



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

# Planning Committee (North)

Tuesday, 1st February, 2022 at 5.30 pm  
Park Suite, Parkside, Chart Way, Horsham

Councillors:	Karen Burgess (Chairman)	
	Matthew Allen	Gordon Lindsay
	Andrew Baldwin	Tim Lloyd
	Tony Bevis	John Milne
	Martin Boffey	Colin Minto
	Toni Bradnum	Christian Mitchell
	Alan Britten	Jon Olson
	Peter Burgess	Louise Potter
	Christine Costin	Sam Raby
	Ruth Fletcher	Stuart Ritchie
	Billy Greening	David Skipp
	Tony Hogben	Ian Stannard
	Liz Kitchen	Claire Vickers
	Lynn Lambert	Belinda Walters
	Richard Landeryou	Tricia Youtan

You are summoned to the meeting to transact the following business

Glen Chipp  
Chief Executive

## Agenda

	Page No.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Appointment of Vice Chairman</b>	
To appoint a Vice Chairman of the Committee for the rest of the Municipal year.	
3. <b>Minutes</b>	7 - 10
To approve as correct the minutes of the meeting held on 7 December. (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	

4. **Declarations of Members' Interests**

To receive any declarations of interest from Members of the Committee

5. **Announcements**

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

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

6. **Appeals** 11 - 12

Applications for determination by Committee:

7. **DC/21/1415 Land Between Trundle Mead and April Rise (Land at Windacres Farm) Cox Green, Rudgwick** 13 - 24

Ward: Rudgwick  
Applicant: William Lacey Group Ltd

8. **DC/21/2211 Oakfield, Cox Green, Rudgwick, Horsham** 25 - 42

Ward: Rudgwick  
Applicant: Mr Andrew Jackson

9. **DC/20/2578 The Cobblers, Hayes Lane, Slinfold** 43 - 80

Ward: Itchingfield, Slinfold and Warnham  
Applicant: Saxon Weald

10. **DC/21/2691 St Andrew's Church of England Primary School, Nuthurst Street, Nuthurst, Horsham** 81 - 88

Ward: Nuthurst and Lower Beeding  
Applicant: The Governors of St Andrew's CE Primary School

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

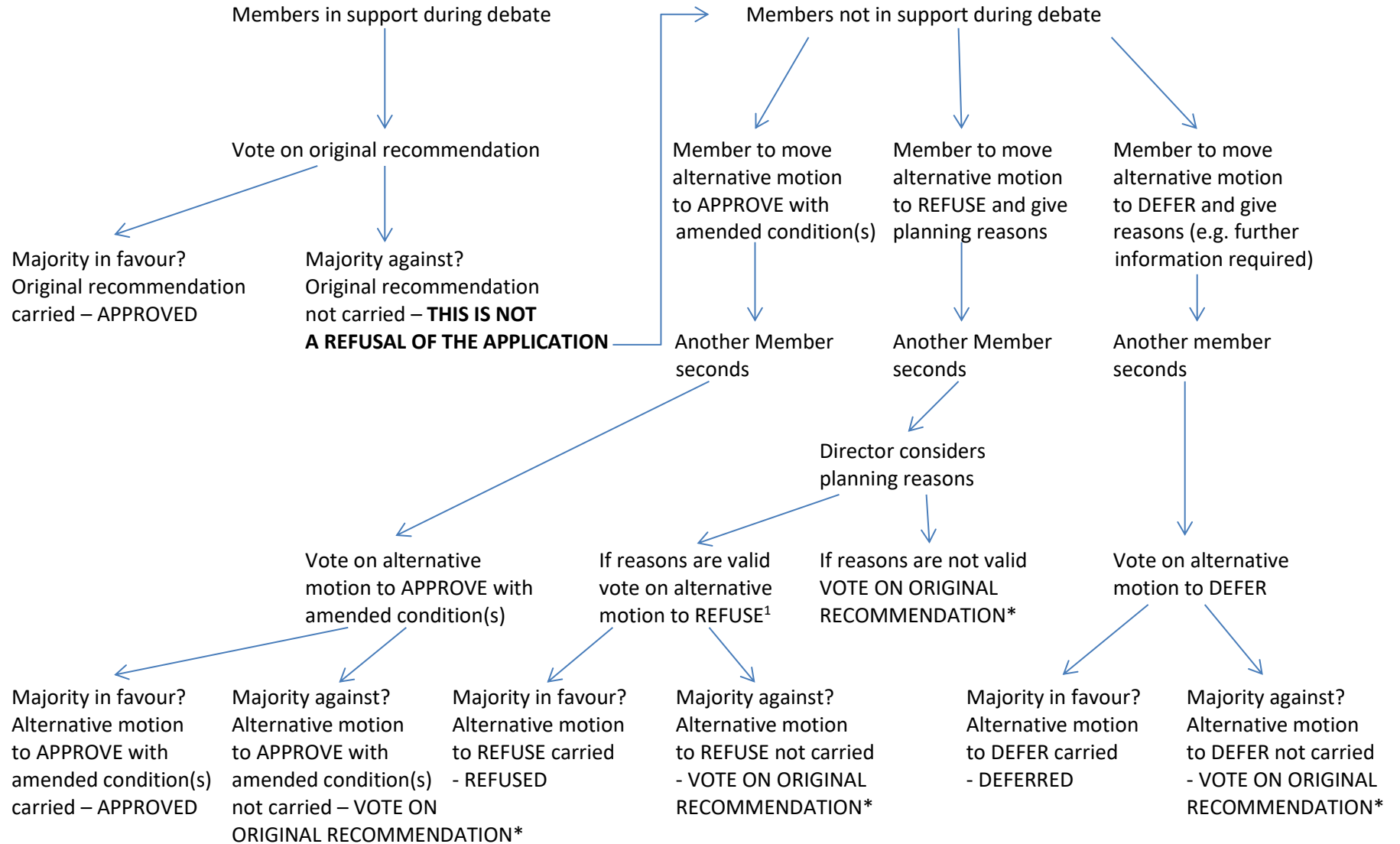
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

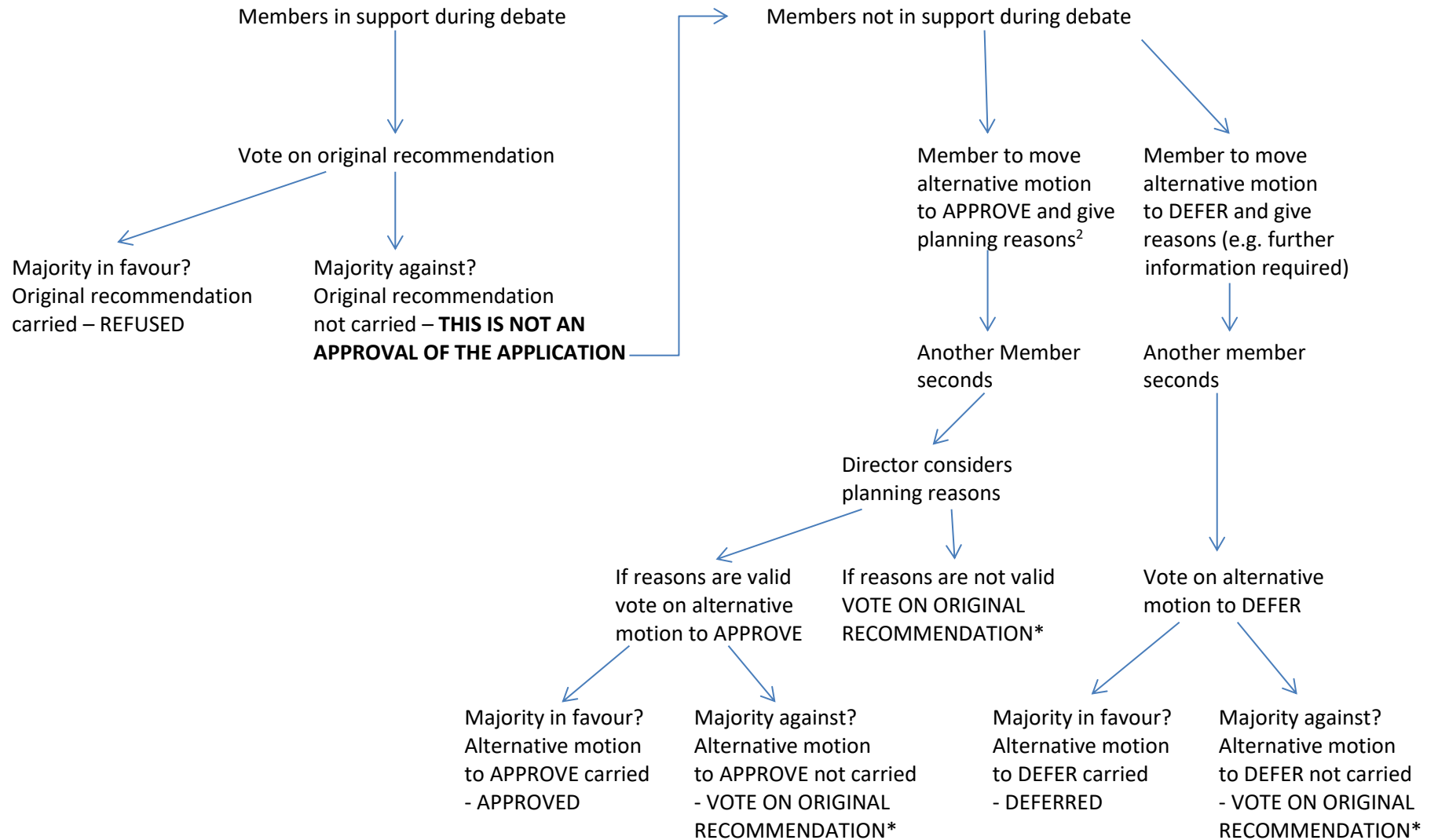
### Original recommendation to APPROVE application



\*Or further alternative motion moved and procedure repeated

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

**Original recommendation to REFUSE application**



\*Or further alternative motion moved and procedure repeated

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

**Planning Committee (North)**  
**7 DECEMBER 2021**

Present: Councillors: Karen Burgess (Chairman), Liz Kitchen (Vice-Chairman), Matthew Allen, Tony Bevis, Martin Boffey, Peter Burgess, Ruth Fletcher, Billy Greening, Lynn Lambert, Christian Mitchell, Jon Olson, Louise Potter, Stuart Ritchie, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Andrew Baldwin, Toni Bradnum, Alan Britten, Christine Costin, Tony Hogben, Richard Landeryou, Gordon Lindsay, Tim Lloyd, Colin Minto and David Skipp

Absent: Councillors: Frances Haigh and John Milne

PCN/48 **MINUTES**

The minutes of the meeting held on 2 November were approved as a correct record and signed by the Chairman.

