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Direct line: 01403 215465

Planning Committee (North)

Tuesday, 4th June, 2019 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Matthew Allen	Liz Kitchen
Andrew Baldwin	Richard Landeryou
Anthony Bevis	Gordon Lindsay
Toni Bradnum	John Milne
Alan Britten	Colin Minto
Karen Burgess	Christian Mitchell
Peter Burgess	Godfrey Newman
Roy Cornell	Louise Potter
Christine Costin	Stuart Ritchie
Leonard Crosbie	David Skipp
Ruth Fletcher	Ian Stannard
Billy Greening	Claire Vickers
Frances Haigh	Belinda Walters
Tony Hogben	Tricia Youtan

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

Page No.

GUIDANCE ON PLANNING COMMITTEE PROCEDURE

1. **Election of Chairman**
2. **Apologies for absence**
3. **Appointment of Vice Chairman**
4. **To approve the time of meetings of the Committee for the ensuing year**
5. **Minutes**

7 - 12

To approve as correct the minutes of the meeting held on 30 April 2019
(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.)

6. **Declarations of Members' Interests**

To receive any declarations of interest from Members of the Committee

7. **Announcements**

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

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

8. **Appeals** 13 - 14

Applications for determination by Committee:

9. **DC/19/0153 - Land at Bennetts Road, Horsham** 15 - 42

Ward: Forest (previously Horsham Park before May 2019 boundary changes)
Applicant: Saxon Weald

10. **DC/17/2687 - Land adjacent to Warrenhurst, Plumtree Cross Lane, Barns Green** 43 - 58

Ward: Itchingfield, Slinfold and Warnham
Applicant: Mrs Della Perryman

11. **DC/19/0565 - Boxer Retreat, Langhurst Wood Road, Horsham** 59 - 68

Ward: Colgate & Rusper (previously Holbrook West before May 2019 boundary changes)
Applicant: Mr and Mrs David and Natalia Shortland

12. **DC/19/0672 - 37 Depot Road, Horsham** 69 - 74

Ward: Forest (previously Horsham Park before May 2019 boundary changes)
Applicant: Mr Childs

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

Agenda Annex

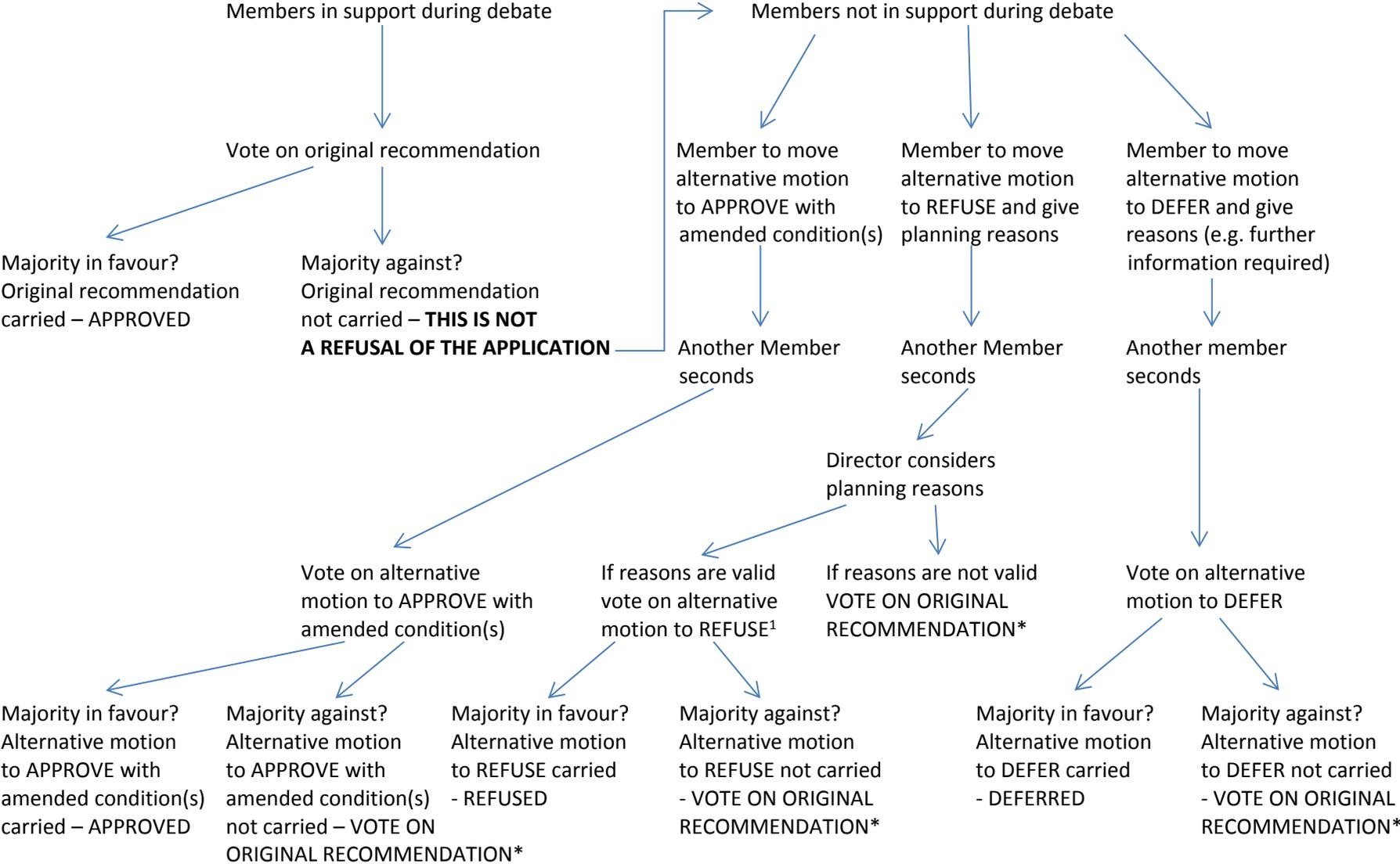
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ Subject to Director’s power to refer application to Full Council if cost implications are likely.

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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

Planning Committee (North)
30 APRIL 2019

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

Apologies: Councillors: Christine Costin, Leonard Crosbie, Billy Greening and Stuart Ritchie

Absent: Councillors: Jonathan Dancer, Josh Murphy, Connor Relleen and Simon Torn

PCN/86 **MINUTES**

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

PCN/87 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/19/0355 – Councillor David Skipp declared a personal and prejudicial interest in this item because he was related to the applicant. He withdrew from the meeting and took no part in the determination of this item.

PCN/88 **ANNOUNCEMENTS**

There were no announcements.

PCN/89 **APPEALS**

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

PCN/90 **DC/17/2086 - KENNELS AND REHOMING CENTRE, HAMMERPOND ROAD, PLUMMERS PLAIN**

The Head of Development reported that this application sought to regularise the existing use of the site as kennels and rehoming centre for stray and pound dogs with overnight accommodation. The site also provided for rescued, sick or foaling horses. The application also sought retrospective consent for an extension to a detached single-storey former tack room with mezzanine floor. The extension provided additional staff facilities.

The application site was located in rural countryside with sporadic residential and commercial buildings in the wider area. The former stables and tack room

were adjacent to an area of hardstanding with direct access to Hammerpond Road to the north. There was established vegetation on the front and side boundaries and a paddock in the southern part of the site. The site was between two residential properties.

Members were advised that Condition 5, which restricted use of the site to kennels and rehoming centre, should be amended to reflect the fact that the site also accommodated horses and chickens.

The Parish Council supported the application. In response to public consultation there had been 15 objections and 38 representations supporting the proposal. One member of the public spoke in support of the application and the applicant and applicant's agent both addressed the Committee in support of the proposal.

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

Members recognised the community benefit of the proposal, and noted that the applicant had put in place provision for waste management. They were also reassured that, whilst there was no condition restricting the number of dogs, this would automatically be limited by the size of the facility.

RESOLVED

That planning application DC/17/2086 be granted subject to the conditions as reported, with the following amendment to Condition 5:

The hereby approved use shall be used as a kennels and rehoming centre, as set out in the Design and Access Statement dated September 2017, *and for the keeping of horses and other small animals* and shall not be used for any other purpose without the express consent of the Local Planning Authority.

PCN/91 **DC/18/2002 - 89 - 91 CORSLETTS AVENUE, BROADBRIDGE HEATH**

The Head of Development reported that this application sought permission for the erection of two 3-bedroom detached dwellings with parking and landscaping. (Paragraph 1.2 of the report incorrectly stated that one of the dwellings was 4-bedroom.) A shared access from an existing crossover on Corsletts Avenue was proposed.

The application site was located in the built-up area of Broadbridge Heath and was made up of the gardens of 89 and 91 Corsletts Avenue. These were on the south side of a prominent bend in the road and had larger gardens than other dwellings in the vicinity. There was a public footpath to the rear of the site and a number of mature trees including a large one adjacent to the southwest

boundary of the site. Residential development in the vicinity included Shelley Drive to the southwest.

The Parish Council objected the application. There had been 61 representations objecting to the proposal. Three members of the public spoke in objection to the application. The applicant's planning consultant and the applicant both 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; character and appearance; its impact on neighbouring amenity; and highways considerations.

Members discussed how the development would relate to neighbouring dwellings and concluded that it would lead to cramped overdevelopment to the detriment of the streetscene and neighbouring properties.

RESOLVED

That planning application DC/18/2002 be refused for the following reason:

The proposed development would represent a cramped overdevelopment of the site which would contrast with the prevailing pattern of surrounding development, be detrimental to the character and appearance of the site and wider surroundings and result in an overbearing impact on adjoining properties. The proposal is therefore contrary to policies 32 and 33 of the Horsham District Planning Framework (2015).

PCN/92 **DC/18/1742 - 3 CHALICE WALK, HIGH STREET, RUSPER**

The Head of Development reported that this application sought permission for the erection of a single storey side extension, which would replace a lean-to on the north side of the house.

This application had been considered by the Committee in December 2018. Members had been concerned that the scale of the proposal would have a detrimental impact on the neighbouring property, and resolved to defer the item to allow discussions with the applicant to seek a reduction in the height of the proposed extension (Minute No. PCN/68 (04.12.18) refers).

As a result of these discussions, the proposal had been amended, with the ridge height reduced by approximately one metre.

Members were referred to the previous report which contained details of relevant policies, planning history, the outcome of consultations and a planning assessment of the original proposal.

The Parish Council strongly objected to the amended proposal, and a representation objecting to the amended proposal had been received from a neighbouring resident. One member of the public spoke in objection to the application. A representative of the Parish Council had registered to speak in objection but had been unable to attend.

Members considered whether the amendments to the proposal overcame their concerns regarding the impact on neighbouring amenity and concluded that the size of the extension would have an overbearing impact on the neighbouring property. Members also concluded that the proposal would be out of keeping with the character of Rusper Conservation Area.

RESOLVED

That planning application DC/18/1742 be refused for the following reasons:

The projection of the proposed extension would dominate the existing building and fail to preserve the character or appearance of the Rusper Conservation Area or the setting of the adjoining Grade I Listed Building, and would appear visually overbearing from neighbouring properties. The proposal is therefore contrary to policies 32, 33 and 34 of the Horsham District Planning Framework (2015).

PCN/93 **DC/19/0355 - 50 GREBE CRESCENT, HORSHAM**

The Head of Development reported that this application sought permission for the erection of a two storey side extension, part of which would be above an existing attached single storey double garage. The application also included a single storey rear extension, a canopy over the front door and garage, and new fenestration and external finishes.

The application site was located at the southern end of Grebe Crescent on its northern side. There were neighbouring properties to the sides and behind. There was no development to the south, with open space and trees on the other side of the crescent. There were predominantly two storey detached dwellings in the locality.

The Neighbourhood Council raised no objection to the application. Since publication of the report one representation raising no objection had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were the character and appearance of the proposal and neighbouring amenity.

RESOLVED

That planning application DC/19/0355 be granted subject to the conditions as reported.

The meeting closed at 6.52 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (NORTH)

Date: 4th June 2019



**Horsham
District
Council**

Report on Appeals: 17/04/2019 – 22/05/2019

1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/18/2578	The Mead Micklepage Nuthurst Horsham RH13 6RG	22/05/2019	Application Refused	N/A

2. Live Appeals

The following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/18/2099	35 Oakhill Road Horsham West Sussex RH13 5SD	Fast Track	23-Apr-19	Application Refused	N/A
DC/18/2697	202 Crawley Road Horsham West Sussex RH12 4EU	Written Representation	24-Apr-19	Application Refused	N/A
DC/17/2835	Sports Horses International Ltd Stud Farm New Barn Farmhouse Capel Road Rusper Horsham West Sussex RH12 4PZ	Written Representation	25-Apr-19	Application Refused	N/A
DC/18/1584	Stafford House Bonnetts Lane Ifield Crawley West Sussex RH11 0NX	Written Representation	29-Apr-19	Application Refused	Application Refused

3. Appeal Decisions

HDC have received notice from the Ministry of Housing, Communities and Local Government that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/17/2636	20 Abbots Leigh Southwater Horsham West Sussex RH13 9HX	Written Representation	Appeal Allowed	Application Permitted	Application Refused
DC/17/2294	Dun Horse Inn Brighton Road Mannings Heath Horsham West Sussex RH13 6HZ	Written Representation	Appeal Allowed	Application Refused	N/A
DC/18/0569	J G Fields Faygate Lane Ruser Horsham West Sussex RH12 4RF	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/1424	Elm House Dragons Lane Dragons Green Horsham West Sussex RH13 8GD	Fast Track	Appeal Dismissed	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee (North)
BY: Head of Development
DATE: 4th June 2019
DEVELOPMENT: Demolition of existing 6.no dwellings and erection of 18.no flats and 3.no houses with associated car parking and external works
SITE: Land at Bennetts Road Horsham West Sussex RH13 5LA
WARD: Horsham Park (changed to Forest at beginning of May 2019)
APPLICATION: DC/19/0153
APPLICANT: **Name:** Saxon Weald **Address:** c/o The agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions, the satisfactory completion of the additional bat survey, and the completion of a s106 legal agreement to secure necessary highways works and to secure the provision of 100% affordable rented units.

