



Email: committeeservices@horsham.gov.uk
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Planning Committee (South)

Tuesday, 19th May, 2020 at 2.30 pm
via Remote Video Link

Councillors:

Brian Donnelly (Chairman)	
Tim Lloyd (Vice-Chairman)	
John Blackall	Mike Morgan
Chris Brown	Roger Noel
Karen Burgess	Bob Platt
Jonathan Chowen	Josh Potts
Philip Circus	Kate Rowbottom
Paul Clarke	Jack Saheid
Michael Croker	Jim Sanson
Ray Dawe	Diana van der Klugt
Nigel Jupp	Claire Vickers
Lynn Lambert	James Wright

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 12
<i>To approve as correct the minutes of the meeting held on 21 April 2020 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. Declarations of Members' Interests	
<i>To receive any declarations of interest from Members of the Committee</i>	
4. Announcements	
<i>To receive any announcements from the Chairman of the Committee or the Chief Executive</i>	

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

5. **Appeals** 13 - 14

Applications for determination by Committee:

6. **DC/19/1788 - Lodge Farm, Malthouse Lane, Ashington** 15 - 36

Ward: West Chiltington, Thakeham and Ashington
Applicant: Marcel Hoad

7. **DC/20/0386 - Wyndham Pool, Frylands Lane, Wineham** 37 - 46

Ward: Cowfold, Shermanbury and West Grinstead
Applicant: Mrs Caroline Clarke

8. **DC/20/0411 - Roseacre, Stall House Lane, North Heath** 47 - 58

Ward: Pulborough, Coldwaltham and Amberley
Applicant: Mr Ryan Saigeman

9. **DC/19/1870 - Rowfold Kennels, Coneyhurst Road, Billingshurst** 59 - 76

Ward: Billingshurst
Applicant: Tom Brooker

10. **DC/19/2396 - Land adjacent to number 81 Roman Way, Roman Way, Billingshurst** 77 - 94

Ward: Billingshurst
Applicant: Horsham District Council

11. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

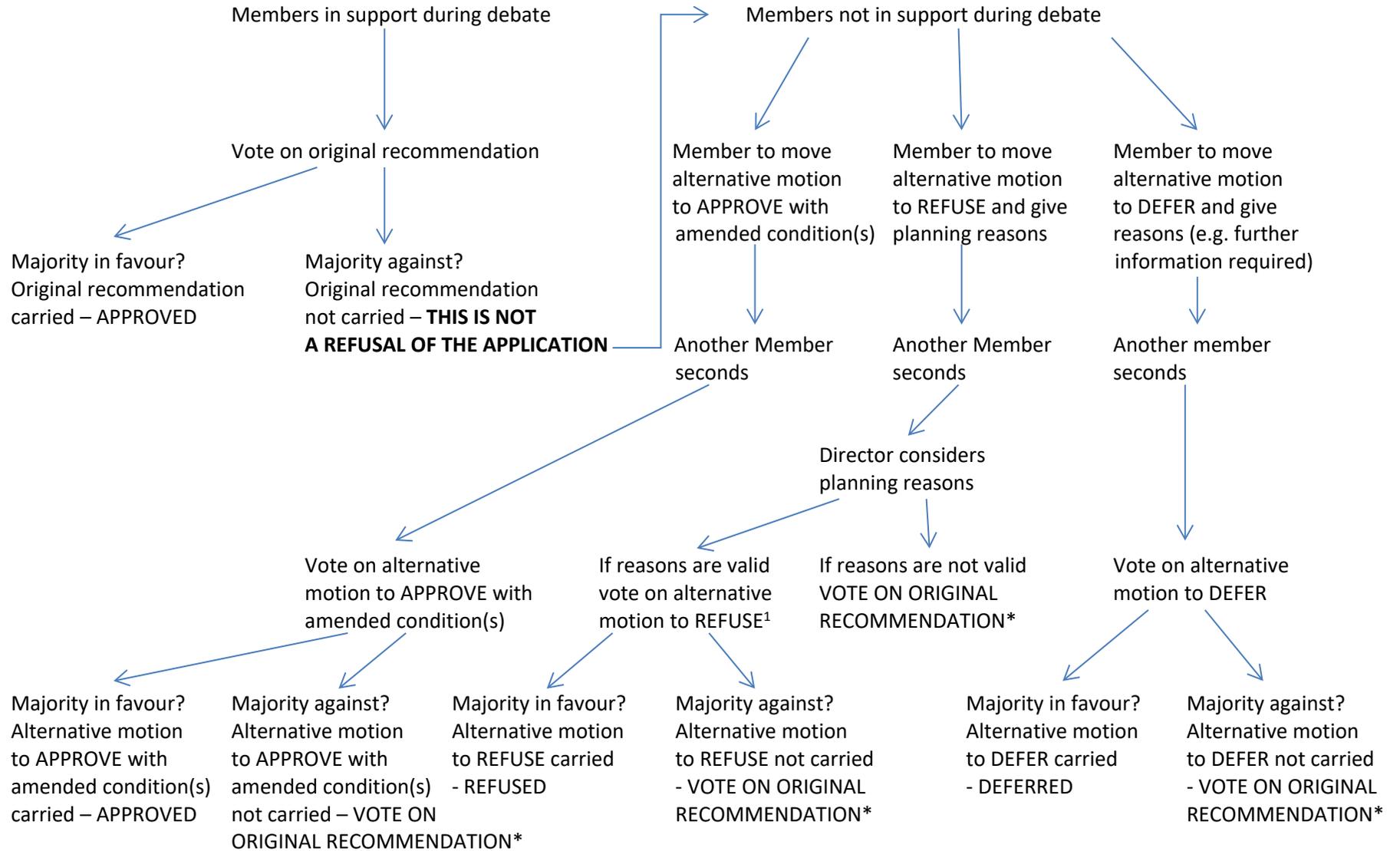
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

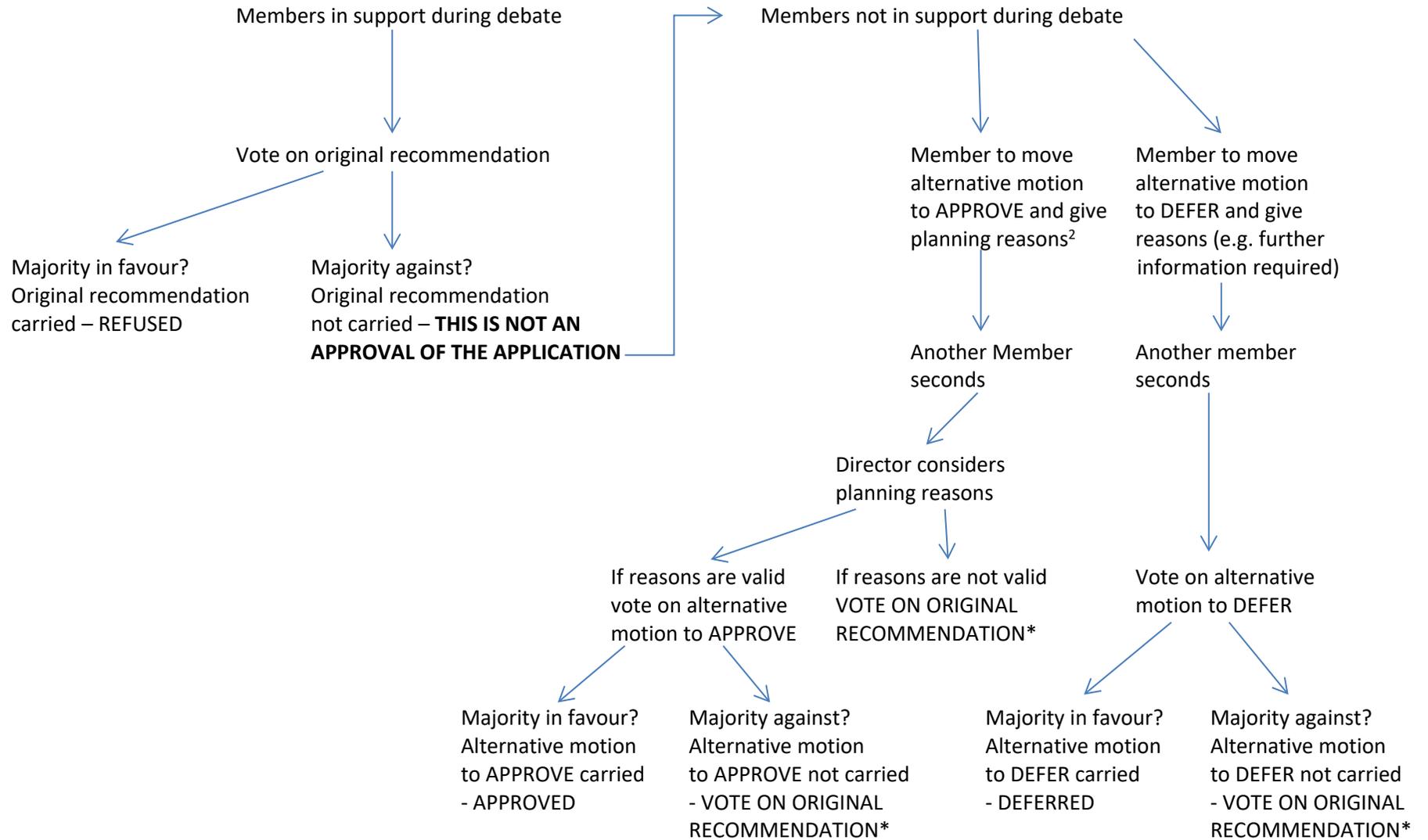
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

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

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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

Planning Committee (South)
21 APRIL 2020

Present: Councillors: Brian Donnelly (Chairman), Tim Lloyd (Vice-Chairman), John Blackall, Chris Brown, Karen Burgess, Jonathan Chowen, Philip Circus, Paul Clarke, Michael Croker, Ray Dawe, Nigel Jupp, Lynn Lambert, Mike Morgan, Roger Noel, Bob Platt, Josh Potts, Kate Rowbottom, Jim Sanson, Diana van der Klugt, Claire Vickers and James Wright

Absent: Councillors: Jack Saheid

PCS/70 **MINUTES**

The minutes of the meeting from 18th February 2020 were agreed to be an accurate record. It was stated they would be signed by the Chairman after the COVID 19 crisis had abated.

PCS/71 **DECLARATIONS OF MEMBERS' INTERESTS**

With regard to application DC/18/2402, Councillor Circus noted that previously he had been told to declare an interest and refrain from taking part. It had subsequently been decided that his wife's interest did not preclude him from voting.

There was also a discussion around Councillor rights to make representation in the virtual meeting and it was clarified that it was no different from a meeting at the Council offices.

PCS/72 **ANNOUNCEMENTS**

There were no announcements.

PCS/73 **APPEALS**

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

Councillors sought clarification about whether decisions from the Planning Inspectorate were on hold because of the COVID 19 situation. The Head of Development explained that the Planning Inspectorate was not progressing on site visits so consequently there was a delay in progressing live appeals.

PCS/74 **DC/19/1707 - ABINGWORTH NURSERIES, STORRINGTON ROAD, THAKEHAM**

The Head of Development reported that this application sought permission for revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 1-, 2-, 3- and 4-bed dwellings including 26 affordable dwellings and community studio workshops. The proposed dwellings would lie to the south of the existing attenuation pond area and north of proposed allotments. The scheme also included associated parking and landscaping and the provision of five workshop units totalling 570m² of floorspace. The proposal included an on-site affordable housing provision of 35%, which equated to 26 dwellings. The proposed 75 dwellings would comprise a housing mix of 17x one bedroom units (including flats), 32x two bedroom units, 23x three bedroom units, and 3x four bedroom units, formed of a mix of detached, semi-detached and terraced dwellings. An addendum clarified that it was 8 not 9 dwellings which were to be provided for the over 55s and they were to be towards the western side of the central green space not the eastern side as previously stated.

The addendum also contained further concerns from Thakeham Parish Council regarding proposed land levels. This led to a proposed further condition requiring further detailed land level information to be submitted in relation to certain plots. It was further recommended that an informative be added regarding surface water drainage. The addendum also contained a discussion from Thakeham Parish Council regarding rights to install solar panels. It has been clarified with the developers that they were now open to residents installing suitable solar panels on the Abingworth properties. Previously, they had restricted solar panels to the Abingworth Meadows properties and the Parish Council objected to this.

The application site was located on the southern side of the Abingworth Development Site, south of the site's central greenspace and attenuation feature. The site was currently separated from the development site with hoarding, and was currently used as a compound for the storage of materials and machinery. The site was bound by established mature trees to the eastern boundary, currently borders open fields to the south, and neighbours Abingworth Hall Hotel to the west. The surrounding area was semi-rural in character, formed of small hamlets of residential development to the west and north of the site, in addition to the mushroom farm site to the north-west, and sporadic residential farmsteads located within the surrounding open countryside. The Horsham District Landscape Capacity Assessment stated that Thakeham and Abingworth were located in the Wealden Greens and National Character Area. The site also fell within area F1 – Pulborough, Chiltington and Thakeham Farmlands in the Horsham District Landscape Character Assessment. Overall the landscape was characterised by an undulating landscape comprising a mix of arable and horticultural uses.

Thakeham Parish Council objected to the application. There had been 60 representations objecting to the application. 2 members of the public provided

statements which were read out by Horsham District Council's Democratic Services Officers in support of the application and the applicant's agent also provided a statement in support of the proposal which was read out by a Democratic Services Officer. The statement from Thakeham Parish Council objecting to the proposal was also read out by a Democratic Services Officer.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were principle of development, affordable housing and housing mix, layout, amount and scale, design, appearance & character, landscape impact and design, arboricultural impacts, amenity impacts, public rights of way, ecology, drainage, air quality / sustainability, workshop provision, allotments and highways access and parking.

Members also discussed the scale of the proposed increase in housing units and it was noted that Thakeham had had proportionally the most housing in the District. Some Councillors felt the proposed increase in units represented overdevelopment and that it would exacerbate the existing air quality issues in Thakeham and Storrington. The lack of public transport to the site was also raised. The Head of Development clarified that each application was assessed on its merits and there were no longer maximum numbers of units given for sites. The proposed increase in units fell within the built up neighbourhood boundary and there had been no objections from Highways. It was also considered that the proposal was a better use of the site with smaller units which were in accordance with the current housing study.

Councillors also asked for clarification regarding whether the proposed workshop units represented an increase or decrease from the original plans. The Planning Officers said it was a decrease from the original planning approval in 2013. As part of the current proposal, amendments had been received increasing the size of the proposed workshops at the request of the Planning Department.

There was further discussion around whether to allow solar panels to offset the carbon footprint.

The issues with the development around loss of hedgerows and impact on air quality were balanced against the proposed community benefits of the new development. There was a discussion around a proposed mini bus to be provided by the developer.

The Head of Development noted that the original planning consent had been granted over 10 years ago and it was not unusual for plans to be amended in that time to reflect changing market conditions.

The officer recommendation was to approve the proposal subject to conditions as reported.

RESOLVED

That planning application DC/19/1707 be granted subject to the conditions as reported and with the additional condition set out in the committee addendum.

PCS/75 **DC/18/2402 - RYECROFT NURSERY, FRYERN ROAD, STORRINGTON**

The application sought permission for the erection of a detached chalet-style dwelling on the south eastern corner of Ryecroft Nursery to provide a rural workers dwelling for the nursery owner and family. This application was deferred from the January 21st 2020 Committee Meeting to allow the applicant time to submit more supporting information on their business case.

The application site was located off the western side of Fryern Road in a rural area 480 metres south of the built-up area of West Chiltington.

An addendum was submitted providing further evidence to support the applicant's business case. The additional details were assessed by the Council's Agricultural Consultant who commented that the details were not sufficient and upheld their objection to the proposal.

Three people had their statements in support of the application read out by Horsham District Council's Democratic Services Officers and Storrington and Sullington Parish Council also spoke in support.

Members considered whether the new information submitted by the applicant overcame the concerns regarding the viability and sustainability of the business. It was felt that the present circumstances in which the business was supplying food to the local community were hard to assess long term because the COVID 19 circumstances were exceptionally unusual. Members further discussed whether the business was viable and whether there was a functional need for someone to live on site. This centred around the extent to which there would be livestock present. There was further discussion around whether the proposed dwelling was larger than necessary and what would happen were permission for a dwelling granted if the business then failed.

The Councillors voted on the Officer's recommendation to refuse planning permission. The Councillors voted against this recommendation.

As the motion to refuse permission was not carried, an alternative motion was proposed by Councillor Dawe and seconded by Councillor Sanson to delegate approval to the Head of Development in consultation with local ward members to finalise conditions.

It was stated that the reason for the overturn was that the proposal was considered to meet the tests for a rural workers dwelling in accordance with Policy 20 of the HDPF.

RESOLVED

That planning application DC/18/2402 be delegated for approval to the Head of Development in consultation with ward members.

The meeting closed at 5.10 pm having commenced at 2.30 pm

CHAIRMAN

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Planning Committee (SOUTH)

Date: 19th May 2020



**Horsham
District
Council**

Report on Appeals: 07/04/2020 – 05/05/2020

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/20/0104	Lordings Farm, Lordings Road, Adversane, Billingshurst, West Sussex, RH14 9JE	30-Apr-20	Prior Approval Required and REFUSED	N/A

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/19/2237	5 Oak Road, Billingshurst, West Sussex, RH14 9XH	Fast Track	16-Apr-20	Application Refused	N/A
DC/19/1547	Land West of Brookhill Cottage, Horsham Road, Cowfold, West Sussex	Written Representation	01-May-20	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/18/1779	Woodnote, Hillside Walk, Storrington, Pulborough, West Sussex, RH20 3HL	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/19/1721	Wild Brook House, Rectory Lane, Pulborough, West Sussex, RH20 2AD	Fast Track	Appeal Allowed	Application Refused	N/A

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 19 May 2020

DEVELOPMENT: Erection of 7no dwellings comprising a mixture of detached and semi-detached properties, with associated parking and landscaping works.

SITE: Lodge Farm Malthouse Lane Ashington West Sussex

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/19/1788

APPLICANT: **Name:** Marcel Hoad **Address:** care of agent Melton Lodge Rusper Road Newdigate RH5 5BX

REASON FOR INCLUSION ON THE AGENDA: The recommendation of the Head of Development would represent a departure to the development plan

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.