PCN/49 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/20/1164 Councillor Greening declared a personal interest in this item as he knew the applicant and some of the objectors.

PCN/50 **ANNOUNCEMENTS**

The Chairman advised the meeting that item DC/21/0845 Southwater Skate Park was withdrawn.

It was announced that Councillor Kitchen was resigning as Vice Chairman of the Planning North Committee. A new Vice Chairman would be appointed at the next meeting. The Chairman thanked Councillor Kitchen for her help and support over the last few years.

PCN/51 **APPEALS**

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

PCN/52 **DC/20/1164 - DEERSWOOD, SOUTHWATER STREET, SOUTHWATER**

The Head of Development & Building Control reported that this application sought permission to remove condition 6 on previously approved application DC/18/0636 to allow for the removal of the bunds to the southern and western sides of the site. The bunds had been previously retained on site for the

purposes of noise attenuation and landscaping. The applicant claimed that the bunds were not required for these purposes. DC/18/0636 had sought to regularise the development of permission DC/15/2127 for two dwellings, including Deerswood, and DC/17/1368.

Members were advised that the original conditions attached to previous permission DC/18/0636 had been omitted from the report in error and would be included in any decision where they remain relevant.

The application site was to the northern side of Southwater Street, within the built-up area boundary of Southwater. The site was bounded by residential development to the west (Roberts Close), south and east (Southwater Street) and to the north by the remaining landscape buffer area with Oakhurst Business Park beyond. The bunds were only apparent from very localised views from within the site itself and from the immediate neighbouring properties.

The Parish Council objected to the application. There had been 13 representations objecting to the application. Representations of support were received from four households.

Following submission of further noise information, a re-consultation was carried out which resulted in a further six letters of objection and two letters of support.

A final noise assessment and further re-consultation resulted in a further five representations of objection. One letter of support was received following the re-consultation.

The applicant addressed the Committee in support of the proposal.

Parish Councillors and Local Ward Members expressed concern that the bund protected neighbouring residents and its removal would be to the detriment of neighbouring amenity, both visual and because of increased noise.

It was therefore proposed and seconded that the application be refused on the grounds of loss of amenity to nearby residents. The motion was lost.

Members considered requesting a further noise assessment because of the effect of Covid lockdowns on the previous assessments. It was noted that HDC Environmental Health raised no objection and Members agreed this would not be reasonable or necessary.

Councillors were advised that additional soft planting and landscaping could be provided along the southern and western boundaries as per the condition in the report.

Local Councillors requested that Condition 3 regarding landscaping be approved in consultation with the Local Members to ensure improved boundary planting. Members concluded that this additional landscaping would, by its nature, act as a natural buffer.



RESOLVED

That planning application DC/20/1164 be granted subject to:

- i) details submitted for Condition 3 to be agreed in consultation with the Local Members;
- ii) the inclusion of remaining relevant conditions from previous permission DC/18/0363.

PCN/53 **DC/21/0845 - SOUTHWATER SKATE PARK, STAKERS LANE, SOUTHWATER**

This item was withdrawn.

*The meeting closed at 6.05 pm having commenced at 5.30 pm*

**CHAIRMAN**

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## Planning Committee (NORTH)

Date: 1st February 2022



Report on Appeals: 25<sup>th</sup> November 2021 – 19<sup>th</sup> January 2022

### 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/21/2296	Best Practice IFA Group Ltd, Sussex House, North Street, Horsham, West Sussex	13-Dec-21	Application Refused	N/A
DC/21/1059	Warley Farm Barn, Hammerpond Road, Plummers Plain, Horsham, RH13 6PE	29-Dec-21	Recommendation Pending	N/A
DC/21/1507	Broadbridge Heath Retail Park, Wickhurst Lane, Broadbridge Heath, West Sussex	30-Dec-21	Split Decision	N/A
DC/21/1200	Windacres Farm, Church Street, Rudgwick, West Sussex, RH12 3EG	11-Jan-22	Application Refused	N/A
DC/21/1233	Redgates, Burnthouse Lane, Lower Beeding, Horsham, West Sussex, RH13 6NN	12-Jan-22	Application Refused	N/A
EN/21/0544	The Caravan Jacksons Farm Yard, Hammerpond Road, Plummers Plain, West Sussex, RH13 6PE	13-Jan-22	Notice served	N/A
EN/21/0534	Stonehouse Farm, Handcross Road, Plummers Plain, Horsham, West Sussex, RH13 6NZ	13-Jan-22	Notice served	N/A
DC/21/1313	Richmond House, Rye Farm Lane, Barns Green, Horsham, West Sussex, RH13 0QB	17-Jan-22	Application 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/21/1285	11 Elgar Way, Horsham, West Sussex, RH13 6RH	Fast Track	02-Dec-21	Application Refused	N/A
DC/20/1698	Land at Former Swallowfields Nursery, Church Road, Mannings Heath, RH13 6HY	Written Representation	13-Dec-21	Application Refused	N/A
DC/21/1483	3 Vaughan Copse, Mannings Heath, West Sussex, RH13 6GN	Fast Track	10-Jan-22	Application Refused	N/A
DC/20/2216	Longlands, West Chiltington Road, Pulborough, West Sussex, RH20 2EE	Written Representation	19-Jan-22	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/20/1315	Stud Farm, Capel Road, Rusper, Horsham West Sussex, RH12 4PZ	Written Representation	Appeal Dismissed	Application Refused	N/A
EN/20/0202	Annexe Rear of 33 Millthorpe Road, Horsham, West Sussex	Written Representation	Appeal Dismissed	Notice served	N/A
DC/20/2467	9 Hares Hill Close, Broadbridge Heath, Horsham, West Sussex, RH12 3XX	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/20/2533	Birchwood Cottages, Shaws Lane, Southwater, RH13 9BX	Written Representation	Appeal Allowed	Application Refused	N/A



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 1<sup>st</sup> February 2022

**DEVELOPMENT:** Provision of new road to enable access to proposed development of 37 houses at land at Windacres Farm (all proposed dwellings within Waverley Borough Council boundary).

**SITE:** Land Between Trundle Mead and April Rise (Land At Windacres Farm)  
Cox Green Rudgwick West Sussex

**WARD:** Rudgwick

**APPLICATION:** DC/21/1415

**APPLICANT:** **Name:** William Lacey Group Ltd **Address:** C/o Agent, Wharf House  
Wharf Road Guildford GU1 4RP

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

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions and the completion of a legal agreement to tie the development to the Waverley Borough Council housing application.

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

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

1.1 To consider the planning application.

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

1.2 Outline planning permission is sought for the provision of a new access road off Cox Green. The new road would allow access for up to 37 houses being proposed to the south of the site at Windacres Farm. The proposed road would be between the houses at Trundle Mead and April Rise. The new road would include two lanes and a pavement. This proposed area also includes a new foul water pumping station for the housing development located to the south east section, which is also within the Horsham District Council area. This permission is for outline consent for the access and the foul water pumping station only. If recommended

for approval, other considerations, including design and landscaping, would be considered under a Reserved Matters application. This application is subject to a legal agreement which would tie the approval exclusively to the Waverley application for housing, in the event that this application is approved.

- 1.3 The current application is for the access and pumping station only to the proposed houses as this is the only section of the site which is within the boundary of Horsham District Council. The section of the site at Windacres Farm which would provide for the 37 dwellings is within the boundary of Waverley Borough Council. The boundary between Waverley BC and Horsham DC cuts across the back of the rear gardens of the houses on Cox Green. As such, this is a cross boundary proposal being considered by two separate councils. The main bulk of the proposal for housing is within the jurisdiction of Waverley BC. The application within Waverley BC's area is currently being considered (ref: WA/2021/02002).
- 1.4 This proposal follows the previous grant of planning permission for an access in 2019 under application DC/18/1520. This access was to serve 57 houses on the Waverley BC site. Waverley BC subsequently refused permission for the housing application for 57 units and a subsequent appeal was then dismissed for a number of reasons. As the approval for the access in 2019 was tied to the Waverley application for 57 units, this permission could not then be implemented. This current proposal is for an access for a new proposal for 37 units at the Waverley BC site.
- 1.5 The proposed layout is similar to the previous approved scheme but with the addition of a pumping station to serve the proposed housing.

