



Email: [committeeservices@horsham.gov.uk](mailto:committeeservices@horsham.gov.uk)  
Direct line: 01403 215465

# Planning Committee (North)

Tuesday, 6th August, 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.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 12
<p>To approve as correct the minutes of the meeting held on 2 July 2019  <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> 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. <b>Declarations of Members' Interests</b>	
<p>To receive any declarations of interest from Members of the Committee</p>	
4. <b>Announcements</b>	

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/18/2687 - Former Novartis Site, Parsonage Road, Horsham** 17 - 54  
Ward: Holbrook East  
Applicant: West Sussex County Council
7. **DC/18/0363 - Deerswood, Southwater Street, Southwater** 55 - 68  
Ward: Southwater North  
Applicant: Mr Scott Andrews
8. **DC/18/0464 - Stags Leap, Southwater Street, Southwater** 69 - 82  
Ward: Southwater North  
Applicant: Mr Gaius Owen
9. **DC/19/0821 - Hunters Oak, Faygate Lane, Faygate** 83 - 92  
Ward: Colgate & Rusper  
Applicant: Mr Keith Luxford
10. **DC/19/0419 - Elenge Plat, Grouse Road, Colgate** 93 - 104  
Ward: Colgate & Rusper  
Applicant: Mr F Varela
11. **DC/19/0741 - Willow Cottage, 21A Cedar Close, Horsham** 105 - 112  
Ward: Trafalgar  
Applicant: Mrs Elaine Yeowe
12. **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

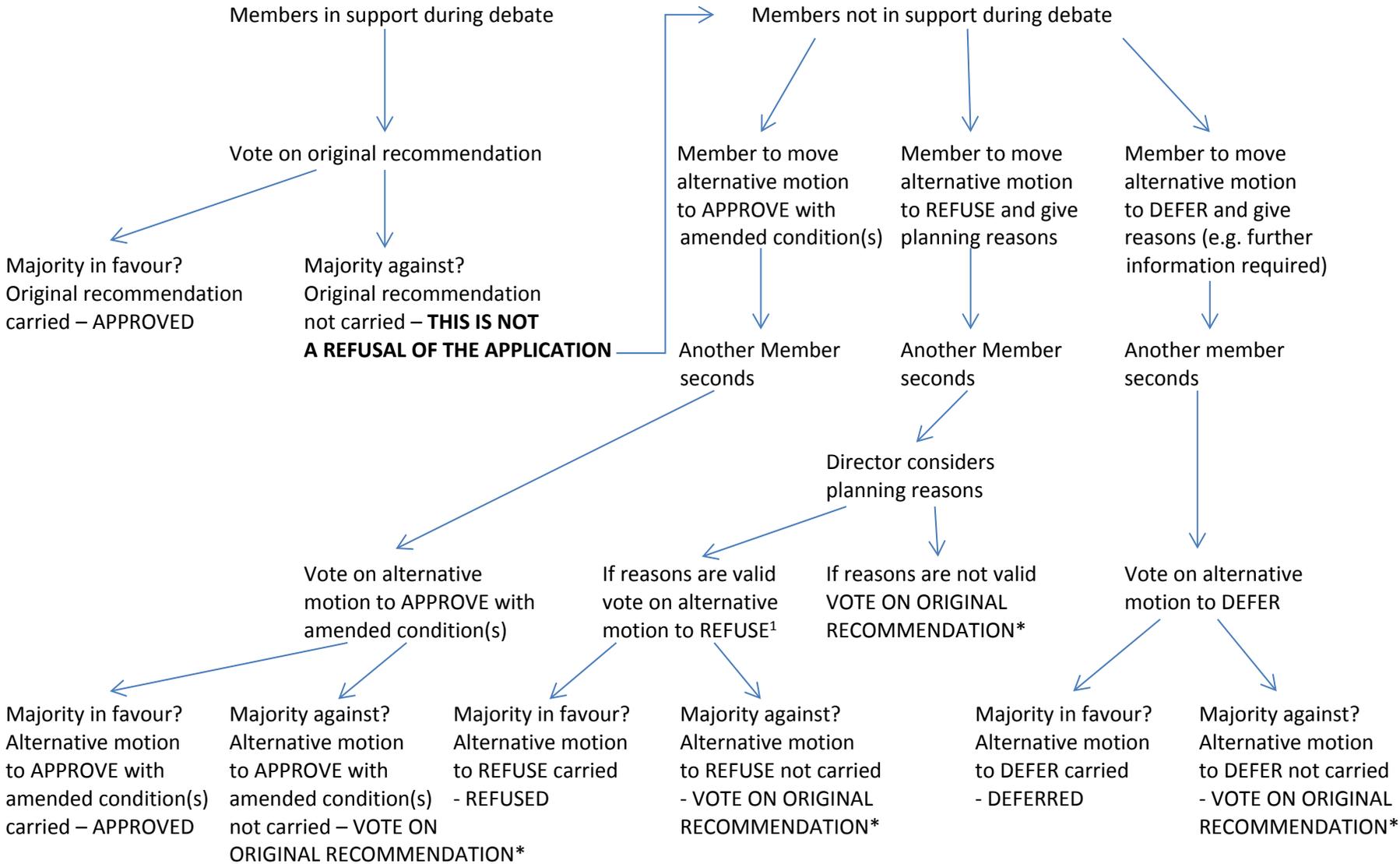
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

**Original recommendation to APPROVE application**



\*Or further alternative motion moved and procedure repeated

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

**Original recommendation to REFUSE application**



\*Or further alternative motion moved and procedure repeated

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

**Planning Committee (North)**  
**2 JULY 2019**

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

Apologies: Councillors: Andrew Baldwin, Christine Costin and Ian Stannard

Absent: Councillors: Alan Britten

PCN/12 **MINUTES**

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

PCN/13 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/19/0646 and DC/19/0647 – Councillor Claire Vickers declared a personal interest because she knows one of the objectors.

PCN/14 **ANNOUNCEMENTS**

There were no announcements.

PCN/15 **APPEALS**

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

PCN/16 **DC/19/0646 - HORSHAM COFFEE ROASTER, UNIT 14A CHURCH LANE ESTATE, CHURCH LANE, PLUMMERS PLAIN**

The Head of Development reported that this application sought permission for two single storey industrial buildings to replace two existing ones, which would be demolished. Building A would be in the northwest corner of the site and comprise three units. Building B, to the southwest, would comprise nine units.

Since publication of the report, the applicant had submitted proposed parking plans at the request of the Planning Department. These were shown to the Committee as part of the presentation.

At committee, Members were made aware that the last permission for this site dated back to 1990. Committee were advised that the only relevant permission was LB/22/90. There were no current permissions for the site as the uses that did not comply with the permission had become lawful through time, so the conditions imposed back in 1990 were not effective, and therefore the proposed conditions would be an improvement on the amenity of adjacent properties.

The application site was part of an established industrial estate located outside the built-up area to the east of Church Lane, surrounded by open countryside with sporadic development. Two dwellings within the industrial estate were immediately north of the application site.

The Parish Council objected to the application. Fourteen representations, from nine households, objecting to the application had been received. Since publication of the report additional representations had been received objecting on the grounds of a lack of clarity on the existing uses and planning history and the proposed hours of use. Two members of the public spoke in objection to the application. The applicant and the applicant's agent addressed the Committee in support of the proposal.

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

Members discussed the scale of the replacement buildings, and noted that their footprint was no larger than the existing buildings. It was agreed that delivery times should be further restricted on Saturdays to mitigate the impact on the neighbouring dwellings. There had been no objection from the Highway Authority and Members concluded that the impact on the neighbouring dwellings would not be materially different to the existing use.

At the meeting, members expressed concerns regarding the Saturday working proposed for 5pm. To protect residential amenity, it was resolved to approve the application in accordance with Officer recommendation, subject to amendments to conditions 13 and 14 so that Saturday hours of working and delivery times are restricted to between 07:00 and 13:00 (condition 13) and 09:00 and 13:00 (condition 14).

#### RESOLVED

That planning application DC/19/0646 be granted subject to the conditions as reported, with an amendment to Conditions 13 and 14 so that Saturday delivery times and opening hours are restricted to between 07:00 / 9.00 and 13:00.

PCN/17 **DC/19/0647 - FIRST CHOICE SERVICES LTD, UNIT 10, CHURCH LANE ESTATE, CHURCH LANE, PLUMMERS PLAIN**

The Head of Development reported that this application sought permission for two single storey industrial buildings to replace two existing ones, which would be demolished. Building C would be in the southeast corner of the site and comprise six units. Building D, to the northeast, would comprise four units.

The application site was part of an established industrial estate located outside the built-up area to the east of Church Lane, surrounded by open countryside with sporadic development. Two dwellings within the industrial estate were immediately north of the application site.

Since publication of the report, the applicant had submitted proposed parking plans at the request of the Planning Department. These were shown to the committee as part of the presentation.

At committee, Members were made aware that the last permission for this site dated back to 1990. Committee were advised that the only relevant permission was LB/22/90. There were no current permissions for the site as the uses that did not comply with the permission had become lawful through time, so the conditions imposed back in 1990 were not effective, and therefore the proposed conditions would be an improvement on the amenity of adjacent properties.

The Parish Council objected to the application. Fourteen representations, from nine households, objecting to the application had been received. Since publication of the report additional representations had been received objecting on the grounds of a lack of clarity on the existing uses and planning history and the proposed hours of use. One member of the public spoke in objection to this application. The applicant and the applicant's agent addressed the Committee in support of the proposal.

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

Members noted that the buildings to be replaced were in poor repair and discussed the scale of the replacement buildings, and noted that their footprint was no larger than the existing buildings. It was agreed that delivery times should be further restricted on Saturdays to mitigate the impact on the neighbouring dwellings. There had been no objection from the Highway Authority and Members concluded that the impact on the neighbouring dwellings would not be materially different to the existing use.

At the meeting, members expressed concerns regarding the Saturday working proposed for 5pm. To protect residential amenity, it was resolved to approve the application in accordance with Officer recommendation, subject to amendments

to conditions 13 and 14 so that Saturday hours of working and delivery times are restricted to between 07:00 and 13:00 (condition 13) and 09:00 and 13:00 (condition 14).

In response to concerns that the signage at the entrance to the site obscured the view for emerging traffic and needed updating, it was agreed that an Informative requesting the signage be improved would be submitted to the applicant.

RESOLVED

That planning application DC/19/0647 be granted subject to the conditions as reported, with an amendment to Conditions 13 and 14 so that Saturday delivery times and opening hours are restricted to between 07:00 / 9.00 and 13:00.

PCN/18 **DC/19/0095 - LITTLE CLOVERS FARM, CRAWLEY ROAD, FAYGATE**

The Head of Development reported that this application sought permission for the erection of a petrol filling station with four pump islands, a convenience store, landscaping and planting. There would be two vehicular access points to provide an entrance and exit. Twenty-three parking spaces and two disabled bays, and seven electric vehicle charging bays were proposed, as described in paragraph 1.3 of the report (not a total of 36 as incorrectly stated at the beginning of the report).

The application site was in the countryside adjacent to the A264 and was a roughly triangular field and an area of highway embankment. The site was adjacent to the High Weald Area of Outstanding Natural Beauty (AONB) and within the Low Weald National Character Area as defined by Natural England.

The Parish Council had raised concerns regarding the application. Fifteen representations objecting to the proposal had been received, including two received after publication of the report. There had also been 14 representations in support of the proposal, including eight letters received after publication of the report. Two members of the public spoke in objection to the application and one member of the public spoke in support of it. The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; impact on neighbouring amenity; impact on the High Weald Area of Outstanding Natural Beauty; ecology; and highways considerations.

Members considered whether the application had overcome the reasons for refusal of DC/14/2071. They concluded that the proposal would bring economic and community benefit with no significant harm to the countryside location. Members discussed the proposal's potential impact on the operation of the

highway network and, in the light of their concerns, it was agreed that there should be further consultation with the Highway Authority.

RESOLVED

That planning application DC/19/0095 be delegated to the Head of Development minded for approval in consultation with local Members, subject to further consultation with the Highway Authority and consideration of any comments they may have to ensure that the highways impact has been thoroughly considered.

PCN/19 **DC/18/2215 - THE MOUNT, IFIELD**

The Head of Development reported that this application sought permission for the erection of a detached dwelling and detached garage with landscaping. The proposal had been submitted as being of exceptional quality and outstanding design, under paragraph 79 of the National Planning Policy Framework (NPPF). The dwelling's form followed the line of a hedgerow and would be constructed from brick at ground floor levels with upper floors dominated by thatched panels.

The application site was located in the countryside south of The Mount, a small residential development surrounded by open countryside, which included equestrian and commercial activities, including a kennels.

Since publication of the report an additional representation had been received from the adjacent bulldog kennels objecting on the grounds that construction works to build the dwelling would have a harmful effect on the health and wellbeing of the dogs. Members were advised that it would be difficult to substantiate a reason for refusal for the impact of construction works on the dog kennels. However, to reduce the extent of the impact, an additional condition was recommended for a construction environmental management plan to be submitted for approval prior to the commencement of works. This would help mitigate the impact of the proposal on the adjacent kennels reducing noise, dust and vibration impacts.

The Parish Council objected to the application. Three representations objecting to the proposal had been received, as set out in the report. Two members of the public spoke in objection to the application and a representative of the Parish Council also spoke in objection to it. The applicant's agent addressed the Committee in support of the proposal.

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

Members discussed the design of the proposal and considered that it did not satisfy the requirements of paragraphs 79 and 131 of the NPPF and would strike a discordant note with the character of the surrounding landscape. Members were also concerned at the proximity of the kennels and concluded that there would be a detrimental impact on the amenity of future occupiers of the proposed house.

RESOLVED

That planning application DC/18/2215 be refused for the following reasons:

- 01 The proposal would introduce a new dwelling, which would represent an incongruous and prominent visual intrusion to the detriment of the landscape character of the site and wider surroundings. The site lies within a countryside location outside of any settlement boundary where new dwellinghouses are only permitted in exceptional circumstances, which this proposal fails to meet. The proposal is therefore contrary to Policies 1, 3, 4, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework (2019).
- 02 The proposal would introduce a new dwelling in close proximity to a neighbouring commercial kennels. The resulting relationship would lead to significant and harmful levels of noise and disturbance for future occupants of the dwelling, to the detriment of their residential amenity. The proposal is therefore contrary to policy 32 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework (2019).

*The meeting closed at 7.38 pm having commenced at 5.30 pm*

CHAIRMAN

## Planning Committee (NORTH)

Date: 6<sup>th</sup> August 2019

Report on Appeals: 20/6/19 – 24/7/19



### 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/18/2007	Waves Farm Kerves Lane Horsham West Sussex RH13 6RJ	21-Jun-19	Prior Approval Required and REFUSED	N/A
DC/19/0421	Melbury 34 Richmond Road Horsham West Sussex RH12 2EG	21-Jun-19	Application Refused	N/A
DC/18/2002	89-91 Corsletts Avenue Broadbridge Heath Horsham West Sussex RH12 3NY	26-Jun-19	Application Permitted	Application Refused
DC/18/1742	3 Chalice Walk High Street Rusper Horsham West Sussex RH12 4FA	01-Jul-19	Application Permitted	Application Refused
DC/18/1268	Christ's Hospital School The Avenue Christ's Hospital Horsham West Sussex RH13 0LJ	05-Jul-19	Application Permitted	Application Refused
DC/18/2588	Southover Springfield Lane Colgate RH12 4TA	07-Jul-19	Application Refused	N/A
DC/19/0041	Gardeners Cottage Hammerpond Road Horsham West Sussex RH13 6PJ	10-Jul-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/18/2294	Grouselands Woodland Lane Colgate Horsham West Sussex RH13 6HU	Written Representation	25-Jun-19	Application Refused	N/A
DC/18/2578	The Mead Micklepage Nuthurst Horsham RH13 6RG	Written Representation	02-Jul-19	Application Refused	N/A
DC/19/0260	Mill House Brooklands Farm Countryman Lane Shipleigh Horsham West Sussex RH13 8PR	Fast Track	04-Jul-19	Application Permitted	Application Refused
DC/19/0231	21 Spencers Road Horsham West Sussex RH12 2JQ	Written Representation	05-Jul-19	Application Refused	N/A
DC/18/2007	Waves Farm Kerves Lane Horsham West Sussex RH13 6RJ	Written Representation	10-Jul-19	Prior Approval Required and REFUSED	N/A
DC/18/2002	89-91 Corsletts Avenue Broadbridge Heath Horsham West Sussex RH12 3NY	Written Representation	15-Jul-19	Application Permitted	Application Refused

### 3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/17/1704	41 Pondtail Road Horsham West Sussex RH12 5HP	Written Representation	Appeal Allowed	Application Permitted	Application Refused
DC/18/0055	Enterprise House 80 Lambs Farm Road Horsham West Sussex RH12 4JH	Written Representation	Appeal Allowed	Application Permitted	Application Refused
DC/18/2099	35 Oakhill Road Horsham West Sussex RH13 5SD	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/17/2195	Copse Worthing Road Horsham West Sussex RH13 9AT	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/17/2835	Sports Horses International Ltd Stud Farm New Barn Farmhouse Capel Road Rusper Horsham West Sussex RH12 4PZ	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/17/2853	Waterland Chalet Guildford Road Slinfold Horsham West Sussex RH13 0QZ	Written Representation	Appeal Dismissed	Application Refused	N/A

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 6 August 2019

**DEVELOPMENT:** Outline planning application for the erection of up to 300 dwellings (C3) including the conversion of existing offices buildings 3 and 36) up to 25,000sqm of employment (B1) floorspaces and provision of 618sqm of flexible commercial/community space (A1 A2 A3 D1 Creche) use classes) within the ground floor of converted building 36. Improvements to existing pedestrian and vehicular accesses from Parsonage Road and Wimblehurst Road, new cycle and pedestrian accesses from Parsonage Road, together with associated parking and landscaping. All matters reserved except for access.

**SITE:** Former Novartis Site, Parsonage Road, Horsham, West Sussex

**WARD:** Holbrook East

**APPLICATION:** DC/18/2687

**APPLICANT:** **Name:** West Sussex County Council **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.

The proposal is classed as a departure from the Development Plan.

**RECOMMENDATION:** To approve outline planning permission subject to appropriate conditions and the completion of a legal agreement.

In the event that the legal agreement is not completed within three months of the decision of this committee, or other later date as agreed by the Head of Development, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

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

1.1 To consider the planning application.

## DESCRIPTION OF THE APPLICATION

- 1.2 Outline permission is sought for the development of the site for the erection of up to 300 dwellings and up to 25,000 sqm of employment (B1) floor space. The scheme includes the provision for 618 sqm of flexible commercial / community space (Classes A1, A2, A3 & D1) within the ground floor of the retained building on site (known as building 36). The proposal includes improvements to the pedestrian and vehicle accesses to the site from Parsonage Road and Wimblehurst Road. All matters are reserved except for means of access.
- 1.3 The proposal includes the retention of the two remaining central buildings on site, which are linked and appear as a single structure, but are known as Buildings 3 and 36. It is proposed to convert these buildings to approximately 123 residential units. The proposal indicates the potential for 2 additional floors to be added to these buildings. The ground floor of Building 36 will provide a flexible commercial floor space area for the businesses within Classes A1 (retail), A2 (professional services), A3 (food and drink) and D1 (crèche).
- 1.4 The area to the west of the retained buildings is proposed for approximately 177 dwellings (a total of up to 300 dwellings, when including the conversion of existing buildings). The indicative plans detail that the remaining dwellings would mainly be provided in the form of blocks of flats up to 3 and 4 storeys in height, with some also provided as houses. The parameter plans and indicative master plan show the retention of the main driveway leading up to the retained central buildings from Wimblehurst Road. The plans also show the retention of the existing Cedar trees which line the driveway, supplemented by new Cedar trees where there are currently gaps. The Cedar trees along the driveway are covered by a Tree Preservation Order. The proposal indicates the demolition of the two gateway buildings located at the entrance from Wimblehurst Road.
- 1.5 The remaining two thirds of the site located to the east of the central buildings is proposed for up to 25,000 sqm of employment floor space. The indicative master plan shows the employment zone comprising 10-15 separate buildings, up to 4 and 5 storeys tall. The use of the employment buildings would be under Class B1 (research and development, light industry and offices). Two large multi-storey parking courts are included to the east and south east of the site. The plans indicate that up to 872 parking spaces could be provided for the employment area. This includes parking areas around the buildings.
- 1.6 The indicative plans indicate availability for up to 308 residential parking spaces. For the residential units, this equates to approximately 1 allocated space per dwelling unit. The proposal indicates a high density for the residential units. Zone A adjacent to Wimblehurst Road is shown as an area of up to 65dph. Zone B is in a central area, adjacent the employment zone, and includes the retained buildings to be converted. This area is proposed to have a density of up to 105dph. The majority of units proposed are indicated as 1 or 2 bedroom flats.
- 1.7 The proposal includes a locally equipped area of play within a dedicated open space to the north east corner of the site fronting Parsonage Road. A further local area of unequipped play is proposed to the north west of the site within the residential zone. The scheme also includes the retention of the mature trees around the boundaries of the site. Most notably, the trees fronting Parsonage Road are to be retained along with the protected TPO cedar trees along the driveway.
- 1.8 The proposal utilises the existing accesses to the site from Wimblehurst Road and Parsonage Road. The parameter plans indicate that there will be no vehicular access through the site between the two entrance and exit points. The access from Wimblehurst Road will serve the residential units and the access from Parsonage Road will serve the employment units. The scheme includes a new right turn into the Parsonage Road entrance and an increased carriageway to the Wimblehurst Road entrance. The proposal includes the following off-site improvements:

- 2m wide pedestrian footway to the north of the site on Parsonage Road. Land also reserved on Parsonage Road to widen this to 3m at a later stage, if required.
- Installation of tactile paving at the existing crossing points at the junction of Wimblehurst Road and Parsonage Road.
- Relocation of existing signalised crossing on Parsonage Road.
- Contribution of £10,000 to the improvement of bus waiting facilities (real time information) on North Heath Lane, past Blenheim Road.
- Contribution of £20,000 towards cycle signage and traffic regulation orders between the site and Horsham train station.

1.9 The following documents have been submitted in support of the proposal:

- Design and Access Statement
- Flood Risk Assessment
- Drainage Strategy
- Phase 1 Geo-environmental Site Assessment
- Archaeology Assessment
- Structural Survey
- Heritage Report
- Utilities Survey Report
- Air Quality Technical Note
- Noise and Vibrations Assessment
- Statement of Community Involvement
- Transport Assessment and Travel Plan
- Ecological Appraisal
- Financial Viability Report
- Parameter Plans: Land Use, Density, Buildings Height, Landscape and Movement

## DESCRIPTION OF THE SITE

- 1.10 The site is located within the built-up area of Horsham Town to the south of Parsonage Road and east of Wimblehurst Road. The site is basically triangular in shape, bounded to the south and west by railway lines. The site is approximately 7.5 hectares in size and was formerly used by Novartis Pharmaceuticals for offices and medical research. The site was in operation from the late 1930s and Novartis ceased operation in 2014. When in operation, the site comprised several large buildings with its main access from Wimblehurst Road. The majority of buildings have now been demolished on site. The site was purchased by WSCC in December 2016.
- 1.11 The central buildings (Buildings 3 and 36) and the two gate house buildings fronting Wimblehurst Road remain on site. Building 3 dates from 1939 and is included in Horsham's list of Locally Important Historic Buildings. The building is considered of merit due to its art deco appearance with a large clock tower facing east. Building 36 is a more modern building attached to Building 3. Between the two buildings is a courtyard area. These buildings are currently vacant and were formerly used as offices. The site is secured by fencing to the north and west boundaries. In terms of topography, notably, the eastern section is set at a lower land level than Parsonage Road and the railway line.
- 1.12 The main driveway leading up to the central buildings includes 9 mature cedar trees. These trees are covered by a Tree Preservation Order. The site also includes a line of mature trees along the northern boundary of various species. The main entrance to the site also includes several trees and bushes adjacent to the two gatehouse buildings. The main access to the Novartis site was from Wimblehurst Road with an additional access from Parsonage Road. There is a further access on Parsonage Road near to the railway crossing. These accesses are still in place. A substation is located to the north western part of the site adjacent to Parsonage Road. The substation is outside of the application site.