RECOMMENDATION: To grant planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the demolition of the existing commercial storage buildings, workshop buildings and office building on site and erection of 7no detached and semi-detached dwellings, incorporating associated curtilage land, a new driveway and extensive landscaping works. The existing buildings are utilitarian in appearance and are constructed with a mixture of blockwork, timber and metal cladding and metal roof sheeting.
- 1.2 The site benefits from a number of Prior Approval applications under planning reference numbers DC/19/0778, DC/18/2479, DC/18/2480 and DC/18/2443 permitted under Classes O, P and PA of the General Permitted Development Order (GPDO) 2015, as amended. The Prior Approvals established that a number of the existing buildings on site can be converted into residential properties, forming a total of 9no single dwellings. This current planning application seeks the demolition of all of the existing buildings on site and the erection of 7no

detached and semi-detached dwellings as an alternative to the permitted development conversion of the existing buildings.

1.3 The proposed dwellings would be positioned towards the northern and central parts of the site, which would be similar to the layout/configuration of the existing buildings on site, and would consist of the following –

- Unit 1, referred to as the 'Cart Shed' consisting of a detached, single storey 3-bed dwelling, positioned to the north-western corner of the site in close proximity to the existing access and in the location of an existing building to be removed. This dwelling would utilise an 'L' shaped configuration, with an overall width of approximately 21.6m, an overall depth of approximately 12m and would have a pitched roof design with an overall height of approximately 5.1m. This dwelling would be constructed in natural materials including brick, sandstone with lime mortar and painted timber weatherboarding to the external walls, a clay tiled roof and timber framed fenestration.
- Unit 2, referred to as 'The Farm House' consisting of a detached, two storey 4-bed dwelling, positioned to the north/central part of the site and in the location of a number of existing structures to be removed. This dwelling would have a rectangular footprint with an overall width of approximately 18m, an overall depth of approximately 6.5m and would have a pitched roof design with front and rear dormers and an overall height of approximately 7.7m. This dwelling would be constructed in natural materials including brick, lime render and painted timber weatherboarding to the external walls, a clay tiled roof and timber framed fenestration. This dwelling would be served by detached double car port/garage.
- Units 3 & 4, referred to as '1 & 2 Lodge Farm Cottages' consisting of a pair of semi-detached, two storey 2-bed dwellings, positioned centrally within the site in the approximate location of a building to be removed. These dwellings would have a rectangular footprint with a matching internal configuration and would be stepped at first floor level, appearing as single storey dwellings from the south. The proposed semi-detached pair would have an overall width of approximately 20m, an overall depth of approximately 7.2m and would have a pitched roof design with an overall height of approximately 7.1m. These dwellings would be constructed in natural materials including brick, lime render, and clay hanging tiles to the external walls, a clay tiled roof and timber framed fenestration.
- Unit 5, referred to as 'The Barn' considered of a detached, single storey 3-bed dwelling, designed as a barn style conversion, positioned to the eastern side of the site and in the location of an existing building to be removed. This dwelling would utilise an 'L' shaped configuration, with an overall width of approximately 19.3m, an overall depth of approximately 16.5m and would have a pitched roof design with an overall height of approximately 7.1m. This dwelling would be constructed in natural materials including brick and painted timber weatherboarding to the external walls, a clay tiled roof and timber framed fenestration.
- Units 6 & 7, referred to as '3 & 4 Lodge Farm Cottages' consisting of a pair of semi-detached, two storey 3-bed dwellings, positioned to the northern corner of the site within the site in the approximate location of 2no buildings to be removed. These dwellings would have a rectangular footprint with a matching internal configuration and would be stepped at first floor level. The proposed semi-detached pair would have an overall width of approximately 24.8m, an overall depth of approximately 9.6m and would have a pitched roof design with an overall height of approximately 7.1m. These dwellings would be constructed in natural materials including brick, lime render, and clay hanging tiles to the external walls, a clay tiled roof and timber framed

fenestration. These dwellings would also each benefit from single storey detached outbuildings.

- 1.4 The existing buildings on site to be removed have an overall footprint measuring approximately 898sqm measures and a GIA of approximately 630sqm would be created as a result of the Prior Approval permissions, as detailed above. The overall footprint to be created by the proposals would measure approximately 805sqm and the GIA to be created by the proposals would measure 979sqm.
- 1.5 The proposed dwellings would be served by the existing access serving the site from Malthouse Lane to the west which would be widened and altered for the purposes of improved visibility as part of the proposals. The proposals include extensive landscaping works with the creation of a central greenspace and the retention of an existing pond.
- 1.6 The proposals have been the subject of amendments and extensive officer consideration, with regards to the number of dwellings proposed, the quantum of development, the design and layout of the dwellings and the landscaping of the site. The application was initially submitted seeking planning permission for a total of 9no dwellings, with an inappropriate layout and designs which were not considered to be acceptable. The proposals have subsequently been amended as follows –
 - Reduction in the number of new build dwellings from 9no to 7no.
 - Alterations to the designs of the properties from all being single storey to a mixture of single storey, two storey, detached and semi-detached properties
 - Alterations to the layout of the site and configuration of the proposed dwellings
 - Alterations to the proposed access drive
 - The creation of larger curtilages
 - The creation of a designated central green space area
 - The inclusion of 3no detached structures serving three of the properties.

DESCRIPTION OF THE SITE

- 1.7 The application site relates to a large site measuring approximately 1ha located, off Malthouse Lane Ashington. The site consists of a number of commercial buildings in light industrial (B1c), storage (B8) and office (B1a) uses. The existing buildings are of a utilitarian modern construction and have no architectural merit or historic value or significance. The site consists of hardstanding areas to the north, with unmaintained soft landscaping to the southern areas and extensive mature soft landscaping to the boundaries. The site is not located within any defined built up area boundaries and is therefore considered to be located within the countryside.
- 1.8 The site is accessed via Malthouse Lane, which is a narrow country lane located on the western side of and in close proximity to the A24. The site is considered to be very rural in nature and vernacular with a number of dwellings located along Malthouse Lane and sporadic development within the wider surrounding area. There are two Grade II listed dwellings located to the north and south of the site at Mitchbourne House and Mitchbourne Farm respectively. The site, and immediate vicinity is located within an Environment Agency designated Flood Zone 1, which identifies that the site has a low risk of flooding rating.
- 1.9 As detailed above, the site benefits from a number of Prior Approval applications under planning reference numbers DC/19/0778, DC/18/2479, DC/18/2480 and DC/18/2443 permitted under Classes O, P and PA of the General Permitted Development Order (GPDO), 2015 as amended. The Prior Approvals established that a number of the existing buildings on site can be converted into residential properties, forming a total of 9no single dwellings. The principle of the creation of residential properties on this site, has therefore been established.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Climate Change
Policy 38 - Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Status – Ashington Parish Neighbourhood Plan area has been Designated, and the Draft plan was put out for consultation from 22 June to 17 August 2019.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/0778

Prior Approval for change of use from B8 storage / warehouse use to C3 residential dwelling(s).

Decision – Prior Approval Required and Permitted

Decision Date – 30/05/2019

DC/18/2479

Notification for prior approval for a change of use from storage (Class B8) to (four) dwellinghouses (Class C3).

Decision – Prior Approval Required and Permitted

Decision Date – 29/03/2019

DC/18/2480

Notification for prior approval for a change of use from premises in light industrial use (Class B1 (c)) and land within its curtilage to (two) dwellinghouses (Class C3)

Decision – Prior Approval Required and Permitted

Decision Date – 29/03/2019

DC/18/2443

Prior approval for the proposed change of use from offices to a dwellinghouse

Decision – Prior Approval Required and Permitted

Decision Date – 29/03/2019

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation & Design:** No Objections Raised, conditions suggested
Following submission of amendments and extensive consideration, I am satisfied the proposed development will not harm the setting of the adjacent listed buildings or lead to a dilution of the character of this rural lane. Conditions pertaining to materials and detailing of dwellings suggested
- 3.3 **HDC Landscape Architect:** No Objections Raised, subject to landscape conditions.

Summary of Initial Comments - It is understood that the principle of residential development is already established by virtue of extant permission DC/19/0778. Notwithstanding, there is a considerable increment on proposed residential units and as a result the proposals are seen as an urbanising effect in the countryside. The number of units proposed results in a formal cul-de-sac arrangement uncharacteristic of the countryside where farm clusters have a more loose organic pattern. The proposals as shown are considered to result in harm to the landscape character and contrary to Policy 25, 26. It is noted that some of the issues could be potentially resolved with the provision of additional information which can feed into the design proposals and in turn result in a more considered layout and provide certainty in some of the points raised.

Summary of Final Comments Following Amendments and Additional Information – If the concerns initially raised can be conditioned the officer is happy to withdraw the holding objection. As the officer is not yet aware of the size of the basin possibly proposed with the central green area, the officer would want to be sure that proposed new trees could still be accommodated within this area without loss. Hedging to the rear between plots 1 and 2 should be extended further. This would also apply to plots 2, 3 and 4.

- 3.4 **HDC Tree Officer:** No Objections Raised
- 3.5 **Ecologist:** No Objections Raised, conditions suggested
- 3.6 **Archaeology:** No Objections Raised

OUTSIDE AGENCIES

- 3.7 **WSCC Highways:** No Objections Raised, conditions suggested
The plan provides evidence of a best possible visibility splay including the removal of existing vegetation, and a promise to maintain the proposed vegetation to a height of 0.6m or lower. This can be achieved and maintained in perpetuity as the vegetation is within the applicants land.

WSCC would advise the LPA to make sure this is conditioned as currently the area is densely covered and will require some extensive clearance.

Drawing 100 also indicates the access will be widened to accommodate two cars to enter and exit the access at the same time. As the width of Malthouse Lane is only wide enough for one car width this will allow cars to stop in the access before exiting or entering

Visibility splays are the best possible and are an improvement in what already exists. To the north of the access a visibility splay of 9.1m is achieved. Although this is short, as the road here terminates into a gated farmers field and access for two dwellings, it is not anticipated the number of trips coming from this direction would be significant.

Improvements to the southern visibility splay have been vastly improved. It is important to highlight the change of use from commercial storage/workshops to dwellings will see a similar, if not lower, trip rate. As such the improvements provide betterment over what is already permitted.

Conditions pertaining to a construction management plan and visibility splays are advised.

3.8 **Southern Water: No Objections Raised**

PUBLIC CONSULTATIONS

3.9 **Parish Council Consultation: Objection**

The Parish Council maintains its original Objection of 19th September 2019: The Parish Council Objects to the application on the grounds of:

- The proposal is outside the BUAB on a site not identified for development within HDPF nor in the emerging Neighbourhood Plan;
- The proposal is not consistent with the spatial strategy in the emerging NH Plan on a site that was rejected from the Neighbourhood Plan;
- The proposal is in a rural location, well outside the existing settlement and the use is not essential to this countryside location.

3.10 A total of 23 letters of objection from 12 separate households/bodies have been received for this application. The nature of the objection can be summarised as follows –

- Access not suitable
- Detrimental impact on Listed Buildings
- Over development of the site
- Proposal not required in this location, contrary to housing policies
- Detrimental Impact on Ecology
- Detrimental impact on neighbouring amenity
- Potential for flooding

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 principal of development in this location
- The character of the dwellings and the visual amenities of the countryside
- The amenities of the occupiers of adjoining properties
- The highways impacts of the proposal

6.2 As noted above, the application has been amended significantly following detailed and extensive officer consideration. The initially submitted scheme proposed the erection of 9no single storey dwellings set within a rigid and urbanising layout. The amendments which have been provided have reduced the proposed number of dwellings from 9no to 7no and the designs of the properties have been amended to include 3no detached properties and 4no semi-detached properties. The layout and configuration of the properties and well as their designs have been amended to reflect the rural character and vernacular of the surrounding area.

Principle

6.3 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.

6.4 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 79 of the NPPF and policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF).

6.5 HDPF Policy 3 and 4 advises that development will be permitted within towns and villages which have defined built up areas, and outside built up areas expansion of settlements will be permitted where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. Policy 26 states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside outside of any defined settlement and is not allocated in either a Local Plan and there is currently no Neighbourhood Plan for the Parish of Ashington and thus the application proposals directly conflicts with these policies. On this basis, the proposal therefore fails to accord with the HDPF strategy for development and the grant of this planning permission would represent a departure from the development plan.

6.6 Paragraph 79 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside'. One of the criteria set out in Paragraph 79 which would allow such developments is as follows –

Planning policies and decisions should avoid the development provided the design is of exceptional quality, in that it:

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

- development which ‘would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area’ will be supported
- 6.7 The application is not being justified against the above criteria, and while the designs of the dwellings (which is considered in detail later in this report) would represent an enhancement when compared to the existing buildings on site, they would not be truly outstanding or innovative. The proposal could not therefore be justified under p.79 of the NPPF.
- 6.8 Notwithstanding the above, it is noted that the site benefits from a number of Prior Approval applications under planning reference numbers DC/19/0778, DC/18/2479, DC/18/2480 and DC/18/2443 permitted under Classes O, P and PA of the General Permitted Development Order (GPDO) 2015, as amended, respectively. The Prior Approvals established that a number of the existing buildings on site can be converted into residential properties, forming a total of 9no single dwellings. This is a material consideration in the determination of this current planning application.
- 6.9 The presence of the Prior Approvals for residential use of the buildings on site, which could still be implemented, represents a viable and realistic fall-back position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of a number of residential units on the site.
- 6.10 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with Policies 4 and 26 of the HDPF would not be warranted and would not prevent dwellings from being created on the site. On this basis, the principle of development is considered acceptable, subject to any permission requiring the demolition of the existing agricultural building (to avoid both developments being carried out) and other relevant detailed considerations.
- 6.11 Whilst it has been noted above that the Prior Approvals pertaining to the site have granted the creation of 9no dwellings under the provisions of permitted development, given that the current full planning application affords the Council additional scope in considering the proposals, the creation of 9no new build dwellings under this current proposal for full planning permission was not considered to be acceptable. Following detailed and extensive officer consideration, the application has been amended to a reduced number of 7no dwellings, the acceptability of which is discussed further in the below sections.

Design, Character & Appearance and Impact on Listed Buildings

- 6.12 Paragraph 131 of the National Planning Policy Framework (NPPF) states that - “great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area”.
- 6.13 Policies 26 (countryside protection), 32 (quality of new development) and 33 (Development Principles) of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.14 As noted above, the existing buildings on site are considered to be relatively modern, utilitarian structures in appearance and are not considered to be of any architectural merit or hold any historical value or importance from a heritage standpoint. The proposed would involve the demolition of all the buildings on site and the erection of 7no dwellings, comprising 3no detached dwellings and 4no semi-detached dwellings.
- 6.15 The initial proposals submitted sought permission for the erection of 9no dwellings. These dwellings consisted of detached single storey properties with relatively small curtilages, configured and laid out in a very rigid and uniform way, which was not considered to be acceptable for this countryside location. The quantum of development in relation to the site

and the number of dwellings proposed, as well as the overall resultant character, were also not considered to be relate sympathetically with the site or the wider surroundings.

- 6.16 As such, extensive officer discussions and considerations have taken place in relation the design of the dwellings, landscaping and impact on the listed buildings. The application site and surroundings of Malthouse Lane are considered to be very rural in nature and this is reflected in the vernacular of the residential built form within the vicinity. Amended plans were submitted which sought to address the issues identified.
- 6.17 The amended proposed dwellings would take their cues from the designs, built form and character of the existing properties along Malthouse Lane, consisting of a mixture of single storey barn conversion-type dwellings to two storey, semi-detached cottage designs, which are evident within the vicinity. The proposed dwellings would be made-up of a pallet of natural materials including brick, sandstone, lime render, timber weatherboarding, clay hanging tiles to the external elevations, clay tiles to the roofs and timber framed fenestration and doors. The amended proposals would also be configured in a more natural and fluid manner, with larger curtilages, again as evident within the surrounding area and are considered to be in keeping with the overall rural character and vernacular of the area.
- 6.18 It is considered that the design of the proposed dwellings would represent an enhancement to the site when compared to the existing buildings and their potential conversion to residential. The existing buildings, whilst they have permission under current permitted development rights to be converted to a dwelling, would be limited in terms their aesthetic value following conversion. The proposals, whilst it is acknowledged that they would create a greater overall GIA when compared to the that which would could be achieved under the Prior Approval permissions, would occupy a lesser overall footprint when compared to the existing buildings on site.
- 6.19 It is noted that Malthouse Lane is set at lower ground level to that of the application site and is not visible from the lane due to high verges. This, together with the extensive existing soft boundary treatments around the site, would ensure that there would be a minimal visual impact on the wider area outside of the application site as a result of the proposed development. In terms of the site itself, extensive landscape enhancements are proposed to ensure that the character of the site is in keeping with the rural setting. These include the use of soft internal curtilage treatments such as hedging, post and rail fencing, reduced areas of hardstanding and further planting to private and communal areas of the site. Whilst HDC's Landscape Architect has raised points in their comments with regards to the creation of a proposed central green space with wet swale and retention of an existing pond, these elements and the overall landscaping scheme and future landscape management, can be effectively controlled with suitable conditions. It is also noted that HDC'S Tree Officer has also raised no objections to the proposals with regards to any potential impact on the existing boundary trees/vegetation as a result of the proposed development.
- 6.20 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".
- 6.21 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.
- 6.22 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.

- 6.23 With regards to the potential impact on the setting of the Grade II listed buildings to the north and south of the site as well as the overall design of the scheme, HDC's Conservation and Design Officer has been involved in the extensive consideration and re-design of the proposals. The Conservation officer has raised no objections and has advised that the amended designs, as well as the positioning of the proposed dwellings and distances maintained, would ensure that that the proposals would not harm the setting of the adjacent listed buildings or lead to a dilution of the character of this rural lane. Appropriate conditions securing the exact materials and detailing of the dwellings have been recommended by the Conservation Officer.
- 6.24 Overall it is considered that the amendments are considered to be in keeping with the rural character, and together with the boundary treatments to the site and distances preserved to the listed buildings, it is considered that the proposals would not have a detrimental impact on the heritage assets.
- 6.25 Whilst it is acknowledged that the new build proposals would introduce a combination of single and two storey dwellings, resulting in a greater overall GIA to be created when compared to that of the Prior Approval applications, it is considered that the overall designs in terms of build form, character, the pallet of materials to be used would and the layout and spaces created, would result in a markedly improved scheme/site when compared to the existing situation on site and the potential residential developments under the Prior Approval applications. The proposed carport and outbuildings proposed to serve Units 2, 6 and 7 respectively, are also features which replicate and would conform with the character of development in the vicinity and are considered to be acceptable.
- 6.26 The amended proposals would result in an enhancement on the converted buildings which would result from implementation of the existing Prior Approvals and an enhancement of the overall setting of the countryside location. The proposals, together with the presence of extensive existing boundary treatments and the distances maintained, would ensure that there would not detrimental impact on the two listed buildings to the north and south of the site. The current application gives greater control over the eventual development of the site, particularly in respect of the detailed design and landscaping, which are considered to be key factors which weigh in favour of supporting the current scheme. As a consequence of the circumstances described above, it is considered that the proposals would accord with Policies 26, 30, 32, 33 and 34 of the HDPF as well as Paragraph 131 of the NPPF.