#### DESCRIPTION OF THE SITE

- 1.6 The application site relates to land in between two detached houses on Cox Green called Trundle Mead and April Rise. The site is located to the northern end of Rudgwick within the built-up area boundary. The site includes an area of hedgerow and plant growth fronting Cox Green. April Rise includes a large detached garage to front of the house. A grassed area lies to the south of the site between the two houses. This area of Rudgwick is characterised by large detached houses within substantial grounds. The section of the site which is proposed for the housing is to the south of the site at fields at Windacres Farm, within the boundary of Waverley BC.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

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- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 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 38 - Strategic Policy: Flooding  
Policy 40 - Sustainable Transport

Supplementary Planning Guidance:

2.3 Rudgwick Parish Design Statement

RELEVANT NEIGHBOURHOOD PLAN

2.4 Rudgwick Neighbourhood Plan:

- Policy RNP1: Spatial Strategy
- Policy RNP12: Accessibility

PLANNING HISTORY AND RELEVANT APPLICATIONS

RW/79/94	Erection of 1 dwelling and garage with new access	Application refused in 1995 (subsequent appeal dismissed)
DC/18/1520	Provision of new road to enable access to proposed development of 57 houses at land at Windacres Farm (all proposed dwellings within Waverley Borough Council boundary)	Application permitted 27-06-2019

**3. OUTCOME OF CONSULTATIONS**

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

INTERNAL CONSULTATIONS

3.2 **HDC Drainage Engineer:** No Objection.

OUTSIDE AGENCIES

3.3 **WSCC Highways:** No Objection.

3.4 **Ecology Consultant:** Comment. Further information required.

3.5 **WSCC Rights of Way:** Comment. The application for housing will create increased use of Public Footpath 1390 links the village of Rudgwick to the Downs Link. A contribution should be sought for improvements to the right of way.

3.6 **Sussex Police:** Comment. Advice is given on the housing application.

3.7 **WSCC Fire Service:** Comment. The new road will be required to comply with fire regulations for access.

## PUBLIC CONSULTATIONS

### 3.8 **Rudgwick Parish Council** have strongly objected to the proposal on the following grounds:

- The road application and the application for dwellings fall under 2 separate planning authorities but are nevertheless inextricably linked.
- The detrimental implications of giving access to a site which would intrude into the undeveloped nature of the countryside and facilitate development outside the built up area boundary are inherently inconsistent with all local plan policies.
- Approving the road would permit access into an Area of Great Landscape Value, as designated by Surrey County Council.
- This site is not allocated for development and neither the Parish or HDC would gain any benefit from the scheme.
- Permitting this road would have a negative impact upon the character and setting of Cox Green.
- The proposal would also have a negative impact on the amenity of the neighbouring properties.
- The highway evidence submitted in the traffic survey is questioned.
- If approved, this application should be tied to permission for the housing estate being granted by a legal agreement.

### 3.9 **Rudgwick Preservation Society** have objected on the following grounds:

- The proposed back land development of 37 houses is not supported by the Ewhurst Neighbourhood Plan or Waverley Borough Council. It is an intrusion into the countryside. This is essentially an extension of Rudgwick and will result in an unacceptable increase in traffic. The proposed access point onto B2128 is hazardous.

### 3.10 **38 objections** have been received (including a Waverley Borough Councillor) on the following grounds:

- Lack of infrastructure and services to cope with the additional demand created by the additional housing.
- The scheme is contrary to the spatial strategies of Horsham, Waverley and Rudgwick Neighbourhood Plan.
- The access and increased traffic will result in highway safety issues. The access is near to a dangerous bend in the road where there is busy traffic. The findings of the traffic survey are questioned.
- Loss of countryside and overdevelopment.
- Inappropriate design which will spoil the character of the village.
- No more houses are needed in Rudgwick which is already struggling with current developments. The proposal is within Waverley BC and has no benefit for Rudgwick or Horsham DC.
- Impact on residential amenity, especially the two adjacent properties to the access.
- Additional light pollution.
- The approval of this application will likely result in more applications for houses to the Waverley site.
- If approved, this application should be linked to a permission at Waverley DC for the housing.

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

### 4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.



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 and Equalities forms part of the planning assessment below.

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

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

## **6. PLANNING ASSESSMENTS**

- 6.1 This application is to consider whether the proposed access road and pumping station for up to 37 houses is appropriate. The access and pumping station are the only part of the proposal within Horsham District Council's jurisdiction. The main part of the proposal for houses is within Waverley Borough Council. At the time of writing this report, the Waverley BC application for the 37 houses was pending a decision. Horsham DC have been consulted on this part of the proposal by Waverley BC and have commented accordingly objecting to the proposal.
- 6.2 The main considerations for this proposal are whether the access is appropriate in terms of highway safety, design, impact on amenity, drainage, landscape and impact on ecology. A large number of objections have been received from local residents which relate to the principle and impact of the proposed housing. The proposed housing is not a consideration in the determination of this application as this section of the proposal is within the jurisdiction of Waverley BC.
- 6.3 This proposal follows a previous outline consent for an access in 2018 under DC/18/1520. This access was to serve 57 houses on the Waverley BC site. Waverley BC refused permission for the housing and a subsequent appeal was then dismissed for several reasons. As the previous permission for an access road was linked to this Waverley application, the applicants have had to reapply for an access road for the revised permission for 37 houses.
- 6.4 Given the previous permission for an access, the principle of an access road to serve housing to the Windacres site has been established. It should be noted that the granting of this permission for the access road has no bearing on Waverley DC's assessment of the housing application.

### Highway Safety and Access:

- 6.5 The proposed road would be provided on a section of unused land in between the houses at Trundle Mead and April Rise. The proposed road goes up to the rear boundary of these properties (127m). This is where the boundary of Horsham District Council meets the boundary of Waverley Borough Council. The road then continues on to serve the proposed houses to the south. The proposed access is shown as 5.5m wide with a 2m footway on the western side. The new footway would be an extension of the existing footway at Cox Green.
- 6.6 Paragraph 111 of the NPPF sets out that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.
- 6.7 To support the new access, a Transport Statement has been submitted. Residents have raised concerns regarding the access and the data provided. This is, in part, in relation to when the surveys were taken and if they are reliable. Concern was also raised by the owner of Trundle Mead that the visibility splay crossed over their land. In response, an additional Technical Note has been provided by the applicant. WSCC Highways also commented that

they were aware that additional information was submitted as part of DC/18/1520 in connection with the traffic counts. This information provided background in terms of the prevailing weather conditions at the time the surveys were undertaken. They understood that this information subsequently resulted in several days' worth of data being excluded from use within the previous application. WSCC previously have accepted this report and the approach applied within it.

- 6.8 Subsequently, the following additional information was received:
- An updated Designer's response regarding the Safety Audit.
  - A plan showing that the visibility splays do not cross the land over which Trundle Mead has a right of way.
  - A report demonstrating that the speed survey information on which the visibility splays are based is valid and not discredited due to adverse weather at the time or a failure to take account of the inferior braking capability of HGVs.
- 6.9 WSCC Highways consequently commented that the additional information had addressed their comments and raised no objections in terms of highway safety.
- 6.10 One of the requirements stipulated by the WSCC Highways Authority is the provision of appropriate visibility splays. The proposal indicates visibility splays of 56m to the north and south (from a setback of 2.4m). A condition is recommended that once the splays have been provided they shall thereafter be maintained and kept free of all obstructions in the interests of highways safety. The land in question is either adopted highway land or under the control of the applicant. If vegetation is overhanging from third party land, then this can be cut back without third party consent to maintain the visibility splays and highway safety.
- 6.11 Overall, it is considered that, subject to conditions, the new road is appropriate in terms of highway safety and is in accordance with Policy 40 of the Horsham District Planning Framework (2015) and paragraph 111 of the NPPF.

### Design

- 6.12 As outlined above, this proposal is for the provision of the new access road only and a pumping station. The new road would be located at a section of unused land in between two houses on Cox Green, and would require the removal of hedgerow fronting Cox Green. The details regarding the final design of the road would be considered under a reserved matters application, in the event that approval is granted. This would include the materials of the new road, pavement and all landscaping. The proposed access will introduce a gap in an existing hedgerow between April Rise and Trundle Mead, however this is not uncharacteristic of the street scene and in itself is not considered to result in harm to the character of the area. The Council's Landscape Architect has raised no objection to the proposal accordingly. On this basis it is considered that, in between the two houses within the defined settlement boundary of Rudgwick, a new road of the scale proposed would not stand out as an inappropriate addition, therefore the principle of the proposal in design and landscape impact terms is considered acceptable.
- 6.14 In relation to the pumping station, this is required for the new housing (if approved by Waverley BC) and would be set at the south east corner of the HDC site. The station would mainly be formed of underground apparatus surrounded by fencing with a parking area for maintenance. Subject to appropriate fencing, to be assessed under a reserved matters application, the pumping station is considered visually appropriate and unobtrusive.

### Impact on Amenity

- 6.15 Policy 33 of the HDPF states that developments are required to be designed to avoid unacceptable harm to the amenity of nearby properties. For this proposal, the amenity consideration is whether the use of the road would result in an unacceptable noise and

amenity impact on the immediate adjacent properties at Trundle Mead and April Rise. The new road would be in close proximity to these two properties.

- 6.16 April Rise is a detached house to the west of the new road. The house is approximately 4m from the boundary and includes side windows facing the proposed access road. The house would be approximately 7m from the new road itself. April Rise includes a new garage which has been constructed to the front of the property. The garage is closer to the new road than the main house but is not indicated as habitable accommodation.
- 6.17 Trundle Mead is the immediate detached house to the east of the new road. This dwelling would be closer to the boundary of the site of the new road. Trundle Mead would be approximately 5m from the new road. Both properties have limited side windows facing the new road. It should be noted that none of the side windows at April Rise which face the property serve habitable rooms.
- 6.18 The proposal would result in an increase in noise from cars coming and going to and from the site but this would generally be at peak times during the morning and evening. The properties already experience traffic noise through the daily use of Cox Green. Given the vehicle movements indicated for the wider housing development and the distances from the new road, it is not considered that the use of the new road would significantly increase the existing noise impact to any great degree. Whilst there would be a noise increase through the use of the new road, the increase would mainly be at peak times and it would be difficult to argue that this results in a significant impact in terms of noise disturbance. The use of the footpath to Cox Green is also likely to be limited given that it does not give access to any services for the future residents of the development. Shops and services at Rudgwick are all located to the south of the site. For these reasons it is considered that the proposed road would not result in a significant impact on the amenities of the two adjacent properties, or any other dwellings in the immediate area. The proposed pumping station is also located at the south east corner at the end of the garden of Trundle Mead and would not result in any significant impact on residential amenity in this location.