- 1.13 Directly to the north of the site, permission has been granted for the construction of 160 dwellings by Linden Homes on an area of land that was formerly the car park and sports pitches for the Novartis site. Works are well underway on site and a number of houses and flats are now occupied. A pedestrian crossing is in place on Parsonage Road adjacent to the Linden Homes site. The site is also nearby to a railway crossing on Parsonage Road.
- 1.14 To the west of the main Novartis site there are existing houses and flats which face the site off North Heath Lane and Wimblehurst Road. Horsham (Richmond Road) Conservation Area lies south of the site, over the railway lines. The nearest listed building is a signal box located adjacent to the railway lines to the south of the site. To the east, over the railway lines, there are a number of commercial buildings off Foundry Lane. Horsham Train Station is located to the south of the site and is a 15 minute walk away. Horsham Town Centre is about a 25 minute walk from the site.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 5 – Horsham Town
- Policy 7 - Strategic Policy: Economic Growth
- Policy 8 – Strategic Allocation: University Quarter Mixed Use Development
- Policy 9 - Employment Development
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Community Facilities, Leisure and Recreation

#### Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD 2017  
Horsham Town Design Statement 2008

## RELEVANT NEIGHBOURHOOD PLAN

North Horsham Parish formally withdrew its Neighbourhood Plan Area in September 2018.

## PLANNING HISTORY AND RELEVANT APPLICATIONS

The site has an extensive planning history for its use by Novartis dating back to the 1950s. The last planning permissions for the site were in 2014 and 2016. These were for the demolition of buildings on site.

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Ecology Consultants**: No objection subject to conditions.
- 3.3 **HDC Landscape Officer**: No objection subject to amendments to secure the successful delivery of the reserved matters applications.
- 3.4 **HDC Drainage Officer**: No objection.
- 3.5 **HDC Conservation Officer**: No objection in principle. Building 3 is recognised as a heritage asset of local interest. The principle of its retention and reuse is supported. It is expected that the conversion to residential use will respect the architectural and historic interest of the building, externally and internally. The lodges and entrance piers are not of the same quality but do have some merit. Any replacement of the lodge buildings would need to reinforce the appreciation of the intended arrival of the site. It is important that the avenue leading up to the retained central buildings is reinforced with replacement trees. The impact on the adjacent Conservation Area and nearby listed buildings is negligible.
- 3.6 **HDC Parks and Countryside Officer**: No objection subject to no play area under the cedar trees.
- 3.7 **HDC Arboricultural Officer**: No objection in principle. Consideration needs to be given as to whether the retained Blue Atlas cedars trees need to be retained and the need to be trimmed back.
- 3.8 **HDC Environmental Health**: No objection in principle:
- Conditions are recommended to ensure that potential contamination arising from the former use of the site is thoroughly assessed.
  - Conditions are recommended to ensure that potential noise impacts are assessed and mitigated.
  - Conditions are recommended regarding hours of use, lighting, deliveries and the management of car parking areas.
- 3.9 **HDC Economic Development**: Support. The proximity of the site to the town centre and railway station makes this an attractive proposition for B1 floor space, which will address the loss of floor space in the town centre. The proposal also provides a range of commercial units, including the welcome addition of an Innovation Centre.

## OUTSIDE AGENCIES

- 3.10 **WSCC Highways**: Comment: Some aspects remain to be confirmed, as detailed below in WSCC response of 5 July 2019. These aside, based on the additional information, conditions are recommended for approval.

Initial comments received 29<sup>th</sup> January. Additional comments were also received on 8<sup>th</sup> May and 5<sup>th</sup> July 2019 in response to further details:

29<sup>th</sup> January 2019: More information and amendments required including the following:

- It needs to be demonstrated that a right turn lane into Parsonage Road is required.
- Access width for the Wimblehurst Road needs to be reduced.
- Amendments required to model outputs and trip generation calculations.
- Stage One Road Safety Audits and a Travel Plan are required.
- The TA includes details of a potential improvement scheme, comprising traffic signals at Parsonage Road / Wimblehurst Road. However, it is not proposed for the development to implement this scheme. As the residential uses are CIL liable, the preferred approach is for WSCC to bid for the full cost of the scheme. This approach introduces uncertainty.
- Tactile paving to be installed at the site accesses and at the existing crossing points at the North Heath Lane / Parsonage Road mini-roundabout.
- It is recommended that a scheme of pedestrian improvements is investigated.

8<sup>th</sup> May 2019: More information and amendments required including the following:

- Through the Transport Assessment Addendum, the applicant has addressed the applicant has mostly addressed those matters previously raised by WSCC Highways.
- The retention of Wimblehurst Road Access width and the proposed right turn lane from Parsonage Road have been justified.
- The correct outputs have been submitted for junction modelling for the two accesses to the site. It is accepted that these junctions would work well within capacity.
- The applicant has submitted appropriate measures for access by sustainable means.
- The applicant has added a new aspect into the mitigation in the form of the Zebra crossings. Based on the information submitted, these haven't been suitably assessed. If the applicant is seeking to take these forward, further information would be required including a Stage One Safety Audit.
- Amendments are required to the submitted Travel Plan.

5<sup>th</sup> July 2019: Some aspects remain to be confirmed. These aside, based on the additional information, conditions are recommended for approval.

- There were three main outstanding aspects from the comments made by WSCC on the 8<sup>th</sup> May regarding the safety audit, travel plan and the proposed Zebra crossings.
- A revised safety audit has been undertaken for the North Heath Lane / Parsonage Road / Wimblehurst Road junction without the signalisation (as this is not to be delivered as part of this scheme). The scope of the audit is correct. However, the audit includes an error.
- The revised Travel Plan has addressed the points raised but includes an error.
- The applicant is no longer pursuing the proposed Zebra crossings. It would consequently be unnecessary to require the safety audit to be updated as this is being superseded by an alternative arrangement (this being a Puffin or push button type crossing that gives pedestrians priority over traffic) that will need to be further investigated and subject to a separate safety audit. This type of arrangement is more suited to the traffic conditions.
- An indicative location has been presented for the crossing on Wimblehurst Road approximately 40 metres south of the existing site access. Although no design has been drawn up, there wouldn't appear to be any particular constraints to providing a crossing in this location. The main concern would not necessarily be in connection

with the principle or design, but more as to whether there is a need for a crossing in this location as a consequence of the development, which in turn aside from the on-going maintenance liability to WSCC, lightly used crossings can have safety concerns. The crossing is some distance south of the Wimblehurst Road access with there being no obvious desire lines for pedestrians to cross at this point.

3.11 **WSCC Flood Risk Management**: No objection subject to conditions.

3.12 **Peter Brett Associates - Transport Consultants**: Comment.

Final summary comment 24 July 2019:

Our review of the Transport Assessment and supporting evidence has flagged up a number of issues with the work that was produced to support the planning application. These are summarised in our notes 001 and 002 completed in May and July respectively.

Despite our concerns, we do not believe there is grounds for refusal based on lack of sustainable transport or unacceptable impact on highway safety (paragraphs 108 and 109 of the NPPF).

However, we do recommend pre commencement planning conditions are in place to allow the applicant to demonstrate a suitable pedestrian/cycle improvement scheme is achievable and to demonstrate that the tactile paving provision at the existing Wimblehurst Road junction provides safe and suitable access to the development

Previous comments:

Initial comments received 23<sup>rd</sup> May 2019. Additional comments received in response to further Addendum on 11<sup>th</sup> July 2019.

23<sup>rd</sup> May 2019: Amendments and clarification required.

- Elements of the trip rates used are incorrect. The TRICS database has been derived from incorrect data.
- The impact and / or mitigation to the bus service has not been considered, nor any wider pedestrian and cycle connectivity requirements,
- A test incorporating the extant office permission into the baseline traffic flows has not been undertaken.
- The Land North of Horsham has not been included in the assessment to check that the proposed development can be accommodated in combination with other committed developments in the future years, and that the mitigation is adequate with this development in the baseline.
- No assessment has been undertaken to test the development impact on the proposed schemes at A24/Warnham Road/Robin Hood Lane roundabout and the A264/Rusper Road roundabout.
- No mitigation is proposed for Hurst Road/North Parade/Wimblehurst Road junction although this is proposed within the TA to be covered by the CIL contribution. The feasibility of any improvements this funding could deliver has not been undertaken.
- The proposed interim scheme to deliver two zebra crossings at the North Heath Lane/Parsonage Road/Wimblehurst Road has not been subject to a RSA1.
- The interim scheme at the North Heath Lane/Parsonage Road/Wimblehurst Road does not mitigate the impact of the development at this junction. No mitigation has been proposed to reduce the future queues at this junction associated with the development.
- Amendments are required to the Travel Plan.

11<sup>th</sup> July 2019: The comments of PBA have not been fully addressed.

- The addendum states that the trip rate calculations and TRICS databases uses were agreed with WSCC. PBA do not agree.

- No liaison with bus operators has been carried out to understand bus capacity or any potential improvements to make public transport a realistic travel choice. PBA states that with the promotion of sustainable travel and shift to public transport, liaison with the relevant bus operators should be considered.
- Whilst the development is providing a contribution of £20,000 to improve on-road cycling between the site and rail station, there has been no drawings/evidence as to what the scheme would comprise of and if a £20,000 budget would be a sufficient amount to provide an attractive and beneficial scheme.
- No assessment has been undertaken to test the development impact on the proposed schemes at A24/Warnham Road/Robin Hood Lane roundabout and the A264/Rusper Road roundabout. The level of traffic generated from the site using these two junctions was not seen as severe with marginal increases. In view of this, PBA agree with HCC approach to not carry out junction modelling on the two junctions.
- There have been no discussions regarding the feasibility of improvements at the junction of Hurst Road/North Parade/Wimblehurst Road.
- The exclusion of the zebra crossing proposals limits the sites mitigation works to minor crossing improvements, including the provision of tactile paving, at the existing crossing points. There is no evidence whether this is acceptable on safety grounds, with the increase in demand to cross the road arising from the development.
- No mitigation is proposed to reduce future queues at the junction of North Heath Lane/Parsonage Road/Wimblehurst Road.
- The Travel Plan still contains errors.
- In summary, the response limited further evidence to demonstrate:
  - that opportunities to promote sustainable transport modes have been taken up;
  - whether the improved on-road cycle to the station is feasible and achievable; or
  - whether the installation of tactile paving would provide safe and suitable access to the development.

3.13 **Southern Water**: No objection subject to conditions.

3.14 **Health and Safety Executive**: No objection.

3.15 **Sussex Police**: No objection in relation to crime prevention. Concerns are raised regarding highway safety.

3.16 **Environment Agency**: No comment.

3.17 **Horsham and Mid Sussex Clinical Commissioning Group**: No objection subject to future CIL funding for NHS capital infrastructure.

3.18 **Gatwick Airport**: No objection subject to a condition regarding details of landscaping.

3.19 **Network Rail**: No comments received.

#### PUBLIC CONSULTATIONS

3.20 **North Horsham Parish**: Comment. The following concerns are raised:

- WSCC Highways remains concerned that there perceived shortcomings relating to pedestrian crossings and other safety audit issues. It is considered vital that these are resolved.
- The Parish remains concerned that the Wimblehurst Road / Parsonage Road / North Heath Lane junction proposals are acceptable. The cumulative impact of the North Horsham development has not been fully assessed, along with the wider growth in traffic consequent upon developments in the Horsham area.
- Whilst it is acknowledged that the cost of installing a footbridge over the railway line was significant, the long term benefits of improving connectivity, reducing traffic and

encouraging more people to walk far outweigh the original outlay. The Parish would like to see this being actively pursued.

- No direct presentation was made to the Parish prior to the submission of the planning application.

3.21 **Denne Neighbourhood Council (adjacent to the site):** Comment.

- There is no solution to the traffic problems this proposal raises. The Council considers that the Wimblehurst Road entrance is potentially hazardous and will add many traffic movements close to an already difficult junction with North Heath Lane and Parsonage Road. Consideration should be given to scoping residential access from Parsonage Road.
- It is critical that a solution is found to the traffic tailback at the Wimblehurst Road / Parsonage Road / North Heath Lane junction. The proposed ghost lanes to access the residential and commercial areas will not solve the build-up of traffic at the mini roundabout.
- It is extremely difficult for pedestrians to negotiate the Wimblehurst / Parsonage Road / North Heath Lane junctions safely with the current level of traffic and this will be made more difficult if the development goes ahead. The wide bell mouth around the Wimblehurst Road access is difficult to cross for pedestrians. There are also implications with the introduction of zebra crossings which has not been fully considered. WSCC should further investigate a proposal for a footbridge over the railway line.
- It is noted that the Travel Plan is only valid for 7 years.
- The density proposed is extremely high and the streets may appear overcrowded.
- The parking provision seems inadequate for the number of residences and staff proposed.

3.22 **Forest Neighbourhood Council (adjacent to the site):** Comment.

- This is an ideal opportunity to create a new high quality bicycle corridor through the site to be incorporated into a wider cycleway. This would require a new subway crossing under the railway line.
- There is concern that the vehicle access onto Wimblehurst Road will have a very detrimental effect on local residents.
- There needs to be adequate steps for sufficient parking on site to alleviate possible parking on adjacent roads.
- 35% affordable housing is welcomed.
- Some parts of the commercial area should be for start-up businesses.

3.23 **Wimblehurst Road Residents Group:** Objection on the following grounds:

- There are inadequacies and failings of the Road Safety Audit Stage 1 and Transport Assessment for the site.
- The proposed management of the Wimblehurst Road / North Heath / Lane Parsonage Road junction (Junction C) will create traffic queuing and highway safety issues.
- Over development of the residential area.
- Over development of the business park area.
- Lack of adequate parking provision on site.
- The proposal will adversely impact on air quality caused by the vastly increased traffic caused by vehicles accessing the site causing substantial, and increasing, major traffic queues in roads and junctions in the surrounding locality.
- The lack of infrastructure to support the development as currently proposed.
- The objection raised to this scheme have not been addressed in the amendments submitted.
- It is noted that no mitigation is proposed in relation to the Parsonage Road / Wimblehurst Road / North Heath Lane junction (Junction C) in the amendments.
- The figures given for the traffic impact of the Land North of Horsham are contested.

- The contents of the Travel Plan are contested.
- Concern is raised regarding flooding.
- The residents group has submitted their transport assessment which have been reviewed by WSCC Highways.
- It is accepted that the Novartis site will be developed but what is currently proposed is not appropriate. The Group would support WSCC and HDC bringing together a range of stakeholders representing the community to work on a collectively mutually acceptable scheme.

3.24 **WSCC Councillor Peter Catchpole:** Comment. Concerns are raised regarding the impact this proposal will have on traffic volumes. The proposal to manage traffic at the North Heath Lane / Wimblehurst Road / Parsonage Road junction with a traffic light system will create considerable traffic queuing. The proposed main access to the residential area from Wimblehurst Road would add to the considerable congestion and cause safety issue.

3.25 **Horsham District Cycle Forum:** Objection. Insufficient weight has been given to the NPPF paragraph 110 in relation to giving priority first to pedestrian and cycle movements.

3.26 **The Horsham Society:** Objection. Connectivity with the town has not been considered and the traffic surveys carried out are inadequate. Consideration should also be given to replace the landmark gatehouse buildings and replace the missing Cedar trees.

3.27 **60** representations have been received objecting to the application on the following grounds:

- Traffic issues in this area are already immense especially since the development of the Novartis car park. Concern is raised that extra traffic from the development will put pressure on the already stressed local road network. The Transport Assessment fails to take into account or comment on a significant number of factors. This includes the effects of the future North Horsham development, the impact on bus routes, significant tailbacks and delays, the assessment of all adjacent roads has not been undertaken, the lack of pedestrian access and the impact on the ability of residents to access and exit adjacent roads. The proposal is contrary to the NPPF which states that any development should not decrease road safety or have a severe cumulative impact on the road network.
- The Road Safety Audit is inaccurate and misleading.
- 300 dwellings is an overdevelopment of the site.
- The Wimblehurst Road junction should be maintained for pedestrians and bicycles only.
- Objection is raised to loss of small grass strip and possible loss of trees on Parsonage Road to allow the increase in the width of the road.
- The proposal should seek to encourage public transport connections between the station and the site, with a new footbridge.
- The proposal results in a significant increase of staff on site, when compared to the original used by Novartis. The substantial increase in the use of the site will have a detrimental impact on air quality, noise and amenity values.
- The proposal should include new tree planting along the highway.
- The proposal does not include sufficient on-site parking.
- None of the feedback given by the public during the two WSCC public consultations have been incorporated into the submitted plans.
- Concern is raised to the possible traffic lights at the Wimblehurst Road / Parsonage Road junction and the delays this could cause.
- The proposal is contrary to the HDPF policy which requires the site to be used solely for employment, in the event the higher education falls through.
- There is insufficient outside space proposed given the level of density.
- No comments have been received from Network Rail regarding the impact on the level crossing.

- Concern is raised regarding water run off to ensure that there is no adverse impact on adjacent properties.
- More work is needed to ensure the proposal is appropriate in terms of its ecological impact.
- The site is perfectly placed to provide community uses, such as schools, doctors and dentists.
- The proposal offers nothing for local residents.
- The gatehouse features on the entrance to the site should be retained.
- Concern is raised to the scale of development and its impact on the privacy of adjacent residents.
- The proposal will have a detrimental impact on the adjacent conservation area.

3.28 **2** representations of support have been received:

- This is a very important regeneration opportunity for Horsham that will have significant social and economic benefits for the town.

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

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

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

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

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

6.1 The main issues for the Local Planning Authority to consider in the determination of this application for Outline planning permission are as follows:

- The acceptability of the principle of the proposed development for the uses proposed.
- The impact on the character and visual amenity of the locality.
- Whether safe vehicular and pedestrian access can be provided to the site and the impact of the development on highway and pedestrian safety.
- Dwelling type and tenure mix.
- The impact on the amenity of neighbouring occupiers.
- Whether the development can be delivered without harming the interests of heritage, nature conservation, flooding, land contamination and archaeology.

##### Principle of Development

6.2 This site is allocated for development under Policy 8 of the Horsham District Planning Framework (2015). The policy states that the land at the former pharmaceutical research development and manufacturing site bounded by Wimblehurst Road and Parsonage Road and the railway lines is allocated for re-use as comprehensive mixed use strategic development for a higher education facility including supporting facilities, complementary employment uses and associated infrastructure. Policy 2 (Strategic Development) also states that one of the aims of the spatial strategy is to bring forward a strategic mixed opportunity at the former Novartis site for employment, education and specialist housing.

6.3 Policy 8 states that the redevelopment of the site shall principally be for education and research, with onsite residential accommodation for students. In terms of design, any future development should reflect the previous use of the site as a research centre. The historic buildings on site, which reflect the local community's past industrial heritage, shall be a focal point of the development by retaining the key Art Deco buildings as a design feature. The

design shall take particular account of public views, primarily from Wimblehurst Road and seek to enhance the Parsonage Road frontage.

- 6.4 The policy ends by stating that if the site is not developed for higher education use by 2021, the future redevelopment of the site can be provided by other uses in a sequential test with a combined training and employment use first and employment use solely secondly.
- 6.5 In the Local Plan, the former Novartis site is seen as an opportunity for integrated education and research opportunities. At the time the local plan was being produced, it was understood that the University of Brighton were interested in the site for a new campus, hence its primary allocation for a higher education use. Regrettably, in 2015 the University of Brighton formally stated that it has had to withdraw plans to open a Horsham campus as it was unsuccessful in a funding bid. An application for funding was submitted by the university, with support from the Coast to Capital Local Economic Partnership, local businesses and Horsham District Council. The outcome of the Regional Growth Fund round was announced by the then coalition government and, unfortunately, the university's application was not successful.
- 6.6 The policy states in paragraph 15 that, in the event that that the site is not developed for a higher education use by 2021 the site can be redeveloped for other uses in a sequential test with a combined training and employment use first and employment use solely second. The proposed development includes 25,000sqm of B1 employment use but also up to 300 residential dwellings. The inclusion of residential dwellings on this site is not provided for in the Policy 8 sequential test therefore the proposals run contrary to Policy 8. Consequently, the proposal is considered a departure from the Local Plan.
- 6.7 To address the requirements of Policy 8, the applicant has stated that they have considered various options for the site, including seeking to deliver a 100% commercial scheme. A 100% commercial scheme would be in accordance with the sequential test required by Policy 8. The applicant has commented that a 100% commercial scheme cannot be provided as there are 'considerable abnormal and construction costs associated with the development of the site which when appraised against rents achievable for a range of commercial uses would make a purely commercial scheme unviable.' To demonstrate this, a viability report has been submitted for a 100% commercial scheme from Savills, on behalf of the applicants.
- 6.8 The Council has had the viability assessment independently assessed by Bespoke Property Consultants (BPA). The consultants have commented that the inputs and assumptions in the Savills report are on the whole reasonable. The appraisal shows that a 100% commercial scheme is not viable on the Novartis site. However, BPA have commented that a mixed use scheme, including a quantum of residential uses which could be less than 200+ units, would be viable. It is therefore clear that a fully 100% commercial scheme for this site is not a viable option and that other options for a mixed use scheme should be explored.
- 6.9 To this end, the proposal is for a mixed use residential and general commercial development which the applicant considers is a viable and suitable option for this site. The current scheme is for 300 units. Whilst significantly higher than the 200 units suggested by the BPA, it is felt that this quantum of residential development is appropriate in urban design terms given the arrangement of existing buildings and space on the site and the need to ensure an appropriate relationship between residential and commercial uses (as outlined below). Two thirds of the site will accommodate the new commercial floor space comprising 25,000 sqm of space suitable for B1 use classes. This enables a range of businesses to occupy the largest portion of the development including offices, light industrial uses and research and development. It is also an aspiration of the applicant to provide an Innovation Centre within the employment zone. It is proposed that the centre would provide state of art facilities that can be utilised by higher education and research facilities and start-up businesses. The Innovation Centre is envisaged to include dedicated purpose built flexible working spaces for new innovators and businesses, collaboration space, potential laboratory and development

space. The provision of the Innovation Centre is subject to external public funding being secured.

