



Planning Committee (North)

Tuesday, 2nd July, 2019 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

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

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 12
<p>To approve as correct the minutes of the meeting held on 4 June 2019 <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i></p>	
3. Declarations of Members' Interests	
<p>To receive any declarations of interest from Members of the Committee</p>	

4. **Announcements**

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

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

5. **Appeals** 13 - 16

Applications for determination by Committee:

6. **DC/19/0646 - Horsham Coffee Roaster, Unit 14A Church Lane Estate, Church Lane, Plummers Plain** 17 - 30

Ward: Nuthurst & Lower Beeding
Applicant: Mr J Slade

7. **DC/19/0647 - First Choice Services Ltd, Unit 10, Church Lane Estate, Church Lane, Plummers Plain** 31 - 44

Ward: Nuthurst & Lower Beeding
Applicant: Mr J Slade

8. **DC/19/0095 - Little Clovers Farm, Crawley Road, Faygate** 45 - 62

Ward: Colgate & Rusper
Applicant: BP Oil (UK) Ltd

9. **DC/18/2215 - The Mount, Ifield** 63 - 78

Ward: Colgate & Rusper
Applicant: Mrs R Bensley

10. **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

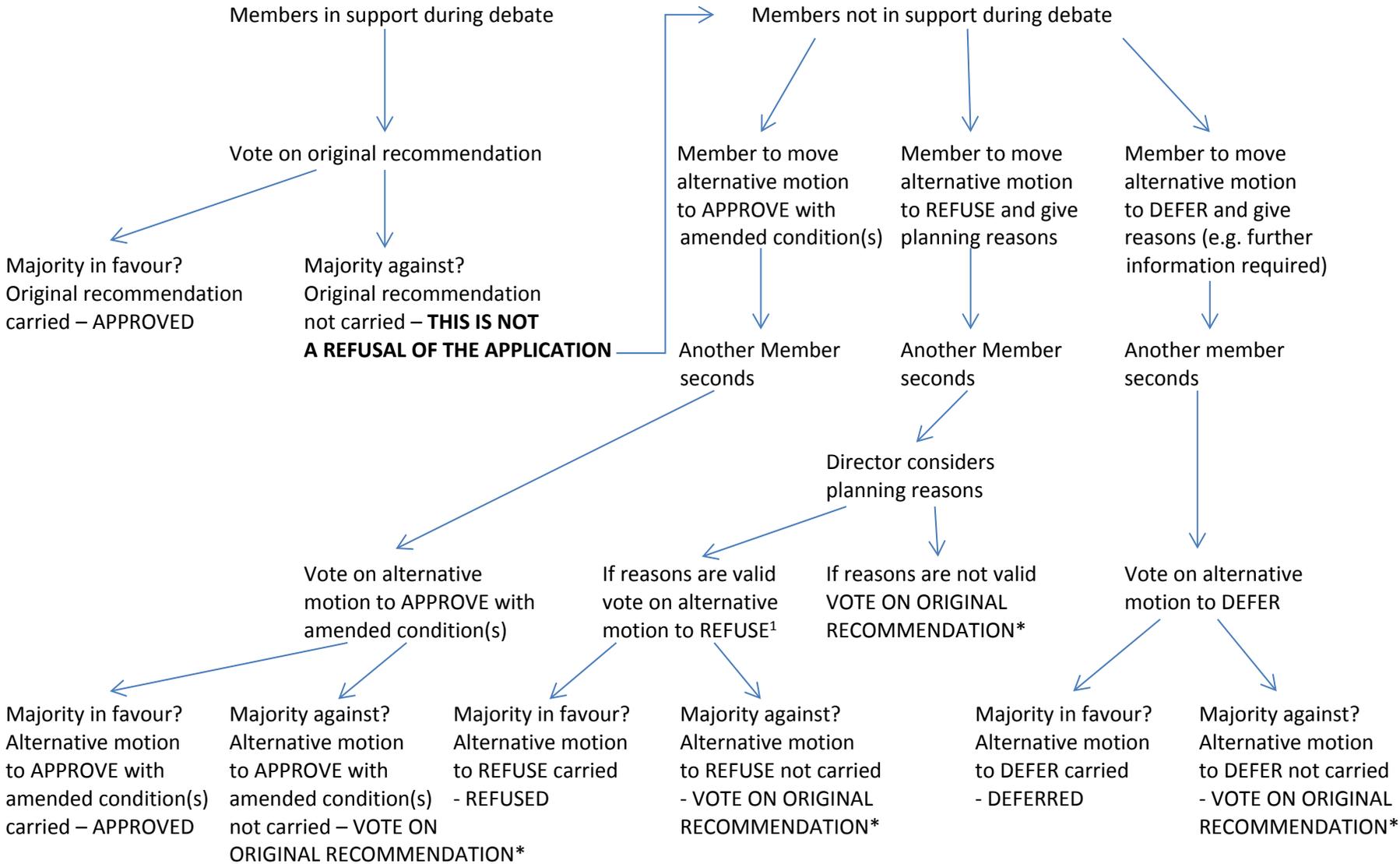
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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)
4 JUNE 2019

Present: Councillors: Matthew Allen, Tony Bevis, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, Roy Cornell, Christine Costin, Ruth Fletcher, Billy Greening, Frances Haigh, Tony Hogben, Liz Kitchen, Gordon Lindsay, John Milne, Colin Minto, Christian Mitchell, Godfrey Newman, Louise Potter, Stuart Ritchie, David Skipp, Ian Stannard, Claire Vickers and Tricia Youtan

Apologies: Councillors: Andrew Baldwin, Richard Landeryou and Belinda Walters

Also Present: Kate Rowbottom

PCN/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Karen Burgess be elected Chairman of the Committee for the ensuing Council year.

PCN/2 **APPOINTMENT OF VICE CHAIRMAN**

RESOLVED

That Councillor Liz Kitchen be appointed Vice Chairman of the Committee for the ensuing Council year.

PCN/3 **TO APPROVE THE TIME OF MEETINGS OF THE COMMITTEE FOR THE ENSUING YEAR**

RESOLVED

That meetings of the Committee be held at 5.30pm for the ensuing Council year.

PCN/4 **MINUTES**

The minutes of the meeting of the Committee held on 30 April were approved as a correct record and signed by the Chairman.

PCN/5 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/19/0565 – Councillor Karen Burgess declared a personal interest because she was acquainted with an objector.

DC/19/0565 – Councillor Christian Mitchell declared a personal and prejudicial interest because he knew an objector. He left the meeting during the determination of this item.

DC/19/0565 – Councillor Peter Burgess knew one of the objectors and, whilst he had no tendency or inclination regarding the determination of the item, he wished to record an interest of perceived bias. He addressed the Committee regarding the application and then left the meeting during the determination of this item.

PCN/6 **ANNOUNCEMENTS**

There were no announcements.

PCN/7 **APPEALS**

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

PCN/8 **DC/19/0153 - LAND AT BENNETTS ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the demolition of six semi-detached dwellings and the erection of 21 affordable rent units comprising: four 1-bedroom flats; 14 2-bedroom flats; and three 3-bedroom houses. The block of flats would occupy a corner plot and include 2- and 3-storey elements. Twenty-five parking spaces were also proposed.

The application site was located within the built-up area of Horsham, a kilometre from the town centre, on the corner of Elm Grove and Bennetts Road. It was a residential area of predominantly 1950s semi-detached brick houses, with some blocks of flats opposite the site. The houses to be demolished had long rear gardens with a number of mature trees.

Members were advised that the drainage strategy had been updated to demonstrate that the development can achieve a 50% betterment in the surface water run-off on the site, in line with West Sussex County Council policy, rather than 25% as stated in the report. The bat survey was still pending, although an interim survey had found no bat activity on the site. The ecology impact assessment would be revised to reflect the bat survey once it has been completed.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Neighbourhood Council expressed some concerns, but raised no planning objection to the application. Fourteen representations objecting to the application had been received in response to the first consultation. In response to further consultation on revised plans, there had been five objections received. The applicant and the 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; affordable housing provision; layout and density; scale and appearance; its impact on neighbouring amenity, including overlooking, noise and construction; trees and landscaping; and highways, access and parking.

Members raised some concerns regarding the scale and design of the proposal and weighed these against the benefits of the provision of affordable housing in a sustainable location. It was agreed that Local Members would be consulted on the schedule of external materials to be used.

RESOLVED

- (i) That a legal agreement be entered into to secure necessary highways works and the provision of 100% affordable rented units.
- (ii) That on completion of (i) above, planning application DC/19/0153 be determined by the Head of Development with a view to approval in consultation with local Members, subject to the agreement of materials, and subject to the satisfactory completion of the additional bat survey and appropriate conditions.
- (iii) 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.

PCN/9 **DC/17/2687 - LAND ADJACENT TO WARRENHURST, PLUMTREE CROSS LANE, BARNS GREEN**

The Head of Development reported that this application sought permission for the erection of a 3-bedroom dwelling to the south of the dwelling known as Warrenhurst, with new highway access. The proposal included parking for three vehicles, landscaped garden and a pedestrian pathway to Warrenhurst.

The proposal had been submitted as being of exceptional quality and outstanding design, under paragraph 79 of the National Planning Policy Framework (NPPF). It would be a curved structure inset into the ground, constructed of bricks, larch cladding and solar photovoltaic roof tiles.

The application site was located outside the built-up area of Barns Green on the eastern side of Plumtree Cross Lane. It was the northern half of an open field with hedging on its western and woodland on its eastern boundaries. There were residential properties within 150 metres to the north and south.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council objected to the application. Five letters of support, from four separate households, had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development, including consideration of paragraphs 79 and 131 of the NPPF; ecology and trees; the amenities of occupiers and users of nearby properties and land; heritage impacts; and parking and traffic conditions.

Members discussed the merits of the design and noted that granting permission under Paragraph 79 of the NPPF would not set any precedent for further development outside the built-up area of Barns Green.

RESOLVED

That planning application DC/17/2687 be granted subject to the conditions as reported.

PCN/10 **DC/19/0565 - BOXER RETREAT, LANGHURST WOOD ROAD, HORSHAM**

The Head of Development reported that this application sought retrospective permission to retain the mixed flexible use of the site for both residential purposes and as a beauty spa. The western wing of Boxer Retreat included a swimming pool, treatment rooms, and reception area.

The application site was located outside the built-up area to the east of Langhurstwood Road. The site was bound by mature hedging and landscaping and was surrounded by sporadic residential development and open countryside.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. It was noted that the site was subject to an Enforcement Notice relating to the commercial use of the property.

The Parish Council raised no objection to the application. Two letters of objection, from one household, had been received. One member of the public spoke in objection to the application and one member of the public spoke in support of the proposal. Councillor Peter Burgess, who had declared an interest, addressed the committee regarding his concerns and then left the meeting and took no part in the determination of the item.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the enforcement history of the site; principle of development; design and appearance; amenity impacts; and highways impacts.

Members noted the recommended conditions that sought to ensure that the level of activity would not cause harm to the neighbouring amenity, and concluded that the proposal was acceptable.

RESOLVED

That planning application DC/19/0565 be granted subject to the conditions as reported.

PCN/11 **DC/19/0672 - 37 DEPOT ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the removal of a rear conservatory and the erection of a single storey flat roofed rear extension.

The application site was located within the built-up area of Horsham on the northern side of Depot Road, a residential road with a mix of semi-detached and detached two storey and single storey dwellings.

The Neighbourhood Council raised no objection to the application. There had been no responses to the public consultation.

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 its impact on neighbouring amenity.

RESOLVED

That planning application DC/19/0672 be granted subject to the conditions as reported.

