



# Planning Committee (North)

**Tuesday, 7th January, 2020 at 5.30 pm**  
**Conference Room, Parkside, Chart Way, Horsham**

Councillors:	Karen Burgess (Chairman) Liz Kitchen (Vice-Chairman) Matthew Allen Andrew Baldwin Tony Bevis Toni Bradnum Alan Britten Peter Burgess Roy Cornell Christine Costin 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 Ian Stannard Claire Vickers Belinda Walters Tricia Youtan
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You are summoned to the meeting to transact the following business

Glen Chipp  
Chief Executive

## Agenda

	<b>Page No.</b>
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 10
<p>To approve as correct the minutes of the meeting held on 3 December 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. **Announcements**

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

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

5. **Appeals** 11 - 12

Applications for determination by Committee:

6. **DC/18/2747 - Pathfield Close, Rudgwick** 13 - 30

Ward: Rudgwick  
Applicant: Mr Philip Tunncliffe

7. **DC/19/1112 - Tesco Express, 49 Brighton Road, Horsham** 31 - 40

Ward: Forest  
Applicant: Tesco Stores Limited

8. **DC/19/2232 - 12 Hayes Lane, Slinfold** 41 - 56

Ward: Itchingfield, Slinfold and Warnham  
Applicant: Ms Zena Mount

9. **DC/19/2223 - Morriswood, Old Holbrook, Horsham** 57 - 64

Ward: Colgate and Rusper  
Applicant: Mr T Hogben

10. **DC/19/1623 - Millfield Barn, Horsham Road, Rowhook, Horsham** 65 - 78

Ward: Rudgwick  
Applicant: Jan Abbey and Kim Parsons, Abbey & Parsons

11. **TPO/1524 - Burnalls, Bucks Green, Rudgwick** 79 - 84

Ward: Rudgwick

12. **DC/19/2112 - The Council Offices, Park House, North Street, Horsham** 85 - 90

Ward: Denne  
Applicant: Horsham District Council

13. **DC/19/2085 - 9 Bens Acre, Horsham** 91 - 96

Ward: Forest  
Applicant: Mrs Melanie Budinger

14. **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

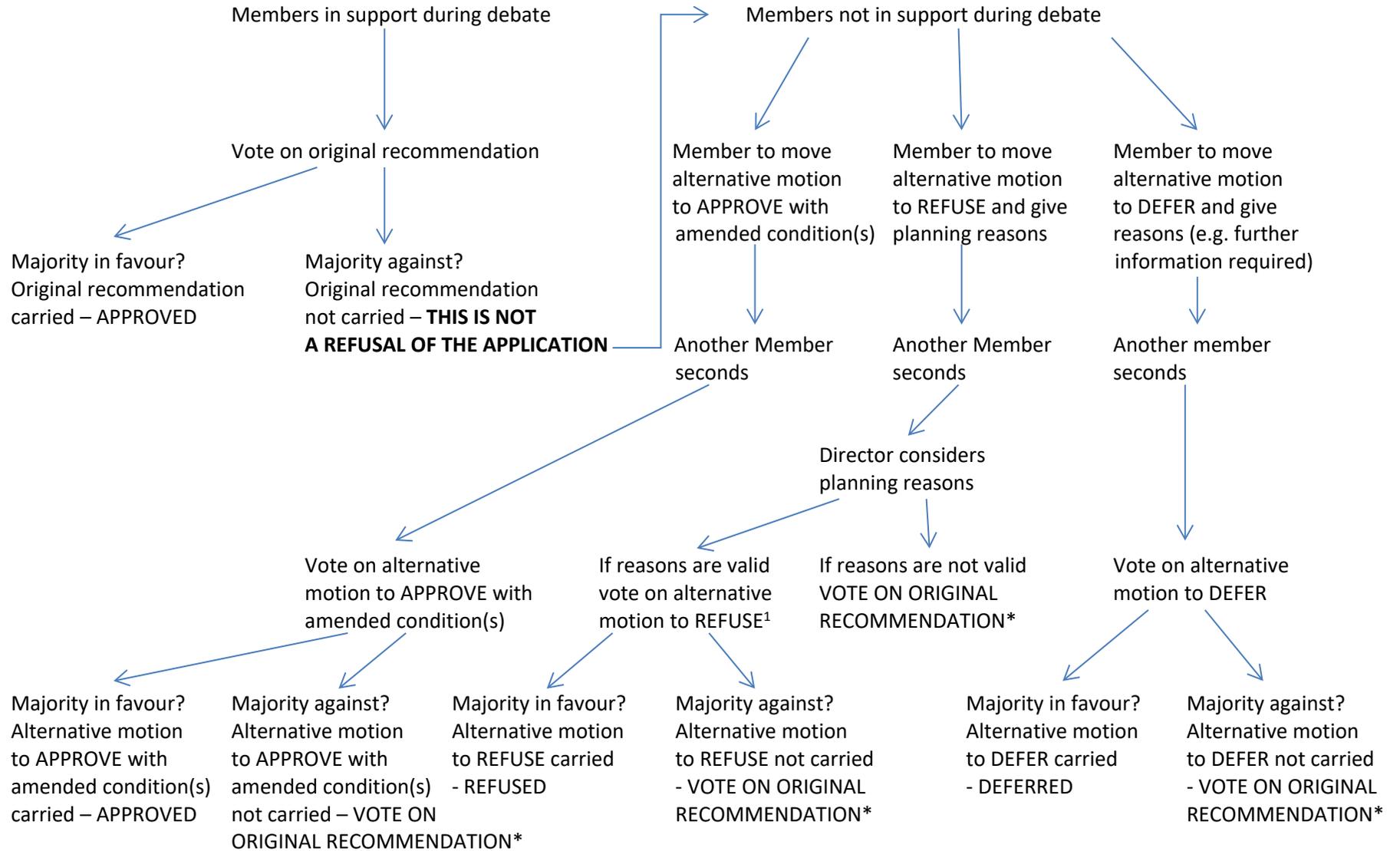
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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>

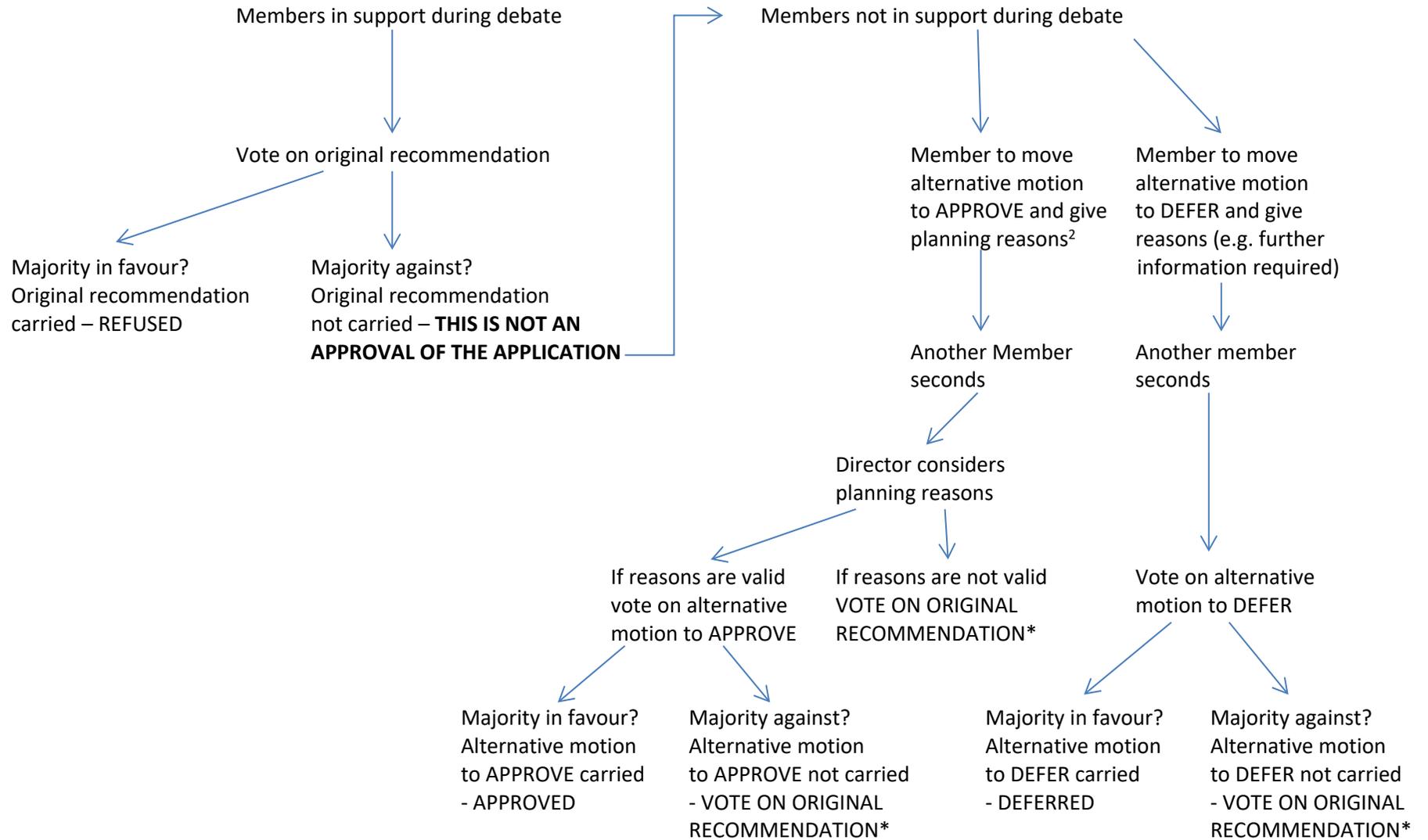
**Original recommendation to APPROVE application**



\*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)**  
**3 DECEMBER 2019**

Present: Councillors: Liz Kitchen (Vice-Chairman), Matthew Allen, Andrew Baldwin, Tony Bevis, Toni Bradnum, Roy Cornell, Ruth Fletcher, Billy Greening, Tony Hogben, Richard Landeryou, Gordon Lindsay, John Milne, Christian Mitchell, Godfrey Newman, Louise Potter, Stuart Ritchie, David Skipp, Ian Stannard, Claire Vickers and Tricia Youtan

Apologies: Councillors: Karen Burgess, Alan Britten, Peter Burgess, Christine Costin, Leonard Crosbie, Brian Donnelly, Frances Haigh, Colin Minto and Belinda Walters

PCN/54 **MINUTES**

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

PCN/55 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/56 **ANNOUNCEMENTS**

The Chairman of the Committee, Councillor Karen Burgess, was unable to attend because her husband, Councillor Peter Burgess, had been taken ill. The Vice-Chairman, Councillor Liz Kitchen, therefore chaired the meeting and, on behalf of the Committee, sent best wishes to them both.

PCN/57 **APPEALS**

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

PCN/58 **DC/19/1603 - PAGE COURT, LIVINGSTONE ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the demolition of a block of 42 bed-sit flats and three bungalows, and the erection of 40 apartments comprising ten 1-bedroom and 30 2-bedroom flats, and eight terraced houses (four 2-bedroom and four 3-bedroom). Parking for 56 cars, new access from Park Terrace East and landscaped areas were proposed. All the units would be affordable rent provided through the applicant, Saxon Weald.

The application site was located in a residential area of Horsham, close to the town centre. The residential units on the site were either unoccupied or occupied by housing association tenants.

The Neighbourhood Council did not object in principle, but objected to the scale, appearance and other details of the application. There had been 40 responses to the public consultation objecting to the application, including one from the Horsham Society. One letter of comment had been received. Three members of the public spoke in objection to the application and the applicant and the applicant's agent both addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; affordable housing provision; the layout and density of the buildings; their scale and appearance; impact on neighbouring amenity; trees; and highways, access and parking. It was noted that on-street parking generated by the development could be minimised by ensuring the development did not qualify for resident parking permits.

Members noted the sustainable location and welcomed the 100% affordable housing provided by the scheme and weighed these significant benefits against concerns that the scale of the proposal, including the height of the four-storey element, would be overbearing and out of keeping with the streetscene.

It was agreed that Condition 9 regarding the approval of exterior materials and finishes and colours (including brick detailing and patterns) would be agreed in consultation with Local Members.

#### RESOLVED

- (i) That a legal agreement be entered into to secure the provision of 100% affordable rented units.
- (ii) That on completion of (i) above, planning application DC/19/1603 be determined by the Head of Development with a view to approval, subject to appropriate conditions.
- (iii) In the event that the legal agreement is not completed within three months of the decision of the committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

PCN/59 **DC/19/2008 - 30 WARREN DRIVE, SOUTHWATER**

The Head of Development reported that this application sought permission for the erection of a single storey side and rear extension to a detached double garage. Stairs to a storage space in the roof, with a flat area of roof to reduce its height and impact, were proposed. The extended garage would be rendered to match the host property.

The application was an amended version of application DC/19/1081, which had sought a two-storey extension with habitable roof space.

Members were advised that an amendment to Condition 4, as printed in the report, was recommended to require further surface water drainage details to be submitted and approved by the Local Planning Authority prior to the commencement of development.

The application site was located in the built-up area of Southwater in a residential area and was adjacent to the turning head of Warren Drive, which was a cul-de-sac. The presenting officer advised that Warren Drive was connected to Larkspur Way, and was not accessed via Cedar Drive as printed in the report.

The Parish Council raised no objection to the application, subject to the protection of adjacent trees. There had been two representations objecting to the application. Since publication of the report, a further objection from a neighbouring resident had been received raising a number of issues that the objector considered had not been satisfactorily addressed in the report including land ownership, surface water drainage and potential use of the attic space for accommodation. One member of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the planning history of the site; character and appearance; trees; and impact on neighbouring amenity. The amendment to Condition 4 would address concerns regarding drainage.

Members discussed the scale and appearance of the proposal, and concluded that the proposal would not have a significant impact on neighbouring amenity or the character and appearance of the locality.

**RESOLVED**

That planning application DC/19/2008 be granted subject to the conditions as reported, with Pre-Commencement Condition 4 amended as follows:

**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).*

*The meeting closed at 6.50 pm having commenced at 5.30 pm*

CHAIRMAN

## Planning Committee (NORTH)

Date: 7<sup>th</sup> January 2020



**Horsham  
District  
Council**

Report on Appeals: 21/11/19 – 19/12/19

### 1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/19/1149	Christs Hospital School The Avenue Christs Hospital Horsham West Sussex RH13 0LJ	29-Nov-19	Application Permitted	Application Refused
DC/19/1802	15 Ghyll Crescent Horsham West Sussex RH13 6BG	05-Dec-19	Application Refused	N/A
DC/19/1131	Holmbush Manor Farm Hayes Lane Slinfold Horsham West Sussex RH13 0SL	09-Dec-19	Prior Approval Required and REFUSED	N/A
DC/19/1375	Land at Tanglewood Honeywood Lane Okewood Hill Dorking Surrey RH5 5QA	12-Dec-19	Application Refused	N/A
DC/18/2215	The Mount Ifield RH11 0LF	17-Dec-19	Application Permitted	Application Refused

### 2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/19/0905	Upper Bottle House Stane Street Slinfold Horsham West Sussex RH13 0RE	Written Representation	02-Dec-19	Application Refused	Application Refused
DC/19/1021	Wellhall Cottage Five Oaks Road Slinfold Horsham West Sussex RH13 0QW	Fast Track	09-Dec-19	Application Refused	N/A

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/18/2588	Southover Springfield Lane Colgate RH12 4TA	Written Representation	Appeal Dismissed	Application Refused	N/A



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (North)  
**BY:** Head of Development  
**DATE:** 7 January 2020  
**DEVELOPMENT:** Demolition of No.6 vacant bungalow dwellings and the erection of No.6 two storey dwellings with associated parking and landscaping.  
**SITE:** Pathfield Close Rudgwick Horsham West Sussex RH12 3HT  
**WARD:** Rudgwick  
**APPLICATION:** DC/18/2747  
**APPLICANT:** **Name:** Mr Philip Tunnicliffe **Address:** 38 - 42 Worthing Road Horsham, West Sussex RH12 1DT

**REASON FOR INCLUSION ON THE AGENDA:** Over 8 letters of representation have been received which are contrary to the recommendation

**RECOMMENDATION:** To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions, the satisfactory completion of a s106 legal agreement to secure the provision of 100% affordable rented units.

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

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

To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION**

- 1.1 The application seeks planning permission for the erection of 6 dwellings (2 storeys) with associated parking 2 per unit with 2 visitor spaces (14 spaces in total) and associated landscaping following demolition of the existing bungalows. The units are all proposed as housing for affordable rent.
- 1.2 The proposed dwellings comprises two x 5 bed detached dwellings (5 persons), one at each end of Pathfield Close with two x pairs of 2 bed semi-detached dwellings (4 persons) located centrally between them under a pitched interlocking concrete tile roof.
- 1.3 All of the proposed dwellings would be built in a mixed palette of materials comprising, elevations with red brick at ground floor level and cedar weatherboard panels which wrap

around the front, sides and rear of the dwelling at first floor level. Fenestration and water goods are of dark grey UPVc, and the units all have composite doors with a simple timber flat roof porch over the front entrance.

- 1.4 The first floor windows of the semi-detached units (Plots 2-3 and Plots 4-5) have angled windows at first floor with obscure glazing, as indicated in the submitted details. The semi-detached dwellings are all of the same design and appearance, however the two detached dwellings identified as Type A (Plot 1 located at the northern end of the application site) and Type B (Plot 6 located at the southern end of the application site) whilst essentially the same in terms of their scale and dimensions, have a different internal floor layout and subsequently the fenestration arrangements and elevations differ. In contrast with the units on Plots 1 – 5, the unit on Plot 6 is orientated with the east elevation (flank) towards the adopted road).
- 1.5 The application includes proposals to extend Pathfield Close further south to facilitate an improved parking arrangement and turning head. The applicant will therefore be required to enter into a S38/278 legal agreement with West Sussex County Council to cover the proposed adoptable on site Highway works.