In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application proposes the demolition of 6 existing semi-detached properties and the erection of a new development of 21 residential units (3x houses and 18x flats) with associated car parking for 25 cars, and integral refuse and cycle storage. The 21 residential units would comprise the following mix, and are all proposed as housing for affordable rent:

- Four 1-bed flats
- Fourteen 2-bed flats
- Three 3-bed houses

- 1.3 The proposed units are arranged in a block occupying a 0.21Ha corner plot linking Bennetts Road and Elm Grove. The block is proposed to range from 2 to 3 storeys in height, and comprises a mix of flat and pitched roofs. The highest part of the proposal is a 3-storey flat roof element fronting the main corner of the plot, measuring 10.2m in height. The pitched-roof element on the Bennetts Road elevation measures 9.3m to ridge, with the eaves measuring approximately 5.5m. The sections of the block along the Elm Grove elevation ranges in overall height including sections measuring 10.2m, 9.5m, and reducing to 9.1m in height at units 1 and 2. Two small dormer windows providing accommodation in the roof-space for the 3-bed houses at units 1, 2 are proposed, and several balconies are shown serving flats facing the Elm Grove elevation. Rear gardens (with sheds) are proposed for the three 3-bed houses. There are 2 balconies facing the rear of the building serving units 19 and 20.
- 1.4 The external materials proposed include facing red brick, horizontal light grey cladding, grey roof tiles, and light grey uPVC window frames and rainwater goods. Front doors serving individual units are proposed to be yellow, and communal front doors would be red. Balustrades would be a combination of decorative grey metal features, and railings.
- 1.5 A parking area to the rear of the residential block is accessed from a new vehicular access (via an undercroft) from Elm Grove. The parking area provides a total of 20no. parking bays. In addition, 5 further parking bays with dropped kerbs are proposed to the front of units 1, 2, 17, 18 and 21 with direct access to/from the highway. A covered and secure cycle store is proposed at the ground floor, providing space for 20 bicycles. Adjacent to the cycle store is a covered bin storage area, allowing space for 4x 1100L recycling bins, and an additional bin store is located opposite providing space for a further 2x refuse 1100L bins.
- 1.6 Hard surfacing across the parking area to the rear of the block, as well as bays fronting the building, are proposed to be laid with dark grey herringbone block paving. Private gardens, courtyards and pathways are propose to be laid with light buff paving. The main corner of the site is proposed to be planted with low-level native shrubbery, and low level native hedging and brick walls are proposed to screen the private gardens fronting Elm Grove. Three existing trees on site are proposed for retention, and a further 11 new trees are proposed to be planted.

DESCRIPTION OF THE SITE

- 1.7 The 0.21Ha site is located within the built-up area boundary of Horsham, in a predominantly residential area on the corner of Elm Grove and Bennetts Road, and is approximately 1km from Horsham Town Centre. The wider area is characterised by 2-storey, semi-detached houses (circa 1950s), arranged in regular form and set back from the main road by about 5m. On-street parking is common in the area, but many houses also have off-street parking. Dwellings within the vicinity have pitched roofs and chimneys, and are largely built in red brick with some light coloured render to the front elevations. Opposite the application site are examples of more modern (circa 2008) 3-storey blocks of flats with pitched roofs and dormer/bay window features, in a pale-coloured render finish with red brick detailing, as well as a convenience shop and local butcher.
- 1.8 The application site itself is characterised by mature trees and vegetation to the western boundary, and mature tree coverage is also a feature of much of the internal part of the site. None of the trees are subject to a tree preservation order, and the site is not in a conservation area. Three pairs of 2-storey semi-detached houses are located within the site, with long, south-facing rear gardens. The rear garden of No 2 Bennetts Road is particularly large, and contains the majority of the mature trees on site. The existing houses on site are of a similar age, design, form and character to neighbouring dwellings along Elm Grove and Bennetts Road. The 6 existing properties are owned by Saxon Weald, and whilst some are now vacant, they have all have been occupied by housing association tenants in recent years.

- 1.9 The site is in close proximity to neighbouring dwellings in all directions, and shares physical boundaries with four properties (20 Elm Grove to the south-west, 10 Bennetts Road to the east, and numbers 7 and 8 Fletchers Close to the south-east (rear). The existing boundary treatments between the site and these dwellings are largely defined by 1.8m close-boarded fencing and tree vegetation. Fencing (in conjunction with mature vegetation) also divides the plot boundaries at the rear of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF 2019)

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 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
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

2.3 SUPPLEMENTARY PLANNING GUIDANCE

Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

2.4 RELEVANT NEIGHBOURHOOD PLAN

Forest Neighbourhood Council forms part of the Horsham Blueprint Business Neighbourhood Forum which is the designated body of the un-parished area of Horsham Town. The Forum area was formally designated in June 2015 and comprises representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Forum have not reached Regulation 14 draft plan stage yet, therefore the weight that can be afforded to the Neighbourhood Planning process in this location at present is very limited.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

None

3. OUTCOME OF CONSULTATIONS

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

3.2 INTERNAL CONSULTATIONS

HDC Landscape Architect: No Objection (subject to conditions)

[Summary]: No objection, subject to conditions including: (1) details of soft landscaping (including planting schedule, tree pit details etc.); (2) details of fencing. The principle of a block of flats is supported. Some concern raised with the building line particularly at the corner by virtue of its encroachment into existing open space to the front. Proposed boundary treatments are not clear, and several submitted documents show discrepancies with each other which can be misrepresentative. There is no mention of proposed boundary treatments to the rear of the site.

HDC Drainage Engineer: No Objection

[Summary]: No overall objection to the drainage strategy submitted, but amendments are required to the surface water elements to reflect current policy and advice for brownfield sites. This includes the provision of a 50% betterment of existing run-off rates.

HDC Waste Collections Manager:

[Summary of initial comments]: 6 x 360 litre bins are inadequate for 14 apartments for a period of a fortnight. The provision for 14 apartments must be 2x 1100L refuse bins and 4x 1100L recycling bins. Concern about separation of the bin stores. Confirmation that access to the bin stores and individual bins is appropriate.

HDC Housing: No Objection

[Summary]: The applicant has worked alongside housing officers to bring forward this proposal as a 100% affordable rented scheme. The proposed units meet the demands of the housing register and is one of the Council's top two areas of greatest demand. The proposal exceeds the affordable housing requirement of HDPF Policy 16 and is fully supported by housing officers.

HDC Arboricultural Officer: No Objection

[Summary]: Verbal comments received 23/4/19. No objection with regard to loss of trees with especial merit, but there may be some potential detriment with regard to local amenity/street scene. The acceptability of this is for the case officer to determine.

HDC Environmental Health: No Objection (subject to conditions)

[Summary]: No objection to the proposal in principle. Acknowledgement that demolition, site clearance and construction activities may cause noise and dust disturbances which have the potential to adversely impact nearby residential amenity. A condition is therefore suggested to require the submission of a Construction Management Plan to demonstrate how noise and other disturbances will be minimised during construction. It is also advised that electric car charging infrastructure is provided to mitigate any increases in air quality emissions (3x fast charging sockets for the houses, and 4x fast charging sockets for the communal parking area).

3.3 OUTSIDE AGENCIES

WSCC Highways: No Objection (subject to conditions)

[Summary of initial comments]: Visibility from Bennetts Road is considered sufficient for the crossovers. The vehicle access onto Elm Grove is adequate to serve the car parking area,

with acceptable visibility splays in both directions. There are no recorded accidents within the last 3 years in this area, and that there is no evidence to suggest that the local highway network is operating unsafely.

The Transport Statement suggests that the development will generate an additional 5 two-way movements in the peak hours. The use of TRICS data to generate this prediction is accepted by the LHA and provides a realistic indication of likely trip generation from the new dwellings. This proposal would not trigger the 30 vehicle movement threshold to warrant formal junction assessments. The LHA considers that the proposal is not anticipated to result in a severe cumulative impact on the operation of the local network.

The LHA have no concerns with the layout. The access proposals are considered suitable as this is a low speed, low traffic environment. The applicant is required to provide swept-path diagrams to show larger vehicles turning paths within the site. Parking provision is in accordance with the WSCC Parking Demand Calculator and is likely to satisfy the demands.

The site benefits from the existing footway network and on-street lighting. Horsham town centre and public transport services are within reasonable walking and cycling distances, and the site is well connected in terms of public transport and local amenities.

The LHA does not consider that the proposed development would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the NPPF (para 108 and 109). Suggested conditions include: (1) Access to be provided; (2) Car parking to be provided. An informative is also suggested to remind the applicant to formally apply to undertake works to the public highway.

[Summary of subsequent comments]: No objection. The additional information provided demonstrates that large vehicles will not be able to use the parking forecourt, refuse collection will all be kerb side, and electric car charging points can be controlled by condition. On that basis the areas of additional information requested by the LHA have been addressed and the LHA are satisfied the proposals are acceptable.

Ecology Consultant: Comment

[Summary of initial comments]: The ecology reports revealed that 22 Elm Grove has a 'low' potential for bats due a gap within the soffits board which could potentially provide roosting opportunities for bats such as common pipistrelle. It is recommended that a single dusk emergence/dawn re-entry survey is provided during the breeding season for 22 Elm Grove (Building B1) due to its suitability for bats. Without this, it is not considered that there is sufficient ecological information to support a lawful decision on this development proposal. (N.B. this survey is awaited)

Southern Water: No Objection (subject to conditions)

[Summary]: Condition suggested to require details of the proposed means of foul and surface water disposal. Southern Water can facilitate the disposal of surface water runoff, and can provide a water supply to the site. Formal applications are required for connection to the public sewer and mains water supply. Southern Water note that there is an increased risk of flooding unless any required network reinforcement works are undertaken. As such it is recommended that a condition is included to require that the developer works with Southern Water to review if the delivery of the network reinforcement works aligns with the propose occupation of the development.

Forest Neighbourhood Council: No Objection

[Summary of initial comments]: Forest NC does not have any planning objection to the proposal but is concerned that, taking into account the increased traffic, there is lack of highway improvements, particularly the existing junction with Bennetts Road/Elm Grove.

[Summary of subsequent comments]: Concern remains regarding overlooking towards residents to the rear.

CCG (Horsham and Mid Sussex): No Objection

[Summary]: Given the small nature of this planning application we have no objection.

3.4 PUBLIC CONSULTATIONS

During the first round of consultation, 14 letters of representation were received. All letters lodge an objection to the scheme. The Horsham Society were one of these respondents and object to the scheme on the grounds that the design does not serve to enhance the street scene, the massing on the corner is too great, balconies are inappropriate, and elevations are bland and require more colour.

The main reasons for objection cited by others are summarised below:

- Overdevelopment
- Lack of parking
- Design concerns (height, scale, massing, materials)
- Loss of privacy
- Balconies
- Increase in traffic and congestion
- Loss of trade from local shops
- Bin collection issues
- Loss of trees and greenery
- Noise and antisocial behaviour concerns
- Disruption during construction
- Air quality concerns

A second round of consultation was issued upon the submission by the applicant of a revised suite of plans which proposed several design amendments. 5 further letters of representation were received during this consultation period, all objecting to the revised proposal. The main reasons for objection include:

- Impact on privacy (scale / balconies)
- Blocks sunlight
- Density / Overdevelopment
- Insufficient parking
- Unsafe access / visibility
- Not reflective of local character (design and materials)
- Not affordable
- Bin storage issues

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 the Development

- 6.1 Policy 3 of the Horsham District Planning Framework (HDPF) sets out a development hierarchy for the District, and classifies settlements according to their characteristics and functions. The site lies within the Built-Up Area Boundary (BUAB) of Horsham which is described within Policy 3 as the District's 'Main Town'. Horsham is noted as having a large range of employment opportunities, services and facilities; and is therefore an area where the general principle of development is acceptable. Policy 3 states that any proposal to redevelop or infill within a defined BUAB is required to demonstrate that it is of an appropriate nature and scale to the main characteristics and function of the settlement. In principle therefore, by virtue of its location and current developed nature of the site; the proposed residential re-development of this site is considered to be acceptable.
- 6.2 Policy 15 of the HDPF seeks to allocate a sufficient quantum of new housing across the Horsham District to meet the identified needs until 2031. In addition to the allocation of large-scale strategic development sites, Policy 15 anticipates 1,500 homes to come forward through Neighbourhood Plan allocations, and an additional 750 to come forward as 'windfall units'. As the site is located within the BUAB of Horsham, it is considered that housing development such as the proposed scheme would contribute to the windfall units required by Policy 15 (part 5), which contributes to the 'in principle' acceptability of this proposal. In addition (and as discussed further in the next section), the 100% affordable housing that this site is proposing exceeds the requirements of HDPF Policy 16 which is welcomed.
- 6.3 The acceptability of the development in overall terms will however, depend on its appropriateness in terms of other development management principles including: layout, scale, design, parking, landscaping; and impact on ecology, the local highway network, and local amenity. These considerations will be explored within subsequent sections of this report, and a summary and balanced recommendation is presented at paragraph 6.56.

Affordable Housing Provision

- 6.4 Policy 16 of the HDPF requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable. The applicant (Saxon Weald) are a locally-based registered provider of affordable homes, and as such are proposing that all 21 units provided as part of the scheme will be available for affordable rent. This proportion of affordable units proposed therefore exceeds what is required by current policy, and as such, is welcomed. Paragraph 64 of the NPPF requires that the total quantum of affordable housing required for all major residential development schemes should make available at least 10% for affordable home ownership. An exception to this is where the proposal is exclusively for affordable housing, therefore as this scheme meets this exception, the proposal for 100% affordable rented accommodation is acceptable in policy terms, and is welcomed by the Council's Housing Manager. Given the proposal offers 100% affordable housing which is beyond the level required by Policy 16 of the HDPF, this will exempt the applicant from CIL payments, therefore this 100% provision of affordable housing will be secured within the accompanying s106.
- 6.5 The 21-unit development proposes a mix of dwellings including 1-bed flats, 2-bed flats and 3-bed houses. The provision of smaller flats and houses in this central location is welcomed by the Council's Housing Manager who has confirmed that the provision will greatly assist with meeting current demands from the Council's housing register. The Housing Manager has noted that this location is one of the Council's top two areas of greatest demand for affordable rented accommodation, and as such is highly supportive of the scheme. Officers

are of the view therefore, that the significant provision of additional affordable housing units in this location is a benefit that weighs in great favour of this application.

