTION OF THE ORDER

- 1.1 Provisional Tree Preservation Order 1510, Highbanks, Church Street, West Chiltington, was served on the 13th June 2018 on an oak tree under the provisions of the **Town and Country Planning (Tree Preservation) (England) Regulations (2012)**. Under these Regulations, the tree included within the order benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The tree is sited in the far south-western corner of the property close to the boundary with Kensington Cottage to the south and Church Street to the west. This land is at a significantly higher elevation than the adjacent roadway (by around 3m), there being a steep bank leading from the property to street level, a wooden stairway to the north of the tree providing pedestrian access to Church Street. At around 5m to the south of the tree, a cutting was excavated some years ago to provide a vehicular access to Kensington Cottage; the northern side of this cutting is revetted by a retaining wall faced with slabwork in a 'crazy-paving' formation.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on local planning authorities to make a TPO if it appears to them to be "*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*".

PLANNING HISTORY

- 2.2 On 11 May 2018 an application was received from the owner of the property for planning permission to cut away the southern side of the existing embankment to create a new highway access and front driveway mirroring, and abutting, the existing driveway to Kensington Cottage (ref: *DC/18/1006*). This application was refused on 6 July 2018 on the grounds that the proposed development would lead to a loss of landscaping features, including significant harm to a protected tree within the site boundary, which would adversely affect the townscape character and visual amenity of the area, contrary to Policies 25 and 33 of the Horsham District Planning Framework (2015).

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 A letter of objection has been received in regard to the order, on the following grounds:
- That the tree was not protected at the time of the submission of the application for planning permission for the excavated driveway;
 - It is considered that there would be very little damage if any to the root system from the proposed excavation works, and that such damage that might occur could be compensated for by pruning the tree;
 - Some branches of the tree are troubling the roof to an adjacent property and additionally fouling overhead service lines.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the assessment below.

5. ASSESSMENT

- 5.1 The tree the subject of this report is a large mature specimen 16m in height with a broad-spreading full crown. It has a stout trunk, 1028mm in diameter at chest height, and an extensive rootplate of a form commensurate with the level land to the east and the steep bank down to road level to the west. It is fully crowned, of well-balanced shape, and exhibits excellent health and vitality.
- 5.2 From the four properties on the high bank to the east of the tree, including Highbanks and Kensington Cottage, this is a prominent and dominating specimen. From the wider residential area of The Juggs, further to the east, it can be seen, though is not prominent. By far the best views of the tree, within the public domain, come from Holly Close, the roadway due west of the tree serving the 42 residential properties herein as well as Curbey Close. Proceeding east along this roadway the tree is strikingly prominent, and of very high amenity value. It is also prominent within Church Street, most particularly when viewed from the south.

- 5.3 The order was served upon the tree so as to provide protection for it as it was considered that the proposals put forward in the planning application for excavations on its southern side would cause major and extensive root severance from which it could not recover. Such action by the Council is in accordance with its statutory duties under S.198 of the **Town & Country Planning Act 1990**.
- 5.4 The consideration that such root severance could be in some way compensated for by pruning of the crown is erroneous.
- 5.5 Where any branches are causing a nuisance by fouling buildings or service lines, these may be trimmed so far as is necessary to abate that nuisance without the need to submit any formal application in accordance with S.14 of the **Town & Country Planning (Tree Preservation) (England) Regulations (2012)**. The confirmation of the order does not prevent this.

6. RECOMMENDATIONS

It is recommended that Tree Preservation Order 1510, Highbanks, Church Street, West Chilton, is confirmed as served.

Background Papers: Tree Preservation Order: 1510.

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