#### DESCRIPTION OF THE SITE

- 1.6 The application site forms a relatively long and narrow parcel of land located on the west side of Pathfield Close, which is a cul de sac accessed via Queen Elizabeth Road to the north. The site is located within and bounded by the southern edge of the Built up Area Boundary of Rudgwick. The application site is located within Flood Zone 1, which is classed as having a very low risk of flooding.
- 1.7 The site currently comprises 3 pairs of semi-detached bungalows (6 x 1 bed dwellings in total) with brick elevations under a concrete tiled roof. The semi-detached blocks comprising plots 1 & 2 and plots 3 & 4 are slightly staggered along the north / south axis, and plots 5 & 6 are positioned along the east / west axis at the southern end of the site. All existing dwellings have a relatively small rear garden with the exception of plot 5 which has a generous garden area spanning three sides of the dwelling. The rear gardens of Plots 1-5 are orientated to the west and face Church Street (B2128). There is a generous verge, approximately 7.6m - 9.25m, wide between the rear boundaries of the existing dwellings and the public highway. Plots 5 – 6 have side / rear boundary that adjoins an open field to the south. Plots 2, 5 and 6 have small ponds in the garden areas. Plot 6 shares a common side boundary with 'Jazzmans' 1 Pathfield Road. The existing dwellings do not have the benefit of private parking facilities which results in parking of vehicles on street and on the Publicly Maintained verge.
- 1.8 Land levels across the site decline gradually from the north to south, although existing garden areas are relatively flat. The north, south and west boundaries of the site benefit from existing soft boundary screening with hedges and some mature trees. There are no trees that are subject to Tree Preservation Orders. It is noted that some tree work may be required to facilitate any future development of the site. There is a graduated small dwarf brick wall along Church Street that forms a rear boundary to the dwellings, glimpses of the bungalows can be seen through existing trees and planting.
- 1.9 Although the application site is characterised by bungalows, the general character of the surrounding area is characterised by two storey residential dwellings that are a mix of terraced, semi-detached and detached properties.
- 1.10 The site is close to the A281 which is the principle access route to Rudgwick. The site itself is located off of the B2128 which is an arterial route running through Rudgwick. The site is served with a linked pedestrian footways which offer sustainable travel to a nearby shop, surgery, schools and amenities. A number of these footways are served with tactile

paved crossing locations to ensure pedestrians are encouraged to cross at safe locations on the network. Bus services operate from Watts Corner a 2 minute walk to the south of the B2128, this provides links to Horsham and Guildford roughly on an hourly basis.

- 1.11 It is noted that the existing single storey bungalows are affected by subsidence and although the site was partially occupied by tenants at the time of the original site visit, it is understood that the applicants (Saxon Weald) have since rehoused the previous tenants.

## **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 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

#### Supplementary Planning Guidance:

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

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Rudgwick Parish has been designated a Neighbourhood Development Plan Area. There are ongoing discussions with Horsham District Council to progress the plan to Regulation 14.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 There is no relevant planning history relating to this site.

## **3. OUTCOME OF CONSULTATIONS**

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

## INTERNAL CONSULTATIONS

### 3.2 **HDC Housing:** No Objection:-

- Whilst the loss of the bungalows would be disappointing they are not all in use as they are not fit for purpose currently. There is alternative provision in the parish for retirement accommodation with Mount Green Housing Association (formally Hawkridge accommodation) and a number of general needs properties increasing the overall number of affordable units within the parish.
- A snapshot of demand in accordance with the Council's housing register currently shows low levels of demand for retirement accommodation in the parish. In addition no household has only identified Rudgwick as their sole area of choice for permanent accommodation which means it would be possible to meet their needs elsewhere.

### 3.3 **HDC Environmental Health:** No objection subject to conditions.

### 3.4 **HDC Drainage Engineer:** Comment. No drainage information has been submitted to make any relevant comments or observations. Our historical drainage records highlights an existing surface water sewer / highway drainage system crossing the site. The exact position of this system must be determined on site by the applicant before the layout of the proposed development is finalized. Therefore if this development is permitted suitable drainage conditions should be applied that show full details of the measures to dispose of both foul and surface water.

### 3.5 **HDC Tree Officer:** No objection. Referred to WSCC Arboriculture Officer for further comment.

## OUTSIDE AGENCIES

### 3.6 **WSCC Highways:** No objection subject to conditions. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at either the junction with the public highway, onto Queen Elizabeth Road. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

### 3.7 **Ecology Consultant:** No Objection subject to conditions to secure appropriate mitigation measures.

### 3.8 **Southern Water:** No Objection. The applicant is advised to contact Southern Water regarding the servicing of the proposal.

### 3.9 **Southern Gas Networks:** Comment. Advisory comments which to be included as informatives for the benefit of the applicant.

### 3.10 **WSCC – Arboriculturist:** The trees must be retained and protected in accordance with BS5837:2012 and industry good practice especially if the western boundary of the site may be altered in any way. The verge must not be used for material / plant / vehicular storage etc. and regarded as an exclusion zone.

## PUBLIC CONSULTATIONS

### 3.11 **Rudgwick Parish Council:** Object. With the Barleycroft development two storey affordable housing is available in Rudgwick. The single storey dwelling demand and meeting the need of the mature Rudgwick population is not been addressed and this development therefore

objected to. Rudgwick Design Statement is still not adhered to, 'in particular cladding and concrete roof tiles'.

3.12 15 Neighbour letters received on the original and 5 neighbour letters on the amended schemes objecting on the following grounds:

- Loss of Private Amenity
- Loss of bungalows for elderly residents
- Parking and traffic
- Design and materials
- Small gardens
- Increased height (two storey)
- Overdevelopment
- Precedent
- Doesn't satisfy local affordable housing need
- Loss of rented tenure
- Neighbourhood Plan Housing Needs Assessment
- Viability evidence to justify loss of bungalows and replacement
- Overbearing

3.13 **Rudgwick Preservation Society** – Object. There is no housing need in the Village for 2 storey affordable housing, this has been met elsewhere. There is a need for single storey housing for the elderly and units for rent. The proposed design does not follow the Rudgwick Design Statement. The proposed dwellings are imposing and will totally change the aspect of the area to its detriment.

#### **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 planning application seeks permission for 6 two storey dwellings with associated parking and landscaping. Comprising 4 x 2 bed and 2 x 3 bed dwellings. The main considerations within this application are:

- The principle of the development in this location
- Design and the impact on the character of the area
- Impact on residential amenity
- Highway considerations
- Ecological impact

##### Background

6.2 The existing bungalows managed by Saxon Weald are affected by subsidence and as such are to be demolished as part of the application proposals. The six bungalows, which

provided social housing, were vacated between the 15 April 2018 and 5 August 2018 and as such, the bungalows within the application site, are now vacant. The applicant advises that prior to the submission of the application a public consultation exercise was carried out and 158 letters were sent to residents living in the area around Pathfield Close. The Parish Council were also invited to a consultation event, the event attracted 30 people including 25 local residents and 5 Parish Members, it is advised that a summary of responses was sought via a feedback questionnaire to ascertain whether people agreed with the Saxon Wealds proposals to re-develop the site. As a result of this there were eight written responses, comprising 6 feedback forms and two emails. One of the written comments was duplicated by an email and therefore overall there were seven responses in total. It is advised that 4 of the consultees indicated their approval for the redevelopment of the site, and three disagreed with the re-development. Overall, from the Saxon Weald Public consultation exercise carried out and the responses received, the balance of opinion was tipped in favour of redevelopment of the site. It is noted that following the Councils consultation and notification period carried out during consideration of the application, 15 letters of representation were received relating to the original scheme and 5 to the amended scheme, details relating to the grounds of objections raised during this period are set out later within this report.

- 6.3 At the time the Councils Housing Department were consulted on the loss of the bungalows they advised that whilst the loss of the bungalows would be disappointing they were not fit for purpose. It was also advised that there is alternative provision in the parish for retirement accommodation with Mount Green Housing Association (formally Hawkridge accommodation) and a number of general needs properties increasing the overall number of affordable units within the parish. A snapshot of demand in accordance with the Council's housing register currently shows low levels of demand for retirement accommodation in the parish. In addition no household has only identified Rudgwick as their sole area of choice for permanent accommodation which means it would be possible to meet their needs elsewhere.

### **Principle of Development**

- 6.4 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. 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.
- 6.5 The application site is located within the built up area of Rudgwick, which is classified as a medium village within the defined settlement hierarchy. Policy 3 describes these settlements as having a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small towns and larger settlements to meet a number of their requirements.
- 6.6 The site is located within the built-up area boundary of Rudgwick where there is a presumption in favour of development that is appropriate in nature and scale to maintain the characteristics and function of the settlement. As such, the principle of new development is considered acceptable subject to a thorough assessment of the application details, materials considerations and compliance with all relevant policy criteria.
- 6.7 Policy 16 [part 3 (b) refers] states that on sites providing between 5-14 dwellings, the council will require 20% of dwellings to be affordable or where on site provision is not achievable a financial contribution equivalent to the cost of the developer of providing the units on site is required. Notwithstanding the policy requirements as set out above, new advice within paragraph 63 of the National Planning Policy Framework 2018 states that provision for affordable housing should not be sought for residential development that are not major

developments other than in rural areas (where policies may set a lower threshold than 5 units or fewer). Therefore, as the development proposals do not fall within the definition of a major development for the purpose of housing provision (10 + dwellings, or have a site area of more than 0.5 hectares) the requirements of Policy 16 [part 3(b)] are not triggered and affordable housing contributions are not required for this development which proposes 6 units on a site area of 0.16 ha. However, a legal agreement securing 100% provision of affordable housing will be secured as part of the application proposals should planning permission be granted. The applicant (Saxon Weald) are a locally-based registered provider of affordable homes, and as such are proposing that all 6 units provided as part of the scheme will be available for affordable rent, which is welcomed. Given the proposal offers 100% affordable housing, this will exempt the applicant from CIL payments, therefore this 100% provision of affordable housing will be secured within the accompanying s106. The Councils Housing Manager has confirmed that they are in support of the application and that the Council would have 100% nomination rights from the housing list to the new properties when completed, it is also advised that criteria will include a local connection stipulation in the nominations agreement. Officers therefore consider that the provision of the affordable housing units for affordable rent to replace the existing bungalows in this location is a benefit that weighs in great favour of this application.

### **Design and Appearance:**

- 6.8 Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensure that it will; complement locally distinctive characters and heritage, contribute to both the buildings and spaces and integrate well with their surroundings, is locally distinctive in character and respects the character of the surrounding area.
- 6.9 The proposed 2 storey dwellings which replace the 6 existing bungalows to be demolished. The proposed dwellings have been sited in a linear pattern of development, albeit slightly staggered from the north of the site along the north south axis. The height of the proposed dwellings to the ridge height is approximately 8m. Plot 1 comprises a 3 bed (5 person) dwelling that has a footprint of approximately 9.53m (L) x 6m (W), this plot is set back from the two pairs of 2 bed (4 person) semi-detached dwellings at Plots 2-3 & Plots 4-5, each of these semi-detached pairs have a foot print of approximately 10.63m (L) x 9.8m (W) located centrally within the application site. Plot 6 comprises a 3 bed (5 person) unit with a foot print of approximately 6.12m (L) x 9.3m (W) and is positioned on the east west axis, with the rear elevation adjacent to and overlooking the open land to the south of the site.
- 6.10 The elevation plans have been amended over the course of the consideration of this application. Fenestration arrangements at first floor level for Plots 2 and 3 and Plots 4 and 5 now have angled window bays / projecting windows, which although not a common feature in the street scene provide a functional purpose in protecting the private amenity of the neighbouring dwelling at 'Jazzmans' 1 Pathfield Close.
- 6.11 The scale of the proposed building derived from the three dimensional mass (height, depth and footprint) is considered to be acceptable, along with the overall layout and set back position of the units. Separation distance between each unit has been retained in the proposed scheme and is considered to respect the open character and village feel of the wider area. The proposed dwellings would have a greater three dimensional mass compared to the existing bungalows on site, however this is not considered inappropriate within the wider street scene and character of the area as the surrounding area is mainly characterised by two storey semi-detached and detached dwellings.
- 6.12 The proposed materials, include a mixed palette of predominantly red brick elevations, with dark grey cedar weatherboard panels at first floor level that wrap around the front and side elevations of the proposed dwellings, giving them a modern and contemporary visual appearance. The dwelling sits beneath a concrete tiled pitched roof.

- 6.13 It is considered that there is good separation distance between the proposed dwellings which allows for the provision of 2 tandem parking bays for off road parking for each individual unit. There are 14 parking bays in total across the site. The road layout has been amended in order to accommodate individual access to each dwelling.

**Trees and Landscaping:**

- 6.14 The proposals comes with a full tree survey and report from Lizard Landscapes. The Council's Tree Officer has been consulted and has advised that given that the distances from the large trees to the west appear similar to existing, it was not considered necessary to comment, however it is noted that the wide strip of land on the eastern side of the B2128 is adopted County Council land and as such the County Council Arboriculture Officer has been consulted particularly given concerns relating to subsidence of the existing bungalows. It has subsequently been advised that the trees on this land must be retained and protected in accordance with BS5837:2012 and industry good practice especially if the western boundary of the site may be altered in any way. The verge must not be used for material / plant / vehicular storage etc. and regarded as an exclusion zone. It has also been advised that WSCC should be compensated if any Highway trees are to be removed for this development.

**Amenity Impacts:**

- 6.15 The scheme has been amended during the course of consideration of the application and the design of the window openings at first floor elevation of the two pairs of semi-detached dwellings (Plots 2 & 3 and Plots 3 & 4), which now have an angled bay with obscure glazing and blind projecting cheeks, in order to protect the private amenity of the adjacent dwelling at 1 Pathfield Close (Jazzmans).
- 6.16 Considerate siting and design amendments have now overcome previous concerns regarding overlooking of the amenity space (raised patio) at the rear of the neighbouring property known as 1 Pathfield Close (Jazzmans). With a separation distance of 15.5 m between the proposed dwellings (Plots 2 and Plot 3) to the flank of 1 Pathfield Road, it is considered that there is adequate separation distance between the front elevation of the proposed dwellings and the flank elevation, residential amenity area and patio area located at the northern end of the rear garden area to the adjacent dwelling immediately opposite the application site.
- 6.17 Appropriate boundary treatment would be required to the rear of each plot to ensure that the rear gardens and private amenity of future occupiers is secured. It is noted that that the existing trees outside of the application site on land owned by WSCC will also provide a degree of privacy and screening from passing traffic and pedestrians using the adjacent Public Highway.
- 6.18 It is considered that the proposals do not result in any significant or appreciable impact on the visual amenities of the street scene and follow a similar pattern of development in terms of their siting to those that they are proposed to replace. Furthermore the replacement of the existing 6 x 1 bed bungalows with 2 x 3 bed and 4 x 2 bed two storey dwellings is not considered to result in any appreciable or significant harm arising from the larger scale of dwellings or the increased level of occupancy and associated residential activity, which are considered to relate well in both size and scale to the surrounding development. As such the proposed bungalow are considered to be acceptable within the context of the wider street scene and character of the immediate area. Therefore it is not considered that the proposals would result in any significant or appreciable harm to visual or private amenities. In this respect, the development proposals is considered to accord with policies 32 and 33 of the HDPF.

### **Highways Impacts:**

- 6.19 In regards to the current scheme, it is proposed to extend Pathfield Close further south to facilitate an improved parking arrangement and turning head. The road takes the form of an approximately 5 metre wide arrangement. This is considered suitable as this follows the existing widths of Pathfield Close and will be a low speed, low traffic environment. The Access arrangement to Pathfield Close from Queen Elizabeth Road is an existing arrangement, however the current proposal seeks to extend Pathfield Close further south to facilitate an improved parking arrangement and turning head. The road takes the form of an approximately 5 metre wide arrangement which reflects the existing widths of Pathfield Close and will be a low speed, low traffic environment. The road is to be constructed to adoptable standards, the applicant will therefore be required to enter into a S38/278 legal agreement with WSCC to cover the proposed adoptable on site Highway works.
- 6.20 The applicants have submitted an updated Transport Technical Note by Reeves Transport Planning Ltd dated September 2018. WSCC Highways has been consulted and they have confirmed that given the scale of the proposal and the existing permitted use a TRICS assessment and Travel Plan are not required. Whilst the LHA acknowledge that there will be a difference in the pattern of traffic movements given the increased floorspace, it is not considered that there will be a severe material increase in traffic movements over that currently generated. In addition there are no known capacity and congestion issues within the immediate vicinity of the site.
- 6.21 In terms of parking and access for the individual properties, the existing arrangement of 6 x 1 bed dwellings provides a nil parking provision for residents and this arrangement results in the parking of vehicles on street and on the Publicly Maintained verge. The proposed development includes the provision of 14 car parking spaces in total, which equates to 2 spaces per dwelling and 2 visitor spaces as well as cycle parking from each unit. The number of car parking spaces proposed is in accordance with the requirements of WSCC residential car parking standards and from a capacity perspective it has been confirmed that WSCC Highways are satisfied that the proposal will not have a severe residual impact and is in accordance with Paragraph 109 of the NPPF and Policy 40 of the HDPF.