Layout and Density

- 6.6 The proposed 21-unit development has been designed to make maximum use of the 0.21Ha corner plot that is currently occupied by 6x semi-detached houses. The resulting density is calculated at 100 dwellings per hectare, which (whilst not unusual in this central part of Horsham), is considered to be a high density development. The layout of the site seeks to retain the existing linear form and set-back of the prevailing building line along Elm Grove and Bennetts Road as much as possible, before transitioning into a more prominent corner element which sits forward of the building line, fronting the junction at Bennetts Road and Elm Grove. To the rear of the proposed building is a parking court accommodating spaces for 20 cars, which is accessed via an undercroft from Elm Grove. The area to the rear also accommodates back gardens for units 1, 2 and 21, plus some small communal landscaped areas comprising amenity grass and trees.
- 6.7 Whilst the overall appearance of the development differs in appearance from the prevailing character of the surrounds (discussed in more detail at paragraphs 6.12 to 6.20), it is considered by Officers that the layout of the site as proposed would enable the continuation of the existing building line along Bennetts Road and Elm Grove, and in the long view, would sit appropriately in its urban setting. The two 'end sections' of the building have set-backs from the footway that are similar in depth to the set-backs of other dwellings in the vicinity (around 5m), which is considered to provide an appropriate transition from the older 1950's built form, to the new modern block. It is accepted that the corner element is set further forward of the prevailing building line, but Officers consider that this corner relates less closely with the surrounding built form, and has the capacity to accommodate a bolder design.
- 6.8 The positioning of the main block towards the two site frontages enables the rear section of the site to be used for private amenity space and parking. This arrangement allows for the provision of off-road parking to serve the new occupants which is considered to be beneficial due to existing pressures on street parking in this location. WSCC Highways have confirmed that the layout provides an adequately wide access point with appropriate visibility splays, and parking provision. Similarly, the Council's Waste Collections Team have confirmed that bin storage and collection arrangements are acceptable (these points are discussed in more detail in subsequent sections of this report).
- 6.9 The proposed layout also maximises the separation distance between the new block and the rear gardens of existing dwellings to the south and east (particularly Nos 10 and 12 Bennetts Road, No 20 Elm Grove, and Nos 7 and 8 Fletchers Close). The position of the building on the northern section of the site is unlikely to block natural sunlight to properties to the south, but may cast shadows on the frontages of properties facing the site. Whilst it is accepted that there is likely to be some level of amenity impact resulting from this high density infill development (which is discussed in more detail at paragraphs 6.21 to 6.32), Officers consider the principle of the overall layout proposed, to be acceptable.
- 6.10 As mentioned, the density of the site is calculated as being around 100dph. Whilst Officers consider this to be an example of high density development, it is not uncommon for this level of density to be seen in central location such as this, particularly for flatted development. It is accepted that the density is higher than densities of the existing 1950's style semi-detached houses in Bennetts Road and beyond (which are around 30-40dph), however the development at Keller Court opposite the site which was built in 2008 has a density of around 83dph, and other developments in the vicinity have densities of well over 100dph. It is accepted therefore that high density development is not considered to be uncharacteristic of this area. Whilst some of the surrounding densities are lower than the proposed density of the applications site, it is important to acknowledge that the Government now place a new

emphasis on making '*effective use of land*' and '*achieving appropriate densities*' (NPPF Paras 122-123), which is a material consideration in this case.

- 6.11 As this site is already within the BUAB of Horsham, and in relatively close proximity to Horsham Town Centre, the site is considered to be suitable and sustainable for residential development. In addition, there are several examples of other high density flatted development in the vicinity of this site (100dpa +), therefore it is considered that the site should be developed to its maximum potential, whilst respecting other development management principles including amenity impact and overall quality of development. With this in mind, Officers are of the view that a refusal on density grounds would be difficult to justify, given the NPPF emphasis on optimising the use of available land, and the demonstration within the submission that 21 units with associated parking and landscaping can be accommodated on this site.

Scale and Appearance

- 6.12 In general, whilst the overall layout and set-back position of the building is considered to be acceptable, Officers are of the view that the appearance and design of the proposed building when viewed from the Bennetts Road and Elm Grove elevations does not take the best opportunity to reflect the sense of rhythm and form that characterises the semi-detached houses in the area. This in itself is not though considered reason to refuse planning permission, and amendments sought during the course of the application have served to improve the overall design and impact of the building.
- 6.13 The form and scale of the two 'end sections' that feature on both elevations (comprising units 1-5 and 17-21) have been designed to enable a transition from the prevailing 2-storey pitched-roof character of houses along Bennetts Road and Elm Grove, to the larger 3-storey flat-roof element proposed on the corner of the new building. The ridge and eaves heights of these two end sections (9.1 and 5.5m respectively), plus the angle of the pitched roof and use of red brick and their set-back position; is considered to complement the existing neighbouring houses and would mimic the silhouette of the houses that would be demolished. These end sections therefore, would create little additional impact in terms of the building's height and bulk in these locations, and are considered to be acceptable.
- 6.14 It is acknowledged that the corner of the application site occupies a prominent position in the street-scene, and that the building's form lacks the sense of rhythm of the semi-detached houses in the area. In this instance though it is considered in principle that a bolder design and scale is acceptable at this corner location. It is accepted that the proposed 3-storey flat-roof element on the corner makes good use of the available land, and creates a unique feature with an active frontage.
- 6.15 Whilst it is accepted that the scale of this corner element is required in order to accommodate the proposed number of units, the combination of flat roofs, overall height, and position forward of the prevailing building line, increases the building's sense of mass. It is acknowledged that there are few examples of flat-roof structures in the local vicinity, but there are various examples of 3-storey residential blocks nearby, including Keller Court which is located opposite the site. Whilst the appearance of the proposed building is different (owing largely to the flat roof), it is difficult to argue that a 3-storey building is uncharacteristic of this area. Likewise, given the scale and purposefully modern appearance of the building, it is difficult to argue that the inclusion of flat roofs to the corner element would be harmful.
- 6.16 Red brick is proposed for a large proportion of the external elevations which is considered to compliment other built development in this location, and is a welcomed choice. Some brick detailing (including protruding brick patterns and soldier ribbon coursing) is shown on the more prominent corner element, and the soldier coursing continues along the other brick facing elevations along Bennetts Road and Elm Grove. This detailing helps to bring interest

to these elevations and is welcomed, but it is considered that these features could have been used more widely across the corner feature to help reduce the perception of scale and height.

- 6.17 The horizontal light grey cladding that is proposed at first and second floor levels and helps to break up the extent of brickwork, thereby creating more depth and interest to the appearance of the building. The cladding is used intermittently and used in set-back locations where it is less prominent from the street-scene which is considered to work well.
- 6.18 It is acknowledged that the grey window frames are not characteristic of the area (which largely comprises white uPVC frames), but in the context of this building and its purposefully modern appearance, the grey window frames are considered to work well. The window frames are also considered to compliment the slate grey roof tiles which, whilst different to the clay tiles used for dwellings nearby, would result in a similar roof-scape to the units at Keller Court opposite.
- 6.19 The full and Juliette balconies are shown with light grey laser-cut metal cut balustrades in a square block pattern. In order to break up the brick elevations and to retain a level of privacy for future occupants and existing residents opposite, the principle of laser-cut balustrades is accepted. It is acknowledged that the square block pattern shown on the submitted plans is only shown indicatively at this stage, however a more appealing pattern would be preferred in order to create a softer (and perhaps more organic) appearance to the building. A condition is therefore proposed to require final details of these balustrades to be submitted and approved prior to commencement.
- 6.20 In summary, it is accepted that the scale and appearance of the proposed building does not fully accord with much of the prevailing 1950's character of the existing built development in the surrounding area. However, whilst several shortcomings have been identified with the design of the proposed building; it is accepted that the building is purposefully modern in design, and by virtue of its flatted nature; is unlikely to achieve a design that is fully complimentary to its semi-detached neighbours. It is considered that the transition from lower level 2-storey accommodation at the 'end-sections', through to larger scale 3-storey accommodation on the corner, is an appropriate design concept for this area, and this, in combination with the use of red brick is considered to result in a development that ties in enough with the surrounding urban character to avoid warranting a refusal. In addition, an example of 3-storey development is present opposite the application site thereby creating a precedent of this scale of development in the area. The appearance and scale of the proposed development in this location, is therefore considered to be acceptable.

Amenity Impact

- 6.21 The location of the application site within an existing built-up and relatively densely populated urban area, naturally means that several existing properties and businesses are located within close proximity to the site. At present, the application site comprises 3 sets of semi-detached houses which are set back from the roadside, and surrounded to a large extent by mature tree growth both at the front and rear of the site. As such, the existing dwellings on site are relatively well screened, and any adverse impact on neighbouring amenity at present, is minimal.
- 6.22 Due to the required removal of the majority of existing trees to the front of the site, and the proposed positioning and scale of the new building, the proposed development will be much more visible to neighbouring residents, particularly when viewed from Bennetts Road and Elm Grove. The rear of the site will change from existing back garden space to a parking court, and whilst several existing trees in this location will be retained and new trees will be planted, the site is likely to be more visible to properties to the rear than at present. However, despite the increased prominence of the site from several viewpoints, the extent of harm toward neighbouring amenity is not automatically considered to be unacceptable and must be assessed on its own merit.

Privacy / Overlooking

- 6.23 It is considered that the smaller scale 'end sections' of the development would not result in significantly harmful impacts on privacy as the overall scale and footprint of these sections largely mimic the existing houses in these locations. The only exception is the two dormer windows at units 1 and 2 which would give future occupants an outlook onto Elm Grove from a higher position. Despite the inclusion of these dormer windows in the roof-space of units 1 and 2, the smaller end-sections of the proposed building (including the location of ground and first floor windows) are largely in the same position as the existing houses, and as such, are not thought to result in additional harm above what is already experienced. Additionally, the positioning of these sections face onto front elevations of existing buildings, and would not result in the ability to overlook the rear of the properties or any rear external amenity space.
- 6.24 The main concern with regard to the impact of the development on privacy and overlooking comes from the 3-storey corner element and the linked 3-storey section (including balconies) above the underpass on the Elm Grove elevation. These 3-storey flat roof sections introduce elevations of 10m in height, with first and second floor windows and balconies facing properties opposite. As existing, the 2-storey houses in this location (Nos. 2 and 4 Bennetts Road) are set back from the roadside by about 7.5m, and are screened to a large extent by trees and hedging. As such, the 3-storey corner elements of the proposed development would introduce a series of ground, first and second floor windows (and balconies) in a position that is closer to the roadside; and due to the absence of screening, would have increased visual prominence. Notwithstanding the separation distance between the application site and the properties opposite (including an 11m wide road and additional footway), the properties that are considered most likely to be impacted by the proposed development include Nos 10-14 Keller Court, Nos 1, 3a and 3b Elm Grove, and Nos 1-7 Bennetts Road.
- 6.25 It is accepted that the height and positioning of the proposed 3-storey sections of the building, and the removal of existing tree screening, introduces undesirable opportunities for future residents to face towards front elevations of existing dwellings opposite. This perception of overlooking is likely to be exacerbated by the height of the corner elements, and the presence of additional windows and balconies. It is accepted by Officers that some additional amenity impact upon the frontages of these existing properties would result. However, it is acknowledged that the application site is separated from these dwellings by Bennetts and Elm Roads (around 11m wide), plus pedestrian footpaths and additional 5m (average) set back of dwellings from the roadside.
- 6.26 Whilst Keller Court is positioned closest to the site (around 16m separation), the dwellings on Bennetts Road and Nos 1 and 3 Elm Grove are separated from the site by at least 20m (in some cases up to 26m where the corner junction widens). In addition, all the properties in question face towards the site, so whilst there may be an increased sense of overlooking at the front elevations, the more sensitive rear sections of these properties (including external rear gardens) are unlikely to experience any additional overlooking or loss of privacy. The impact on privacy and overlooking towards properties on Bennetts Road and Elm Grove is acknowledged, but on balance, and in the context of a development in a central urban area, it is not considered to result in significant additional harm, and is therefore considered to be acceptable.
- 6.27 Existing dwellings to the rear of the application site that are most likely to be affected by the proposed development include No. 20 Elm Grove, No. 10 Bennett's Rd, and Nos. 7 and 8 Fletchers Close. The proposed side elevations located close to side elevations of 20 Elm Grove and 10 Bennett's Rd, are similar in scale and location to the existing dwellings and include no window or door openings. As such, these elevations are considered not to result in harmful overlooking opportunities. The long and narrow rear garden of 10 Bennetts Road

boarders the application site to its east, and as part of the proposed development, would be located adjacent to the rear garden for unit 21, and parking bays 13-20. It is proposed that this boundary would have a 1.8m fence, which in combination with the proposed tree planting along this boundary (to the rear of the parking bays), is considered to provide sufficient visual screening in order to retain a satisfactory level of privacy between the site and the rear garden of 10 Bennetts Road.

- 6.28 Similarly, the rear of Nos. 7 and 8 Fletchers close share a boundary with the application site, and would be located close to parking bays 01 and 20. As existing, both 7 and 8 Fletchers Close are screened from the rear gardens of the existing site by relatively dense tree cover, a large extent of which is on land in the ownership of these dwellings, but also within the application site itself. No vegetation on land owned by 7 and 8 Fletchers Close is proposed to be removed as part of this scheme, thereby retaining a proportion of screening already afforded to these dwellings. In addition, whilst there is proposed to be a significant amount of tree felling within the application site (discussed further in paragraphs 6.33 – 6.35 of this report); several existing trees within the application site close this boundary are proposed to be retained including T05 (Buddleia), T13 (Ash), T21 (Cypress) and T22 (Cypress group). This, in addition to proposed additional tree planting and a 1.8m fence on this boundary, is considered to offer sufficient screening to reasonably protect the privacy and amenity of residents in Fletchers Close.
- 6.29 In addition to the impact already discussed affecting the amenities of properties opposite the proposed building, it is also acknowledged that the scale of the building may result in overlooking towards properties to the rear of the site. The 3-storey (10m high) element includes rear facing windows on the ground, first and second floors which face an easterly and southerly direction (i.e. towards 10 and 12 Bennetts Road and 7 and 8 Fletchers Close). Despite the proposed 1.8m fence on the eastern and southern boundaries, combined with existing and additional trees in these locations; it is accepted that there is likely to be an increased sense of overlooking upon the rear gardens of these properties when compared to the current situation. However, given the boundary treatment described, coupled with the overall distance the new 3-storey elements will be from the rear of these properties (a minimum of approximately 30m); it is not considered that the extent of overlooking and impact on privacy, would amount to significant harm.

Noise

- 6.30 The proposed development comprises a high density development of 21 units, including 20 car parking spaces to the rear and several balconies located at the front and rear of the building. In comparison to the 6 dwellings on site at present, the proposed development will naturally result in an increase in noise-generating activity at the site. This is likely to include a higher frequency of vehicular, cycle and pedestrian trips to and from the building, and a higher frequency of other associated activities such as bin collections and general internal and external maintenance. Balconies afford an elements of external living for the future occupants, which on occasions, is likely to generate an additional level of noise in the vicinity.
- 6.31 It is accepted by Officers that the development is likely to result in an increase in noise-generating activities, and is therefore likely to raise the noise profile of the immediate surrounds more than is currently experienced. As the proposed development is for residential accommodation in a predominantly residential area, this is an acceptable form for development in this location, and therefore it is difficult to argue that quantum of development proposed would result in noise disturbances beyond what would normally be acceptable.
- 6.32 Given the proximity of sensitive receptors to the rear of the site (in particular 10 Bennetts Road, and Nos. 7 and 8 Fletchers Close), some concern has been noted regarding noise that would be generated from cars turning and parking in the rear parking court. Whilst cars are still likely to be heard, the noise from the parking court would be buffered to some extent by the proposed boundary treatments (1.8m fence and vegetation), and distances between

the spaces and the nearest windows of neighbouring properties. In addition, this would be a very low speed environment, where the main disturbance would be from ignition of engines and car doors closing. These noise sources are not unusual in urban residential location such as this, and as such the Council's Environmental Health Officer has not raised any particular concern with the location of this parking area and its proximity to neighbouring residential dwellings.

Construction Impact

- 6.32 As with all development sites close to neighbouring residents, there is likely to be disturbances during the construction period. This site is particularly sensitive due its constrained nature, and its proximity to a number of neighbouring properties and local independent businesses. In order to minimise any adverse impacts associated with the construction process, and as per the advice from the Council's Environmental Health Officer; a condition has been recommended to require the developer to submit a detailed Construction Environment Management Plan (CEMP) for approval prior to the commencement of any development or demolition. The CEMP will require satisfactory information to be submitted with regard to the construction programme, site logistics including access, contractor parking arrangements, and measures to control dust and mud. The approved details will help to reduce the adverse impact of the construction process on neighbouring residents, but it is acknowledged that construction process at this site is still likely to cause some (albeit temporary) adverse impact.