- 6.10 In addition, it is also proposed that the ground floor of building 36 is converted to provide 618sqm of flexible commercial space for uses falling within Class A1 (retail), A2 (professional services), A3 (food and drink) and D1 (a crèche). The mixed use centre will provide a central focal element to the development, connecting the commercial and residential spaces and enabling services to be provided.
- 6.11 The employment provision proposed is supported by the Council's Economic Development Officer, who has commented that there is a lack of supply of commercial sites in the District, both in terms of meeting the needs of small and larger companies. This is reflected in the poor performance of the District in terms of business rates growth and the lack of opportunities to allow existing companies to expand. The past twelve months has seen a steady rise in the number of businesses contacting the Economic Development team seeking new premises and sites to develop for new premises.
- 6.12 The proximity of the site to the town centre and railway station makes this an attractive proposition for B1 floor space, which will help to address the loss of office floor space in the town centre. The provision of new commercial floor space is strongly supported as it provides the opportunity for inward investment, the expansion of existing businesses and support for start-ups, including research and development and light industrial business as well as offices.
- 6.13 The majority of the site would be for employment uses which would be in accordance with the requirements of Policy 8. The remaining one third of the site would be for residential uses, mainly in the form of 1 and 2 bedroom flats. As set out above this is required to make the scheme viable. The Novartis site is located with built-up central area which is considered to be a sustainable location for the provision of market and affordable housing. Policy 3 of the HDPF defines Horsham as the main town in the District. It confirms that development will be approved within towns and villages which have defined built-up areas and that any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy. The provision of housing in this location would be in accordance with the principal strategic aim of providing housing with the main settlement of Horsham town, in accordance with the development hierarchy.
- 6.14 The proposal is also in accordance with Policy 5 of the HDPF which states that development within the built-up area of Horsham will be allowed where it retains the town's key position as the main settlement within the District, contributes to the economy of the town and delivers a mix of residential properties which meet the needs of the population and contributes to quality modern living that is compatible with a town centre setting.
- 6.15 The Novartis site is a prime location within Horsham Town and is currently an unused site. In accordance with the NPPF, Local Planning Authorities have a duty to promote 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions' (paragraph 117). This includes the use, as much as possible, of previously developed or brownfield land. The NPPF gives substantial weight to the value of using suitable brownfield land for homes and other identified needs.
- 6.16 The economic benefits of the proposal are clear, with the provision of 25,000 sqm of much needed employment floor space within Horsham Town. The site is mainly proposed for commercial use with one third of the site set aside for residential purposes in order to make this a viable proposal. Notwithstanding the requirement of the residential area in terms of viability and the conflict with Policy 8, the provision of the residential uses represents an efficient and appropriate use of part of this sustainable brownfield location within the main

settlement of the District. The proposed split of the site between commercial and residential is considered an effective and workable division of the site in terms of urban design and layout (as outlined below). In addition, the delivery of housing in this location would also provide a welcome addition of smaller market and affordable housing to help the housing needs of the District.

- 6.17 Overall, whilst contrary to Policy 8 of the HDPF, on balance, given the weight attached to the re-use of this brownfield land within the built-up area of Horsham and the benefits of the proposal, the proposed mix of housing and employment at the Novartis site is considered acceptable in principle to enable the regeneration of this significant site. Additionally, the front of the site, with the retention of the driveway and the resultant narrow development parcels, lends itself to residential development. This is subject to the considerations outlined below, including amenity and highway impact. The scheme is therefore considered in accordance with Policies 1, 2, 3 & 5 of the HDPF. The proposal is also in accordance with the NPPF, which strongly encourages the appropriate re-use of brownfield sites. The NPPF also gives significant weight to be placed on the need to support economic growth and productivity.

#### Quantum of Development and Impact on Visual Amenity

- 6.18 Policy 33 of the HDPF states that in order to conserve and enhance the natural and built environment, developments shall be required to ensure that the scale and massing of development relates sympathetically within the built surroundings, landscape, open spaces and routes within the adjoining site.
- 6.19 The Design and Access Statement, submitted Parameters Plans and Illustrative Masterplan provide an indication of how the development is anticipated to be laid out, with the use of a range of heights and densities and the retention of the Art Deco building as a landmark feature within the site. As the proposal is in outline, with all matters reserved except access, the exact layout and design of the proposal is not under consideration with this application. If recommended for approval, the details of the appearance of the development will be considered under future reserved matters application. As part of the outline, the principle of development is considered. This consideration assesses whether the quantum of development proposed is acceptable taking into account the submitted parameter plans. The parameter plans will dictate the general form and layout of the proposal.
- 6.20 The submitted parameter plans cover land use, density, buildings heights, landscape and movement. The Land Use plan indicates the two key areas of the site – the residential and community mixed use hub area, and the commercial area. Development is predominantly residential to the north and west, whereas to the east, development is predominantly commercial. This layout responds to the residential focus to the north and west of the site. The commercial area is also a continuation of the existing commercial estate to the east of the site beyond the railway line.
- 6.21 The Land Use plan indicates key frontages to be created throughout to generate visual interest and a degree of uniformity between the two character areas. The plan also secures a new active frontage along Parsonage Road, notably in the residential zone. This along with landscaping would improve the appearance of Parsonage Road. Currently, the Novartis site includes a high metal fence around its boundary fronting Parsonage Road and Wimblehurst Road. The proposal would remove this imposing fencing and open up the site with new buildings and landscaping fronting these two roads. The existing trees would be retained fronting the two roads, softening the appearance of the new buildings behind and creating an attractive site frontage. This would be an improvement to the appearance of both street scenes.
- 6.22 The Parameters Plan also demonstrates that new gateway buildings will be provided off the access from Wimblehurst Road, replacing the existing buildings that are in poor condition.

This would give the site a sense of place upon arrival, similar to that which would have been experienced by visitors to Novartis. A pedestrian priority zone is also shown within the centre of the site around the main retained buildings. This would enhance the central buildings as the main focal point of the development and improve the amenity of the site as a whole including its sense of place.

- 6.23 In terms of heights, the Heights Parameter Plan indicates three maximum height zones for the development. The accompanying statements indicate that the residential area will comprise up to 2 to 4 storey development and the commercial space will generally be between 4 and 5 storeys. The Heights Parameter Plan shows that the residential area to the westernmost part of the site can be up to 3 storeys, with the central area shown up to 4 storeys and the commercial area to the south east corner is shown up to 5 storey buildings. Overall, these heights are considered appropriate in the context of the site and surrounding area. This takes into account the four storey buildings approved at the Linden Homes site to the north side of Parsonage Road and the 3 storey blocks of flats on Wimblehurst Road. The higher 5 storey buildings in the commercial area are located to the south of the site where the visual impact of the development is mitigated against the backdrop of the railway lines that run directly along the eastern and southern site boundaries.
- 6.24 The Landscape Parameter Plan demonstrate the intention to protect vegetation throughout the site, including through the retention of important landscape features, notably the avenue of TPO Cedar Trees. The plan also shows the provision of new planting such as street trees and avenues. This includes an avenue of trees running north and south in front of the retained central buildings within the commercial area, and a further east-west avenue of trees that would mirror the avenue of cedar trees retained to the western residential area.
- 6.25 The Landscape Parameter Plan indicates the provision of green open spaces to the north east and south east corners of the site. The green space to the north east corner would form the main open space for the development and includes a locally equipped area of play (LEAP). The details of the LEAP would need to be approved under a reserved matters application. This proposed green space area fronts Parsonage Road and would form an attractive feature leading into the site. The area would also be play area beneficial for existing residents of the Linden Homes site as well as the employees and residents of the development site. The use of this area would also help provide natural surveillance of the commercial area at weekends.
- 6.26 The scheme also includes an unequipped area of a plan within the residential area fronting Parsonage Road which would serve the residential area. As originally submitted, the scheme also included a play area under the avenue of cedar trees. At the request of Leisure Services, this has been removed due to the danger of having a play area under trees which are known to be prone to branches breaking off.
- 6.27 In terms of density, the Density Parameter indicates proposed residential densities of development which would be higher than the general residential densities found in the surrounding area. The density of the existing residential areas adjacent the site varies between 25dph and 45dph. The densities proposed for the residential development would be up to 65dph for the eastern section and up to 105dph for the central section. The retained building in the centre of the site is indicated with a density of up to 215dph. The density of the central buildings are particularly high as these buildings are to be converted into 1 and 2 bedroom flats. Given the size of the buildings, with the potential for them to be extended, the high density for these buildings is appropriate.
- 6.28 The density of the remaining residential development is high due to the number of 1 and 2 bedroom flats, with a number of residential blocks proposed. Whilst the densities are high when compared to the surrounding area, in the context of this site the densities proposed are appropriate. The development will mainly be read in the context of the Linden Homes site to the north and the residential development to the north east of the site. Both of these

areas include blocks of flats facing the site. In this context, the proposed blocks of flats at the Novartis site are appropriate in principle and would not look out of place. This is subject to the placement and design of the flats in relation to Parsonage Road and Wimblehurst Road. The illustrative indicative masterplan indicates that the flat blocks are capable of being suitably spaced along these road. The plan also includes the retention of the mature trees fronting Parsonage Road and additional planting to soften the appearance of the development.

- 6.29 At the request of the Officers, an additional plan has also been submitted showing the potential layout of the proposed site. This plan demonstrates that up to 300 dwellings, including the proposed parking, can be appropriately accommodated on the western part of the site. This includes the provision of two replacement gatehouse buildings onto Wimblehurst Road which give the site a formal entrance leading to the retained central building through the avenue of retained cedar trees. The indicative layout plan indicates that blocks of flats could be appropriately sited within the development site with adequate spacing and landscaping between them.
- 6.30 Overall, the densities proposed are considered appropriate. The proposed use of the site with high densities is also in accordance with paragraphs 122 and 123 the NPPF, which supports development that makes efficient use of land and ensures development makes optimal use of the potential of each site. In this location, within walking distance to the town centre, a higher density of development is considered appropriate for a sustainable brownfield site located within the centre of Horsham town.
- 6.31 A key aspect of the proposal is the retention of the central buildings (Buildings 3 and 36). Building 3 is included in Horsham's list of Locally Important Historic Buildings and is considered of merit due to its art deco appearance with a large clock tower facing east. Building 36 is a more modern buildings attached to Building 3. In accordance with Policy 8 of the HDPF, the historic building is retained to reflect the site's past industrial heritage. The intention is that the central buildings will remain as the focus of the development, with two tree lined avenues leading to the central buildings from the residential and employment areas.
- 6.32 The proposal is for the ground floor of Building 36 to provide a commercial floor space area for a mix of retail, professional services, food and drink establishments and a crèche. These uses will also make the central buildings the focus of the development and will also provide services and facilities for future and existing residents and future employees.
- 6.33 The proposal indicates the potential to extend the central buildings up to 5 storeys (an increase of two storeys). The Council's Heritage Officer has commented that the principle and reuse of Building 3 and 36 is supported. This includes the potential extension of the buildings upwards by 2 floors. Any extension and the conversion of the buildings would though need to respect the architectural and historic interest of the buildings, including the locally listed building 3 as a non-designated heritage asset. This would be thoroughly assessed under a reserved matters application, however based on the information submitted and a site visit of building 3 it is not considered that any proposal to extend the building upwards would not conflict with policy 34 or paragraph 197 of the NPPF. The Conservation Officer has commented that the impact on the proposal on the adjacent Richmond Road Conservation Area and nearby listed railway building would be negligible. The redevelopment of the site would not alter the context in which these assets are experienced and their setting would not be harmed. The proposal would therefore not conflict in this regard with Policy 34 or Chapter 16 of the NPPF.
- 6.34 Other than indicating that the designs will be responsive to the adjoining neighbourhoods, the supporting documents do not go into detail as to the proposed design of the residential and commercial areas. In this location and context, and taking into account the high number of flats proposed, a more modern design would be supported in this location. To ensure that

the design of the dwellings and commercial units is appropriate and consistent, a condition is recommended requiring the submission of a Site Wide Design Strategy for the approval of the Local Planning Authority prior to commencement of development. This will ensure the design of the development is appropriate in the context of the site and surrounding area in the event the site comes forward in phases over a period of time.

- 6.35 Overall, although of high density, the quantum of development proposed is considered appropriate for this central location within Horsham Town. The principles outlined in the parameter plans for the density, land use, landscaping and building heights are considered appropriate in the context of this site and the surrounding area. It has also be shown that the maximum quantum of development proposed can be accommodated on site without detriment to the appearance of the site or the visual amenity of the area. The proposed retention and conversion of the central buildings as the main focal points of the development is also supported in principle. The proposal is therefore considered in accordance with Policies 33 and 34 of the HDPF and the objectives of the NPPF for the efficient re-use of brownfield sites.

#### Highway Impact, Access and Parking:

- 6.36 Policy 8 of the HDPF states that the site shall be designed to enhance and complement the existing road, footpath, cycleway and public transport connections, reflecting its location in the heart of Horsham town in close proximity to the train station. Policy 40 of the HDPF states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport.
- 6.37 In terms of the local highway network around the Novartis site, Parsonage Road is the longest border along the site. This is subject to a 30mph speed limit and includes a 1.8m wide footpath. The existing access is a simple priority junction located towards the eastern extent of the site, approximately 300m west of the junction of Parsonage Road / Foundry Lane mini roundabout. Between the roundabout and the junction is a level crossing over the railway line. A signalised controlled pedestrian crossing is located approximately 50m west of the existing Parsonage Road entrance.
- 6.38 On the corner of Wimblehurst Road and Parsonage Road is another mini-roundabout junction. This includes dropped kerbs and pedestrian refuges. Wimblehurst Road is also subject to a 30mph speed limit and includes footpaths on both sides. The existing access from the Novartis site onto Wimblehurst Road is located approximately 30m south of the roundabout, north of a bridge over the railway line.
- 6.39 In terms of sustainable accessibility, the site is well situated for walking and cycling journeys in close proximity to Horsham Town centre. The closest bus stops are on Wimblehurst Road with bus stops on either side of the road to the north and south. The site is also in close proximity to Littlehaven and Horsham railway stations.
- 6.40 The proposal is to utilise the two vehicle main accesses to the site from Wimblehurst Road and Parsonage Road. The Wimblehurst Road access will serve the residential uses and the Parsonage Road access will serve the commercial uses. There will also be further entry points for pedestrians and cyclists. The proposal indicates that there will be no through access for vehicles through the site. Access between the eastern commercial and western residential parts of the site would be for emergency vehicles only. This would stop vehicles using the sites as a cut through between Parsonage Road and Wimblehurst Road. No changes are proposed to the Wimblehurst Road access. The proposal includes a new dedicated right turning lane into the Parsonage Road access.

- 6.41 As part of the proposal, the applicant has undertaken an assessment of the impact of the proposal on the highway network in a Transport Assessment (prepared by Hampshire County Council Transport officers). This includes an assessment of the trip generation created by the development and the impact on local junctions. The assessment of local junctions included the following:
- Junction A: North Parade / A24 (Robin Hood Roundabout).
  - Junction B: Wimblehurst Road / North Parade
  - Junction C: Wimblehurst Road / North Heath Lane / Parsonage Road
  - Junction D: North Heath Lane / Giblets Way
  - Junction E: Giblets Way / Rusper Road (Lemington Way Roundabout)
  - Junction F: Rusper Road / A264
  - Junction G: Level Crossing Parsonage Road
  - Junction H: Wimblehurst Road Novartis access
  - Junction I: Parsonage Road Novartis access
- 6.42 In light of the assessment work and analysis in the Transport Assessment (TA), the TA identifies mitigation and contributions for two junctions in close proximity to the site. This relates to Junctions B & C. The TA states that with mitigation the proposed development is not anticipated to have a severe impact on the local highway network.
- 6.43 The TA sets out at paragraph 4.11.17 that the development would result in a 13% uplift in traffic at junction C by 2031, with the rest of the uplift generated by background traffic growth. WSCC Highways officers have commented that junction modelling indicates existing capacity issues on North Heath Lane and Parsonage Road in the AM peak, which become more pronounced with future traffic growth and development traffic. In the PM peak it is only the Parsonage Road arm of the junction where theoretical capacity is exceeded.
- 6.44 The TA includes calculations of junction queues in 2031 without development, and with development and the junction improvement works. Critically it is noted that the suggested junction improvement works detailed in Appendix 11 of the TA would not improve traffic flows on all arms of the junction. Rather, some would worsen as the result of introducing traffic lights and pedestrian crossings. The principal data is set out in Tables 17, 18, 35 and 36 of the TA. This data shows that the development would appreciably worsen queues on the North Heath Lane arm in the AM and Parsonage Road arm in the PM, but would be broadly neutral on the other arms in the AM and PM peaks. With the indicative junction works installed, queues at the North Heath Road and Parsonage arms in the AM would reduce significantly back from the uplifted position, i.e. a betterment. However, queues at the Wimblehurst Road and North Heath Lane arms in the PM would worsen. Whilst the data should be treated with some caution given it predicts future scenarios in 2031, nevertheless it indicates that the junction improvements works would be of mixed benefit to traffic flows.
- 6.45 At Junction B, which comprises two junction set close together, the modelling shows that capacity issues worsen even without the development in place. WSCC Highways officers have advised that the roads are constrained such that there are no meaningful improvements that could be made. Nevertheless WSCC Highways officers have advised that the impact of the development on this junction would not be severe when assessed against paragraph 109 of the NPPF.
- 6.46 WSCC Highways Department are the Highways Authority for HDC. WSCC have commented three times on the proposal, as outlined in the consultation section above. As WSCC are also the applicants of the proposal it was felt, in this particular instance, it would be appropriate to also seek the advice of an independent highway consultant, Peter Brett Consultants (PBA). This gives the Council two separate transport consultant opinions on the scheme. PBA have commented on the submission (as first amended) and then on the final proposal.

6.47 As originally submitted, WSCC Highways officers raised a number of issues with the proposal. This included the requirement for Stage Road Safety Audits for the accesses and a Travel Plan. WSCC Highways officers also required it to be demonstrated that the right turn lane into Parsonage Road was required. Amendments were also required to model outputs and trip generation calculations. The TA included details of a potential improvement scheme, comprising traffic signals at Parsonage Road / Wimblehurst Road. The details are shown indicatively as a potential improvement scheme. However, it was not proposed for this development to implement this scheme. As the residential uses are CIL liable, the approach of the applicant is for WSCC to bid to use CIL funds for the full cost of the scheme. It would be for WSCC to determine, separate to this application, if an improvement to this junction is a priority and thereafter develop a scheme and seek funding from appropriate sources. This could be done at a later stage when WSCC determine that improvements are needed to this junction. Alternatively the improvements to the junction could be included by the Horsham District Council on its Infrastructure Delivery Plan at the appropriate point in time when evidence shows that the works are then necessary. Neither scenario would deliver the junction works at the start of the development as there would be no material uplift either from the development or wider network using the junction at this time.

6.48 Following on from WSCC initial comments, amendments were received from the applicant. An additional Transport Assessment Addendum was submitted along with Stage One Road Safety Audits and a Travel Plan. WSCC Highways commented that through the Transport Assessment Addendum, the applicant had mostly addressed those matters previously raised by WSCC Highways officers. The retention of Wimblehurst Road Access width and the proposed right turn lane from Parsonage Road had been justified. Additionally, the correct outputs had been submitted for junction modelling for the two accesses to the site. It was accepted by WSCC Highways officers that these access junctions would work well within capacity.

6.49 The applicant also submitted measures for improving access by sustainable means as part of their mitigation strategy. This comprised the following:

- 2m wide pedestrian footway to the north of the site on Parsonage Road. Land also reserved on Parsonage Road to widen this to 3m at a later stage, if required.
- Installation of tactile paving at the existing crossing points at the junction of Wimblehurst Road and Parsonage Road.
- Relocation of existing signalised crossing on Parsonage Road.
- Contribution of £10,000 to the improvement of bus waiting facilities (real time information) on North Heath Lane, past Blenheim Road.
- Contribution of £20,000 towards cycle signage and traffic regulation orders between the site and Horsham train station.
- Travel Plan

WSCC Highways officers have commented that the above measures are appropriate to encourage sustainable modes of transport for this application.

6.50 In this submission, the applicant added a new aspect into the mitigation in the form of Zebra crossings near the junction of Wimblehurst Road and Parsonage Road to the north and south. This was requested by Officers to improve pedestrian links across the junction in the absence of the wider junction improvement works coming forward. Based on the information submitted, WSCC Highways officers commented that these additional measures had not been suitably assessed from a highway safety perspective. If the applicant was seeking to take these forward, further information would be required including a Stage One Safety Audit.

6.51 In response to the second comments of WSCC Highways officers (dated 8 May), the applicant submitted a second Transport Addendum. The three main outstanding aspects from the comments made by WSCC Highways officers on the 8th May were in regard to the

safety audit, travel plan and the proposed Zebra crossings. WSCC commented that a revised safety audit had been undertaken for the North Heath Lane / Parsonage Road / Wimbleshurst Road junction without the signalisation (as this is not to be delivered as part of this scheme). The scope of the audit was correct. Additionally, a revised Travel Plan had been submitted which addressed the points raised. In this submission, the applicant also indicated that the scheme could provide 872 parking spaces in the employment area and 308 spaces for the residential area. This provision meets the current WSCC parking standards. It should also be noted that the parking provision would also meet the updated draft WSCC parking standards which are likely to be formally adopted this year.

- 6.52 In this final submission, the proposed zebra crossings previously proposed had been removed from the scheme. This was due to issues regarding highway safety. As a replacement, the applicant proposed a Puffin or push button type crossing. An indicative location was presented for the crossing on Wimbleshurst Road approximately 40 metres south of the existing site access. This crossing would give pedestrians priority over traffic. WSCC commented that this crossing would need to be further investigated and subject to a separate safety audit. This type of arrangement is more suited to the traffic conditions. Although no design has been drawn up, there wouldn't appear to be any particular constraints to providing a crossing of this type in this location.
- 6.53 However, WSCC Highways officers have commented that the main concern would not necessarily be in connection with the principle or design, but more as to whether there is a need for a crossing in this location as a consequence of the development. Lightly used crossings can have safety concerns. This crossing is some distance south of the Wimbleshurst Road access with there being no obvious desire lines for pedestrians to cross at this point. It was therefore determined not to pursue this crossing. Notwithstanding some final aspects which needed to be addressed, WSCC Highways officers commented that the scheme without the crossing could be supported and recommended conditions accordingly. WSCC Highways officers stated that the S106 could include an obligation requiring a detailed assessment of pedestrian crossing demands to be undertaken. This is not considered appropriate given the lack of certainty as to whether the crossings could be delivered or necessary to make the application acceptable.
- 6.54 Separately to the comments from WSCC Highways officers, PBA have been consulted by HDC to comment on the submission. The PBA commented on the second and final submission from the applicants. Their first comments stated that the scheme required significant amendments in order to be acceptable. The PBA stated that there were errors in the calculations of the trip rates used and the TRICS database. Additionally, the impact and / or mitigation to the bus service had not been considered, nor any wider pedestrian and cycle connectivity requirements. The Land North of Horsham had not been included in the assessment to check that the proposed development can be accommodated in combination with other committed developments in the future years, and that the mitigation is adequate with this development in the baseline.
- 6.55 PBA have stated that no mitigation was proposed for Hurst Road/North Parade/Wimbleshurst Road junction although this is proposed within the TA to be covered by the CIL contribution (potentially up to circa £1.8m). Additionally, the interim scheme at the North Heath Lane/Parsonage Road/Wimbleshurst Road (the pedestrian crossing) does not mitigate the impact of the development at this junction. No mitigation has been proposed to reduce the future queues at this junction associated with the development.
- 6.56 Following the submission of the final amendments in July, PBA commented that their concerns had not been fully addressed and a number of issues were still outstanding. Their comments regarding the inaccuracies in the trip rates and TRICS databases had not been addressed. PBA also raised concerns regarding the safety of tactile paving for Junction C.

- 6.57 PBA went on to state that no assessment had been undertaken to test the development impact on the proposed schemes at A24/Warnham Road/Robin Hood Lane roundabout and the A264/Rusper Road roundabout. PBA further commented that the Addendum had reviewed the Land North of Horsham Transport Assessment models as these were also prepared for the same 2031 future year scenario. The level of traffic generated from the site using these two junctions was not seen as severe with marginal increases. In view of this, PBA agree with the applicant's approach to not carry out junction modelling on the two junctions.
- 6.58 Overall, the final submission has not addressed the majority of the comments from the PBA. Notwithstanding this, PBA have commented that whilst the scheme has not addressed their concerns, a reason for refusal on highway safety grounds or the lack of sustainable transport modes cannot be supported, subject to conditions to secure final details to demonstrate the tactile pavement works and a scheme of sustainable transport improvement works.
- 6.59 In addition to Policies 8 and 40 of the HDPF, paragraphs 108 and 109 of the NPPF are relevant material considerations in relation to highway impact and sustainable transport. Paragraph 108 states that in assessing sites for development should ensure that appropriate opportunities are taken up to promote sustainable transport modes, and that any significant impacts from the development on the transport network or highway safety can be cost effectively mitigated to an acceptable degree. Having regard the advice from WSCC Highway officers and PBA, it is considered that the impacts of the development on the adjacent junction are not significant, and can be suitable managed by way of use of CIL funds at the appropriate point in future should the need arise. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 110 also states that applications should give priority first to pedestrians and cycle movements.
- 6.60 In relation to sustainable transport modes, contributions are offered for improvements to bus waiting facilities and cycle signage between the site and Horsham train station. The proposal also includes a Travel Plan which will encourage sustainable modes of transport. The scheme would also include cycle and pedestrian access points through the development and a 2m footway to Parsonage Road (with land reserved for future expansion). Overall, it is felt that the scheme does not offer any significant off-site improvements and is generally lacking in the provision of sustainable transport modes both on and off-site. However, both the WSCC Highways and the PBA have commented that a reason for refusal based on the lack of sustainable transport modes cannot be supported.
- 6.61 For highway safety impact, whilst the proposal has not fully addressed the concerns of PBA, both PBA and WSCC Highways have commented that a reason for refusal based on highway safety grounds cannot be supported. Whilst the scheme is disappointing in this respect, given the comments of two separate transport consultants that the proposal cannot be refused on either the lack of sustainable transport modes or highway safety, the proposal as amended is considered acceptable. This takes into account the significant benefits the proposal offers in terms of the provision of employment, housing and the development of this strategic site. The scheme is therefore considered to meet the tests of paragraphs 108, 109 and 110 of the NPPF and policies 8 and 40 of the HPPF.