### **Ecology:**

- 6.22 The Ecology Consultants at Place Services have assessed the Preliminary Ecological Appraisal (PEA), the Preliminary Bat Roost Assessment (March 2018), the eDNA survey report (25th July 2018), and the Bat Emergence Report (August 2018) submitted by Lizard Landscape Design and Ecology. Additionally they have reviewed the later submitted Ecological Impact Assessment (EclA) (Lizard Landscape Design and Ecology, October 2019), which consolidates the results of many of these surveys.
- 6.23 Further to the Ecology Consultants initial comments which required further supporting information in regards to Great Crested Newt, further discussion took place between the applicants Ecologist and the Council's Ecology Consultants during the consideration of the application and subsequent supporting information was provided in writing (letter dated 6th December 2019). With the additional information, the Council's Ecology Consultants are now satisfied that sufficient information has been provided to provide certainty to HDC of the likely impacts from the development. The Ecologist are satisfied that any necessary mitigation will be effective and can be secured either by condition of any consent or a licence from Natural England.

## **Refuse Collection**

- 6.24 The requirement for all houses within the District is that they should have enough space for three bins (refuse, recycling and garden waste). Blocks of flats are required to provide sufficient bin capacity to cater for 180 litres per dwelling for refuse, and 240 litres per dwelling for recycling. The proposed development provides bin storage areas located at the front of the North West elevation. Plans show that refuse storage is to the side or rear of the proposed dwellings. Further details relating to refuse and recycling storage are subject to a condition requiring further details.

## **Community Infrastructure Levy**

- 6.25 The application has been submitted by Saxon Weald a registered social housing provider, and the 9 units proposed are being provided for 100% affordable rented accommodation, therefore although the scheme is liable for CIL the proposal is eligible for exemption from CIL payments. A legal agreement securing 100% provision of affordable housing will be secured as part of the application proposals.

## **Conclusions and Planning Balance:**

- 6.26 In summary, the principle of this development in this location is in accordance with the Council's overarching development strategy. The proposals are welcomed by the Council as they will provide 100% affordable rent tenure which will meet an identified demand for this type of accommodation in the District. It is considered that the proposed design, scale and siting of the development has been sensitively achieved within the constraints of the site and are in accordance with the context and character of the wider area and the relationship with nearby existing two storey dwellings is following amendments to the fenestration details on the two central dwellings comprising obscure and blind-sided windows at first floor level to overcome concerns regarding overlooking and loss of private amenity to 1 Pathfield Close, it is considered that the proposals are acceptable and do not result in significant harm to private or visual amenities.
- 6.27 There is no overall objection from the Highways Authority regarding highway safety and overall the development proposals to provide 6 new dwellings for affordable rent are considered acceptable subject to the imposition of conditions and the completion of a satisfactory S106 agreement to secure 100% affordable housing for rent.

## **7. RECOMMENDATIONS**

- 7.1 Grant planning permission subject to completion of S106 legal agreement and the following conditions:-

1 **Plans Compliance Condition**

- 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:** The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;

- ii. A description of management responsibilities;
- iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust and the provision of wheel washing facilities.
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LBL and local community regarding key construction issues - newsletters, fliers etc.

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP for the related phase, unless the written consent of the Local Planning Authority is received for any variation.

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

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

- All trees on the site shown for retention on approved drawing number LLD1361 ARB DWG 001 Pathfield as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

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

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

- 5 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of 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).

- 6 **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.

In accordance with the requirements (a) and (b) above and as submitted within the Phase 1 Desk Study & Phase 2 Preliminary Site Investigation & Risk Assessment Report dated 14 September 2018 (Ref: J13681) the following information is required

- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. 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).

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

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

- 8 **Pre-Commencement Condition:** No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles (Good population of Slow Worm and Low population of Grass Snake) has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.
- a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
  - i) Details for monitoring and remedial measures.
  - j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991 and Policy 31 of the Horsham District Planning Framework.

- 9 **Pre-Commencement Condition:** An invasive non-native species protocol shall be submitted to and approved by the local planning authority. This shall include details of the containment, control and removal of the Parrot's Feather present on site. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991 and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 10 **Pre-Commencement (Slab Level) Condition:** Notwithstanding the details submitted, 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).

- 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 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).

- 12 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures (including off-site measures);
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (including off-site measures);
- d) timetable for implementation
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species and Policy 31 of the Horsham District Planning Framework).

- 13 **Pre-Occupation Condition:** The building/extension hereby permitted shall not be occupied until the window(s) at first floor level Plots 2 &3 and Plots 4 & 5) on Plan [201 (PL) 8280 Rev A] have been fitted with obscured glazing. The window(s) shall be fixed shut/non-openable. Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.

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

- 14 **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 004-(PL)-8280 rev B and shall be thereafter retained as such.

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

- 15 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 16 **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).

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

- Details of all 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 including specification
- Details of all external lighting including a lighting design scheme for Biodiversity showing how and where external lighting will be installed (with provision of an appropriate technical specification).
- A Landscape and Ecological Management Plan

The approved landscaping 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.

The approved external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No external lighting shall be installed without the prior consent from the local planning authority.

The (LEMP) shall include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out how contingencies and /or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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).

- 18 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made in

accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 19 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the following Ecological Reports: Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (March 2018), eDNA survey report (25th July 2018), Bat Emergence Report (August 2018), Ecological Impact Assessment (October 2019) and Ecology Letter (6th December 2019) all by Lizard Landscape Design and Ecology as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Background Papers: DC/18/2747

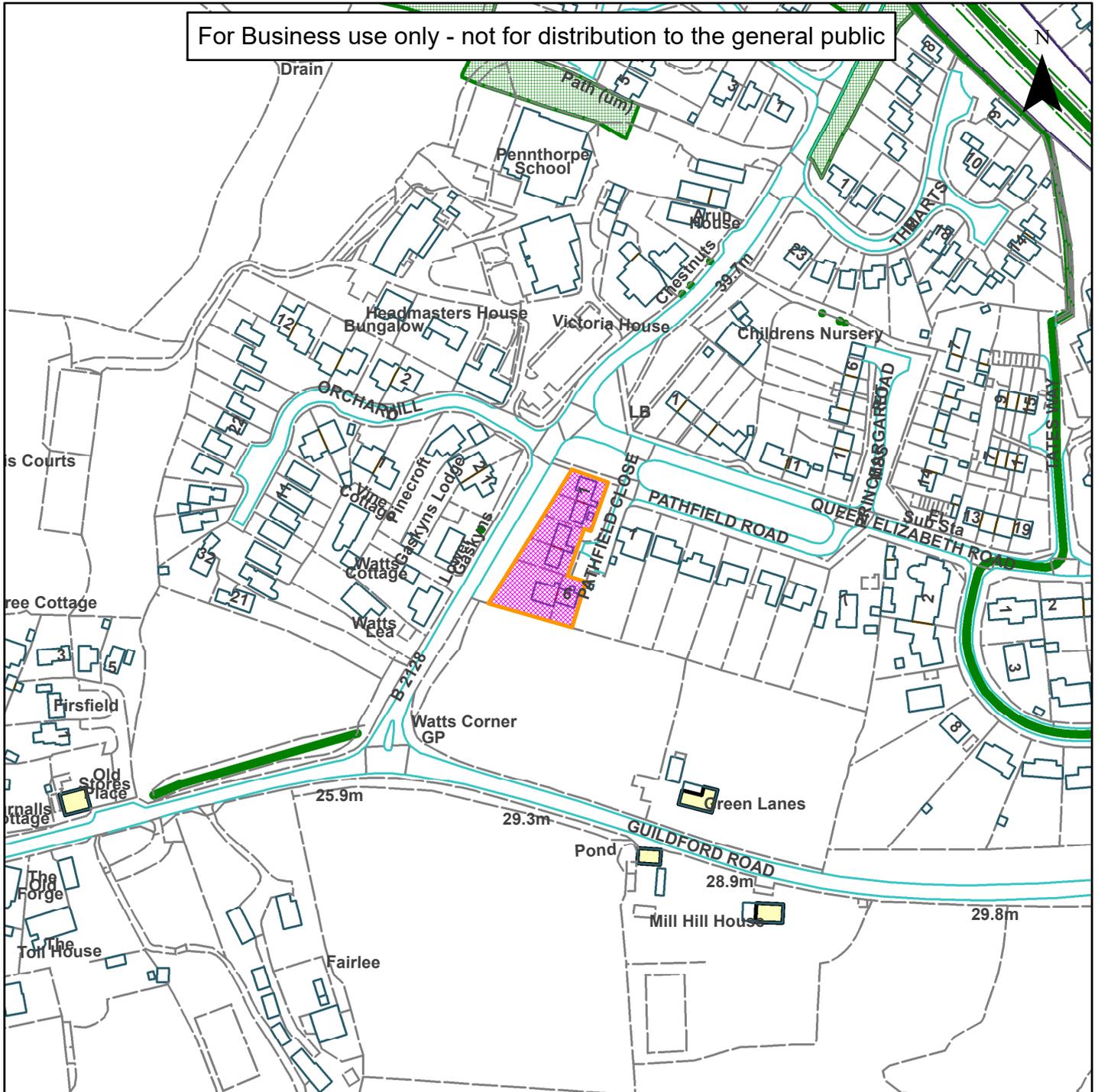
# 6) DC/18/2747



**Horsham  
District  
Council**

Pathfield Close, Rudgwick, Horsham

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Organisation	Horsham District Council
Department	
Comments	
Date	19/12/2019
SA Number	100023865

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 07 January 2020

**DEVELOPMENT:** Installation of an ATM to front elevation with night time closure plates

**SITE:** Tesco Express 49 Brighton Road Horsham West Sussex RH13 6EZ

**WARD:** Forest

**APPLICATION:** DC/19/1112

**APPLICANT:** **Name:** Tesco Stores Limited **Address:** Falcon Way, Shire Park, Welwyn Garden City, AL7 1TW

**REASON FOR INCLUSION ON THE AGENDA:** Over 8 letters of representation have been received which are contrary to the recommendation and at the request of the Local Members

**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 is seeking planning permission for the installation of an Automated Teller Machine (ATM) at the Tesco Express Store on Brighton Road in Horsham. The ATM is to be sited on the north facing elevation of an existing single storey element of the building, situated on the west elevation fronting Brighton Road. The ATM will be adjacent to a trolley park/store display area that is protected by existing bollards.

1.3 The ATM will be available between the store opening hours of 06:00am to 23:00pm and during the closure will be fitted with a bezel cover and switched off, including any associated lighting. The area will also be covered by Closed Circuit TV (CCTV).

### DESCRIPTION OF THE SITE

1.4 The site is located on the corner of St Leonards Road and Brighton Road and comprises a single and two storey building set back from the highway, with associated car parking. The site, formerly a public house, is used as a Tesco Express store.

- 1.5 St Leonards Road and Brighton Road are predominantly residential roads, with Brighton Road being one of the main routes into Horsham town centre from the south east of Horsham. 51 Brighton Road to the south of the site is grade II listed.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework (NPPF)**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 No neighbourhood plan has yet made for the combined Horsham Blueprint Neighbourhood Forum Area which comprises the unparished areas of Denne, Forest and Trafalgar neighbourhoods.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

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

DC/13/0705	Installation of an ATM to the shopfront	Application Refused on 14.06.2013. Appeal dismissed.
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DC/14/0925	Installation of ATM with 4 no. removable bollards	Application Refused on 21.08.2014
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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)

### CONSULTATIONS

- 3.2 **Conservation Officer:** No comments.

- 3.3 **WSCC Highways:** No objection. West Sussex County Council Highways were consulted previously on a similar proposal DC/13/0705 (installation of ATM) and DC/14/0925 which was also for an ATM and removable bollards – No Highway objections were raised, though

it is noted that The Local Planning Authority refused both applications and the DC/13/0705 was subsequently refused at appeal.

The Local Highway Authority does not consider that this proposal would have an unacceptable impact on Highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to The National Planning Policy Framework (Para 109) and that there are no transport grounds to resist the proposal.

#### PUBLIC CONSULTATIONS

- 3.4 15 letters of objection were received from 13 households in respect of the application as originally submitted. These raised the following concerns:
- Noise disturbance.
  - Increase in light pollution.
  - Lighting to store currently remains on after store closing time.
  - Increase in traffic to/from the site.
  - Highway safety concerns.
  - Insufficient parking on site.
  - Potential for anti-social behaviour.
  - No need for ATM.
  - Users still accessing the site as they may not be aware that the ATM is not 24 hours.
  - Increase in inappropriate off-site parking.
- 3.5 A further 7 letters of objection from 7 households were received in respect of the additional information submitted. These raised the following concerns:
- Noise disturbance.
  - Increase in light pollution.
  - Lighting to store currently remains on after store closing time.
  - Increase in traffic to/from the site.
  - Highway safety concerns.
  - Insufficient parking on site.
  - Potential for anti-social behaviour.
  - No need for ATM.
  - Future pressure to operate the ATM 24 hours a day.

#### PARISH COUNCIL COMMENTS

- 3.6 **Forest Neighbourhood Council** – objects to the application on the following grounds:
- There has considerable increase in traffic since the previous application for an ATM in 2013
  - Unacceptable level of disturbance which could be exacerbated by the installation of the unit
  - If the Local Planning Authority are minded to approve the application the unit should be controlled by the use of conditions

#### MEMBER COMMENTS

- 3.7 **Councillor Skipp** – Request for application to be heard at Committee.
- 3.8 **Councillor Walters** – Request for application to be heard at Committee.

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

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

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

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

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

- 6.1 This application seeks permission for the installation of an ATM (automatic teller machine) within an existing single storey extension on the western side of the building, which fronts Brighton Road and the stores vehicular access.

##### **Background to Application**

- 6.2 The proposal to install an ATM at the site was the subject of two applications in 2013 and 2014. DC/13/0705 was refused by the Council on the grounds that adequate provision could not be made for the parking of vehicles on the site in a satisfactory manner, that the proposal would likely result in standing vehicles which would interrupt the free flow of traffic on the public highway and would likely cause unacceptable harm to the amenities of nearby residential occupiers by way of activity and general disturbance.
- 6.3 The proposal was subsequently dismissed at appeal, however the Inspector considered "*that there appears to be adequate legal parking provision on the site or surrounding it, for the likely requirements of a single ATM in addition to the shop use*" and "*On the evidence available the proposed installation would be unlikely to adversely affect highway safety or the free flow of traffic.*" He did however refuse to grant permission on the grounds that "*there is a risk, due to the location and visibility of the ATM, that overnight use could adversely affect the living conditions of neighbouring residents at a time when a lack of noise and disturbance might reasonably be expected.*"
- 6.4 The subsequent application (DC/14/0925) proposed some minor changes to the proposal however this was also refused on the grounds that the applicant had not demonstrated that sufficient measures had been incorporated into the scheme to reduce the level of activity and vehicle movements on the site, thereby creating noise and disturbance that would have an adverse effect on neighbouring amenity.

##### **Principle**

- 6.5 There is no objection in principle to the installation of an ATM facility in connection with the retail use of the site subject to the use of the facility not having external impacts to the detriment of residential amenity and/or highway safety. The ATM is of a scale and design of a standard ATM with an illuminated band. It is considered that the ATM would not be out of keeping with the retail character of the building onto which it is proposed.
- 6.6 The main issues in respect of the proposal therefore are:
- The effect of the proposal on highway safety and the free flow of traffic.
  - The effect of the proposal on the living conditions of residential occupiers with particular regard to noise and disturbance.

## **Policy Context**

- 6.7 Paragraph 92 of the National Planning Policy Framework (NPPF) set out that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other things, ensure established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 6.8 In respect of noise, paragraph 180 of the NPPF seeks, amongst other criteria, to ensure that decisions mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impact on health and the quality of life. The Planning Practice Guidance (2019) sets out that decisions need to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur, and whether or not a good standard of amenity can be achieved.
- 6.9 Paragraph 109 of the NPPF sets out 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.
- 6.10 Policy 33 of the Horsham District Planning Framework (HDPF) advises, amongst other things, that development will be permitted if it does not cause unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development. The policy also requires development to incorporate measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area.
- 6.11 Policy 40 of the HDPF advises, amongst other things, that development will be permitted if it provides a safe and adequate means of access and makes adequate provision for all users, including for car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians. Policy 41 of the HDPF also seeks to ensure that adequate parking and facilities are provided within developments to meet the needs of anticipated users.

## **Highway Safety**

- 6.12 The proposal to install an ATM does not propose any adjustments or alterations to highway safety, free flow of traffic, access, visibility or parking arrangements - elements that were previously approved under planning application DC/13/0758 which related to widening of the vehicular access in association with the use of the building for retail purposes.
- 6.11 With regards to the potential intensification of use at the site and the impact of this on highway safety and the free flow of traffic into and out of the site, the Inspector in his consideration of a similar proposal back in 2014 noted that the appellant asserts that ATM users tend to combine cash withdrawal use with spending in the shop in any event, but that spend could be by debit card, the medium used to access the cash withdrawal and that it is reasonable to assume that some additional parking would be caused by the visible location of the machine attracting users wanting cash whilst on other journeys, or as a destination. He however concluded that there appeared to be adequate legal parking provision on the site or surrounding it, for the likely requirements of a single ATM in addition to the shop use and on the evidence available the proposed installation would be unlikely to adversely affect highway safety or the free flow of traffic.
- 6.13 West Sussex County Council as the Local Highway Authority have advised that the proposal is not anticipated to result in a material intensification of use or create a demand for additional parking provision, and on this basis they have concluded that the proposal would not have

an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

- 6.14 The comments of the Inspector in his consideration of the previous proposal considered in 2013 are as follows:

*“Whilst use during the opening hours of the shop is unlikely to add to vehicular parking and traffic on site and nearby, as to cause harm, there is a risk, due to the location and visibility of the ATM, that overnight use could adversely affect the living conditions of neighbouring residents at a time when a lack of noise and disturbance might reasonably be expected. The information supplied does not allow that risk to be discounted in this decision, to a level that would allow the proposal to be permitted. For the reasons given above it is concluded that the appeal should be dismissed”.*

- 6.15 The Inspector dismissed the appeal on the grounds of the impact of the use of the ATM at night. No concerns were raised with regard to the day time use of the ATM in conjunction with the existing shop. The current proposal limits the use of the ATM to daytime use and WSCC have not raised any objections to the proposal in terms of highway safety or parking. Therefore, it is considered that the proposal would not result in an adverse impact on highway safety or the free flow of traffic to/from the site, as a result of the installation of the ATM.