#### Other Considerations

- 6.19 In relation to Ecology, the scheme includes a Preliminary Ecological Appraisal. The section of the site under consideration in this application includes a small section of hedgerow fronting Cox Green and an area of mainly grassland. The Ecological Appraisal states that the site as a whole has potential for foraging and commuting bats, terrestrial habitats for great crested newts (GCN), breeding birds, reptiles and dormice. The Council's Consultant Ecologist has commented that the main issue with this part of the site for the access is the impact on great crested newts and reptiles. The Council's Ecologist had commented that further information on mitigation measures for GCN was required. At the time of writing the report, the applicant was finalising the details for the GCN report.
- 6.20 In terms of drainage, the Council's Drainage Engineer has not raised any objections to the proposed section of road. Full details of drainage for this section of the new road will be considered under the reserved matters application.
- 6.21 Details of landscaping will also be submitted as part of a reserved matters application. It should be noted that this section of the proposal does not include any substantial trees which are proposed to be removed. The submitted Arboricultural Statement indicates that the trees and hedgerows along the boundaries of April Rise and Trundle Mead will be protected with fencing during the construction works.
- 6.22 The road is considered appropriate in the context of the overall development of the site in conjunction with the Waverley application. As a standalone application, without the proposed housing, the new road would lead to nowhere and would be inappropriate. This proposal is therefore only acceptable as an access road in conjunction with the new houses, currently

being considered by Waverley BC. Therefore, this proposal is subject to a legal agreement that the new road is only used in conjunction with the application currently being considered by Waverley for 37 houses (ref: WA/2021/02002).

- 6.23 The adjacent residents of Trundle Mead have raised an objection to the scheme on the grounds that they own a piece of land which was shown as part of the proposal and had not been served notice as part of this proposal. The land in question is a square piece of land between Trundle Mead and the application site which is shown as being jointly owned. The ownership of this piece of land is in dispute. To rectify the situation, the applicant has served notice on the owners of Trundle Mead for this square piece of land. The applicant has also shown that the proposal will not affect this piece of land.

Water Neutrality:

- 6.24 Waverley BC have been informed by Natural England that they do not need to consider water neutrality for the accompanying housing development within their borough as the borough is not supplied by water from the Sussex North Water Supply Zone. As such, this application for the access and pumping station, and the accompanying housing development within Waverley BC, will not result in an adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar sites. The proposal for the access and pumping station for the development would therefore be considered compliant with the provisions of HDPF policy 31 in addition to the relevant provisions of the Habitats Regulations 2017.

Conclusion

- 6.2 Subject to conditions and detailed design at the Reserved Matters stage, the new access road is considered appropriate in terms of highway safety, ecology, impact on amenity and design. The application is subject to the completion of a legal agreement to tie the new access road to the proposal at Waverley DC for new housing.

**7. RECOMMENDATIONS**

- 7.1 That planning permission be approved subject to the completion of a legal agreement and the following conditions:

Conditions:

- 1 A list of the approved plans
- 2 **Standard Time Condition:**
  - (a) Approval of the details of the layout, landscaping and appearance of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
  - (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout, landscaping and appearance of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
  - (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
  - (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the

date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

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

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

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

4 **Regulatory Condition:** No part of the access road shall be first used until visibility splays (as indicated on drawing no.4714/005A) of 56m either side of access (from a setback of 2.4m) have been provided at the proposed site vehicular access onto Cox Green 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 road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7. **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).

Background Papers: DC/18/1520, Waverley Borough Council ref: WA/2021/02002

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# 06) DC/21/1415

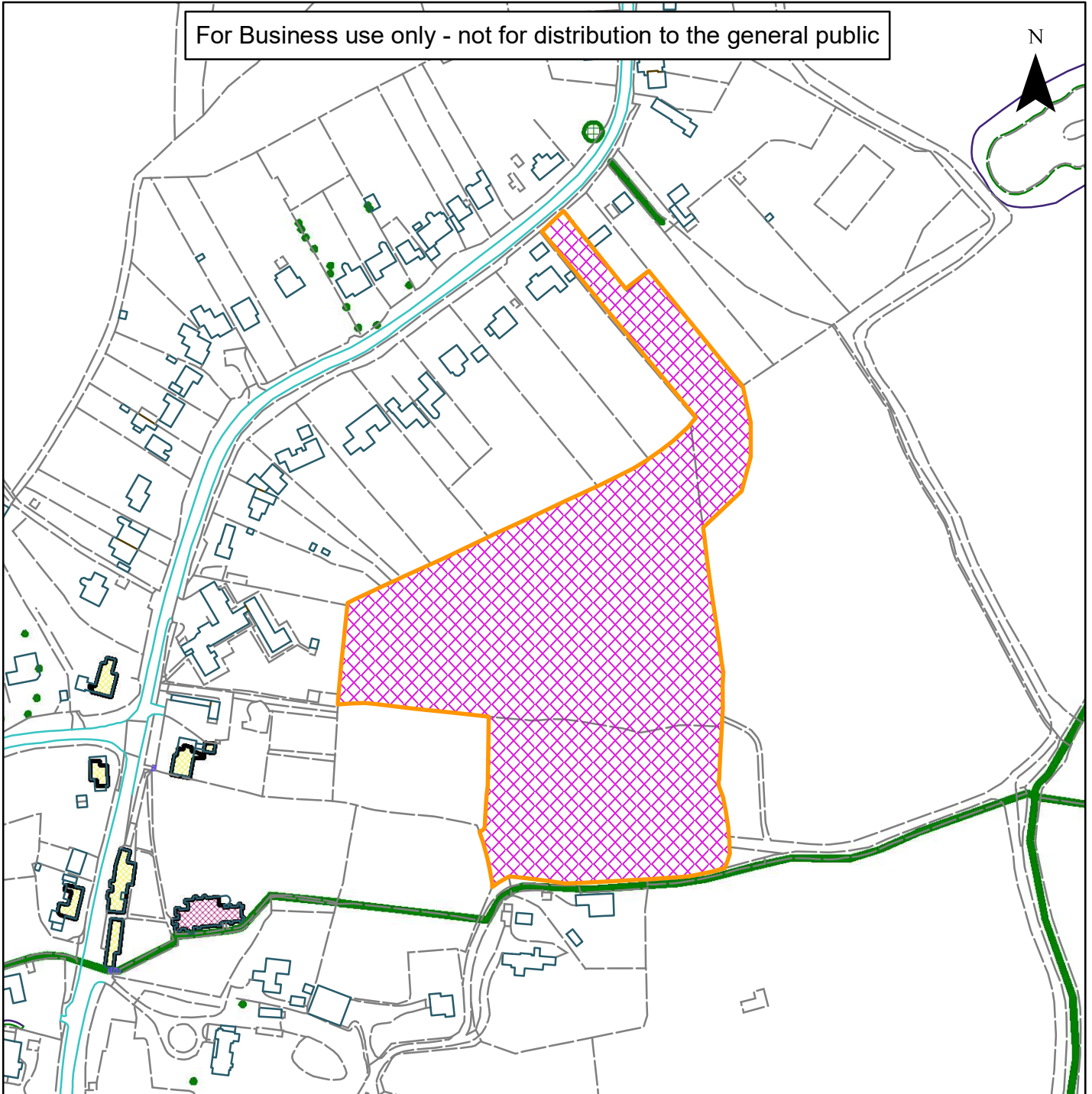


## Horsham District Council

Land Between Trundle Mead and April Rise (Land At Windacres Farm), Cox Green, Rudgwick, West Sussex

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**Scale:** 1:3,000

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Organisation	Horsham District Council
Department	
Comments	
Date	20/01/2022
OSA Number	100023865

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

**BY:** Head of Development and Building Control

**DATE:** 01.02.2022

**DEVELOPMENT:** Demolition of existing dwelling and garage and erection of a replacement detached dwelling with new vehicular access, attached garage and associated car parking.

**SITE:** Oakfield, Cox Green, Rudgwick, Horsham, West Sussex, RH12 3DD

**WARD:** Rudgwick

**APPLICATION:** DC/21/2211

**APPLICANT:** **Name:** Mr Andrew Jackson **Address:** Oakfield Cox Green Rudgwick RH12 3DD

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

Rudgwick Parish Council request to be heard at HDC Planning (North) Committee should this application be recommended for approval.

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

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

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 This planning application comprises the following proposals:-
- i. The demolition of the existing detached dwelling (Oakfield)
  - ii. The construction of a replacement 2-storey dwelling with 4-bedrooms
  - iii. Provision of an attached garage to the replacement dwelling plus hardstanding to provide additional off-street parking spaces to serve the replacement dwelling
  - iv. Creation of a new vehicular access to serve the replacement dwelling.
- 1.2 The replacement dwelling would be set slightly further back into the site from the highway and is proposed of a similar scale and height. The proposed replacement dwelling would have a width of approximately 17.5m including an integrated garage. The existing dwelling approximates to a similar width and there is a detached garage block to the rear to be removed. The depth of the proposed dwelling being approximately 12m is marginally less

than the existing dwelling depth, and with a maximum height of 7.5m. The proposed dwellinghouse would have a gabled roof design to match the existing neighbouring dwellings. The main entrance to the proposed dwellinghouse would be located to the south-eastern elevation. Materials would consist of brick and hanging tiled elevations and a tiled roof.