Impact on neighbouring amenity

- 6.27 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. Taking into account the extensive mature boundary treatments surrounding the site, the distances preserved to neighbouring residential properties, measuring approximately 32m at the closest point and that the fact that the proposed dwellings would be similarly positioned to that of the existing buildings, it is considered that the proposals would not have a detrimental impact on neighbouring amenity and are considered to be acceptable in this regard.

Quality of the resulting environment for future occupiers

- 6.28 It is considered that the proposed development would provide adequate indoor and outdoor living space for future occupants of the dwellings. Suitable distances would be preserved to neighbouring development and between each of the dwellings, to ensure that there would not be any harmful overlooking or any potential overbearing impact on the proposed dwellings. As such, it is considered that there would be an appropriate quality level of

environment for the future occupiers of the proposed dwellings in accordance with Policy 33 of the HDPF (2015).

The highways impacts of the proposal

- 6.29 Policies 40 and 41 of the Horsham District Planning Framework state that development should provide a safe and adequate access, suitable for all users. The proposed dwellings would be served by an existing access point from Malthouse Lane to the west of the site. The proposals include some enhancements to the entrance to provide improved access and visibility. Each dwelling would be served by parking areas which would be in-line with WSCC Parking Standards 2019 in this rural location.
- 6.30 It is noted that a number of objections have been received with regards to the suitability of Malthouse Lane with regards to construction works access and the proposed development in general. WSCC Highways have been consulted and have raised no objections to the proposals on highways or parking grounds. Highways have highlighted that a construction management plan would be required, which would cover the construction phase of the development and that the residential use of the site would result in an equal to lower trip rate when compared to the existing uses of the site. It must be noted that the site, as existing, is unrestricted in terms of frequency and times of access and vehicle types moving to and from the site.
- 6.31 WSCC Highways department have commented on the proposed amended access and have stated that the proposed visibility splays are acceptable. The applicant/planning agent has confirmed that the verge areas, which the splays would pass over, are within their ownership and WSCC Highways have advised that these would need to be cut back to ensure the splays comply with their standards. The visibility splay requirements will be conditioned accordingly.
- 6.32 As such, with the inclusion of suitable conditions as advised by WSCC Highways, it is considered that the proposals would be acceptable in this regard, and therefore accord with policies 40 and 41 of the Horsham District Planning Framework (2015).

Ecology Considerations

- 6.33 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.
- 6.34 An Ecological Assessment has been provided with this application which identifies that whilst the site is considered to be of low ecological value, there is a presence of some species which would require mitigation measures to be put in place. The Council's Ecology consultant has not raised any objections to the proposals. Suitable conditions have been recommended to ensure ecological mitigation measures and enhancements are put in place and the Council would expect see specific enhancement measures with regards to the existing pond on site to be retained and in relation to a wet swale, which is proposed within the central green space, as indicated on the submitted information. 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, in accordance with Policy 31 of the HDPF.

Drainage

- 6.35 Notwithstanding objections which have been received in this regard, the site is located within Environment Agency designated Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. It is noted that there is an existing pond on site. Looking over historic aerial photographs of the site, this

appears to be man-made and is not a natural feature pertaining to the site. The Council do not hold any information indicating if the pond provides any form of drainage for the site. Whilst this is proposed to be retained, given the nature of the proposals, a suitable pre-commencement condition requiring submission of a drainage strategy, the proposed means of foul and surface water drainage and suitable Sustainable Drainage Systems (SuDS) to be incorporated in the scheme, is considered to be appropriate.

Conclusion

- 6.36 The site is within a countryside location and has not been allocated for residential development, whilst the proposal does not represent a use essential to this countryside location. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the recent granting of a number of Prior Approval for the conversion of the existing buildings on the site to form dwellinghouses. This is considered to form a realistic fall-back position carrying significant weight in the planning balance. The proposed development would provide 7no purpose built dwellinghouses, representing a reduction of 2no dwellings which could result from the implementation of the Prior Approval schemes and would represent an improved appearance to the site and landscape character which would be in keeping with the rural residential vernacular of the area, compared to the development that could otherwise come forward on the site under the Prior Approval consents.
- 6.37 Therefore, whilst being a departure from planning policy, the current application is considered to enhance the immediate character and ensure that the development would not result in harm to the countryside setting, the vernacular of the area, neighbouring amenity or highway safety. These benefits compared to the fall-back position provided by the extant Prior Approval consents are considered to outweigh the conflict with Policies 4 and 26 such that the grant of planning permission is recommended.
- 6.38 Conditions are suggested to ensure; detailed use of materials to be provided, a detailed landscaping scheme to confirm all hard and soft landscaping details, the removal of the existing buildings on site, and details of appropriate drainage provision including SuDS.
- 6.39 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	979	898	81
		Total Gain	81
		Total Demolition	898

- 6.38 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.39 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 permitted subject to the following conditions-

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

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

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

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

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

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

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

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

- 4 **Pre-Commencement Condition:** No development, including any demolition works, shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal and provision of Sustainable Drainage Systems (SuDS), 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 35 and 38 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** Prior to any relevant work beginning, the following details shall have been submitted to and approved in writing by the Local Planning Authority. The relevant works must not be executed other than in complete accordance with these approved details:

a) Samples or specifications of all external materials and surface finishes.

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 33 and 34 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement Condition:** No development, including any demolition works, shall commence until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any invasive or non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement Condition:** No development, including any demolition works, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,

- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

- 8 **Pre-Commencement Condition:** Prior to the commencement of relevant works for the erection of the dwellings hereby approved, all of the existing buildings and structures on site, as shown on drawing number 191213_001, received 18 December 2019, indicated on the plan in red outlines, shall be fully demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.

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

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

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

- 10 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the two Ecology Assessments by the Ecology Consultancy (dated 2nd September 2019 and 30th September 2019) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

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 in accordance with Policy 31 of the Horsham District Planning Framework.

- 11 **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).

12 **Pre-occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation of each new dwellinghouse hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary/residential curtilage treatments
- Details of any external lighting
- Details of the basin for the wet swale
- Details of existing and proposed topography levels of the site

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).

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

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

14 **Pre-occupation Condition:** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and dormouse and that are likely to cause disturbance along important routes used for foraging/commuting; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings or technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All 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. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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 in accordance with Policy 31 of the Horsham District Planning Framework.

- 15 **Pre-occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 9.1metres to the north and 30metres to the south, have been provided at the proposed site vehicular access onto Malthouse Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 16 **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 garage or 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).

- 17 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the two Ecology Assessments by the Ecology Consultancy (dated 2nd September 2019 and 30th September 2019) 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, s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Planning Framework.

- 18 **Regulatory Condition:** The new roof junctions at ridge, hips, valleys, eaves and verges shall be built to reflect traditional detailing including exposed rafter feet, cut verges without Winchester cuts, bonnet hip and valley tiles and hogs back or half round ridge tiles.

Reason: 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).

- 19 **Regulatory Condition:** The new windows hereby permitted shall have casements flush fitted with their frames if manufactured in timber or plastic.

Reason: 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).

- 20 **Regulatory Condition:** The roof lights hereby permitted shall be metal framed and sit flush with the roof slope.

Reason: 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).

- 21 **Regulatory Condition:** All new and replacement rainwater goods shall be cast iron or cast aluminium or cast effect plastic.

Reason: 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).

- 22 **Regulatory Condition:** No existing trees on the site, indicated on the Landscaping Plan, drawing number 191213_302, received 01 April 2020, shall be wilfully damaged or uprooted, felled or removed without the prior written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. These trees, as well as those off-site whose root protection areas ingress into the site, shall be fully protected 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). 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.

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

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

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

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

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

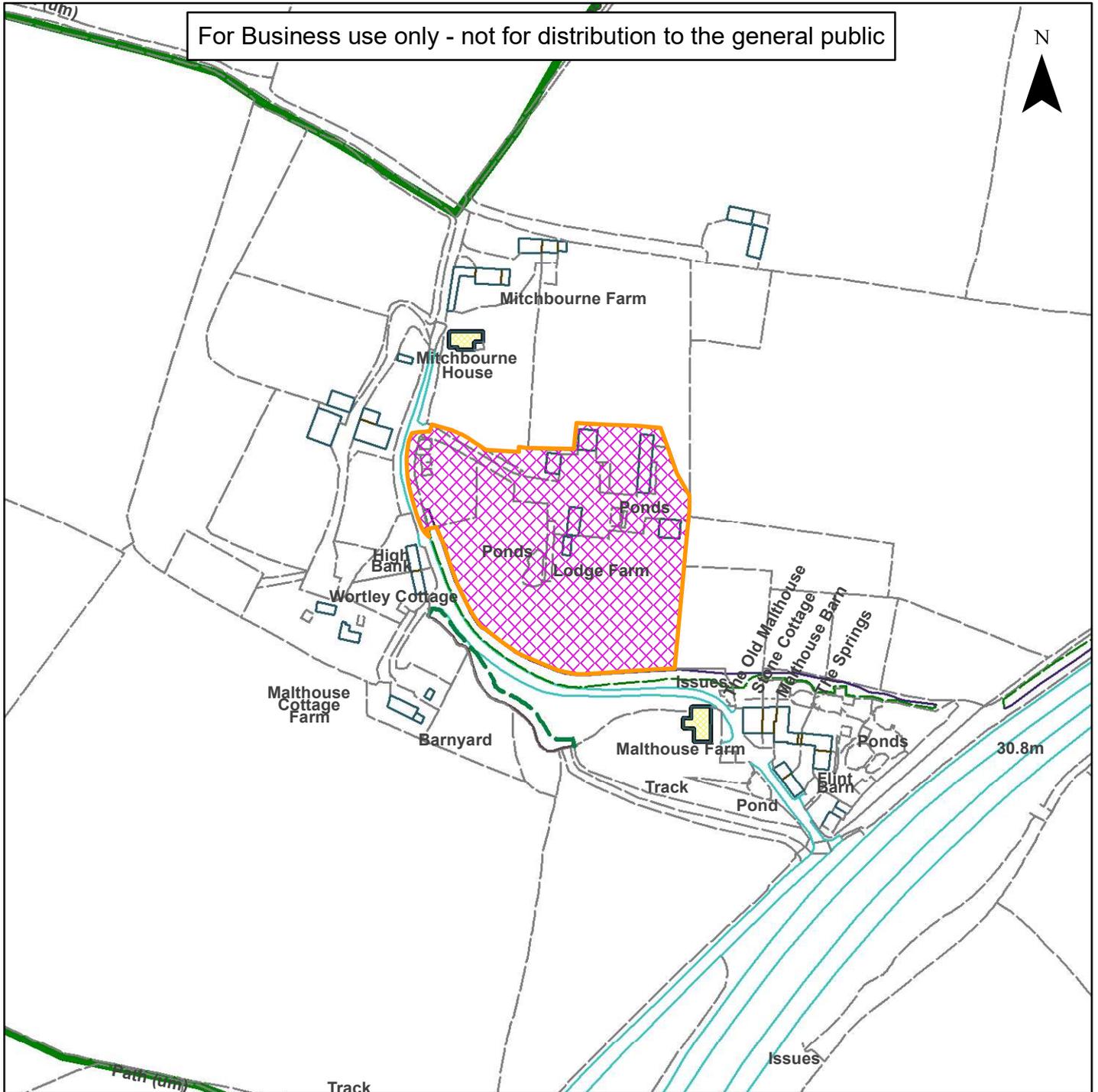
Background Papers: DC/19/1788
DC/19/0778
DC/18/2479
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DC/18/2443

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development

DATE: 19 May 2020

DEVELOPMENT: Permission in Principle for the erection of 2-4 residential units

SITE: Wyndham Pool Frylands Lane Wineham Henfield West Sussex BN5 9BP

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/20/0386

APPLICANT: **Name:** Mrs Caroline Clarke **Address:** Wyndham Pool Frylands Lane Wineham Henfield West Sussex BN5 9BP

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

More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To refuse Permission in Principle

1. THE PURPOSE OF THIS REPORT

To consider the application for Permission in Principle.

BACKGROUND

- 1.1 The application seeks Permission in Principle for residential development at the site under Part 2A of the Town and Country Planning (Permission in Principle) Order 2017.
- 1.2 The grant of a Permission in Principle does not constitute the grant of planning permission, rather it sets out that if granted the principle of the **location, land use, and amount of development proposed** is acceptable. Following the grant of a Permission in Principle, the applicant would need to apply for Technical Details Consent. The grant of Technical Details Consent would then create the planning permission.

DESCRIPTION OF THE APPLICATION

- 1.3 The scope of assessment for a permission in principle application is limited to location, land use and amount of development. The Applicant has submitted a Location Plan and indicative Block Plans to show how 2 dwellings or 4 dwellings may be positioned within the site.

DESCRIPTION OF THE SITE

- 1.4 The proposed development site is approximately 0.12Ha in area. The site is within Shermanbury Parish and is outside of any defined built-up area boundary. The site is located in a rural setting and sits adjacent to a Grade II listed building, Wyndham Pool, which is located around 50m to the east. The site is located to the south of Frylands Lane and opposite a row of semi-detached properties. Directly to the west of the site is a sewage pumping station. Flood Zones 2 and 3, as classified by the Environment Agency, are around 70m to the south of the site.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

- The Town and Country Planning Act 1990.
- Part 2A of the Town and Country Planning (Permission in Principle) Order 2017

2.2 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF, 2019)

Horsham District Planning Framework (HDPF, 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 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 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

2.3 RELEVANT NEIGHBOURHOOD PLAN

Wineham and Shermanbury Neighbourhood Plan (W.A.S.P.) 2014-2031 (March 2017)

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

None

3. OUTCOME OF CONSULTATIONS

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

3.1 INTERNAL CONSULTATIONS

HDC Environmental Health: Objection to Principle

[Summary]: A sewage treatment plant is located to the south western boundary of the application site. Taking into the account the prevailing wind direction from the south west we have concerns regarding the potential impact on amenity from odour associated with the sewage treatment works. Given the above Environmental Health do not currently support the principle of development on this site.

HDC Conservation Officer: No Objection to Principle

[Summary]: The proposal for two to four dwellings on the land to the west of Wyndham Pool will not have a significant impact on the setting of the listed building in principle. The dwellings on the north side of the road have increased the appreciation that Wyndham Pool forms part of a settlement and two further buildings will not significantly dilute an appreciation of the special interest of the historic cottage. The proposed houses will not harm the immediate setting of the listed building, however, this is based on an assumption that the form and design of the houses will be appropriate adjacent to a listed building.

HDC Landscape Architect: No Objection to Principle

[Summary]: Subject to appropriate and sensitive design, the principle of developing this site could be supported on landscape grounds. Retention of the existing hedgerow along Frylands Lane is encouraged, as well as use of post and rail fences rather than close board to the southern boundaries. Glimpses of the new dwellings are likely to be available from Wineham Lane, as the site is on elevated ground. Forthcoming proposals would have to consider these viewpoints and architecture proposals respond and enhance these views.

HDC Drainage Engineer: No Objection to Principle

3.2 OUTSIDE AGENCIES

WSCC Highways: No Objection to Principle

[Summary]: The LHA is limited in its ability to comment on an application for permission in principle. In principle, the LHA would not raise any objections to an application at this site, subject to the submission of sufficient information at Technical Details Stage.

Southern Water: No Objection to Principle

Shermanbury Parish Council: Objection to Principle

[Summary]: Strong objection to the application on the basis that the development in question forms no part of the adopted Wineham and Shermanbury Neighbourhood Plan.

3.3 PUBLIC CONSULTATIONS

22 letters of representation have been received from 20 separate households. 13 of these letters were written in support of the development, and 7 were in objection.

3.4 Reasons for support are summarised as follows:

- Will help to resist Mayfield Market Town development;
- Enables organic / natural growth of rural areas;
- Local schools and amenities are available;
- Ecological technologies in the design of the houses;
- Houses will be in sympathetic to their environment;
- Benefit to local people and children;
- Parish support in draft Neighbourhood Plan;
- Site is infill/garden land, not countryside;

- No negative impact on wildlife;
- Will provide future housing needs for locals;
- Contribution to District housing targets;
- Street-scene is currently residential so this will compliment;

3.5 Reasons for objection are summarised as follows:

- Contrary to Shermanbury Neighbourhood Plan (site was removed from draft plan);
- Unallocated site for development;
- Impact on nearby listed building;
- Inspector noted lack of amenities in Wineham;
- Small houses are not in keeping;
- Narrow country lanes, dangerous roads in poor condition;
- Dangerous access points;
- Impact during construction;
- Impact on rural character and peace;
- Tree removal has taken place;
- Flood risk;
- No shops, doctors, schools, busses etc nearby;

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 ASSESSMENT

6.1 The only considerations that are material to this Permission in Principle application relate to:
 - Location
 - Land Use
 - Number of Dwellings

6.2 The Permission in Principle consent route is an alternative way of obtaining planning permission for residential development, which separates the consideration of matters of "principle" for the proposed development, from the "technical details" of the development. As such, the Permission in Principle route has two stages: the first being the "permission in principle" stage (subject of this current application), which establishes whether the site is suitable in-principle; and the second being the "technical details consent" stage which is when the detailed development proposals are assessed.

6.3 The scope of the Permission in Principle application (being the first stage) is limited to location, land use, and amount of development. These elements are assessed below.

Location and Land Use

6.4 The site is located outside any of the District's defined built up area boundaries (BUAB's), and does not form part of Horsham's adopted development plan (comprising the Horsham

District Planning Framework (HDPF) or the 'Made' Wineham and Shermanbury Neighbourhood Development Plan), nor an adopted Site Allocations DPD. As a result, residential development in this location would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Settlement Expansion Policy 4 and as such, is not considered to be acceptable in principle. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.