### **Impact on Neighbouring Amenity**

- 6.16 Previous applications and the dismissed appeal reason all refer to the impact that an ATM at the site would have on the amenity of the occupiers of the neighbouring residential properties. Whilst the ATM itself would raise no concerns in this respect, the potential for noise disturbance resulting from people using the facility and from vehicles entering and exiting the site, has previously been raised as a concern and resulted in the refusal of planning permission.
- 6.17 The Inspector in his refusal of planning permission in 2014 noted that the hours of opening of the retail use (0700-2300) allows for an 8 hour closed period when there is an expectation from local residents of limited noise and disturbance even allowing for noise from Brighton Road. He stated that due to the visible location of the machine on a main road into/out of Horsham, users may be attracted to the machine while making late night or early morning journeys rather than only using it in combination with a trip to the retail facility. He noted that such use may well be infrequent, isolated occasions, but it is that type of noise and disturbance in the night that can cause unacceptable harm in a residential area. Use of the ATM would inevitably include car doors closing, manoeuvring and pulling away, all possible sources of unwarranted close-range noise. It was therefore concluded that there is a risk of noise and disturbance affecting the living conditions of neighbouring residential occupiers.
- 6.18 Whilst previous applications for an ATM at the site have proposed 24 hours use of the machine, the current application includes a number of measures to seek to overcome the concerns previously raised. These measures include:
- Restricting the hours of use of the ATM to the store opening hours only.
  - Installing a removal cover when the machine is not being used. This would be manually operated.
  - Switching off the machine outside of the hours of its operation. This is assumed to be switched off at 23:00 (store closure)
- 6.19 It is considered that the measures proposed by the applicant would limit the use of the ATM to the hours of use of the retail use only, and that this would restrict any overnight use of the machine which was a concern of both Officers and the Inspector in their consideration of previous applications. It is considered that the installation of an ATM at the site, in use during the opening hours of the retail use, would not result in any significant adverse impact on the

amenity of occupiers of neighbouring properties beyond that which may reasonably occur from the use of the site for retail purposes. On this basis, the proposal is considered to comply with Policy 33 in this respect subject to conditions requiring the measures put forward by the applicant being implemented.

## **Conclusion**

- 6.20 The application seeks permission for the installation of an ATM (automatic teller machine) within an existing single storey extension on the western side of the building, which fronts Brighton Road and the stores vehicular access. It is considered that the measures proposed by the applicant would limit the use of the ATM to the hours of use of the retail use only, and that this would restrict any overnight use of the machine which was a concern of both Officers and the Inspector in their consideration of previous applications. The proposal to install an ATM does not propose any adjustments or alterations to highway safety, free flow of traffic, access, visibility or parking arrangements. On the basis of advice received from WSCC as the Local Highway Authority, and having considered previous applications, officers are of the view that no impact on highway safety will result from the proposal which could warrant a refusal on planning grounds. On this basis the application is considered to comply with the relevant policies of the Horsham District Planning Framework and is therefore recommended for approval.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below:

1 **Plans Compliance Condition**

- 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 **Regulatory Condition:** The Automated Teller Machine (ATM) and associated lighting shall be switched off and the unit covered with a cover plate preventing access to and use of the machine (as shown on drawing no. 6788ele#.dwg) between the hours of 2300 hours and 0600 hours.

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

Background Papers: DC/19/1112

Planning Officer: Pauline Ollive

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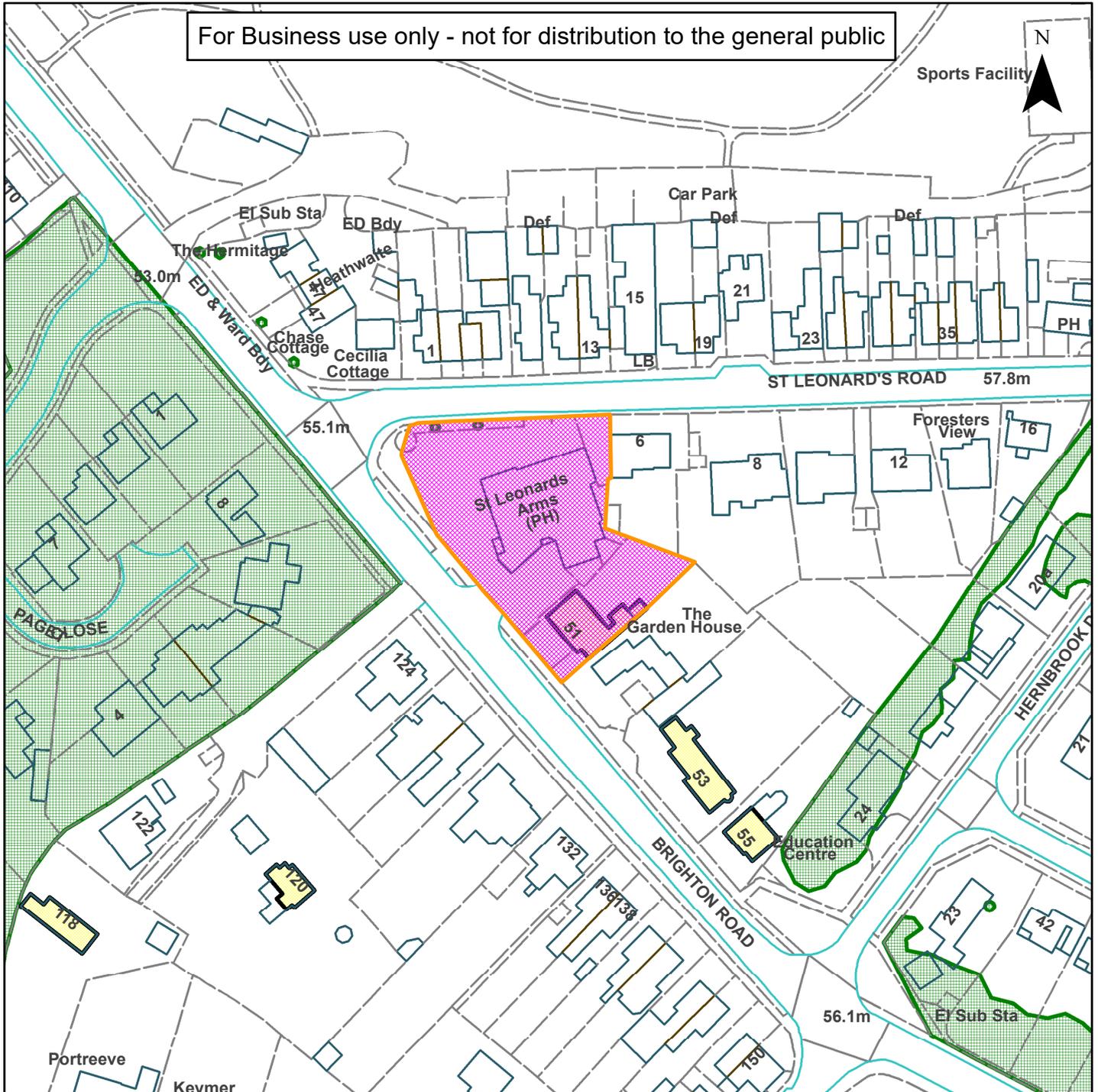
# 7) DC/19/1112

Tesco Express, Brighton Road, Horsham



## Horsham District Council

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Organisation	Horsham District Council
Department	
Comments	
Date	19/12/2019
SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 07 January 2020

**DEVELOPMENT:** Erection of two semi-detached two storey two bedroom dwellings with on-site parking and associated works

**SITE:** 12 Hayes Lane Slinfold Horsham West Sussex RH13 0SQ

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/19/2232

**APPLICANT:** **Name:** Zena Mount **Address:** The Swan Inn Cone Valley Woolaston Lydney GL15 6AD

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

**RECOMMENDATION:** To approve the application subject to conditions

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of 2no. semi-detached dwellings to the rear of the frontage dwellings along Hayes Lane. The proposed dwellings would be positioned centrally within the site, and would be oriented to face north and west.

1.3 The built form would measure to a length of 8.4m and depth of 8.9m, and would incorporate a half-hipped roof measuring to a height of 7.7m. The proposal would incorporate gable features to the north and south elevations, which would be set down from the main ridgeline, with overhang porch features to the north and west elevations. The proposed dwellings would be finished in red/brown multi-stock brick to match the adjacent properties, dark brown plain concrete tile to the roof, and white double glazed windows. Each dwelling would provide living area, kitchen, w.c to the ground floor, and 2no. bedrooms and bathroom to the first floor.

1.4 The proposed development would provide rear amenity space for each dwelling, with the amenity space for Unit 1 located to the south and east of the built form, and the amenity space of Unit 2 provided further to the east. Each amenity space would be separated by 1.8 timber fencing, with new trees and shrubs planted along the eastern boundary. 2no. off-road parking spaces would be provided for Unit 1, which would be located to the south of the built form, with 2no. off-road parking spaces for Unit 2 located to the north.

## DESCRIPTION OF THE SITE

- 1.5 The application site comprises an area of land adjoining the application properties of 11-12 Hayes Lane, and is located to the west of Hayes Lane and the south of Brick Lane.
- 1.6 The site is located outside of, but adjoining, the designated built-up area of Slinfold, and is therefore within the countryside in policy terms.
- 1.7 The area of land comprises predominantly scrubland, and is currently used for off-road parking. There is a watercourse running to the eastern edge of the application site, with a new housing development located to the west.
- 1.8 The adjacent neighbouring properties are positioned to the east and west of the site by approximately 22m and 11m respectively.

## 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 24 - Strategic Policy: Environmental Protection
- 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 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

#### 2.5 **Slinfold Parish Neighbourhood Development Plan**

- Policy 5: Development Principles
- Policy 6: Housing Mix

## PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1012	Proposed erection of 2 nos. semi-detached two bedroom dwellings with on-site parking and associated works.	Application Refused on 31.07.2017. Appeal dismissed 16.03.2018.
DC/19/1243	Erection of 2.No semi-detached dwellings with on-site parking and associated works	Application Refused on 15.08.2019

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** Comment. From reviewing historic maps it is apparent that part of the application site historically formed part of a brickworks with associated pits, pits which have subsequently been infilled with unknown and therefore potentially contaminated material. From undertaking a recent site visit it is also apparent that the site is currently being used to store vehicles and potentially contaminated materials. Given the historic and current land uses as detailed above we are of the view that the ground on the site has the potential to be contaminated. Contamination assessments will therefore need to be undertaken to assess the risks to future site users.
- 3.3 **HDC Drainage Engineer:** Comment. If this development is recommended for approval, it is suggested that a Drainage Strategy (Foul and Surface Water) condition be imposed.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** Comment. The Local Highways Authority does not consider that in principle this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

**Ecology Consultant:** No Comment

**Southern Water:** Comment. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

#### PUBLIC CONSULTATIONS

- 3.5 **Slinfold Parish Council:** No Objection but confirmation that the area covered by the timber sleepers has sufficient capacity to cope in extreme conditions is suggested. A condition requiring the watercourse to be kept clear of obstruction is also requested.
- 3.6 Two letters of objection were received, and these can be summarised as follows:
- Potential flooding
  - Additional traffic pressure
  - Parking issues
  - Overcrowding
  - Impact on privacy
  - Proximity to watercourse
  - Removal of trees
  - Overdevelopment

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

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

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

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

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

- 6.1 The application seeks full planning permission for the erection of a pair of semi-detached dwellings to the rear of Hayes Lane.

##### **Background**

- 6.2 An application for 2no. semi-detached dwellings with parking and landscaping was originally submitted under planning reference DC/17/1012. This application was refused for the following reasons:

- 1 *The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching spatial strategy of the Horsham District Planning Framework (2015), in particular Policies 1, 2, 3, 4 and 26.*
- 2 *The proximity of the proposed new dwellings to the existing watercourse to the east of the application site is considered too close at 2.0m and is contrary to existing advice which usually suggests a minimum of 5.0m. This application is therefore considered to be contrary to Policy 24 of the Horsham District Planning Framework (2015).*

- 6.3 Following this refusal, the decision was appealed to the Planning Inspector. In considering the Appeal, the Planning Inspector agreed that there was conflict with policy, however questioned what harm would result to the spatial strategy or to the character of the area if the site were to be developed for housing. In considering this, the Inspector outlined that the site abuts the built-up area boundary to the east, and recognised that the site is adjacent to a large housing development providing 23 dwellings (under planning reference DC/13/2042) to the west. The Inspector thereby concluded that the site is surrounded by housing and forms part of a ribbon of land between the established and new areas of housing. It was therefore considered that the development would become functionally part of the settlement of Slinfold in the same way as the adjacent housing development.
- 6.4 The Inspector noted that Council's concerns that the development might appear cramped, but concluded that given the surrounding variations in plot sizes the proposal would not look out of place. The Council's concerns regarding the potential of the development to encourage a ribbon of development along the access track to the south, but considered that the Council would be able to determine any subsequent planning application for housing on its individual planning merits.

- 6.5 The Inspector considered that *“the proposal would not harm the broader aims of Council policy which is to concentrate growth around the settlements and to protect the character and appearance of the countryside. Indeed, the Council’s delegated report also states that “it is not considered that this application would result in any harm to the countryside surrounding Slinfold” and that “the area itself does have the feel of a built-up area”. Whilst I have found conflict with policies 3, 4 and 26, the proposal would be compatible with policies 1 and 2 to maintain the district’s unique rural character whilst ensuring that the needs of the community are met through sustainable growth.”* The Inspector thereby concluded that the site is suitable for residential development in terms of its location.
- 6.6 While the Inspector considered that the development was acceptable in respect of its location, concerns were raised in regard to the proximity of the development to the watercourse. The Inspector outlined that the flank wall of the easternmost dwelling would be located approximately 2m from the watercourse, and recognised that the Council’s Drainage Engineer had advised that an appropriately sized, development-free buffer zone, usually a minimum of 5m wide, should be left on both sides of the watercourse to conserve and enhance its habitats. The Inspector stated that no convincing justification had been put forward to demonstrate that the Riparian Buffer Advice referred to by the Council should not be adhered to, and thereby concluded that the proposed development would have a harmful effect upon the watercourse.
- 6.7 The Inspector concluded that whilst *“the site would be a suitable location for residential development the proposal would have a harmful effect upon the watercourse. For this reason, and having regard to all matters raised, the appeal is [sic] therefore dismissed.”*
- 6.8 A later application under planning reference DC/19/1243 sought permission for 2no. semi-detached dwellings with parking and associated works. This application was refused for the following reason:
- 1 *The proposed development would be of a quantum, scale, and layout that would result in overdevelopment of the site, in a manner that would provide a cramped form of development that would appear out of character with the build pattern of the locality. The resulting layout, particularly the awkward subdivision of the site to provide amenity space, would further exaggerate the cramped and incongruous form of development, with the resulting layout appearing at odds with the built pattern and characteristics of the surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).*
- 6.9 This application sought to address the reason for dismissal at Appeal, with the siting of the development further to the south of the site, and oriented to address the internal access track. In addition, the built form of the dwellings was increased in length to accommodate undercroft parking, with a reduction in the overall height and provision of additional dormers within the roof.
- 6.10 It was considered that the proposed development, due to the scale, extent and massing of the proposal, would result in a cramped form of development that would detract from the recognised linear build pattern of the surroundings. The proposed development, set further to the south of the site and oriented to face west, would sit in juxtaposition to recognisable build pattern, with the scale and extent of the built form considered to appear as a cramped and dominant addition within the context. It was thereby concluded that the proposed development would be of a quantum, scale, and layout that would result in overdevelopment of the site, in a manner that would provide a cramped form of development that would appear out of character with the build pattern of the locality. The proposal would sit in contrast to the linear form of development fronting the street, with the scale and massing of the proposal considered to result in a dominant and cramped form of development, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

- 6.11 The current application has sought to address the reason for dismissal, and the reason for refusal in respect of the most recent application (planning reference DC/19/1243). The current proposal has been re-sited further to the west, outside of the Riparian Buffer Zone, with the built form and appearance reflective of that considered at Appeal, albeit to a reduced scale and footprint. A larger area of amenity space has also been provided, with alterations to the layout of the site and parking arrangement.

### **Principle of Development**

- 6.12 The priority of Policies 3 & 4 of the HDPF is for development to be located within the built-up area boundaries, with a focus on brownfield land. The appeal site is situated outside of any of the defined settlement as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms. The scheme is therefore classed as a departure from the Local Plan.
- 6.13 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.
- 6.14 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 Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.
- 6.15 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."
- 6.16 The site lies between the established frontage properties of Hayes Lane, with an area used as extended curtilage, with the new housing development of Brick Lane located to the west. The site is adjacent to the built-up area for Slinfold which runs along the back gardens of the properties fronting Hayes Lane.
- 6.17 A previous application under planning reference DC/17/1012 was refused by the Council on the grounds that while the proposal would not result in harm to the countryside surrounding Slinfold, the site is outside of the defined built-up area boundary and would be contrary to the overarching spatial strategy within the Development Plan. The principle of development was therefore considered unacceptable. This was addressed by the Planning Inspector at appeal, where it was noted that the site abuts the built-up area boundary of Slinfold to the east, while to the west it is adjacent to a large housing development. The site is therefore surrounded by housing, and forms part of a ribbon of land between established and new housing areas. It was therefore considered that the site would become a functioning part of the settlement of Slinfold, and would not harm the broader aims of Council policy. The Inspector concluded that the site would be suitable for residential development in terms of its location.