- 1.3 It is noted that a new infill dwelling has been previously permitted under ref. DC/20/1689 on garden land adjacent to Oakfield.

## DESCRIPTION OF THE SITE

- 1.4 The application site gained planning permission for infill development (ref. DC/20/1689) to erect a double storey detached dwelling and garage on existing garden land west side of the property 'Oakfield', and is within the built up area of Rudgwick. A protected mature oak tree exists 20m northeast of the existing dwelling close to the highway boundary. The site is on the north side of the B2128 highway.
- 1.5 It is observed that 155m to the southwest planning application DC/16/2925 was approved in 2017 for the demolition of existing dwelling (Fordcombe) and construction of 2 new two-storey 5 bedroom houses, with associated amenity and parking.
- 1.6 In May 2018 consent was given (ref. DC/18/0316) for the erection of a detached two storey dwelling on garden land at The Jasmine House, approximately 42 metres north, outside of the defined built-up area boundary of Rudgwick, and despite being a departure from the Development Plan.
- 1.7 In June 2019 consent was given (ref. DC/18/1520) for Provision of new road to enable access to proposed development of 57 houses at land at Windacres Farm. The approved access is directly opposite the proposed development and is to serve a proposed residential development at Windacres Farm, which lies within neighbouring Waverley Borough. It is noted that the related Waverley 'major' planning application for 57 houses was refused and then dismissed at Appeal.
- 1.8 The wider surroundings are characterised by detached two storey dwellings set back from the public highway. These residential properties are of a varied vernacular and appearance, sited within elongated plots bound by a mix of hedging and fencing. The street is generally verdant in character with hedging and mature trees located along the frontages, limiting the permanency into the individual plots.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

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

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

### 2.3 RELEVANT NEIGHBOURHOOD PLAN

The Rudgwick Neighbourhood Plan was formally made on 23 June 2021. The following policies are relevant to this application –  
Policy 5 – Residential Development  
Policy 6 – Design

### 2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS:

DC/21/2209 FUL Demolition of existing detached garage and outbuilding. Erection of two-storey detached dwelling and detached garage on existing garden land.  
Pending

DC/20/1689 FUL Demolition of existing detached garage and outbuilding. Erection of double storey detached dwelling and 2No. detached garages on existing garden land. Creation of new vehicular access.  
Application Permitted 20/11/2020

DC/20/0209 FUL Demolition of existing detached garage and outbuilding. Erection of a detached two storey dwelling with associated landscaping, parking and the creation of new access  
Withdrawn 19/03/2020

RW/56/79 HIST Constr. of new vehicular access (From old Planning History)  
Application Permitted 05/09/1979

RW/57/79 HIST Erection of detached dwelling Comment: Appeal dismissed 6/6/80  
(From old Planning History) Application Refused 02/08/1979

## 3. OUTCOME OF CONSULTATIONS

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

### CONSULTATIONS

3.2 **HDC Arboricultural Officer:** No Objection, condition recommended

3.3 **HDC Drainage:** No Objection

3.4 **WSCC Highways:** No Objection, conditions recommended

3.5 **Ecology Consultant:** No Objection subject to conditions

3.6 **Southern Water:** Advisories provided

3.7 **Natural England:** Objection if water neutrality is not achieved:-  
It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the

use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

### 3.8 Parish Comments:

9 November 2021

Objection - Rudgwick Parish Council accepts that the water usage of the replacement dwelling would be less than the existing property and would appear to satisfy HDPF Policy 37. However, the water consumption calculated would still exceed the Southern Water Target 100 initiative and that demanded in the emerging Horsham District new local plan. More therefore could clearly be done. Our original objections still stand.

18 October 2021

Rudgwick Parish Council Objects to this proposal on the following grounds:

- Unnecessary, unsafe positioning of the access drive. In the approved application (DC/20/1689) the new access drive for the existing property was positioned close to the border with the proposed additional house. Rudgwick Parish Council did not object as this was deemed to be the safest possible place for the access, at the furthest point from the (chevron signed) bend in the B2128. This latest application proposes to move the access drive back nearer to the bend, which is of great concern on safety grounds. It also moves it nearer to the root protection zone of an oak tree which is the subject of a TPO. There is no reason to justify this change from the acceptable and approved situation.
- Proposal encroaches outside of the BUAB and into the countryside, despite the planning statement saying otherwise. This breaches Rudgwick Neighbourhood Plan policy 1 and HDPF policies 4 and 26.
- Application causes concern in relation to breaching HDPF Policy 35 as it does not take into account the carbon footprint of the demolition and reconstruction of the building. The reasons given for the need to demolish are very insubstantial. The evolving climate change policies of both HDC and the Government are 'insisting' that buildings should be retained and refurbished wherever possible due to the massive carbon footprint of the demolition and reconstruction. This can take up to 100 years to be recovered, even with an ultra-efficient replacement building. The emerging HDC local Plan recognises this and encourages the retention of existing buildings stating 'existing buildings contain embodied carbon and so it is important that this already emitted carbon is not wasted through the needless demolition of existing structures. Where demolition is unavoidable, applications will be required to demonstrate how the on-site embedded carbon has been retained.'
- The heating proposed in this application (gas boiler) has not been selected in accordance with the stated hierarchy in HDPF policy 36.
- The applicant has stated 'yes' on the application form in answer to the question whether the proposal involves a proposed use that would be particularly vulnerable to the presence of contamination. Therefore, a contamination assessment should have been submitted. There is no evidence on the planning file of such a report, and this matter causes concern.

Should the officer recommend this application for approval RPC request that it should come before the HDC Planning (North) Committee where we would wish to speak in objection. Please refer HDC constitution 3.2.2 c) 7.

- 3.9 PUBLIC CONSULTATIONS:  
11 representations were received from members of the public Objecting to this application.  
-The main relevant reasons for objection being:  
-The existing Victorian house shouldn't be demolished due to its heritage  
-The proposed new access is near a bend in the road and a highway concern  
-Impact on the nearby protected oak tree, hedge removal and landscaping  
-The property extends over the BUAB  
-A lack of carbon neutrality considerations

#### **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 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy.
- 6.2 The application site is located within the built-up area of Rudgwick, which is categorised as a "Medium Village" under Policy 3 of the HDPF. These settlements have a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements. It is noted that previous permission DC/20/1689 considered that residential development on the garden land and a new access is acceptable in principle, with the proposal likely to reflect the build pattern and characteristics of the street scene, subject to the detailed design of the proposal and consideration of garage siting.
- 6.3 The application site is within the defined built-up area, where residential development is generally considered acceptable in principle, subject to all other material considerations as set out below.

##### **Design and Appearance**

- 6.4 Horsham District Planning Framework (HDPF) Policies 25, 32 and 33 seek to promote development of high quality and inclusive design for all development in the district, ensuring that it is complementary of local distinctive character and heritage, integrating with their surroundings. Furthermore, these policies 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 landscape and built surroundings.

- 6.5 The proposed replacement dwelling would be set further back into the plot away from the highway and is of similar size and height to the existing and is considered commensurate to the build pattern and grain of the wider street scene, while retaining the openness and spacing that is characteristic of the surrounding built development.
- 6.6 The proposed traditional form, design and appearance would be similar to the approved infill dwelling under ref DC/20/1689. The replacement ground floor accommodation would comprise a kitchen, a utility room, sitting room, study and attached single garage with cycle store. At first floor level there would be 4 no. bedrooms and 3 no. bathrooms. (The current dwelling comprises 5 bedrooms and 3 bathrooms at first floor level.) Externally, the dwelling would comprise a design reflective of the approved infill dwelling with brick and hanging tiled elevations to match and with a plain tiled roof to also match the existing property. The garage would however be integrated into the dwelling with cycle storage provided within, as opposed to the current detached garage. Additional on-site car parking and turning space and with substantial private amenity space to the rear. A new access is proposed to serve the replacement dwelling (Oakfield) to be now proposed to be positioned further to the north more centrally located in front of the proposed dwelling which would be set further back within the plot.
- 6.7 The existing dwelling has a prominent position closer to the front boundary to the highway and has a traditional form but is not a listed building. The proposed replacement dwelling would reflect the traditional design of the new dwelling approved as infill development and being set further back would create a greater degree of openness from the highway. The proposed design and appearance is considered sufficient to ensure that it reflects the character of the street scene and is commensurate to locally distinctive vernacular of the locality. The scale and massing of the new detached dwelling would represent an appropriate form of development within the site, and would sit comfortably within the street scene given the pattern of development and would not have a detrimental impact on the wider area.
- 6.8 The proposal is therefore considered a satisfactory and sympathetic form of development in keeping with the prevailing character of development within the street scene and surrounding area and appropriately sitting within the plot, therefore compliant to Policies, 25, 32 and 33 of the HDPF.

#### **Impact on Residential Amenity**

- 6.9 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.
- 6.10 The replacement dwelling would be positioned further back into the site, the first floor side windows are proposed as obscure glazed and would serve bathroom spaces, the positioning of window openings minimises potential conflict with the neighbouring properties and the location of the dwelling would be of a sufficient spacing to limit potential overlooking and loss of privacy given the positioning of window openings to mitigate potential conflict with the neighbouring properties and prevent significant harmful impact on neighbouring amenity. Given the siting, scale and proximity of the proposed dwelling, no significant issues of overlooking, overshadowing, or overbearing is envisaged to the adjoining and neighbouring properties that would unexpected in an area such as this. The proposal is therefore considered to be acceptable on amenity grounds.