The meeting closed at 6.58 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (NORTH)

Date: 2nd July 2019

Report on Appeals: 23/5/19 – 19/6/19



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/19/0260	Mill House Brooklands Farm Countryman Lane Shipley Horsham West Sussex RH13 8PR	29-May-19	Application Permitted	Application Refused
DC/18/2440	Hoes Farm Coolham Road Shipley Horsham West Sussex RH13 8PF	13-Jun-19	Application Refused	N/A
DC/19/0231	21 Spencers Road Horsham West Sussex RH12 2JQ	13-Jun-19	Application Refused	N/A
DC/18/2294	Grouselands Woodland Lane Colgate Horsham West Sussex RH13 6HU	19-Jun-19	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/18/2671	Holmbush Manor Farm Hayes Lane Slinfold West Sussex RH13 0SL	Written Representation	30-May-19	Application Refused	N/A
DC/18/1233	Mill Hill House Guildford Road Rudgwick Horsham West Sussex RH12 3HZ	Written Representation	03-Jun-19	Application Refused	N/A
DC/18/1234	Mill Hill House Guildford Road Rudgwick Horsham West Sussex RH12 3HZ	Written Representation	03-Jun-19	Application Refused	N/A
DC/18/1128	Ivy Cottage The Haven Billingshurst West Sussex RH14 9BS	Written Representation	04-Jun-19	Application Refused	N/A
DC/18/1130	Ivy Cottage The Haven Billingshurst West Sussex RH14 9BS	Written Representation	04-Jun-19	Application Refused	N/A

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/17/2695	Waterside Five Oaks Road Slinfold Horsham West Sussex RH13 0RL	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/1260	Packing Station Holmbush Manor Farm Hayes Lane Slinfold West Sussex	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/1849	Little Homefield Brighton Road Mannings Heath Horsham West Sussex RH13 6HZ	Written Representation	Appeal Allowed	Application Refused	Application Refused
DC/18/0846	Land North of Keatings Nuthurst Street Nuthurst Horsham West Sussex RH13 6RG	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/18/2501	Skylarks Hermongers Farm Hermongers Rudgwick Horsham West Sussex RH12 3AL	Written Representation	Appeal Dismissed	Application Refused	N/A

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TO: Planning Committee North

BY: Head of Development

DATE: 02 July 2019

DEVELOPMENT: Demolition of existing industrial units and the replacements with 2no. single storey industrial units (Buildings A and B)

SITE: Horsham Coffee Roaster Unit 14A Church Lane Estate Church Lane Plummers Plain Horsham West Sussex RH13 6LU

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/19/0646

APPLICANT: **Name:** Mr J Slade **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: At the request of the Head of Development

RECOMMENDATION: To approve the application subject of 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 demolition of the existing 2no. units (annotated as Buildings C and D) and the replacement with 2no. industrial buildings.

1.3 Building A would be positioned to the north-western corner of the site, and would measure to a length of 18m and a depth of 9m, and would be oriented to face east. The building would incorporate a pitched roof measuring to a maximum height of 5.4m above the highest ground level, with a number of roof lights positioned within the roof. The proposed building would be finished in facing brick to the lower section and insulated composite profiled cladding to the upper section and roof. The proposal would comprise 3no. units, each with roller shutter door and entrance door, with 3no. rear access doors to the eastern elevation.

1.4 Building B would be positioned to the south-west of the site, and would measure to a length of 39.6m and a depth of 21m, and would incorporate a pitched roof measuring to an overall height of 4.9m above the highest ground level. The proposal would be stepped into the sloping ground and would be oriented to face east. The roof slope of the building would follow the slope of the land, with the building finished in facing brick to the lower section with insulated composite profiled cladding to the upper section and roof. The proposal would comprise 9no. units, each with roller shutter door and entrance, with 4no. rear access doors to the eastern elevation.

DESCRIPTION OF THE SITE

- 1.4 The application site is positioned to the east of Church Lane, outside of any designated built-up area boundary.
- 1.5 The site comprises an established industrial estate which lies within the countryside, consisting of a mix of B1, B2, and B8 uses. The estate benefits from a shared parking area to the north west section. The wider area comprises open countryside, with sporadic residential development surrounding.
- 1.6 A mature tree line is positioned along the north and western boundaries of the wider site separating the site from the neighbouring residential properties to the west. There are two residential properties located immediately adjacent the site to the north at 1 & 2 Winterpick Nursery Bungalows. These dwellings are located within the industrial estate.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 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 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

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 **Lower Beeding Neighbourhood Development Plan**
- Designated (Regulation 7)

PLANNING HISTORY AND RELEVANT APPLICATIONS

LB/22/90	Change of use of horticultural buildings to part storage (b8 use) & part business (b1 use) Site: Winterpick Mushrooms Ltd Church La Plummers Plain	Application Permitted on 08.11.1990
LB/30/91	Use of buildings for vehicle storage, alterations to unit e & provision of hardstanding for 51 cars Site: Winterpick Mushrooms Ltd Church La Plummers Plain	Application Permitted on 30.12.1991
LB/27/96	Renewal of lb/30/91 to use buildings for vehicle storage alterations and provision of hardstanding for 51 cars Site: Church Lane Estate Church Lane Plummers Plain	Application Permitted on 20.11.1996
LB/31/03	Change of use to class b1 light industrial Units 1-5 and unit 7	Application Permitted on 12.10.2004
DC/11/2102	Retrospective permission for Change of Use from B8 storage use to B2 micro-brewery and structural alterations (The Pole Barn)	Application Permitted on 10.01.2012
DC/13/1290	Variation of Condition 1 and Condition 2 of DC/11/2102 (Retrospective permission for Change of Use from B8 storage use to B2 micro-brewery and structural alterations) to allow the retail sale of alcohol and merchandise to the general public and allow the holding of brewery tours and corporate events and to allow opening of the premises between 07:00 and 22:00 Monday to Friday and 10:00 to 22:00 Saturday	Application Permitted on 05.09.2013
DC/18/0844	Change of use from mixed B1/B8 (business, storage or distribution) to mixed B2 (general industrial), A1 (shops and retail) and A4 (drinking establishments) use to facilitate creation of small batch microbrewery with public retail and merchandise area. Installation of vent ducting, flue and drainage outlet to southern elevation and associated internal alterations.	Application Permitted on 25.07.2018
DC/18/1924	Variation of condition 4 to previously approved application DC/13/1290 (Retrospective permission for Change of Use from B8 storage use to B2 micro-brewery and structural alterations) - Relating to change of opening hours and ancillary micro-bar	Application Permitted on 07.03.2019

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 Draining Engineer:** No Objection.

3.3 **HDC Landscape Architect:** No Objection to the proposal on landscape ground providing the eastern and southern boundaries are reinforced with native tree and hedgerow planting to supplement the existing vegetation.

3.4 **HDC Environmental Health:** No Objection. Appropriate conditions are recommended in respect of land contamination, Construction Environmental Management Plan, hours of operation, external storage, and noise is therefore proposed.

3.5 **HDC Economic Development:** Support

OUTSIDE AGENCIES

3.6 **WSSC Highways:** No Objection. The site benefits from an existing access and no alterations are proposed to this arrangement. The access is considered to be sufficient to accommodate the anticipated level of vehicular activity, with sightlines along Church Lane considered acceptable. The Local Highways Authority do not therefore consider that the proposal would have 'severe' impact on the operation of the highway network.

3.7 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

3.8 **Lower Beeding Parish Council:** Objection on the following grounds:

- Poor access
- Increased traffic

3.9 14 letters of objection have been received from 9 separate households, and these can be summarised as follows:

- Lawful use of the buildings not established
- Scale and mass of the buildings
- Increased level of traffic
- Increase noise and disturbance
- Limited parking available
- Unsuitable road infrastructure
- Too large for start-up businesses

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 demolition of the 2no. existing units and the replacement with 2no. B1(c) units.

Principle of Development:

- 6.2 Policy 7 of the Horsham District Planning Framework (HDPF) states that sustainable development in the District will be achieved by: redevelopment, regeneration, intensification and smart growth of existing employment sites; the formation and development of small, start-up and move-on business, as well as home working and home based businesses, by encouraging provision of small units through development proposals; and identifying additional employments areas to meet the need for appropriate new business activity.
- 6.3 Policy 10 of the HDPF states 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. Any development should be appropriate to the countryside location and must: contribute to the diverse and sustainable farming enterprises within the District or, the case of other countryside-based enterprises and activities, contribute to the wider rural economy, and/or promote recreation in, and the enjoyment of, the countryside; and either be contained wherever possible within suitably located buildings which are appropriate for conversion, or in the case of an established rural industrial estate, within the existing boundaries of the estate; or result in substantial environmental improvement and reduce the impact on the countryside.
- 6.4 The proposal offers the opportunity to improve the quality of accommodation at the site, in purpose built structures, that would essentially replace existing structures, and this would offer employment space in line with the existing B1, B2 and B8 present on the site. The proposal would provide small units that would provide improved employment space within the established rural industrial estate. As such, the proposed development is considered acceptable in principle, subject to all other material considerations.

Design and Appearance:

- 6.5 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.
- 6.6 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.7 Building A would be positioned to the north-western corner of the site, and would measure to a length of 18m and a depth of 9m, and would be oriented to face east. The building would incorporate a pitched roof measuring to a maximum height of 5.4m above the highest ground level, with a number of roof lights positioned within the roof. The proposed building would be finished in facing brick to the lower section and insulated composite profiled cladding to the upper section and roof.
- 6.8 Building B would be positioned to the south-west of the site, and would measure to a length of 39.6m and a depth of 21m, and would incorporate a pitched roof measuring to an overall height of 4.9m above the highest ground level. The proposal would be stepped into the

sloping ground and would be oriented to face east. The roof slope of the building would follow the slope of the land, with the building finished in facing brick to the lower section with insulated composite profiled cladding to the upper section and roof.

- 6.9 The application site comprises an established industrial site which utilises the built form of the former mushroom farm. The buildings on the site are in poor condition and disrepair, and with the proposed development seeking to update and improve the existing accommodation on the site. The proposed buildings would be purpose-built structures that sit on the footprint of the existing buildings, with the overall form and appearance of the units reflective of utilitarian buildings. While resulting in an increased massing to the existing modest structures, it is considered that the scale of the units sit comfortably within the context of the site, and are reflective of the established character of the industrial site.
- 6.10 The proposal offers the opportunity to improve the quality of accommodation at the site, in purpose built structures that are reflective of the utilitarian character and nature of the industrial site. The buildings are considered to sit comfortably within the context, and would be of a scale and massing that would be reflective of similar buildings within the established industrial site.
- 6.11 Concerns have been raised by neighbours in respect of potential landscape impact, particularly along the southern boundary. Following consultation with the Landscape Architect, no objections to the proposal have been raised. However, it has been suggested that strengthening this boundary through additional planting would help to mitigate wider landscape impact. A landscaping condition is therefore considered reasonable and necessary to ensure that the proposal sits well within the wider context.
- 6.12 The proposed buildings are therefore considered to be of a scale, form and appearance that would reflect the character and context of the established industrial site, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

- 6.13 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.14 The application site comprises an established mix of B1, B2 and B8 units, with 2no. residential properties (Winterpick Nursery Bungalows) located centrally within the site, with adjacent residential properties located at a distance of between approximately 110m and 130m from the site.
- 6.15 The proposed development seeks to upgrade the existing accommodation at the site, with the proposal providing the opportunity to improve the quality and function of the established industrial site. The proposal would replace the existing units with a total of 10no. B1(c) (Light Industrial) units, with these positioned to the same footprint as the existing. It is not therefore considered that there would be a material intensification of the use, with the proposal considered commensurate to the existing and established use of the site.
- 6.16 Following consultation with the Environmental Health Officer, no objections to the proposed development are raised in principle. However, given the quality and age of the existing buildings, and given the nature of the proposed use and its relationship with neighbouring properties, a number of conditions are proposed to control potential noise and disturbance resulting from the development. This includes conditions regarding hours of use and deliveries, restricting the use to Class B1(c) only (light industry appropriate in a residential area), restricting external plant and floodlighting and requiring details of provisions made to further reduce the potential noise impact (such as acoustic installation to the buildings). These measures would reduce the impact on adjacent residential properties and would be

an improvement when compared to the existing units which are not controlled by any such conditions.

- 6.17 Subject to the suggested conditions, it is considered that the proposal would not result in harm to the amenities or sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

- 6.18 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.19 The proposed development would utilise the existing access from Church Lane, with the development seeking to replace 2no. existing industrial units within the established industrial site.
- 6.20 While noted that a number of objections have been received on the impact the proposal would have on the public highway, it is noted that the proposal relates to an established industrial site, which utilises the existing highway network. On the basis that the proposal would result in no net increase in the number of units, it is considered unlikely that the proposed development would result in a greater number of vehicle movements during the day, or a greater demand for parking than that of the existing site. Therefore, following consultation with the Highways Authority, who also undertook a site visit as part of the assessment, it is not considered that the proposal would have a severe impact on the operation of the highway network.
- 6.21 In terms of parking, the existing arrangement will remain with the units benefitting from the shared parking area within the estate. The site currently benefits from a large expanse of hardstanding, with a car parking area positioned to the north-west of the site. The proposed development seeks to replace the existing buildings with modern buildings of a similar footprint to the existing. The number of units is proposed to stay the same, with no material increase in the level of activity. On this basis, it is not considered that the proposal would result in additional pressure for further parking within the site.
- 6.22 The proposal is not considered to result in a material increase in the number and type of vehicle movements, and is therefore considered unlikely that the proposal would result in a material impact on the function and safety of the highway network. As such, the proposal is considered to accord with Policy 41 of the Horsham District Planning Framework (2015).