- 6.18 Given the Inspector's conclusions, which considered that the site is in a suitable location that would not harm the broader aims of the spatial strategy, it is considered that the principle of residential development would be acceptable in this location.

### **Design and Appearance**

- 6.19 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.20 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.21 The previous application under planning reference DC/19/1243 related to the erection of 2no. semi-detached dwellings with on-site parking and associated works. The proposal was refused for the following reason:
- "The proposed development would be of a quantum, scale, and layout that would result in overdevelopment of the site, in a manner that would provide a cramped form of development that would appear out of character with the build pattern of the locality. The resulting layout, particularly the awkward subdivision of the site to provide amenity space, would further exaggerate the cramped and incongruous form of development, with the resulting layout appearing at odds with the built pattern and characteristics of the surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015)."*
- 6.22 The current proposal has sought to address these concerns by re-siting and re-orienting the proposed dwellings, with alterations to the design to encompass dual frontages at a reduced scale and footprint. The parking arrangement has also been altered to provide parking to the north and south of the built form, with the layout of the residential curtilage remaining as previously proposed. The proposed built form sits in general conformity of the build pattern between the garages serving 11a-11c Hayes Lane and the dwelling known as 1 Brick Lane.
- 6.23 While acknowledged that the proposal represents backland development, given the context of the wider surroundings, which includes the detached garaging to the east and the detached residential properties comprising Brick Lane to the west, it is considered that the provision of the semi-detached dwellings as proposed would create a general build line of development fronting Brick Lane. Given this specific context, it is considered that the proposed infill development would sit comfortably within the surrounds and would not appear out of character with the build pattern and characteristics of the immediate locality.
- 6.24 The proposal has been reduced in scale and footprint, with the 2no. semi-detached dwellings designed to address the existing access lane to the west and Brick Lane to the north. The built form would sit in line with the adjacent buildings, with the overall form and appearance considered to reflect the character and finish of the adjacent properties to the west. Given these reductions and alterations, it is considered that the development would sit in better relation to the built pattern and characteristics, and would not result in harm to the townscape character and visual amenities of the street scene.

- 6.25 It is recognised that the layout of the amenity space remains as previously proposed albeit that the spaces themselves have been re-arranged and enlarged. These alterations have included the provision of a patio area and enlarged amenity space to Unit 1, and the provision of a narrow rear/side garden to Unit 2. Concerns were raised in respect of the previous arrangement, which was considered to result in an awkward layout that would result in a convoluted division that would be incongruous within the established settlement pattern. While this arrangement remains, albeit with slightly larger amenity spaces, it is recognised that the arrangement would not be readily appreciable from the street scene. It is not therefore considered that there would be sufficient harm arising from this arrangement to justify a reason for refusal.
- 6.26 The Inspector, in considering the appeal under reference DC/171012, stated that “the site abuts the built up area boundary to the east whilst to the west it is adjacent to a larger housing development providing 23 dwellings on land to the rear of 1-25 Hayes Lane (reference DC/13/2042). The site is surrounded by housing. It forms part of a ribbon of land between the established and new areas of housing. The development would become functionally part of the settlement of Slinfold in the same way as the adjacent housing development.”
- 6.27 While the proposed development would contrast the build pattern and character of the surroundings, the scheme is similar in scale to that subject of the appeal decision. In considering the appeal, the Inspector raised no objections to the scale, layout and form of the development, with the appeal only dismissed on the impact of the development on the watercourse.
- 6.28 Given the conclusions of the Inspector, and the alterations to the scheme as a whole, which has reduced the scale of the development and resulted in a form and appearance that better reflects the characteristics of the surroundings, it is considered that the proposal would relate sympathetically to the build pattern and characteristics of the townscape and locality. The proposed development is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Amenity Impacts**

- 6.29 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.30 The application site lies to the rear of the frontage dwellings comprising Hayes Lane, which are located approximately 22m to the east, with the new development comprising Brick Lane positioned to the west at a distance of approximately 11m.
- 6.31 The proposed development would incorporate ground and first floor windows to the southern and eastern elevations, which would open to bedrooms and a bathroom.
- 6.32 While the proposal would result in additional built form and the increased perception of overlooking, it is considered that the proposal has taken sufficient account of the relationship with the neighbouring properties. The proposed development would be located a reasonable distance from the neighbouring properties to the east and west, and is not considered to result in harm to the amenities of neighbouring properties through overlooking or loss of privacy.
- 6.33 While the amenity spaces provided would result in an awkward arrangement, it is considered that each unit would benefit from a reasonable amount of private amenity space. It is not therefore considered that sufficient harm would arise to justify a reason for refusal in this regard.
- 6.34 On the balance of the considerations, it is considered that the proposed development would accord with Policy 33 of the Horsham District Planning Framework (2015).

## **Highways Impacts**

- 6.35 Policy 41 of the HDPF promotes development that provides safe and adequate access, suitable for all users.
- 6.36 The proposed development would be set back from the public highway, and would be accessed via the existing internal access track. Off-road parking would be provided to each dwelling, with 2no. tandem parking spaces serving Unit 1 located to the south of the built form, and 2no. parking spaces serving Unit 2 located adjacent to Brick Lane.
- 6.37 Following consultation with WSCC Highways, it is considered that the existing access functions appropriately. The WSCC Parking Demand Calculator outlines that the proposed development would require provision of 5no. off-road parking spaces, with the proposal providing a shortfall of 1no. space. While the proposal would result in the shortfall of 1no. visitor space, it is recognised that there is availability to park on nearby streets. It is not therefore considered that a reason for refusal on parking grounds could be sustained.

## **6.38 Impact on Watercourse**

- 6.39 Policy 24 of the HDPF states that development will be expected to minimise exposure to and the emission of pollutants including noise, odour, air and light pollution. Development should, among other things, maintain or improve the environmental quality of any watercourses, groundwater and drinking water supplies, and prevent contaminated run-off to surface water sewers.
- 6.40 The appeal under reference DC/17/1012 was dismissed due to the harmful effect the development would have on the watercourse. This followed concerns from the Drainage Engineer in regard to the proximity of the development to the watercourse, which was located within the 5m development-free Riparian Buffer Zone.
- 6.41 The current application has altered the layout, arrangement and siting of the proposed dwellings, with the proposed development located outside of the 5m Riparian Buffer Zone. Following consultation with the Drainage Engineer, no objections have been raised to the proposal. The imposition of a Foul and Surface Water condition has been suggested, and this has been imposed on the recommendation.
- 6.42 Subject to the suggested condition, the proposal is not considered to have a harmful effect on the watercourse, and is considered to accord with Policy 24 of the Horsham District Planning Framework (2015).

## **Conclusion**

- 6.43 The conclusions of the Planning Inspector when considering the earlier application under planning reference DC/17/1012 are considered to be of significant weight in the consideration of the current application. While the proposal would result in new-build development within a countryside location, the Inspector concluded that the development would not harm the broader aims of the spatial strategy and development plan policies. Given this conclusion, it is considered that the principle of development has been established.
- 6.44 The proposed development would sit in line with the adjacent buildings, with the overall form and appearance considered to reflect the character and finish of the adjacent properties to the west. The proposal would result in infill development that would follow the build pattern created between the existing garages to the east and 1 Brick Lane to the west, with the scale, form and siting considered to reflect the recognised character and appearance of the wider surroundings. While recognised that the proposal would involve an awkward subdivision of the site to provide amenity space for both dwellings, it is acknowledged that this would not

be readily perceptible from the street scene. On the balance of all considerations, it is not therefore considered that a singular reason for refusal on the grounds of the amenity layout would be reasonable. The proposed amenity space is considered appropriate given the size of the units, with the proposal not considered to result in conflict with the amenities of the surrounding properties.

- 6.45 On the balance of all material considerations, including the conclusions of the Planning Inspector, the proposal is recommended for approval as a departure from the development plan as it is considered that the site would be a suitable location for a windfall site, and would not result in harm to the character of the site and surroundings, the amenities and sensitivities of neighbouring properties, or the function and safety of the public highway.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	447		447
		<b>Total Gain</b>	
		<b>Total Demolition</b>	

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

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

## 7. RECOMMENDATIONS

- 7.1 To approved the application subject to the following conditions:

### Conditions:

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

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

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

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

- 4 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with

contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

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

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

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

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

- 5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until 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 part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
  - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
  - A written outline soft specification, including ground preparation, cultivation and other operations associated with plant and grass establishment
  - Details of all hard surfacing materials and finishes
  - Details of all boundary treatments

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

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

- 7 **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 10A and shall be thereafter retained as such.

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

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied 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:** 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).

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

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

- 11 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the Application Form.

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

Background Papers: DC/17/1012  
DC/19/1243  
DC/19/2232

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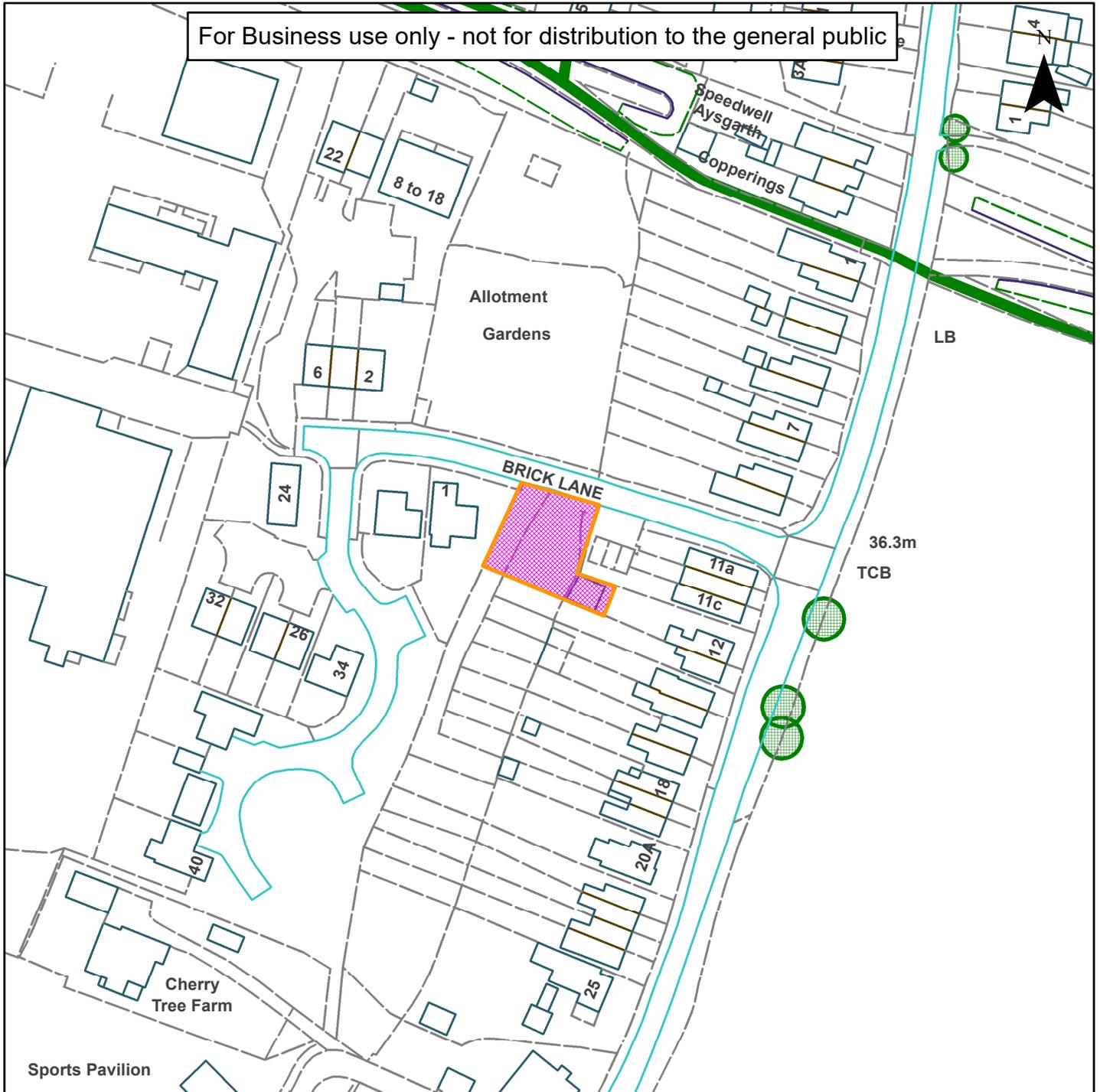
# 8) DC/19/2232

12 Hayes Lane, Slinfold



## Horsham District Council

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**Horsham  
District  
Council**

## **PLANNING REPORT**      **COMMITTEE**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 07 January 2020

**DEVELOPMENT:** Installation of a row of solar panels on land to south of dwelling

**SITE:** Morriswood Old Holbrook Horsham West Sussex RH12 4TW

**WARD:** Colgate and Rusper

**APPLICATION:** DC/19/2223

**APPLICANT:** **Name:** Mr Hogben    **Address:** Morriswood Old Holbrook Horsham West Sussex RH12 4TW

**REASON FOR INCLUSION ON THE AGENDA:** The applicant is a Horsham District Councillor

**RECOMMENDATION:** To approve the application subject to conditions

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the installation of an array of 100no. solar panels arranged in two rows to the south of the dwelling known as Morriswood.

1.3 Each array would measure to a length of 50m and a width of 1.6m, and would be fixed to the ground at an angle of 30 degrees. Each array would measure to a height of 1.7m, with the panels coated in an anti-reflective coating to maximise light capture.

#### DESCRIPTION OF THE SITE

1.4 The application site forms part of the wider ownership of Morriswood, and comprises agricultural land located outside of the residential curtilage of the dwelling. The site is located to the west of Old Holbrook Road, and sits amongst sporadic development north of the A264 and the nearby settlement of Horsham.

1.5 The land to which the application relates slopes on an incline from south to north, and is raised slightly above the public highway that bound the site to the east. The site is relatively open to the south, allowing extended views to the settlement of Horsham located approximately 1km to the south.

1.6 The wider site comprises a two storey dwelling (including an attached single storey swimming pool building) together with various single storey outbuildings and a tennis court.

## 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 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 There is no 'made' plan for the parish of North Horsham.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 No relevant planning history

## 3. OUTCOME OF CONSULTATIONS

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

### INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** Comment. The solar array is to be located in close proximity to the dwelling, in front of a dense hedge facing south-west. The 30 degree orientation of the panels and the steeply sloping nature of the landscape means that the face of the panels will not be noticeable, with only an oblique view of the thin front edge visible from the wider landscaping. The intervening vegetation will also help to help to file any views. The landscape character will be affected to a slight degree, but no so much as to raise major concerns.

### PUBLIC CONSULTATIONS

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

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

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

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

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

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

- 6.1 The application seeks full planning permission for the installation of an array of 100no. solar panels to be arranged in two rows to the south of the dwelling known as Morriswood.

##### **Principle of Development**

- 6.2 Policy 37 of the Horsham District Planning Framework (HDPF) states that proposals must seek to improve the sustainability of development. To deliver sustainable design, development should incorporate measures that, among other things, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy. Policies 35 and 36 of the HDPF state that all development will be required to contribute to clean, efficient energy, including the use of decentralised, renewable and low carbon energy supply systems.
- 6.3 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.
- 6.4 Paragraph 154 continues that when determining planning applications for renewable and low carbon energy, local planning authorities should: not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.
- 6.5 The proposed development seeks to provide an alternative energy source and reduce the reliance on imported energy, while also reducing the carbon footprint of the property. The Cover Letter outlines that the system would likely generate of 20,000 kWh of clean energy per annum, which would mean that the premises would be virtually self-sufficient in terms of power consumption, with any spare electricity exported to the local grid.
- 6.6 Minimising the impacts or and adapting to climate change are current drivers within national and local planning policy, with positive weight given to the use of renewable energy subject to consideration of effects such as landscape character and amenity value. As such, the principle of the development is considered acceptable, subject to all other considerations.

##### **Landscape Character and Visual Impact**

- 6.7 Policy 25 of the HDPF states that the natural environment and landscape character of the District, including the landscape, landform and development pattern together, with protected landscape and habitats will be protected against inappropriate development. Development proposals will be supported where they protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance. Policies 32

and 33 of the HDPF continue that development should provide an attractive, functional, accessible, safe and adaptable environment, and contribute a sense of place in the way they integrate with their surroundings and the historic landscape in which they sit. In addition, development should be of a scale, massing and appearance that relates sympathetically with the landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

- 6.8 In addition, Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be of a scale appropriate to its countryside character and location, and should not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including the development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees, waterbodies, and other features; and the landform of the area.
- 6.9 Paragraph 153 of the NPPF states that in determining applications, local planning authorities should expect new development to: comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.10 Paragraph 012 of the Planning Practice Guidance under “Renewable and Low Carbon Energy” states that factors to bear in mind when considering active solar technology includes: the importance of siting systems in situations where they can collect the most energy from the sun; need for sufficient area of solar modules to produce the required energy output from the system; and the colour and appearance of the modules.
- 6.11 The application site is located in the Warnham and Rusper Wooded Ridge Landscape Character Area which is defined by undulating wooded ridges, strong pattern of shaws and hedgerows, intricate patchwork of small pasture fields, and a mostly rural character. The area is characterised by dense woodland covering the low ridges of Weald Clay, with mostly small irregular fields surrounded by large and small woodlands and many shaws/hedgerows. There is a strong sense of enclosure, and views are confined, except from some ridgetops. The area retains a rural unspoilt character, and the historic dispersed settlement pattern is largely intact. Key sensitivities include, any large scale housing/commercial development, the cumulative impact of vertical structures on ridge slopes/ridgetops, and small scale incremental change.
- 6.12 The proposed solar array would be located to the north of the wider field, and would sit on the apex of the steeply sloping ground levels, which fall to the south. The wider field is bound by mature hedging and trees, with the solar array oriented at a 30 degree angle and facing south.
- 6.13 Given the sloping topography of the site, it is recognised that wider views are possible from the vantage point of the site. However, given the intervening boundary treatments enclosing the application field and the surrounding fields, wider views to the site from lower ground levels would be limited. Furthermore, given the 30 degree angle of the solar array, when coupled with the topography of the site and surroundings, only the thin edge of the solar panel array would be visible.
- 6.14 While recognising that the solar array would result in some visual impact and landscape character impact, given the interceding vegetation and topography, it is not considered that the solar panel array would be overtly perceptible from wider views. Therefore, while the array would have some impact on the landscape character of the locality, this is not

considered to be of such severity to justify a reason for refusal. This takes into account the comments of the Council's Landscape Officer who has commented that the proposal will affect affected the landscape area, but no so much as to raise major concerns.