Trees and Landscaping

Trees

- 6.33 As existing, the application site contains several examples of ornamental shrubs and scattered trees of varying species and sizes. No trees are subject to tree preservation orders, nor is the site in a conservation area, therefore there are no 'in principle' concerns regarding their removal. A concentration of existing tree cover is located within the rear of No. 2 Bennetts Road both along the western (Elm Grove) boundary, as well as between the boundary of Nos. 2 and 4 Bennetts Road. An Arboricultural Impact Assessment (AIA), Tree Schedule, Tree Constraints Plan and Tree Retention and Protection Plan have been submitted in support of this application.
- 6.34 The AIA notes that the 53 trees on site are largely of low value and less than 25 years old. Within the site, 47 trees have been identified as Category C (trees of low value), and 6 identified as Category B (trees of moderate value). The Council's Tree Officer has confirmed that these categorisations are accurate. All but 5 of the existing trees within the site are proposed for removal in order to facilitate the development. The trees for retention include a 7m Juniper (T03, Category C), a 4m high mature Buddleia shrub (T05, Category C), a 16m early mature Ash (T13, Category B), a 4m Holly (T23, Category C), and a 6m Hawthorn (T24, Category C). These trees are located within the southern portion of the site and have been incorporated into the soft landscaping scheme. In addition, several Category C Cypress trees (6-8m height) located within the rear garden of No 8 Fletchers Close have been identified within the trees survey, and notwithstanding their location off-site, have been confirmed as trees for retention (T21 and TG22).
- 6.35 It is accepted that the extent of tree removal (including 4 Category B trees of moderate value) required to facilitate the development, is significant. However, as the majority of trees to be removed are relatively young and are of low individual merit or value, it is not considered that this tree loss would be detrimental. The Council's Tree Officer supports this conclusion. In addition, whilst the existing trees along the western (Elm Grove) boundary provide some screening and amenity value, it is considered that due to the location of the site within a central urban area, the existing trees have limited connectivity to the surrounding landscape character. As such, it is difficult to justify the retention of these trees in their own right. It is

considered therefore, that subject to a condition to protect all retained trees within and outside the site who's RPA's may be affected by the development; the proposed tree loss is considered to be acceptable.

Landscaping

- 6.36 The constrained nature of the site and the high density development proposed, does not afford the opportunity to provide significant additional soft landscaping at the front of the proposed building, however there is more opportunity to the rear. As part of the overall landscape proposals shown in the Site Plan [0002 Rev E] a scheme of new tree planting is proposed along the eastern and southern boundaries. Specific planting details are not proposed (this will be required by condition), but it is proposed that a scheme of native tree planting including Birch, Field Maple and Cherry species is undertaken. 11x new trees are proposed to be planted in total, with 5x trees along the boundary of No. 10 Bennetts Road, a further 2x trees at the boundary of No. 7 Fletchers Close, and individual street trees to the front of units 1, 18 and 21.
- 6.37 In addition to tree planting, other soft landscaping is shown on the Site Plan including amenity grass, low level native hedging, and low level shrubbery. The landscaping has been designed to soften the appearance of the development from the front elevations by introducing boundary hedging and shrub planting fronting the highway, to improve the appearance of the rear parking court from within the site, and to enhance the screening of the parking court from views outside the site boundaries. The landscaping scheme is intended to be effective, but also to be easily maintainable and accessible.
- 6.38 Hard landscaping is shown to include block paving laid in a herringbone pattern for the site access, rear parking court, and parking bays serving units 1, 2, 17, 18 and 21; and buff coloured paving slabs for walkways and private garden spaces. Boundary treatments comprise low-level brick walls and metal railings at the front elevations, and 1.8m close boarded fencing at the rear boundaries (dropping to 1.2m where adjacent to the front curtilages of neighbouring dwellings).
- 6.39 Whilst it is acknowledged that there is little opportunity to include a significant amount of soft landscaping within the site, it is considered that the planting proposed (including retention of 3 existing trees) has been designed well, and offers as much greenery as possible to break up the extent of brick and paving. The block paving proposed for the rear parking court would give the development a high quality finish and is preferred over other surfacing materials such as tarmac. The use of brick walls and railings at the front would improve the appearance of the development, and over time when the hedging matures, will complement this finish and soften the appearance. The use of 1.8m close boarded fencing at the rear is in line with existing boundary treatments in this location and is therefore considered to be acceptable from a visual and amenity perspective. The Council's Senior Landscape Architect has confirmed that subject to conditions to secure details of planting and boundary treatments, no objection is raised with regard to landscape.

Highways, Access and Parking

- 6.40 Chapter 9 of the NPPF describes the government's aspirations for the promotion of sustainable transport, and details how transport and highways implications arising from development proposals should be considered in planning terms. Paragraphs 108 to 111 of the NPPF are particularly relevant when assessing the appropriateness of a proposal in highways terms. Paragraph 108 requires that appropriate opportunities to promote sustainable transport modes should be considered, and that safe and suitable access to the site can be achieved for all users. In addition, it requires that any significant impacts from the development on the transport network or on highway safety can be effectively mitigated. Paragraph 109 is of key importance when determining whether a proposed development is acceptable, and requires that *'development should only be prevented or refused on highways*

grounds if there would be an *unacceptable* impact on highway safety, or, the residual cumulative impacts on the road network would be *severe*' [emphasis added].

Site Access

- 6.41 The main point of access into the site is proposed to be via an undercroft from Elm Grove. This access would lead to 20x allocated parking bays. Five private driveways (serving units 1, 2, 18, 18 and 21) are also proposed and would be accessed directly from Elm Grove and Bennetts Road via new dropped kerbs and crossovers. Both roads are 'D' class and are subject to a 30 mph speed limit. In support of the application, a Transport Statement (TS) has been submitted.
- 6.42 The main access point onto Elm Grove proposes a shared surface arrangement, allowing both vehicles, cycles and pedestrians to access the site. A raised table will demark this shared area. WSCC Highways have confirmed that this arrangement would be suitable as it will be a low speed, low traffic environment where vehicles flows are less than 100 per hour.
- 6.43 Visibility on Elm Grove and Bennetts Road to serve these access points has been confirmed by WSCC Highways as acceptable. The main access to the rear of the site would be 4.8m wide and demonstrates visibility splays in line with the requirements of Manual for Streets. Whilst there would be on-street parking in the visibility splays, Manual for Streets recognises that in urban areas this is common, and does not cause a safety problem. WSCC Highways have reviewed records for this area and confirm that there have been no recorded accidents within the last 3 years and as such, there is no evidence to suggest that the access and local highway network in this location is operating unsafely.

Trip Generation

- 6.44 The submitted TS estimates that the current site generates a maximum of 24 vehicular movements per day. TRICS data estimates that around 47 vehicular movements would be generated by the 21-unit development between 7am – 7pm. During the peak AM and PM hours it is estimated that the site will generate just under 5 two-way vehicular movements. The TRICS outputs therefore demonstrate that the development would result in an increase in vehicular trips at the site. WSCC Highways accept the methodology used to generate these results, and consider the outputs to be realistic. WSCC note that whilst additional trips would occur, they would not trigger the 30 vehicle movement threshold to warrant formal junction assessments. WSCC Highways have therefore confirmed that proposal is not anticipated to result in a 'severe' cumulative impact on the operation of the local network in accordance with paragraph 109 of the NPPF.

Parking

- 6.45 Parking provision for 25 cars is proposed, comprising 20 parking bays in the rear parking court, and 5 with private access via crossovers from Elm Grove and Bennetts Road. Parking is allocated at one space per unit (21), plus 4 additional unallocated spaces, which equates to an average ratio of 1.2 spaces per dwelling. Despite the TS suggestion that parking demand generated from this development equates to 27 spaces (and WSCC Highway's agreement of this) – Officers note that this calculation has been based on 20 units (not 21 as proposed) therefore is incorrect. Officers have run the WSCC Parking Demand Calculator for the correct number of units proposed (21) and the demand equates to 29 parking spaces (comprising 21 allocated spaces and 8 unallocated). The proposed parking provision of 25 spaces, is therefore 4 spaces short of the correct demand calculation.
- 6.46 Despite WSCC Highway's conclusion that the '*car parking provision is anticipated to satisfy the likely demands*'; given that this central area is not within a controlled parking zone, and most existing dwellings do not benefit from off-road parking; it is acknowledged that pressures on parking in the vicinity of the application site are already acute. The provision of

one allocated parking space for each of the three 3-bed houses is considered to be insufficient, as it is normally expected that at least 2 parking spaces are expected for a 3-bed house. However, when applying the Parking Demand Calculator to the existing site (i.e. 6x dwellings) this calculated a demand for 9x car parking spaces. Given only one of the existing 6 dwellings on site has a dedicated off-road parking space (No. 20 Elm Grove), this creates an existing overspill onto the street of 8 cars. In contrast, whilst the proposed development is 4 spaces short of the demand calculation (which is a maximum standard), this only results in an overspill of 4 cars which is an improvement of the existing on-street parking situation in the local vicinity.

- 6.47 Therefore, whilst there would be increased parking demand from this development, as additional off-road parking would be provided where it currently does not exist, the actual requirement for on-street parking in this area would be less than the current situation. Policy 41 (parking) of the HDPF seeks to ensure that *'adequate parking must be provided within developments to meet the needs of anticipated users'*. Whilst the proposed level of parking within the site boundary falls 4 spaces short of the WSCC parking standards, the overspill onto the road will be less than existing, therefore on balance, it is considered that the requirements of Policy 41 are satisfied.
- 6.48 In addition, secure and covered communal cycle parking has been proposed as part of the development which provides for 20 bicycles. WSCC cycle parking standards require 0.5 cycle spaces per every 1-2 bed flat. This would require a minimum of 9 cycle spaces (for 18 flats), therefore a provision of 20 (at a ratio of 1.1 spaces per flat) is considered to be sufficient. Each of the three proposed houses also have a shed in the rear garden for secure bicycle storage.
- 6.49 Whilst the acute pressures on car parking in this area are acknowledged, the site is located in an accessible part of the town, with the town centre and mainline railway station within reasonable walking distance (around 15 minutes). Further, the mix and tenure of the proposed units (comprising a majority of 1 and 2-bed flats) is of a low-occupancy nature that is less likely to attract car-dependent occupants requiring the constant use of a car. Government agenda and local planning policy seek to promote development that contributes to sustainable transport modes of transport, and it is considered that this proposed development is of a nature and location that meets these aims by reducing the need for car ownership and promoting the use of more sustainable modes. It is considered therefore that the proposed development accords with Section 9 of the NPPF and Policies 5 and 40 of the HDPF.

Summary

- 6.50 In summary, WSCC Highways do not consider that the proposed development would have a 'severe' residual impact on the operation of the highways network, therefore the proposal would not conflict with paragraph 109 of the NPPF. The Highways Authority does not therefore have an objection to the development and do not consider that there are any transport grounds to resist the proposal. Whilst it is acknowledged that there may be additional pressure on roadside parking as a result of this development, the site is located in a sustainable location with the town centre and main railway station within walking distance, and a number of busses and pedestrian/cycle routes available locally which enables future occupants to choose non-car modes of transport. The parking provision has been shown to fall short of the demand outputs of the WSCC calculator, however overspill onto the local roads will be less than existing, and the cycle storage provision exceeds requirements. The proposed development in highways, access and parking terms therefore, is considered to be acceptable.

Other Matters

Bin Collection

- 6.51 The requirement for all houses within the District is that they should have enough space for three bins (refuse, recycling and garden waste). Blocks of flats are required to provide sufficient bin capacity to cater for 180 litres per dwelling for refuse, and 240 litres per dwelling for recycling. The proposed development provides individual bin storage areas at the front of units 1, 2, 17, 18 and 21 which allows for the storage of 3 bins at each of these dwellings. The remaining 16 flats are provided with two communal bin storage areas. The 16 flats would generate the need for 2,880 litres of refuse bin capacity, and 3,840 litres of recycling capacity (total of 6,720 litres). As such, the two bin stores provide space for 6x 1100L bins which is considered to be sufficient capacity for the required need.
- 6.52 Operatives would wheel the communal bins from the stores in the undercroft to the collection vehicle which would be parked on the roadside Elm Grove. Similarly, individual bins will be placed outside by future occupiers, and emptied by Operatives from the kerb. The Council's Waste Collections Supervisor has confirmed that these arrangements are acceptable. It is acknowledged that other dwellings nearby currently place their bins on the corner of Elm Grove and Bennetts Road for collection on a Friday. Given that the footway will not be affected by this development it is not anticipated that this existing arrangement would change.

Drainage

- 6.52 In support of the application a Drainage Strategy has been submitted. The Drainage Strategy confirms that the site is located in Flood Zone 1 and therefore has a very low probability of river or sea flooding, or flooding from surface water. Two existing public sewers run close to the site which currently drain surface and foul water into the wider network. The proposed development would result in an increase in the impermeable area on the site from 584m² to 1,661m².
- 6.53 The Drainage Strategy proposes that permeable paving is used in the shared access way and communal car parking court to the rear of the building to provide infiltration and attenuation for rainfall flows. Surface water from hardstanding areas and the roof of the building is proposed to be captured by drainage channels, gullies and drains. The flows to the main sewer system will be restricted to a controlled output of 6.5 litres per second which represents a 25% betterment on the site. Wastewater from the site will be connected to the existing public sewer on Elm Grove. The infiltration technique is considered by the Council's Drainage Engineer to be appropriate for this site, and whilst good practice advice seeks a 50% betterment on brownfield sites, the proposed 25% betterment is considered to be acceptable as no additional increases in surface run-off is expected to leave the site.

Ecology

- 6.54 A Preliminary Ecology Appraisal (PEA) and Preliminary Bat Roost Assessment have been undertaken in support of the planning application. It has been identified that the site contains amenity grassland; bare ground; existing buildings; scattered trees; introduced shrub; species-poor hedgerow and standing water. It was noted that no rare or unusual species were recorded, and as the site is generally well maintained, its potential to support protected species is limited. The Council's Ecology consultants does not disagree with this conclusion.
- 6.55 As part of the ecology assessment on this site, an external bat roost inspection of No. 22 Elm Grove was undertaken. This revealed that the building has a 'low' potential for bats due a gap within the soffits board which could potentially provide roosting opportunities. Whilst it was noted that no signs of bats were recorded within the loft cavity (leading to the conclusion that the site is unlikely to support bats), the Council's Ecologist does not accept this

conclusion, and given the potential for this building to support roosts of protected bat species, the Ecologist required a 'dusk emergence/dawn re-entry' survey of this building to be undertaken. The applicant has instructed this survey to be undertaken, and the results are pending.