Conclusions and Planning Balance:

- 6.23 The proposed development is considered acceptable in principle, and is considered to be of a scale, nature and form that would not result in harm to the visual amenities of the site or the wider landscape character of the area. A landscaping condition is proposed, with particular reference to the southern and eastern boundaries, which would further help to enclose the site and provide some mitigation in respect of visual impact and amenity impact on the neighbouring properties. Additionally, the proposal would not result in a material increase in vehicle movements that would justify a reason for refusal.
- 6.24 Whilst the proposal is close to residential properties, including two located within the estate, it is acknowledged that the site is an established industrial estate and the uses hereby proposed are no different to those already at the site. Given the minimal difference in footprint and the conditions now recommended it is not considered reasonable to object to this application on neighbour impact grounds. On the basis of the assessment in this report, the proposal is considered acceptable, in accordance with all relevant local and national planning policy.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
All Other Development	1016.6		1016.6
		Total Gain	
		Total Demolition	1284.31

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

6.28 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 The application is recommended for approval, subject to the following conditions.

Conditions:

1 **List of 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-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 Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

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

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

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until details have been submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the development hereby approved. The approved scheme shall be implemented prior to the first use/occupation of the site and be permanently maintained thereafter.

Reason: As this matter is fundamental in the interests of adjacent neighbouring properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

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

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

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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).

- 9 **Pre-Occupation Condition:** No building hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that building (or use) in accordance with details that have been 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).

- 10 **Pre-Occupation Condition:** Prior to the first occupation (or use) 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 building hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that building 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 **Pre-Occupation Condition:** Prior to the first occupation of each unit, 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 Policies 10 and 37 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** The buildings hereby permitted shall be for B1(c) purposes only, and for no other purpose.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the countryside location under Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 07:00 and 18:00 Monday to Friday inclusive; 07:00 to 17:00 on Saturdays; and no trade or business shall take place on Sundays or Bank Holidays.

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

- 14 **Regulatory Condition:** No deliveries associated with the development hereby approved shall take place except between the hours of 07:00 and 18:00 Monday to Friday inclusive; between 09:00 and 17:00 on Saturdays; and at no time on Sundays or Bank Holidays.

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

- 15 **Regulatory Condition:** No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

- 16 **Regulatory Condition:** No external storage of any materials or waste shall take place at any time.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 17 **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).

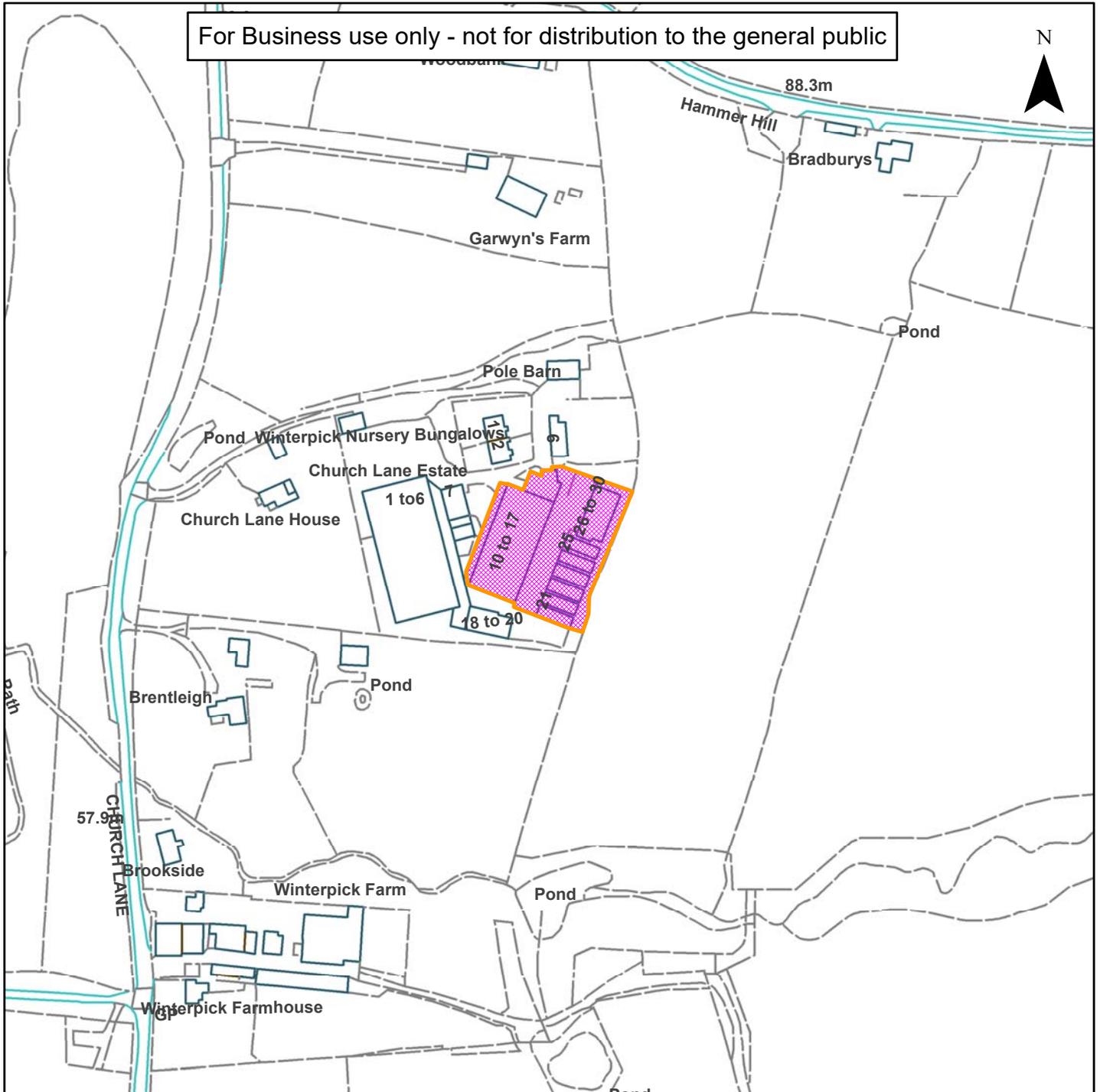
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Unit 14A, Church Lane Estate, Church Lane

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/06/2019
MSA Number	100023865

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TO: Planning Committee North

BY: Head of Development

DATE: 02 July 2019

DEVELOPMENT: Demolition of existing industrial units and the replacement with 2no. single storey industrial units (Buildings C and D)

SITE: First Choice Services Ltd Unit 10 Church Lane Estate Church Lane Plummers Plain Horsham West Sussex RH13 6LU

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/19/0647

APPLICANT: **Name:** Mr J Slade **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: At the request of the Head of Development.

RECOMMENDATION: To approve application subject of conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the demolition of the existing 2no. units (annotated as Buildings C and D) and the replacement with 2no. industrial buildings.
- 1.2 Building C would be positioned to the south-eastern corner of the site, and would measure to a length of 40m and a depth of 13m, and would be oriented to face west. The building would be stepped into the sloping ground, and would incorporate a dual pitched roof measuring to a maximum height of 4.8m above the highest ground level, with the slope of the roof following the slope to the south. The proposed building would be finished in facing brick to the lower section and insulated composite profiled cladding to the upper section and roof. The proposal would comprise 6no. units, each with roller shutter door and entrance door, with 3no. rear access doors to the eastern elevation.
- 1.3 Building D would be positioned to the north-east of the site, and would measure to a length of 23.9m and a depth of 13.5m, and would incorporate a pitched roof measuring to an overall height of 5.5m. The proposal would be positioned on a level area of hardstanding, and would be oriented to face west. The building would be finished in facing brick to the lower section with insulated composite profiled cladding to the upper section and roof. The proposal would comprise 4no. units, each with roller shutter door and entrance, with 4no. rear access doors to the eastern elevation.

DESCRIPTION OF THE SITE

- 1.4 The application site is positioned to the east of Church Lane, outside of any designated built-up area boundary.
- 1.5 The site comprises an established industrial estate which lies within the countryside, consisting of a mix of B1, B2, and B8 uses. The estate benefits from a shared parking area to the north west section. The wider area comprises open countryside, with sporadic residential development surrounding.
- 1.6 A mature tree line is positioned along the north and western boundaries of the wider site separating the site from the neighbouring residential properties to the west. There are two residential properties located immediately adjacent the site to the north at 1 & 2 Winterpick Nursery Bungalows. These dwellings are located within the industrial estate.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 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 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

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 **Lower Beeding Neighbourhood Development Plan**
- Designated (Regulation 7)

PLANNING HISTORY AND RELEVANT APPLICATIONS

LB/22/90	Change of use of horticultural buildings to part storage (b8 use) & part business (b1 use) Site: Winterpick Mushrooms Ltd Church La Plummers Plain	Application Permitted on 08.11.1990
LB/30/91	Use of buildings for vehicle storage, alterations to unit e & provision of hardstanding for 51 cars Site: Winterpick Mushrooms Ltd Church La Plummers Plain	Application Permitted on 30.12.1991
LB/27/96	Renewal of lb/30/91 to use buildings for vehicle storage alterations and provision of hardstanding for 51 cars Site: Church Lane Estate Church Lane Plummers Plain	Application Permitted on 20.11.1996
LB/31/03	Change of use to class b1 light industrial Units 1-5 and unit 7	Application Permitted on 12.10.2004
DC/11/2102	Retrospective permission for Change of Use from B8 storage use to B2 micro-brewery and structural alterations (The Pole Barn)	Application Permitted on 10.01.2012
DC/13/1290	Variation of Condition 1 and Condition 2 of DC/11/2102 (Retrospective permission for Change of Use from B8 storage use to B2 micro-brewery and structural alterations) to allow the retail sale of alcohol and merchandise to the general public and allow the holding of brewery tours and corporate events and to allow opening of the premises between 07:00 and 22:00 Monday to Friday and 10:00 to 22:00 Saturday	Application Permitted on 05.09.2013
DC/18/0844	Change of use from mixed B1/B8 (business, storage or distribution) to mixed B2 (general industrial), A1 (shops and retail) and A4 (drinking establishments) use to facilitate creation of small batch microbrewery with public retail and merchandise area. Installation of vent ducting, flue and drainage outlet to southern elevation and associated internal alterations.	Application Permitted on 25.07.2018
DC/18/1924	Variation of condition 4 to previously approved application DC/13/1290 (Retrospective permission for Change of Use from B8 storage use to B2 micro-brewery and structural alterations) - Relating to change of opening hours and ancillary micro-bar	Application Permitted on 07.03.2019

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 Draining Engineer:** No Objection

- 3.3 **HDC Landscape Architect:** No Objection subject to a landscaping condition to ensure additional landscaping is secured.
- 3.4 **HDC Environmental Health:** No Objection. Appropriate conditions are recommended in respect of land contamination, Construction Environmental Management Plan, hours of operation, external storage, and noise is therefore proposed.
- 3.5 **HDC Economic Development:** Support

OUTSIDE AGENCIES

- 3.6 **WSCC Highways:** No Objection. The site benefits from an existing access and no alterations are proposed to this arrangement. The access is considered to be sufficient to accommodate the anticipated level of vehicular activity, with sightlines along Church Lane considered acceptable. The Local Highways Authority do not therefore considered that the proposal would have 'severe' impact on the operation of the highway network.
- 3.7 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

- 3.8 **Lower Beeding Parish Council:** Objection on the following grounds:
- Poor access
 - Increased traffic
- 3.9 14 letters of objection have been received from 9 separate households, and these can be summarised as follows:
- Lawful use of the buildings not established
 - Scale and mass of the buildings
 - Increased level of traffic
 - Increase noise and disturbance
 - Limited parking available
 - Unsuitable road infrastructure
 - Too large for start-up businesses

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 demolition of the existing units and the replacement with 2no. B1(c) units.