- 6.15 Given the topography of the site and surroundings, and the mature vegetation bounding the application site and wider fields, it is not considered that the proposed development would result in harm to the visual amenities or landscape character of the locality. The proposal is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Amenity Impacts**

- 6.16 Policy 33 of the HDPF states that in order to conserve and enhance the natural and built environment development shall ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, while having regard to the sensitivities of surrounding development.
- 6.17 The proposed development would be located to the south of the residential dwelling of Morriswood, and would be oriented to face south. The nearest residential property of Cedar Farm is located approximately 126m to the south of the proposed siting, with the southern boundary of the wider field bound by mature trees and hedging.
- 6.18 Given the siting and orientation of the proposed development, it is not considered that the proposal would result in harm to the amenities or sensitivities of neighbouring properties or users of land, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

### **Ecology**

- 6.19 Circular 06/05: *Biodiversity and Geological Conservation* outlines that the potential effects of a development on habitats or species listed as priorities are capable of being a material consideration, with the presence of a protected species a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habit.
- 6.20 The application site is a managed piece of grassland, with an area of Ancient Woodland located to the west of the site. Given the managed and maintained nature of the site, and the distance of the proposed array from the area of Ancient Woodland it is considered unlikely that protected species are present on the site, or would be affected by the proposal.

### **Conclusion**

- 6.19 The proposed development is considered to be acceptable in principle, and is not considered to be of a nature, scale or siting that would result in harm to the visual amenities or landscape character of the locality, or the amenities of neighbouring properties. It is therefore considered that the proposal accords with Policies 25, 26, 32, 33, 37 of the Horsham District Planning Framework (2015).

## **7. RECOMMENDATIONS**

- 7.1 To approve the application subject to the following conditions:

### Conditions:

- 1 Approved Plans**

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

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

- 3     **Regulatory Condition:** The system hereby permitted shall be retained in accordance with the approved details. In the event of the solar photovoltaic ground mounted system hereby permitted ceasing to be used, the equipment together with all debris shall be removed from the site and the site cleared as soon as is reasonably practicable and by no later than six months after the cessation of such use.

Reason: In the absence of demonstrable need there is no justification for the retention of the equipment and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/2223

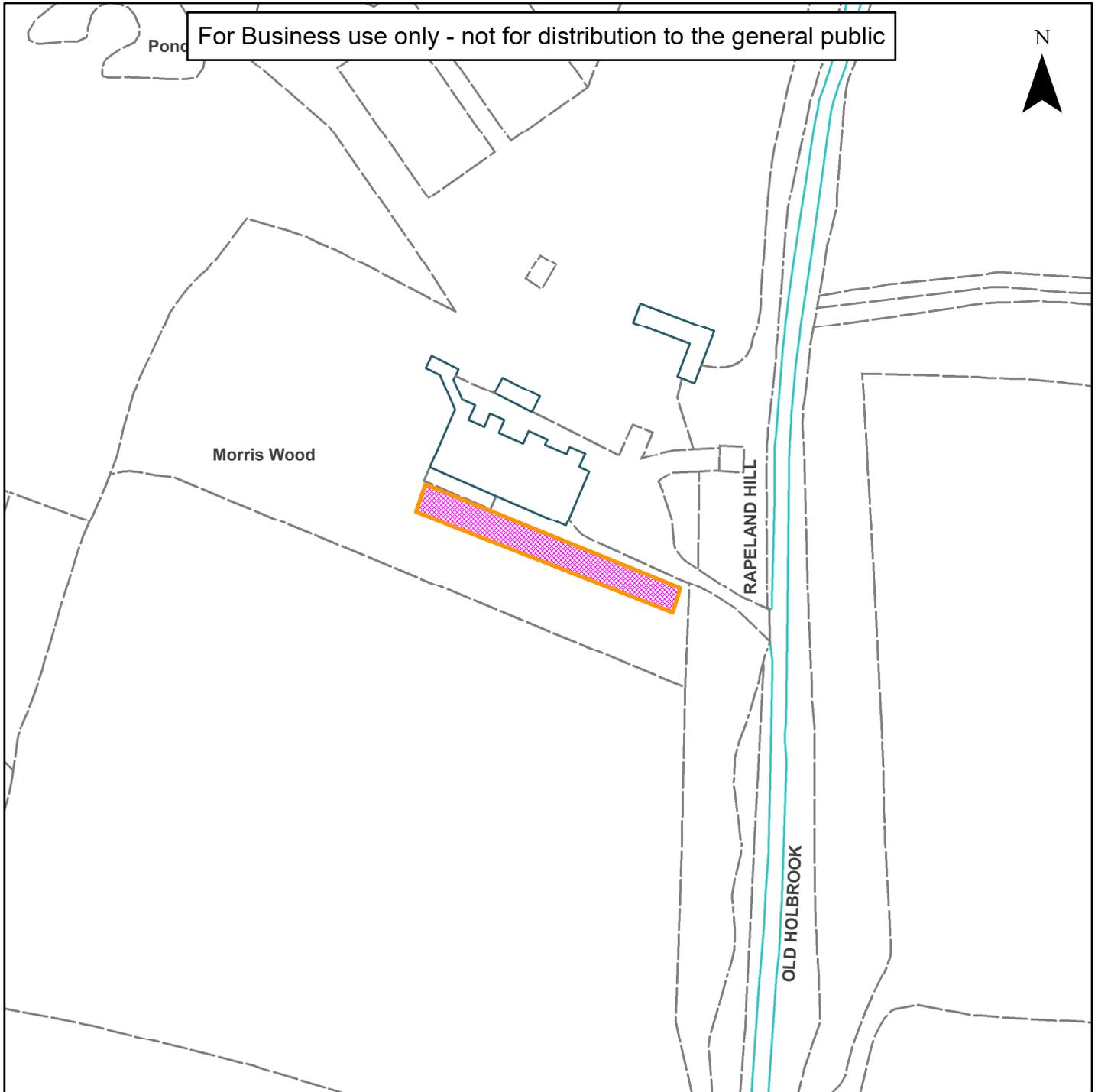
# 9) DC/19/2223



## Horsham District Council

Morriswood, Old Holbrook, Horsham

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (North)  
**BY:** Head of Development  
**DATE:** 07 January 2020  
**DEVELOPMENT:** Replacement of existing buildings with a two storey dwelling.  
**SITE:** Millfield Barn Horsham Road Rowhook Horsham West Sussex RH12 3PZ  
**WARD:** Rudgwick  
**APPLICATION:** DC/19/1623  
**APPLICANT:** **Name:** Jan Abbey and Kim Parsons Abbey & Parsons **Address:** Bines Farm Barn Bines Road Partridge Green RH13 8EO

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

At the request of the Local Ward Member.

**RECOMMENDATION:** To refuse planning permission.

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

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.2 Full planning permission is sought for the demolition of the existing building on site and the erection of a two-storey dwellinghouse. The proposed dwellinghouse would be served by an existing access point from Horsham Road to the east and would be designed in an 'L' shaped configuration over a part two-storey part single storey design. The proposed dwelling would include a sitting room, dining room, kitchen, utility room, bathroom, study, workshop and a double garage at ground floor level and 3no bedrooms and 2no bathrooms at first floor level.
- 1.3 The proposed dwellinghouse would have an overall length of approximately 24.5m when measured from north to south and an overall width of approximately 20.1m. The proposed would have an overall maximum height to the ridge of approximately 8.69m. The proposed dwelling would be of a barn conversion style design with large glazed areas to the eastern and western elevations.

- 1.4 As part of the proposals, hard and soft landscaping would be incorporated into the development of the site. The proposed GIA to be created would measure approximately 327sqm. The existing building to be demolished has a GIA of approximately 429sqm.

#### DESCRIPTION OF THE SITE

- 1.5 The application site comprises a fairly modest plot, formerly part of the Millfield estate and comprises a fairly modern building that was originally constructed for agricultural purposes. The structure is set in a scattered group of buildings that lie in open countryside to the north-west of the village of Rowhook. Access is via a narrow track that runs westwards from the main road that passes through the village
- 1.6 The building is some distance from the nearest neighbouring residential property and is partly screened by trees and bushes. Notwithstanding that, the narrow access track passes close to a dwelling known as Little Millfields. A Public Right of Way (PROW) runs approximately north - south immediately east of the site.
- 1.7 It is noted that the site/building has a historic planning permission for use under uses class B8 storage and B1 office/light industrial, granted under planning reference DC/13/0468 in 2017. From a case officer site visit in September 2019, it was evident that this permission had not been implemented and the site was not in use.

## 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 40 - Sustainable Transport.
- Policy 41 - Parking.

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Status – Rudgwick Parish has been designated as a Neighbourhood Development Area as of June 2016.

- 2.7 Parish Design Statement:

Rudgwick Parish Design Statement

## 2.8 PLANNING HISTORY AND RELEVANT APPLICATIONS

RW/27/72	Extension to provide hay and storage, implement shed and covered grain tipping pit Comment: Br only barn to the n-e of millfield house (From old Planning History)	Application Permitted on 01.05.1972
RW/91/87	Change of use from agricultural to storage of furniture and household effects (barn to the n-e of millfield house) Comment: Enf.550 allowed on appeal 25/11/88 (1197-3467) (From old Planning History)	Application Refused on 22.01.1988
RW/9/02	Conversion of building into 3 storage/warehouse units Site: Millfield Barn Rowhook	Application Permitted on 24.05.2002
DC/13/0468	Extension of use from a restricted B8 (Storage or distribution use) to an unrestricted B8 use and B1 (Business) use	Application Permitted on 29.11.2017

## 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)

### OUTSIDE AGENCIES

- 3.2 **WSCC Highways:** No objection. The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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.
- 3.3 **Southern Water:** Comment. The applicant has not stated details of means of disposal of foul drainage from the site. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness
- 3.4 **Ecology:** No objection. We have reviewed the Ecological Impact Assessment (EclA) (Lizard Landscape Design and Ecology, 2018). Information regarding designated sites, protected and Priority habitats and species is considered sufficient for determination. This provides certainty of likely impacts on Protected species and, with appropriate mitigation measures secured, the development can be made acceptable. We support the reasonable biodiversity enhancements that should also be secured by a condition on any consent to deliver measurable net gain. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim. Conditions recommended.

- 3.5 **WSSC Rights of Way:** Comment. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced. The development proposes shared use of a PROW with vehicles and a vehicular crossing point of a PROW, which increases the risk of accident or injury to a PROW user. The applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.
- 3.6 **Archaeology:** Recommended Approval subject to conditions. The proposed development is located directly on the projected line of the Roman road from Rowhook to Winterford Heath, Surrey. It is within the Archaeological Notification Area DWS8525 Mesolithic and Neolithic Flint Working Site and a section of the Winterford Heath Roman Road, Rudgewick. The area contains a concentration of Mesolithic and Neolithic flint scatters, comprising microliths, micro-burins, cores and axes was found in a field NW of Rowhook. The Roman road from Rowhook to Winterford Heath (Surrey) crosses the ANA, it was built on a single alignment. The Farr Millford area has been identified as a Medieval farmstead by the HLC assessment.

Archaeological deposits are both fragile and finite and the following condition is therefore placed on the application in accordance with the National Planning Policy Framework.

- I) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- II) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

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

#### PARISH COUNCIL

- 3.7 **Parish Council Consultation:** No objection on the condition that the impact on the environment of the house and its curtilage is mitigated.

#### PUBLIC CONSULTATIONS

- 3.8 **Rudgewick Preservation Society:** No objection
- 3.9 13 letters of support were received from 13 separate households. The nature of these supporting letters can be summarised as follows:
- The existing building is unsightly
  - The new dwelling would improve the site and setting.
  - The proposal will reduce vehicular movements
  - Design is considered to be appropriate for this location

- 3.10 3 letters of objection were received from 3 separate households. The nature of these objections can be summarised as follows:
- The residential development is not appropriate for the countryside

- The removal of the existing structure would have a negative impact on the character of the area
- Drainage concerns
- Impact on neighbouring amenity
- Increase in vehicular movements
- Impact on wildlife and biodiversity
- Impact on archaeological site

3.11 1 letter neither supporting or objecting to the application was also received.

#### MEMBER COMMENTS

3.12 Councillor Landeryou: Support.

#### **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 are the principle of the development in the location and the effect of the development on:

- The character of the development and the visual amenities of the street scene.
- The amenities of the occupiers of adjoining properties.
- Highways impact and other material considerations.

##### **Principle of development**

6.2 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 needs to be considered in the context of Paragraph 79 of the NPPF and policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (HDPF).

6.3 Paragraph 79 of the NPPF seeks to promote sustainable development in rural areas and advises that new isolated homes in the countryside should be avoided unless there are special circumstances. On the basis of the available information, it is not apparent that the schemes architectural quality would be sufficient to significantly enhance its immediate setting, and the proposed dwelling, by virtue of its design, size and positioning, would be a clearly noticeable feature in the landscape, which currently benefits from an open feel and undeveloped nature. It is not therefore considered that the proposal could be regarded as a special circumstance under Paragraph 79 of the NPPF that would allow the construction of an isolated dwelling in the countryside to be supported.

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 for residential development within the HDPF or a 'made' Neighbourhood Plan (no current Neighbourhood Plan covering Rudgwick Parish). The proposal for the construction of a new dwelling in this location does not therefore meet the aims of these policies.

- 6.5 The site is situated outside of any of the defined settlement as categorised under Policy 3 of the HDPF. The principle of the proposed development outside of any defined built-up area boundary is contrary to the overarching spatial strategy and principles of the NPPF and HDPF. As the site lies outside of any defined built up area, it is therefore considered to be within a countryside location in policy terms. In this countryside location, the site is required to be considered against Policy 26 of the HDPF which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale, whilst in addition meeting one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. The proposed development does not meet any of the criteria set out in the policy, nor is it considered to be essential to its countryside location.
- 6.6 The application site is located approximately 2.4km away (as the crow flies) from the closest built up area boundary of Rudgwick located to the west. As such, it is considered that there is a clear separation and a significant difference in character when comparing the application site and its immediate surrounds, which is considered to be very rural in nature, with the closest built up area of Rudgwick. The application site would not be well related to the defined settlement of Rudgwick or the District centre of Horsham to the south-east, with future occupiers of the dwelling likely to be highly dependent on the use of private vehicle in order to access services and facilities.
- 6.7 Recent appeals decisions have backed up this approach where sites outside of built up area boundaries, particularly in rural locations such as this, have been considered to be contrary to the locational strategy policies of the HDPF and result in an unsustainable form of development. In addition, the Council can demonstrate a full 5-year housing land supply against the required number of dwellings per annum, which will be corroborated by the Annual Monitoring Review (AMR) to be produced by the end of December.
- 6.8 It is considered that the scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements as set out in the HDPF. The proposal for a new dwelling on the site is not considered to be essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development in this location. Additionally, the site has not been allocated for housing within a 'made' Neighbourhood Plan and has therefore, at present not been deemed to be appropriate for housing at a local level.
- 6.9 It is noted that the supporting information provided purports that a potential fall-back position exists as the existing building/structure to be removed could benefit from permitted development rights for conversion to residential under Classes P/PA of The Town and Country Planning (General Permitted Development) (England) Order (GPDO). Class P relates to conversions of storage buildings to dwellings (Use Class B8 to C3) and Class PA relates to conversions of light industrial buildings (Use Class B1 to C3). In order to benefit from permitted development rights, the building/proposal would need to meet a number of criteria.
- 6.10 As detailed above, the most recent Planning decision for the site granted planning permission for the use of the building for B8 and B1 purposes in 2017. Whilst this permission allowed for the building to be used freely within the parameters of these uses, there was a restrictive

condition attached prohibiting changes to other uses. The condition attached reads as follows –

**Regulatory Condition:** *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 premises hereby permitted shall be used for B1 and B8 purposes only; and for no other purposes whatsoever, (including steel stockholding, or those falling within any other class; as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) 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 (insert with reasons) under Policy 33 of the Horsham District Planning Framework (2015).*

- 6.11 It is further noted that a previous application, allowing restricted B8 storage use of the building, also included a condition which prohibited changes of use outlined within the provisions of the GPDO. The Town (GPDO) states at paragraph 3(4) “Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order”. A change of use to residential (Use Class C3) would constitute a breach of the planning conditions in place. As detailed above, the GPDO does not permit such a change of use where it is contrary to a planning condition. On this basis, it is considered that the existing building would not benefit from a Prior Approval Fall-Back.
- 6.12 Further to this, it is noted that the PD provisions under Class P of the GPDO ceased in June 2019. In addition, looking over previous site photos and taking into account a case officer visit from September 2019, officers are of the opinion that the building on site is in the same condition at the time of the previous site visit in 2017 and that the permission granted under planning reference DC/13/0468 has not been implemented. Given this situation, it is also considered that the building would not benefit from PD rights under Class PA of the GPDO.
- 6.13 For the reasons set out, it is considered that the proposed development would not accord with the core principles of sustainable development, contrary to policies 1, 2, 3, 4, 15 and 26 of the Horsham District Planning Framework. It is also considered that the proposed development would not be of such exceptional quality or innovative design as to meet the tests of Paragraph 79 of the National Planning Policy Framework. It has also been determined that the purported fall-back position to allow for the building to be converted to residential, therefore establishing the principle of this use on site, does not exist as planning conditions in place and the current situation on site do not allow for this.
- 6.14 It is therefore recommended that the application is refused on the grounds that the proposed dwelling is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted neighbourhood plan. Therefore, the proposal represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015) and guidance within the NPPF.