- 6.5 The Wineham and Shermanbury Neighbourhood Development Plan (the 'WASP') became part of the Development Plan for Horsham District Council after it was formally 'made' in June 2017. Despite the application site featuring as a proposed housing site for 4 homes in Policy 12 of the Draft (Regulation 14 Pre-Submission) WASP, the Independent Examiner concluded in his Report that the need for development on the site at Wyndham Pool was not justified, and would not contribute to sustainable development. As such, it was judged that its inclusion in the Draft plan did not meet the basic conditions (paragraphs 3.39-3.41), and the Examiner concluded that Draft Policy 12 (allocation of housing at Wyndham Pool) of the Draft plan should be deleted. Following this, the WASP Submission Plan (Regulation 16) was prepared which incorporated the Examiner's modifications, including the deletion of Policy 12. The Submission Plan passed referendum, and was subsequently 'made' as part of the Development Plan for Horsham District Council, therefore carrying full weight in the decision-making process. A housing allocation at Wyndham Pool does not therefore form part of the 'Made' WASP.
- 6.6 It is acknowledged that since the independent Examination of the Wineham and Shermanbury Neighbourhood Plan and publication of the Examiner's Report in January 2017, the National Planning Policy Framework (NPPF) has been updated. However, it is not considered that the updates in the February 2019 version of the NPPF result in any significant policy changes that are material in the context of this assessment. As such, the Neighbourhood Plan Examiner's assessment of the suitability and need for housing development on this site is still relevant, and it is considered that development on this site remains contrary to current local and national planning policy.
- 6.7 With regard to the Council's current 5-year housing land supply position, the Council can demonstrate a five-year supply of 111% against the 800 dwellings per annum requirement of the HDPF. This is outlined in the Council's most recent Authority Monitoring Report (AMR) 2018/19, published in December 2019. The Local Plan Review is currently underway, and a 6-week public consultation on the Regulation 18 Draft Local Plan ended on 30th March 2020. The small-scale of this site means it is not likely to be included as a housing allocation in the Local Plan, and as such, the application site does not feature as a potential housing allocation in the Draft Local Plan document.
- 6.8 Paragraph 11 of the NPPF (2019) states that '*plans and decisions should apply a presumption in favour of sustainable development*', which for decision-taking means; '*approving development proposals that accord with an up-to-date development plan without delay*'. In determining what is meant by an 'up-to-date development plan', footnote 7 clarifies that out-of-date development plan policies include situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer), or where the Housing Delivery test is failed. As mentioned above, and in accordance with the data presented in the 2018/19 AMR, the Council can demonstrate a healthy five-year housing land supply of 111%. It is therefore considered that relevant policies for the supply of housing remain up-to-date, and the provision of NPPF Paragraph 11(d) do not apply.
- 6.9 Paragraph 12 of the 2019 NPPF also states that '*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making*'. Paragraph 47 of the 2019 NPPF goes on to states that '*...applications for planning permission [should] be determined in accordance with the*

development plan, unless material considerations indicate otherwise'. The Wineham and Shermanbury Neighbourhood Plan has assessed local housing need requirements more recently than the HDPF housing needs assessment, and is therefore considered to be robust and up-to-date. The WASP has undergone a site assessment process and has directed housing development to the most suitable local site to accommodate the identified need.

- 6.10 Seeking to manage development and growth in this way is one of the fundamental principles of planning and the plan-led system, and is what the NPPF requires all Local Planning Authorities to do. The Council can confidently demonstrate a 5-year housing land supply of 111%, and are actively undertaking a review of the adopted plan to address any identified shortfall in the latter part of the plan period. Similarly, Shermanbury Parish will also be required to undertake a review of their Neighbourhood Plan in order to ensure that policies are based on up-to-date evidence, and to ensure that they do not conflict with national and local planning policy.
- 6.11 It is considered therefore that in terms of identified housing need, supply and delivery; there are currently no material considerations of such significant weight that would warrant a departure from the adopted development plan which includes the policies within the 'made' Wineham and Shermanbury Neighbourhood Plan. The proposed development for 2-4 houses at Wyndham Pool, insofar as the site is not within a defined settlement boundary and is not allocated within the Council's up-to-date development plan; is contrary to the plan-led approach required by planning law, and as endorsed within policies contained within the NPPF and HDPF. The principle of the proposed development is therefore contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Number of Dwellings

- 6.12 Notwithstanding the assessment above which concludes that the principle of residential development on this site is not acceptable; it is considered that the erection of a small number of residential dwellings on this site could be achieved without resulting in harm to the setting of the nearby Grade 2 listed building (Wyndham Pool) or to the surrounding landscape character. The overall acceptability of this however, can only be properly assessed at 'Technical Details' stage, when full details are presented for the site's development.
- 6.13 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.14 Policy 4 of the Wineham and Shermanbury Neighbourhood Plan (WASP) states that development should be '*designed to a high quality which positively responds to the heritage, tranquillity and distinctive rural character and respects the identity of the local context, by way of; height, scale, spacing, layout, orientation, design and materials of buildings*'. Policy 5 of the WASP states that '*development proposals should ensure that the design is in keeping with the prevailing character of the surrounding area*'.
- 6.15 It is considered that an assessment of the site in relation to the above policies can only be properly undertaken at 'Technical Details' stage, but for the purposes of this broad

assessment, it is considered that with careful design and layout of the site, a development of 2-4 homes could in principle, achieve the design aims of these policies.

- 6.16 Both the Conservation Officer and Landscape Architect have reviewed the submitted plans associated with this application and are of the shared view that subject to sensitive design and layout of housing on this site, the proposal is acceptable and would not result in harm to the setting of the listed building or to the surrounding landscape character. Similarly, whilst limited information is available at this stage to form a detailed view, the Highways Authority have confirmed that no objection to the in-principle development of 2-4 houses on this site is raised at this stage.
- 6.17 The proximity of the site to a sewage treatment plant is however a concern that has been raised by the Council's Environmental Health Officer who currently objects to the principle of residential development on this site. Given the prevailing wind direction (from the south-west) concern is raised regarding the potential impact on residential amenity from odour associated with the sewage treatment works. Policy 24(6) of the HDPF requires developments to '*maintain or reduce the number of people exposed to poor air quality including odour*'. Until a study has been undertaken to ascertain the severity of the amenity impact from this nearby facility, it is difficult to assess the appropriate number and location of units that may be acceptable on this site (if any at all). It may be possible for a small quantum of development to be positioned to the eastern-most portion of the site to avoid harmful impacts from the sewage works, but the acceptability of this is unknown at this stage. As such, until more detailed information is provided to demonstrate that odour from the nearby sewage works will not result in significantly harmful effects on future residents, the quantum of dwellings proposed on this site (2-4 units) cannot be accepted.

Summary

- 6.18 The application seeks Permission in Principle for residential development of 2 to 4 units on the site. The Permission in Principle stage (subject of this application) establishes whether the site is suitable in-principle for development, with the scope of considerations solely relating to location, land use, and amount of development.
- 6.19 The application site is located in Wineham which in accordance with Policy 3 of the HDPF is an 'unclassified settlement' and is located outside any defined built-up area boundary, therefore in the countryside. The site is not allocated for development in the Horsham District Planning Framework or the 'Made' Wineham and Shermanbury Neighbourhood Development Plan, and as such, the principle of development here is contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF.
- 6.20 Whilst it is considered that there would be no harm to the setting of a nearby listed building and to the surrounding landscape character, subject to the detailed stage, at present no information is available to demonstrate that odours from the nearby sewage treatment works will not result in acceptable amenity harm to future occupants, contrary to policy 24(6) of the HDPF. As such, the proposed quantum of development (2-4 units) cannot at this stage, be accepted as appropriate.
- 6.21 In conclusion, for the reasons set out in this report, the application for Permission in Principle is recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

In the case of Permission in Principle applications the CIL charge will be calculated at the relevant Technical Details stage.

7. RECOMMENDATIONS

7.1 To refuse Permission in Principle for residential development of 2 to 4 units.

Reason(s) for Refusal:

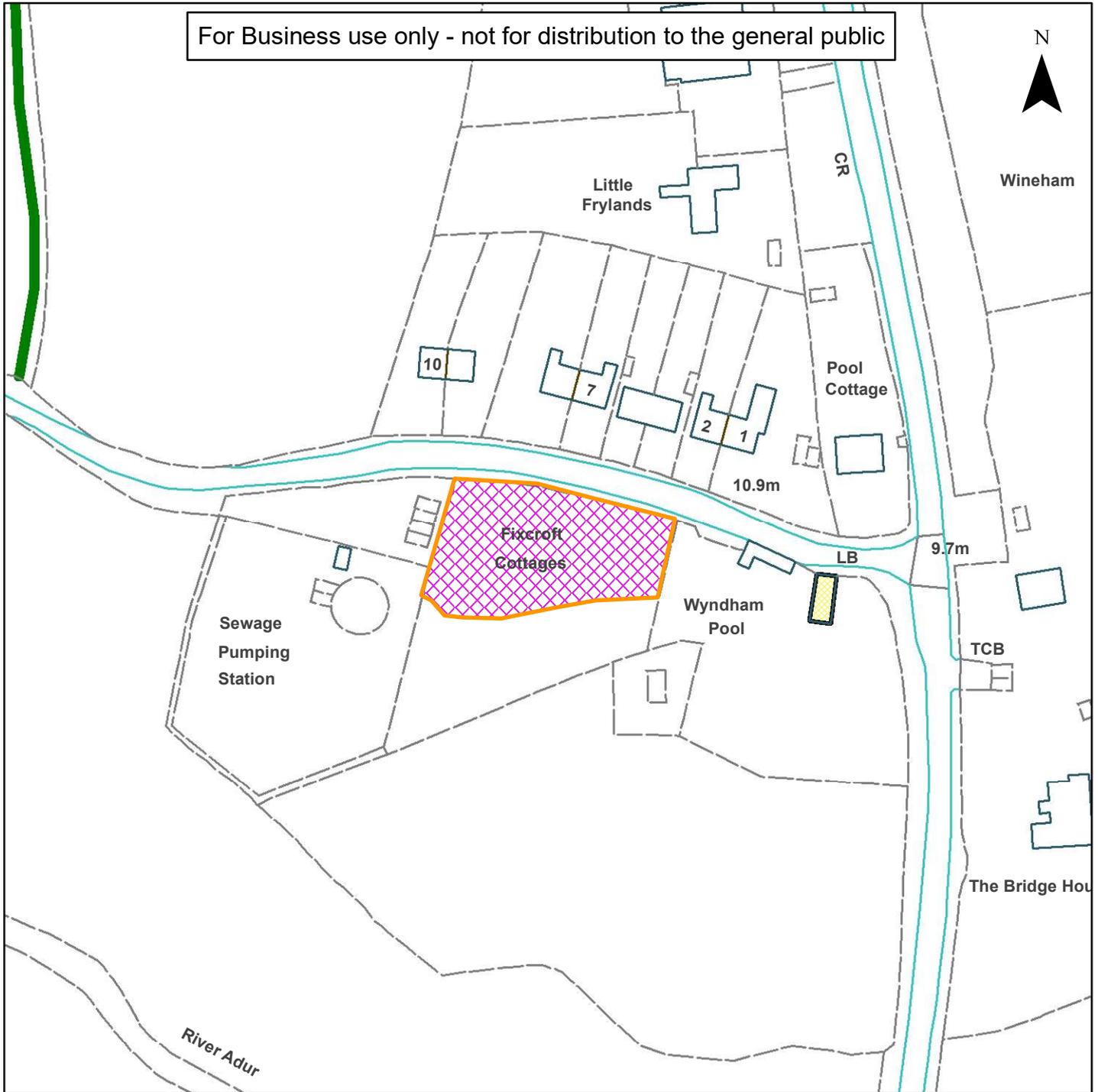
1. The application site is located outside any defined built-up area boundary, and is not allocated for development in the Horsham District Planning Framework or the 'Made' Wineham and Shermanbury Neighbourhood Development Plan, and as such, the principle of development here is contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the National Planning Policy Framework.
2. No information is available to demonstrate the extent to which odours from the nearby sewage treatment works will impact on the amenity of future occupants. As such, the proposed residential development on this site is contrary to Policy 24 of the Horsham District Planning Framework and cannot at this stage be considered acceptable in principle.

Background Papers:
DC/20/0386



Wyndham Pool, Fryands Lane, Wineham

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 19th May 2020

DEVELOPMENT: Change of use of the land to residential, erection of a two storey dwelling and creation of new access

SITE: Roseacre Stall House Lane North Heath West Sussex RH20 2HR

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/20/0411

APPLICANT: **Name:** Mr Ryan Saigeman **Address:** 607 Southleigh Road Emsworth PO10 7TE

REASON FOR INCLUSION ON THE AGENDA: 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 erection of a chalet bungalow style dwelling to be positioned within an area of undeveloped land and the creation of a new access point from Stall House Lane. The proposed dwelling would include a living/dining room, a kitchen, a study, a utility room, WC facilities, a double integral garage and a bicycle/bin store area at ground floor level and four bedrooms and three bathrooms at first floor level.

1.3 The proposed dwellinghouse would have a rectangular configuration, incorporating two main sections with an interconnecting glazed link positioned between each section. The proposed dwelling would have an overall width of approximately 24.5m and an overall depth of approximately 9.5m. The proposed dwelling would have an overall maximum height to the ridge of approximately 7.6m. The proposed dwelling would incorporate a gabled roof design with rear box dormers. The proposed dwelling would have Gross Internal Area (GIA) measuring approximately 329sqm.

1.4 As detailed within the submitted Design & Access Statement the proposed dwelling would be constructed to 'passive haus' environmental standards, featuring solar photovoltaic panels mounted to the roof, water recovery technology and EV vehicle charging on site. The proposed dwelling would comprise of red brickwork black timber cladding, a raised seem composite roofing material to the roof and aluminium framed windows and doors

- 1.5 It is noted that this application is a resubmission of a previously refused application for a single dwellinghouse on this site under planning DC/18/1918.

DESCRIPTION OF THE SITE

- 1.6 The application site is a moderately sized plot of open, undeveloped land situated to the south-eastern side of Stall House Lane, North Heath. The site is not located within any defined built up areas and therefore considered to be situated in a countryside location. The plot primarily comprises of low level shrubbery and wild meadow grasses, although some examples of semi-mature and mature trees do exist towards the boundaries of the site.
- 7.7 The site is located towards the north western extent of North Heath and is situated amongst not unsubstantial residential development, with neighbouring properties found opposite and to the immediate north east. It is noted that the site has not been allocated for housing development within a Neighbourhood Plan and is not within any defined Built Up Area Boundary. In addition, it is noted that the area of North Heath has not been identified as a potential 'Secondary Settlement' Area under the current considerations and analysis as part of the HDPF Local Plan Review.

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 The Parish of Pulborough was designated as a Neighbourhood Development Plan Area in February 2014. To date no up to date draft Plan has been prepared for public consultation.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/04/0455	Erection of 5 stables, tack store rooms and sand school	Application Refused on 14.05.2004
DC/18/1918	Erection of a two storey detached dwelling and associated access onto Stallhouse Lane.	Application Refused on 05.11.2018

3. OUTCOME OF CONSULTATIONS

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

OUTSIDE AGENCIES

3.2 **WSCC Highways: No Objections Raised**

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. If the LPA are minded to approve the application, conditions in relation to, access, car parking, a construction management plan, cycle parking, and visibility splays are recommended.

3.3 **Southern Water: No Objections Raised**

Environment Agency shall be consulted directly regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

- 3.4 **Ecology Consultant: No Objections Raised, conditions recommended.**

PARISH COUNCIL

3.5 **Parish Council Consultation: No Objections Raised**

PUBLIC CONSULTATIONS

- 3.6 1 letter of support was received for the application. The nature of this supporting letter can be summarised as follows:

- Site is currently overgrown and unmaintained
- Proposal will hinder unauthorised use or occupation of the site

- 3.7 1 letter of objection was received for this application. The nature of this objection can be summarised as follows:

- Impact on highways access and visibility
- Detrimental impact on amenity, privacy and Noise impacts
- Detrimental impact on trees and Landscaping

- 3.8 1 letter commenting on the application was received for this application. The nature of the comments can be summarised as follows:

- No principle objection, however concerns raised with regards to traffic movements along the narrow Stall House Lane during construction
- Impact on grass verges

MEMBER COMMENTS

3.9 Cllr Paul Clarke requested that the application be called to Planning Committee South.

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 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 a countryside location, 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 Paragraphs 78 and 79 of the NPPF and policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (HDPF).

6.3 Paragraph 78 of the National Planning Policy Framework (NPPF) states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need to for an agricultural worker to live at or near the site; where such development would represent the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings and lead to enhancement of the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

6.4 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 also noted that the application has not been put forward as a 'Paragraph 79' dwelling, and no reference to this is made to this within the supporting information submitted

6.5 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. It is also considered that whilst being outside of any defined built-up area, the site is within a cluster of residential properties making up the small Hamlet of North Heath, and on this basis, cannot be considered as truly 'isolated', as per the requirements of Paragraph 79 of the NPPF.

- 6.6 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. 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 the parish of Pulborough). Furthermore, whilst currently at its early stages, the HDPF Local Plan Review process has not identified North Heath as a potential 'Secondary Settlement', further emphasising that this site and wider area, is not suitable for residential development. The proposal for the construction of a new dwelling in this location does not therefore meet the aims of these policies.
- 6.7 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.
- 6.8 In such a countryside location, the proposal 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. It is noted that no information as to how the proposal would meet Policy 26 of the HDPF have been submitted by the applicant.
- 6.9 The application site is located within a countryside location, situated approximately 4.8km from the centre of Billingshurst and 3.2km from the centre of Pulborough. Whilst it is acknowledged the application site falls amongst not unsubstantial residential development forming part of the North Heath hamlet, there are no local amenities or services that would support the needs of the local community.
- 6.10 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 Billingshurst, which is considered to be a significant distance away. The application site would not be well related to the defined settlements of Billingshurst or Pulborough, or the District centre of Horsham to the north-east, and there are no public transport services in close proximity to the site. As such, it is considered that future occupiers of the proposed dwelling would likely to be highly dependent on the use of private vehicles in order to access services and facilities.
- 6.11 Recent appeals decisions have supported the approach taken by the Council in respect of sites outside of built-up area boundaries, particularly in rural locations such as this, and where proposals have been considered to be contrary to the locational strategy policies of the HDPF and result in an unsustainable form of development.
- 6.12 In addition, the Council can demonstrate a full 5-year housing land supply against the required number of dwellings per annum, which has been corroborated by the Annual Monitoring Review (AMR) produced at the end of December 2019, which confirmed that the Council can demonstrate a 111% 5-year housing land supply against the Horsham District Planning Framework requirement.