#### **The quality of the resulting residential environment for future occupiers**

- 6.11 It is considered that the proposed development provides sufficient indoor and outdoor living space for occupants. Suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking. As such, it is considered that the proposal would not be significantly dissimilar to the existing situation on site and there would

be an appropriate quality level of environment for the future occupiers of the proposed dwellinghouse.

- 6.12 The garden space is considered to be adequate to serve the dwelling, would not be dissimilar to other examples in the vicinity and would not be subject to overlooking harm, beyond that of the existing situation on site. Consequently, it is considered the quality of the resulting internal and external living environment would be acceptable

#### **Highways and Parking Implications:**

- 6.13 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users.
- 6.14 A new vehicular access further to the north is proposed, more central to the plot in front of the dwelling. The proposed dwelling would incorporate an integrated garage with internal cycle parking and an additional external car parking and turning area. The Local Highways Authority was consulted and commented that whilst there may be some scope to relocate the new access point to the south western extent of the plot (as per the access location secured under DC/20/1689) to result in a longer southbound splay being provided, the LHA on balance considers that the new access proposed with the newly demonstrated splays in this application represent an improvement over and above the currently approved position under DC/20/1689 and the local planning authority supports this view. The LHA notes that the access works must be implemented under licence to a specification obtained from WSCC Highways. The applicant should be aware that licence applications are not permitted when they will result in two access points serving one dwelling, as such the applicant will likely have to have gained permission for DC/21/2209 before the licence application for this new access point will be granted.
- 6.15 The significant hardstanding parking area proposed along with the attached garage would meet the anticipated demand created by a dwelling of this size in this location. The garage provision can also be used for the parking / storage of cycles.
- 6.16 The Local Highways Authority does not consider that the proposal would have and 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 111), and that there are no transport grounds to resist the proposal.

#### **Drainage**

- 6.17 The replacement dwelling will seek to utilise the existing mains sewer that currently runs through the property. Surface water will be dealt with through soakaways to the front and rear areas of the property. A permeable driveway and parking area will be provided to the proposed new entrance to the property, in accordance with the drainage engineer's specification submitted and is to form part of the overall surface water drainage design.

#### **Trees and hedges**

- 6.18 The new proposed access for the site is to be sited approximately 12m to the south of the edge of the root protection area of a mature Oak tree at the front of the property which is protected by TPO/1554. The Council's Arboricultural Officer was consulted and this distance is considered to be acceptable. The proposal will also require the removal of several small trees and four sections of hedging at the site to gain the suitable visibility splay for the proposed new access. The hedge is a mix of Holly and Hazel and, in its current state, is described as lapsed. Given the limited number of woody species that make up the hedge, its removal and replacement is considered acceptable. Furthermore, from an ecological point of view, an appropriate native mix hedging tree/shrubs have also been selected. A condition

is recommended in relation to any excavations within the root protection area of the Oak tree.

## **Ecology**

- 6.19 The Ecology consultants Place Services have reviewed the Preliminary Ecological Appraisal Updated' report (The Ecology Co-op, August 2021) and the 'Bat Survey Report Update' (The Ecology Co-op, August 2021) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly bats and identification of proportionate mitigation.
- 6.20 Place Services comment that they are satisfied that there is sufficient ecological information submitted by the Applicant for determination and which likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.
- 6.21 Place Services recommend that the mitigation measures identified in both the 'Preliminary Ecological Appraisal Updated' report (The Ecology Co-op, August 2021) and the 'Bat Survey Report Update' (The Ecology Co-op, August 2021) should be secured and implemented in full, which will be achieved by the work being carried out under a European Protected Species (EPS) licence from Natural England. This is necessary to conserve and enhance protected and Priority bat species.
- 6.22 Place Services also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures are recommended to be detailed within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. The proposal is considered acceptable subject to recommended conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will, it is considered, contribute to this aim.

## **Climate change**

- 6.23 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- The provision of electric vehicle charging points
  - Improved energy performance
- 6.24 In addition to these measures, conditions are attached to secure the following:
- Water consumption limited
  - Requirement to provide full fibre broadband site connectivity
  - Refuse and recycling storage
  - Biodiversity mitigation and enhancement
  - Cycle parking facilities
  - Electric vehicle charging points



## Water Neutrality

- 6.25 The proposed dwelling would have a total of 4 bedrooms where the existing dwelling to be demolished currently has 5 bedrooms. This indicates that the proposed residential occupancy rate on site would be reduced. A water neutrality statement has been provided which sets out that the proposed replacement dwelling would have a reduced water usage when compared to the existing dwelling and the proposal would therefore be water neutral. It is considered that no mitigation measures are necessary as there would be no increased water demand. Consequently, the proposal would not have significant impact on the Arun Valley SAC, SPA and Ramsar sites.
- 6.26 In conclusion, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

## Conclusions

- 6.27 Overall, the proposed development which would not have a sufficiently detrimental impact on the prevailing character of development within the street scene and surrounding area, nor upon neighbouring amenity, protected trees, or the highways network to warrant refusal. The application is therefore considered to comply with relevant local and national planning policies and is therefore recommended for approval.

## 6.28 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	295	298	0
	<b>Total Gain</b>		
		<b>Total Demolition</b>	<b>298</b>

- 6.29 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.30 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 unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or  
b) a method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or  
c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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 and s17 Crime & Disorder Act 1998 and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level 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 that part of the approved development has 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).

- 5 **Pre-Commencement (Slab Level) Condition:** Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

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

- 6 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy, received 29 October 2021. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy

Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

7 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include details 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
- Existing and proposed lands levels
- Ecological and Biodiversity Enhancements

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).

8 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Site Plan and numbered D1828.19 - B.

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

9 **Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 x 54 metres northeast and 2.4 x 52 metres southwest have been provided at the proposed site vehicular access onto Cox Green in accordance with the approved planning drawings (Site Plan Numbered D1828.19 - B). 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. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

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

10 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall occupied until 1no electrical vehicle charging point per dwelling has been provided on site The charging points shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 12 **Pre-occupation Condition:** No part of the development shall be first occupied unless and until covered and secure cycle parking spaces have been provided to serve the dwellings. The facilities shall thereafter be retained for use at all times.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with Policy 40 and 41 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** No part of the development shall be first occupied unless and until provision for the storage of refuse and recycling has been provided to serve the dwellings. 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).

- 14 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until the first floor side windows on Plan D1843.18A have been fitted with obscured glazing. No part of that/those window(s) that are/is 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).

- 15 **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).

- 16 **Regulatory Condition:** All mitigation and enhancement measures and works shall be carried out in accordance with the details contained in the 'Preliminary Ecological Appraisal Updated' report (The Ecology Co-op, August 2021) and the 'Bat Survey Report Update' (The Ecology Co-op, August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

- 17 **Regulatory Condition:** The dwelling(s) 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: 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).

18 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Reports TCP02 dated 10.7.2021 & TPP04 dated 12.08.2021, prepared by Treeline Services Ltd. (Received 24.09.2021).

- Any excavations within the RPA should be undertaken carefully, using hand-held tools.
- If any roots are exposed during the work, they should immediately be wrapped or covered to prevent desiccation and protect them from rapid temperature changes. Any wrapping should be removed before backfilling, which should take place as soon as possible.
- Before backfilling, any retained roots should be surrounded with topsoil or uncompacted sharp sand (builders' sand should not be used because of its high salt content, which is toxic to tree roots), or other loose inert granular fill, before the soil or another suitable material is replaced. This material should be free of contaminants and other foreign objects potentially injurious to tree roots.

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).

19 **Regulatory Condition:** The means of foul and surface water drainage shall be executed as per the drainage site plans submitted 24.09.2021.

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).

20 **Regulatory Condition:** Other than 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 hereby permitted. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

22 **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) as amended, no development falling within Classes A, AA, B, C, or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage 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 the nature of the development and constraints of 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).