#### **Character and appearance of the proposal and visual amenities of the street scene**

- 6.15 Paragraph 131 of the NPPF states that – ‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’

- 6.16 Policy 32 of the HDPF requires high quality design that complements the locally distinctive character of the district and contributes a sense of place in the way they integrate with their surroundings. Policy 33 of the HDPF sets out the Council's development principles in order to conserve and enhance the natural and built environment. The policy, amongst other criteria, requires proposals to ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views and be locally distinctive in character and respect the character of the surrounding area.
- 6.17 The proposed dwelling would consist of brickwork, Horsham Stone and timber cladding to the external walls, natural roof tiles and timber framed fenestration. The proposed dwellinghouse would be designed in an 'L' shaped configuration and would incorporate a pitched roof design, mimicking a barn conversion style dwelling. Given the size and footprint of the existing building to be removed, it is considered that the proposed dwelling would be appropriately a sympathetically designed, scaled and sited within the plot, allowing for appropriate outdoor amenity space.
- 6.18 The overall proposals with regards to the design and scale of the dwelling and the resultant curtilage, would be in keeping with the existing residential properties within the vicinity. Looking within the wider street scene, it is noted that there is a Public Right of Way (PROW) located directly to the east of the site and the proposed dwelling would be visible from this vantage point. Whilst visible from this perspective, the proposed dwelling is considered to be of an appropriate design and would relate appropriately when viewed against existing development within the immediate area.
- 6.19 Overall, it is considered that the proposal as submitted would result in a sympathetic and appropriate addition to the site and would be in keeping with the character the countryside location in design terms. Although the agricultural appearance of the existing building is not inappropriate in this countryside setting, on balance, the proposals are considered to be in accordance with the NPPF and Policies 25, 32 and 33 of the Horsham District Planning Framework (2015) in this regard.
- 6.20 Notwithstanding the suitability of the proposed design of the dwelling, this consideration would ultimately be outweighed by the conflict with the development plan with regards to the principle of development in the countryside as detailed in the section above.

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

- 6.21 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. Given the relationship of the proposed dwelling with neighbouring properties and the distances maintained, it is considered that the proposals would not have a detrimental on the amenities of neighbouring properties, in accordance with Policy 33 of the HDPF (2015).

#### **Quality of the resulting environment for future occupiers**

- 6.22 It is considered that the proposed development would provide adequate indoor and outdoor living space for future occupants. Suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking and other properties would not appear as overbearing on the proposed dwelling. As such, it is considered that there would be an appropriate quality level of environment for the future occupiers of the proposed dwelling in accordance with Policy 33 of the HDPF (2015).

## **Parking, transport and highways implications**

- 6.23 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users. The proposed dwelling would be served by an existing access point from the access leading which leads from Horsham Road to the east. 2no garage spaces as well as a hardstanding area would be incorporated into the design allowing for on-site parking. The parking provision proposed would be in-line with WSCC Parking Standards 2019 in this rural location. Following consultation with WSCC Highways, who raised no objection to the proposal on highways or parking grounds, it is considered that the proposal would be acceptable in this regard, and therefore accord with policies 40 and 41 of the Horsham District Planning Framework (2015).
- 6.24 Notwithstanding the above, the application site is located within a rural location outside of any built up area boundaries. Due to the location, the proposals present limited opportunities to promote walking, cycling or public transport in accordance with the transport policies of the NPPF and HDPF. As such, any future occupants of the dwelling would be heavily reliant on the private car for transportation to and from the site. It is therefore considered that the site is an unsustainable location for new housing provision and would not be acceptable in this regard.
- 6.25 It is also noted that a number of representations have been received in support of the development on the grounds that a residential use would result in less trip activity to and from the site compared to the current/extant use. Whilst this has also been suggested within the comments provided by WSCC Highways, it is not considered that this potential benefit would outweigh the overall principle objection to the development. Vehicle movements associated with a countryside use are acceptable in the countryside. In any event this does not weigh against the overall principal objection to a new residential use in the open countryside.

## **Other Considerations**

### **Ecology**

- 6.26 Policy 31 of the HDPF states that proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. An Ecological Impact Assessment has been provided with this application which identifies that whilst the site is considered to be of low ecological value. The Council's ecology consultant has not raised any objections to the proposals and suitable conditions have been recommended to ensure ecological mitigation measures and enhancements are put in place, if recommended for approval. It is considered that the proposals would not have a detrimental impact on ecology, and overall the proposals are considered to be acceptable in this regard

### **Archaeology**

- 6.27 Policy 34 of the HDPF states that proposals shall ensure appropriate archaeological research, investigation, recording and reporting of both above and below-ground archaeology, and retention where required, with any assessment provided as appropriate. It is noted that a historic Roman Road runs directly through the site, south-east to north-west. The Council's archaeology consultant has not raised any objections to the proposals and a suitable condition has been recommended to ensure that appropriate archaeological investigations take place prior to the erection of the proposed dwelling, if recommended for approval. As such, the proposals are considered to be acceptable in this regard.

## Drainage

- 6.28 The site is located within Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. Southern Water have commented that there is no public sewer in the vicinity of the site. If recommended for approval, a condition could be imposed requiring the submission and approval of details relating to the proposed means of foul and surface water drainage for the site prior to commencement of development.

## Conclusion

- 6.29 It is considered that the scheme, for the demolition of the existing barn/commercial building and construction of a new dwelling, would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements as set out in the HDPF. The proposal for a new dwelling on the site is not considered to be essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development in this location.
- 6.30 Additionally, the site has not been allocated for housing development within a 'made' Neighbourhood Plan and is therefore not currently deemed to be appropriate for housing at a local level. As outlined above, the applicant's fall-back argument regarding the potential to convert the barn to residential use under the current provisions of the GPDO do not exist. There is no valid fall-back position on this site which adds weight to approve the scheme. Whilst the proposal would be acceptable on design and amenity grounds, it is not considered that these material considerations would outweigh the principle objection to the development of a dwellinghouse in the countryside. Overall, the proposals would be contrary to Policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015)
- 6.31 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	327	429	0
	<b>Total Gain</b>		
	<b>Total Demolition</b>		<b>429</b>

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

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

## 7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is refused for the following reasons:

Reasons for Refusal:

1. The proposed dwelling is located in a countryside location, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or an adopted neighbourhood plan. The Council is able to demonstrate a 5-year housing land supply and consequently the proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements of the District. Furthermore, the proposed development is not essential to its countryside location. Consequently, the proposal for a new dwelling on the site represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015) and guidance within the National Planning Policy Framework (2018).

Background Papers: DC/19/1623

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# 10) DC/19/1623



## Horsham District Council

Millfield Barn, Horsham Road, Rowhook

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	19/12/2019
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North  
**BY:** Head of Development  
**DATE:** 7 January 2020  
**SITE:** Burnalls, Bucks Green, Rudgwick  
**WARD:** Rudgwick  
**APPLICATION:** TPO/1524

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

**RECOMMENDATION:** To confirm Tree Preservation Order 1524 as served.

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

To consider whether Tree Preservation Order 1524 should be confirmed, as served.

#### DESCRIPTION OF THE ORDER

- 1.1 Provisional tree preservation order 1524, Burnalls, Bucks Green Rudgwick, was served on the 31<sup>st</sup> July 2019 on a yew tree under the provisions of the **Town and Country Planning (Tree Preservation) (England) Regulations (2012)**. Under these Regulations, the tree benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

#### DESCRIPTION OF THE SITE

- 1.3 The property in question is sited on the northern side of the A281 Guildford Road running through the village, almost opposite the junction with Haven Road, to the south. It is the westerly of the two connected dwellings, the eastern part being known as Burnalls Cottage.
- 1.4 The tree is sited within the garden to the north of the dwelling-house, close to the high boundary wall which curves around from west to north.

- 1.5 The tree is sited approximately 30m to the north of the highway, and approximately 9.5m north of the house.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

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

- 2.2 Both Burnalls and Burnalls Cottage have been Grade II Listed since 1980.

## 3. OUTCOME OF CONSULTATIONS

### PUBLIC CONSULTATIONS

- 3.1 A letter of **objection** to the order has been received from the new owner of the property following its recent disposal. The grounds stated in the objection are:
- i. Visibility – Whilst a proportion of the tree is visible by the public, it is contained within a private garden, therefore not accessible to the public and can only be viewed for a short period from passing traffic on the A281, Guildford Road. Passing foot traffic is very limited and would only be afforded a short view of the upper part of the canopy.
  - ii. Size and form – The tree is neither of a particularly remarkable size or form.
  - iii. Future potential as an amenity – Given that the tree is located in a private garden, there is no potential for the amenity value to increase in the future.
  - iv. Rarity, cultural or historic value – Given its large size we can assume that the tree is of some age, however yew is not a rare species in the UK, nor does it have any significant or historic value.
  - v. Contribution to, and relationship with, the landscape – The surrounding landscape is comprised of multiple trees, open fields and hedgerows, interspersed with residential properties. It is our opinion that the yew contributes only a small part to the landscape and that the same would not suffer unduly without it.
  - vi. Contribution to the character or appearance of a conservation area – The tree is not located in a conservation area.
  - vii. Privacy – The tree does not afford any additional privacy to Burnalls or the surrounding properties, as this is provided by plentiful other trees and hedges.
  - viii. There are also concerns as to the impact of the tree on the fabric of the Grade II listed property, the tree being sited extremely close to the original garden wall and brick outbuilding.
  - ix. A surveyor’s report has been received advising of the possibility of damage to the building and its drainage systems both through root expansion and failure during a storm. It is additionally purported that any damage to the listed building could affect the special architectural and historic interest of

the property and would not follow Historic England guidance to make every effort to preserve it.

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

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

#### 5. **ASSESSMENT**

- 5.1 The tree the subject of this report is a common yew (*Taxus baccata*) of around 13m in height and exhibiting a trunk diameter at chest height of 1020mm. Using the industry accepted method of ageing for a yew tree as devised by **Tabbush & White** (1996) this places the age of the tree at around 375 years. Overall, it appears to be in good health and structural condition.
- 5.2 The tree is sited in the small rear garden of the property, the dwelling-house to which was built as an extension to the older property it is adjoined to, now known as Burnalls Cottage, and was allegedly constructed in 1829. Burnalls Cottage itself is known to date from the 16<sup>th</sup> Century. The tree is in very close proximity to the old wall that follows its western and northern curtilage, this representing a part encirclement of the property. The wall is around 2m in height, and is topped by hemispheric capping bricks. Although its age is unknown, it has the appearance of being of a similar age to the house, and is an attractive feature. Although not directly referred to in the listing, it clearly pre-dates 1948 and as such is considered to be part of the listing, despite detachment from the dwelling-house itself.
- 5.3 Being sited to the rear of the dwelling-house, some 30m from the A281, it is clear that public views of this tree are not unrestricted. To the general public, it can only be viewed in close to its entirety from the south-west, at the junction between Guildford Road and Haven Road. Whilst the objector points out that its visibility from this aspect is brief to passing pedestrian and vehicular traffic, it is nonetheless quite fully visible from this area, its size, compact form, and evergreen nature making a very positive contribution to the locality. It is not considered accurate that the landscape “*would not suffer unduly without it*”.
- 5.4 This assessment is supported by the results of a **TEMPO** test (*Tree Evaluation Method for Preservation Orders*) as devised by **Forbes-Laird**. This provides a structured ‘score’ of 14 points, suggesting that a TPO on the tree is ‘defensible’.
- 5.5 The recent survey carried out on the property, referred to by the objector, contains no professional assessment of the tree specifically, noting primarily generalities in regard to its presence. The only direct references to it are that its proximity to the house “*could*” affect the foundations, underground drains, and other services, and that it may be a danger in stormy weather. However, the report contains no evidence of any existing damage to these features, nor any report calling into question the structural integrity of the tree.
- 5.6 In terms of its overall size, it is clear that it has a measure of dominance over the relatively small rear garden. However, not only is this dominance not

considered to be unreasonable, as a yew tree there is almost no limit to the degree of surgery to which it could be subjected and from which it would recover from. Its existing form, compact and well looked after, indicates that the previous owner has managed the tree with care, and the Council would have a positive view of this management strategy being continued. An application would now be required for such works, but such applications attract no fee, and this is accordingly not considered to represent any unreasonable hindrance to the tree's management.

- 5.7 A greater concern is that whereas the boundary wall was originally erected at possibly a reasonable distance from the yew tree, the inevitable and ongoing thickening of the trunk of the tree over the years has now resulted in this fouling the wall, causing structural defect. The tree is also in very close proximity to the old outhouse in the area. It is clear that this damage cannot be abated by action to the tree.
- 5.8 The objector posits that such damage could affect the special architectural and historic interest of the property and would not follow Historic England guidance "*to make every effort to preserve it*". However, whilst it is accepted that the wall requires repair, it has not been ascertained whether works to abate the nuisance by rebuilding, perhaps by partial removal and replacement by railings, for instance, would necessarily be considered to harm the special interest of the listed building and its ancillary appendages as a whole.
- 5.9 In conclusion it is considered that the tree in question meets the criteria for protection on amenity grounds and that there is insufficient evidence to support the view that the TPO upon it should not be confirmed.

## 6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1524, Burnalls, Bucks Green, Rudgwick, is confirmed as served.

Background Papers: Tree Preservation Order: 1524.

Contact Officer: **Will Jones**.

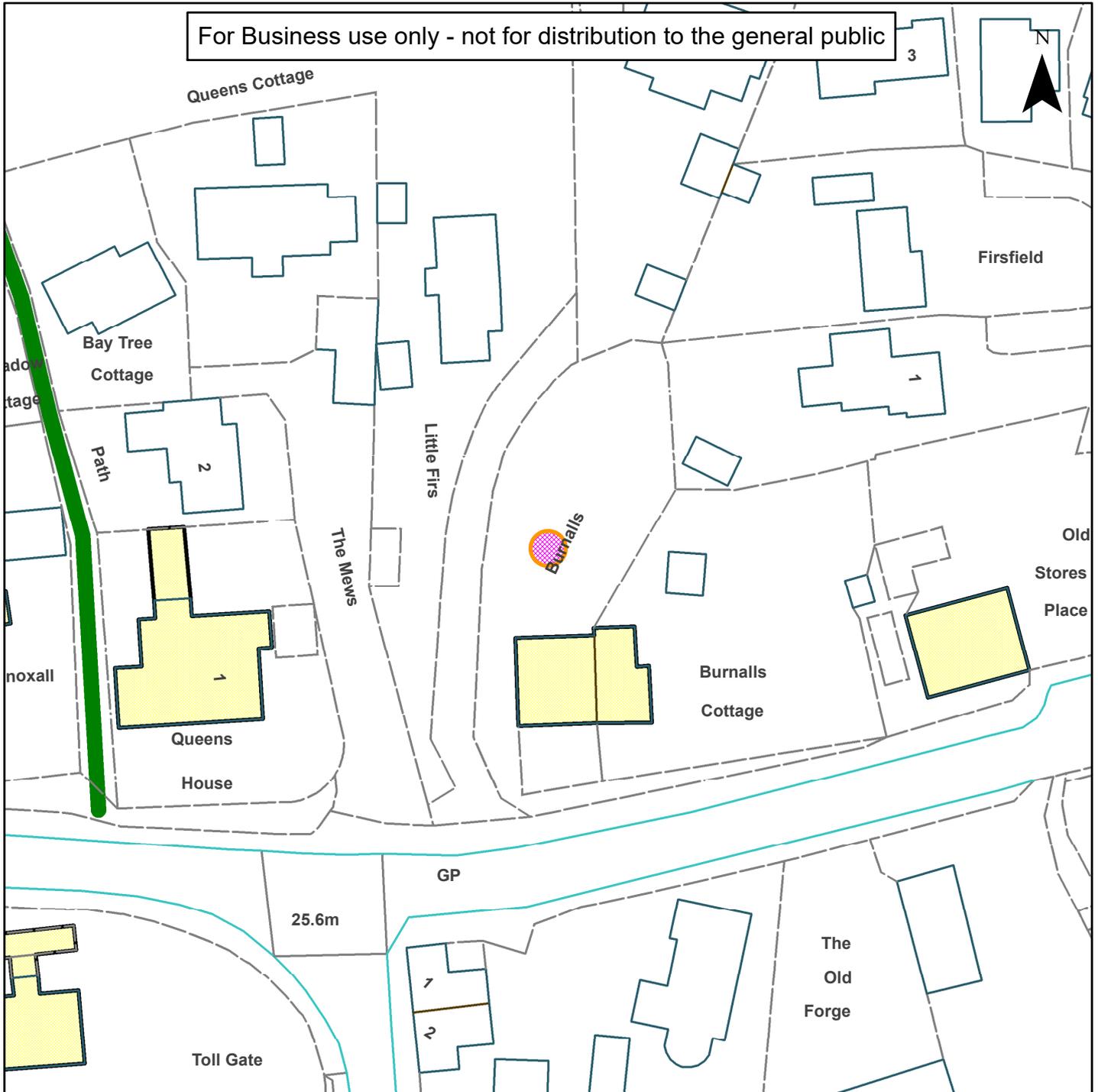
# 11) TPO/1524



**Horsham  
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Burnalls, Bucks Green, Rudgwick

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**Horsham  
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# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 07 January 2019

**DEVELOPMENT:** Internal alterations including removal of later additions, repairs and decorations, new floor finishes, new lighting, new access system, power actuation to entrance door, refitting of existing toilets and kitchen and installation of a suspended ceiling (Listed Building Consent)

**SITE:** The Council Offices Park House North Street Horsham West Sussex RH12 1RL

**WARD:** Denne

**APPLICATION:** DC/19/2112

**APPLICANT:** **Name:** Williams **Address:** Horsham District Council Parkside Chart Way Horsham RH12 1RL West Sussex

**REASON FOR INCLUSION ON THE AGENDA:** Horsham District Council are the applicants.

**RECOMMENDATION:** To approve listed building consent subject to conditions

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

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.1 Listed building consent is sought for internal repairs. This includes the removal of later additions, repairs and decorations, new floor finishes, new lighting, new access system, power actuation to entrance door, refitting of existing toilets and kitchen and installation of a suspended ceiling. The works include the following:

- Removal of the modern fireplace in the entrance hall and the reinstatement of the panelling and cornice.
- Ventrolla draught stripping of the timber sash windows in the entrance hall, Wicker Room and kitchen.
- Installation of the new engineered timber flooring.
- Installation of the new lighting scheme to the entrance halls, staircase and landings.
- Conversion of the main entrance door to the main hall to power actuation including the necessary motors and cabling to operate the system.
- Installation of the new entrance access control system including an external control column by the main entrance door, a control panel fixed to the wall by the staff entrance and internal wiring and individual office intercoms and controls to allow remote access.
- Installation of a suspended ceiling in the ground floor office in the 20th century extension.