- 6.13 It is acknowledged that the applicant has sought to iterate the sustainability of the proposed dwelling by virtue of its 'passive haus' standards and credentials and to highlight local support for the proposal. It is also noted that this site has been the subject to enforcement notices, including the unauthorised use of the site as a caravan site. In this respect, the scheme has been put forward partly on the grounds of good design and to preclude previous unauthorised uses of the application site, rather than the principle merits of the proposals. Whilst the dwelling is of an attractive barn like design, as outlined above, it is not considered to be exceptional design to be considered under Paragraph 79 of the NPPF as an isolated dwelling in the countryside. Additionally, the previous unauthorised use of this site is not a material consideration in the determination of this proposal and would set an unwarranted precedent.
- 6.14 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, and is not considered to be 'isolated', as required by this section of the NPPF.
- 6.15 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. This is further supported by the fact that North Heath has not been identified as a potential 'Secondary Settlement' within the HDPF Local Plan Review. Therefore, the proposal represents unsustainable development, contrary to Policies 1, 3, 4 and 26 of the Horsham District Planning Framework and guidance within the NPPF.

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

- 6.16 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.'
- 6.17 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.
- 6.18 The prevailing character of the area surrounding the application site is rural in nature; as mainly comprised of a patchwork of equestrian and agricultural fields divided by traditional hedgerows and occasional residential development. Nearby dwellings in proximity to the application site on Stall House Lane are of differing types, ages and designs, but are generally further removed from the public highway and set within generous plots that maintain the rural character of the area.
- 6.19 It is considered that the proposed dwelling is of an overall siting, scale and mass that would constitute a prominent addition to the immediate landscape character and would contribute to the expansion of North Heath. Whilst it is accepted that the proposal incorporates planting along the highway boundary with Stall House Lane, this is unlikely to be of a mass and density that would significantly limit the visual impact of the structure as perceived from the public highway.

- 6.20 It is considered that the proposed principle north-west facing elevation, being some 24.5m in length, in combination with the large driveway/hardstanding area and the inclusion of box dormers, would appear as an evident domestic addition that would detract from the rural character of the immediate area. Furthermore, it is noted that the application site currently provides a buffer between the main built environment of North Heath on Gay Street Lane, and dwellings grouped to the immediate north east of the application site. The proposed dwelling would diminish the separation between these built environments and would, therefore, fail to maintain a 'break' in development that is characteristic of North Heath's open and rural character. Overall, the proposal would result in a further urbanising influence of a dwelling in this rural setting including the domestic apparatus that goes with it.
- 6.21 As such, for these reasons, it is considered that the proposal would not protect, conserve or enhance the rural character of the area, contrary to policies 25, 32 and 33 of the Horsham District Planning Framework (2015).
- 6.22 As detailed, under paragraphs 6.3, 6.4 and 6.5 above, the application has not been presented or put forward as a dwelling of outstanding or innovative design, as per the requirements of paragraph 79 of the NPPF. In addition, the proposed design has not been the subject of an independent review by a design panel, such as Design South East. Whilst this is not mandatory it is often the case that proposals under paragraph 79 are considered in such a manner. Officers do not consider that the design is truly outstanding or innovative and it does not significantly enhance its immediate setting. As such it has not met this high bar in design and does not warrant a departure from the local plan on this basis.
- 6.23 It is noted that the applicant has sought to highlight the previous uses of the application site and contends a brownfield classification. At the time of case officer site visits, in October 2018, June 2019 and March 2020, the application site was overgrown in nature with no visible structures of hardstand that would evidence a continued managed use of the land.

Impact on neighbouring amenity

- 6.24 Policy 33 of the HDPF additionally 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, the distances maintained and proposed landscaping elements, it is considered that the proposals would not have a detrimental on the amenities of neighbouring properties. Taking the above into account, the proposed development is therefore, considered to be in accordance with Policy 33 of the HDPF (2015) in this regard.

Quality of the resulting environment for future occupiers

- 6.25 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

- 6.26 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 a new access and hardstanding area, as well as a proposed integral garage. The new access would meet width requirements and 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, subject to suggested conditions, 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).

- 6.27 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.

Ecology

- 6.28 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. A Preliminary Ecology Appraisal and Phase 2 Ecology Surveys have been provided with this application which identify a low population of Great Crested Newts and a low population of slow worms and common lizards within and in close proximity of the application site.
- 6.29 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

Conclusion

- 6.30 It is considered that the proposal, for the erection 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. 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.
- 6.31 Furthermore, the proposal would not be considered to be of an exceptional or innovative design, as per the requirements of Paragraph 79 of the NPPF, to warrant a departure from the local plan. The siting, scale and massing of the proposed dwelling is considered detrimental to the rural character of the area and would not be in keeping with character or the pattern of development in the vicinity
- 6.32 The proposal is therefore considered contrary to policies 1, 2, 3, 4, 26, 25, 32 and 33 of the Horsham District Planning Framework, as well as guidance and advice provided within the NPPF, and the application is therefore recommended for refusal.
- 6.33 COMMUNITY INFRASTRUCTURE LEVY (CIL)
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

6.34 **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	329	0	0
	Total Gain		
	Total Demolition		329

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

6.36 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 (2019).
2. The proposed dwelling would be of a siting, scale and mass that would constitute an intrusive urban addition that would be harmful to the rural character of the area. Furthermore the proposal would not seek to protect, conserve or enhance the character and setting of its countryside location, contrary to policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

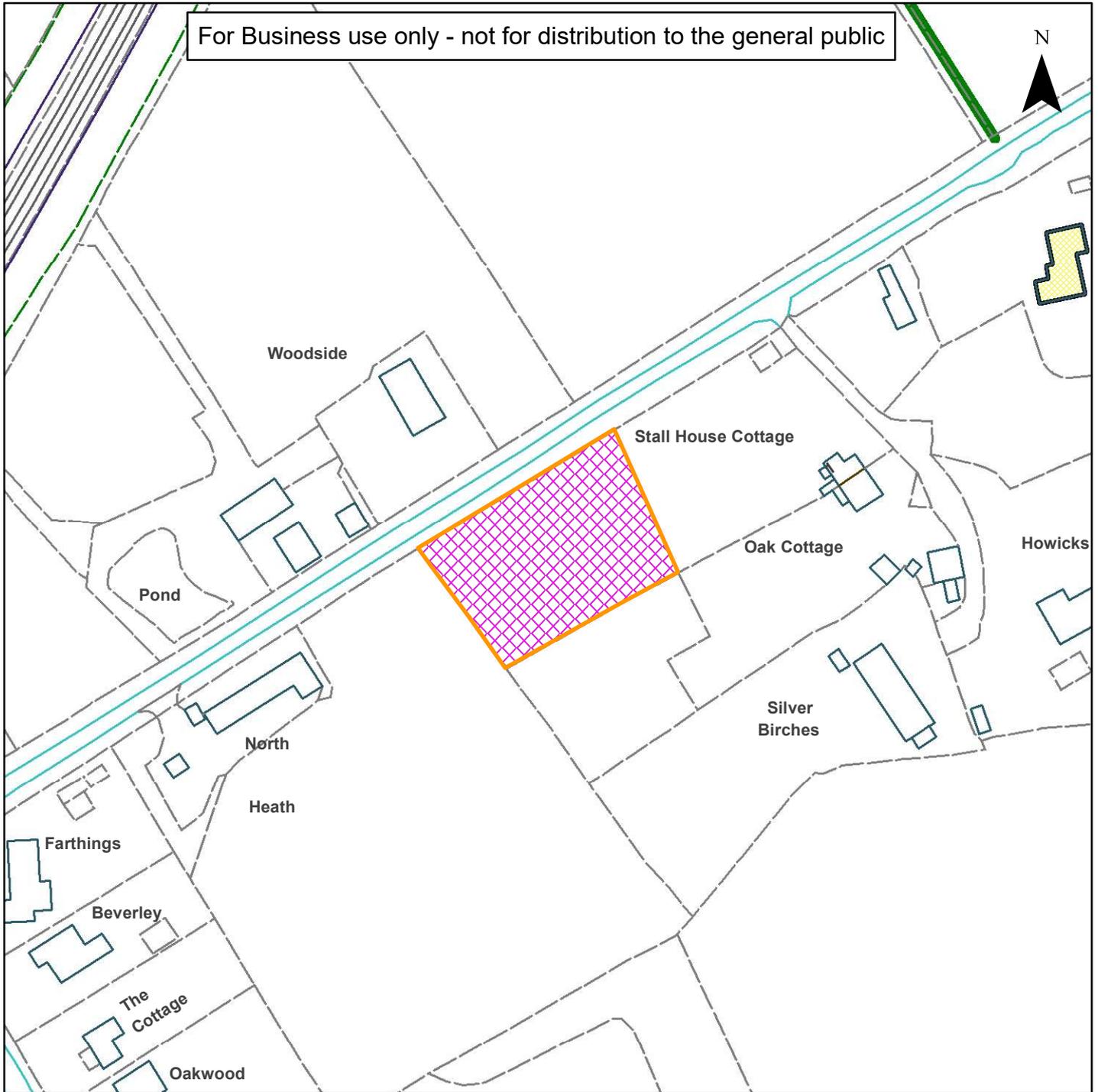
Background Papers: DC/20/0411

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Roseacre Stall House Lane North Heath

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	06/05/2020
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 19th May 2020

DEVELOPMENT: Erection of 4 No. detached single storey dwellings with associated access driveway and parking.

SITE: Rowfold Kennels Coneyhurst Road Billingshurst West Sussex RH14 9DF

WARD: Billingshurst

APPLICATION: DC/19/1870

APPLICANT: **Name:** Tom Brooker **Address:** C/O Agent Melton Lodge Rusper Road Newdigate RH5 5BX

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

RECOMMENDATION: To resolve to grant planning permission subject to expiration of the public consultation period as the scheme as a departure, and delegation to the Head of Development to consider any representations received as a result of that consultation.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the demolition of the existing single storey outbuildings on the site and the erection of four single storey dwelling with associated access driveway and parking. The scheme would provide 1 x 3 bedroom dwelling and 3 x 4 bedroom dwellings. During consideration of this application, amended plans have been received which have reduced the number of units proposed from five dwellings to four dwellings, reduced the height of the units from two storey to single storey dwellings, increased the residential curtilages serving the proposed dwellings and altered the shared access driveway to reduce the level of hardstanding within the scheme. The red edged site area has been increased from 0.3 hectares to 0.7 hectares to accommodate the increased sizes of the curtilages serving the proposed dwellings. An Acoustic Report has also been submitted in support of this scheme.
- 1.2 The proposed development would utilise the existing shared access driveway with Little Rowfold from the Coneyhurst Road which splits into two separate driveways beyond the bend in the access driveway. The existing circular driveway serving Rowfold Kennels would be removed and a new linear access driveway would be formed to provide access to the four proposed single storey dwellings which would be sited in a semi-circle position around the shared access driveway. Unit 1 as shown on the submitted Block Plan would comprise

a 3 bedroom dwelling which would sit in the position of the existing single storey outbuildings on the site, approximately 30m to the south of the railway line. Unit 2 would be located approximately 26m to the east of Unit 1 and would comprise a 4 bedroom detached dwelling. Unit 3 and Unit 4 would be located in the southern part of the site and would comprise two four bedroom dwellings.

- 1.3 The proposed dwellings have been redesigned to be single storey buildings with steeply pitched clay tiled roofs and oak weatherboarding to their external elevations. The dwellings would incorporate an eaves height of 2.5m and a ridge height of 5.3m. The three bedroom dwelling comprising Unit 1 would incorporate a floor area of 98 sq.m and the four bedroom dwellings comprising Units 2-4 would incorporate a floor area of 117sq.m each.
- 1.4 Parking would be provided on the driveways to the front of each dwelling. The three bedroom dwelling would have three parking spaces and the four bedroom dwellings would have four parking spaces.

DESCRIPTION OF THE SITE

- 1.5 The application site is accessed from the eastern side of Coneyhurst Road (A272) via a long access driveway which provides access to two residential properties, Little Rowfold and Rowfold Kennels. The site is located outside any built up area boundary and is therefore situated within a countryside location. The site is bound by the railway line to the north.
- 1.6 The application site relates to the area of land to the east of converted barn, Rowfold Kennels, which predominantly comprises four single storey buildings. The northern-most building comprises an 'L' shaped single storey rendered building with a clay tiled roof. A large corrugated sheeted barn lies within the eastern part of the site with an attached timber stables to its eastern side and an area grassed area of land beyond this to the east which partly falls within the application site. The western part of the site comprises a single storey rendered panelled building with a clay tiled roof. The southern part of the site comprises a timber stable building which is connected via a covered walkway to the single storey rendered building with corrugated sheeted roof. The buildings are used for a mixture of storage associated with the Applicant's tyre business, personal storage, dog kennels for the Applicant's dogs and equestrian stabling.
- 1.7 To the south the application site currently comprises a circular driveway, hardstanding used for car parking/storage, an open sided storage shed and a sandschool used in connection with the residential property.
- 1.8 The neighbouring residential property, Little Rowfold, is located approximately 30m to the west of the application site. Within the neighbouring property's ownership is a long timber single storey building which sits directly to the west of the group of existing single storey buildings to be demolished. The neighbouring outbuilding is used as commercial dog kennels in connection with the neighbouring property, Little Rowfold. The surrounding area beyond the site boundaries to the east and south comprises agricultural land defined by mature tree lined boundaries.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
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 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

The Draft Billingshurst Neighbourhood Plan (Regulation 14) consultation ended on the 29 September 2019 and the revised draft version is currently being reviewed by Horsham District Council.

As the Draft Neighbourhood Plan is not yet 'made', the relevant policies listed below hold limited weight in the consideration of this application.

Policy BILL1: Built Up Area Boundary
Policy BILL2: Housing, Design & Character
Policy BILL3: Energy Efficiency & Design
Policy BILL12: Residential Parking Provision
Policy BILL14: Multi-Value Sustainable Drainage Systems

SUPPLEMENTARY PLANNING DOCUMENT

Billingshurst Parish Design Statement

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/0724	Prior Approval for a change of use from Class B8 (storage or distribution centre) to Class C3 (dwellinghouses)	Prior Approval Permitted on 07.06.2019
DC/17/2286	Application to confirm the occupation of the Barn at Rowfold Kennels in breach of condition 3 of previously approved planning permission BL/107/87 (Conversion of existing barn to single dwelling) for a continuous period in excess of ten years. (Lawful Development Certificate - Existing)	Application Permitted on 10.04.2018
BL/107/87	Conversion of existing barn to single dwelling	Application Permitted on 17.06.1988
BL/84/81	Kennels for greyhounds	Application Permitted on 28.10.1981
BL/74/79	Renewal of BL/44/74 continued use for breeding and boarding dogs	Application Permitted on 08.10.1979
BL/44/74	Continued use of building as kennels for breeding and boarding dogs	Application Permitted on 31.07.1974

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** Comment.

[Summary of Initial Comments]: The application site is located in close proximity to an active dog kennelling business and the main Horsham to Billingshurst railway line. Noise associated with these uses and the potential impact on future residents means that noise is potentially a significant constraint to the proposed development. A noise impact assessment which quantifies and assesses the impact of noise on residential amenity is requested. Recommends conditions relating to contamination, hours of construction works/deliveries, waste removal and no burning of materials.

- 3.3 [Summary of Comments on Amended Plans]: Comment.

Insufficient information to determine noise impacts to future residential occupiers of development. The consultant has now provided the LAmax data which is welcomed. The Acoustic Report does not present a 'robust' assessment. We are of the view that the LAmax levels at time of the night (11pm-6am) reported in the results are either from dogs barking at the commercial kennels or from the applicants dogs barking. It is crucial that the noise from the commercial dog kennels are assessed with noise from the applicants dogs not interfering with the results. In our professional opinion the fact that the assessment was undertaken with the Applicants dogs present invalidates the assessment.

We appreciate that by undertaking the assessment in accordance with BS 8233 the LAeq noise levels do appear acceptable when compared to WHO guideline levels. It should be noted however that the guideline noise levels described in BS 8233:2014 and the WHO relate to noise without specific character/ steady anonymous sources of noise and therefore do not generally apply to industrial/commercial noise sources. Current guidance states that noise has a specific character if it contains features such as a distinguishable, discrete and continuous tone, if it irregular enough to attract attention, or has a strong low-frequency content, in which case lower noise limits might be appropriate. Noise from barking dogs does have 'specific character', we are of the view therefore that specific target noise levels should have been applied to this assessment.

It is maintained that an assessment purely in accordance with BS:8233 is not appropriate in this situation as it does not present a robust assessment of the potential impact of the dog barking on amenity. We are of the view that a 'specific noise level' be derived followed by assessing this against the background noise level i.e. an approach similar to that as detailed in BS 4142:2014 (Methods for rating and assessing industrial and commercial sound)

- 3.4 **HDC Design & Conservation:** Comment.

[Summary of Initial Comments]: Rowfold Kennels is the site of the small farmstead known as Little Rowfold in the late nineteenth century. I understand that the historic farmstead is now two properties. The farmhouse retains the name Little Rowfold and the historic barn, now converted to a dwelling, has the address Rowfold Kennels. The revised proposal for four dwellings is loosely set around a courtyard much as might be expected for a traditional farmyard. The revised designs of the individual buildings, although not overtly agricultural in character, are reminiscent of ancillary rural buildings. I am content that the proposal would not result in harm to the setting of the historic farmstead of Little Rowfold as a non-designated heritage asset.

- 3.5 [Summary of Comments on Amended Plans]: Comment.
The revised layout and form of the buildings has moved away from an arrangement reminiscent of a traditional farmyard and appears more suburban. It is preferable to see a tighter arrangement but in this case the revised layout would not result in harm within the setting of the non-designated heritage asset and associated historic barn.