Principle of Development:

- 6.2 Policy 7 of the Horsham District Planning Framework (HDPF) states that sustainable development in the District will be achieved by: redevelopment, regeneration, intensification and smart growth of existing employment sites; the formation and development of small,

start-up and move-on business, as well as home working and home based businesses, by encouraging provision of small units through development proposals; and identifying additional employments areas to meet the need for appropriate new business activity.

- 6.3 Policy 10 of the HDPF states 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. Any development should be appropriate to the countryside location and must: contribute to the diverse and sustainable farming enterprises within the District or, the case of other countryside-based enterprises and activities, contribute to the wider rural economy, and/or promote recreation in, and the enjoyment of, the countryside; and either be contained wherever possible within suitably located buildings which are appropriate for conversion, or in the case of an established rural industrial estate, within the existing boundaries of the estate; or result in substantial environmental improvement and reduce the impact on the countryside.
- 6.4 The proposal offers the opportunity to improve the quality of accommodation at the site, in purpose built structures that would offer employment space in line with the existing B1, B2 and B8 present on the site. The proposal would provide small units that would provide improved employment space within the established rural industrial estate. As such, the proposed development is considered acceptable in principle, subject to all other material considerations.

Design and Appearance:

- 6.5 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.
- 6.6 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.7 Building C would be positioned to the south-eastern corner of the site, and would measure to a length of 40m and a depth of 13m, and would be oriented to face west. The building would be stepped into the sloping ground, and would incorporate a dual pitched roof measuring to a maximum height of 4.8m above the highest ground level, with the slope of the roof following the slope to the south. Building D would be positioned to the north-east of the site, and would measure to a length of 23.9m and a depth of 13.5m, and would incorporate a pitched roof measuring to an overall height of 5.5m. The proposal would be positioned on a level area of hardstanding, and would be oriented to face west. The proposed buildings would be finished in facing brick to the lower section and insulated composite profiled cladding to the upper section and roof.
- 6.8 The application site comprises an established industrial site which utilises the built form of the former mushroom farm. The buildings on the site are in poor condition and disrepair, and with the proposed development seeking to update and improve the existing accommodation on the site. The proposed buildings would be purpose-built structures that sit on the footprint

of the existing buildings, with the overall form and appearance of the units reflective of utilitarian buildings. While resulting in an increased massing to the existing modest structures, it is considered that the scale of the units sit comfortably within the context of the site, and are reflective of the established character of the industrial site.

- 6.9 The proposal offers the opportunity to improve the quality of accommodation at the site, in purpose built structures that are reflective of the utilitarian character and nature of the industrial site. The buildings are considered to sit comfortably within the context, and would be of a scale and massing that would be reflective of similar buildings within the established industrial site.
- 6.10 Concerns have been raised by neighbours in respect of potential landscape impact, particularly along the southern boundary. Following consultation with the Landscape Architect, no objections to the proposal have been raised. However, it has been suggested that strengthening this boundary through additional planting would help to mitigate wider landscape impact. A landscaping condition is therefore considered reasonable and necessary to ensure that the proposal sits well within the wider context.
- 6.11 The proposed buildings are therefore considered to be of a scale, form and appearance that would reflect the character and context of the established industrial site, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

- 6.12 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.13 The application site comprises an established mix of B1, B2 and B8 units, with 2no. residential properties (Winterpick Nursery Bungalows) located centrally within the site, with residential properties located at a distance of between approximately 110m and 130m from the site.
- 6.14 The proposed development seeks to upgrade the existing accommodation at the site, with the proposal providing the opportunity to improve the quality and function of the established industrial site. The proposal would replace the existing units with a total of 10no. B1(c) (Light Industrial) units, with these positioned to the same footprint as the existing. It is not therefore considered that there would be a material intensification of the use, with the proposal considered commensurate to the existing and established use of the site.
- 6.15 Following consultation with the Environmental Health Officer, no objections to the proposed development are raised in principle. However, given the quality and age of the existing buildings, and given the nature of the proposed use and its relationship with neighbouring properties, a number of conditions are proposed to control potential noise and disturbance resulting from the development. This includes conditions regarding hours of use and deliveries, restricting the use to Class B1(c) only (light industry appropriate in a residential area), restricting external plant and floodlighting and requiring details of provisions made to further reduce the potential noise impact (such as acoustic installation to the buildings). These measures would reduce the impact on adjacent residential properties and would be an improvement when compared to the existing units which are not controlled by any such conditions.
- 6.16 Subject to the suggested conditions, it is considered that the proposal would not result in harm to the amenities or sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

- 6.17 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.18 The proposed development would utilise the existing access from Church Lane, with the development seeking to replace 2no. existing industrial units within the established industrial site.
- 6.19 While noted that a number of objections have been received on the impact the proposal would have on the public highway, it is noted that the proposal relates to an established industrial site, which utilises the existing highway network. On the basis that the proposal would result in no net increase in the number of units, it is considered unlikely that the proposed development would result in a greater number of vehicle movements during the day, or a greater demand for parking than that of the existing site. Therefore, following consultation with the Highways Authority, who also undertook a site visit as part of the assessment, it is not considered that the proposal would have a severe impact on the operation of the highway network.
- 6.20 In terms of parking, the existing arrangement will remain with the units benefitting from the shared parking area within the estate. The site currently benefits from a large expanse of hardstanding, with a car parking area positioned to the north-west of the site. The proposed development seeks to replace the existing buildings with modern buildings of a similar footprint to the existing. The number of units is proposed to stay the same, with no material increase in the level of activity. On this basis, it is not considered that the proposal would result in additional pressure for further parking within the site.
- 6.21 The proposal is not considered to result in a material increase in the number and type of vehicle movements, and is therefore considered unlikely that the proposal would result in a material impact on the function and safety of the highway network. As such, the proposal is considered to accord with Policy 41 of the Horsham District Planning Framework (2015).

Conclusions and Planning Balance:

- 6.22 The proposed development is considered acceptable in principle, and is considered to be of a scale, nature and form that would not result in harm to the visual amenities of the site or the wider landscape character of the area. Additionally, the proposal would not result in a material increase in vehicle movements that would justify a reason for refusal.
- 6.23 Whilst the proposal is close to residential properties, including two located within the estate, it is acknowledged that the site is an established industrial estate and the uses hereby proposed are no different to those already at the site. Given the minimal difference in footprint and the conditions now recommended it is not considered reasonable to object to this application on neighbour impact grounds. On the basis of the assessment in this report, the proposal is considered acceptable, in accordance with all relevant local and national planning policy.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
All Other Development	785.3		785.3
		Total Gain	
		Total Demolition	553.64

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

6.27 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 The application is recommended for approval, subject to the following conditions.

Conditions:

1 **List of 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-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 Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

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

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

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until details have been submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the development hereby approved. The approved scheme shall be implemented prior to the first use/occupation of the site and be permanently maintained thereafter.

Reason: As this matter is fundamental in the interests of adjacent neighbouring properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

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

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

- Details of all existing trees and planting to be retained

- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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).

- 9 **Pre-Occupation Condition:** No building hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that building (or use) in accordance with details that have been 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).

- 10 **Pre-Occupation Condition:** Prior to the first occupation (or use) 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 building hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that building 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 **Pre-Occupation Condition:** Prior to the first occupation of each unit, 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 Policies 10 and 37 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** The buildings hereby permitted shall be for B1(c) purposes only, and for no other purpose.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered

appropriate in this case due to the countryside location under Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 07:00 and 18:00 Monday to Friday inclusive; 07:00 to 17:00 on Saturdays; and no trade or business shall take place on Sundays or Bank Holidays.

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

- 14 **Regulatory Condition:** No deliveries associated with the hereby approved shall take place except between the hours of 07:00 and 18:00 Monday to Friday inclusive; between 09:00 and 17:00 on Saturdays; and at no time on Sundays or Bank Holidays.

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

- 15 **Regulatory Condition:** No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

- 16 **Regulatory Condition:** No external storage of any materials or waste shall take place at any time.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

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

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

Background Papers: DC/19/0647

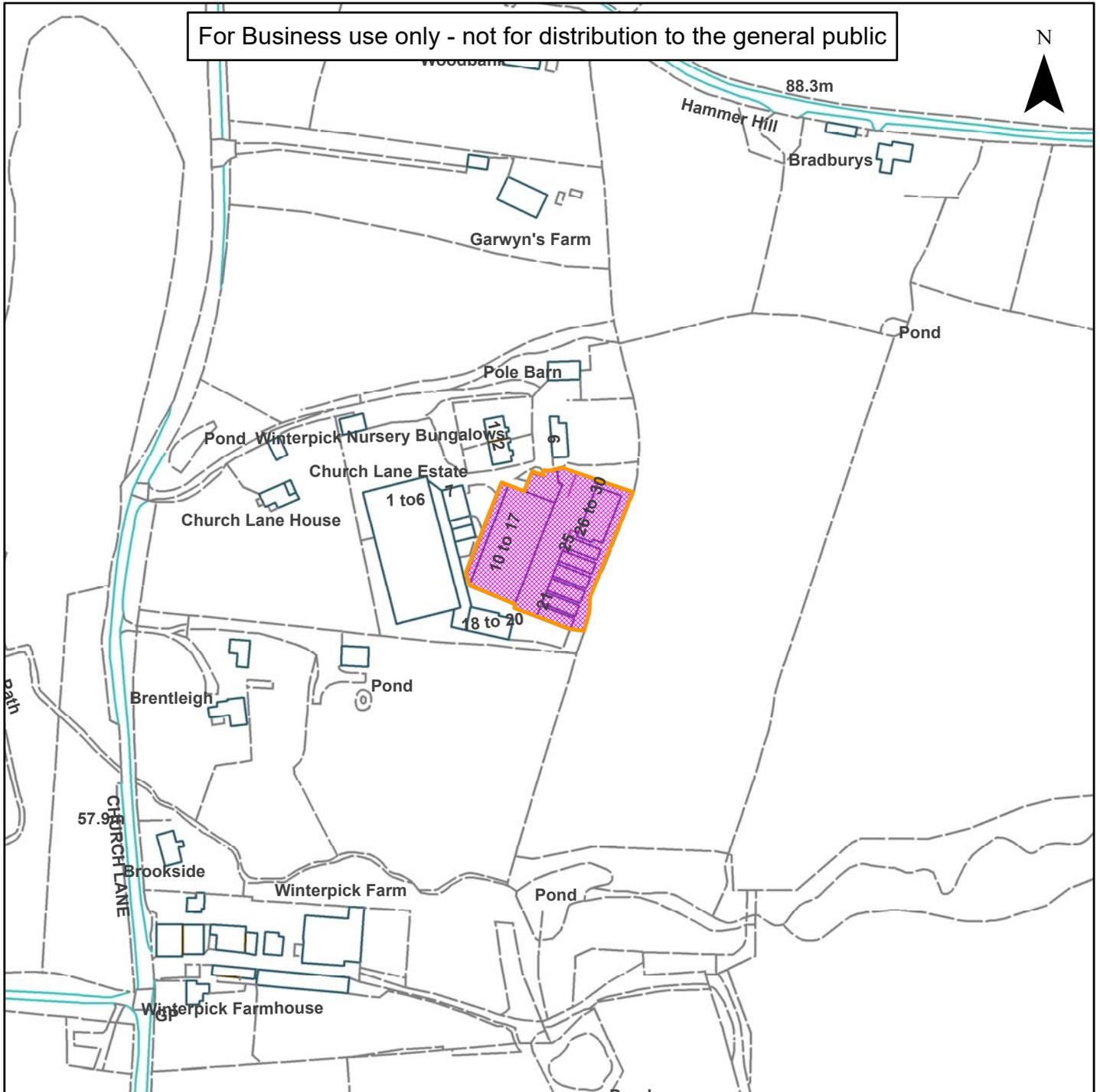
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Unit 10, Church Lane, Church Lane Estate

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/06/2019
SA Number	100023865

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**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee North

BY: Head of Development

DATE: 02 July 2019

DEVELOPMENT: Erection of a petrol filling station comprising 4no. pump islands, ancillary forecourt building, 36no. car parking spaces (incl. 2no. disabled spaces and 9no. staff parking, 7no. electrical vehicle charging points), an associated access, landscaping and planting

SITE: Little Clovers Farm Crawley Road Faygate Horsham West Sussex RH12 4SA

WARD: Colgate and Rusper

APPLICATION: DC/19/0095

APPLICANT: **Name:** BP Oil (UK) Ltd **Address:** c/o 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 approve application 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 Petrol Filling Station and convenience store, including the provision of 4no. petrol pumps, and associated car parking, landscaping, and planting. New access points to the north-east and south of the site are also proposed to provide entrance and exit points respectively.