Dwelling Type and Tenure:

- 6.62 In accordance with the NPPF there is a requirement to plan for a mix of housing types. Within this context, Policy 16 of the HDPF requires that the mix of housing types should be based on evidence set out in the latest Strategic Housing Market Assessment (SHMA) (Chilmark Consulting November 2016). The policy goes on to state that the appropriate mix of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and viability of the scheme. The current evidence base from the SHMA

indicates a need for smaller units. In terms of Horsham Town, the preferred mix in the SHMA is 55% x 1 and 2 bedroom units, 30% x 3 bedroom units and 15% x 4 bedrooms units.

- 6.63 The application is proposed to include a mix of 1 and 2 bedroom apartments. The exact mix of units would be assessed as part of reserved matters application. To achieve the maximum number of 300 units, an illustrative plan has been submitted which indicates a mix of 97% x 1 and 2 flats with 3% x 2/3 and 4 bedroom houses. It is clear that with the conversion of the central buildings and high densities proposed, the proposal will include a significantly higher number of 1 and 2 bedroom flats than set out in the SHMA.
- 6.64 The SHMA indicates that in the Horsham District there is a good spread of market housing choice at present. However, there is a need to refine and maintain the market mix to ensure that choice and access to appropriate housing remains in future. In conclusion, the SHMA states that there is a need to maintain a spread of choice in market housing sizes, especially for smaller units (one and two bed).
- 6.65 Whilst in accordance with SHMA requirements for smaller units, the proposed high percentage of smaller units would not be compliance with the SHMA's desired housing mix. However, having regard the number of large scale sites in the district that are providing larger homes, in this instance an oversupply of smaller homes is considered acceptable. Additionally, notwithstanding the absence of family sized homes on this site, the overall area will remain balanced with family homes. Furthermore the town centre lends itself to smaller units where there is more demand for 1 and 2 bedroom flats. The large percentage of smaller units for this scheme is therefore considered appropriate.
- 6.66 The development will include 35% affordable Housing in accordance with HDPF Policy 16. This equates to up to 105 affordable units. The required tenure target, as set out in paragraph 6.8 of the HDPF, is for 70% affordable / Social Rent and 30% shared ownership. The exact tenure mix and the delivery of the affordable housing will be secured through a Section 106 Legal Agreement. The applicants have stated that the scheme will meet the 70 / 30 split required by the policy.

#### Impact on the Amenity of Existing and Prospective Occupiers and Employees

- 6.67 Policy 33 of the HDPF requires development is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land. It is considered that the site is located a sufficient distance from adjacent residential properties to avoid harming the residential amenity of any existing occupiers, in terms of loss of light, outlook or privacy.
- 6.68 The nearest residential properties affected by this proposal are sited to the north and west of the site. To the north, the Linden Homes development is well underway with the majority of houses and flats now constructed and occupied. The west side of Parsonage Road also includes the rear boundaries gardens for houses onto Wimblehurst Road. A number of houses and flats at the Linden Homes site face the Novartis site. The houses and flats are set back from the road by a pavement and a grass verge. There is also a substantial grass verge on the south side of Parsonage Road. The Landscape Parameter Plan indicates that the mature trees along the norther edge of the site will be retained. With the trees in place and the set back of the proposed commercial and residential units from Parsonage Road, the proposal would not result in a significant impact on the amenity of these properties in terms of loss of light, outlook or increased sense of enclosure.
- 6.69 In relation to the residential properties to the east of the site, these comprise blocks of flats set well back from Wimblehurst Road. Given the distance between these flats and the proposed site, the scheme would not result in a significant impact on the amenity of these properties. Having regard to the railway line to the south and east boundaries of the site, the proposal would not result in any significant impact on the amenity of any properties to the south or east of the site.

- 6.70 In terms of potential noise disturbance, the mixed use nature of the proposal may introduce conflicts between proposed commercial and residential properties. The division of the site with the residential area to the west and commercial area to the east largely addresses this issue with a clear divide between the two areas. The indicative masterplan also shows an appropriate distances between residential and commercial buildings. In addition, the Council's Environmental Health Officer has commented that restrictions should be imposed on the commercial uses to mitigate the potential impact on residential properties. This includes conditions restricting hours of use, deliveries and controlling any external plant and machinery which may cause noise disturbance. Overall, given the layout of the site, that the commercial area borders a road and two rail lines on three sides, and that the proposed uses are B1 only which are generally considered acceptable in residential areas, it is not considered necessary at this stage to restrict operational hours.
- 6.71 The development site adjoins two railway lines and an existing industrial area. As identified in the submitted Noise Assessment noise from both the railway lines and the industrial area are key considerations. The assessment states that due to the risk from the trading estate, rail line and rail crossing, 'it would not be advisable to place residential properties along the eastern boundary of the site.' This advice is reflected in the proposal with the commercial area proposed to the eastern side of the site. The report also states that rail vibration measurements have been taken and it has been determined that these vibration levels result in a 'low probability of adverse comment.'
- 6.72 The report also states that the habitable rooms along the roadside are likely to require acoustically related rated double glazing and attenuated trickle vents to achieve acceptable internal noise levels. Where possible, properties should be orientated such that dwellings nearest the site boundaries face towards the road, with their gardens located to the rear.
- 6.73 The Council's Environmental Health Team have commented that noise impact is acceptable subject to suitable conditions which would ensure the development results in appropriate noise impact. This includes a condition requiring the submission of a scheme for noise and vibration attenuation for the residential and commercial units for the approval of the Local Planning Authority. A condition is also recommended requiring the submission of a Construction and Environmental Management Plan prior to commencement. This will limit potential impacts associated with the construction of the development such as noise and dust.
- 6.74 Subject to suitable conditions, the proposal is considered appropriate in terms of impact on the amenity of adjacent and future occupiers of the development in accordance with Policy 33 of the HDPF.

Land Contamination:

- 6.75 In terms of Land Contamination, the former pharmaceutical complex was decommissioned and largely demolished in 2016. Reports submitted detail the demolition works and the findings of the site investigation, including radiation surveys. The Phase 2 Environmental Investigation has recommended additional works are undertaken to ensure the risks to future occupiers and controlled waters from soil contaminants and ground gas are confirmed. Contamination arising from this former land use will therefore require assessment as part of the overall development of the site and in any subsequent detailed applications. To this end, the Environmental Health Team recommend conditions relating to land contamination remediation measures and verification reports to be submitted for approval by the Local Planning Department prior to commencement of development.

### Arboricultural Impacts:

- 6.76 The submitted Landscape Parameter Plan indicates the retention of the majority of trees within and around the boundaries of the site. This includes the retention of the cedar trees (covered by a Tree Preservation Order) which are located along the main avenue leading up to the central retained buildings from Wimblehurst Road.
- 6.77 The Council's Arboriculturist has commented that he has no objection in principle to the proposal. This is subject to further consideration as to whether the cedar trees need to be trimmed back reducing their crown spreads. These trees are renowned for branch failures and are therefore likely to require trimming back. With this in mind, a condition is recommended for each reserved matters for the residential areas to include a full tree survey outlining any required works to the TPOs.

### Ecology

- 6.75 With respect to ecology, the proposal includes an Ecology Report. This report states that ecological surveys have been conducted on the site. This includes surveys for activity of protected species such as reptiles and bats. The conclusion of the report is that the development of this land would not result in a significant impact on ecology including the habitats of any protected species subject to appropriate mitigation measures. The Council's Consultant Ecologist agrees with these findings subject to conditions to ensure the mitigation measures proposed are in place to ensure the protection of any protected species on site and in the surrounding area.

### Drainage

- 6.76 In terms of drainage, the site is located in Flood Zone 1, where there is a low probability of flooding and where the principle of development is considered acceptable. The scheme includes a Drainage Strategy and a Flood Risk Assessment which state that the site is predominantly at low risk of surface water flooding. The District Council's Drainage Officer has raised no objection to the proposal. The County Council Drainage Officer has commented that finalised detailed surface water drainage designs are to be submitted to and approved by the Local Planning Authority prior to development commencing. A condition is therefore recommended requiring these details to be submitted for approval.

### Air Quality

- 6.77 An Air Quality Assessment report has been submitted with the proposal. The Council's Air Quality Officer has commented that she agrees with the report's conclusions, provided an appropriate mitigation scheme is in place to offset emissions associated with the development.
- 6.78 This includes measures which would discourage high emission vehicle use and encourage the uptake of low emission fuels and technologies. The measures also include the submission of a Travel Plan, the inclusion of energy efficient boilers, the provision of facilities for charging plug-in and other low emission vehicles and details of cycle parking. A condition is therefore recommended that full details of all air quality improvement measures are submitted in a report prior to commencement of development. These measures will then need to be replicated and provided in forthcoming reserved matters applications.

### Environmental Impact Assessment

- 6.79 Prior to the submission of the application, the applicant submitted an Environmental Screening Opinion to determine if the proposal required an Environmental Impact Assessment (EIA). With regard to the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), the screening concluded that the overall scale

and nature of the impacts that would arise from the scheme did not require an EIA, and that the environmental issues arising from the development can be dealt with as part of the usual planning application process.

#### Delivery of Development

- 6.80 The applicant has stated that the proposed development is anticipated to be delivered in phases, albeit the exact phasing programme has not yet been determined. It is however anticipated that a first phase will include 7,500sqm of commercial floor space. This is likely to be followed by the conversion of Buildings 3 and 36 delivering both residential uses and flexible commercial floor space.
- 6.81 The applicant currently anticipates that the development of the site will take place over a 5 year period following the grant of planning permission and subsequent Reserved Matters. A programme for the phasing of the development is to be agreed with the Council prior to commencement of development. To ensure the delivery of the commercial space, the legal agreement will also require a proportion of commercial space to be delivered prior to occupation of any residential units.

#### Legal Agreement

- 6.82 Policies 39 and 43 of the HDPF require new development to meet its infrastructure needs. The following would need to be secured through a legal agreement:
- Provision of 35% affordable housing with an appropriate housing tenure mix.
  - Details of the phasing of the development.
  - A detailed delivery plan for the provision of all residential and commercial units.
  - The provision of phase 1 employment floor space prior to an agreed number of residential units.
  - Details of a marketing strategy for the commercial uses to be provided and be agreed by the Local Planning Authority prior to commencement of development of the commercial area (excluding A1, A2, A3 and D1 uses). To include details of how the marketing will be updated.
  - Details of the LAP and LEAP (including their management and maintenance) to be submitted for approval prior to occupation of 50 dwellings.
  - Transport Infrastructure improvements:
    - Safeguarding of land on Parsonage Road to enable the widening of the footway to 3 metres.
    - Relocation of existing signalised crossing on Parsonage Road.
    - Contribution of £10,000 to the improvement of bus waiting facilities (real time information) on North Heath Lane, past Blenheim Road.
    - Contribution of £20,000 towards cycle signage and traffic regulation orders between the site and Horsham train station.

- 6.83 The exact details of the above and any additional Heads of Terms are to be agreed. The requirements are necessary to make the proposal acceptable in planning terms and meet the tests of the NPPF.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.84 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017. **This development constitutes CIL liable development.**
- 6.85 In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

## Conclusion

- 6.86 The proposed development is considered contrary to Policy 8 in that it neither provides for an education facility nor the reserve option of a wholly commercial development. Sufficient information has though been provided to demonstrate that there is no identified educational occupier for the development and that a wholly commercial development as an alternative is not a viable proposition without an element of residential enabling development.
- 6.87 Notwithstanding the conflict with Policy 8, the proposals will deliver an appropriate mixed use development for this strategic site with much needed high quality employment space close to the centre of Horsham town. The scheme would also provide for an appropriate residential area, utilising a large brownfield site in a central and sustainable location, resulting in the regeneration of this strategic town centre site.
- 6.88 Considerable concern has been raised in public consultation on the impact of the development on nearby road junctions, principally the Wimblehurst Road/Parsonage Road/North Heath Lane junction. Whilst it is disappointing that the full junction works indicatively set out in the Transport Assessment are not being directly implemented, it is accepted on the professional advice of the Highways Authority and PBA that these works are not necessary to make the development acceptable. The works could nevertheless potentially take place at a future date through use of the CIL funds. It is also disappointing that greater opportunities to improve sustainable transport links in the area have not been proposed, however again it is accepted that those proposed are sufficient to meet the requirements of Policy 40 and the requirements of the NPPF.
- 6.89 On balance, whilst the proposed highway mitigation works are considered minimal, having regard the wider benefits of the development in regenerating this brownfield site with high quality employment uses and additional housing, and the absence of any other identifiable harm, the proposal is considered acceptable as a departure from the development plan.

## **7. RECOMMENDATIONS**

- 7.1 That planning permission be granted for approval:
- subject to completion of a legal agreement and appropriate conditions.
  - in the event that the legal agreement is not completed within three months of the decision of this committee, or other later date as agreed by the Head of Development, the Director of Planning, Economic Development and Property be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

### Conditions:

1. **Plans condition.**
2. **Parameter Plans condition:** The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out on the following parameter plans and supporting documents:

Plan	Drawing Number	Date Received
Parameter Plan: Landscape	PP004 Rev E	02.07.2019
Parameter Plan: Land Use	PP001 Rev D	05.04.2019
Parameter Plan: Density	PP002 Rev D	05.04.2019
Parameter Plan: Building Heights	PP003 Rev D	05.04.2019
Parameter Plan: Movement	PP005 Rev D	05.04.2019

Reason: As the local planning authority has had regard to these drawings in determining whether the amount of development proposed can be accommodated within the site in an acceptable way in accordance with Policy SD1 of the Horsham District Planning Framework (2015).

**3. Outline permission:**

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

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

**4. Pre-Commencement Condition:** Prior to the submission of the first application for approval of Reserved Matters, a Site Wide Design Strategy shall be submitted to and approved, in writing, by the Local Planning Authority. The Site Wide Design Strategy shall including the following:

- i. details of the design principles of the commercial and residential buildings,
- ii. details of the design principles of the converted central buildings to be retained,
- iii. details of landscaped areas,
- iv. details of the pedestrian priority spaces,
- v. place making objectives,
- vi. indicative layout,
- vii. hard surfacing and external finish materials for residential and commercial areas,
- viii. Hard landscape palette for surfacing, fencing, walls, street furniture, lighting columns;

Reason: As this matter is fundamental to deliver the high quality, locally distinctive and unique urban and landscape design, to ensure a satisfactory development in the interests of visual amenity and to accord with and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** Prior to the commencement of any Phase of development a Construction Environment Management Plan covering that Phase shall be submitted to and approved by the Local Planning Authority. The CEMP shall include, but not be limited to, the following details:
- a. the phased programme of demolition and construction works,
  - b. routing of vehicles to and from the site during construction,
  - c. erection and maintenance of security hoarding,
  - d. the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - e. details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
  - f. measures to reduce air pollution during construction including turning off vehicle engines when not in use, plant servicing and transport reduction,
  - g. waste management including prohibiting burning of construction waste,
  - h. measures to prevent the discharge of water or other substances to ground or surface waters without the prior written approval of the Environment Agency.

Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period of the relevant Phase.

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

6. **Pre-commencement Condition:** No part of any employment or non-residential use as served from Parsonage Road shall be first occupied until such time as the vehicular access serving these uses and other associated works has been constructed in accordance with the details shown on the approved drawing titled General Arrangement Parsonage Road Development Access, numbered RJ506457-ECH-HSR-WIMBRD-DR-HE-113 rev 01. Once provided, vehicular access to the employment and non-residential uses shall be via the Parsonage Road access only.

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

7. **Pre-commencement Condition:** No part of the residential development as served from Wimblehurst Road shall be first occupied until pedestrian crossing improvements in the form of dropped kerbs and tactile paving has been provided at the existing Wimblehurst Road access and the existing crossing points at the North Heath Lane/Parsonage Road/Wimblehurst Road junction in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

8. **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. Surface water disposal should be based on sustainable drainage principles. The submitted details should be coordinated with the approved landscape scheme. The development shall be carried out in accordance with the

approved drainage strategy, which shall be implanted prior to first occupation and then retained as such.

Reason: To prevent the increased risk of flooding, and ensure a management train is incorporated as agreed to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the drainage system and in accordance with Policy 38 of the Horsham District Planning Framework (2015).

9. **Pre-Commencement Condition:** Prior to the commencement of development within each Reserved Matters Area the following components of a scheme to deal with the risks associated with the contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority.
- (a) A preliminary risk assessment which has identified:
    - i. All previous uses
    - ii. Potential contaminants associated with those uses
    - iii. A conceptual model of the site indicating sources, pathways and receptors
    - iv. Potentially unacceptable risks arising from contamination at the site
  - (b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.
  - (c) An options appraisal and remediation strategy based on the site investigation results and the detailed risk assessment (a and b, above) and giving full details of the remediation measures required and how they are to be undertaken.
  - (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.

The scheme shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

10. **Pre-commencement Condition:** Prior to commencement of development, a parking strategy shall be submitted for the approval of the Local Planning Authority. The strategy will detail how the proposed parking will be provided for the residential and commercial uses. The scheme shall be implemented in the Reserved Matters application in accordance with the agreed details.

Reason: As this matter is fundamental to ensure that the parking provision is appropriate in accordance with Policy 41 of the Horsham District Planning Framework (2015).

11. **Pre-commencement Condition:** No development shall hereby commence until a full a detailed Air Quality Mitigation Measures Report has been submitted and approved by the Local Planning Authority. The report shall outline all measures for the site wide proposal and state how the measures will be delivered within each Phase of the development. The measures shall be implanted in accordance with the approved details and be retained as such thereafter.

Reason: To ensure the development provides appropriate and deliverable air quality mitigation measures in accordance with Policies 24 & 40 of the Horsham District Planning Framework (2015).

11. **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 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).

12. **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, the existing vehicular access on Parsonage Road to the east of the site, adjacent to the railway crossing, shall be physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this shall not apply to the pedestrian access shown on the approved parameters plans.

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

13. **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, a detailed lighting scheme shall have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: To safeguard the amenities and ecology of the site and surrounds in accordance with Policies 31, 32 and 33 of the Horsham District Planning Framework (2015).

14. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any phase of the development hereby permitted, a landscape management plan (including design principles, management responsibilities, a description of landscape components, 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).

15. **Pre-occupation Condition:** No commercial use hereby permitted shall commence until a servicing management plan has been submitted for that use and approved in writing by the local planning authority. The use hereby permitted shall thereafter be operated in accordance with the approved details. The submitted details must include the following:

- a) frequency of deliveries to the site;
- b) frequency of other servicing vehicles such as refuse collections;
- c) dimensions of delivery and servicing vehicles;
- d) proposed loading and delivery locations; and
- e) a strategy to manage vehicles servicing the site

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

16. **Pre-Occupation Condition:** A land remediation verification report shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of any dwelling within a Reserved Matters Area within the development. The verification report shall:

- (a) Demonstrate the completion of the works set out in the approved remediation strategy produced pursuant to Condition 10.
- (b) Demonstrate the effectiveness of the remediation strategy.
- (c) Include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

(d) The plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action (i.e. a long-term monitoring and maintenance plan) as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: As this matter is fundamental to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

18. **Pre-Occupation Condition:** Prior to the first occupation of any commercial or residential 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).

19. **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).

20. **Regulatory Condition:** With each Reserved Matters application, a detailed scheme of noise and vibration attenuation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate good acoustic design in accordance with ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise. The scheme shall achieve the habitable and commercial room standards as detailed in BS8233:2014 and must include details of post construction validation. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

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

21. **Regulatory Condition:** With the exception of the commercial units approved within Building 36 and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the employment and commercial premises hereby permitted shall be used for Class B1 only and for no other purposes whatsoever, without express planning consent from the Local Planning Authority first being obtained.

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 need to ensure employment provision and protect residential amenity under Policies 8, 9 & 33 of the Horsham District Planning Framework (2015).

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

- All trees on the site shown for retention, as 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).

24. **Regulatory Condition:** Any Reserved Matters application which includes or is adjacent to the retained cedar trees subject to a Tree Preservation Order shall include a full tree report detailing how the trees will be protected during works and any works required to the trees. All works within that reserved matters parcel shall be carried out in full accordance with the approved details.

Reason: To ensure the successful and satisfactory protection of the cedar trees on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

25. **Regulatory Condition:** All mitigation and enhancement measures shall be carried out in accordance with the details contained in the submitted Ecological Appraisal (Hampshire County Council Ecology team, V4 revised June 2049). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

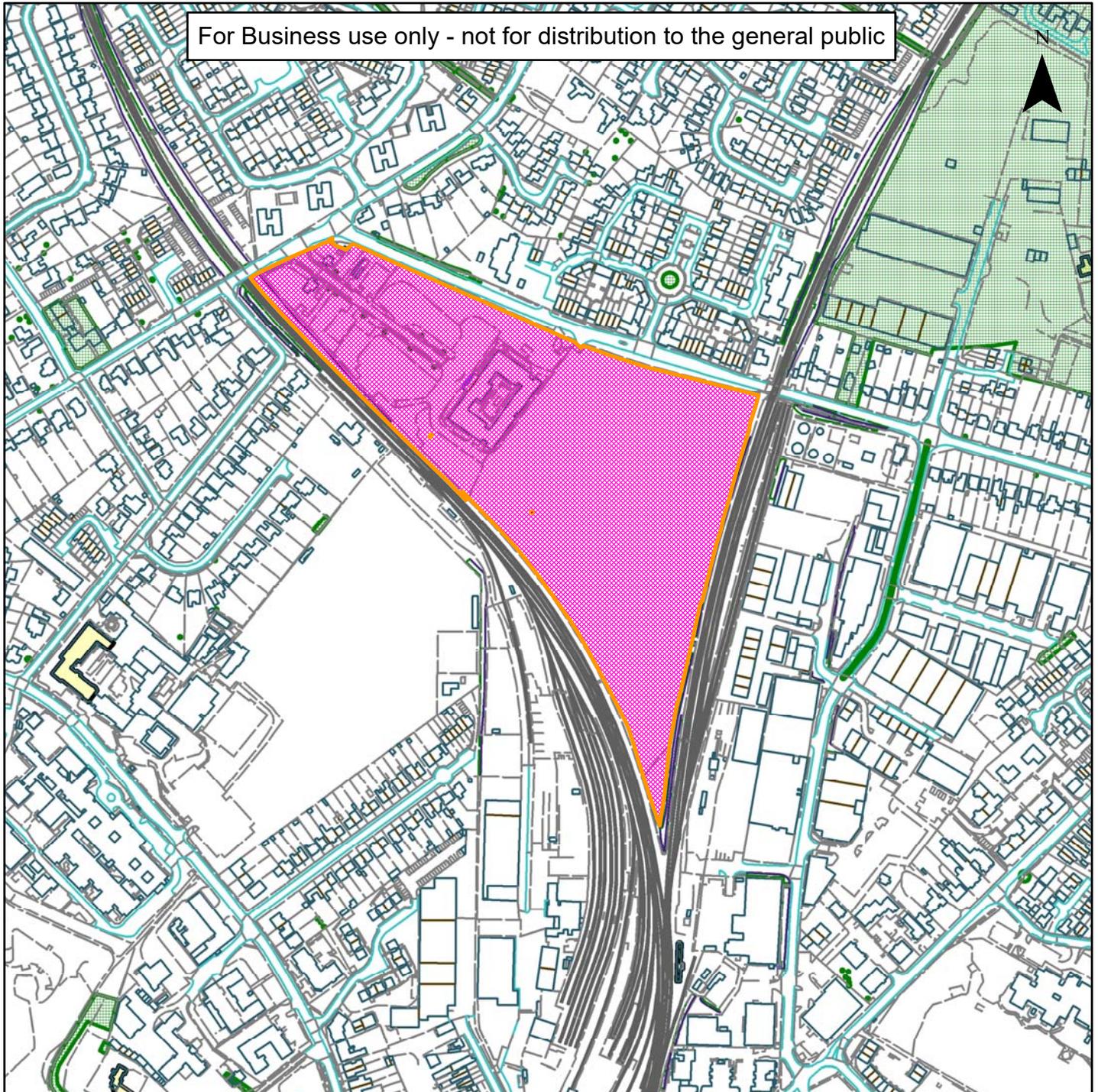
26. **Post Occupation Condition:** Upon the first occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).