OUTSIDE AGENCIES

- 3.6 **WSCC Highways**: Comment.
[Summary of Initial Comments]: Comment.
There is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern. The proposed parking provision of 14 spaces is considered sufficient to meet the anticipated demands of the site. There is also sufficient room for on-site turning to be achievable, allowing vehicles to exit the site in a forward gear. At least 8 cycle parking spaces would be required for this development.
- 3.7 [Summary of Comments on Amended Plans]: Comment.
The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would create a requirement for at least 12 car parking spaces. As such, the LHA considers the proposed parking provision to be sufficient. From inspection of the plans, the parking area for Plot 1 does not meet MfS specifications for four bays. The applicant must ensure that each parking bay is at least 2.4m x 4.8m, in accordance with Manual for Streets (MfS). Notwithstanding this, the LHA anticipates that three parking spaces would be sufficient for this dwelling. The parking areas for the other three plots appear to comply with MfS specifications. 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.
- 3.8 **Southern Water**: Comment.
It is possible that a sewer now deemed to be public could be crossing the development site. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

[Summary of Comments on Amended Plans]: No change to initial comments.

- 3.9 **Billingshurst Parish Council**:
[Summary of Initial Comments]: Objection.
This application is overdevelopment of the site. The parking spaces are remote which, although it might be acceptable for the applicant's family members, may not suit any future occupiers of the dwellings. Cllrs felt that the question of an additional access from the A272 should be considered before a view can be taken on the application as a whole. There are no details of foul waste disposal nor of waste and recycle facilities on site.
- 3.10 [Summary of Subsequent Comments on Amended Plans]: Objection.
The Parish considers that the electric vehicle charging points and making the car parking arrangement more appropriate to the proposed units were positives. However, the issues of the access road and drainage information needs to be resolved.

PUBLIC CONSULTATIONS

- 3.11 One letter of representation has been received from the occupiers of Little Rowfold who have commented that as the owners of the shared driveway they would not agree to the additional vehicular use from the development and that the Applicant would need to put a new access in from the A272.

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development

- 6.1 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.2 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 79 of the NPPF and policies 3, 4, and 26 of the Horsham District Planning Framework (HDPF).
- 6.3 HDPF Policy 3 and 4 advises that development will be permitted within towns and villages which have defined built up areas, and outside built up areas expansion of settlements will be permitted where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. Policy 26 states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location. The application site is located within the countryside outside of any defined settlement and is not allocated in either a Local Plan and there is currently no 'made' Neighbourhood Plan for the Parish of Billingshurst and thus the application proposals directly conflicts with these policies. On this basis, the proposal therefore fails to accord with the HDPF strategy for development and the grant of this planning permission would represent a departure from the development plan.
- 6.4 Paragraph 79 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside'. One of the criteria set out in Paragraph 79 which would allow such developments is as follows –
- 'e) the design is of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - development which 'would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area' will be supported
- 6.5 The application is not being justified against the above criteria, and while the design (which is considered in detail later in this report) would represent an enhancement when compared to the existing group of outbuildings it would not be truly outstanding or innovative. The proposal could not therefore be justified under p.79 of the NPPF.

- 6.6 Notwithstanding the above, it is noted that the conversion of two of the existing buildings on the site to form five residential dwellings has Prior Approval under Class P of the GPDO (DC/19/0724) and was deemed to be permitted development. This Prior Approval consent also permits building operations reasonably necessary to convert the building to a C3 residential use, including new walls, roofs and windows. This is a material consideration in the determination of this current planning application.
- 6.7 The presence of a prior approval for 5 residential dwellings, which could still be implemented, represents a viable and realistic fall-back position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of a residential unit on the site. In addition, the proposed scheme as amended represents a more spacious layout, improved design, and more suitable use of materials when compared to the existing situation on site and the fall-back prior approval position. The proposed scheme would result in an enhancement on the collection of existing buildings which would result from implementation of the existing prior approval and an enhancement of the overall setting of the countryside location.
- 6.8 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with Policies 4 and 26 of the HDPF would not be warranted and would not prevent dwellinghouses from being created on the site. On this basis the principle of development is considered acceptable, subject to any permission requiring the demolition of the existing agricultural building (to avoid both developments being carried out) and other relevant detailed considerations.

Design, Character & Appearance

- 6.9 Paragraph 131 of the National Planning Policy Framework (NPPF) states that - "great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area".
- 6.10 Policies 26 (countryside protection), 32 (quality of new development) and 33 (Development Principles) of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.11 Rowfold Kennels is the site of the small farmstead known as Little Rowfold in the late nineteenth century. The historic farmstead has now been split into two properties. The farmhouse retains the name Little Rowfold and the historic barn, now converted to a dwelling, has the address Rowfold Kennels. The original plans submitted with this application sought to set the originally proposed five dwellings in similar positions to the existing buildings which resulted in a cramped appearance to the development with a large expanse of hardstanding in the centre of the development and limited amenity space to serve the proposed dwellings. The original proposals also sought to create one single storey dwelling and three two storey dwellings. The two storey dwellings were large in scale and appeared urban in character within this rural setting, incorporating residential features such as dormer windows and porch entrances.
- 6.12 Following discussions with Officers, amended plans have been submitted which have reduced the number of units proposed from five dwellings to four dwellings, reduced the height of the units from two storey to single storey dwellings, increased the residential curtilages serving the proposed dwellings and altered the shared access driveway to reduce the level of hardstanding within the scheme. The red edged site area has been increased from 0.3 hectares to 0.7 hectares. The proposal for four dwellings is still loosely set around a courtyard layout, as would be expected for a traditional farmyard, yet now provides a more spacious layout within the development, more adequate distancing between the residential properties and increased amenity space serving the proposed dwellings. This would create an increase in the footprint of the existing site, which would accommodate part of a grassed

area adjacent to the stables within the eastern part of the site. The increased site area would accommodate a larger area to the south of the existing driveway which currently comprises a grassed area, an outdoor storage area and sandschool used in conjunction with the existing dwelling. The slight increase in the development site does not encroach on the open expanse of grazing land to the south of the site and would not cause any harm to the rural character or sense of separation between the A272 Coneyhurst Road and the site.

- 6.13 The reduction in the scale of the dwellings from two storey properties to single storey dwellings and revision to their overall design is considered to be a significant improvement to the scheme. The ridge height of the originally proposed two dwellings have been reduced from by 2.2m in height, from 7.5m to 5.3m. The proposed single storey dwellings have been redesigned with a steeply pitched clay tiled roof and oak weatherboarding to their external elevations. The revised designs of the individual dwellings would relate more sympathetically to rural character and appearance of the area and are reminiscent of ancillary rural buildings. The existing outbuildings that are located on the site are relatively modern buildings that due to their differing use of materials, design and appearance have an unattractive utilitarian appearance. It is considered that the proposed development would improve the current condition and appearance of the existing site adjacent to the converted barn comprising Rowfold Kennels.
- 6.14 The amended plans have also significantly reduced the amount of hardstanding by elongating the access road and this is considered to relate more appropriately to the rural location of the area. No specific materials have been provided in relation to the hard landscaping for the access driveway, driveway or turning area. However, a condition will be imposed requiring details of all hard and soft landscaping to be submitted and approved by the Council.
- 6.15 Whilst it is acknowledged that the proposed scheme would represent an overall increase in footprint when compared to the existing outbuildings and hardstandings on site, it is considered that the more spacious layout, improved design, and more suitable use of materials would be a considerable improvement when compared to the existing situation on site. The proposed scheme would result in an enhancement on the collection of existing buildings which would result from implementation of the existing prior approval and an enhancement of the overall setting of the countryside location. As a consequence of the circumstances described above, it is considered that the proposals would accord with Policies 26, 30, 32 and 33 of the HDPPF as well as Paragraph 131 of the NPPF.

Impact on neighbouring amenity

- 6.16 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.17 The nearest neighbouring dwellings to the proposed development would compromise the converted barn, Rowfold Kennels and the neighbouring dwelling, Little Rowfold. Rowfold Kennels would be distanced 20m from the nearest proposed dwelling comprising Unit 1. The dwelling within Unit 1 would be set back significantly further north than Rowfold Kennels and would therefore not cause any loss of amenity to the occupiers of the existing host dwelling. The development would be located 50m from the neighbouring dwelling, Little Rowfold. Taking into account the single storey design of the proposed dwellings and the considerable distances maintained, it is considered that the proposed development would not have a detrimental impact on neighbouring amenity and is considered to be acceptable in this regard.

Impact to Occupiers of the Development

- 6.18 To the south of the application buildings there is a dog kennel building and a stable building which are within the Applicant's control and would be demolished as part of this proposal. Directly adjacent to the north-west of the site is a long timber building used as a commercial dog kennels which is outside the Applicant's control. The neighbouring kennel building would be located 11.5m from the nearest dwelling comprising unit 1 and directly adjacent to the rear garden serving this property. The railway line to the north of the site would be located 24m from the rear elevation of Unit 1. There was particular concern that the inevitable dog barking from the neighbouring site to the west, in such close proximity of the residential development would cause harmful noise disturbance that would be detrimental to the future occupiers of the proposed dwellinghouses. Following the advice of the Council's Environmental Health Officer, a Noise Impact Assessment was submitted during the consideration of this application which sought to assess whether the monitored noise levels would cause an unacceptable level of disturbance to the future occupants of the proposed dwellings.
- 6.19 Discussions have taken place between the Environmental Health Officer and the Applicant's Acoustic Consultant and the Noise Impact Assessment was updated with additional information and the LA Max noise data provided at the request of the Environmental Health Officer. The Noise Impact Assessment states that the proposals would not give rise to significant adverse effects on health and quality of life. The Noise Assessment accords with the British Standard 8233 and the LAeq noise levels are acceptable when compared to WHO guideline levels. In addition, the assessment showed that reasonable practicable mitigation measures could be put in place in order for effects to be reduced where possible. Acoustic performance specifications and glazing configurations are recommended for windows and doors within the buildings. Bedrooms and living room areas should achieve acceptable internal noise levels with standard openable thermal double glazing and trickle ventilation. The Applicant has also agreed to the provision of an acoustic fence to the western boundary serving Unit 1.
- 6.20 The Council's Environmental Health Officer still has concerns with the results of the Acoustic Assessment with regard to two main issues. The Noise Assessment was made whilst the Applicant's 22 dogs were kept within one of the existing outbuildings on the site. The Environmental Health Officer considers that the noise from the Applicant's dogs has likely affected the noise data captured and therefore a robust assessment on the noise impact to future occupiers of the proposed dwellings has not been made. He therefore concludes that there can be no certainty as to whether the noise recorded particularly during the night time period (11pm to 6am) relates to dogs from the neighbouring kennels to the west or the Applicant's dogs currently on the site which would be removed if the development were permitted. Given the presence of the Applicant's 22 dogs on the site during the acoustic assessment it is considered likely that this has affected the noise levels monitored.
- 6.21 The second concern raised by the Environmental Health Officer relates to the nature of the assessment made in the submitted Acoustic Report. The report confirms that the Noise Assessment accords with the British Standard 8233 and the LAeq noise levels are acceptable when compared to WHO guideline levels. The Environmental Health Officer noted that the guideline noise levels described in these documents relate to noise without specific character/ steady anonymous sources of noise and therefore do not generally apply to industrial/commercial noise sources. Current guidance states that noise has a specific character if it contains features such as a distinguishable, discrete and continuous tone, if it is irregular enough to attract attention, or has a strong low-frequency content, in which case lower noise limits might be appropriate. The Environmental Health Officer considers that noise from barking dogs does have specific character and therefore an assessment should be made in relation to the specific target noise levels and against the standards for assessing industrial and commercial sound.

- 6.22 It should be acknowledged that prior approval has previously been granted for the conversion of two of the existing buildings on the site to form five residential dwellings. One of the buildings to be converted to residential dwellings sits directly adjacent to the neighbouring kennel building to the east. During the consideration of the Prior Approval Officers considered that a condition which secured further details of noise attenuation for the proposed dwellings would be sufficient to overcome any concerns relating to noise and the standard of accommodation for future occupants. This is a material consideration in the determination of this current planning application.
- 6.23 Taking into account the increased separation distance between the nearest dwelling within the proposed development and the neighbouring kennels in comparison to the fall-back position and the mitigation measures put forward by the Applicant, it is considered on balance that the application should be recommended for approval subject to conditions. The conditions set out in section 7 of this report would require details of the acoustic fencing along the western boundary of Unit 1 and details of glazing and trickle ventilation to be submitted and approved by the Council. It is also recommended that a pre-occupation condition is included which requires further noise testing to be undertaken once the mitigation measures are in place and the Applicants dogs are no longer on the site to identify whether any further mitigation is necessary.

Highways Impacts

- 6.24 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users.
- 6.25 The proposed development would utilise the existing shared access driveway with Little Rowfold from the Coneyhurst Road which splits into two separate driveways beyond bend in the access driveway. The existing circular driveway serving Rowfold Kennels would be removed and a new linear access driveway would be formed to provide access to the four proposed single storey dwellings.
- 6.26 WSCC Highways have confirmed that there are no visibility issues at the existing access and that there is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern.
- 6.27 15 parking spaces would be provided in total comprising 3 spaces for the 3 bed dwelling and 4 spaces each for the 4 bedroom dwelling. WSCC Highways have confirmed that 12 parking spaces would be required for the proposed development. The Highway Authority have commented that the parking area for Unit 1 does not meet the size requirements of 2.4m x 4.8m for each parking bay. Three parking spaces to serve this dwelling is however still considered sufficient. The proposal would therefore meet the car parking requirements for the development.
- 6.28 It is acknowledged from the letter of representation received that the neighbouring occupiers at Little Rowfold own the current shared access road from the A272 and have stated that their permission would not be granted for the additional access required for the development. Billingshurst Parish Council and the occupiers of Little Rowfold have suggested a new vehicular access is formed onto the A272 to serve the development. Whilst these comments are acknowledged, additional use of the existing shared access associated with the proposed development has been considered as acceptable in highways safety and usage terms. Any access required over private land in order to implement the development would be a separate legal matter to be discussed between the relevant parties.

Conclusion

- 6.29 The site is within a countryside location and has not been allocated for residential development. The proposal does not represent a use essential to this countryside location

and therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the recent grant of Prior Approval for the conversion of two of the existing storage buildings on the site to form five dwellinghouses. This is considered to form a realistic fall-back position carrying significant weight in the planning balance. The proposed development would provide four dwellinghouses, a reduction of 1 unit in comparison to the prior approval scheme which would represent a more spacious layout, better design and improved appearance to the development that could otherwise come forward on the site under the Prior Approval consent.

- 6.30 The concerns raised by the Council’s Environmental Health Officer relating to noise impacts associated with the neighbouring dog kennels to the west have been carefully considered. On balance, taking into account the increased separation distance between the nearest dwelling within the proposed development and the neighbouring kennels in comparison to the fall-back position and the mitigation measures put forward by the Applicant, it is considered that this application should be recommended for approval subject to conditions. The conditions would seek to secure appropriate mitigation measures and further noise testing once the mitigation measures are in place and the Applicants dogs are no longer on the site to identify whether any further mitigation is necessary.
- 6.31 Whilst the proposal would comprise a departure from planning policy, the current application is considered to enhance the immediate setting and ensure that the development would not result in harm to the countryside setting, neighbouring amenity or highway safety. These benefits compared to the fall-back position provided by the extant Prior Approval consent are considered to outweigh the conflict with Policies 4 and 26 such that the grant of planning permission is recommended.
- 6.32 Whilst consultation of the application has occurred and those comments received have been considered in this report, it is a statutory requirement to advertise departure applications in the press. The recommendation before you is therefore to be minded to approve subject to the end of the further formal consultation period, and to delegate the decision and the consideration of any further representations to the Head of Development.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
	449	649	0
	Total Gain		
	Total Demolition		

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

To resolve to grant planning permission subject to expiration of the public consultation period as the scheme as a departure, and delegation to the Head of Development to consider any representations received as a result of that consultation, and subject to the following conditions-

1 **Approved Plans List.**

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

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

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

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

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

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

- 5 **Pre-Commencement 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 to protect the development from flood risk in accordance with Policies 33 and 38 of the Horsham District Planning Framework (2015).

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

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

- 7 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the measures to facilitate the provision of high speed broadband internet connections to the development have been submitted to and approved in writing by the local planning authority, details shall include a timetable and method of delivery for high speed broadband of each dwelling/unit. The delivery of high speed broadband infrastructure shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

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

- (a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
- The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

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

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

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

- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the existing buildings, as indicated on drawing no. 1810RO_001, have been demolished (including the removal of foundations), all materials arising from such demolition removed from the site and the site of the demolished building.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

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

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

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or 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).

- 13 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of all boundary walls and/or fences 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 boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 14 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until details of glazing within the dwellings, and, of alternative means of mechanical

ventilation and extraction have been submitted to and approved in writing by the Local Planning Authority. The glazing and ventilation system shall be installed in accordance with the approved details prior to occupation of the dwellings and shall be operated and maintained as such thereafter.

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

- 15 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the acoustic fence along the western boundary of the garden serving Unit 1 has been erected. Details of the acoustic fence will be required to be submitted to and approved by the Local Planning Authority prior to its installation. The acoustic fence shall be installed in accordance with these approved details and shall be maintained as such thereafter.

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

- 16 **Pre-Occupation Condition:** Prior to the occupation of the dwellings hereby permitted a noise assessment shall have been carried out (with the acoustic mitigation measures approved under conditions 13 and 14 of permission installed) and submitted to the Local Planning Authority for approval in writing. Any additional measures required by the noise assessment to mitigate noise shall be detailed and implemented in accordance with an agreed timetable, as necessary, and shall be retained as such thereafter.