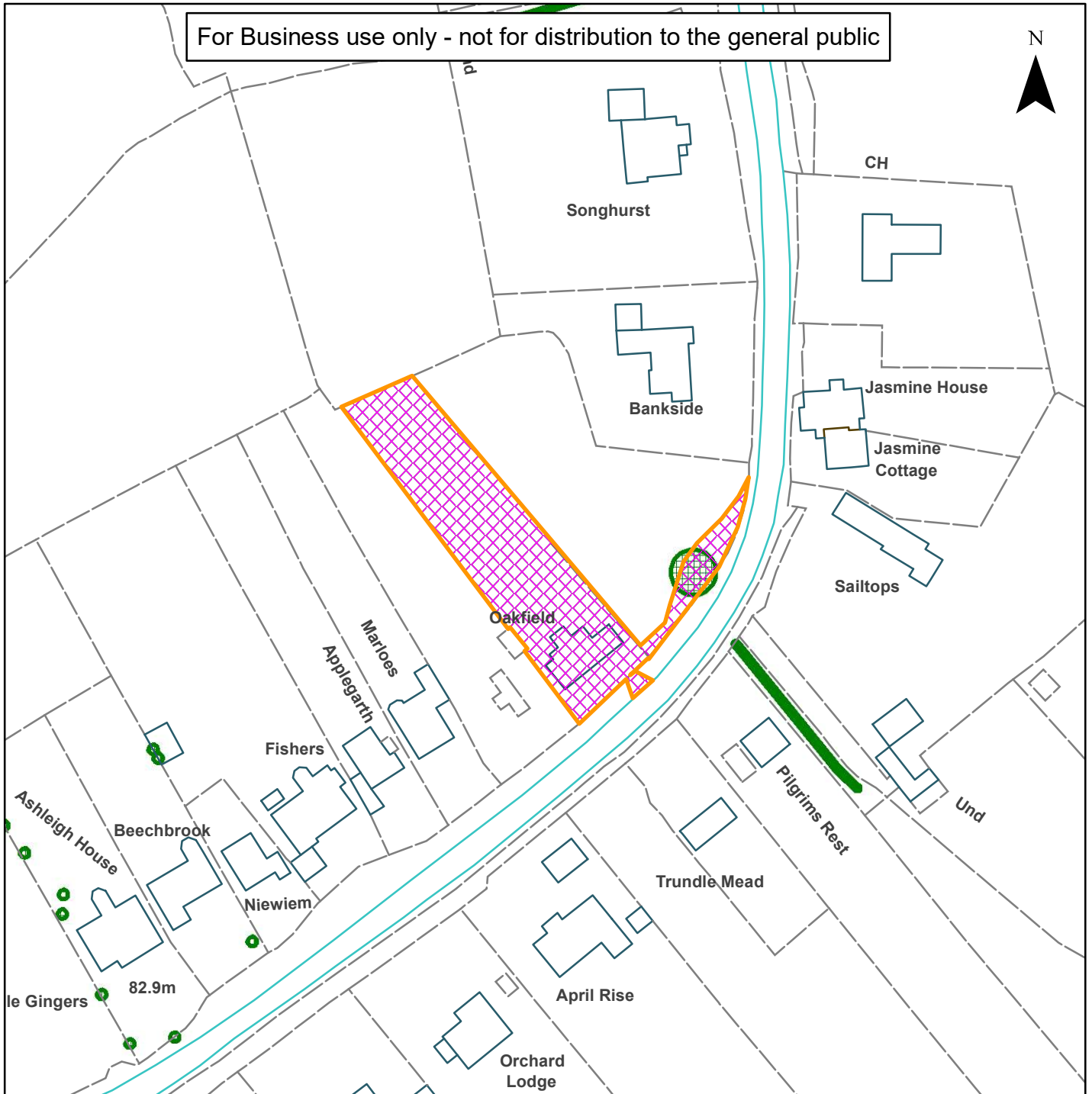
Background Papers: DC/21/2211



Oakfield, Cox Green, Rudgwick, Horsham, West Sussex, RH12 3DD

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Organisation	Horsham District Council
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Comments	
Date	20/01/2022
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## Planning Committee (North)

1<sup>st</sup> February 2022

### Item 8: DC/21/2211 Oakfield, Cox Green, Rudgwick

#### Built-Up Area Boundary:

Further to the committee report, councillors should note that the replacement dwelling at Oakfield is recognised as positioned slightly over the Built-Up Area Boundary (BUAB) of Rudgwick. The line of the BUAB crosses through the middle of the garden of the dwelling (Oakfield). The existing dwelling is just within the BUAB. However, the proposed replacement dwelling is shown further to the east and would marginally cross the BUAB line. The proposed dwelling would still be within the garden and overall curtilage of the dwelling at Oakfield which stretches much further to the north east.

Notwithstanding the breach of the BUAB, the proposal is still considered acceptable and in accordance with the Horsham District Planning Framework (2015). Policy 28 of the HDPF allows replacement houses in the countryside (outside the BUAB) on a one for one basis subject to the replacement house not being disproportionate to the existing dwelling. This would be the case here. It should also be noted that only a small portion of the new house would breach the BUAB. The majority of the new house would still be within the BUAB.

Although unlikely given their proximity to each other, there is the possibility of the new house being built and the old one being kept in place. This would be contrary to Policy 28 which requires a one for one basis for replacement dwellings. Therefore, to ensure the existing dwelling is demolished with the new house in place, the standard condition below is recommended requiring the demolition of the existing house to ensure we only have one replacement house here:

***Post-Occupation Condition:*** *Upon the occupation of the building hereby permitted the existing dwelling indicated on plans [Site Plan no.1828.19B and the location plan] shall cease to be used for any purpose whatsoever and within a period of 6 months thereafter such existing building shall be demolished (including the removal of foundations) all materials arising from such demolition removed from the site and the site of the demolished building restored in accordance with details of landscaping which have been submitted to and approved in writing by the Local Planning Authority prior to demolition works commencing.*

***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).*

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**Horsham  
District  
Council**

## **PLANNING REPORT COMMITTEE**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 1<sup>st</sup> February 2022

**DEVELOPMENT:** Hybrid application for demolition of existing retirement scheme and the construction of 12No. flats with associated car parking and landscaping (full planning) and replacement scout hut (outline)

**SITE:** The Cobblers Hayes Lane Slinfold West Sussex RH13 0SA

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/20/2578

**APPLICANT:** **Name:** Saxon Weald **Address:** 38-42 Worthing Road Horsham West Sussex RH12 1DT

**REASON FOR INCLUSION ON THE AGENDA:** The application has returned to Committee due to the new material consideration of Water Neutrality.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

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

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

To re-consider the planning application in light of a new material planning consideration.

### **2. PLANNING ASSESSMENT**

2.1 This application was presented at Planning Committee North on 3<sup>rd</sup> August 2021 where members resolved that the application be approved, subject to detailed list of planning conditions and the completion of the necessary Section 106 Legal Agreement. The 3<sup>rd</sup> August 2021 committee report and accompanying addendum are attached as Appendix A and B.

2.2 Following that resolution, a Position Statement from Natural England was received relating to the impacts of water abstraction on the protected habitat sites in the Arun Valley and the requirement for all developments to now demonstrate water neutrality. At the time of its receipt, the draft of the Section 106 Agreement was in circulation but had not reached engrossment and planning permission had not therefore been granted. The Position

Statement is a new material planning consideration relevant to the determination of this application

### Water Neutrality

- 2.3 Horsham District is supplied with water by Southern Water from its Sussex North Water Resource Zone. This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site.
- 2.4 On 14 September 2021, the council received the Position Statement from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley sites. It advises that development within this zone must not add to this impact.
- 2.5 Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 2.6 The Position Statement is a new material consideration, and if an application cannot demonstrate water neutrality is reasonably achievable, this will mean the development will not meet the requirements of section 63 of the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations).
- 2.7 The Applicant has now submitted a Water Neutrality Statement by Marian Cameron Consultants Ltd (06 Jan 2022). This sets out the strategy for achieving water neutrality within the residential aspect of the development. Through water budget calculations based on average occupancy rates and water consumption rates, the existing residential water consumption of the site and the water consumption levels of the proposed residential development are demonstrated. The existing 17 residential flats consume circa 3,029 litres of water per day, with the proposed 12 one and two bed flats consuming some 1,988 litres of water per day (based on consumption of 110 litres per person per day as required by Policy 37). New residential water consumption would therefore be one third less or some 1,040 litres per day less, based on reduced occupancy and more efficient fixtures compared to the existing flats.
- 2.8 Evidence has been supplied to show that the scout hut consumed on average 43 litres of water per day in 2019 (and significantly less in 2020 and 2021 due to Covid). Based on this 2019 level of water consumption, the new scout hut would need to consume water some 23 times more intensively (equivalent to some 180 toilet flushes each day, every day) in order to breach the 1,040 litre daily headroom afforded by the new residential dwellings. The indicative plans show a scout hut marginally larger than the existing, however this potential increase in size will not result in a significant increase in water consumption to breach the water consumption headroom afforded by the new flats.
- 2.9 Therefore, it has been demonstrated Water Neutrality is achievable applying the standard Horsham District Planning Framework policy 37 requirement of 110 litres consumption per person per day to the new dwellings, as already secured under condition 24 in the 3<sup>rd</sup> August 2021 committee report, now condition 25 in the list of conditions below. This means the development has met the requirements of section 63 of the Habitats Regulations, and the application can be determined positively. There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SPA, SAC and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not

therefore adversely affect the integrity of these sites or otherwise conflict with Policy 31 of the Horsham District Planning Framework, National Planning Policy Framework paragraph 180, and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

### Conclusion

- 2.10 Having considered the new evidence received by the Applicant on Water Neutrality in relation to their development proposal, your Officer's recommendation to approve planning permission remains as previous.
- 2.11 Subject to the completion of the Section 106 Agreement, the issue of water neutrality was the only outstanding matter preventing the grant of planning permission.
- 2.12 Officers therefore recommend that this application be approved, subject to the below detailed list of planning conditions and the completion of the necessary s106 legal agreement.

## **3. RECOMMENDATIONS**

- 3.1 To approve full planning permission, subject to the completion of the Section 106 Agreement and the following conditions:

### Conditions:

- 1 **Standard Plans Condition:** The development hereby permitted shall be undertaken in full accordance with the approved plans.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 **Regulatory Condition:** The development shall be implemented as two separate phases, in accordance with approved drawing 020 Proposed Site Plan Phase 1 & 2 - and the development shall thereafter be implement in accordance with the approved Phasing plan to comprise:-

- Phase 1 (housing and associated land)
- Phase 2 (Scout hut and associated land)

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

- 3 **Regulatory (Time) Condition:** The development within Phase 1 hereby permitted (which for the avoidance of doubt excludes the scout hut and its associated land within Phase 2), shall be commenced before the expiration of three years from the date of this permission. The development of the scout hut and associated land within Phase 2 shall be commenced before the expiration of two years from the approval of the last reserved matters as defined in condition 4.

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

- 4 **Outline Permission:**
- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development within Phase 2 (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development within Phase 2, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters pursuant to Phase 2 shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.
- (d) The development hereby permitted within Phase 2 shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

5 **Pre-Commencement Condition:** No development within each Phase shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority for that Phase. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. An indicative programme for carrying out of the works
- b. The arrangements for public consultation and liaison during the construction works
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations if required, the careful selection of plant and machinery and use of noise mitigation barrier(s) if required for specific tasks.
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- e. the anticipated number, frequency and types of vehicles used during construction,
- f. the method of access and routing of vehicles during construction,
- g. the parking of vehicles of site operatives and visitors
- h. loading and unloading of plant and materials
- i. storage of plant and materials used in constructing the development
- j. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- k. wheel washing facilities
- l. measures to control the emission of dust and dirt during construction
- m. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- n. Embedded water efficiencies

A licensed waste removal contractor shall remove all site clearance debris, demolition and construction waste from site including all asbestos waste (if any).