Former Novartis Site, Parsonage Road, Horsham

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Scale: 1:5,000

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Organisation	Horsham District Council
Department	
Comments	
Date	25/07/2019
SA Number	100023865

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## **AGENDA ITEM 6 – DC/18/2687**

### **Former Novartis Site, Parsonage Road, Horsham**

#### **Additional Contribution:**

Section 6.49 of the committee report outlines measures for improving access by sustainable means. This includes £20,000 towards cycle signage and traffic regulation orders between the site and Horsham town station.

Since the report was published, the applicant has agreed to increase this contribution to £100,000. This will go towards pedestrian and cycle improvements connecting the site with the surrounding area, including improvements to the link between the site and Horsham Station. Currently, HDC are drafting an LCWIP (Local Cycling and Walking Infrastructure Plans). This is expected to be adopted this year. Under the LCWIP, areas for cycle and pedestrian improvements will be highlighted. This includes roads in the immediate vicinity of the Novartis site. It is therefore anticipated that the £100,000 contribution will go towards the improvements highlighted in the approved LCWIP.

HDC consider this to be a significant improvement to the scheme in terms of improving and promoting sustainable pedestrian and cycle linkages.

The proposed Transport Infrastructure Improvements under Heads of Terms outlined in Section 6.82 of the report is therefore to be amended as follows:

- Transport Infrastructure improvements:
  - Safeguarding of land on Parsonage Road to enable the widening of the footway to 3 metres.
  - Relocation of existing signalised crossing on Parsonage Road.
  - Contribution of £10,000 to the improvement of bus waiting facilities (real time information) on North Heath Lane, past Blenheim Road.
  - Contribution of £100,000 towards pedestrian and cycle improvements connecting the site with the surrounding area, including improvements to the link between the site and Horsham Station.

#### **Travel Plan:**

An additional Heads of Terms for the proposed S106 is recommended requiring an agreed Travel Plan to be implemented and monitored in accordance with details and timeframes to be agreed.

#### **Traffic Monitoring Scheme:**

As highlighted in Section 6.47 of the report, the proposal does not include the signalisation of the junction at Wimblehurst Road and Parsonage Road. The approach of WSCC is for these works to come forward in the future under CIL funds generated by the development. Given the uncertainty regarding the delivery of the signalised junction, an additional requirement in the heads of terms is

recommended for a traffic monitoring scheme to be undertaken at the junction at a certain period to assess whether the signal works are required.

Monitoring could be required to take place on the occupation of the 200th unit or on the completion of 15,000 sqm of commercial floorspace. Monitoring could then be required to take place every two years after this date until the completion of the development or the implementation of the traffic signals. The monitoring would inform the decision of the Council as to when the works are required and whether CIL contributions from the Novartis site could go towards paying for the works. The monitoring scheme would be a requirement under the S106 agreement. The exact details of this are to be agreed.

The addition of a monitoring report requirement gives more certainty that the works to the junction would be considered and delivered in the future.

### **Revised Wording for Condition 3**

Condition 3 outlines the timeframes for the submission of the Reserved Matters applications and the dates for when development should take place. The standard timeframes in the condition require Reserved Matters applications to be submitted within 3 years from the date of the permission and for development to commence within 3 years from the date of the permission or 2 years from the date of the approval of the last Reserved Matters (whichever is the later).

The applicant has stated that this timeframe would be difficult to achieve for the commercial area, given the uncertainty regarding the overall delivery of the commercial units. They have requested an extension of these timeframes to allow the development to be delivered in its entirety.

This is considered a reasonable request. A revision to the wording is therefore proposed to allow 3 years for the submission of Reserved Matters for the residential area and 5 years for the submission of Reserved Matters for the commercial areas. The amendment also extends the commencement date for commercial area to 5 years from the date of the permission. The revised wording of the condition is as follows:

#### **3. Outline permission:**

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters for the Residential Area, including the converted central buildings, shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) Application for approval of the reserved matters for the Commercial Area shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.
- (e) The development hereby permitted for the Residential Area, including the converted central buildings, shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (f) The development hereby permitted for the Commercial Area shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

### **Parking Standards:**

Further to paragraph 6.51, WSCC new parking standards have now been formally adopted. The parking proposed is in accordance with these standards. The comparative standards are:

	2014 Parking Standards	2019 Parking Standards
Residential	249	308
B1 Employment	833	833

### **Wimblehurst Road Resident's Group (WRRG):**

Section 3.23 of the report outlines the comments from WRRG. It is stated that the group submitted their own transport assessment. The report can be summarised as follows:

- Wimblehurst Road and North Heath Lane are amongst the most congested residential roads in Horsham, with North Heath Lane having 14 junctions over distances of less than a mile. Both roads are now operating at maximum capacity.
- The planned North of Horsham development will bring substantial increase in traffic using these roads. Even without the Novartis site, it is certain that all the junctions from the A264 to North Parade will be close to capacity for long periods of the day.
- At its peak, Novartis employed 1400 staff. The Enterprise Park development will have around 1700 staff working in B1 space (around 600 cars) and around 690 residents with perhaps 300 cars. It would be difficult to imagine that the local road network, already operating close to capacity, could support this increase.
- Even without the North of Horsham development, the TA submitted by HCC notes that the capacity of many sections of the two roads is beyond the theoretical maximum.
- There are too many omissions from the methodology used by HCC.
- The submitted TA is not fit for purposed.

The Transport Assessment from WRRG, along with other objections received from WRRG (including their own junction assessment), have been assessed by WSCC Highways. It should be noted that the impact of the North Horsham Development was taken into consideration in a later addendum to the submitted TA, as requested by WSCC Highways. The submissions do not raise any new material considerations, which have not already been taken into consideration in the committee report.

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (North)

**BY:** Head of Development

**DATE:** 6 August 2019

**DEVELOPMENT:** Retrospective application for the erection of a two storey detached dwelling, a detached triple garage with store and BBQ area, a detached garage, the creation of a new highway access with associated landscaping and amenity land.

**SITE:** Deerswood Southwater Street Southwater Horsham West Sussex RH13 9BN

**WARD:** Southwater

**APPLICATION:** DC/18/0363

**APPLICANT:** **Name:** Mr Scott Andrews **Address:** Deerswood Southwater Street Southwater Horsham West Sussex RH13 9BN

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Councillor Vickers and as more than 8 letters of objection have been received to the application.

**RECOMMENDATION:** To approve subject to appropriate conditions.

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

1.1 To consider the planning application.

### **BACKGROUND TO THE APPLICATION**

1.2 This current application for retrospective planning permission follows the approval of two dwellings on the wider site under application DC/15/2127, now known as Deerswood and Stags Leap. A further application for a detached triple garage with store and BBQ area within the curtilage of Deerswood was approved under DC/17/1368.

1.3 In October 2017 it was brought to the attention of the Council's Planning Compliance team that, despite the applicant having applied and had approved the discharge of the conditions attached to the original permission for the dwelling, the dwelling was shortly to be occupied without the approved works being completed. This included elements such as the landscaping of the site, the boundary treatments, bin/cycle storage and the foot/cycle path.

1.4 A subsequent visit by Officer's in December 2017 noted that, in addition to the potential breaches of conditions, the dwelling and garage/carports had not been constructed in accordance with the approved plans, there was additional areas of hardstanding, and air conditioning / heat source pumps had been installed to the rear of the double garage. There was also concern as to whether the dwelling and garages had been sited in accordance with the approved plans. Despite the applicant being advised not to occupy the property until the

details for the approved conditions had been provided on site, the dwelling was occupied by Christmas 2017.

- 1.5 The current application was therefore invited and submitted to seek to regularise the development that has been undertaken to date, including seeking to regularise the breaches of conditions and the amendments made to the dwelling and garages.

#### DESCRIPTION OF THE APPLICATION

- 1.6 The application seeks retrospective planning permission for the construction of a two-storey detached dwelling, a detached triple garage with store and BBQ area, a detached double garage, the creation of a new access of Southwater Street, and associated landscaping and amenity land.

- 1.7 In respect of the amendments made to the dwelling as approved, these can be summarised as follows:

- Front elevation – 2 x rooflights removed, changes to detailing of ground floor window.
- Rear elevation – Single storey extension with roof lantern added, Juliet balcony added to master bedroom, vents within roof for heating system and changes to the detailing of the windows.
- Side (north) elevation – 3 x additional windows (1 x ground floor, 2 x first floor).
- Side (south) elevation – Rooflights removed.

- 1.8 Whilst initial concerns were raised by Officer's in respect of the siting of the dwelling and garages, the applicant commissioned a survey of the site and any repositioning of the dwelling is minimal with the garage structures slightly repositioned. Five air conditioning/heat source pumps have been sited to the rear of the detached double garage. It is also understood that the noise attenuation measures previously agreed have not been undertaken.

- 1.9 In respect of the landscaping of the site, minimal soft landscaping has been undertaken to date with an enlarged driveway created to provide access to the additional garage and BBQ area. The driveway is non-permeable as opposed to the previously approved permeable surface, and a brick walled entrance has been created into the site as opposed to the agreed post and rail fencing with brick gate pillars.

#### DESCRIPTION OF THE SITE

- 1.10 The application site lies to the northern side of Southwater Street, within the built-up area boundary of Southwater. Planning permission for two detached dwellings and carport structures was granted permission in 2016. These dwellings have now been constructed and occupied since late 2017.

- 1.11 The site, prior to planning permission for the dwellings being granted, formed part of a much larger area of undeveloped land on the north side of Southwater Street, which exists as a landscaped buffer between Oakhurst Business Park to the north and residential properties to the south, west and east and was required to be provided by legal agreements associated with the applications for the business park and residential development. The associated legal agreement has, following the grant of planning permission, been amended to exclude the site from the area designated as a landscape buffer.

- 1.12 The site is bounded by residential development to the west (Roberts Close), south and east (properties along Southwater Street including Stags Leap) and to north by the remaining landscape buffer area with Oakhurst Business Park beyond.

## 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 24 - Strategic Policy: Environmental Protection.

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

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.

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Southwater Neighbourhood Plan was submitted to Horsham District Council under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 (as amended) on Thursday 14th March 2019. Horsham District Council will now take the plan forward and consult on it under Regulation 16 in due course.

### RELEVANT PARISH DESIGN STATEMENT

- 2.6 Southwater Parish Design Statement (2011).

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 The most recent and relevant planning history is summarised as follows:

DC/15/2127	Erection of two detached dwellings, two detached double carports, provision of footpath and associated works	Application Permitted on 30.06.2016
DISC/16/0256	Approval of details reserved by conditions 3, 4, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 18, 20 and 21 on DC/18/2127	Application Permitted on 11.01.2017
DC/17/1368	Proposed erection of single storey triple garage with store room and covered BBQ area	Application Permitted on 22.08.2017

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** Comment: The soft and hard landscaping proposals are not acceptable in their current state and offer little in the way of net biodiversity. The soft landscaping should reflect that previously approved and should make use of native species, whilst the trees proposed for the street frontage should reflect those species prevalent in the immediate location. The number and extent of tree planting should equate to that approved in 2016. The ornamental species of shrub planting should be specimens which maximise their contribution to encourage biodiversity. The materials for the driveways should be as approved in 2016 (breedon gravel in combination with the threshold strips) and the extent of hardstanding should be reduced in order to facilitate extra planting.
- 3.3 **HDC Environmental Health:** Comment: The noise climate at this location has changed significantly in the five years since the date of the noise report submitted. Without a current and relevant assessment that reflects the prevailing environment, it is not possible to adequately assess this application.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** Comment: Additional comments in respect of the most recent set of amended plans have not yet been received. Any comments received will be reported verbally to Members at the Committee meeting.

Comments received in respect of the scheme as originally submitted were that conditions are recommended in respect of access into the site being constructed in accordance with plans to be submitted, plans being submitted showing provision within the site to prevent surface water draining onto the highway and requiring adequate visibility splays being provided.

- 3.5 **Southern Water:** Comment – Additional comments in respect of the most recent set of amended plans have not yet been received. Any comments received will be reported verbally to Members at the Committee meeting.

Initial comments received were that a foul and surface water sewer are located within the site and the exact position of these should be determined prior to the layout of the development being finalised.

#### PUBLIC CONSULTATIONS

- 3.6 In respect of the application as originally submitted, 12 letters/emails of objection were received from 8 households. These can be summarised as follows:
- Unclear from the submitted plans as to amendments that have been made.
  - Increased footprint.
  - Internal layout amended.
  - uPVC windows changed to aluminium.
  - Materials amended from timber cladding to brick.
  - Carport constructed as a garage.
  - Potential noise nuisance from installed air conditioning/heating units.
  - Accesses from the highway have not been adequately completed.
  - Breaches of conditions occurred during the construction phases – i.e. breach of working hours, no wheel wash facility installed.

- Footpath link incomplete.
- Incorrect drawings submitted.
- Flooding issues as a result of the extensive hardstanding areas.
- Buildings incorreced sited.
- Lack of landscaping.
- Excessive hardstanding/driveway.
- Development is uncharacteristic of the area.

3.7 A further 2 letters/emails of objection have been received in respect of the first set of amended plans. These raise the following, summarised, comments:

- Unsightly development.
- Excessive driveways and parking areas.
- Excessive external lighting.
- Insufficient information received – i.e. landscaping information, site sections etc.
- Original application supported by sympathetic hard and soft landscaping plans.
- Outstanding planning conditions.

3.8 A further letter/email of objection has been received to the most recent set of the amended plans which can be summarised as follows:

- Too much non-porous tarmac – water run-off, not in keeping with surrounding area and loss of amenity.
- Lack of landscaping to soften development.

3.9 2 letter/emails of support were received to the application as originally submitted. It should however be noted that these were submitted by a member of the applicant's family and the occupier of the neighbouring property (Stags Leap) which is the subject of application DC/18/0464 which is also on the agenda to be discussed by Members at this Planning Committee meeting.

#### PARISH COUNCIL

3.10 Southwater Parish Council advised on 9 March 2018 that they had concerns in respect of the material used for the driveway and the encroachment of the development on the bunds on the site.

3.11 An additional response dated 3 May 2019 requested that permission be ‘...withheld until the access path condition is resolved and agreed.’

3.12 Additional comments in respect of the most recent set of amended plans have not yet been received. Any comments received will be reported verbally to Members at the Committee meeting.

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

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

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

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

## **6. PLANNING ASSESSMENTS**

6.1 The main considerations in the determination of the application are as follows:

- Principle of development.
- Impact on character and appearance of the streetscene, including landscaping.
- Impact on the privacy and amenity of the neighbouring properties.
- Noise attenuation.
- Highway safety.
- Drainage.

### **Principle of development**

6.2 The application seeks retrospective planning permission for the construction of a two-storey detached dwelling, a detached triple garage with store and BBQ area, a detached double garage, the creation of a new access of Southwater Street, and associated landscaping and amenity land. This current application follows the approval of two dwellings on the wider site under application DC/15/2127, now known as Deerswood and Stags Leap. A further application for a detached triple garage with store and BBQ area within the curtilage of Deerswood was approved under DC/17/1368.

6.3 The principle of the construction of a dwelling on the site has therefore been accepted. Whilst the application is retrospective in that it seeks the retention of the dwelling and associated outbuildings, it is the amendments to the property that are in effect for consideration as opposed to the consideration of the principle of residential development in this location. There are no material considerations or changes in circumstances that would warrant a different view from being taken in respect of the principle of the development.

### **Impact on character and appearance of the streetscene, including landscaping**

6.4 Whilst falling within the designated Southwater built-up area, Southwater Street retains an attractive, semi-rural character by reason of the pockets of adjacent undeveloped land, trees and vegetation and the low density of development, including predominately detached dwellings set well back from the street within generous plots.

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 It is acknowledged that permission has previously been granted for residential development, of a similar scale and form to that constructed on the site, and that this is a material consideration in the determination of this current application. The granting of the previous permission, and the construction of the two dwellings with associated outbuildings, has introduced built form into a previously undeveloped site. The dwellings however are set back from the highway and whilst they are not in line with the established building line, their positioning on the site has allowed the site to retain an open character. The dwellings although large in their scale when compared to the dwellings within the immediate locality, are not considered to look out of place in this locality and are set in generous plots, in keeping with the general semi-rural character of the area. It is therefore considered that the dwellings and associated outbuildings, whilst large, do not adversely affect the character and quality of the area.

6.7 There is however concern, both locally and by Officers in respect of the expanse of hard surfacing provided within the site, the lack of landscaping undertaken to date, and the impact that this may have on the visual amenity of the area. A comprehensive landscaping scheme

for the site was negotiated and agreed under DISC/16/0256 however this has not been implemented as approved, and to date, very little soft landscaping has been undertaken within the site, and the expanse of hard surfacing has increased beyond that agreed. In addition, brick walls have been constructed either side of the access into the site, as opposed to the post and rail fencing that was previously proposed. The scheme, as approved for Deerswood, showed the planting of the existing bund along the southern and western boundaries of the site with native trees and maintained as meadow, ornamental planting beds to enhance the driveway edges and within the rear garden area, native trees within the wider garden area (including along the foot/cycle path, and native hedging along the site boundary with Southwater Street and along either side of the foot/cycle path.

- 6.8 The landscaping scheme submitted in support of this current application proposes that no soft landscaping is undertaken within the curtilage of Deerswood other than lawn to the rear and sides of the property and at the entrance to the site, and a small amount of cherry laurel hedging planted between the side of the property and the triple garage building. A cherry laurel hedge is also proposed along either side of the foot/cycle path. Existing trees to the north, west and southern boundaries are shown as being retained.
- 6.9 Therefore, and in order to ensure the satisfactory landscaping of the site, it is recommended that a condition is imposed requiring a comprehensive landscaping scheme to be submitted within 2 months of the date of any permission granted, to be implemented within the next planting season. This should also show the bunds that currently exist on the site, in addition to those that were to be provided, for noise attenuation and landscaping purposes.

#### **Impact on the privacy and amenity of the neighbouring properties**

- 6.10 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. Deerswood has been constructed at a distance in excess of 25 metres from the nearest residential property. It is considered that dwelling as constructed does not have any adverse impact on the privacy and amenity of the occupiers of the neighbouring residential properties.

#### **Noise attenuation**

- 6.11 In terms of the quality of residential accommodation for future occupiers, concerns were raised at the time of the consideration of the original application in respect of the protection of residents from noise nuisances emanating from the adjoining business park. This issue has also been highlighted as part of previous appeals on the site.
- 6.12 A noise assessment accompanied by subsequent updates was submitted in supported of the original permission for the site. Following consideration of the proposal by the Council's Environmental Health team it was recommended that a condition be imposed requiring a scheme of works to be submitted to reduce the intrusion of noise. A scheme was submitted and approved as part of the Discharge of Condition application relating to the site which set out that upvc windows were to be fitted to the front and side elevations, with the rear elevation fitted with aluminium bi-fold doors, which would be hermetically sealed, argon gas filled, double glazed units which would provide noise attenuation. Acoustic trickle vents were also to be fitted to the first floor windows following concerns raised by Environmental Health in respect of noise emanating from the adjacent commercial site during night time activities, and planted bunds were to be provided along the boundary with Oakhurst Business Park to provide further noise attenuation.
- 6.13 Whilst the applicant has provided a noise assessment, in order to demonstrate noise from activities on the business park would not prejudice the amenity of the occupiers of the proposed dwellings, this is dated 31 July 2014 and the Council's Environmental Health team have advised that the noise climate at this location has significantly changed in the five years

since the date of the noise report. In addition, no updated scheme of works has been provided however Officers are aware that the landscaped bunds previously proposed along the northern boundary of the site to provide noise attenuation have not been provided and that acoustic trickle vents proposed to the first floor have not been provided either as the property has been fitted with an indoor climate ventilation system. Whilst this may be case, no details of the windows that have been installed have been provided, and no consideration of the impact of the lack of landscaped bunds has been made, and therefore Officers cannot fully consider the impact of noise emanating from Oakhurst Business Park on the occupiers of Deerswood.

- 6.14 It is therefore recommended that a condition is imposed requiring a scheme of works to reduce the intrusion of noise from Oakhurst Business Park on the occupiers of Deerswood to be submitted for consideration within 2 months of the date of any permission granted and that this should be based on an up to date noise assessment carried out at the site which reflects the current and prevailing environment.

### **Highway safety**

- 6.15 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.16 West Sussex County Council as the Local Highway Authority having raised no objection to the original application for the site, have requested that a number of conditions are imposed to any permission granted in order to ensure that the access onto the public highway is safe and that the drainage of the driveway area is acceptable and will not result in surface water on the highway. The conditions as suggested are considered to be reasonable and necessary, subject to amendment to acknowledge the fact that the development is retrospective.

### **Drainage**

- 6.17 The landscaping scheme as agreed for the site details that the areas of hard surfacing would include permeable resin bound gravel to the driveway, beyond a section of tumbled blocks at the site entrance, and that all surfaces within the site were to be permeable. Following an Officer site visit, it is clear that the hard surfaced area providing a driveway and parking area to the front of the property is significantly larger than that approved and has been laid onto tarmac resulting in a non-permeable surface being created. Whilst a drainage plan has been provided detailing the drainage of the site, this provides limited detail in respect of drainage of the hard surfaced areas within the site, and following discussions with the Council's Drainage Engineer, it is likely that some form of attenuation is likely to be required in order to deal with heavy rainfall conditions. Officers have also been made aware of flooding issues that have arisen within the area since the construction of the properties on this site.
- 6.18 Given the limited information received to date, the complaints received, and the advice/comments received by both the Council's Drainage Officer and WSCC Highways, it is therefore recommended that a condition is imposed on any permission granted requiring a comprehensive drainage scheme that deals with the drainage of the hard surfaces within the site to be submitted to the Council within 2 months.

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

- 6.19 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.20 **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	534.48	0	534.48

**Total Gain**  
**Total Demolition**

- 6.21 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development. It should however be noted that in this case the development on the site has been commenced and the dwelling occupied.
- 6.22 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development and in this case once the decision notice is issued.

## 7. RECOMMENDATIONS

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

Conditions:

- 1 A list of approved plans
- 2 **Regulatory Condition:** Within 2 months of the date of this permission, plans and details shall be submitted to the Local Planning Authority detailing the vehicular access. The access as approved shall be constructed in accordance with the approved details within 2 months of written permission being received.