Air Quality

- 6.55 Paragraph 181 of the NPPF and Policy 24 of the HDPF seek to maximise opportunities to improve air quality through the effective mitigation of impacts caused by new development. The application site is not located within either of the District's two Air Quality Management Areas (AQMA's), but due to the most common source of air pollution in the Horsham District coming from vehicle emission, developments which have the potential for traffic increases (such as the one proposed) are required to make reasonable endeavours to minimise emissions. Accordingly, in accordance with the Council's '*Planning Advice Document: Air Quality and Emissions Reduction Guidance*', and West Sussex County Council's parking standards, it is recommended that the developer provides infrastructure of electric vehicle charging at this site. Whilst charging points have not been shown on the submitted site plan, the applicant agrees that this provision can be secured by condition. As such, a condition has been drafted to secure this requirement.

Planning Balance and Conclusion

- 6.56 In summary, the principle of this development in this location is in accordance with the Council's overarching development strategy, and the proposed 100% affordable rent tenure will meet a pressing demand for this type of accommodation in this area, therefore is welcomed by the Council. Whilst there may be some overspill parking resulting from the development, this is not considered to be greater than the existing situation, and there is no overall objection from the Highways Authority regarding highway safety. It is accepted that the scale and appearance of the proposed building does not fully accord with the prevailing character of the surrounding area. However, whilst several shortcomings have been identified with the design; it is accepted that the building is purposefully modern in appearance, and by virtue of its flatted nature; is unlikely to achieve a design that is fully complimentary to its semi-detached neighbours. Due to its overall scale, and position in a built-up urban setting, there is likely to be some impact on neighbouring amenity, however as described in this report, this is not considered to amount to significant harm. Whilst some reservations have been identified in terms of design, overall the development is considered acceptable. Officers therefore recommend to Members that this planning application is approved.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	1783	446.1	1336.9
		Total Gain	
		Total Demolition	446.1

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

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

- 7.1 To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions, the satisfactory completion of the additional bat survey, and the completion of a s106 legal agreement to secure the necessary highways works and affordable housing. In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

Conditions:

1. List of approved plans

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

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

3. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document, and shall be strictly adhered to throughout the construction period. The CEMP shall provide for, but not be limited to:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. The anticipated number, frequency and types of vehicles used during construction
- viii. Details of any floodlighting, including location, height, type, timing and direction of light sources and intensity of illumination
- ix. Details regarding dust and noise (including vibration) mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
- x. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- xi. Communication procedures with the local community regarding key construction issues – newsletters, fliers etc.
- xii. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway
- xiii. Details of a scheme for the recycling/disposing of waste resulting from site clearance and construction works

Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until the proposed means of foul and surface water disposal has been submitted to and approved in writing by

the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

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

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

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

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

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

- All trees on and off the site shown for retention on approved drawing number [LLD1549-ARB-DWG-01-00-TR&PP Rev 02], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

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

8. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of the precise specification of materials and finishes and colours to be used for external walls,

windows, and roofs of the approved building has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

9. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the balconies (including all Juliet balconies), including their design, materials, finishes and colour, have been submitted to and approved by the Local Planning Authority in writing. The balconies shall be constructed in full accordance with the approved details and be retained as such thereafter.

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

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

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

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

- i. Details of all existing trees and planting to be retained
- ii. Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- iii. Details of all hard surfacing materials and finishes
- iv. Details of all boundary treatments including fencing, walls etc.
- v. Details of all external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

12. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, 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).

13. **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling in accordance with drawing number [0002 Rev E]. These 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).

14. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been constructed and made available for use in accordance with Site Plan reference [0002 Rev E]. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

15. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with the approved details as shown on Site Plan reference [0002 Rev E]. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

16. **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the site access necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on Site Plan reference [0002 Rev E] 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).

17. **Pre-Occupation Condition:** No dwelling shall be first occupied until means for the charging of electric vehicles by way of fast charging points have been installed in accordance with details that have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of all charging points, their specification, means of allocation, and means for their long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

18. **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).

19. **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment and Method Statement [LLD1549-ARB-REP-001 Rev 02, dated 22 May 2019].

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

20. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the submitted Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment Survey [LLD1549-ECO-REP-00-00, dated 01 November 2018].

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

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

Reason: In the interest of visual amenity and due to the constrained nature of the site, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

22. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Informatives

1. **Conditions to be Discharged**

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms

2. Bats

The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: equiries@bats.org.uk, <http://www.bats.org.uk/>

3. Highways Informative

The applicant is advised to contact West Sussex County Council Highways, tel no: 01243 642105 or to visit <https://www.westsussex.gov.uk/> for information on how to obtain formal approval from the highway authority to carry out works to the public highway. All necessary costs, the appropriate license and application fees for any works and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed.

4. Southern Water

Please note that Southern Water require a formal applications for connection to the main water supply and public sewer in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk. Please also read the 'New Connections Services Charging Arrangements' documents which are available to read via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

5. Southern Water

The applicant is advised to contact Southern Water to discuss the timings of the committed network reinforcement works (to be undertaken by Southern Water); and how these improvement works will coordinate appropriately with the projected completion and first use of the facilities hereby permitted. This will help to ensure that adequate waste water network capacity is available to adequately drain the development.

6. Unexpected Contamination

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

7. Landscape Details

The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- Details of existing and proposed levels for all external earthworks associated with the landscape proposals (including SuDS, play areas, etc.). Such details to include cross sections where necessary;
- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers;
- Tree pit and staking/underground guying details;
- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment;
- Hard surfacing materials - layout, colour, size, texture, coursing, levels;
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials;

- Minor artefacts and structures - location and type of street furniture, refuse and other storage units, lighting columns and lanterns etc.

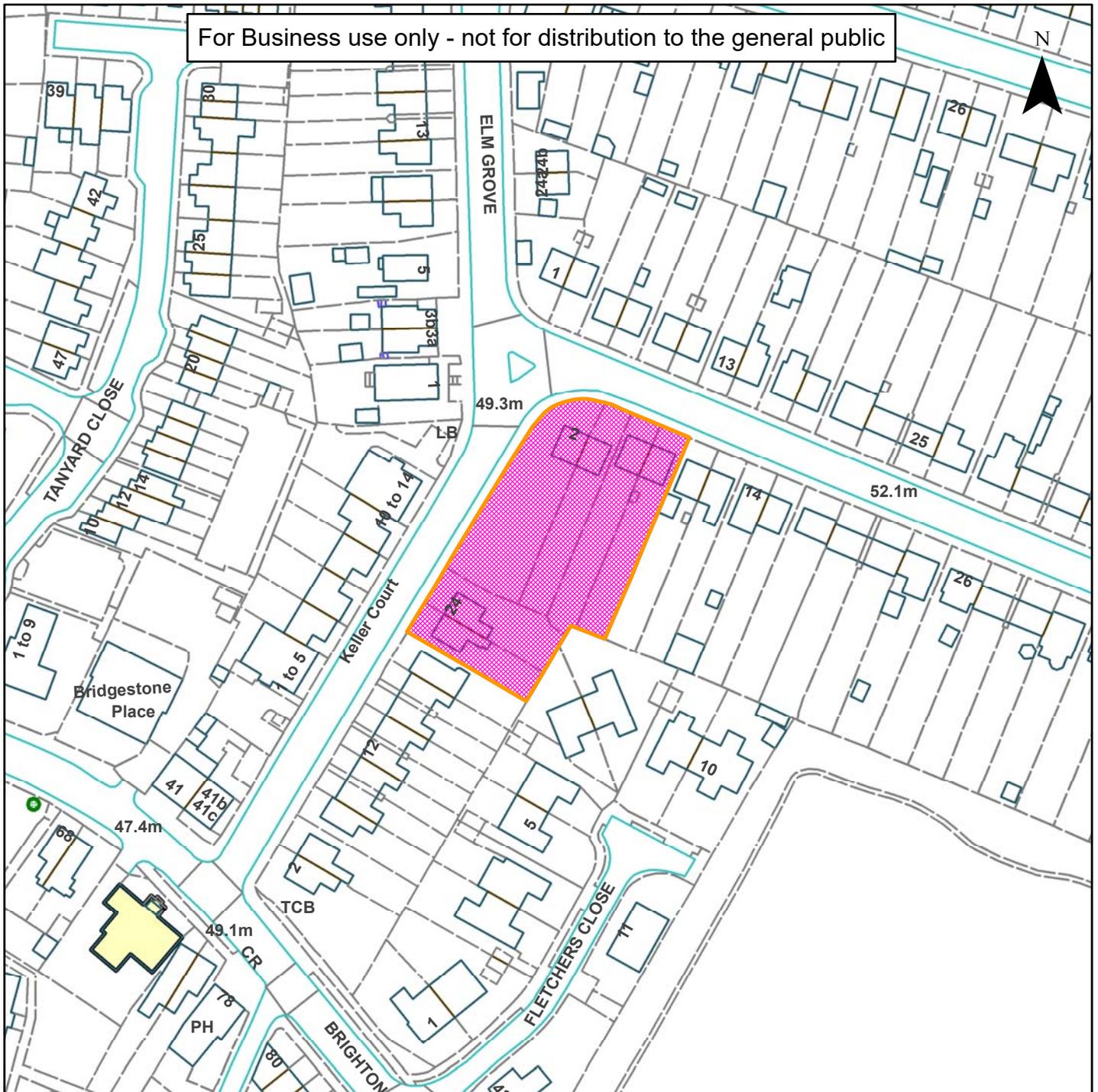
Background Papers:
DC/19/0153

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Land at Bennetts Road, Horsham

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	23/05/2019
SA Number	100023865

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**Horsham
District
Council**

**PLANNING COMMITTEE
REPORT**

TO: Planning Committee North

BY: Head of Development

DATE: 5 June 2019

DEVELOPMENT: Erection of a two storey three bedroom dwelling with creation of a new highway access, laying of associated hardstanding/parking, landscaping works and construction of a pedestrian pathway to Warrenhurst

SITE: Land Adjacent To Warrenhurst Plumtree Cross Lane Barns Green Horsham West Sussex RH13 0NL

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/17/2687

APPLICANT: **Name:** Mrs Della Perryman **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: The application, if approved, represents a departure from the development plan.

RECOMMENDATION: To approve planning permission subject to conditions

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 erection of a 3-bedroom dwelling to be positioned to the south of the existing dwelling known as Warrenhurst. The proposal has been submitted under paragraph 79 of the NPPF (previously paragraph 55) as being of an “exceptional quality” and “...truly outstanding or innovative, reflecting the highest standards in architecture.”
- 1.3 The proposed dwelling would consist of a two storey curved building that would measure to a total length of approximately 34m and a total depth of 8.8m. The proposed dwelling would be inset into the ground, and would extend appropriately 8m above the highest ground level.
- 1.4 The dwelling would incorporate a curved footprint, with the roof sloping upward to the south. A sloping clay brick wall would sit around the western perimeter of the dwelling, with formal landscaping extending concentrically to the south-east. The dwelling would be finished in a material palette consisting of unfired clay bricks to the western elevation, with the use of fired clay bricks, larch cladding and solar photovoltaic roof tiles elsewhere.
- 1.5 The proposal would provide 3 bedrooms, study and cinema room to the lower ground floor, with kitchen/dining room, living room, and utility room on the upper ground floor. A formal

landscaped garden is proposed to the south, with 2 no. terraces proposed to the north-east and south-west of the dwelling.

- 1.6 An access is proposed to the west of the site, with the provision of hardstanding and a designated parking area for 3 no. vehicles.

DESCRIPTION OF THE SITE

- 1.7 The application site is positioned to the south of the existing dwelling known as Warrenhurst, on the eastern side of Plumtree Cross Lane. The site lies outside of the designated built-up area of Barns Green, which sits some 250m to the south.
- 1.8 The site currently comprises the northern half of an open field, bounded by hedging to the west and woodland to the east. The site gently slopes from east to west, with the surrounding residential properties positioned approximately 100m to 150m to the north and south respectively.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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 24 – Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.4 RELEVANT NEIGHBOURHOOD PLAN

Itchingfield Neighbourhood Development Plan

- Designated (Regulation 7) September 2015. To date no draft Plan has been prepared.

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 Landscape Architect:** No Objection. The proposal would not stand out as being unduly dominant or incongruous in this location, with the innovative and well thought out design, proposed scale and style of the building considered appropriate to the site and immediate surroundings. The proposed development positively contributes to the local distinctiveness of the area and contributes to successfully integrating the dwelling within the landscape.
- 3.3 **HDC Design and Conservation Officer:** The proposed house is definitely an interesting design. The use of current building technologies to create a sculptured form is certainly unusual in the District. The intention to place this organic and sculptured form within the landscape is important and I appreciate the attempt to do this by the grading of the site to create a perception of integration with the land. Building with unfired bricks made from clay taken from the site is an environmentally positive use of resources. Taken together I am satisfied these elements of the design will result in a dwelling of exceptional quality. I am also satisfied the setting of the listed building to the south will not be harmed.
- 3.4 **HDC Building Control:** No Objection. The additional information on the sustainability design demonstrates that a higher than required standard is being aimed for but the exact level won't be provable until later in the design stage. Further technical detailing would be required for the unfired clay bricks when a Building Control application is submitted.

OUTSIDE AGENCIES

- 3.5 **WSCC Highways:** No Objection. The proposed single dwelling would not have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.
- 3.6 **Ecology Consultant:** No Objection, works should take place in accordance with the recommendations within Section 5 of the Preliminary Ecological Appraisal (PEA) by The Ecology Co-op dated July 2016 and Section 6 of the Reptile Presence/Absence Survey Report by the Ecology Co-Op dated September 2018.
- 3.7 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

- 3.8 **Itchingfield Parish Council:** Objection on the following grounds:
- Development is outside of the built-up area boundary and is a Greenfield site
 - Proposal is out of keeping with character of Parish
 - Will encourage ribbon development

3.9 Five letters of support were received from 4 separate households. These can be summarised as follows:

- Attractive development
- In keeping with surroundings
- Well thought out design
- Acceptable access conditions

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 the construction of a single 3-bed dwelling with associated access and landscaping under paragraph 79 (previously paragraph 55) of the NPPF.

Principle of Development

6.2 Planning policy at both local and national level directs development to be located within sustainable locations. The application site is located outside any defined built-up area boundary as categorised under Policy 3 of the Horsham District Planning Framework (HDPF) and as such, from a policy perspective, is considered to be within a countryside location. Policies 4 and 26 of the HDPF further restrict development outside of built-up areas, requiring any proposal to meet a number of listed criteria in order to be considered acceptable. As the application site is outside of the built-up area boundary and is not essential to the countryside location the development therefore falls contrary to the HDPF.