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

- 17 **Regulatory Condition:** No part of the development shall be first occupied until the accesses and vehicle parking and turning spaces have been constructed in accordance with drawing no. 001 received on 10.02.20. The access and parking and turning spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

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

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

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

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

Background Papers: DC/19/0724

09) DC/19/1870

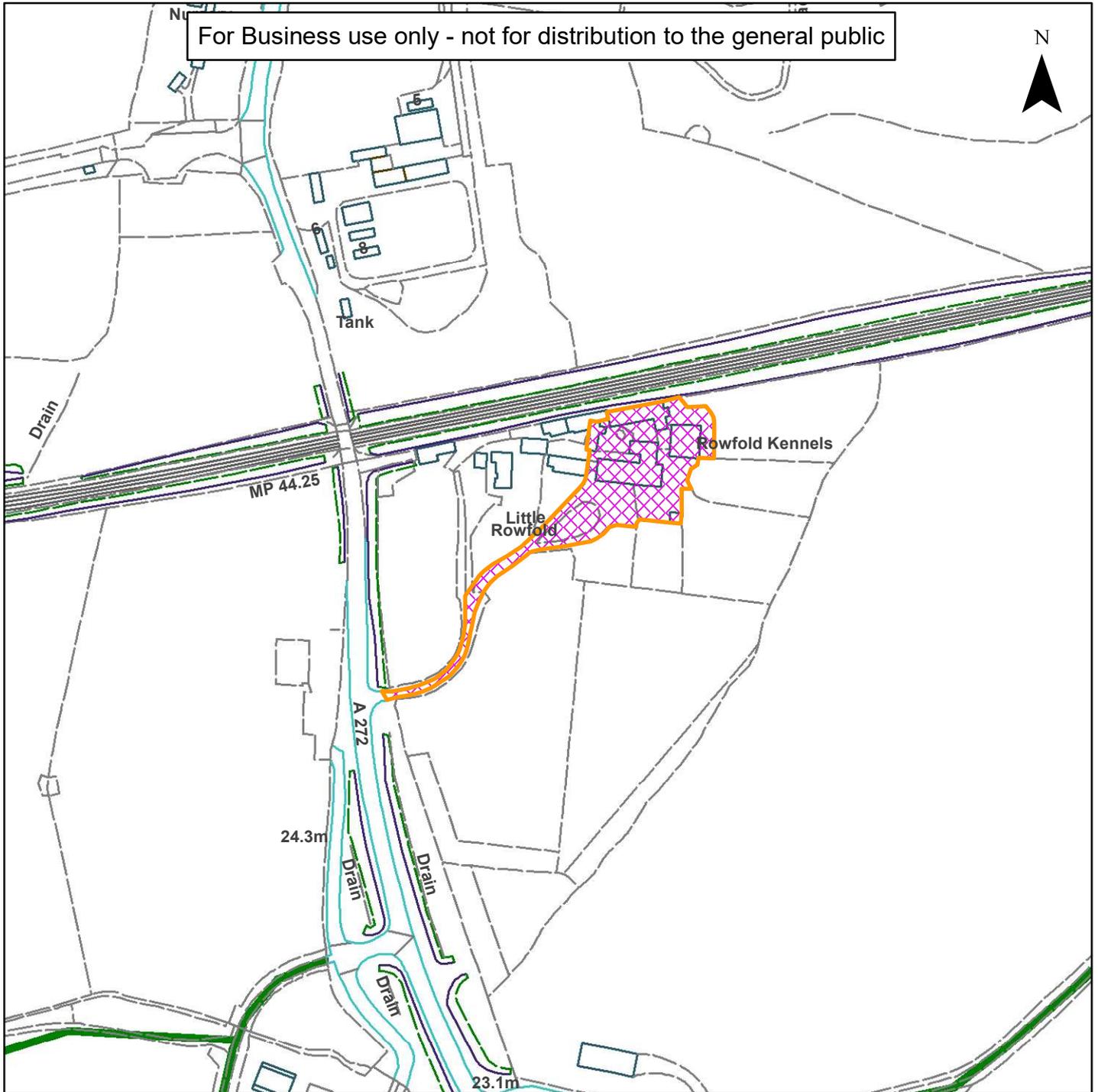


Horsham District Council

Rowfold Kennels, Billingshurst

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	06/05/2020
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 19th May 2020

DEVELOPMENT: Erection of 1 detached two storey dwelling and 2 semi-detached two storey dwellings with associated parking

SITE: Land Adjacent To Number 81 Roman Way Roman Way Billingshurst RH14 9QU

WARD: Billingshurst

APPLICATION: DC/19/2396

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

REASON FOR INCLUSION ON THE AGENDA: Horsham District Council Application.

RECOMMENDATION: To grant planning permission subject to appropriate conditions and the signing of a Legal Agreement which secures the three affordable rented units.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the erection of 3 dwelling houses, comprising 1 x 4 bedroom detached dwelling and 2 x 3 bedroom semi-detached dwellings. The detached dwelling would be adapted for those with disabilities and one disabled parking space would be located to the front of this dwelling. The scheme would deliver 3 affordable rented units that would be owned by the Council and managed by the Council's Housing Company.
- 1.2 The proposed development would be served by a new access onto Roman Way from the existing turning head at the end of the road. A total of 7 unallocated car parking spaces within the hardstanding area to the front of the proposed dwellings and adjacent to the end of Roman Way.
- 1.3 The detached 4 bedroom dwelling would be positioned in the western part of the site and would be set 4m back within the plot in comparison to the principle elevations of the pair of semi-detached dwellings. Pedestrian footpaths will be provided from the parking area to the front of the houses.
- 1.4 The 4 bedroom detached dwelling would be split over two storeys and would incorporate an internal floor area of 108sq.m. The dwelling would have an eaves height of 4.7m and a ridge

height of 7.1m. The pair of semi-detached dwelling would be split over two storeys and would incorporate an internal floor area of 94sq.m each. The semi-detached dwellings would have an eaves height of 5m and a ridge height of 8m. The dwellings would have pitched roofs and two projecting gables and a central porch feature located on the frontages. A single storey pitched roof projection would be located on the northern rear elevation of the detached dwelling which would incorporate a kitchen.

- 1.5 The material palette for the proposed dwellings comprises a mix of buff brick and grey weatherboarding to the external walls and slate effect roof tiles to the roofs. The windows and doors would be grey uPVC. The rainwater goods, fascias and soffits of the dwellings would similarly be grey.
- 1.6 Refuse bins would be stored within the rear gardens of each property which are accessible via the gated side accesses. A collection point for refuse bins is shown adjacent to the parking spaces and Roman Way. Each dwelling would have a storage shed within the rear garden capable for storage cycles.
- 1.7 A total of 13 trees would be removed from the boundaries of the site to facilitate the proposed development. 8 of these trees are located along the eastern side boundary of the application site. 3 of these trees are located along the northern boundary and 2 of these trees are located in the south-west corner of the site. The Applicant has confirmed that all of these trees are located on Council owned land.
- 1.8 During the consideration of this application amended plans have been submitted which show the following amendments:
 - The position of dwellings have been moved an additional 0.6m from the eastern boundary of the application site.
 - A landscape plan has been submitted which shows that a native mixed species hedge and a 1.8m high post and mesh wire fence with planted climbing plants is proposed along the entire length of the eastern boundary. A 1.8m high close boarded fence with integrated hedgehog holes is proposed along the northern and partial western boundary of the application site. The parking area would be laid in macadam, interspersed with some areas of lawn. Hedges would be situated directly to the front of the dwellings.
 - 1 disabled parking space would be provided to the front of House 1.

DESCRIPTION OF THE SITE

- 1.9 The application site is located within the built up area boundary of Billingshurst and is situated at the north-eastern end of Roman Way. The site comprises an area of grassed land which is bound on its northern and eastern boundaries by a mix of trees and hedge planting. The entrance to the site from Roman Way is gated with 1m high timber post and rail fence. A two storey semi-detached dwelling is located directly to the south of the site. To the west, the 2 storey brick building comprises four flats.
- 1.10 The part of the road in which the application site is located is predominantly characterised by brick built pairs of semi-detached dwellings, most have side driveways providing off-street parking. Billingshurst Doctors Surgery is located further down the road to the south and there are a mixture of flats and semi-detached dwellings located further along Roman Way to the south.
- 1.11 To the east of the site there is currently a grassed area of land which forms part of a wider development site comprising land to the east of Billingshurst. Planning permission was granted under Reserved Matters application DC/17/2806 for Housing Parcels H3a and H3b for 45 residential dwellings including 11 affordable units and associated landscaping, parking, open space and servicing details. The area of land to the east of the development comprises parcel H3a. Adjacent to the eastern boundary of the application site, planning

permission has been granted for a two storey building comprising four flats (Units 1-4) and a two storey coach house (Unit 5) incorporating garaging at the ground floor level and a 2 bedroom flat at the first floor level. Planning permission was recently refused by the Council under application DC/19/1315 for amendments to parcels H3a and H3b. This would have increased the number of flats in the two storey building to the east of the application site from 4 to 5. This application was refused by the Council on the 20.12.2019.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

- 2.2 **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 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 41 - Parking

Policy 42: Inclusive Communities

RELEVANT NEIGHBOURHOOD PLAN

- 2.3 The Draft Billingshurst Neighbourhood Plan (Regulation 14) consultation ended on the 29 September 2019 and the revised draft version is currently being reviewed by Horsham District Council. As the Draft Neighbourhood Plan is not yet 'made', the relevant policies listed below hold limited weight in the consideration of this application.

Policy BILL1: Built Up Area Boundary

Policy BILL2: Housing, Design & Character

Policy BILL3: Energy Efficiency & Design

Policy BILL12: Residential Parking Provision

Policy BILL14: Multi-Value Sustainable Drainage Systems

SUPPLEMENTARY PLANNING DOCUMENT

Billingshurst Parish Design Statement

PLANNING HISTORY AND RELEVANT APPLICATIONS

BL/132/95	Erection of 46 dwellings, access and landscaping	Application Permitted 13.02.1996
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3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Arboricultural Officer:**

[Summary of Initial Comments]: No Objection.

The main considerations as to the suitability of this proposal in regard to trees is the removal of the Field maple at the entrance to the site (T1) and the removal of the two Ash trees (T8 & T13) on the northern and eastern boundaries and the removal of the mixed shrubby trees that surround the proposed development area.

In regards to the removal of the trees, both of the Ash trees and the Field maple are young self-seeded specimens, that are clearly visible to the residents of the properties to the immediate south, however, they are poor specimens and are not of any especial or particular merit; their removal would not be detrimental to the amenities of the locality. The remaining shrubby trees around the boundary of the site are all young unmanaged self-seeded specimens, their removal would not have an adverse effect on the amenities of the locality.

3.3 **HDC Drainage Engineer:**

[Summary of Initial Comments]: Comment.

Recommends condition requiring foul and surface water drainage details to be submitted and approved.

3.4 **HDC Landscape Officer:**

[Summary of Initial Comments]: Objection.

No concerns with the principle of development on this piece of land, however I cannot support the removal of the important landscape structure that runs across the eastern and northern boundaries. This landscape belt is a landscape feature that forms part of the hedgerow pattern of the area and positively contributes to its character. Furthermore, the boundaries form part of a green corridor that links into the wider network of green infrastructure. The proposals must seek to retain and enhance it rather than remove it.

Its removal would be contrary to HDPF policies 25, 26 and 31 and it's not supported.

[Summary of Subsequent Comments]: Comment.

The introduction of the 1.8m high hedgerow is a positive addition and goes some way to mitigate the removal of the existing landscape buffer. I would like however to query the removal of the three existing hawthorn trees (T3, T4 and T5) along the parking area. I note they are category C but are in good physiological condition and seem to have 40+ remaining contribution on the arb report. This would provide the development with an instant and mature landscape. Alternatively, hedgerow trees must be provided to replace the ones removed and preserve the continuity of the green infrastructure.

3.5 **HDC Housing:**

[Summary of Initial Comments]: Support.

This proposed scheme will directly benefit three households in housing need currently active on the councils housing register. The location and property sizes proposed meet the current demand evidenced by the housing register. In addition the 4 bedroom house will be an adapted unit which provides us with accommodation that is rarely provided by any other applicants.

OUTSIDE AGENCIES

3.6 **WSCC Highways:**

[Summary of Initial Comments]: Comment.

The proposed dwelling will be served by new access onto Roman Way. Details of the proposed access have not been provided. The applicant is requested to demonstrate the proposed width of the vehicle crossover.

This proposal will provide onsite parking provision of 6 spaces (2 spaces allocated for each dwelling). Based upon an allocated parking provision the WSCC Parking Demand Calculator expects a minimum of 10 parking spaces for the development to provide sufficient designated visitor spaces. The applicant is requested to demonstrate that sufficient parking for the development can be provided on site.

The proposed plans demonstrate inconsistency between the area of the proposal and the applicant's ownership. Some plans appear to demonstrate the entire site within the applicant's red-edge, whilst other plans demonstrate a smaller area within the red-edge. The applicant is requested to clarify that the whole site area will be under the applicant's ownership; otherwise this could result in vehicles crossing third party land.

[Summary of Subsequent Comments]: Comment.

The revised plan demonstrates unallocated parking provision of 7 spaces which is in line with the WSCC Car Parking Zones and WSCC Car Parking Guidance. The Highways Authority is satisfied that the access arrangement would work and vehicles would be able to exit and egress onto the public highway in forward gear. Conditions recommended to secure access, parking spaces and cycle parking.

The revised site plan shows disabled parking space. The disabled space includes an extra 1.2m wide hatching at the access aisles and this accords with Manual for Streets (MfS) Guidance. Cycle provision for the proposed dwellings can be accommodated within the proposed sheds. 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.

3.7 **Southern Water:**

[Summary of Initial Comments]: Comment.

Advises that a formal connection to the public foul sewer is made to Southern Water. Recommends condition requiring foul and surface water drainage details to be submitted and approved.

[Summary of Subsequent Comments]: No additional comments received.

3.8 **Billingshurst Parish Council:**

[Summary of Initial Comments]: Strong Objection.

- whilst it is appreciated that the scheme would deliver social housing provision, this proposal is overdevelopment of the site;
- insufficient car parking
- loss of existing visitor car parking, further on-street parking could cause hazard/obstruction for larger, emergency vehicles
- construction traffic will cause damage to the road
- flooding concerns in this locality.
- part of the proposed access appear to be in 3rd party ownership. It should be known whether or not the agreement of that party has been established;
- loss of trees adjacent to larger development site to east. Clarification required that all of these trees are within HDC's ownership;
- loss of an open aspect for existing residents
- A footpath should be provided to connect to the development of 475 houses.
- Disappointed that no construction management plan submitted.

[Summary of Subsequent Comments]: Strong Objection.

Although concerns raised about the disabled car parking space appear to have been addressed, previously submitted comments have not been taken into account in this latest amendment.

PUBLIC CONSULTATIONS

3.9 15 letters of objection have been received from 7 households. The concerns raised are summarised below:

- Overdevelopment of the site
- Land is not all in the ownership of HDC
- Loss of green space and attractive area
- Lack of parking provided
- Highway safety concerns
- Loss of 3 parking spaces within the existing turning head of the road
- Construction traffic will cause disruption and further parking problems
- Flooding concerns
- Loss of trees

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

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

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

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

6. PLANNING ASSESSMENTS

Principle

6.1 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 will be required to demonstrate that it is of appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.

6.2 The application site lies within the built up area of Billingshurst, which is categorised as a 'medium village' within policy 3 of the HDPF. These are settlements with a moderate range of services and facilities, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements.

6.3 Given the location of the site within the built up area, it is considered that the principal of infill development would be acceptable subject to other material considerations as outlined in the following sections of this report. The site is located at the north-eastern end of the road, comprises an area of 905 square metres and is surrounded by residential development. It is therefore considered that the site comprises a logical location, capable of accommodating a level of residential infill development.

Affordable Housing & Housing Mix

- 6.4 Policy 16 of the Horsham District Planning Framework states that development should provide a mix of housing sizes, types and tenures to meet the needs to the District's communities as evidences in the latest Strategic Housing Market Assessment in order to create sustainable and balanced communities. The Council's Strategic Housing Market Assessment 2016 identifies a requirement for a mix of one, two, three and four bedroom which would provide for additional family housing within the District.
- 6.5 The application proposes three affordable rented units that would owned by the Council and managed by the Council's Housing Company. The housing mix comprising, 1 x detached 4 bedroom dwelling and 2 x semi-detached 3 bedroom dwellings would provide valued additional affordable rented housing within the District. The proposed development would also provide an appropriate mix of three and four bedroom dwellings, providing additional family housing for the District, a key objective in the Council's most recent Strategic Housing Market Assessment (2016). The proposed housing will therefore provide valuable additional affordable family housing within the District in accordance with Policy 16 of the HDPF.
- 6.6 The detached dwelling proposed would be adapted for those with disabilities and one disabled parking space would be located to the front of this dwelling. This would provide additional housing provision for disabled people within the District. This type of flexible accommodation would also help to create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs in accordance with policy 42 of the Horsham District Planning Framework.

Loss of Open Space

- 6.7 Policy 43 of the Horsham District Planning Framework states that proposal that would result in the loss of sites and premises currently or last used for the provision of community facilities will be resisted unless equally usable facilities can be conveniently provided nearby.
- 6.8 It would appear from the planning history of the site that the land was not originally proposed for development due to the possible line of the Billingshurst-by-pass. The site appears on the original plans for the development permitted under BL/132/95 to be utilised as an amenity/kick around space.
- 6.9 The site has not been formally adopted by the Local Authority or the Parish Council as an open space and does not form a designated green space within the Draft Billingshurst Neighbourhood Plan or the Horsham District Local Plan. The site is currently gated and locked and therefore does not appear capable of being freely used as an area of public open space for local residents. It is appreciated from the letters of representation received that the site provides a welcomed open green area within the otherwise built residential character of the road. Given the sites location at the end of the road, along with the lack of public access to the site or any adjacent public footpaths close by, the degree of benefit is likely to be limited to those occupiers who have a direct outlook onto the area from the small group of houses and flats at the end of the road. Whilst the proposal may result in the loss of an outlook for some residential properties within the road, it is not considered that the proposal would result in the loss of a community asset in the form of a designated green space within the District.

Design & Appearance

- 6.10 Policies 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 character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.