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

- 3 **Regulatory Condition:** Within 2 months of the date of this permission, plans and details shall be submitted to the Local Planning Authority detailing how provision will be made within the site to prevent surface water draining onto the public highway. The details as approved shall be implemented in accordance with the approved details within 2 months of written permission being received.

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

- 4 **Regulatory Condition:** Within 2 months of the date of this permission, plans and details shall be submitted to the Local Planning Authority showing visibility splays of 2.4 metres by 43 metres at the vehicular access onto Southwater Street. The details as approved shall be implemented in accordance with the approved details within 2 months of written permission being received. The splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 5 **Regulatory Condition:** Within 2 months of the date of this permission, plans and details shall be submitted to the Local Planning Authority detailing the provision of facilities for the parking of cycles and for the storage of refuse/recycling bins within the site. The details as approved shall be implemented in accordance with the approved details within 2 months of written permission being received.

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

6 **Regulatory Condition:** Within 2 months of the date of this permission, and notwithstanding the details submitted in support of this application, full details of all hard and soft landscaping works shall be submitted to 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.
- Details of the bunds to be retained and provided within the site.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the approval of the submitted details. 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).

7 **Regulatory Condition:** Within 2 months of the date of this permission, and notwithstanding the details submitted, a plan shall be submitted to the Local Planning Authority detailing a reduction in the level of hardstanding within the curtilage of the property, to reflect that approved under DISC/16/0256. The details as approved shall be implemented in accordance with the approved details within 2 months of written permission being received.

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).

8 **Regulatory Condition:** Within 2 months of the date of this permission, a scheme of works to reduce the intrusion of noise from Oakhurst Business Park on the occupiers of the development hereby approved shall be submitted to the Local Planning Authority. This should be based on an up to date noise assessment carried out at the site which reflects the current and prevailing environment. The scheme as approved shall be implemented in accordance with the approved details within 2 months of written permission being received.

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

9 **Regulatory Condition:** Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification)

no development falling within Classes A and B of Part 1 of Schedule 2 to the order shall be erected, constructed or placed within the curtilage of the dwelling hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In the interest of visual amenity of the streetscene and in order to protect the privacy and amenity of the occupiers of neighbouring residential properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Notes to Applicant:

**Highways informative**

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

**Landscape details**

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

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

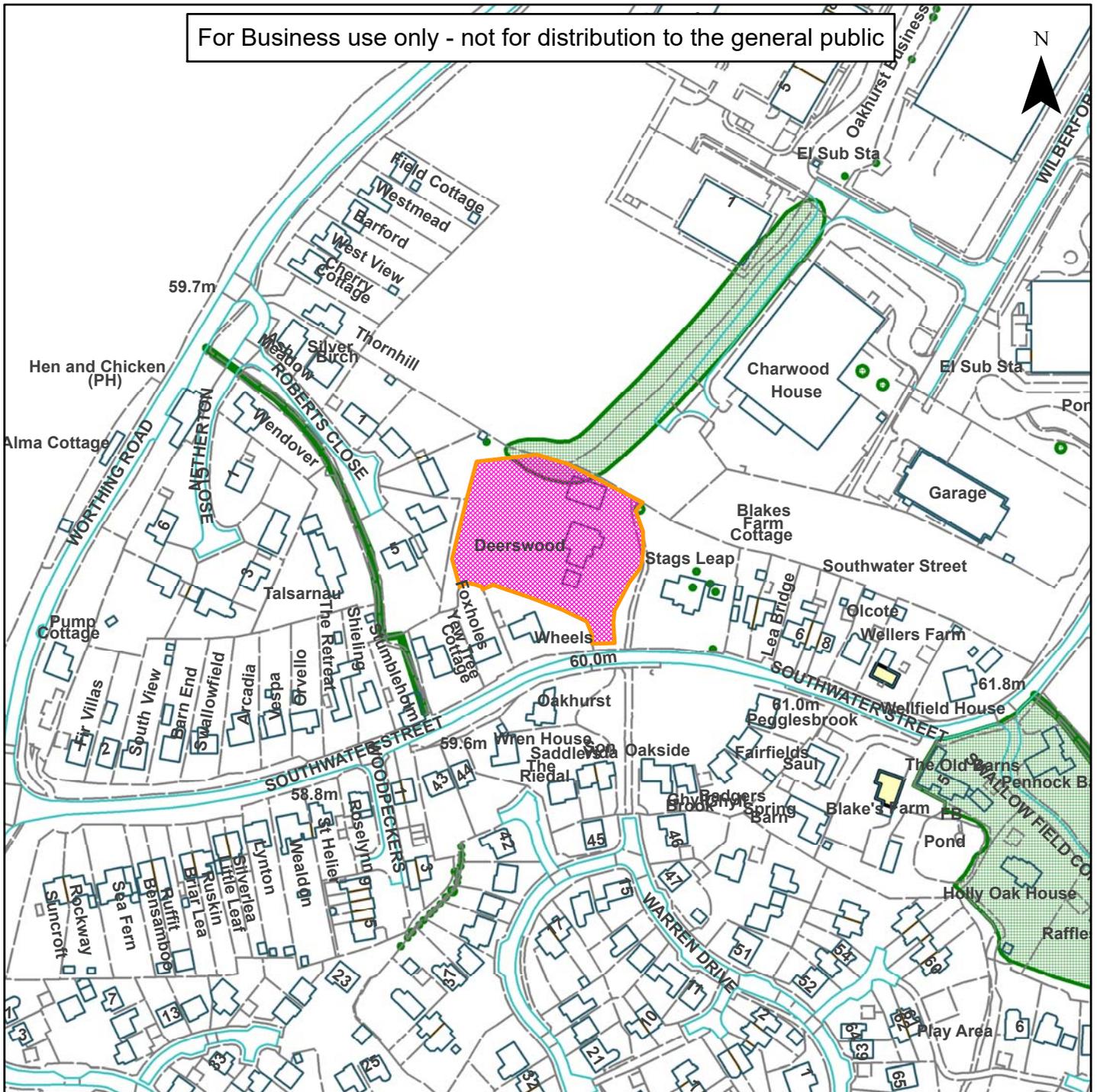
Background Papers: DC/15/2127, DISC/16/0256, DC/17/1368 and DC/18/0363

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Deerswood, Southwater Street, Southwater

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	25/07/2019
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (North)

**BY:** Head of Development

**DATE:** 4 June 2019

**DEVELOPMENT:** Retrospective application for the erection of a detached two storey dwelling, a detached double garage, the creation of a new highway access and associated landscaping.

**SITE:** Stags leap Southwater Street Southwater Horsham West Sussex RH13 9BN

**WARD:** Southwater

**APPLICATION:** DC/18/0464

**APPLICANT:** **Name:** Mr Gaius Owen **Address:** Stags Leap Southwater Street Southwater Horsham West Sussex RH13 9BN

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Councillor Vickers.

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

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

1.1 To consider the planning application.

#### BACKGROUND TO THE APPLICATION

- 1.2 This current application for retrospective planning permission follows the approval of two dwellings on the wider site under application DC/15/2127, now known as Deerswood and Stags Leap. A further application for a detached two storey garage within the curtilage of Stags Leap was approved under DC/17/1595.
- 1.3 In October 2017 it was brought to the attention of the Council's Planning Compliance team that, despite the applicant having applied and had approved the discharge of the conditions attached to the original permission for the dwelling, the dwelling was shortly to be occupied without the approved works being completed. This included elements such as the landscaping of the site, the boundary treatments, bin/cycle storage and the foot/cycle path.
- 1.4 A subsequent visit by Officer's in December 2017 noted that, in addition to the potential breaches of conditions, the dwelling and garage/carports had not been constructed in accordance with the approved plans and there was additional areas of hardstanding. There was also concern as to whether the dwelling and garage had been sited in accordance with the approved plans. Despite the applicant being advised not to occupy the property until the details for the approved conditions had been provided on site, the dwelling was occupied by Christmas 2017.

- 1.5 The current application was therefore invited and submitted to seek to regularise the development that has been undertaken to date, including seeking to regularise the breaches of conditions and the amendments made to the dwelling and garages.

#### DESCRIPTION OF THE APPLICATION

- 1.6 The application seeks retrospective planning permission for the construction of a detached two storey dwelling, a detached double garage measuring to some 5.8m in height, the creation of a new highway access and associated landscaping.
- 1.7 In respect of the amendments made to the dwelling as approved, these can be summarised as follows:
- Front elevation – Rooflight removed, window detailing amended.
  - Rear elevation – Window detailing amended, vents within roof for heating system and additional rooflight.
  - Side (west) elevation – Rooflight removed
- 1.8 Whilst initial concerns were raised by Officer's in respect of the siting of the dwelling and garage, the applicant commissioned a survey of the site and any repositioning of the dwelling is minimal with the garage structure slightly repositioned. It is also understood that the noise attenuation measures previously agreed have not been undertaken.
- 1.9 In respect of the landscaping of the site, minimal soft landscaping has been undertaken to date with an enlarged driveway created to provide access to the side of the garage and into the rear garden area. The driveway is non-permeable as opposed to the previously approved permeable surface.
- 1.10 The landscaping plan submitted in support of the application details that some 7 trees are to be planted within the front garden area of the property, with laurel hedging along the frontage of the site where it borders Southwater Street. This hedging will then continue along either side of the foot/cycle path. Areas of soft landscaping are to be introduced to the front of the property with grassed areas to either side of the driveway and to the rear of the property. A large expanse of patio is to be provided to the rear of the property measuring some 220sqm.

#### DESCRIPTION OF THE SITE

- 1.11 The application site lies to the northern side of Southwater Street, within the built-up area boundary of Southwater. Planning permission for two detached dwellings and carport structures was granted permission in 2016. These dwellings have now been constructed and occupied since late 2017.
- 1.12 The site, prior to planning permission for the dwellings being granted, formed part of a much larger area of undeveloped land on the north side of Southwater Street, which exists as a landscaped buffer between Oakhurst Business Park to the north and residential properties to the south, west and east and was required to be provided by legal agreements associated with the applications for the business park and residential development. The associated legal agreement has, following the grant of planning permission, been amended to exclude the site from the area designated as a landscape buffer.
- 1.13 The site is bounded by residential development to the west (Roberts Close), south and east (properties along Southwater Street including Stags Leap) and to north by the remaining landscape buffer area with Oakhurst Business Park beyond.

## 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 24 - Strategic Policy: Environmental Protection.
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character.
- 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.

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Southwater Neighbourhood Plan was submitted to Horsham District Council under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 (as amended) on Thursday 14th March 2019. Horsham District Council will now take the plan forward and consult on it under Regulation 16 in due course.

### RELEVANT PARISH DESIGN STATEMENT

- 2.6 Southwater Parish Design Statement (2011).

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 The most recent and relevant planning history is summarised as follows:

DC/15/2127	Erection of two detached dwellings, two detached double carports, provision of footpath and associated works	Application Permitted on 30.06.2016
DISC/16/0256	Approval of details reserved by conditions 3, 4, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 18, 20 and 21 on DC/18/2127	Application Permitted on 11.01.2017
DC/17/1368	Proposed erection of single storey triple garage with store room and covered BBQ area	Application Permitted on 22.08.2017

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** Comment: The soft and hard landscaping proposals are not acceptable in their current state and offer little in the way of net biodiversity. The soft landscaping should reflect that previously approved and should make use of native species, whilst the trees proposed for the street frontage should reflect those species prevalent in the immediate location. The number and extent of tree planting should equate to that approved in 2016. The ornamental species of shrub planting should be specimens which maximise their contribution to encourage biodiversity. The materials for the driveways should be as approved in 2016 (breedon gravel in combination with the threshold strips) and the extent of hardstanding should be reduced in order to facilitate extra planting.
- 3.3 **HDC Environmental Health:** Comment: The noise climate at this location has changed significantly in the five years since the date of the noise report submitted. Without a current and relevant assessment that reflects the prevailing environment, it is not possible to adequately assess this application.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** Comment: Additional comments in respect of the most recent set of amended plans have not yet been received. Any comments received will be reported verbally to Members at the Committee meeting.

Comments received in respect of the scheme as originally submitted were that conditions are recommended in respect of access into the site being constructed in accordance with plans to be submitted, plans being submitted showing provision within the site to prevent surface water draining onto the highway and requiring adequate visibility splays being provided.

- 3.5 **Southern Water:** Comment – Additional comments in respect of the most recent set of amended plans have not yet been received. Any comments received will be reported verbally to Members at the Committee meeting.

Initial comments received were that a foul and surface water sewer are located within the site and the exact position of these should be determined prior to the layout of the development being finalised.

#### PUBLIC CONSULTATIONS

- 3.6 In respect of the application as originally submitted, 8 letters/emails of objection were received from 7 households. These can be summarised as follows:
- Unclear from the submitted plans as to amendments that have been made.
  - uPVC windows changed to aluminium.
  - Garage constructed in incorrect position.
  - Incorrect drawings submitted.
  - Flooding issues as a result of the extensive hardstanding areas.
  - Lack of landscaping.
  - Site levels altered during construction works.
  - Incomplete development.
  - Excessive hardstanding/driveway.
  - Excessive lighting.

- Laurel hedging restricts visibility.
- Foul water drainage potentially not constructed correctly.
- Failure to comply with conditions.
- Potential use of site for business purposes.
- Development is uncharacteristic of the area.

3.7 A further 4 letters/emails of objection have been received in respect of amended plans submitted to the Council. These raise the following, summarised, comments:

- Incorrect drawings submitted.
- Failure to comply with conditions.
- Lack of landscaping.
- Site levels altered during construction works.
- Excessive hardstanding/driveway.
- Development is uncharacteristic of the area.
- Lack of foot/cycle path.

3.8 A further letter/email of objection has been received to the most recent set of the amended plans which can be summarised as follows:

- Failure to replace 2 x removed ash trees which were the subject of a TPO.
- Laurel hedging along site boundary restricts visibility.
- Too much non-porous tarmac – water run-off, not in keeping with surrounding area and loss of amenity.
- Lack of landscaping to soften development.

#### PARISH COUNCIL

3.9 Southwater Parish Council advised on 3 May 2018, that in addition to comments previously made, permission should be ‘...withheld until the access path condition is resolved and agreed.’

3.11 Additional comments in respect of the most recent set of amended plans have not yet been received. Any comments received will be reported verbally to Members at the Committee meeting.

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

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

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

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

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

6.1 The main considerations in the determination of the application are as follows:

- Principle of development.
- Impact on character and appearance of the streetscene, including landscaping.
- Impact on the privacy and amenity of the neighbouring properties.
- Noise attenuation.

- Highway safety.
- Drainage.

### **Principle of development**

- 6.2 The application seeks retrospective planning permission for the construction of a detached two storey dwelling, a detached double garage measuring to some 5.8m in height, the creation of a new highway access and associated landscaping. This current application follows the approval of two dwellings on the wider site under application DC/15/2127, now known as Deerswood and Stags Leap. A further application for a detached two storey garage within the curtilage of Stags Leap was approved under DC/17/1595.
- 6.3 The principle of the construction of a dwelling on the site has therefore been accepted. Whilst the application is retrospective in that it seeks the retention of the dwelling and associated outbuildings, it is the amendments to the property that are in effect for consideration as opposed to the consideration of the principle of residential development in this location. There are no material considerations or changes in circumstances that would warrant a different view from being taken in respect of the principle of the development.

### **Impact on character and appearance of the streetscene, including landscaping**

- 6.4 Whilst falling within the designated Southwater built-up area, Southwater Street retains an attractive, semi-rural character by reason of the pockets of adjacent undeveloped land, trees and vegetation and the low density of development, including predominately detached dwellings set well back from the street within generous plots.
- 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 It is acknowledged that permission has previously been granted for residential development, of a similar scale and form to that constructed on the site, and that this is a material consideration in the determination of this current application. The granting of the previous permission, and the construction of the two dwellings with associated outbuildings, has introduced built form into a previously undeveloped site. The dwellings however are set back from the highway and whilst they are not in line with the established building line, their positioning on the site has allowed the site to retain an open character. The dwellings although large in their scale when compared to the dwellings within the immediate locality, are not considered to look out of place in this locality and are set in generous plots, in keeping with the general semi-rural character of the area. It is therefore considered that the dwellings and associated outbuildings, whilst large, do not adversely affect the character and quality of the area.
- 6.7 There is however concern, both locally and by Officers in respect of the expanse of hard surfacing provided within the site, the lack of landscaping undertaken to date, and the impact that this may have on the visual amenity of the area. A comprehensive landscaping scheme for the site was negotiated and agreed under DISC/16/0256 however this has not been implemented as approved, and to date, very little soft landscaping has been undertaken within the site, and the expanse of hard surfacing has increased beyond that agreed. In addition, brick walls have been constructed either side of the access into the site, as opposed to the post and rail fencing that was previously proposed. The scheme, as approved for Stags Leap, showed the planting of the proposed bund along the northern boundary of the site with a native hedgerow and the land around the boundaries maintained as meadow, native trees planted along the northern boundary of the site, ornamental planting beds to enhance the

driveway edges, native trees within the wider garden area (including along the foot/cycle path, and native hedging along the site boundary with Southwater Street and along either side of the foot/cycle path.

- 6.8 The landscaping plan submitted in support of the application details that some 7 trees are to be planted within the front garden area of the property, with laurel hedging along the frontage of the site where it borders Southwater Street. This hedging will then continue along either side of the foot/cycle path. Areas of soft landscaping are to be introduced to the front of the property with grassed areas to either side of the driveway and to the rear of the property. A large expanse of patio is to be provided to the rear of the property measuring some 220sqm. Existing trees to the northern boundary are shown as being retained however an ash tree to the subject of a TPO to the frontage of the site is to be removed and replaced with a 2/3 Tilia Cortata Winter Oranges.
- 6.9 Therefore, and in order to ensure the satisfactory landscaping of the site, it is recommended that a condition is imposed requiring a comprehensive landscaping scheme to be submitted within 2 months of the date of any permission granted, to be implemented within the next planting season. This should also show the bunds that currently exist on the site, in addition to those that were to be provided, for noise attenuation and landscaping purposes.

#### **Impact on the privacy and amenity of the neighbouring properties**

- 6.10 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. Stags Leap has been constructed at a distance of some 13.4 metres, with the garage constructed at a distance of some 4.7 metres from the eastern boundary of the site. It is considered that dwelling as constructed does not have any adverse impact on the privacy and amenity of the occupiers of the neighbouring residential properties beyond those considered as part of the original application.

#### **Noise attenuation**

- 6.11 In terms of the quality of residential accommodation for future occupiers, concerns were raised at the time of the consideration of the original application in respect of the protection of residents from noise nuisances emanating from the adjoining business park. This issue has also been highlighted as part of previous appeals on the site.
- 6.12 A noise assessment accompanied by subsequent updates was submitted in supported of the original permission for the site. Following consideration of the proposal by the Council's Environmental Health team it was recommended that a condition be imposed requiring a scheme of works to be submitted to reduce the intrusion of noise. A scheme was submitted and approved as part of the Discharge of Condition application relating to the site which set out that upvc windows were to be fitted to the front and side elevations, with the rear elevation fitted with aluminium bi-fold doors, which would be hermetically sealed, argon gas filled, double glazed units which would provide noise attenuation. Acoustic trickle vents were also to be fitted to the first floor windows following concerns raised by Environmental Health in respect of noise emanating from the adjacent commercial site during night time activities, and planted bunds were to be provided along the boundary with Oakhurst Business Park to provide further noise attenuation.
- 6.13 Whilst the applicant has provided a noise assessment, in order to demonstrate noise from activities on the business park would not prejudice the amenity of the occupiers of the proposed dwellings, this is dated 31 July 2014 and the Council's Environmental Health team have advised that the noise climate at this location has significantly changed in the five years since the date of the noise report. In addition, no updated scheme of works has been provided however Officers are aware that the landscaped bunds previously proposed along the northern boundary of the site to provide noise attenuation have not been provided and

that acoustic trickle vents proposed to the first floor have not been provided either as the property has been fitted with an indoor climate ventilation system. Whilst this may be case, no details of the windows that have been installed have been provided, and no consideration of the impact of the lack of landscaped bunds has been made, and therefore Officers cannot fully consider the impact of noise emanating from Oakhurst Business Park on the occupiers of Stags Leap.

- 6.14 It is therefore recommended that a condition is imposed requiring a scheme of works to reduce the intrusion of noise from Oakhurst Business Park on the occupiers of Stags Leap to be submitted for consideration within 2 months of the date of any permission granted and that this should be based on an up to date noise assessment carried out at the site which reflects the current and prevailing environment.

### **Highway safety**

- 6.15 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.16 West Sussex County Council as the Local Highway Authority having raised no objection to the original application for the site, have requested that a number of conditions are imposed to any permission granted in order to ensure that the access onto the public highway is safe and that the drainage of the driveway area is acceptable and will not result in surface water on the highway. The conditions as suggested are considered to be reasonable and necessary, subject to amendment to acknowledge the fact that the development is retrospective.

### **Drainage**

- 6.17 The landscaping scheme as agreed for the site details that the areas of hard surfacing would include permeable resin bound gravel to the driveway, beyond a section of tumbled blocks at the site entrance, and that all surfaces within the site were to be permeable. Following an Officer site visit, it is clear that the hard surfaced area providing a driveway and parking area to the front of the property is significantly larger than that approved and has been laid onto tarmac resulting in a non-permeable surface being created. Whilst a drainage plan has been provided detailing the drainage of the site, this provides limited detail in respect of drainage of the hard surfaced areas within the site, and following discussions with the Council's Drainage Engineer, it is likely that some form of attenuation is likely to be required in order to deal with heavy rainfall conditions. Officers have also been made aware of flooding issues that have arisen within the area since the construction of the properties on this site.
- 6.18 Given the limited information received to date, the complaints received, and the advice/comments received by both the Council's Drainage Officer and WSCC Highways, it is therefore recommended that a condition is imposed on any permission granted requiring a comprehensive drainage scheme that deals with the drainage of the hard surfaces within the site to be submitted to the Council within 2 months.

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

- 6.19 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.20

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	356.45	0	356.45
<b>Total Gain</b>			
<b>Total Demolition</b>			

- 6.21 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development. It should however be noted that in this case the development on the site has been commenced and the dwelling occupied.
- 6.22 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development and in this case once the decision notice is issued.

## 7. RECOMMENDATIONS

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

Conditions:

- 1 A list of approved plans
- 2 **Regulatory Condition:** Within 2 months of the date of this permission, plans and details shall be submitted to the Local Planning Authority detailing the vehicular access. The access as approved shall be constructed in accordance with the approved details within 2 months of written permission being received.

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

- 3 **Regulatory Condition:** Within 2 months of the date of this permission, plans and details shall be submitted to the Local Planning Authority detailing how provision will be made within the site to prevent surface water draining onto the public highway. The details as approved shall be implemented in accordance with the approved details within 2 months of written permission being received.

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

- 4 **Regulatory Condition:** Within 2 months of the date of this permission, plans and details shall be submitted to the Local Planning Authority showing visibility splays of 2.4 metres by 43 metres at the vehicular access onto Southwater Street. The details as approved shall be implemented in accordance with the approved details within 2 months of written permission being received. The splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 5 **Regulatory Condition:** Within 2 months of the date of this permission, plans and details shall be submitted to the Local Planning Authority detailing the provision of

facilities for the parking of cycles and for the storage of refuse/recycling bins within the site. The details as approved shall be implemented in accordance with the approved details within 2 months of written permission being received.

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

6 **Regulatory Condition:** Within 2 months of the date of this permission, and notwithstanding the details submitted in support of this application, full details of all hard and soft landscaping works shall be submitted to 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.
- Details of the bunds to be retained and provided within the site.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the approval of the submitted details. 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).

7 **Regulatory Condition:** Within 2 months of the date of this permission, and notwithstanding the details submitted, a plan shall be submitted to the Local Planning Authority detailing a reduction in the level of hardstanding within the curtilage of the property, to reflect that approved under DISC/16/0256. The details as approved shall be implemented in accordance with the approved details within 2 months of written permission being received.