6.3 Paragraph 79 of the NPPF states that, *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:-*

- *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of works 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 enhance its immediate setting;*
- *the development would involve the subdivision of an existing residential dwelling; or*
- *the design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

- 6.4 The application site is in a countryside location and would be reliant on neighbouring settlements for day to day needs and services. The key issue is therefore whether the proposed development can be justified as being in accordance with paragraph 79 of the NPPF, and whether there are any other material considerations which would justify a departure from the spatial strategy.
- 6.5 Paragraph 131 of the NPPF states that, *“in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”*.
- 6.6 Establishing whether or not the proposal is a truly outstanding or innovative design is invariably a subjective matter; however advice contained within the NPPF and Planning Practice Guidance states that Local Planning Authorities should have design review arrangements in place to provide assessment and support to ensure high standards of design. Paragraph 129 of the NPPF states that *“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development...These are of most benefit if used as early as possible in the evolution of schemes...In assessing applications, local planning authorities should have regard to the outcome of these processes, including any recommendations made by design review panels.”*
- 6.7 The proposed scheme has evolved through the pre-application process, with guidance provided from the Bristol based Urban Design Forum. The Urban Design Review Panel summarised that the sculptural architectural form and references to local material character resulted in an ‘outstanding’ design. It was furthered that the spatial experience of the swept, curved volumes, and positive connection with the landscape setting in relation to orientation, sunlight, and microclimate, contribute to a unique house that integrates with the landscape setting. The Panel also considered that the use of site excavated material, to be used as part of the dwelling’s construction, was an innovative approach that contributed to a sustainable dwelling that could be an exemplar of similar development within the UK. Further considerations were provided by the Bristol Urban Design Panel, including testing of the unfired brickwork to ensure viability, and further testing and confirmation of the energy strategy.
- 6.7 The Design Panel considered that the project represented an interesting dynamic, where the dwelling is driven by modern technologies, with the use of traditional methods and built vernacular. It was therefore concluded that the sculptural architectural form and references to material character resulted in an “outstanding dwelling”.
- 6.8 The quality of the design, and the conclusions of the Urban Design Forum are appraised individually below.
- Is the design truly outstanding or innovative and represent the highest standards in architecture?*
- 6.9 The proposed dwelling seeks to create a multi-generational, mutually supportive family estate, which in the applicant’s words, would represent an important social model for the future to minimise care costs. The design intent has sought to provide a home which enables a symbiotic relationship with the whole family and the wider landscape and ecology of the site. The self-build dwelling seeks to resonate with the specific site conditions, geology, and history of the area; creating a highly sustainable and sympathetic contemporary dwelling that draws inspiration from local vernacular.

- 6.10 The proposal seeks to be innovative, utilising a number of technologies to create a sustainable, low energy dwelling. The design of the dwelling, configured in a circular form with a sloping roof, seeks to maximise the gains from these technologies, whilst also seeking to provide a contemporary twist on the local Sussex vernacular. It is considered that the design facilitates these innovative technologies, as much as the technologies create and direct the design of the dwelling. This mutual relationship is considered to enrich the innovative nature of the design, further enhancing the quality of the proposed dwelling.
- 6.11 The particular technologies and design features which seek to be truly innovative include the use of unfired brick and the objective for a zero carbon home which also generates an energy surplus which is fed to the neighbouring dwelling at Warrenhurst.
- 6.12 Unfired bricks are generally a widely used material (although not at an expansive scale within the UK) for internal non-loadbearing applications, and are not generally considered to be innovative in itself. However, as outlined by Professor Pete Walking within the letter submitted to support the application, the detailed design of the proposal seeks to use these unfired brick both internally and externally in a sustainable and innovative manner. The proposed dwelling seeks to utilise unfired clay brick that have been sourced from, and made on site. Through excavation works to inset the dwelling within the landscape, the excavated clay material will then be moulded and dried on site to form the unfired bricks. Apart from being an innovative method of construction, it is outlined that the advantages of this include reducing the need to remove spoil from the site; reducing the need to bring materials onto the site; and the significant reduction in energy use from manufacturing.
- 6.13 The design of the dwelling, and the placement and breadth of the unfired bricks, has been guided with durability and robustness in mind. Unfired clay needs to be protected from excess moisture and sited above the damp-proof course. To provide adequate protection, the proposed design incorporates deep eaves which double up to provide an entrance way to the house. The depth of the eaves at 1.5m seeks to prevent rain from directly hitting the external wall, with the orientation of the dwelling positioned away from prevailing weather. In this manner, the design of the dwelling facilitates the use of this innovative technology as much as the technology creates and determines the design.
- 6.14 The proposed dwelling has been sited and oriented in response to both solar orientation and an existing micro-climate, with the pitched and descending roofline responding to the solar path during the day, afternoon and evening to maximise the energy absorption of the Tesla photovoltaic roof tiles energy as efficiently as possible. The dwelling has been designed to take advantage of south-westerly winds for ventilation purposes, with the vaulted roof design seeking to take advantage of solar gain and reduce overall heat demand, whilst also promoting circulation. In addition, incorporating surrounding landform seeks to take advantage of stable ground temperature within the earth and reduce the heating demand, with the positioning of windows to ensure that each space receives sufficient daylight. The proposal has sought to exceed 'passivehouse' standards, with the end result generating an energy surplus that can feed back to the adjacent property of Warrenhurst.
- 6.15 The design philosophy seeks to achieve and exceed best practice guidelines, with the dwelling in line with the now archived Code for Sustainable Homes Level 5 (Regulated Zero Carbon) or 6 (Zero Net CO₂ emissions). This is significantly beyond current Building Regulations, and demonstrates that a higher than required standard is being sought. The Council's Building Control team were consulted to assess the technologies proposed and determine the sustainability of the design. It was confirmed by the Building Control Officer that the information submitted in support of the application indicates that a higher than required standard is being sought. Therefore, it is considered that the proposed dwelling has been designed not only to facilitate the most sustainability gain, but has also been designed to enhance this through innovative means and technology.

- 6.16 The proposal seeks to reflect a Sussex vernacular, whilst distorting the historic and traditional character of this built form through a twisted roof. As stated by the applicant, this design has been undertaken in a sustainability driven, sculptural way, where style follows sustainability. The design rationale is driven by the symbiotic relationship between design and technology; resulting in a dwelling that embodies a contemporary twist in traditional vernacular, which is designed to incorporate modern and innovative technologies. The proposal is therefore considered to be innovative, and of a high standard of design and architecture.

Would the design significantly enhance its immediate setting?

- 6.17 Design encompasses not only the built form itself, but also the way in which it sits within the landscape and relates and interacts with its surroundings. The NPPF requires designs to significantly enhance their immediate setting). In this case, the immediate setting is informed by scattered development typically settled along Plumtree Cross Lane to the north of the site and Sandhills Road to the south, with generous dwellings set in large gardens as well as open rural countryside. The site retains a rural landscape character, with the wider surroundings comprising trees that form a well-defined green corridor within the landscape. The topography is undulating, and the site itself slopes from the boundary adjacent to the road towards the east.
- 6.18 The Urban Design Panel concluded that the initial landscape proposal to embed the building within the site and the wider landscape was an interesting strategy. The Panel advised that the landscape scheme should match the quality and ambition of the building, ensuring that the building be sufficiently rooted within the landscape. It was concluded that the landscape design makes use of rainwater, landform, and planting strategies to better integrate the proposal within the landscape, in order to enhance its setting.
- 6.19 The dwelling is proposed to sit inset within the landscape, sunk into the ground. The spoil from the excavation work will be used to make unfired clay bricks, and also to create wildflower mounds within the wider site. The proposal therefore seeks to minimise its effect on the environment, both in the short and long term.
- 6.20 Following consultation with the Landscape Architect, it is stated that changing the use of a green field to residential will inevitably have negative landscape effects, but these can be mitigated and occasionally enhanced by improving the landscape resource and visual amenity of the proposed development site and its wider setting. Enhancement can take many forms, including improved landscape management or restoration of habitat and the creation of new landscape or habitat. This enhancement may then give rise to positive landscape effects.
- 6.21 The landscape concept for the site is to take the curved form of the building and extend it into the landscape. This, in combination with the setting of the building into the ground, will allow for a series of spaces to be created. An enclosed space linked to the dwelling is proposed, with this extending further into the wider landscape through the provisions of small mounds that would follow the contours adjacent to Parson's Brook to the east, reflecting a traditional ridge and furrow landscape.
- 6.22 The proposed landscaping will allow the building to be embedded and interpreted as part of the landscape, and will thus be intrinsically linked to the surroundings. It is also the design intent to create various spaces subject to different ground conditions, generating opportunities for different habitats to develop, and increasing the biodiversity of the local area.
- 6.23 The proposal is considered to sit well in the landscape and relate sympathetically to its immediate surroundings. Whilst the proposal would impact on the landscape character of the site, it is considered to contribute positively to the visual attraction and interest of the site through its design and wider landscaping. The proposed scheme is considered to positively

contribute to the visual attraction and immediate setting of the site and surroundings, enhancing the context of the site to the benefit of the local landscape and biodiversity.

Would the design be sensitive to the defining characteristics of the local area?

- 6.24 The locality is characterised by sporadic residential development, with the application site and the wider surroundings defined principally by relatively unspoilt, open agricultural land.
- 6.25 The proposed scheme has been designed to sit into the ground to reduce the visual prominence of the dwelling, with the built form reflecting a contemporary twist on traditional Sussex vernacular. The dwelling is an imitation of a Sussex barn style, with a curved built form and sloping roof. The proposed dwelling would utilise a mixed material palette of unfired clay brick, fired clay brick, and timber cladding, with the roof incorporating solar photovoltaic tiles.
- 6.26 The wider surroundings are characterised predominantly by Sussex vernacular, utilising materials and finishes that include clay brick, tile hanging, and cladding. These dwellings sit within relatively large and spacious plots within the rural locality, with a higher density of development within the built-up area of Barns Green.
- 6.27 The proposed dwelling seeks to reflect the Sussex vernacular, whilst distorting the historic and traditional character of this built form through a twisted roof. The proposal is considered to reflect the rural character of the area, with the setting of the dwelling within the landscape considered to reduce the visual prominence of the dwelling. Furthermore, the proposed landscaping is considered to further integrate the built form within the landscape character of the locality.
- 6.28 When considered against the context of the rural locality and landscape character, the proposed scheme is considered to reflect the locally distinctive vernacular and setting of the locality.

Summary of Principle Considerations

- 6.29 The proposed development would not accord with the spatial approach to housing set out in the HDPF. However, paragraph 79 of the NPPF set out a number of exceptions where isolated dwellings in the countryside can be justified, with paragraph 131 of the NPPF stating that, *“in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”*.
- 6.30 As set out, the proposed dwelling is considered to represent an outstanding and innovative design, with this view shared by the Urban Design Forum and the Council's Landscape and Conservation and Design Officers. The outstanding and innovative quality of the proposed development, which reflects the highest standards in architecture, would help raise standards of design more generally in rural areas, and would significantly enhance its immediate setting.
- 6.31 As outlined within paragraph 131 of the NPPF, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area. The outstanding and innovative design of the proposed scheme is considered to be a material consideration of great weight in the consideration of the application, with the resulting development considered to raise the standard of design in the area. On this basis the proposed development, which would be of outstanding quality and innovative design, is considered to be in compliance with the NPPF.

- 6.32 Given the weight accorded to paragraph 131 of the NPPF, the public benefit arising from the outstanding and innovative quality of the design, which would help raise the standard of design in the area, is therefore considered on balance to justify a departure from the spatial strategy in this instance.

Ecology and Trees

- 6.33 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.34 The applicant submitted a Preliminary Ecological Appraisal (PEA) by The Ecology Co-op dated July 2016. This report suggests that there could be some loss of potential reptile habitat, with the need to relocate the population to a nearby area if identified. The Applicant has submitted a Reptile Presence/Absence Survey Report dated September 2018 which found that there is likely to be a low population of slow worms on the site, and therefore minimal mitigation is necessary. This will include habitat manipulation of the construction area to make it unsuitable for reptiles, and in the unlikely event that reptiles are found, they will be moved to suitable habitat in the surrounding area. In addition, it is concluded within the Preliminary Ecological Appraisal that if any trees or hedgerows are removed, these should be replaced by native planting for nesting and foraging. There are no trees on the site itself, although an existing Oak Tree adjacent to the road will need to be removed to facilitate the access. This tree is not considered to be of such amenity value to secure its retention, with the Applicant confirming that this tree does not provide for bat roosts.
- 6.35 The Report sets out a number of precautionary measures to be undertaken, along with measures to enhance the ecological interest of the site. The Council's Ecologist raises no objection to the proposal, with conditions recommended to secure these measures. It is therefore considered that the proposal accords with the provisions of Policy 31 of the Horsham District Planning Framework (2015).

Amenities of the occupiers and users of adjoining properties and land

- 6.36 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.
- 6.37 The application site lies physically separate from the sporadic residential development comprising the locality, with the neighbouring properties positioned at a distance of between approximately 100m and 150m from the proposed siting of the dwelling. The existing dwelling of Warrenhurst is positioned approximately 55m to the north, and would be separated by the landscape area proposed to the north.
- 6.38 Given the distance from the surrounding residential properties, it is not considered that the proposed 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).

Heritage Impacts

- 6.39 Policy 34 of the HDPF states that development should be reinforced to reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.

- 6.40 Sandhills is a grade II listed building located to the south-west of the application site, at a distance of approximately 150m. Given the distance between the application site and the nationally designated heritage asset, it is not considered that the proposal would result in harm to the setting or significance of the listed building and therefore the proposal accords with Policy 34 of the Horsham District Planning Framework (2015).

Existing Parking and Traffic Conditions

- 6.41 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.42 The proposal would incorporate an area of hardstanding and parking to the north-west of the application dwelling, with access provided from Plumtree Cross Lane. The proposed access would measure to a width of 5.5 metres, with visibility splays of 24 metres by 63.1 metres provided to the north and 2.4 metres by 65.7 metres provided to the south.
- 6.43 Following consultation with West Sussex County Council as the Local Highway Authority, the proposed access and visibility splays are considered acceptable and are not considered to result in harm to the safety and function of the public highway. In addition, the amount of hardstanding and designated parking area is considered adequate for the number of anticipated vehicles.
- 6.44 The proposed scheme is not considered to result in harm to the function or safety of the highway network and is considered to accord with Policy 41 of the Horsham District Planning Framework (2015).

Conclusion

- 6.45 The application site is located outside of the defined built-up area, where development is not usually considered acceptable unless it meets specific criteria as required by policies 4 and 26 of the HDPF. However, paragraphs 78 and 131 of the NPPF are material considerations of weight in the assessment of the application.
- 6.46 It is acknowledged that the application site lies within 270m of the built-up area of Barns Green, within close proximity to sporadic residential development along Plumtree Cross Lane. As guided by the Braintree High Court decision, the site does not therefore lie in an 'isolated' location in terms of proximity to other built development. However, Paragraph 78 of the NPPF directs that small scale development can be capable of enhancing and maintaining the vitality of the rural area and supporting services in nearby villages.
- 6.47 Furthermore, the conclusions of the Design Panel Review are considered to be of great weight in the consideration of the application, outlining that the dwelling is of exceptional and outstanding quality that would enhance its immediate setting and be sensitive to the defining characteristics of the local area. In addition, the proposal promotes high levels of sustainability and provides the opportunity to enhance design more generally, as supported by Paragraph 131 of the NPPF.
- 6.48 On the balance of all material considerations, Officers are of the view the proposal would be of outstanding quality and of an innovative design, in a location that is within a reasonable proximity to Barns Green. While acknowledged that the site would remain outside of a defined settlement boundary, the great weight accorded to the outstanding and innovative design of the proposal by paragraph 131 of the NPPF, is considered on balance to justify a departure from the spatial strategy in this instance.
- 6.49 On this basis, the proposal is recommended for approval as a departure from the development plan as it is considered to accord with paragraphs 78 and 131 of the NPPF and is considered to be acceptable in all other matters as discussed within this report.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

6.50 Schedule which took effect on 1st October 2017.

6.51 **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	574	0	574
		Total Gain	574
		Total Demolition	0

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

6.53 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

7.1 That the application is approved, subject to the conditions below.

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

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

4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until 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).