## DESCRIPTION OF THE SITE

- 1.2 Park House is a Grade II\* listed building situated on the North Street of Horsham, adjacent to Horsham Park. The building is used as offices and includes a registry office. The building dates from the 17<sup>th</sup> century and is two-storey mansion house with an attic. It is likely that Park House is built on the site of an early farmhouse. The front of the building pre-dates the rear facing the park. The style and details of the east façade suggests that the mansion was started in the 1670's and extended at a later date. The east façade has a 'William and Mary' style with elongated windows and quoin features. Whereas the garden façade is more classical than the front and Early Georgian in style. The building includes modern additions and has also been extensively altered internally.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Supplementary Planning Guidance:

### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 No neighbourhood plan has yet made for the combined Horsham Blueprint Neighbourhood Forum Area which comprises the unparished areas of Denne, Forest and Trafalgar neighbourhoods.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

There have been numerous consents for internal alterations dating back to the 1950's.

## 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)

### 3.2 INTERNAL CONSULTATIONS

**HDC Conservation:** No Objection. The proposed alterations to the interior of Park House are acceptable and will not lead to harm to the special interest of the listed building. Many of the changes relate to the relatively modern extensions to the historic house. A condition is recommended requiring further details of the works to be submitted for approval.

### 3.3 OUTSIDE AGENCIES

**Historic England:** No Objection. The views of the Council's specialist conservation advisor should be sought.

### 3.4 PUBLIC CONSULTATIONS

**Horsham Denne Neighbourhood Council** has no objection to this application

## 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 Paragraph 193 of NPPF (2018) states concerning the developments related to Listed Buildings: “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

6.2 Policy 34 of the Horsham District Planning Framework (HDPF) is the main policy related to the applications for listed building consent. The policy states that works to listed buildings should reinforce the special character of the historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques.

6.3 Development should make a positive contribution to the character and distinctiveness of the area, whilst preserving and ensuring the clear legibility of locally distinctive vernacular. The setting of listed buildings should also be retained and improved, with the viability and future of the asset secured. Additionally, policies such as 32 and 33 of HDPF are also applicable for the proposed alterations. Site visit observations are also part of decision-making process.

6.4 The planning application is proposed to make several internal alterations to the Park House which is a Grade II\* listed building. The proposed internal alterations would be mostly to the relatively modern additions which were built in 20<sup>th</sup> century. The proposed alterations include the removal of a modern fireplace, Ventrolla draught stripping for sash windows, conversion of main entrance door with a control panel system and the installation of new lighting. It is considered that the proposed works, by reason of their nature, detail and location within the building, would enhance the eminence and preserve the special interest of the listed building removing more modern additions.

6.5 The Council’s conservation officer has commenced that he has no objections concerning the proposal. The proposed alterations to the interior of Park House are acceptable and will not lead to harm to the special interest of the listed building. Many of the changes relate to the relatively modern extensions to the historic house. The alterations proposed, such as installation of suspended ceiling at the ground floor, renovations to the existing kitchen and toilets would take place in the modern extensions on the south-western side of the building. These alterations would not hinder the historic interests of the listed building.

- 6.6 The Conservation Officer has commented that he would like further information about the restoration of the iron fireplace and the drawing room door including the architrave and entablature. As the agent has not provided a detail schedule for the restoration; the conservation officer recommended a Pre-Commencement Condition requiring these details to be submitted for approval.

Conclusion:

- 6.7 Overall, subject to a condition requiring further details to be approved in writing, the proposed repairs, replacements and refurbishments are considered appropriate and would improve the standards and conserve the historic fabric of the Grade II\* listed building.

**7. RECOMMENDATION**

- 7.1 It is recommended that listed building consented is granted subject to appropriate conditions as detailed below:

1. **Plans Compliance Condition.**
2. **Standard Time Condition:** The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

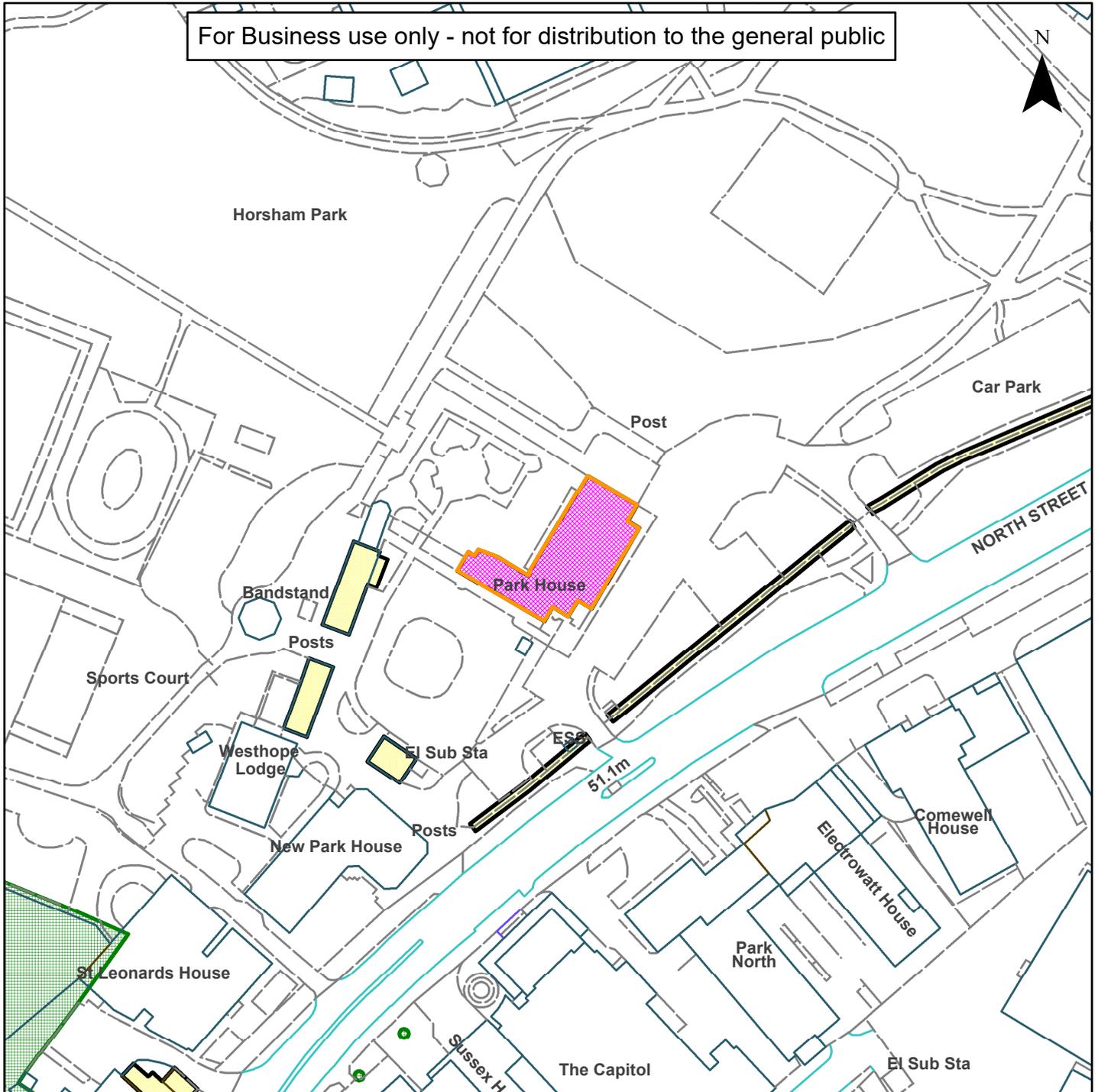
3. **Pre-commencement Condition:** No works shall commence on site until a schedule identifying all doors, doorcases, joinery, fireplaces and surrounds and other architectural features that are to be altered, relocated, concealed or removed, fully describing the work proposed, has been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in accordance with the agreed details.

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



The Council Offices, Park House, North Street, Horsham

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**Horsham  
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# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 7 January 2020

**DEVELOPMENT:** Erection of a single storey rear extension with pitched roof. Garage conversion to habitable room and internal alterations.

**SITE:** 9 Bens Acre Horsham West Sussex RH13 6LW

**WARD:** Forest

**APPLICATION:** DC/19/2085

**APPLICANT:** Mrs Melanie Budinger

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

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

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

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application is seeking planning permission for the erection of a single storey rear extension with a pitched roof. The scheme also includes the conversion of the front garage to a habitable room.
- 1.2 The proposed extension would be located to the rear of the property and would be attached to an existing single storey rear extension. The existing flat roof would be replaced with a hipped roof. The extension would have overall dimensions of 7.5 metres wide by 3.3 metres deep with a ridge height of 3.3 metres. It would have a bi-folding doors and a window on the rear elevation and 3 rooflights. There would be no windows to the side elevations. The conversion of garage into habitable room includes replacing the garage doors with a brick wall and window and the addition of a pitched roof.

### DESCRIPTION OF THE SITE

- 1.3 The application site comprises a detached house that occupies a rectangular plot on the west side of Bens Acre in the built up area of Horsham. The house faces a wooded area to the east and includes a front garage extension with a lean-to roof. The front of the house includes a tile clad gable ended façade. The dwelling is part of a row of detached houses of similar design with front garage extensions facing large grassed front gardens.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework (NPPF)**

NPPF7 - Requiring good design

NPPF14 - Presumption in favour of sustainable development

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 No neighbourhood plan has been made for the combined Horsham Blueprint Neighbourhood Forum Area which comprises the unparished areas of Denne, Forest and Trafalgar neighbourhoods.

- 2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/06/2332	Single storey extension and retaining wall (Certificate of Lawful Development - Proposed).	Application Permitted on 20.11.2006
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## 3. OUTCOME OF CONSULTATIONS

### CONSULTATIONS

- 3.1 Forest Neighbourhood Council: No objection

### PUBLIC CONSULTATIONS

- 3.2 No neighbour representations 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 issues are the principle of the development in the location and the effect of the development on;
- The character of the dwelling and the visual amenities of the area
  - The amenities of the occupiers of adjacent properties
- 6.2 Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building and adjoining neighbouring properties.
- 6.3 Policy 33 states amongst other criteria that extensions should have regard to their natural and built surroundings in terms of their design, scale and character. An extension should be of a scale which is sympathetic to and does not overpower the original building.

### **Design and Appearance**

- 6.4 The application would involve the erection of a single storey extension to the rear of the house that would be 3.2 metres wide by 3.3 metres deep with a ridge height of 3.3 metres. The proposed extension would be attached to an existing single storey rear extension. The proposal also includes the conversion of existing garage to habitable living space. The existing garage door would be replaced by a window and brickwork to match the existing.
- 6.5 The alterations to the front extension result in the replacement of the garage doors and the addition of a front window and a pitched roof. A number of properties along this street include similar front double or single garages. Whilst the proposal would result in the loss of the garage doors, it is not felt that this alteration would significantly detract from the appearance of the property in the context of the streetscene. Subject to matching materials, the proposals are therefore considered acceptable in terms of impact on the character and appearance of the dwelling and the surrounding area.
- 6.6 The proposed extension and garage conversion are considered to be in scale and proportion to the existing dwelling and would not dominate or overwhelm the existing house and as such represents sympathetic and appropriate additions. The rear addition is an extension to an existing addition. The extension is proposed in matching materials with an appropriate pitched roof and fenestration. The extension forms a sympathetic addition in terms of its scale and appearance.

### **Parking**

- 6.7 Whilst the proposal would result in the loss of a potential parking space within the garage there would remain potential for 4 vehicles to park on the existing hardstanding. It would not therefore be anticipated that the proposal would result in displaced cars and additional harmful demand for on-street parking.

### **Impact on Neighbouring Amenity**

- 6.8 In relation to impact on residential amenity, the proposed rear extension and the alterations to the front garage would be appropriate. Both the rear extension and the front alterations are set an appropriate distance from the adjacent properties to the north, south and west and would not result in a harmful impact in terms of loss of light, privacy, outlook or an increased sense of enclosure.

## **Conclusion**

- 6.7 It is considered that the proposal would not materially affect the character of the existing house, the amenities of the neighbouring occupiers or the visual amenities of the streetscene and is therefore considered acceptable.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below:

1 **Plans Compliance Condition**

- 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 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form.

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

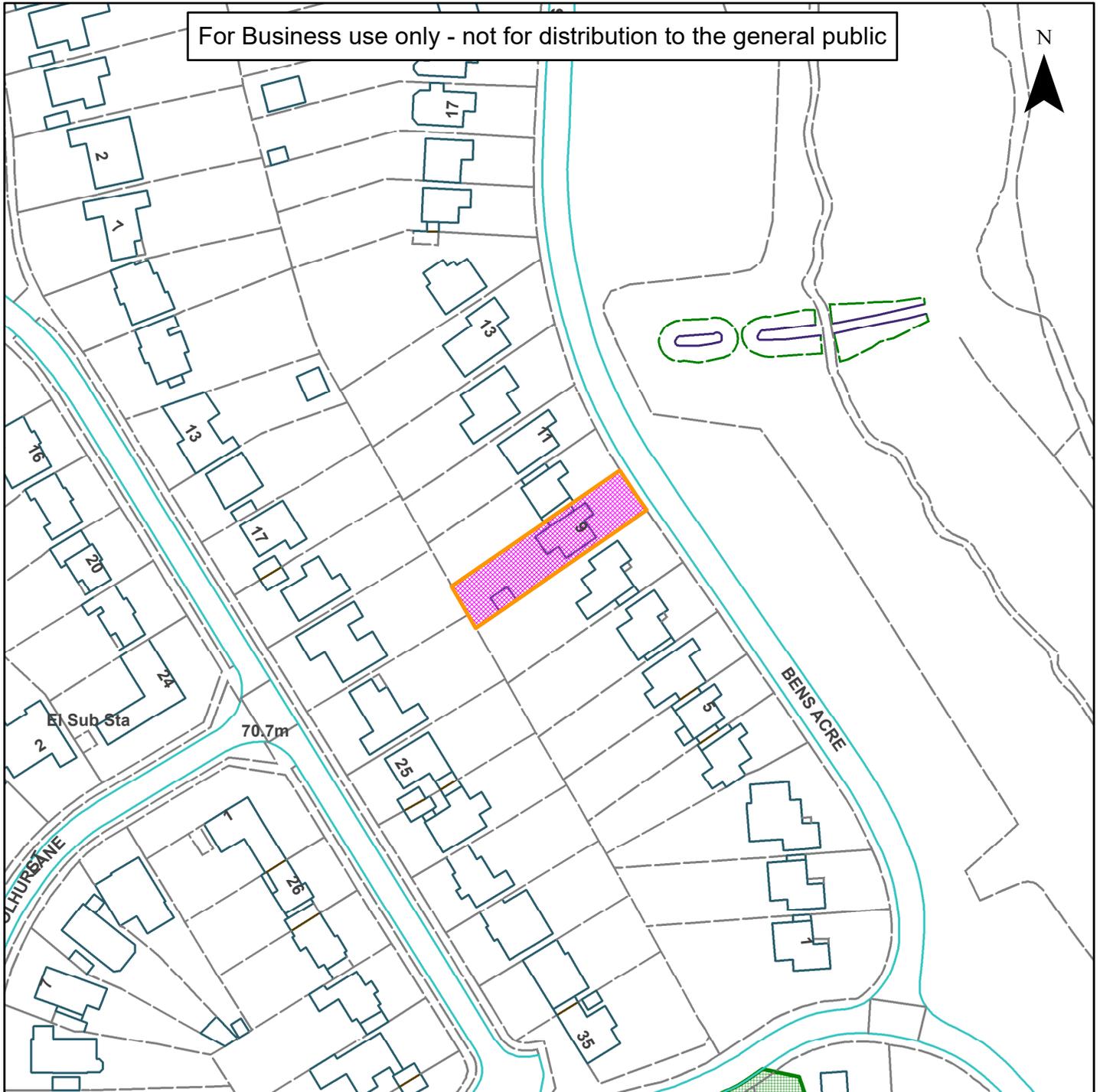
# 13) DC/19/2085



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