1.3 The proposed Petrol Filling Station and associated forecourt would be positioned to the east of the application site, with the south-west of the site landscaped to provide a seating area and electrical substation. The remainder of the site would be laid to hardstanding, and would incorporate a total of 23no. vehicle parking spaces and 2no. disabled bays. The proposal also includes 7 electric vehicle charging bays.

1.4 The building comprising the sales building/convenience store would be located centrally within the site, and would be built into the site to accommodate the existing land levels. The frontage of the building would be oriented to face north-east, with the goods/service area positioned to the south-west. The building would measure to a length of 27.3m and a width

of 12m, and would measure to an overall height of 4.3m. The building would be finished in composite steel clad panels, and composite metal sheeting to the roof. The forecourt comprising 4no. petrol pumps would be positioned to the north-east of the sales building, and would be enclosed by a canopy measuring to a height of 5.9m.

- 1.5 The remainder of the site would be laid to hardstanding and used for parking and manoeuvring, with a service area providing a picnic area and small amenity space positioned to the north-west of the site. An entrance and an exit access point is proposed to the north-east corner and southern boundary respectively, with the latter exiting directly on to the A264.
- 1.6 Additional planting and screening is proposed along the southern perimeter of the site, with planting also proposed along the western perimeter separating the service area, amenity space, and electric substation.
- 1.7 The application is a revised scheme following the refusal of a similar development on the site under planning reference DC/14/2071.

DESCRIPTION OF THE SITE

- 1.8 The application site comprises part of a roughly triangular shaped pasture field and a large part of existing highway embankment adjacent to the A264 which extends as far west as Little Clovers Farm, a rural farmstead. The field boundaries are lined by trees and hedgerows, and part of the A264 highway embankment, which is included within the site, is heavily vegetated with native species trees and shrubs of semi-mature size. A small scale sewage farm facility lies adjacent to a short section of the northern boundary. Nevertheless the site and its surrounds have a predominantly rural character. The field is gently undulating falling to a stream course on the northern boundary.
- 1.9 The A264, Crawley Road is a rural dual carriageway with two lanes in each direction. The section fronting the site benefits from a system of street lighting and is derestricted clearway subject to a 70mph speed restriction. There is a bus stop with lay-by at the eastern most end of the site frontage with a footway connection to Faygate Lane.
- 1.10 The site lies close to the boundary with and within the wider landscape setting of the High Weald Area of Outstanding Natural Beauty (AONB). Public views of the site can be obtained from the A264, the Crawley-Horsham railway and a nearby public right of way to the north. The site also falls within the Low Weald National Character Area as defined by Natural England. At a district level the Horsham District Landscape Assessment 2003 shows the site lying within Warnham and Faygate Vale.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy
 Policy 4 - Strategic Policy: Settlement Expansion
 Policy 7 - Strategic Policy: Economic Growth
 Policy 9 - Employment Development
 Policy 10 - Rural Economic Development
 Policy 11 - Tourism and Cultural Facilities
 Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
 Policy 24 - Strategic Policy: Environmental Protection
 Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
 Policy 26 - Strategic Policy: Countryside Protection
 Policy 27 - Settlement Coalescence
 Policy 30 - Protected Landscapes
 Policy 31 - Green Infrastructure and Biodiversity
 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 40 - Sustainable Transport
 Policy 41 - Parking
 Policy 42 - Strategic Policy: Inclusive Communities

RELEVANT NEIGHBOURHOOD PLAN

2.5 Colgate Parish is not yet designated as a Neighbourhood Plan Area.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/2071	This is an outline application for a Petrol Filling station and convenience store. The proposals seeks permission for access only, with all other matters reserved.	Application Refused on 17.06.2015. A subsequent appeal was dismissed on 11.07.2016.
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3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** No Objection

The site lies within the Local Landscape Character Area 11: Faygate and Surrounds of the Horsham District Landscape Capacity Assessment (LCA). The LCA has assessed that this area has no/low capacity for larger scale development due to the combined moderate landscape character and high visual sensitivity.

The buildings and ancillary equipment have been contained to a corner plot adjacent to Faygate village, and to the east of the existing sewage works. By constraining the extents of the development to this plot, the open countryside separation and landscape character between Faygate village and Little Clovers Farm has been retained along the A264. This corner location is situated at a 'gateway' to Faygate Village, and has a small degree of

vegetation creating separation between the site and the existing housing along Faygate Lane.

The layout itself is comprised of a fairly typical petrol station/convenience store configuration, with generic buildings and forecourt. The sections provided show that the development will be 'cut-in' to the landscape, lowering it on the boundary with the A264. The proposal follows the line of housing into Faygate village along Faygate Lane, and as such could read as an extension to this linear development. The opening to the existing hedgerow to provide the exit road will afford views into the petrol station from the NE bound lanes of the A264.

The fact that this development becomes a 'gateway' feature in and out of the village means that any boundary treatments and internal features visible from outside the development (probably more visible when exiting the village onto the A264), would need to preserve and enhance the rural feel of the area.

The landscape character of the area will be affected negatively by the increase in activity by customers of the petrol station, and the resultant noise and light will also fail to 'preserve and enhance' the rural character. This will have the greatest effect on the dwellings on the southernmost portion of Faygate Lane, but with such close proximity to the A264 which itself is a busy road and illuminated, the increase in activity or lighting may or may not appear within this background.

Amendments to the proposed landscaping scheme, which have softened the boundary treatments, will improve the integration of the development into this corner plot relate better to the surrounding vegetation and landscape. This will also help screen the buildings at both openings into the site and thus minimise the urbanising effect it would have on the entrance to the village. The revised scheme can therefore be supported on landscape grounds.

3.3 **HDC Environmental Health:** No Objection

The conclusions and recommendations contained within the revised Environmental Noise Report and Lighting Assessment support the view that the proposed development should not adversely affect neighbouring dwellings.

The conclusions of the Environmental Site Assessment Report are accepted, subject to a condition relating to the remediation of any other contamination found during construction.

3.4 **HDC Drainage Engineer:** No Objection

OUTSIDE AGENCIES

3.5 **WSCC Highways:** No Objection

The Transport Statement confirms that the North Horsham development has been considered in the 2031 models presented within the TA as the traffic flows have been taken directly from the TA for that proposal. Further information on the effect of redistributing traffic to enter and exit the Petrol Filling Station has been provided and this identifies that the increase in flow on the A264 approach to the roundabout equates to less than 4% of the baseline traffic flows. Finally the Transport Statement confirms that no material impact on the performance of the junction is therefore expected.

Following the addition of further information the Local Highway Authority does not consider that the proposed would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 108), and that there are no transport grounds to resist the proposal subject to conditions.

3.6 **High Weald Advisory Board:** Objection

It is considered that the impacts on the local landscape and the AONB of the current proposal are similar to those of the appeal proposal. The High Weald AONB Unit objects to this proposal on the grounds that it would be harmful to the character and appearance of the area including on the setting of the AONB, contrary to objective OQ4 of the High Weald AONB

Management Plan, which seeks to protect and promote the perceptual qualities that people value, and paragraph 172 of the NPPF.

3.7 Ecology Consultant: No Objection

Following review of the revised "Outline Ecological Impact Assessment" document prepared by Eco Tech and dated April 2019. The report is now considered to provide the necessary site information and impact assessment. The mitigation and precautionary measures detailed in section 5 are proportionate to the impacts and should be secured by an appropriately worded condition

3.8 Southern Water: No Objection

3.9 WSCC Flood Risk Management: No Objection

PUBLIC CONSULTATIONS

3.10 Colgate Parish Council: Concerns raised in respect of the following:

- Overdevelopment of the site
- Potential pollution
- Safety of access arrangements

3.11 13 letters of objection were received, and these can be summarised as follows:

- Does not accord with development strategy
- Noise and light pollution will adversely impact neighbours
- Increased safety risk at access point
- No need for convenience store and Petrol Filling Station
- Impact on adjoining High Weald Area of Outstanding Natural Beauty
- Impact of construction on traffic and neighbouring amenities
- Loss of trees and landscaping

3.12 6 letters of support were received, and this can be summarised as follows:

- Need for Petrol Filling Station
- Benefit of electric charging points

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 erection of a Petrol Filling Station, including 4no. petrol pumps, and associated access, hardstanding, and landscaping.

Principle of Development

- 6.2 A previous Outline application under planning reference DC/14/2071 was refused and subsequently dismissed at appeal for the erection of a Petrol Filling Station and convenience store. The application sought permission for a forecourt comprising 10no. car pumps and 4no. pumps for heavy goods vehicles, along with 12no. car parking spaces, a 3000sqft convenience store, and associated landscaping.
- 6.3 The proposed Petrol Filling Station and associated retail facilities were not considered essential to the countryside location as they could be located in an urban location. While it was acknowledged that the proposal could provide facilities for those travelling on the road network, there was no justification provided that there is a deficiency in provision of fuelling facilities in the area against recognised standards.
- 6.4 In addition, the proposal was considered likely to result in a significant adverse urbanising impact on the predominantly rural landscape character of the site and the surrounds to the north and west; both of which were considered to contribute to the landscape setting of the High Weald Area of Outstanding Natural Beauty (AONB). It was considered that the scale of the proposed development would result in the introduction of built form, the removal of extensive existing vegetation, and large scale intrusive earthworks to construct new entrance/exit points, together with associated advertising signage and lighting, that would cumulatively erode and have an adverse impact on the landscape quality, character, and natural beauty of the AONB itself.
- 6.5 Due to the elongated configuration of the site, it was concluded that the effect of the development would create a visually intrusive ribbon of development that reduces the openness and break between the existing settlements of Faygate and Horsham, with an increase in urbanising activity, and no positive contribution made to conserving and enhancing the landscape.
- 6.6 The current application has sought to address these concerns by reducing the area of the site from 0.8ha as previously proposed to an area of 0.52ha, and consolidating the level of development proposed. The proposal seeks a reduced built form of approximately 330sqm, with a reduction to 4no. car pumps, with the relocation and reduction in the extent of the access points. These alterations have sought to create a greater sense of separation between Faygate and Horsham, with the built form located in a reduced area that would sit at a lower level immediately adjacent to the roundabout junction.
- 6.7 The Applicant has provided a Supporting Statement addressing the need for a Petrol Filling Station within the locality. This outlines that the Department for Transport has consistently promoted the concept of a network of service areas to meet the needs of the travelling public and commercial vehicles. A network of appropriately spaced service areas should provide opportunities for rest away from the road itself, free toilets, refuelling facilities for a range of vehicle types, and the purchase of hot and cold food. The overall aim is to reduce the risk of tiredness and fatigue, and the dangers of running out of fuel on high speed roads. It is a well-established principle that access to these service areas should be established, and to be effective, this detour should be as small as possible.
- 6.8 The Applicant has remarked that there is a deficit within the locality, with the nearby Petrol Filling Stations being inconveniently placed and at an unreasonable distance to service the strategic road network. It is contended that the proposed development would be well placed to serve the gap in the market and locality, with the location satisfying service area policy and ensuring that the needs of drivers are conveniently and efficiently met close to the strategic road.
- 6.9 Policy 7 of the Horsham District Planning Framework (HDPF) states that sustainable development in the District will be achieved by: redevelopment, regeneration, intensification and smart growth of existing employment sites; the formation and development of small, start-up and move-on business, as well as home working and home based businesses, by

encouraging provision of small units through development proposals; and identifying additional employments areas to meet the need for appropriate new business activity.