- 5 **Pre-Commencement (Slab Level) 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: As this matter is fundamental to ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** The landscaping scheme, as shown on plan no. RF-061-001 rev. B received 03.04.2018, shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development.

Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 7 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, the parking turning and access facilities shall have been implemented in accordance with the approved details as shown on plan ref. 06500-HYD-XX-XX-DR-TP-0101 rev. P2 received 03.04.2018 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).

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied unless and until provision for the storage of refuse/recycling has been made for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These 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, visibility splays of 2.4 metres by 63.1 metres to the north and 2.4 metres by 65.7 metres to the south shall have been provided at the proposed site vehicular access onto Plumtree Cross Lane in accordance with approved plan reference 09212-HYD-XX-XX-DR-TP-0102 rev. P2 received 03.04.2018. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 10 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure (and covered) 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. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking 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 materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved plans references P-158 and P-159 received 15.12.2017.

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

- 12 **Regulatory Condition:** The residential curtilage of the new dwelling hereby permitted shall be as indicated by the dashed red outline on approved plan reference P-002 received 15.12.2017.

Reason: In the interests of visual amenity and the landscape character of the area within the countryside location, and in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, B, C, D, E, F, G or H of Part 1, and within Class A of Part 2 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the new residential dwelling hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the sensitivity to change in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with recommendations in Section 5 of the Preliminary Ecological Appraisal (PEA) by The Ecology Co-op dated July 2016 and received on 30.11.2017 and Section 6 of the Reptile Presence/Absence Report by The Ecology Co-op dated September 2018 and received on 08.10.2018.

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

- 15 **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).

- 16 **Regulatory Condition:** The dwelling hereby approved shall strictly accord with the Energy Strategy as outlined within the letter from Hydrock reference 06500-HYD-LT-JB-0001 dated 12.03.2018 and received 21.03.2018.

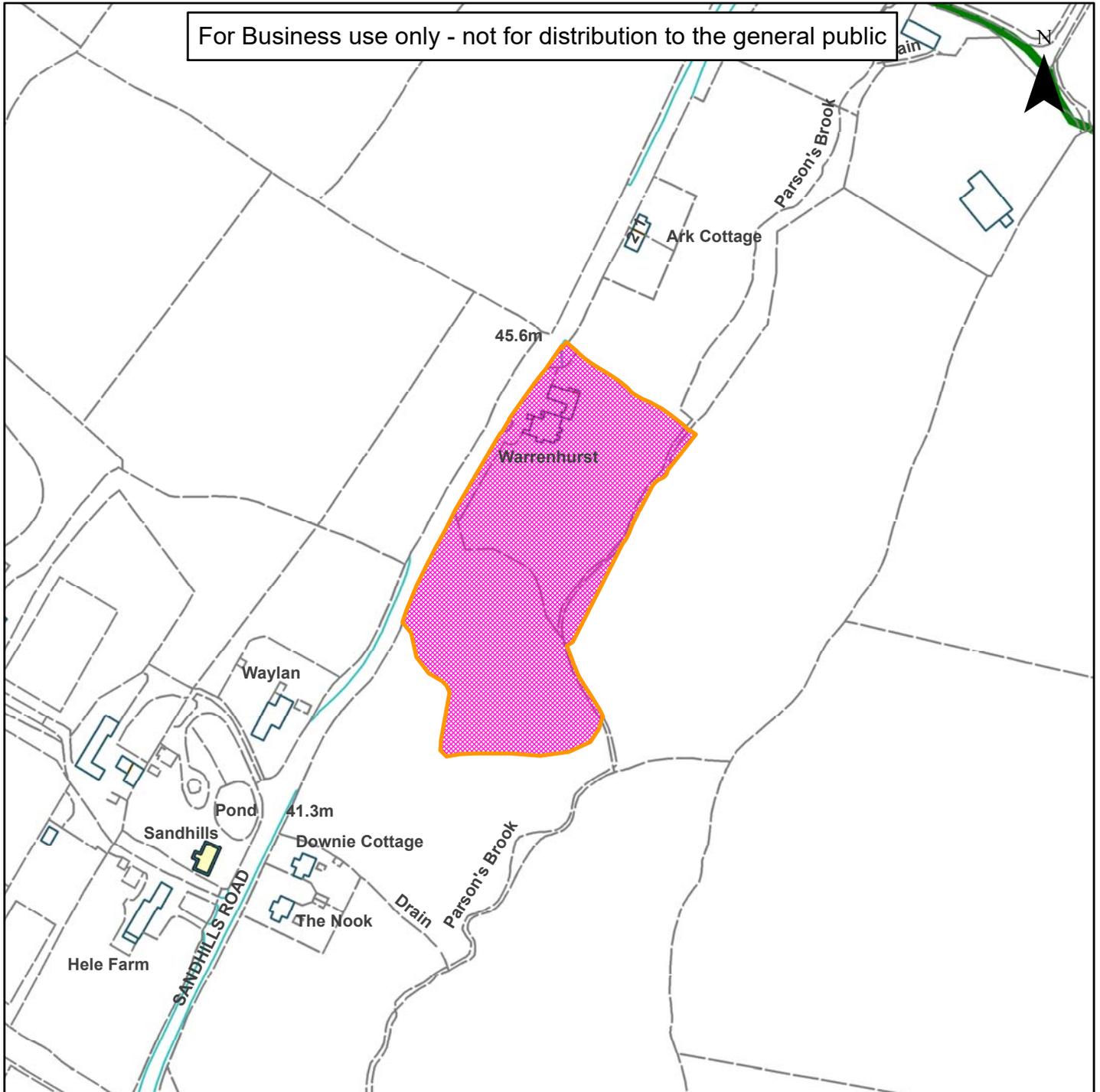
Reason: As this is fundamental to the acceptability of the proposal, and in accordance with Policy 37 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/2687



Land Adjacent To Warrenhurst, Plumtree Cross, Lane Barns Green

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	23/05/2019
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 4 June 2019

DEVELOPMENT: Retrospective application for the flexible change of use to dual use for part of Boxer Retreat for either Residential (Use Class C3) or Beauty Spa (Sui Generis)

SITE: Boxer Retreat Langhurst Wood Road Horsham West Sussex RH12 4QD

WARD: Holbrook West (changed to Colgate & Rusper beginning of May 2019)

APPLICATION: DC/19/0565

APPLICANT: **Name:** Mr and Mrs David and Natalia Shortland **Address:** Boxer Retreat Langhurstwood Road Horsham RH12 4QD

REASON FOR INCLUSION ON THE AGENDA: At the request of Cllr Peter Burgess

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 planning permission to retain the mixed use of the site for C3 residential purposes and as a Beauty Spa.
- 1.2 The proposed use relates specifically to the use of the western wing of the wider residential property as a Beauty Spa comprising swimming pool, treatment rooms, and reception area.

DESCRIPTION OF THE SITE

- 1.3 The application site comprises a residential dwelling and associated detached buildings located to the east of Langhurstwood Road, outside of the defined built-up area. The site lies within relatively large grounds, which are bound by mature hedging and landscaping. The surrounding area comprises a mix of sporadic residential dwellings and open countryside, with the nearest neighbouring property known as Rusty Crackle positioned to the south of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 10 - Rural Economic Development

Policy 11 - Tourism and Cultural Facilities

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 41 - Community Facilities, Leisure and Recreation

2.4 RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Neighbourhood Forum

- Designated (Regulation 10)

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

NH/125/92	Continued use of domestic games room as fitness & beauty club	Application	Refused	on
		04.11.1992		
NH/187/03	Single & two-storey extensions	Application	Permitted	on
		19.02.2004		
DC/08/0678	Single storey sunroom extension	Application	Permitted	on
		19.05.2008		
DC/08/2233	Continued use as beauty salon and change of use of treatment, reception areas, swimming pool and sun room to beauty salon	Application	Refused	on
		17.12.2008		
DC/18/2459	Application to confirm the use of part of the dwelling as an ancillary beauty spa (Certificate of Lawful Development - Existing)	Application	Refused	on
		21.12.2018		

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health:** No objections in principal. However, there are other residential properties within a 100-meter radius of Boxer Retreat with 'Rusty Crackle,' within a 50-metre

radius. Therefore this department recommend conditions relating to hours of operation, details of plant machinery and any external lighting

- 3.3 **HDC Compliance:** The site is subject of an Enforcement Notice for the use of the domestic games room as a fitness and health club.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection

PUBLIC CONSULTATIONS

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

- 3.6 Two letters of objection were received from a single household, and these can be summarised as follows:

- Does not benefit local community
- Impact on amenities of neighbouring property
- Noise and disturbance

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 to retain the mixed use of the site for C3 residential purposes and as a Beauty Spa.

Background

- 6.2 The site has been subject of a number of compliance investigations in respect of the use of the site for both a fitness and beauty club and a beauty spa. The former relating to the previous owner, where an Enforcement Notice for the operation as a Fitness and Beauty Club was served, and most recently in respect of the use as a Beauty Spa.
- 6.3 An Enforcement Notice was issued on 24 February 1993 for the use of a domestic games room within the dwelling as a Fitness and Beauty Club (including the use of the indoor swimming pool). The reasons for issuing the Notice were: that the breach of planning had occurred within 10 years; the use was contrary to development plan policies; the unauthorised use generated a volume of traffic and level of activity which was prejudicial to the environment and the character of the area; and the unauthorised use detracts from the amenities and quiet enjoyment of nearby residential properties.

- 6.4 The Enforcement Notice was appealed to the Planning Inspector and upheld, where it was considered that the main issues were the harm which would be caused to the rural character of the area, and to the amenities of nearby residents.
- 6.5 The Inspector outlined that the dwellings within the locality include substantial garden areas, and given that the Club operates within the building, any noise generated by the activities were unlikely to affect the nearest residents. However, concern was raised with the prospect of disturbance caused by the movement of vehicles in and out of the property, as well as the appearance of a substantial number of parked cars in front of the dwelling. It was considered, given the level of facilities available, all of which are advertised for use, that there was the potential for a relatively high degree of turnover of customers during the day. This was considered to go well beyond what would be regarded as a reasonable additional use of domestic facilities, and it was concluded that this would unacceptably erode the quality of rural life which would be reasonably anticipated in the countryside through visual impact and level of activity and disturbance created.
- 6.6 The Inspector concluded that no particular justification for the countryside location, other than the use of facilities, had been advanced, and it was considered probably that custom would be drawn from the urban area rather than the nearby rural area. In light of planning policy objection to development in the countryside that has no need for a countryside location, it was concluded that there was no justification to override the policy objection.
- 6.7 The Enforcement Notice required that the unauthorised use cease and the domestic games room and swimming pool be reinstated and returned to the condition prior to the inception of the unauthorised use. Records indicate that the actions required by the Notice were complied with on 14.01.1994.
- 6.8 In September 2008 a compliance investigation was undertaken in respect of the use of the dwelling as a Fitness and Beauty Club in breach of the effective Enforcement Notice. Following an investigation it was noted that a business was operating from certain rooms of the site, in breach of the effective Enforcement Notice. The investigation was closed following the submission of a planning application for change of use.
- 6.9 This application under planning reference DC/08/2233 was refused and a further compliance investigation was undertaken. As part of this investigation, the nature of the business was reviewed, with consideration given to the level of activity generated, and the number of customers served. This investigation found that in contrast to the previous business operated from the site, Beauty Cocktail Spa was relatively small, comprising of a small reception area, one treatment table, and access to the swimming pool; with only 10-15 clients seen a week, over approximately 2 days a week, and no staff employed. It was therefore concluded that the use was clearly of a lower intensity than the use which was targeted by the Enforcement Notice, with the nature of the business falling outside of the term "fitness and beauty club" referred to by the Notice. Furthermore, it was considered that had the Notice not existed, the use of the property for a Beauty Spa would have been considered as ancillary to the main dwelling, and would not have required planning permission. For the above reasons, it was not considered expedient to take formal enforcement action, and the compliance case was closed on this basis.
- 6.11 In September 2018 a complaint was received in respect of the increased use of the property as a beauty spa, in possible breach of the Enforcement Notice. As part of this investigation it was concluded that the operation of the business has distinctly changed from the previous level of activity on the site (which was not considered to require planning permission).
- 6.12 The building now offers two separate treatment rooms, with the addition of a Hamman treatment room and sauna, along with separate decked areas. In addition, the business now employs at least two additional staff, with the employment of two therapists who undertake massage treatments. The evidence suggests that up to 4 spa days are operated a week for

at least two weeks of a calendar month, with treatments operated across the week, mostly on Fridays, Saturdays and Sundays. In addition to the use itself, the part of the building housing the spa functions as a separate entity to the residential dwelling. The facilities provided within the spa building ensure that there is no functional connection with the residential dwelling, with the single internal door marked as 'Private'. The building is accessed from an external door, with the only connection to the residential dwelling being its physical attachment. In addition, the decked areas used by clients have been physically separated from the rest of the amenity space of the residential dwelling, with these spaces furnished specifically for use by the clients of the spa.

- 6.13 A Certificate of Lawful Use Existing under planning reference DC/18/2459 was submitted in November 2018 to confirm the use of part of the dwelling for a beauty spa as ancillary to the main residential use of the property. This application was refused on the basis that the use of part of the dwelling as a spa was not ancillary to the residential dwelling, functioning as an independent business, with this use not having occurred in excess of 10 years from the date of submission.
- 6.14 This current application has therefore been submitted to seek planning permission to retain the mixed use of the site as a residential dwelling and Beauty Spa.

Principle of Development

- 6.13 Policy 10 of the Horsham District Planning Framework (HDPF) states, in part, that sustainable rural economic development and enterprise within the District will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle.
- 6.14 Policy 11 of the HDPF states that measures which promote tourism and enhance local cultural facilities will be encouraged. Any development should be of a scale and type appropriate to the location, and should increase the range, or improve the quality of accommodation, attraction, or experiences for tourists, day visitors, business visitors and residents in the District.
- 6.15 Policy 26 of the HDPF seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas.
- 6.16 Beauty Cocktail Spa operates to a private day spa model, with customers attending the site for a half or full day. Each spa day generally caters for between 6-12 customers, with clients arriving at 09:30 and leaving at 18:00. The business operates approximately two days a week; with guests generally arriving by mini-bus or car share. The Spa hosts two part-time employees in addition to the Applicant, with these employees assisting with spa treatments and food preparation.
- 6.17 The established business at the site (known as Beauty Cocktail Spa) operates on a private pre-booked model, where up to 12 customers are in attendance for a half or full day approximately two times a week. As such, the business operates at a lower intensity and frequency than the use subject of the Enforcement Notice.
- 6.19 While the proposal does not necessitate a rural location, it is acknowledged that the business operates from an existing building, within the curtilage of an existing dwellinghouse. The business is considered to support the varied and productive social and economic activity within the rural locality, and is considered to operate at a level and intensity that results in

sustainable rural economic enterprise. The facility is considered to provide an attraction and experience for tourists, day visitors, and residents in the District, and is considered to generate economic and social benefits for the local community. Therefore, it is considered that the proposal enables the sustainable development of the rural area and is acceptable in principle, subject to detailed considerations. Officers also acknowledge that such a facility may be difficult to provide within a built up area given the space needed for a swimming pool.