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).

8 **Regulatory Condition:** Within 2 months of the date of this permission, a scheme of works to reduce the intrusion of noise from Oakhurst Business Park on the occupiers of the development hereby approved shall be submitted to the Local Planning Authority. This should be based on an up to date noise assessment carried out at the site which reflects the current and prevailing environment. The scheme as approved shall be implemented in accordance with the approved details within 2 months of written permission being received.

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

- 9 **Regulatory Condition:** Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A and B of Part 1 of Schedule 2 to the order shall be erected, constructed or placed within the curtilage of the dwelling hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In the interest of visual amenity of the streetscene and in order to protect the privacy and amenity of the occupiers of neighbouring residential properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Notes to Applicant:

**Highways informative**

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

**Landscape details**

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

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

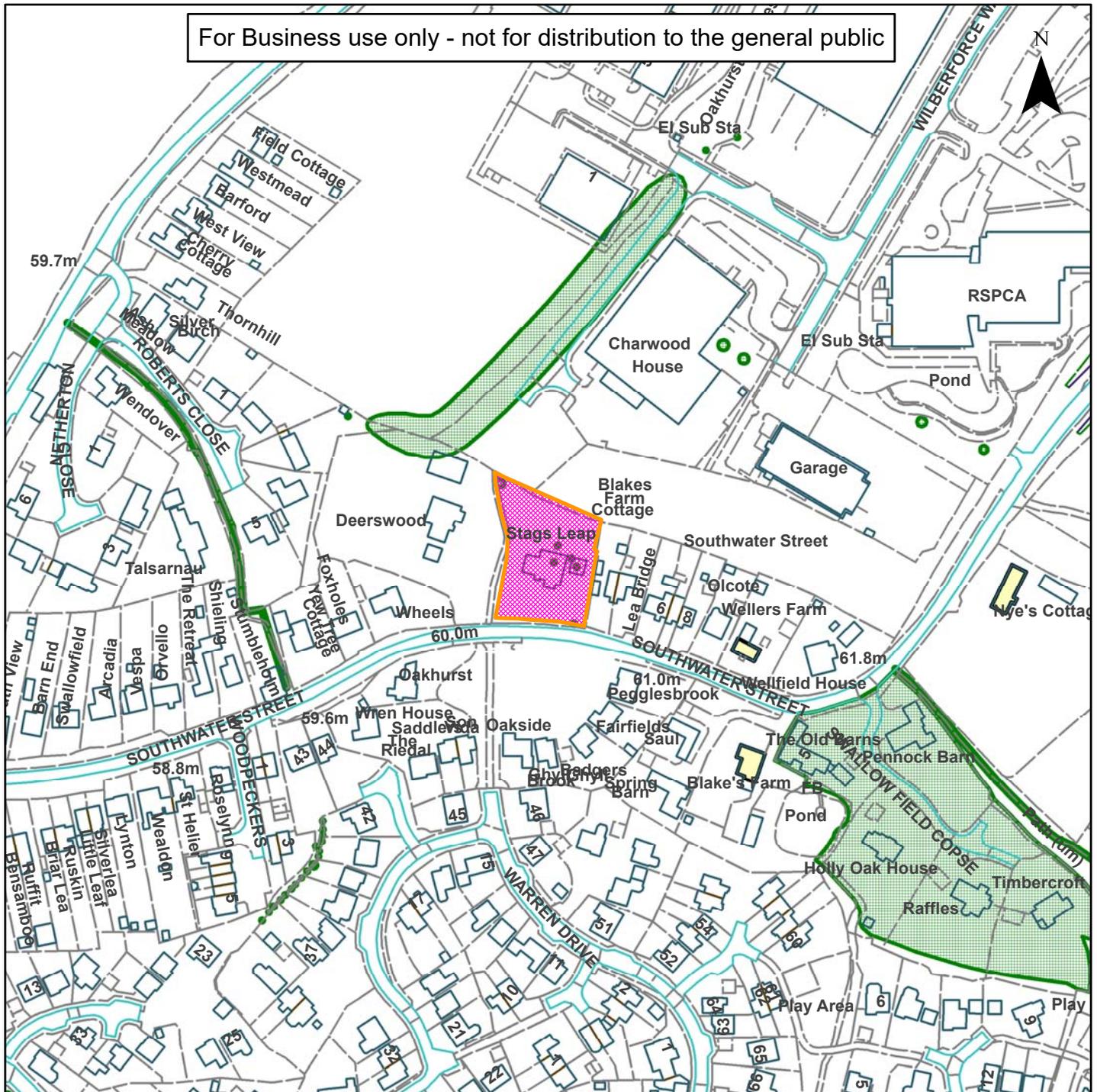
Background Papers: DC/15/2127, DISC/16/0256, DC/17/1368 and DC/18/0363

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Stags Leap, Southwater Street, Southwater

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	25/07/2019
SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING REPORT COMMITTEE**

**TO:** Planning Committee (North)  
**BY:** Head of Development  
**DATE:** 06 August 2019  
**DEVELOPMENT:** Removal of domestic storage barn and erection of a self contained timber framed dwelling  
**SITE:** Hunters Oak Faygate Lane Faygate Horsham West Sussex RH12 4SJ  
**WARD:** Rusper and Colgate (Historic Ward)  
**APPLICATION:** DC/19/0821  
**APPLICANT:** **Name:** Mr Keith Luxford **Address:** Hunters Oak, Faygate Lane Faygate RH12 4SJ

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

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

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the demolition of the existing building and the replacement with a self-contained residential dwelling.

1.3 The proposed dwelling would measure to a length of 22.6m and a depth of 6m and would incorporate a pitched roof measuring to an overall height of 4.7m. The proposal would be positioned approximately 3m from the norther boundary of the site and would be oriented to face south. The proposed dwelling would incorporate a pitched roof gable feature to the south-eastern corner, with a porch projection extending from the southern elevation. The dwelling would be finished in horizontal timber cladding above a brick plinth, with plain clay tiles to the roof, and white timber fenestration.

1.4 The proposed dwelling would provide a kitchen/dining room, living room, utility room, w.c, bathroom, and 3no. bedrooms (one with dressing room and ensuite).

#### DESCRIPTION OF THE SITE

1.5 The application site is positioned to the west of Faygate Lane, outside of any defined built-up area boundary. The site comprises a residential dwelling, commercial buildings, and residential outbuildings within a relatively large plot.

- 1.6 The site is surrounded by residential development comprising Durrants Retirement Village to the south, with woodland positioned to the west. Several residential dwellings are located to the north of the site, set back from the public highway.

## 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 15 - Strategic Policy: Housing Provision.

Policy 16 - Strategic Policy: Meeting Local Housing Needs.

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

Policy 26 - Strategic Policy: Countryside Protection.

Policy 32 - Strategic Policy: The Quality of New Development.

Policy 33 - Development Principles.

Policy 35 - Strategic Policy: Climate Change.

Policy 36 - Strategic Policy: Appropriate Energy Use.

Policy 37 - Sustainable Construction.

Policy 41 - Parking.

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Parish of Colgate has not been designated as a Neighbourhood Development Plan Area to date.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 The following applications are the most recent and relevant applications relating to the application site:

DC/04/2562	Erection of log cabin as ancillary accommodation to main house	Application Refused on 31.01.2005
DC/16/2785	Proposed conversion of residential storage barn to self contained residential unit	Application Refused on 12.05.2017. Allowed on appeal.

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

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

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No objection subject to conditions.

#### OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection. The Local Highway Authority (LHA) does not consider that this proposal 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.

- 3.4 **Southern Water:** No Objection.

#### PARISH COUNCIL

- 3.5 **Colgate Parish Council:** No objection.

#### PUBLIC CONSULTATIONS

- 3.6 One letter of representation was received and raised concerns with the loss of trees to the boundary.

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

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

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

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

### **6. PLANNING ASSESSMENTS**

- 6.1 The main considerations material to this application are:

- Principle of development.
- Design and appearance of the proposal.
- Impact on character and appearance of the surrounding countryside.
- Impact on privacy and amenity of neighbouring properties.
- Highway safety and parking.

#### **Principle of development**

- 6.2 Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The site is situated outside of any of the defined settlements as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms.

- 6.3 Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 6.4 The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the HDPF seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.
- 6.5 Paragraph 78 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."
- 6.6 Policy 26 of the HDPF directs that development in the countryside should be essential and appropriate in scale, and meet one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas.
- 6.7 The application site lies outside of the built-up area, and is therefore considered to be within the countryside in policy terms. New build housing is not generally considered acceptable outside of defined built-up areas, unless material considerations outweigh the conflict with development plan policies.
- 6.8 The application site currently benefits from an extant planning permission under planning reference DC/16/2785, for the conversion of the existing barn into a self-contained dwelling, which was allowed on appeal. The Inspector's decision concludes that the site is very close to both the existing development of Faygate and Durrants Retirement Village. It is neither isolated nor located on the edge of the countryside, and it is, or very soon will be, completely surrounded by development on the western side of Faygate Lane. The expansion of Faygate has already resulted in the provision of basic facilities in the form of a shop, the station provides a choice of mode of transport for future occupants, and both the shop and station can be reached without difficulty from the site. The proximity of the site to the A264 also provides access to the main road network without the need to drive any distance on narrow or unsuitable rural lanes. The Inspector therefore considered that the location of the site in relation to the existing settlement, together with its proximity to the station and basic services associated with Durrants Retirement Village, are material considerations which carry significant weight in the schemes favour. As such, it was considered that there are material considerations that outweighed the conflict with the development plan policies.
- 6.9 Consequently, whilst the proposal represents a departure from the development plan, the fall-back position established by way of the extant permission for the conversion of existing building on the site to residential is considered to hold sufficient weight to justify the principle of a new dwelling in this location.

## **Design and appearance**

- 6.10 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.
- 6.11 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.
- 6.12 The proposed dwelling would measure to a length of 22.6m and a depth of 6m and would incorporate a pitched roof measuring to an overall height of 4.7m. The proposal would be positioned approximately 3m from the northern boundary of the site and would be oriented to face south. The proposed dwelling would incorporate a pitched roof gable feature to the south-eastern corner, with a porch projection extending from the southern elevation. The dwelling would be finished in horizontal timber cladding and brick plinth, with plain clay tiles to the roof, and white timber fenestration.
- 6.13 The proposed dwelling is of a slightly greater depth and height to that originally approved, with alterations to the design to accommodate a pitched gable projection and porch to the southern elevation. The addition of a flue to accommodate a log burning stove is also proposed, which would be located on the rear (northern) roof slope. In addition, the proposed dwelling has been re-sited approximately 2.3m to the south, so that the proposal would be set away from the northern boundary.
- 6.14 While the proposal is greater in scale than that originally approved, it is considered that the proposal retains the rural utilitarian character of the locality and remains proportionate in scale. The proposed dwelling is therefore considered to be of an appropriate design, form and appearance, which relates sympathetically to the character and visual amenities of the locality. The proposed development is therefore considered to accord with policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

## **Amenity impacts**

- 6.15 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.
- 6.16 The proposed dwelling would be positioned approximately 3m from the northern boundary of the site and would be oriented to face south. The northern boundary is defined by 1.8m high close boarded fencing, with the nearest neighbouring property of Oakbridge positioned approximately 2.5m from the northern boundary.
- 6.17 While the proposal would increase the frequency of use of the site and associated level of activity, it is not considered that this would generate significant or harmful levels of noise or disturbance to the neighbouring properties. In addition, the single storey nature of the building, and the distance between the proposed development and the nearest neighbouring property is considered sufficient to ensure that there would be no amenity harm. As such, the proposal is considered to accord 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 proposal would utilise the existing and established vehicle access and would create an area of hardstanding to the front of the dwelling for parking. The established access would also continue to serve the existing house and the metal fabrication business on the site.
- 6.20 Following consultation with the Local Highways Authority, the proposed development is not considered to result in harm to the function or safety of the public highway network, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

### Other matters

- 6.21 Concern has been raised by the occupiers of a neighbouring property in respect of the removal of trees on the site, and the potential for a loss of privacy if they are to be removed. The application site lies some 75m from the boundary of the site with the properties in Durrants Retirement Village, with the site separated from Durrants Drive by land within the ownership of the applicant. Any trees along the boundary with Durrants Drive are therefore outside of the application site.
- 6.22 The Council's Environmental Health team having been consulted, have requested that a condition be imposed in respect of unidentified contamination being found to be present at the site during construction works. Given the past use of the site, it is considered that such a condition would be reasonable and necessary, to ensure that the site is suitable for the proposed residential use.

### Conclusions and planning balance

- 6.23 The principle of the proposed development has been established by the previous permission, with the design, form and appearance of the proposal considered to appropriately reflect the character and distinctiveness of the locality. The proposal is not considered to result in harm to the amenities or sensitivities of neighbouring properties, or the function and safety of the highway network. As such, the proposal is considered to accord with all relevant local and national planning policies.

### Community Infrastructure Levy (CIL)

- 6.24 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> 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
District Wide Zone 1	123.17	120.91	2.26
	<b>Total Gain</b>		
	<b>Total Demolition</b>		

- 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 To approve planning permission subject to the following conditions:

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

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

6 **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan reference 02F received 12.04.2019 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).

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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

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

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

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

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

- 10 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the recommendations and conclusions set out in the Desk Study Report reference J12916 and dated January 2017.

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).

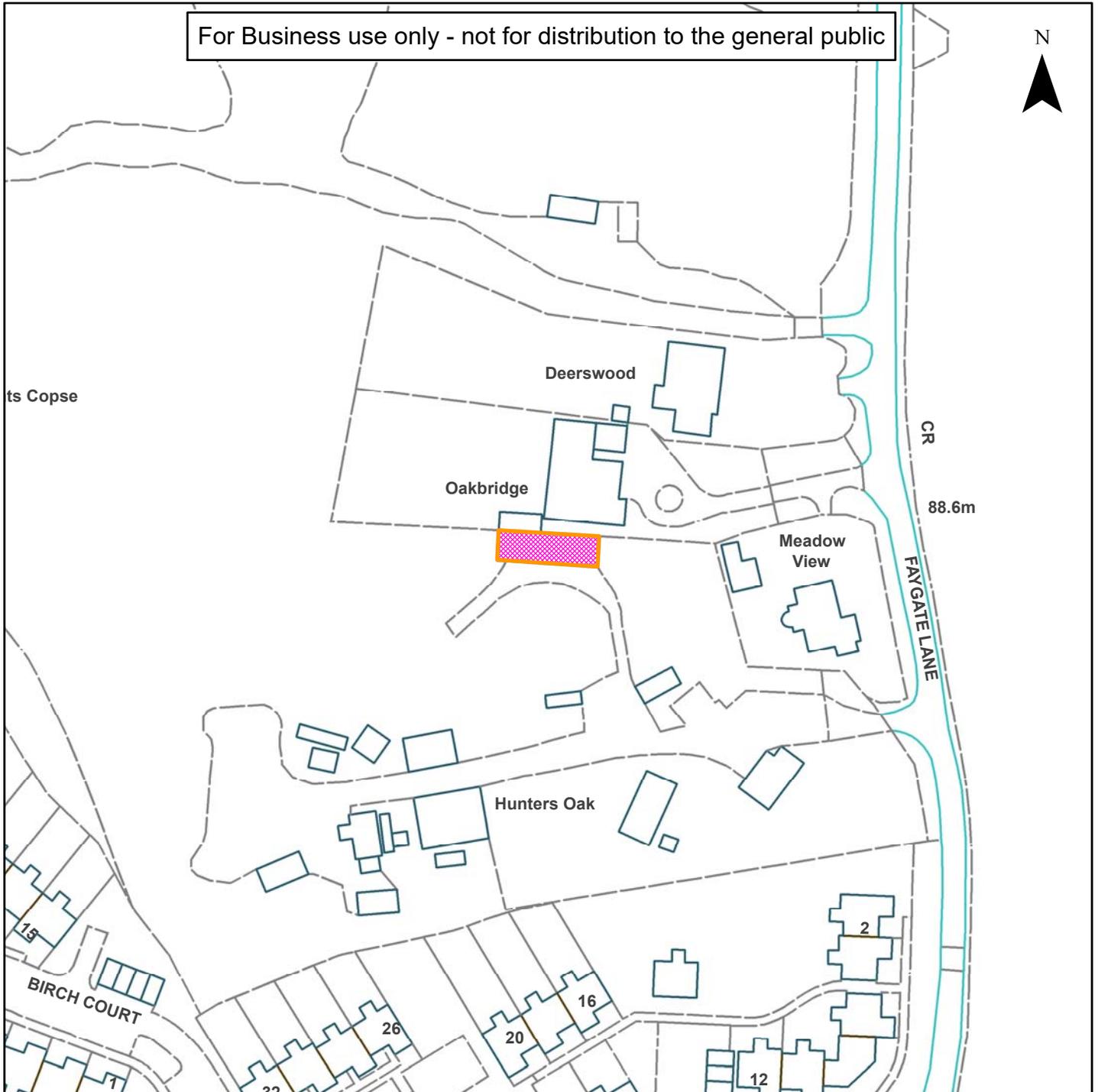
- 11 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected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



Hunters Oak, Faygate Lane, Faygate

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	25/07/2019
SA Number	100023865

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**Horsham  
District  
Council**

# PLANNING COMMITTEE REPORT

**TO:** Planning Committee (North)

**BY:** Head of Development

**DATE:** 06 August 2019

**DEVELOPMENT:** Demolition of existing buildings and erection of a two storey detached dwelling

**SITE:** Elenge Plat Grouse Road Colgate Horsham West Sussex RH13 6HT

**WARD:** Rusper and Colgate (Historic Ward)

**APPLICATION:** DC/19/0419

**APPLICANT:** **Name:** Mr F Varela **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** The application, if approved, would represent a departure from the development plan

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

## 1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the demolition of former piggery buildings and redundant stabling building, which have cumulative footprint of approximately 449sqm, and the erection of a two storey dwellinghouse which would have an overall footprint of approximately 273sqm. Planning permission has previously been granted for the conversion of the piggery buildings on site to form a single storey dwelling under planning reference DC/15/2447 which was approved in October 2016.

1.3 The proposals involve the excavation of the land which slopes down from north-west to south-east to allow for the dwelling to be sunken down, creating the appearance of a single storey dwelling when entering the site from the existing access point to the north. The proposal would incorporate a modern design with a flat green roof with solar panels, timber cladding and significant glazing to the south-eastern elevation. The proposals include the creation of parking for 3no cars, terrace areas and a courtyard area with significant landscaping works proposed. The proposed dwelling would be designed to sit in a 'U' shaped configuration and would have an overall width of approximately 27m and an overall depth of approximately 19m owing to its design. The proposed floorspace of the proposed dwellinghouse measures approximately 384sqm. It is noted that the floorspace of the approved dwellinghouse measured approximately 224sqm.

## DESCRIPTION OF THE SITE

- 1.4 The application site is located to the south-east of Grouse Road, outside of any defined built-up area boundary, in a rural location surrounded by open countryside. Elenge Plat is a substantial detached property set in extensive grounds, with a detached two storey 'chauffeur's dwelling' and a single storey workshop building set within the curtilage. The application site relates to an area to the east of Elenge Plat, where a cluster single-storey detached buildings, comprising a store, piggery, workshop building and stables are located. The buildings vary in scale but comprise gabled roofs with minimal window and door openings and are constructed predominantly of brick and block.
- 1.5 Grouse Road is marked by open fields interspersed with areas of woodland and a small number of individual properties set in their own spacious grounds. The site and surrounding area lie within the High Weald Area of Outstanding Natural Beauty (AONB). Views from Grouse Road to the attractive countryside on either side generally range from open views to more glimpsed views through trees and hedges, although there are some points where views beyond the road edge are restricted.
- 1.6 The site slopes down from north-west to south-east and the eastern boundary of the site adjoins open fields. The site benefits from an extant permission under planning reference DC/15/2447 which granted permission for the conversion of the buildings to a three bedroom dwelling along with the partial demolition of the piggery and store building on the site.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

- 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 10 - Rural Economic Development.

Policy 15 - Strategic Policy: Housing Provision.

Policy 16 - Strategic Policy: Meeting Local Housing Needs.

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

Policy 26 - Strategic Policy: Countryside Protection.

Policy 30 - Protected Landscapes.

Policy 32 - Strategic Policy: The Quality of New Development.

Policy 33 - Development Principles.

Policy 40 - Sustainable Transport.

Policy 41 - Parking.

## 2.5 **The High Weald AONB Management Plan 2019-2024**

### RELEVANT NEIGHBOURHOOD PLAN

- 2.6 The Parish of Colgate has not been designated as a Neighbourhood Development Plan Area to date.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 The following applications are the most recent and relevant applications relating to the application site:

DC/15/2447	Conversion of buildings to three bedroom dwelling and construction of glazed link. Partial demolition of piggery and demolition of store building.	Application Permitted on 10.10.2016
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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](http://www.horsham.gov.uk)

### INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No objection. No additional harm to either the landscape character or the visual amenity of the area from the approved scheme.
- 3.3 **HDC Conservation:** Support. The existing workshops and sheds are not attractive buildings and the proposed house would be a great improvement. Keen to support architecture for the twenty first century and although this design is an evolution of a modernist style that is over a hundred years old, satisfied the design approach is one we should support.
- 3.4 **HDC Environmental Health:** Recommends conditions. Potential for contamination on the land and therefore appropriate conditions are recommended.

### OUTSIDE AGENCIES

- 3.5 **WSCC Highways:** No concerns. The site is not considered to be sustainably located and thus any potential residents would be heavily dependent upon the use of the private car. The Planning Authority may wish to consider whether in policy terms the provision of the dwelling outweighs the sustainability issues. Recommends conditions in respect of car parking and turning, and cycle parking.
- 3.6 **Southern Water:** Comment. No details of means of disposal of foul drainage from the site. No public foul and surface water sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal.
- 3.7 **High Weald:** Comment. Requirement for HDC to determine whether the application meets the legislative and policy requirement in respect of AONBs. Recommends conditions in respect of locally sourced materials, the use of working chimneys and wood fuel storage to support the sustainable management of the woodland in the AONB, the use of external materials of a colour that are appropriate to the landscape, the use of native and locally sourced plants, and controls over lighting.

## PARISH COUNCIL

- 3.8 **Parish Council Comments:** Objection. Overdevelopment of the site and design out of keeping with AONB. Concerns raised with regards to the number of applications received for Elenge Plat.

## PUBLIC COMMENTS

- 3.9 None received.

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

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

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

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

## 6. PLANNING ASSESSMENTS

- 6.1 The main considerations material to this application are:
- Principle of development.
  - Design and appearance of the proposal.
  - Impact on character and appearance of the surrounding countryside.
  - Impact on the AONB.
  - Impact on privacy and amenity of neighbouring properties.
  - Highway safety and parking.

### Principle of development

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.3 The application site lies in the countryside outside of the defined built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of Paragraph 79 of the NPPF and policies 3, 4 and 26 of the Horsham District Planning Framework (HDPF).
- 6.4 Policies 3 and 4 of the HDPF set out that development will be permitted within the towns and larger villages in the District which have defined built up areas, and outside of these areas, the expansion of settlements will be limited to those sites that are, amongst other criteria adjoining a settlement edge and allocated in either the local plan or a neighbourhood plan. Policy 26 of the HDPF states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside,

outside of any defined settlement, and is not allocated in the HDPF. There is also currently no neighbourhood plan for the parish of Colgate. The proposal for the construction of a new dwelling in this location does not therefore meet the aims of these policies.