- 6.11 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.12 The application seeks full planning permission for the erection of 3 dwelling houses on a site measuring 905 square metres. The detached 4 bedroom dwelling would be positioned in the western part of the site and would be set 4m back within the plot in comparison to the principle elevations of the pair of semi-detached dwellings located in the eastern part of the site. The detached dwelling would be located within 0.8m of the western boundary of the site at the closest point and 8m at the furthest point due to the diagonal angle of the western boundary of the site. Within the development a separation distance of 1.5m would separate the detached dwelling from the nearest semi-detached property. The eastern-most semi-detached dwelling within the plot would be distanced 1.9m from eastern boundary of the application site. Pairs of semi-detached dwellings within Roman Way are typically distanced 5.5m to other pairs of neighbouring properties. The proposed dwellings would therefore be located within closer proximity to neighbouring dwellings in comparison to the spacing between existing residential properties within the road.
- 6.13 It is acknowledged that the proposed development of 3 dwellings on this 905 square metre site would comprise a relatively dense development. The plot sizes, particularly those serving the semi-detached dwellings, are smaller than other semi-detached properties within Roman Way, which average between 175sq.m and 260sq.m. The plot serving the proposed detached dwelling measures 307sq.m and the plots serving the semi-detached dwellings measure 148sq.m respectively. The gardens serving the proposed dwellings measure are also shorter than other properties within this part of Roman Way which typically measure 10-12m in length. The proposed dwellings would have a garden length of approximately 7.5m to 8.5m in length.
- 6.14 It is considered that the denser nature of the proposed development would not be perceived as being out of keeping with the character or layout of properties within Roman Way given the position of the dwellings within the north-eastern corner at the end of the road. The site would sit adjacent to a denser form of residential development to the east once constructed. It is not considered that the development would create an unacceptably prominent, uncharacteristic, or discordant feature within the street scene.
- 6.15 The 4 bedroom detached dwelling would incorporate an internal floor area of 108sq.m with an eaves height of 4.7m and a ridge height of 7.1m. A single storey pitched roof projection would be located on the northern rear elevation of the detached dwelling which would incorporate a kitchen. The pair of semi-detached dwelling have an internal floor area of 94sq.m each with an eaves height of 5m and a ridge height of 8m. The height and scale of the proposed dwellings are considered to be reflective of similar residential development within the vicinity of the site.
- 6.16 The proposed dwellings would have a similar design, incorporating pitched roofs and two projecting gables and a central porch feature located on the frontages. The design of the dwelling remain in keeping with the character and appearance of other properties within Roman Way which are typically 2 storey dwellings built in red brick with pitched tiled roofs and a mono-pitched overhang roof over the main entrance. The dwellings would incorporate modern materials comprising a mix of buff brick and grey weatherboarding to the external walls and slate effect roof tiles to the roofs which would create a suitable level of visual interest. The dwellings have been designed to reflect the urban built form in the locality and

would be built using materials to reflect the local vernacular in accordance with policies 32 and 33 of the HDPF.

Landscape & Trees

- 6.17 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 landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation. Developments should maintain and enhance the Green Infrastructure Network and addresses any identified deficiencies in the District.
- 6.18 The proposed development would be located between existing residential development within Roman Way to the west and south and adjacent to a wider development site to the east. Planning permission has been granted under Reserved Matters application DC/17/2806 for Housing Parcels H3a and H3b for 45 residential dwellings including 11 affordable units and associated landscaping, parking, open space and servicing details. The area of land to the east of the development comprises parcel H3a.
- 6.19 To accommodate the proposed development, it is proposed to remove 13 trees from the site. 8 of these trees are located along the eastern side boundary of the application site. 3 of these trees are located along the northern boundary and 2 of these trees are located in the south-west corner of the site. The Applicant has confirmed that all of these trees are located on Council owned land. The main considerations as to the suitability of this proposal in regard to trees is the removal of the Field maple at the entrance to the site and the removal of the two Ash trees on the northern and eastern boundaries and the removal of the mixed shrubby trees that surround the proposed development area.
- 6.20 The Council's Arboricultural Officer has raised no concerns with regard to the removal of these trees as both of the Ash trees and the Field maple are young self-seeded specimens that are not of any especial or particular merit. The removal of these trees would not be detrimental the amenities of the locality. The remaining shrubby trees around the boundary of the site are all young unmanaged self-seeded specimens, their removal would not have an adverse effect on the amenities of the locality.
- 6.21 The Council's Landscape Officer initially raised concerns regarding the removal of the existing trees and hedging along the eastern and northern boundaries which she considered formed a landscape feature that positively contributed to the character of the area. Concerns were also raised by Billingshurst Parish Council and neighbouring residents regarding the perception of the housing development to the east once built if the majority of the trees and landscaping along the eastern boundary of the site is removed.
- 6.22 A detailed hard and soft landscaping scheme has been submitted to address these concerns. The landscaping scheme shows that a native mixed species hedge and a 1.8m high post and mesh wire fence with planted climbing plants is proposed along the entire length of the eastern boundary. A 1.8m high close boarded fence with integrated hedgehog holes is proposed along the northern and partial western boundary of the application site. The parking area would be laid in macadam, interspersed with some areas of lawn. Hedges would be situated directly to the front of the dwellings. Pedestrian footpaths will be provided from the parking area to the front of the houses.
- 6.23 The Landscape Officer has reviewed the landscape plan submitted and confirms that the introduction of the 1.8m high hedgerow along the eastern boundary mostly mitigates the removal of the existing landscape buffer. She requested that the three existing Hawthorn trees along the eastern boundary of the site adjacent to the proposed car parking area be

retained or replacement trees provided to preserve the continuity of the green infrastructure within the area. An amended landscaping plan has been received which has retained one of the Hawthorn trees along the eastern boundary and the area of grass in the car park has been replaced with planting to reduce maintenance. Landscaping maintenance details have also been provided on the amended drawings.

- 6.24 The revised landscaping plan addresses the main concerns raised by the Landscape Officer and provides an adequate landscape buffer along the eastern boundary of the site adjacent to the residential development to be built to the east of the site.

Amenity

- 6.25 Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.26 The proposed dwellings would be surrounded by residential development. The proposed detached dwelling would be located 0.8m of the western boundary of the site at the closest point and 8m at the furthest point due to the diagonal angle of the western boundary of the site. The detached dwelling would at the closest point be located 9m from the flats located within the two storey building to the west, 62 and 66 Roman Way and at the furthest point 15m. Taking into account this separation distance and the diagonal angle of the neighbouring building to the west, it is not considered that the proposed development would cause any harmful overshadowing or loss of light to the neighbouring flats to the west.
- 6.27 No windows are proposed within the first floor western elevation of the detached dwelling which would ensure no loss of amenity to the existing occupiers of the neighbouring flats to the west. The existing first floor window within the eastern elevation of the neighbouring flat would be distanced approximately 13m from the proposed detached dwelling and 7m from the side garden serving the detached dwelling. Given the separation distance and position of this neighbouring first floor window which is angled away from the proposed detached dwelling, it is considered that occupiers of the dwelling would not experience any harmful overlooking from the existing residential development to the west of the site.
- 6.28 To the north, the proposed detached dwelling would be distanced from the neighbouring rear garden serving 16 Puttock Way by 6.2m and the proposed semi-detached dwellings would be distanced by approximately 10m to this northerly neighbour's rear garden. The first floor rear facing windows within the proposed detached dwelling would be distanced 25m from the rear facing first floor windows within the northerly neighbouring dwelling. The proposed first floor rear facing windows within the proposed semi-detached dwellings would be distanced by 29m to the rear facing windows within the northerly neighbouring dwelling. Taking into account the separation distance between the proposed dwellings and the neighbouring property to the north, it is considered that the development would not cause any loss of privacy to the occupiers of the northerly neighbouring property.
- 6.29 To the east of the site there is currently a grassed area of land which forms part of a wider development site comprising land to the east of Billingshurst. Planning permission was granted under Reserved Matters application DC/17/2806 for Housing Parcels H3a and H3b for 45 residential dwellings including 11 affordable units and associated landscaping, parking, open space and servicing details. The area of land to the east of the development comprises parcel H3a. Adjacent to the eastern boundary of the application site, planning permission has been granted for a two storey building comprising four flats (Units 1-4) and a two storey coach house (Unit 5) incorporating garaging at the ground floor level and a 2 bedroom flat at the first floor level.
- 6.30 The coach house building to the east when constructed will have three first floor windows within the west elevation which serve a kitchen, upstairs landing and ensuite bathroom

(obscure glazed). These windows will be located 7m from the application site yet and would predominantly overlook the car parking area and the front pathways serving the proposed pair of semi-detached dwellings. Due to the location of the coach house which is positioned further south than the proposed dwellings, it is considered that the proposed development would not cause any harmful loss of light or privacy to the occupiers of the neighbouring dwelling to the east.

- 6.31 The flat building is located to the north of the coach house in the development to the east. There would be three first floor windows within the western elevation of the flat building that would face the nearest semi-detached property within the proposed development. These windows would serve a dining room/lounge, kitchen and bedroom within one of the 2 bedroom flats to the east. The dining room/lounge window would face the flank elevation of the nearest semi-detached dwelling within the proposed development and therefore cause no loss of amenity to the westerly neighbouring property. The kitchen and bedroom window would be located 10m from the rear garden serving the one of the semi-detached properties within the proposed development. The proposed landscaping along the eastern boundary, comprising native mixed species hedge and a 1.8m high post and mesh wire fence with planted climbing plants would provide additional screening between the residential properties at the lower level.
- 6.32 It is acknowledged that there would be a degree of overlooking between from the first floor kitchen and bedroom windows within the neighbouring flat building to be built to the east and the rear garden of the nearest semi-detached property within the development. Whilst this distance is less than the preferred separation distance, it is not unusual within modern more built-up developments. It is therefore considered that this degree of overlooking would not be harmful to the future occupiers of the nearest semi-detached dwelling within the development and would not on balance warrant a reason for refusal when weighed against the other significant benefits of the proposed development.

Highways & Parking

- 6.33 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.34 Concerns have been raised within the letters of representations received in relation to the lack of car parking spaces to serve the development, the current issues regarding parking within Roman Way and the increased pressure that the proposed development would put on on-street parking within the road.
- 6.35 The proposed development would be served by a new access onto Roman Way from the existing turning head at the end of the road. A total of 7 unallocated car parking spaces within the hardstanding area to the front of the proposed dwellings and adjacent to the end of Roman Way. 1 disabled parking space would be provided to the front of the detached dwelling.
- 6.36 The part of the road in which the proposed development would be located is predominantly characterised by a mix of 2 and 3 bedroom semi-detached dwellings which have side driveways accommodating 2 cars each. The building to the west of the application site comprises 4 x 1 bedroom flats which has a parking area to the front for 4 cars. Further to the south along Roman Way there is a parking layby for 2 cars opposite the children's playground, a Doctors Surgery with car park and a Youth Hostel with private car park.
- 6.37 The 7 car parking spaces would be unallocated for occupiers of the proposed development and would therefore be used on a first come first served basis. One disabled space would however provide parking provision for any disabled occupiers of the detached dwelling which would be adapted for disabled use. Whilst the parking provision is unallocated, there would be sufficient provision for 2 parking spaces each for the two proposed 3 bedroom semi-

detached dwellings and three parking spaces for the 4 bedroom detached dwelling. West Sussex Country Council Highways have confirmed that this would accord with County Council's Car Parking Standards. It is therefore considered that the proposed development would provide sufficient car parking to serve the development. Each parking spaces would also comply with Manual for Streets (MfS) guidance for minimum of 2.4 x 4.8m per single parking bay. The design and siting of the spaces would allow for safe and convenient maneuvering.

- 6.38 Within the letters of representation received, it is stated that 3 cars currently park in the existing turning area at the end of the road and this parking area would be lost as a result of the proposed access to serve the development. As the proposal would provide adequate facilities for car parking to serve the development and there appears to be adequate parking provision to serve existing residential and non-residential development within the road, it is not considered that the development would result in harmful overspill parking either within the site itself, or within the local highway network. Whilst the proposal may result in the loss of three on-street parking spaces within the road, it is not considered this will create any harmful impact on the local highway network or visual amenities within the road. Adequate space is available within the storage sheds within the rear gardens to allow for the secure storage of cycles and refuse bins. The proposal would therefore, subject to conditions, accord with Policies 40 & 41 of the HDPF.

Flooding & Drainage

- 6.39 Policy 38 of the HDPF relates to flooding and requires development proposals to follow a sequential approach to flood risk management, giving priority to development sites with the lowest risk of flooding and making required development safe without increasing flood risk elsewhere.
- 6.40 Within the letters of representation received concerns have been raised by residents regarding local flooding to their homes in surrounding roads and the risk the proposed development would cause to flood risk locally. The site is located outside a flood risk zone and comprises a small infill site located adjacent to existing residential development. It is not therefore considered that the proposed development would result in a risk to flooding within the local area.
- 6.41 The Council's Drainage Engineer has been consulted on the application and has commented that, with the benefit of the additional information, the details submitted are acceptable. The applicant is required to contact Southern Water regarding the formal connection to the water supply and public sewer.

Conclusion

- 6.42 In conclusion, it has been confirmed that the proposed development would deliver 3 affordable family housing units which provide a valuable asset within the District in accordance with Policy 16 of the HDPF. One of the proposed dwellings would provide flexible accommodation for those with disabilities, creating a socially inclusive and adaptable environment for a range of users to meet their long term needs in accordance with policy 42 of the Horsham District Planning Framework.
- 6.43 The proposal would not have an adverse impact on the wider landscape, neighbouring amenity, highway safety or flooding. Whilst it has been acknowledged that the proposal may result in the loss of some existing on-street parking within the road, this is not considered this will create any harmful impact on the local highway network or visual amenities within the road. The identified benefits which result from the development in compliance with the policies in the HDPF are considered to carry sufficient weight to overcome the minor reduction in on-street parking provision. The application is therefore recommended for approval subject to the conditions listed in section 7 of this report.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
	293		293
		Total Gain	
		Total Demolition	

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

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

7. RECOMMENDATIONS

7.1 To approve planning permission subject to the following conditions and the signing of a Legal Agreement which secures three affordable rented units.

1. List of the approved plans and documents.
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 (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the dwellings hereby approved have been submitted to and approved by the Local Planning Authority in writing. 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).

4. **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 to protect the development from flood risk in accordance with Policies 33 and 38 of the Horsham District Planning Framework (2015).

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

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

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

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

7. **Pre-Occupation Condition:** Prior to the first occupation of the dwelling hereby permitted, the parking, turning and access facilities necessary to serve the dwelling shall be implemented in accordance with the approved details as shown on Drawing No. 19.022.200 G received 09.04.2020 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:** The dwellings hereby permitted shall not be first occupied unless and until provision for the storage of refuse and recycling has been provided within the rear gardens. 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).

9. **Pre-Occupation Condition:** The dwellings hereby permitted shall not be first occupied until the cycle parking storage facilities serving them have been provided within the rear gardens. 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).

10. **Pre-Occupation Condition:** Prior to the first occupation of the 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. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a landscape management and maintenance plan (including maintenance operations and management responsibilities) shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

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

12. **Pre-Occupation Condition:** The dwellings hereby permitted shall not be occupied until the first floor windows within the western elevation of House 2 and the eastern elevation of House 3 have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

13. **Regulatory Condition:** The approved landscaping scheme shown on Landscape Masterplan Drawing No. 19.022.300 B 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).

14. **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Implications Assessment dated 15th October 2019.

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

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

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

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

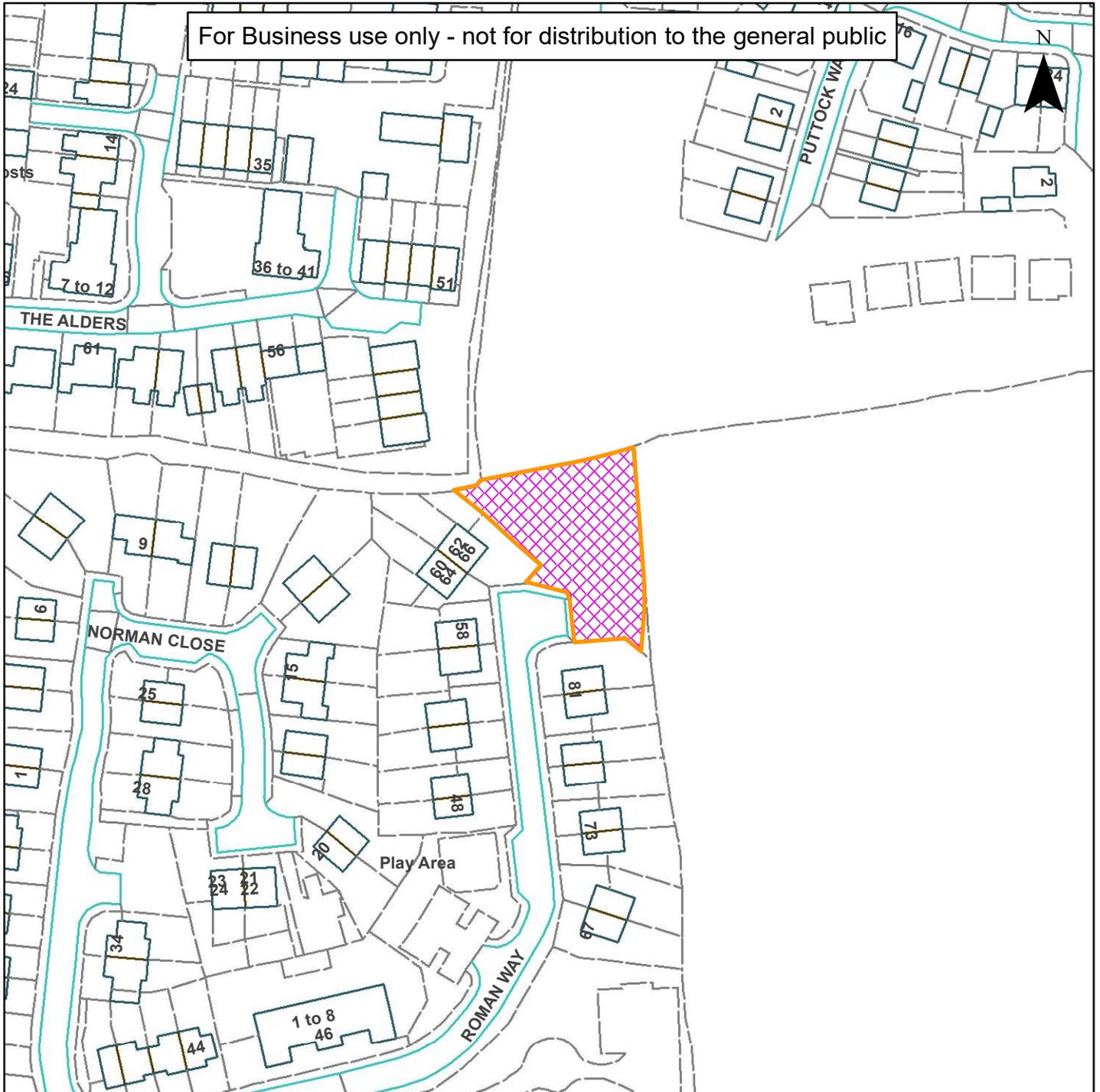
Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10) DC/19/2396



Horsham District Council

Land adjacent to 81 Roman Way, Billingshurst



Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	06/05/2020
MSA Number	100023865

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