- 6.10 Policy 10 of the HDPF states 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. Any development should be appropriate to the countryside location and must: contribute to the diverse and sustainable farming enterprises within the District or, the case of other countryside-based enterprises and activities, contribute to the wider rural economy, and/or promote recreation in, and the enjoyment of, the countryside; and either be contained wherever possible within suitably located buildings which are appropriate for conversion, or in the case of an established rural industrial estate, within the existing boundaries of the estate; or result in substantial environmental improvement and reduce the impact on the countryside.
- 6.11 The Local Plan is currently being reviewed, where a review of built-up areas has been undertaken. The Review has revisited 'unclassified settlements' defined in Policy 3 of the HDPF, and sought to identify areas where some limited development may be appropriate. The unclassified settlement of Faygate has been considered as part of this Review, where it has been determined that the settlement should be designated as a 'secondary settlement'. While the site and the settlement of Faygate remains within a countryside location, the findings of the Local Plan Review indicate the intention to designate Faygate as a 'secondary settlement'. Although not yet formally adopted by policy, the review indicates that the settlement currently benefits from access to some services and facilities, with good connections to nearby towns and villages.
- 6.12 Whilst the Council are not required to undertake needs assessments for specific uses such as Petrol Filling Stations, the Department for Transport have produced guidance (Circular 02/2013) on appropriate spacing between service areas and roadside facilities on motorways and trunk roads. This guidance recommends that maximum distances between service areas on trunk roads should be the equivalent of 30 minute driving time. The A264 is not classified as a trunk road, so the DfT recommendation does not apply; however, the Circular is useful to note in terms of a general approach to need.
- 6.13 There are currently no Petrol Filling Stations in Faygate, with the nearest to the application site being located in Pease Pottage approximately 5km to the east and Redkiln Way, Horsham approximately 4.5km to the south.
- 6.14 Given there is no formal guidance on the needs for a new PFS on roads other than trunk roads or motorways, it is considered reasonable to determine the acceptability of the proposed PFS on a review of other needs arguments, including commercial and local desire; as well as consideration of the appropriateness of the proposed Petrol Filling Station in its location.
- 6.15 The application site lies directly to the south-west of the ribbon development comprising Faygate, and directly adjoins the A264. The proposal would generate some local employment opportunities, and would provide economic and social benefits for the local community.
- 6.16 While the proposal would result in development within the countryside, it is recognised that the site lies directly adjacent to the settlement of Faygate, and would generate local employment opportunities and provide social and economic benefits for the local community. The site is well-connected to the strategic road network, and is considered to provide a service that would contribute to the sustainable development of the District and contribute to the rural economy.

- 6.17 While it is recognised that a Petrol Filling Station in this location is likely to result in some landscape and amenity harm due to an increase in activity and external lighting, which would be contrary to Policy 26 of the HDPF, it is accepted that the nature of a Petrol Filling Station is often more appropriate in peripheral locations where access to strategic road networks is available. It is also noted that the scheme has been amended to address the initial concerns of the Landscape Officer to help mitigate the urbanising effect of the proposal.
- 6.18 For these reasons, it is therefore considered that there are special circumstances in respect of the public benefit arising from the proposed development that would justify a departure in this circumstance.

Design and Appearance

- 6.19 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.20 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.21 The previous application under planning reference DC/14/2071 was refused on the grounds of the scale of the development and the adverse urbanising impact the proposal would have on the predominantly rural landscape character of the site and that of its surrounds. It was considered that the cumulative impacts of the proposal would erode and have an adverse impact on the landscape quality, character and natural beauty of the rural setting and that of the High Weald Area of Outstanding Natural Beauty. It was therefore concluded that due to the elongated configuration of the site, the effect of the development would be to create a visually intrusive ribbon of development that reduced the openness and break between the existing settlements of Horsham and Faygate, with an increase in urbanising activity with no positive contribution made to conserving and enhancing the landscape.
- 6.22 The Applicant has sought to address the reasons for refusal by reducing the site area and consolidating the amount of built form. The sales building has been reduced in size, with a reduction in the number of car pumps, and the access points have been reduced in extent and re-sited to rationalise the development within the north-eastern corner of the site, adjoining the edge of the ribbon development comprising Faygate.
- 6.23 The sales building/convenience store would be located centrally within the site, and would be built into the site to accommodate the existing land levels. The frontage of the building would be oriented to face north-east, with the goods/service area positioned to the south-west. The building would measure to a length of 27.3m and a width of 12m, and would measure to an overall height of 4.3m. The building would be finished in composite steel clad panels, and composite metal sheeting to the roof. The forecourt comprising 4no. petrol pumps would be positioned to the north-east of the sales building, and would be enclosed by a canopy measuring to a height of 5.9m. The remainder of the site would be laid to hardstanding and used for parking and manoeuvring, with a service area providing a picnic area and small amenity space positioned to the north-west of the site.

- 6.24 An entrance and an exit access point is proposed to the north-east corner and southern boundary respectively, with the latter exiting directly on to the A264. Additional planting and screening is proposed along the southern perimeter of the site, with planting also proposed along the western perimeter separating the service area, amenity space, and electric substation.
- 6.25 The proposal has reduced the scale of the built form, with a reduction in the breadth of the site, and this has resulted in a cumulative reduction in the extent of development. The site has been rationalised, with the development in closer relation and proximity to the ribbon of development comprising Faygate. The consolidated site is focused within the eastern section of the field, which is set down from the A264, with the land levels continuing to slope down gently from south to north. Given this context, the proposed development has been cut-into the site to follow the existing ground levels, with the proposed ground level approximately 2m lower than the A264. This has sought to reduce the prominence of the built form when viewed from the public highway, with the addition of planting along the perimeter of the site seeking to reduce the intervisibility and perception of the development from the A264. In addition, the access points have been reduced in size and re-sited to further consolidate the development.
- 6.26 The built form has been sited to follow the build line of the linear development comprising Faygate, which allows the proposal to read as an extension to this build pattern. While introducing additional built form within an undeveloped area, it is considered that the proposal has sought to address potential landscape impact through the siting of the proposal, as well as the set down from the A264 and the additional planting along the southern perimeter. Such measures are considered to have reduced the visual prominence of the development, while conserving the rural landscape character of the setting. This is considered to integrate the proposed development within the surroundings, and minimise the urbanising impact of the proposal.
- 6.27 Following consultation with the Landscape Architect, it is acknowledged that the proposal would have an impact upon the landscape character of the area; however, following amendments to the proposed landscaping, it is considered that the proposal would sit more comfortably within the landscape setting.
- 6.28 It is considered that the proposed development, following its reduced extent, rationalised built form, and additional planting, would sit appropriately within the character of the site and surroundings, appearing as an extension to the built form of the linear development comprising Faygate. The proposal would sit as a gateway into the village, with the proposed planting and landscaping considered to conserve the rural character and landscape setting. It is therefore considered that the proposal would accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.29 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.30 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by *“...preventing new and existing development from contributing to, being out at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability...”*
- 6.31 The Applicant has submitted an Environmental Noise Report reference 1918732 dated 24 April 2019 which outlines recommended mitigation measures to ensure that noise is kept to a minimum. Following consultation with the Environmental Health Officer, the conclusions found in the Report are considered acceptable. No objection has therefore been raised in respect of noise and disturbance.

- 6.32 The proposed Petrol Filling Station would operate on a 24-hour basis. Following consultation with the Environmental Health Officer, no objections were raised to the principle of 24-hour operation on the site. However, concerns were raised in respect of the potential impact deliveries, particularly to the convenience store, would have on the amenity of the nearby residential properties. It is acknowledged that the delivery area is to the rear of the building, away from the residential properties, however it is considered reasonable to restrict the hours of delivery for the convenience store to mitigate any potential conflict. It is also proposed to limit the hours of delivery for petrol and diesel. While acknowledged that this is usually a gravity-led system which limits noise during the delivery process, a restriction in hours is considered reasonable.
- 6.33 The nearest residential dwelling from the proposed retail store would be over 100m, and would be separated by a mature tree line and landscaping. It is considered that due to the nature of the development and the separation distance to the nearest residential dwelling, that there would be no harm to residential amenity.
- 6.34 The proposed development is not therefore considered to result in harm to the amenities or sensitivities of neighbouring users or occupiers, and it is therefore considered that the proposal accords with Policy 33 of the Horsham District Planning Framework (2015).

Impact on the High Weald Area of Outstanding Natural Beauty

- 6.35 The application site lies directly to the north of the High Weald AONB, with the A264 acting as a physical barrier between the site and the AONB. Section 84(4) of the Countryside and Rights of Way Act 2000 states that *“A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area”*. Section 85(1) continues that *“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*
- 6.36 The primary purpose of AONB designation is to conserve and enhance natural beauty, and account should be taken of the needs of agriculture, forestry, and other rural industries, and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
- 6.37 Policy 30 of the HDPF states that the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages. Proposals should have regard to any management plans for these areas and must demonstrate: how the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary providing mitigation or compensation measures; how the public enjoyment of these landscapes will be retained; and how the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.
- 6.38 The High Weald AONB Management Plan is focused on delivering the statutory purpose of conserving and enhancing the natural beauty, with considerations relating to wider environmental issues, the rural economy, and communities, dealt with in the context of

delivering this purpose. The Plan takes a character-led approach with the main body of the plan setting out the long term policy objectives and short term targets for conserving and enhancing natural beauty. The Objectives, together with Indicators of Success and Five-Year Targets are effectively the plan's policies, and provide the strategic direction for AONB management. As a statutory document, Local Planning Authorities must take the AONB Management Plan into account when formulating their development plans, and in the assessment of planning applications.

- 6.39 Within the Inspector's Decision for the previous application reference DC/14/2071, it was acknowledged that the A264 marks a significant physical change at the edge of the AONB, particularly as there is woodland close to the road on the south side and more open landscape to the north. With the addition of planting along the southern boundary of the site, it was considered that the site would be further separated from the AONB, with the A264 creating a visual change, with only limited detrimental effect on the setting of the AONB.
- 6.40 The current application has reduced the extent of the site and rationalised the built form within the north-eastern corner of the site. The proposal seeks additional planting along the southern perimeter and within the site, which seeks to mitigate the visual prominence of the built form.
- 6.41 It is acknowledged that the High Weald AONB Advisory Board have objected to the proposed development, with the view that the impacts on the local landscape and the AONB of the current proposal are similar to those of the previous proposal.
- 6.42 As outlined above, the Inspector when considering the previous application considered that there was a marked differentiation between the application site and the High Weald AONB to the south. It was considered that the addition of planting along the southern boundary of the application site would further emphasise this separation and would reduce the impact on the setting of the High Weald AONB.
- 6.43 The application has rationalised and consolidated the extent of the site and that of the built form, with the addition of planting along the southern perimeter and within the site. It is considered that the cumulative effect of the reduction in built form and the additional planting is considered to mitigate the visual prominence of the proposal, with the rural character of the locality maintained. Given the physical separation provided by the A264, and the measures undertaken to provide further landscaping, it is not considered that the proposal would result in significant harm to the High Weald AONB to justify a reason for refusal.

Ecology

- 6.44 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.
- 6.45 The Applicant has submitted an Outline Ecological Impact Assessment by Eco Tech dated April 2019 which identifies the habitats and potential species using the site and outlines the potential impacts on these. The Report concludes that no habitats or species are considered to be subject of significant adverse impacts, with recommendations made to provide a net gain for biodiversity.
- 6.46 Following consultation with the Ecologist, no objection is raised to the proposed development subject to the recommendations as outlined in the report being carried out. It is therefore recommended that should the application be approved, conditions relating to the carrying out of works be attached.

Highways Impacts

- 6.47 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.48 The application site is bounded by the A264, Crawley Road to the south and Faygate Lane to the east. The A264, Crawley Road is a rural dual carriageway with two lanes in each direction. The section fronting the site benefits from a system of street lighting and is derestricted clearway subject to a 70mph speed restriction. There is a bus stop with lay-by at the eastern most end of the site frontage with a footway connection to Faygate Lane.
- 6.49 Faygate Lane is a rural single carriageway with footways on either side at the eastern site boundary. It is subject to a 30mph speed restriction and includes a system of traffic calming to help control traffic speeds.
- 6.50 An entrance and an exit access point is proposed to the north-east corner and southern boundary respectively, with the latter exiting directly on to the A264. A total of 23no. vehicle parking spaces would be provided on the site.
- 6.51 A number of objections, including an objection from the Parish Council, have been received in respect of the safety of the proposed access points, and the impact the proposal would have on traffic.
- 6.52 Following consultation with WSCC Highways, it is not considered that the proposal would result in a material increase in the level of traffic, with the proposed access arrangements considered acceptable. No material impact on the performance of the junction is expected, and it is not considered that the proposal would have severe impact on the operation of the highway network.
- 6.53 It is therefore considered that the proposal would accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Conclusion

- 6.54 The proposed development would generate some local employment opportunities, and would provide economic and social benefits for the local community. While located outside of a defined settlement, it is acknowledged that the site adjoins the settlement of Faygate, which has been identified as a potential 'secondary settlement' as part of the Local Plan Review. It is considered that there is sufficient evidence to justify a Petrol Filling Station in this location. It is therefore considered that the proposal would result in rural economic development, with the public benefit arising from the proposal considered to outweigh the conflict with the development strategy.
- 6.55 The reduction in the extent of the proposal and the rationalisation and consolidation of the built form, alongside the stepped down nature and additional planting and landscaping along the perimeter, is considered to reduce the visual impact and prominence. The proposal is considered to be reasonably integrated with the built pattern of Faygate Lane, with the proposal considered to conserve the landscape character and setting of the rural locality.
- 6.56 The proposed access arrangements, following consultation with the Local Highways Authority, is not considered to result in material intensification of the road junction, with the proposal not considered to result in severe impact upon the function of the highways network.
- 6.57 On this basis, the proposal is recommended for approval as a departure from the development plan as it is considered that the proposal results in economic and public benefits and is considered to be acceptable in all other matters as discussed within this report.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
All Other Development	313.48	0	313.48
	Total Gain		
	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 To approve the application 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-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
- ii. the provision of wheel washing facilities and dust suppression facilities

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

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

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

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

- 5 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, the parking turning and access facilities shall be implemented in accordance with the approved details as shown on plan reference 18187-01-001 received 26.03.2019 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).