- 6.5 Planning permission has however been granted under application reference DC/15/2447 for the conversion and extension of the existing piggery and store buildings to create a single storey 3-bedroom detached dwelling. This permission was granted on the basis that the existing buildings were derelict and their re-use for residential purposes would serve to enhance the site and the setting, as well as the fact that given the set back from Grouse Road to the north, the resultant dwellinghouse would not be visible from this public vantage point. The planning history of this site, where permission has been granted for a residential property, is a material planning consideration in the determination of this current application, as it represents a realistic fall-back position in the event that planning permission is not granted for the current proposal. Consequently, whilst the proposal represents a departure from the development plan, the fall-back position established by way of the extant permission for the conversion of existing buildings on the site to residential is considered to hold sufficient weight to justify the principle of a new dwelling in this location.
- 6.6 Further, additional plans have been provided indicating that all existing buildings on the application site will be demolished to allow for the proposed dwelling, resulting in a significant amount of footprint in terms of built form being removed from the site, and allowing for an enhancement of the site and wider setting. No issues have previously been raised in respect of the loss of the existing buildings on the site, and since the initial permission was granted, there have been no changes to the condition or nature of the site which continues to appear disused and in a poor condition.

#### **Character, appearance and visual amenities of the countryside location**

- 6.7 Paragraph 131 of the NPPF states that “great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area”. Policies 26, 32 and 33 of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings. As the site is located within the High Weald AONB, Policy 30 of the HDPF is also of relevance, which requires the natural beauty and public enjoyment of the AONB to be conserved and enhanced.
- 6.8 The current application seeks to demolish all of the existing buildings on the site and to create a two-storey detached 4-bed dwelling to replace the existing redundant buildings. Following consideration of the submitted details and a Case Officer site visit, the existing buildings are not considered to be of any architectural merit or value to warrant their retention, and appear in a state of disrepair. Given their current condition, it is considered that the buildings detract from the immediate surroundings and the wider High Weald AONB.
- 6.9 The proposed dwellinghouse would be of a two-storey design, however owing to the existing topographical levels of the site, and to ensure that it would not appear as a prominent addition, the proposed dwelling would be sunken into the ground, to create the appearance of a single storey dwelling. This would be particularly evident in views from the north when approaching the dwelling from the existing access. Whilst utilising a modern design with a flat green roof, the proposed dwellinghouse would not appear any greater in height than the existing buildings to be removed.
- 6.10 The proposed design, by virtue of the fact that it would be designed to relate appropriately with the landscape and topography levels, and taking into account the use of a green roof and the landscaping proposed, would not result in a visually prominent addition when compared to the existing buildings on site. The Council’s Landscape Officer has raised no objection to the application, subject to conditions, stating that whilst the south-eastern

elevation would be the most prominent perspective, from a distance there would be little difference when compared to the existing situation on site.

- 6.11 It is acknowledged that the proposal would result in a larger dwelling in terms of internal useable floor area (384sqm), when compared to the extant permission on site, however it is considered that the proposed dwelling would be appropriately sited and scaled in relation to the size of the plot. The design of the proposed dwelling would represent an enhancement to the site when compared to the existing buildings and would be a building of architectural merit and interest.
- 6.12 The principle of a dwelling on the site has been previously established and it is considered that the overall design in terms of built form, character and the pallet of materials to be used would result in a markedly improved dwellinghouse when compared to the existing situation on site and the design of the previously approved barn conversion. The new dwelling would be sited in the same position as the dwelling previously approved and will be set well back from the road frontage with existing neighbouring dwellings and boundary treatments providing screening from potential views from public vantage points. Any views of the site would be seen in the context of the curtilage of Elenge Plat. It is not therefore considered that the proposals would result in harm to the natural beauty of the High Weald AONB.
- 6.13 Whilst considered to be modest in nature, it is considered that in their current form, the existing buildings detract from the immediate surroundings, given that they have fallen into a state of disrepair. The proposal for the construction of a new dwelling would allow for the creation of dedicated and well-designed property which, on balance, would serve to enhance the immediate setting and would enable the provision of additional landscaping improvements with the use of appropriate conditions. The proposed dwelling is considered to be well designed and makes good use of the landscape to ensure that it fits appropriately within the landscape.
- 6.14 The High Weald AONB Management Plan 2019-2024 states that the “scale and extent of development within these designated areas should be limited”. Notwithstanding this, as stated above, the NPPF supports innovative design which raises the standards of design in the area. Given that all of the existing buildings on site would be removed and taking into account the design of the proposal, it is considered that, on balance, the proposals would accord with policies 26, 30, 32 and 33 of the HDPF as well as Paragraph 131 of the NPPF.

#### **Impact on neighbouring amenity**

- 6.14 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. The proposed dwelling would be sited in an identical location to that of the extant permission on the site. Taking into account the single storey nature of the proposal when viewed from the northern perspective, the topographical levels whereby the properties to the north and east are located at a slightly elevated position and the distances maintained (some 35m to the nearest residential property which is within the ownership of the applicant), it is considered that the proposed new dwelling would not have a detrimental impact on neighbouring amenity above that of the approved dwelling on site. It is therefore considered that the proposal is acceptable in this regard and accords with Policy 33 of the HDPF.

#### **Highways impacts of the proposal**

- 6.15 Policies 40 and 41 of the HDPF states that development should provide a safe and adequate access, suitable for all users. The proposed dwelling would utilise the existing access serving the buildings from Grouse Lane. Three parking spaces are indicated to be provided which is considered to be appropriate to serve this dwelling. West Sussex County Council as the Local Highway Authority has raised no objection to the proposal. Subject to appropriate

conditions as suggested by WSCC, it is considered that the proposals are acceptable on highway safety and transport grounds.

### Other matters

- 6.16 The Council's Environmental Health team having been consulted, have raised concerns in respect of the potential for there to be contamination risks associated with the historic use of the site, have requested that a condition be imposed requiring a contamination survey to be submitted. Given the past use of the site, it is considered that such a condition would be reasonable and necessary. There are no immediately adjoining intensive agricultural uses taking place which could lead to odour or noise nuisance for future occupants.

### Conclusion and planning balance

- 6.17 The site is within a countryside location and has not been allocated for residential development in a local plan or neighbourhood plan and the construction of a new dwelling in this location does not represent a use essential to its countryside location. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the grant of planning permission for the conversion of the existing buildings to form a dwellinghouse. This is considered to form a realistic fall-back position carrying significant weight in the determination of this application. The proposed development would provide a new build dwellinghouse, following the demolition of the existing redundant buildings on the site, and would represent an acceptable appearance of the site and wider landscape compared to the development that could otherwise come forward on the site under the previous consent. On balance, the proposal is considered to comply with the relevant policies of the Horsham District Planning Framework (2015) and guidance within the NPPF, and the application is therefore recommended for approval subject to appropriate conditions.

### Community Infrastructure Levy (CIL)

- 6.18 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.19 **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	384	449	0
	<b>Total Gain</b>		
	<b>Total Demolition</b>		<b>449</b>

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

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

## 7. RECOMMENDATIONS

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

- 1 A list of the approved plans

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

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

- 3 **Pre-Commencement Condition:** 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) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (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).

- 4 **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).

- 5 **Pre-Commencement Condition:** Prior to the commencement of relevant works for the erection of the dwelling hereby approved, the existing buildings on site, as shown on drawing no. D17107\_A\_1007 REV P1, received 17 July 2019, which have been indicated with staggered red lines, shall be demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.

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

- 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 a schedule of materials and finishes and colours to be used for external walls, roofs windows, doors, solar panels and balustrading and terrace areas 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).

- 7 **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).

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

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policies 10 and 37 of the Horsham District Planning Framework (2015).

- 9 **Pre-occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation of the new dwellinghouse 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/residential curtilage treatments
- Details of any 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).

- 10 **Pre-Occupation Condition:** Prior to the first occupation of the dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan no. D17107\_A\_1002 REV P1, received 22 February 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).

- 11 **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 dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 12 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

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

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

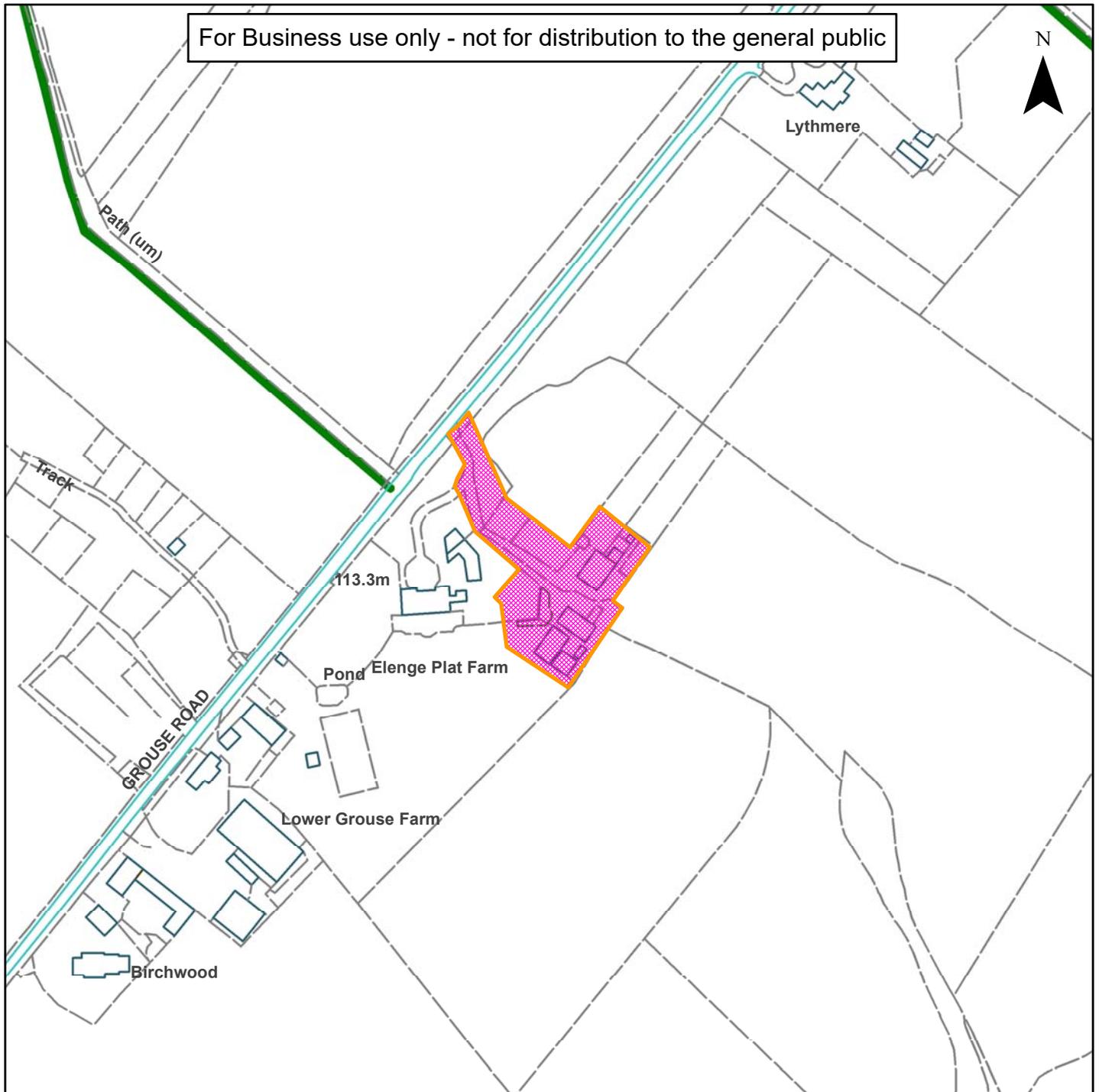
Background Papers: DC/19/0419 and DC/15/2447.

# A10) DC/19/0419



**Horsham  
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Elenge Plat, Grouse Road, Colgate



Scale: 1:2,500

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Date	25/07/2019
MA Number	100023865

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (North)  
**BY:** Head of Development  
**DATE:** 06 August 2019  
**DEVELOPMENT:** Fell 2 x Cypress & 1 x Sycamore; Surgery to 1 x Line of Cypresses  
**SITE:** Willow Cottage, 21A Cedar Close, Horsham, West Sussex RH12 2BN  
**WARD:** Trafalgar  
**APPLICATION:** DC/19/0741  
**APPLICANT:** **Name:** Mrs Elaine Yeowe **Address:** Willow Cottage, 21A, Cedar Close  
Horsham RH12 2BN

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

**RECOMMENDATION:** It is recommended that the application be granted, subject to appropriate conditions.

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

1.1 To consider the application.

### DESCRIPTION OF THE APPLICATION

1.2 The application proposes the felling of 2 x cypress trees, a stem from a sycamore tree and surgery to a cypress hedge.

### DESCRIPTION OF THE SITE

1.3 The two cypress trees and the basal stem of a large sycamore tree targeted for removal are positioned close to the southern boundary of the property, to the rear of the boundary fence adjoining the properties in Springfield Park Road.

1.4 The cypress hedge runs along the western boundary of the property adjoining the properties 32 and 33 Springfield Crescent.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

2.1 As trees subject to a tree preservation order (TPO), it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local planning

Authority under the **Town & Country Planning (Tree Preservation) (England) Regulations (2012)**.

2.2 The property in question is subject to two separate TPO's:

- TPO/0050, confirmed on the 5<sup>th</sup> October 1956.
- TPO/0667, confirmed on the 10<sup>th</sup> October 1989.

RELEVANT GOVERNMENT POLICY

2.3 Members are advised of the principles of good practice set out within the on-line publication **Tree Preservation Orders and trees in conservation areas** (<http://planningguidance.planningportal.gov.uk/> dated 6<sup>th</sup> March 2014).

### 3. OUTCOME OF CONSULTATIONS

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

PUBLIC CONSULTATIONS

3.2 No representation has been received from the local Neighbourhood Council.

3.3 Nine letters of objection have been received from local residents. The key concerns set out are:

- That the trees bring wildlife, nature and character to the locality;
- That they provide a high level of visual amenity value;
- That there is no good reason for felling the trees selected for removal;
- That the applicants knew that protected trees were present at the time of their recent purchase of the property;
- That permission to fell the trees selected for removal will set a precedent in the locality;
- That the removal of the three trees will result in a loss of privacy (and an increase in noise) to 16 Springfield Park Road;
- That the trees have an important historical value as part of the old Springfield Park estate;
- The removal of the trees selected for removal will have a negative effect upon the Urban Heat Island effect (*sic*) that the trees contribute to.

### 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 assessment below.

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

5.1 Not applicable in this case.

### 6. ASSESSMENT

6.1 The trees the subject of this application are specimens that post-date the original TPO placed upon the southern periphery of the old Springfield Park estate in 1959 prior to the

development of the Cedar Close estate. However, they are protected by inclusion within the later TPO, dating from 1989, served to protect all of the trees on the site at that time prior to the erection of Willow Cottage (21a Cedar Close), in what was the originally the large rear garden of 21 Cedar Close.

- 6.2 Few of the originally planted trees present in 1959 remain – this being true not just of Willow Cottage, but of the 17 other properties in Cedar Close and Blunts Way along the southern boundary of which the TPO still exists. In many properties, not least in Willow Cottage, newer trees have either been planted or have established themselves, and this includes the trees the subject of this application.
- 6.3 A number of trees have been lost from the property in recent times, not least a large sycamore close to the southern site boundary which died over the winter of 2015/16, suffering from Sooty Bark mould and colonisation by a pathogenic decay fungus at its base. A recent application (DC/18/0544), regarding the proposed felling of all of the large trees in the south-western corner of the site was determined by way of a split decision, the tall, prominent Douglas fir trees being retained.
- 6.4 In early March of this year, just days after the purchase of the property by the applicants, a tall sycamore tree close to the southern boundary fell to the north, striking the dwellinghouse but luckily causing no injury. Upon inspection it was clear that unbeknown to anyone the base had been colonised by Brittle Cinder fungus (*Kretschmaria deusta*), this causing the decline of above-ground parts of the tree as well as comprehensive degradation of the root tissues. This event resulted in the applicant's requesting an inspection from the Council's Arboricultural Officer of other trees in the garden, and this took place on the 21<sup>st</sup> March 2019.
- 6.5 Inspection revealed the presence of two very modest conifers (T5, T6) in close proximity to the fallen sycamore, trees exhibiting sparse foliage with tip dieback – the signs of similar colonisation of the roots by fungal decay. These trees exhibit trunk diameters at chest height of 333mm and 239mm only; at around 14m and 8m in height, respectively, these are drawn up trees of poor form and relatively low merit. Should either suffer basal failure, akin to the recent failure of the sycamore, falling to the north, both would strike the applicant's house.
- 6.6 Although the removal of these two trees might be noticeable from a number of the surrounding properties to the south and west, they are background trees only; the distance from the closest dwellinghouse in Springfield Park Road is nearly 40m. And although they make some contribution to the general tree'd landscape in the locality, they have limited safe useful life expectancy and would best be replaced.
- 6.7 In the south-eastern corner of the garden is a large old sycamore, a tree comprised of two main stems, together with a low, sub-dominant stem leaning to the south into the garden of 14 Springfield Park Road (T8). Whilst this stem has been targeted within the application for "fell to near ground", this does NOT refer to the whole tree, but solely to the low sub-dominant stem. At the point of emanation of this stem is a wound resulting from what appears to be an older, fourth stem, long gone. The wound is exhibiting some signs of decay. It would represent best practice on health grounds to carefully remove this stem to 'near the ground' to allow the tree to occlude the wound, minimising the likely entry of pathogenic decay.
- 6.8 The conifer hedge (G10) is a rather ragged line of 6 x large fast growing cypresses along the western site boundary. Clearly visible from Springfield Crescent, they provide a privacy screen to the properties to the west, but from the applicant's property constitute a dense green canopy with a brooding presence, cutting off a great deal of light into the property to a degree which most might consider intolerable. The tree line has been trimmed on various occasions previously and is now retained at a height of approximately 9m. They are of no other especial or particular merit.

- 6.9 The applicants have proposed to trim the heights of these trees by up to 0.5m only, to achieve a more level line. It is also intended to trim back some of the lateral growth into the garden by up to 2m. This work will be almost unnoticeable to any person save the applicant. The trees will readily handle the very small degree of pruning and will not be harmed. The works accordingly appear reasonable and unobjectionable.
- 6.10 Collectively, these works are reasonable, prudent and represent best practice. The two conifers to be wholly removed shall be replaced with more suitable specimens as secured by condition. It is not considered that their removal will have any more than a very minor effect upon the character and amenities of the locality; that wildlife shall be irredeemably harmed; or that there will be any negative effect upon the privacy of neighbours, nor noise levels in this urban area. Moreover, it is considered that any loss to the overall foliar town coverage is outweighed by the low merit of the trees, their poor health and concerns over the possibility of structural failure. The granting of consent for these works sets no precedent for works to other protected trees in the vicinity.

## 7. RECOMMENDATIONS

It is recommended that the application be granted, subject to the following conditions:

- 1 The tree work to which this consent relates shall be carried out within two years of the date of this consent.

Reason: To enable the Local Planning Authority to review the need for the works in the event of this consent not being implemented.

- 2 The applicant shall within a period of six months following the felling of the trees, the subject of this application, plant the same number of replacement trees of a species and maturity and in positions approved by the Local Planning Authority. In the event that any of these trees should die following planting, they shall be replaced with similar trees in similar positions within six months of the death of each specimen.

Reason: In the interest of amenity.

- 3 The surgery to which this consent relates shall be carried out in accordance with BS 3998 'Recommendations for Tree Work' (2010). Where applicable, retained side shoots intended to form the new dominant shoot must be at least 30% of the diameter of the parent branch.

Reason: To ensure that the surgery is carried out in accordance with best arboricultural practice.

### Notes to applicant

#### **Works limitations**

The applicant is strongly advised to ensure that the contractor carrying out the work is made aware of the above conditions. Should the works carried out exceed that which is permitted then it may be open to the Local Planning Authority to take prosecution action against the owner of the tree(s) and the contractor. If the applicant is unclear about any aspect of the specification for works, they are strongly advised to contact the Council's Arboricultural Officer on 01403 215515 prior to the commencement of the works.

#### **Wildlife protection**

The applicants attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to

intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Details: Tel: 0345 1300 228; E-mail: [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk).

Background Papers: DC/19/0741

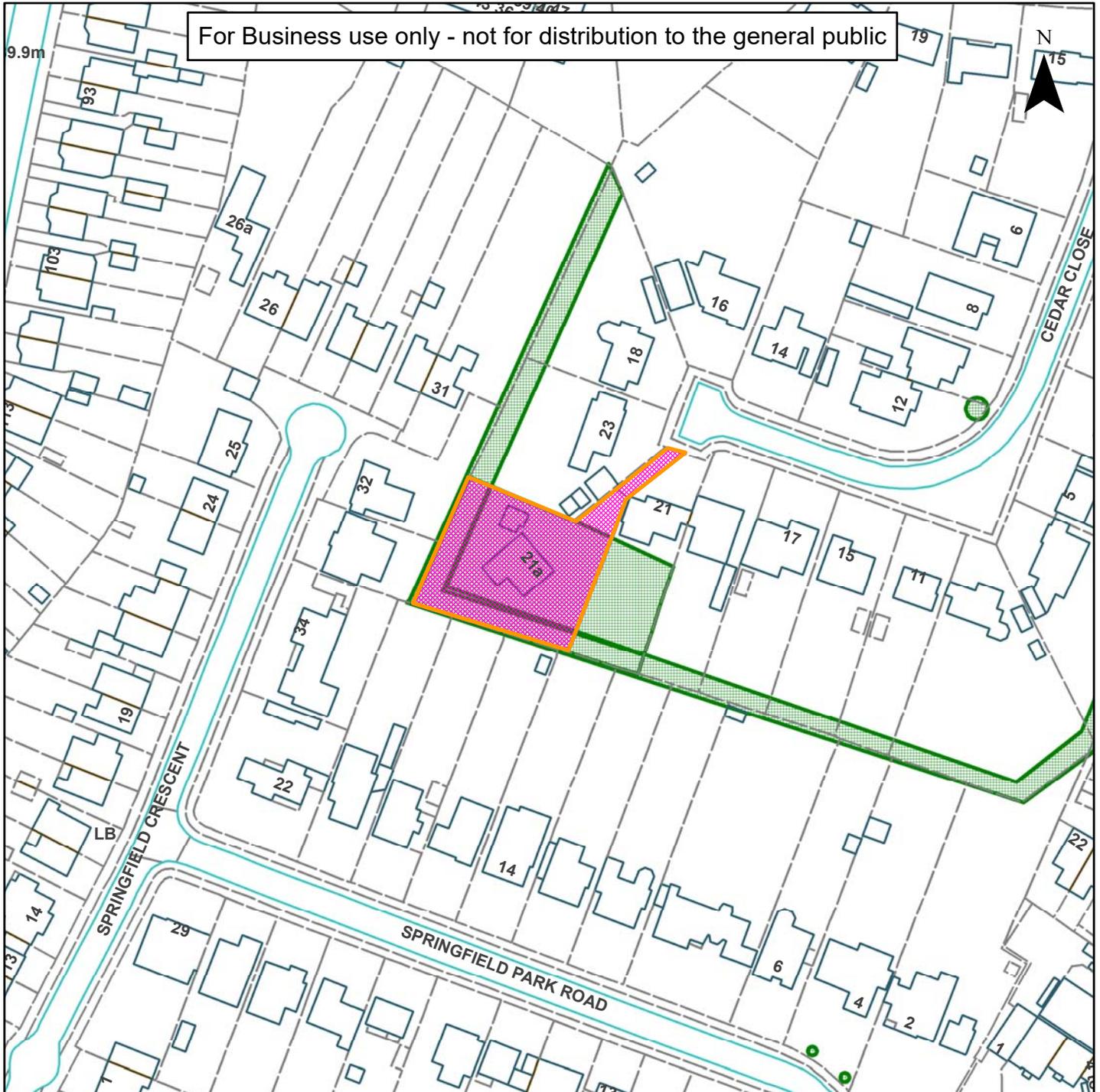
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# A11) DC/19/0741



**Horsham  
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Willow Cottage, 21a Cedar Close, Horsham



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