Design and Appearance

- 6.20 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.21 The application relates to the material change of use of part of the dwelling to provide a Beauty Spa, with no external alterations proposed to the building. It is therefore considered that the proposal would not result in harm to the character and appearance of the site and surroundings.

Amenity Impacts

- 6.22 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.23 Beauty Cocktail Spa operates to a private day spa model, with customers attending the site for a half or full day. Each spa day generally caters for between 6-12 customers, with clients arriving at 09:30 and leaving at 18:00. The business operates approximately two days a week; with guests generally arriving by mini-bus or car share. The facilities are available within the western projection of the building, with two decked areas to the west and south of the building utilised by customers.
- 6.24 A letter of objection has been received raising concerns to the proposed use on the grounds that the level of activity would generate unacceptable noise and disturbance, to the detriment of the nearby residential property.
- 6.25 While the proposal would result in additional noise and activity beyond the established residential use, it is noted that the use primarily occurs within the building. The business is operated between 09:30 and 18:00, with the number of customers restricted to no more than 12 at any one time. It is considered that the operation of the business, including the hours of use and number of customers, could be controlled through condition.
- 6.26 It is acknowledged that concern is raised in respect of the outside decked areas. While the area of decking to the south-west of the building is considered sufficiently screened, there is concern that the use of the decked area to the west would result in a poor relationship with the nearest neighbouring property of Rusty Grackle. Following discussion with the Applicant, it has been agreed that the decking to the west would be removed, and this would be subject of an appropriately worded condition.
- 6.27 It is therefore considered that, subject to the imposition of appropriately worded conditions, the proposal would not result in harm to the amenities and sensitivities of neighbouring properties, in accordance with Policy 33 of the HDPF.

Highways Impacts

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

- 6.29 The proposal would utilise the existing and established access to Boxer Retreat, with the existing hardstanding to the frontage used for visitor parking. This arrangement is established and seems to be functioning appropriately, with sufficient space available for the parking of vehicles.
- 6.30 Following consultation with WSCC Highways, no objections have been raised to the access and parking arrangements. It is evident that turning can take place on site, and the entrance appears to be functioning adequately. The proposal is not considered to result in severe cumulative impacts on the operation of the highway network, and as such it is considered that the access and parking arrangements are acceptable.

Conclusion

- 6.31 The proposed use is considered to result in social and economic benefits, and supports varied and productive economic activity within the rural locality. The proposal is considered to result in a level of activity that would not result in harm to the amenities or sensitivities of neighbouring properties, or the safety and function of the highway network. The proposal is therefore considered to accord with all relevant local and national planning policies.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	356.02	597.76	0
All Other Development	241.74	0	241.74
		Total Gain	0
		Total Demolition	0

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

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

- 7.1 It is recommended to approve the proposal, subject to the following conditions.

Conditions:

- 1 Approved Plans
- 2 **Standard Time Condition:** The development hereby permitted shall begin 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:** Within 2 months of the date of this permission a Noise Management Plan shall be submitted to the Local Planning Authority for its written approval. The Plan shall include but not be limited to, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment, plant or building services) and minimising noise from vehicles, deliveries, collections and servicing. The Noise Management Plan shall be implemented in accordance with the approved details for the duration of the use.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The Beauty Spa use hereby permitted shall only take place in the area identified on drawing no DS/19/01a.

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

- 5 **Regulatory Condition:** The Beauty Spa, as identified on drawing no. DS/19/01a, shall not be open for trade or business except between the hours of 09:00 and 18:00 Monday to Sunday.

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

- 6 **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).

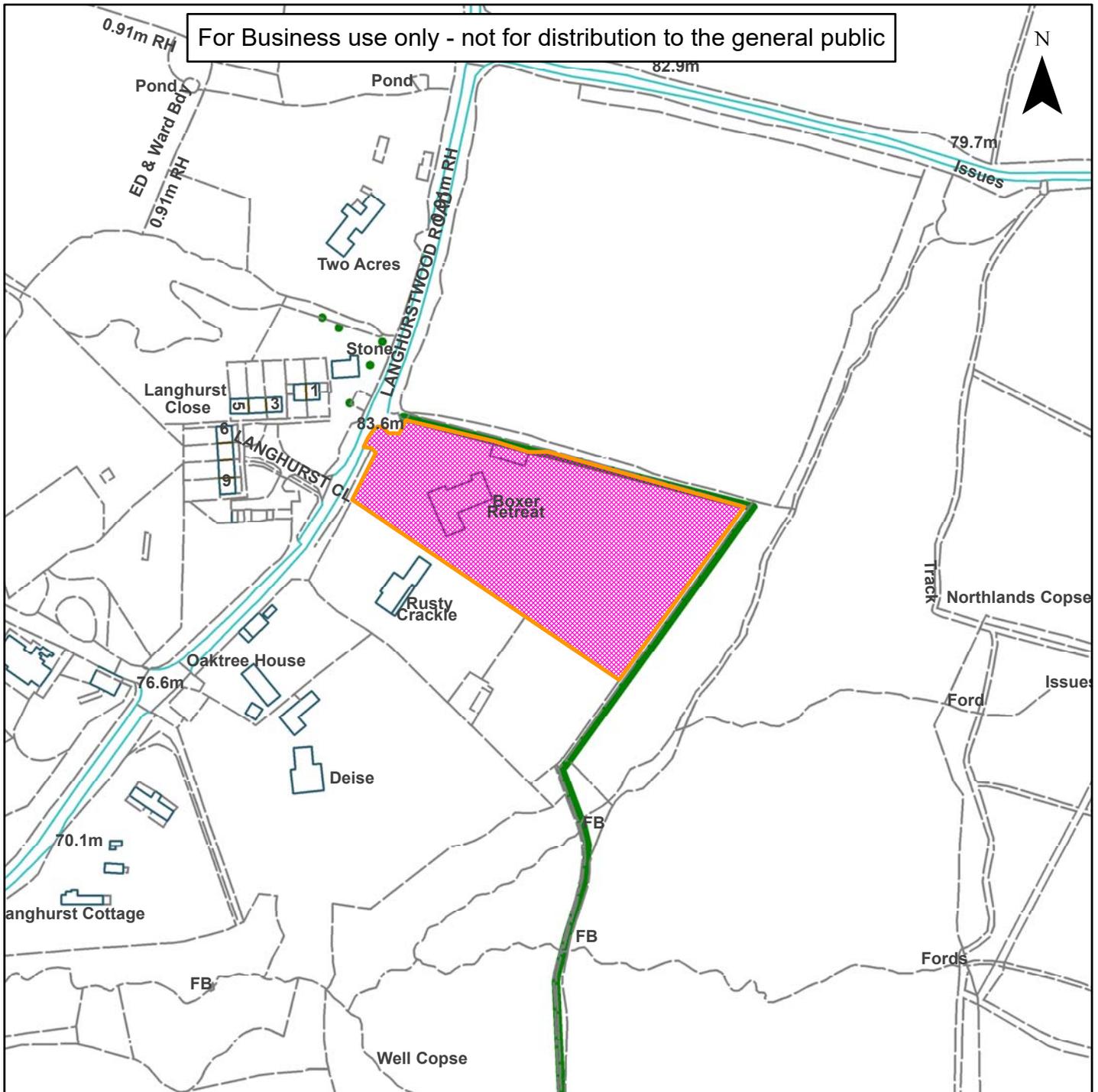
- 7 **Regulatory Condition:** Within two months of the date of this permission the decked area to the west of the building, as identified on drawing no. DS/19/01, shall be removed and the land made good.

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

Background Papers: DC/19/0565



Boxer Retreat, Langhurstwood Road



Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	23/05/2019
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 4 June 2019

DEVELOPMENT: Removal of existing rear conservatory and erection of a single storey flat roofed rear extension

SITE: 37 Depot Road Horsham West Sussex RH13 5HE

WARD: Horsham Park (changed to Forest at beginning of May 2019)

APPLICATION: DC/19/0672

APPLICANT: **Name:** Mr Childs **Address:** 37 Depot Road Horsham West Sussex RH13 5HE

REASON FOR INCLUSION ON THE AGENDA: The applicant is directly related to an employee of Horsham District Council

RECOMMENDATION: To approve planning permission subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the removal of an existing conservatory and the erection of a single-storey flat-roofed rear extension. The proposed extension would project from the rear elevation of the main house by 4m, have a width of approx. 3.75m and a height of 3m.

DESCRIPTION OF THE SITE

1.3 The application site comprises a two-storey detached dwelling on the northern side of Depot Road, a residential road formed of a mix of semi-detached and detached two storey and single storey dwellings.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 **National Planning Policy Framework**

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

2.4 RELEVANT NEIGHBOURHOOD PLAN

Status - Horsham District Council has approved the designation of Horsham Blueprint as a Neighbourhood Forum as of June 2015.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/04/0093 Single storey rear/side extension and rebuild chimney and porch. Application permitted on 07/05/2004

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

PUBLIC CONSULTATIONS:

- 3.2 Forest Neighbourhood Council: No Objection
- 3.3 No representation letters have been received

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**

Character and appearance

- 6.1 This section of Depot Road is residential and has a mix of detached and semi-detached mainly two storey but also single storey dwellings along a straight section of the road. The proposed rear extension would not be visible from the public realm from the front. At the rear of properties there are a number of rear single storey extensions visible over boundary treatments. It is considered that the proposed form, scale and design would be sympathetic to the existing dwelling and clearly subservient to the main building and, although not visible from the public realm, in views from adjoining properties would not appear unduly dominant or incongruous.

- 6.2 It is noted that adjoining properties in the immediate surroundings feature a mixture of brick, render and tile hung external elevations. In this context the proposed use of cladding and matching brickwork is considered acceptable, and would have a neutral impact on the prevailing character and appearance of the site and wider surrounds.
- 6.3 The visual impact of the proposed development is therefore considered to accord with relevant local and national planning policies.

Impact on Neighbouring Amenity

- 6.4 The nearest neighbouring dwelling to the proposed extension is no. 35 to the west. No. 35 is currently also undergoing the building of an extension with a similar rear projection to the proposed. The relationship between the proposed extension and this adjoining structure would prevent any significant impact on amenity for occupants of the neighbouring property. The extension would be set away from the shared eastern boundary with the separation sufficient to prevent any harm.
- 6.5 The impact of the proposed development on neighbouring amenity is therefore considered to accord with relevant local and national planning policies.

7. RECOMMENDATIONS

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

1 A list of the approved plans

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

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

3 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match those indicated on the application form and approved plans.

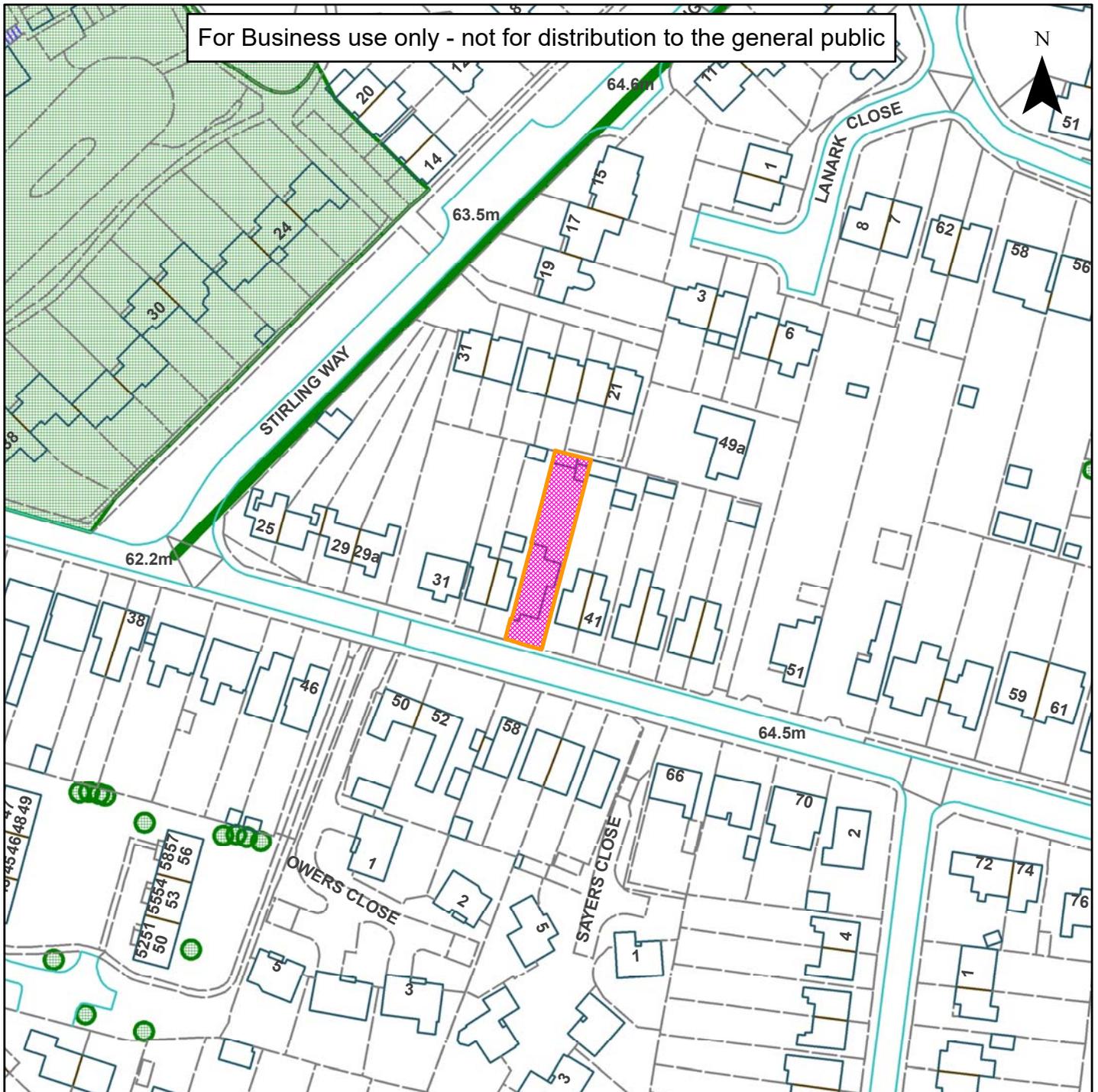
Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/0672

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Scale: 1:1,250

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