- 6 **Pre-Occupation Condition:** No building hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse and recycling has been made for that building (or use) in accordance with drawing number 15313-22 rev C received 14.05.2019. 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).

- 7 **Pre-Occupation Condition:** No building 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 approved drawing number 15313-22 rev C received 14.05.2019. 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).

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

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

- 9 **Regulatory Condition:** No delivery vehicles shall arrive or deliver to the hereby approved retail store except between the hours of 06:00 and 22:00 Monday to Saturday and 07:00 and 20:00 Sundays and Bank Holidays.

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

- 10 **Regulatory Condition:** No petrol or diesel tankers shall arrive or deliver at the site hereby approved except between the hours of 06:00 and 00:00 daily.

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

- 11 **Regulatory Condition:** Any forecourt public address system shall only be operated between the hours of 07:00 and 22:00 hours.
- Reason: In the interests of amenity and road safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 12 **Regulatory Condition:** No motor vehicles or other articles shall be kept parked, stored, or displayed for sale outside the building and on the site at any time.
- Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 13 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plan reference 184. The lighting shall be installed in accordance with the Lighting Specification received 05.03.2019. All such lighting shall be maintained in accordance with the approved details.
- Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 14 **Regulatory Condition:** The landscaping scheme as shown on approved plan reference 315 and detailed within the Planting Specification with Planting Schedules reference 1805/03 dated May 2019 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).
- 15 **Regulatory Condition:** No externally located plant or equipment except those shown on the approved plans shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.
- Reason: To safeguard the amenities of the neighbouring properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 16 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Method Statement reference 18050-02 dated 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).
- 17 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Phase 1 Environmental Site Assessment Report reference 60600551-001 rev 1 dated April 2019.

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

- 18 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Environmental Noise Report reference 1918732 dated 24 April 2019.

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).

- 19 **Regulatory Condition:** All works shall be executed in full accordance with the submitted FRA and SUDS Strategy Report reference H13417/15313 rev C dated April 2019.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 20 **Regulatory Condition:** All works shall be executed in full accordance with the recommendations and mitigation within the Outline Ecological Impact Assessment by Eco Tech dated April 2019.

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

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

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

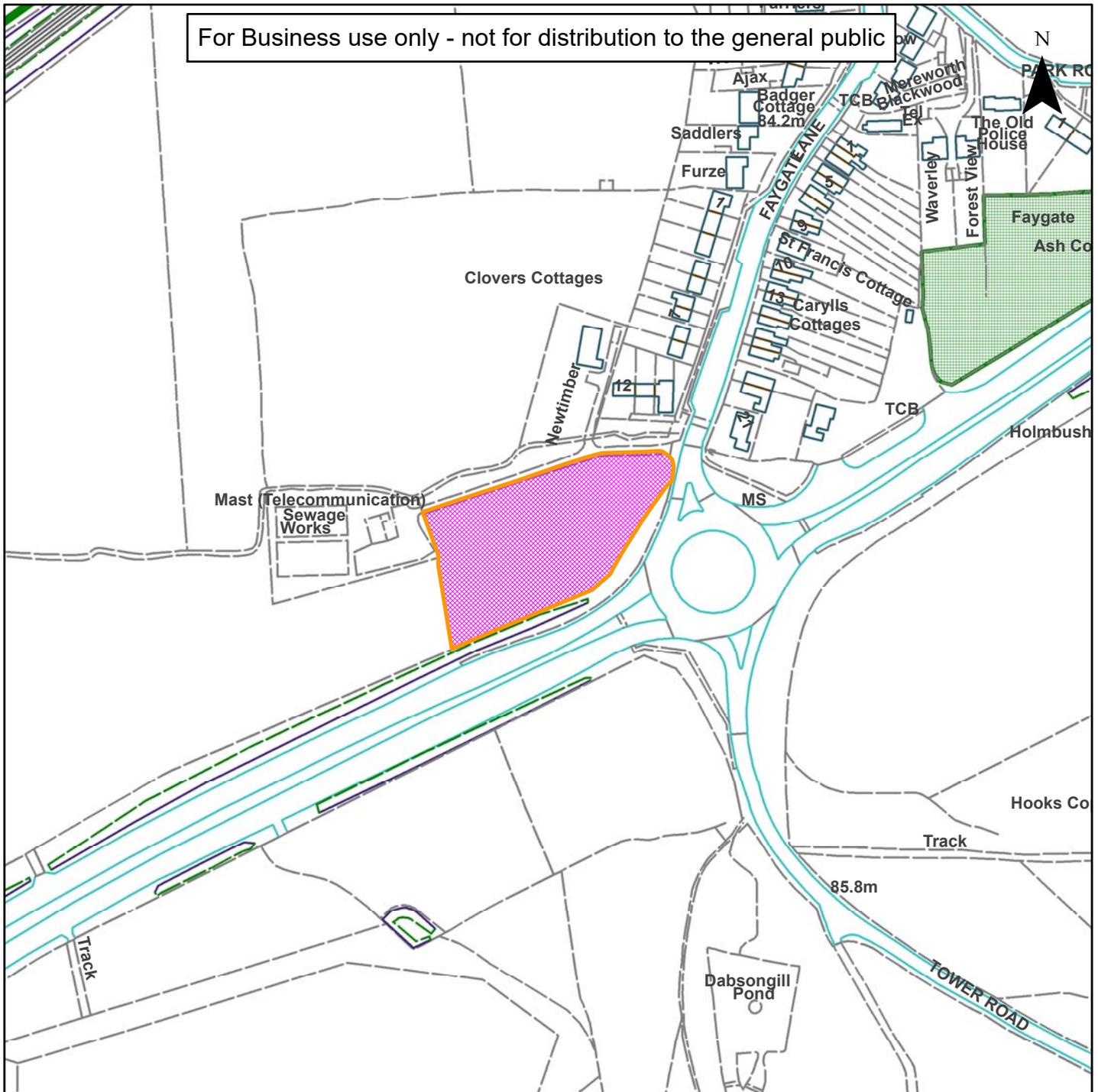
- 22 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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



Little Clovers Farm, Crawley Road, Faygate

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/06/2019
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 02 July 2019

DEVELOPMENT: Erection of a detached dwelling, detached garage and associated landscaping

SITE: The Mount Ifield RH11 0LF

WARD: Colgate and Rusper

APPLICATION: DC/18/2215

APPLICANT: **Name:** Mrs R Bensley **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 planning permission for the erection of a detached dwellinghouse on land to the south of a kennel building. 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 propose dwelling would comprise a modular building with a footprint and form which would ‘weave’ around an existing hedgerow, which forms a strong feature of the site and allows the scheme to employ the cover provided of landscaping. The proposed form comprises ground and first floor elements which would allow the creation of a series of external spaces, some of which are secluded and some of which have a more open character. The dwelling would be constructed from brick at ground floor levels with upper floors dominated by thatched panels.

DESCRIPTION OF THE SITE

1.4 The application site comprises an area of scrub land sited to the south of The Mount, a small enclave of residential development which includes a series of commercial and equestrian related activities to the south-eastern end of the settlement. The site is isolated from neighbouring settlements and is surrounded by open countryside. The site slopes to the south, with extensive views across agricultural pastures, which in places are heavily wooded.

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

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 There is no made plan.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 There is no relevant history for the site.

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:** The building has been subject to various design reviews which have refined the design, sustainability and efficiency of the entity and its curtilage.
- 3.3 The design does not respect the organic and undulating landform nor the openness of the landscape to the east and south of the site – rather it imposes itself upon the landscape. The ‘Home in the Hedge’ concept may utilise physical elements of the landscape in an attempt to integrate the building into its surroundings - but it still does not achieve true assimilation into the wider landscape.
- 3.4 The Design and Access statement claims that the building integrates with the topography – but this is only on the ground plane – the building form then projects upwards and loses

any connection with the landform and therefore disconnects itself from its surroundings, rising above the vegetation and breaking the skyline.

- 3.5 If the building had perhaps nestled itself – in its entirety - into the landscape then it may have presented a better proposition in this location. This would also provide a physical break and sound barrier between the house and the commercial land behind. As it stands the imposing angular and glazed building will be incongruous and alien in the landscape.
- 3.6 **HDC Conservation:** The house will not be intervisible with the listed building, The Mount Farm, and as such there is no objection on heritage grounds. However, the architectural form contrasts with the organic and sculptured landscape forms that surround the building. While appreciating the positive relationship between the built form and the private open spaces but otherwise feel this building would be neither more nor less successful in another location.
- 3.7 **HDC Environmental Health:** The proposed development is directly adjacent to a well-established kennel business for boarding and breeding dogs. The proposed layout of the development means that habitable rooms do not directly overlook the kennels. However, there will still be line of sight from upper floor rooms to the kennels and exercise area. Together with provision of amenity space immediately adjoining the exercise area of for the kennels, it is considered likely that there will be conflicts between the amenity of the proposed residential development and the kennelling business. This development is likely to give rise to conflict between the new occupiers of the proposed property, and the owners of the established kennel business which this department will not be able to resolve.

OUTSIDE AGENCIES

- 3.8 **WSCC Highways:** The LHA does not consider that the proposal for a single dwelling would have '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.
- 3.9 **Southern Water:** a formal application for connection and on-site mains would need to be made by the applicant or developer.

PUBLIC CONSULTATIONS

- 3.10 **Rusper Parish Council:** Objects to this application as it is inappropriate for the area, it can be seen from the road and would change the skyline, and is too close to the neighbouring kennel block.
- 3.11 Three representations have been received objecting to the proposal for the following reasons:-
- Impact on adjoining commercial uses which offer specialist care and facilities for dogs;
 - Noise environment for future occupants of the dwelling;
 - Impact on the landscape;
 - Impact on roads.

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 dwellinghouse 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 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 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 an extensive pre-application process which included design review panels led by Design: South East, an independent organisation which seeks to ‘facilitate understanding between local authorities, developers and communities’. The Design Panel concluded that the proposed development would meet the relevant tests set out above in para.6.3 and resolved to support the proposal. The quality of the design, and the conclusions of Design Review Panel are considered further below.

‘is truly outstanding or innovative, reflecting the highest standards in architecture, and would help raise standards of design more generally in rural areas’

- 6.8 The proposed design is based on a series of concepts which have developed and evolved throughout the pre-application process in response to comments raised at Design Review. The resulting scheme proposes a dwelling which seeks to assimilate with the defining characteristics of the site and preserving the existing dominance of the ridge that the site occupies. The dwelling would ‘weave’ around an existing hedgerow which forms a strong feature of the site and allows the scheme to employ the cover provided of landscaping. The proposed form comprises ground and first floor forms which would allow the creation of a series of external spaces, some of which are secluded and some of which have a more open character reflective of the wider surrounding landscape.
- 6.9 The proposed dwelling would extend above and break the existing skyline along the ridge and this would be highly visible from the wider surrounding area. The Council’s Landscape Officer has raised concerns as to this approach, which they consider to be imposing. The scale and form of the building, including the impact on the skyline, was also considered extensively as part of the Design Review process. As part of this Review it was considered that the concept of a ‘beacon in the landscape’ was an appropriate response to the site, with precedent within view of the site with a traffic control tower on the opposite side of the valley. It is considered that while the proposed dwelling would be visible, this would not in itself be a reason to consider the proposal harmful, particularly as the building has been designed and evolved to reflect the presence of the ridge and surrounding landscape.
- 6.10 The proposal seeks to be innovative, utilising a number of technologies to create a sustainable, low energy dwelling with a combination of passive and active measures driven from the orientation of the site and its extensive southerly aspect. The proposed design would allow for responsive solar shading with measures to assist in natural air flow around the building and optimise the generation of renewable energy, including ground source heat pumps, photovoltaic arrays and storage for energy created through these measures. 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.
- 6.11 As stated by the applicant, the proposed dwelling assumes a simple, utilitarian form unique to the setting. The design has been undertaken in a collaborative manner with demonstrable improvements made in response to comments from the Design Panel, and significant weight is attached to their position that the dwelling would fulfil the policy requirements of the NPPF in respect of design.

‘would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.’

- 6.12 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). The existing site is on the edge of The Mount, an unclassified settlement comprising a small number of dwellings set amongst the open countryside which disperses to the south with a commercial kennel building and equestrian related land uses.
- 6.13 The Design Panel noted that the proposed development had potential to create a legible edge to the cluster of dwellings, with this 'edge' evolving through the pre-application process to create a concept based on 'the home in the hedge'. This approach is based on the integration of landscape and architectural proposals, with the site, which is somewhat unkempt, partly characterised by the presence of a hedge which follows the southern boundary before dissipating and failing to link with a further hedge on the opposing side of the site. The proposed dwelling would wrap through the hedge, being designed to allow the hedge to be reconnected and to envelop the south-western wing. This approach would create a pleasing transition from both site, and The Mount area in general, to the landscape beyond.
- 6.14 This transition between built-form and countryside would be supplemented by the proposed landscaping proposals, which would create a series of distinct garden and landscaped areas around the dwelling. The main approach to the site would comprise a functional external space characteristic of a rural farm house, this would be lined by the hedgerow to the south of the site. This would contrast with the approach elsewhere on the site, which would create an enclosed garden area and a more open area to the south-west which would allow for informal wild flower planting, with lower terraces, which would sit above a ha-ha, providing a seamless barrier / boundary to the site. This landscape-led approach would create an effective transition from the dwelling to the landscape beyond, making use of and enhancing existing landscape features of the site, including the falling ground levels to the south. The Design Panel found that this approach was 'convincing' with the narrative strong and appropriate to the site.
- 6.15 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.
- 6.16 The locality is characterised by sporadic residential development, with the application site marking the transition between The Mount and open agricultural land to the south. The dwelling would not reflect a traditional vernacular, with the design comprising a series of rectangular forms. While this approach does not seek to imitate existing styles on the locality the proposed use of materials is based on a modern interpretation of building design and construction.
- 6.17 The ground floor of the building would comprise red stock bricks, which, where possible, would be reused from the local area, with the first floor clad in thatched panels coordinated with windows and other articulated features. The applicant believes the use of thatch in such a manner would be the first on a residential building in the UK, with the use of such a material developing a traditional and rural skillset for new applications. The thatch panels would be the dominant external material of the building and would soften the appearance of the building and help it integrate into the wider landscape.

- 6.18 The combination of thatch and the integrated landscape scheme is considered to result in a building which would be sensitive to the defining characteristics of the locality. This is reflected by the comments of the Design Review Panel, who commented that:-

“We feel landscape and architecture have now been brought together to collectively demonstrate how this proposal can significantly enhance its immediate setting, and this has the potential to represent outstanding design quality”

Summary of Principle Considerations

- 6.19 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”*.
- 6.20 As set out, while the comments of the Council’s Landscape Officer are noted the proposed dwelling is considered to represent an outstanding and innovative design, with this view shared by an independent Design Review Panel led by Design: South East, and would help raise standards of design more generally in rural areas, and would significantly enhance its immediate setting.
- 6.21 The NPPF confirms that 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.
- 6.22 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 considered on balance to justify a departure from the spatial strategy in this instance.

Heritage Impacts

- 6.23 Policy 34 of the HDPF states that development should be 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.
- 6.24 The proposed dwelling would not be indivisible with Mount Farm, a Grade II Listed Building approximately 90m to the north, and the proposal would not adversely impact on the setting of this building, in accordance with the above policy.

Amenities of the occupiers and users of adjoining properties and land

- 6.25 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.

- 6.26 The application site lies physically separate from the sporadic residential development comprising the locality, with the neighbouring sensitive properties located some distance to the north. 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).

Amenities of future occupants

- 6.27 The application site is located to the south of a commercial dog kennels which is understood to specialise in the care of bulldogs. The siting of the proposed dwelling would create an uncomfortable relationship with the adjoining commercial use, with limited separation between the built forms. The applicant has submitted a Noise Assessment, which confirms that barking dogs, during both day and night, has potential to cause annoyance for future occupants of the proposed dwelling; with the Council's Environment Health Team confirming that the nature of this noise unlikely to represent a statutory nuisance, with no future action against any complaint therefore likely to be possible.
- 6.28 In response to the above, the applicant has confirmed that the surrounding noise environment was acknowledged early in the design process, with the site falling just south of the Gatwick flight path and therefore not within a tranquil part of the countryside. The submitted survey and energy statement indicate that the proposed ventilation system would allow for air circulation without the necessity to open windows, and while windows could be opened there would be no requirement to do so. It has further been suggested that both internal (day and night-time) and external (daytime) noise levels can be mitigated through the use of perimeter screening and façade/glazing sound reduction.
- 6.29 On balance, it is considered that the design of the dwelling and the measures to be incorporated within the construction would reduce the likelihood of noise from the adjoining kennels creating a poor standard of accommodation for future occupants. It is considered that a refusal of the application on the basis of potential noise disturbance, and the resulting impact on amenity for occupants of the dwelling, would not therefore be warranted, with a condition recommended to secure final details of noise attenuation measures to be incorporated in the design.

Ecology and Trees

- 6.30 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.
- 6.31 As set out above, the design approach of the development seeks to retain and enhance existing key planting on the site and in particular the hedgerow to the southern boundary. The application is also accompanied by an Ecological Appraisal which confirms that the development would not have any adverse impact on protected species, with the site dominated by scrub, bare earth and semi-improved grassland. The application is also accompanied by an Enhancement Strategy which set out a series of measures which can be incorporated within the development and which can be secured through condition. It is considered that subject to development taking place in accordance with the submitted details the proposal would accord with the provisions of Policy 31 of the Horsham District Planning Framework (2015).

Existing Parking and Traffic Conditions

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

- 6.33 The proposed dwelling would be accessed from the existing private access lane off of The Mount. The junction with The Mount is approximately 125m north of the proposed site. There is no objection to this arrangement, with no evidence to suggest the access is operating unsafely, or that the proposed dwelling would exacerbate an existing safety concern. The proposed dwelling would incorporate a double garage with 2 further external parking spaces. This level of provision would be sufficient to meet the parking needs of the dwelling, with sufficient space available on site for manoeuvring and access.
- 6.34 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

- 6.35 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.
- 6.36 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. 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.
- 6.37 On balance, Officers are of the view the proposal would be of outstanding quality and of an innovative design, with the great weight accorded to the outstanding and innovative design of the proposal by paragraph 131 of the NPPF, 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 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging 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	370	0	370
	Total Gain		370
	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 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 Condition:** No relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:

a) Drawings to a scale not smaller than 1:5 fully describing:

- i) windows & external doors. These drawings must show:
 - materials
 - decorative/protective finish
 - cross section of frame, transom, mullions, glazing bars, etc
 - formation of openings including reveals, heads, sills, arches, lintels, dormer construction, etc
 - method of opening
 - method of glazing
- ii) Roof and wall details including sections through:
 - roof ridge
 - eaves
 - verges
 - flat roof perimeters
 - parapets
 - hatch panels including junction with brickwork and coping

b) Specification of brickwork, including material, colour, texture, face bond, components of the mortar, and jointing/pointing profile.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

5 **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 planting on the site shown for retention on the approved drawings, 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).

- 6 **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).

- 7 **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).

- 8 **Pre-Commencement (Slab Level) Condition:** No development shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the recommendations set out in the submitted Noise Report. The approved sound attenuation works shall be completed before the dwelling is occupied and be retained thereafter.

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

- 9 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until an ecological enhancement plan has been submitted to and approved by the Local Planning Authority in writing. The plan shall reflect the measures set out in the Ecological Enhancement Strategy (dated September 2018). The ecological enhancement plan shall be implemented in accordance with the approved details prior to the first occupation of the dwelling.

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

- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with the approved drawings. 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).

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

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting

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 **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).

- 13 **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).

- 14 **Regulatory Condition:** The dwelling hereby approved shall strictly accord with the Energy Strategy Report, prepared by ama and dated 28 September 2019.

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

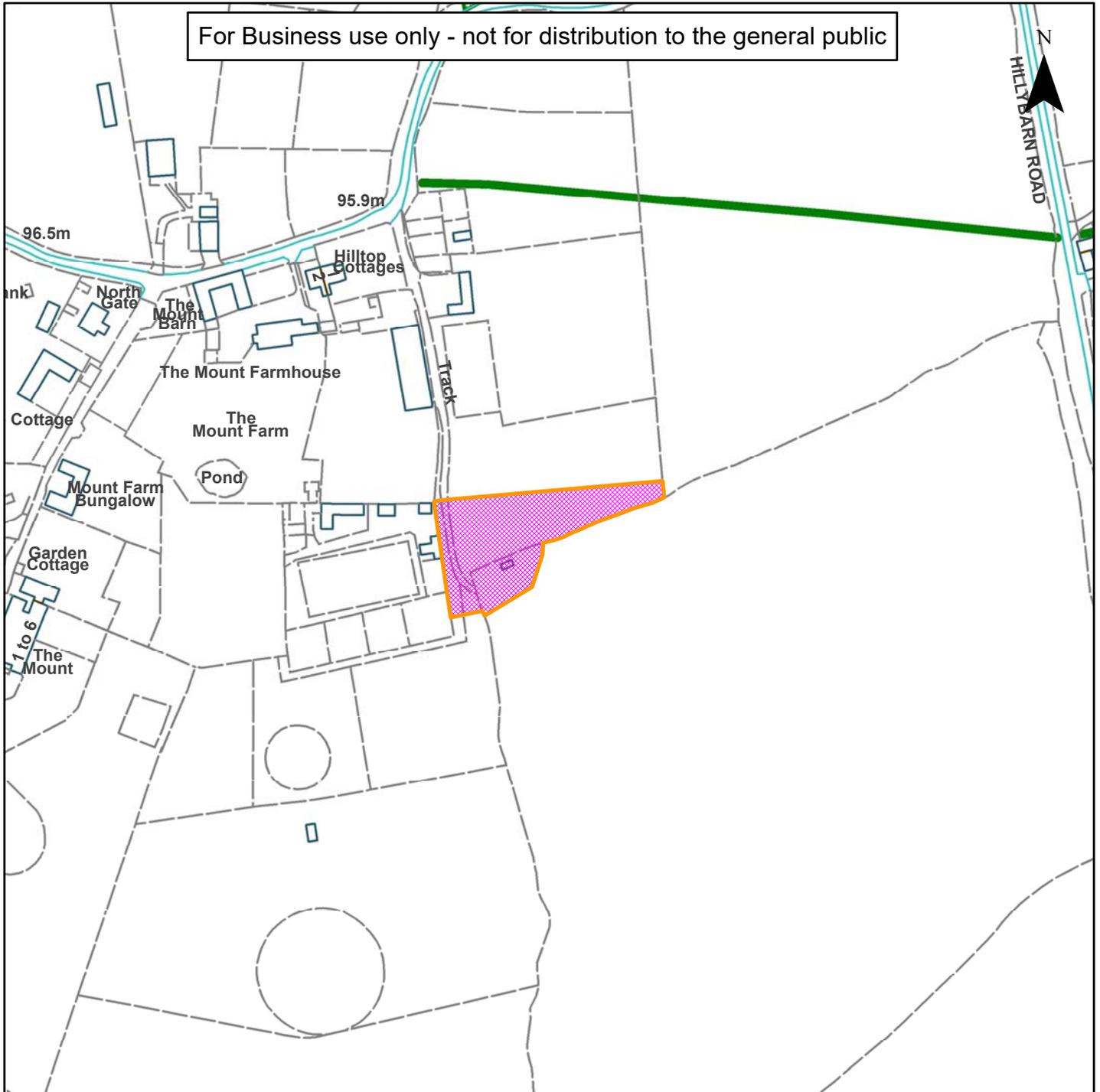
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The Mount, Ifield

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