Reason: In the interests of highway safety and the amenities of the area, ecological and biodiversity interests, and in accordance with Policies 24, 33 and 40 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

6 **Pre-Commencement Condition:** No development within a Phase 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 for that Phase. 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).

- 7 **Pre-Commencement Condition:** No development within a Phase shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority for that Phase. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 8 **Pre-Commencement Condition:** Prior to the commencement of development within a Phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of that Phase and extant structures shall each 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.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy 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.

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

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 within a Phase other than works of demolition and site clearance and ecology works shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

- 10 **Pre-Commencement Condition:** No development within a Phase other than works of demolition and site clearance and ecology works shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and

required ground excavations for that Phase, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and the Arboricultural Development Statement by The Complete Arboricultural Consultancy Dec 2020 CBA11286 v1. The development shall thereafter be carried out in accordance with the approved details.

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

- 11 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of each Phase of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) within that Phase 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 buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

- 12 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level within Phase 1 of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) persons responsible for implementing the enhancement measures; e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve and enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 13 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development within each Phase hereby permitted, full details of all hard and soft landscaping works for that Phase 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 in the approved Arboricultural Development Statement by The Complete Arboricultural Consultancy
- 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 that Phase 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 Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policies 3 and 5 of the Slinfold Neighbourhood Plan.

- 14 **Pre-Occupation Condition:** Prior to occupation of the development within Phase 1, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 15 **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).

- 16 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted within a Phase, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

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

- 17 **Pre-Occupation Condition:** No dwelling shall be first occupied until means for the charging of electric vehicles by way of fast charging points have been installed in accordance with details that have been submitted to and been approved in writing by the Local Planning

Authority. The details shall have regard to the latest WSCC Parking Standards and the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of all charging points, their specification, means of allocation, and means for their long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

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

- 18 **Pre-Occupation Condition:** Prior to the first occupation of any building within Phase 1 hereby permitted, the parking, turning and access facilities necessary to serve that building shall be implemented in accordance with the approved drawings and shall be thereafter retained as such for their designated use.

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).

- 19 **Pre-Occupation Condition:** Prior to the first occupation of any building within Phase 2 hereby permitted, the parking, turning and access facilities necessary to serve that building shall be implemented in accordance with a strategy plan and drawings to be submitted to and approved in writing by the Local Planning Authority and shall be thereafter retained as such for their designated use. The strategy plan shall include measures to enable the scouts to have access to the two visitor spaces of the residential scheme and permits for use on a first come first served basis.

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).

- 20 **Pre-Occupation Condition:** No building within Phase 1 hereby permitted shall be occupied until the cycle parking facilities serving those buildings within Phase 1 have been provided within the side or rear garden or purpose built communal facility for that building. No building within Phase 2 hereby permitted shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle parking facilities shall thereafter be retained as such for their designated use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles as an alternative travel option to the use of the car in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 21 **Pre-Occupation Condition:** No building within a Phase hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that building in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 22 **Regulatory Condition:** Prior to the installation of any external lighting within each phase, 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 that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision

of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

The scheme must also be designed by a suitably qualified person in accordance with the recommendations for environmental zone E2 in the Institute of Lighting Professional's Guidance document "Guidance Notes for the Reduction of Obtrusive Light GN01:2020.

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 allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 23 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase I Ecological Survey (Ecosupport Ltd, October 2019), as already submitted 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 24 **Regulatory Condition:** All works shall be executed in full accordance with the Arboricultural Development Statement by The Complete Arboricultural Consultancy Dec 2020 Ref: CBA11286 v1.

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) and Policy 3 of the Slinfold Neighbourhood Plan.

- 25 **Regulatory Condition:** 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), and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 26 **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).



**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 3<sup>rd</sup> August 2021

**DEVELOPMENT:** Hybrid application for demolition of existing retirement scheme and the construction of 12No. flats with associated car parking and landscaping (full planning) and replacement scout hut (outline)

**SITE:** The Cobblers Hayes Lane Slinfold West Sussex RH13 0SA

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/20/2578

**APPLICANT:** **Name:** Saxon Weald **Address:** 38-42 Worthing Road Horsham West Sussex RH12 1DT

**REASON FOR INCLUSION ON THE AGENDA:** The application site includes land owned by Horsham District Council.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

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

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 This application seeks full planning permission for the demolition of the existing buildings on site and construction of 12 no. flats with associated car parking and landscaping, as well as outline planning permission for a replacement scout hut.
- 1.2 The development would comprise 8 no. 1 bed units and 4 no. 2 bed units and be served by 23 car parking spaces (21 unallocated spaces for the new homes, including for visitors, and 2 spaces retained for Stone Cottages). The new development would be accessed via the existing site access to The Cobblers along Haynes Lane. All of the dwellings would be for affordable rent.
- 1.3 The development is laid out as two blocks, running parallel to Hayes Lane and Greenfield Road. The flats are orientated to provide natural surveillance to communal areas within the development, with flats 11 and 12 facing out towards the parking area. All of the flats will

have their own front door at street-level. All the ground floor flats will have their own private gardens, and all first floor flats will have individual small balconies. The exterior materials would comprise facing brick, clay upper floor and roof tiles, and dark cladding. There would be two shared refuse stores within the site.

- 1.4 Following negotiations with your planning officers, the adjacent scout hut area has now been included within the red line of the application site (on land owned by Horsham District Council) to help facilitate its future redevelopment. It is shown on provision that the residential element of the scheme is not linked to the scout hut land or works needed for that. This is due to the uncertainty around when the scouts will have funding and the associated impact on delivery of the affordable homes.
- 1.5 Accordingly, the scout hut element of the application is outline only. The planning agent has advised that the indicative size of the scout hut as shown is as requested by the scouts and the planning agent has confirmed the scouts will continue with the reserved matters for its redevelopment once they have funding. This is why the application submitted is hybrid form.
- 1.6 In terms of the new homes and their occupancy, this is a 100% affordable rented scheme. The site will be managed by Saxon Weald who will also manage and maintain the communal landscaping on the site. The rented homes will be let at a maximum of 80% of market rent value. Their physical build has been designed to be in line with M4(2) of the Building Regulations. This allows for residents to adapt the dwellings and stay in the homes for as long as possible, without designating the homes for one group. Occupancy of the new homes will operate in accordance with a prioritisation at first let for over 55's with a local connection, before cascading out to other age-groups.
- 1.7 The car park area which Saxon Weald owns will be resurfaced, including in front of the Scout Hut and the access way to this off from Greenfield Road. There is no direct allocation of parking to the scouts. Saxon Weald will allow the scouts to have permits for the two visitor spaces

#### DESCRIPTION OF THE SITE

- 1.8 The application site is an irregular shaped parcel of land within the Built up Area Boundary of Slinfold. It is located towards the north end of Hayes Lane. The site itself is currently developed as a retirement housing complex, and has been since the late 1960s. The site was last in use in July 2020, providing 17 units of accommodation as well as garages. The current buildings on the site are two storey residential blocks with shallow pitched roofs, red brick and PVC clad, and the detached garages are prefabricated concrete. The scout hut building is of a similar construction to a portacabin but with a pliable corrugated roof. There are a total of 15 existing car spaces on site.
- 1.9 Vehicular access to the site is provided in two locations. The site has its own access from Hayes Lane (a 30 mph speed limit) linking to The Street and the A29, in the form of a priority junction which allows for the passing of two vehicles. This is the primary access. A secondary access exists to the southeast of the site, via Greenfield Road that leads to the garages. There is a wastewater pumping station adjacent to the site.
- 1.10 The site is bounded to the north and south by residential properties on Hayes Lane and to the south west, it borders the side of properties along Greenfield Road. The immediate surroundings are principally residential in character. The Cobblers, Hayes Lane and Greenfield Road are characterised by mostly two-storey residential semi-detached and terraced houses with sloped roofs.
- 1.11 The northern boundary of the site immediately abuts the Slinfold Conservation Area, which contains a number of Listed Buildings. The closest Listed Building is Grade II Taylors, The Street, located some 90 metres north of the site.

The site falls within the Bat Sustenance Zone to the Mens SAC (HDPF Policy 31) and the 3km buffer around the Wellcross Farm landing strip. The western end of the site falls with a medium pressure gas pipeline buffer. The underlying site geology is brick clay (weald).

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.  
Section 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) 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 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities
- Policy 43 - Community Facilities, Leisure and Recreation

#### Supplementary Planning Guidance:

- Planning Obligations and Affordable Housing SPD (September 2017)
- Slinfold Conservation Area Appraisal (September 2020)

### RELEVANT NEIGHBOURHOOD PLAN

#### **Slinfold Parish Neighbourhood Plan (Made, January 2018)**

- Policy 1 - Conservation Area
- Policy 4 - Conserve and Enhance Biodiversity
- Policy 5 - Development Principles
- Policy 6 - Housing Mix
- Policy 10- The Cobblers

### PLANNING HISTORY AND RELEVANT APPLICATIONS

SF/12/67	Erection of old peoples housing with wardens accommodation: outline	Permitted 07-11-1967
SF/43/68	Erection of old peoples accommodation: Reserved Matters	Permitted 15-11-1968

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

**HDC Landscape Architect:** No Objection

Satisfied amended proposals have addressed many concerns previously raised. Standard landscape and maintenance and management plan conditions necessary.

**HDC Conservation Officer:** No Objection

The more traditional colours of the proposed building will be less conspicuous and will improve these long views through the Conservation Area as a result. Suggest materials condition.

**HDC Environmental Health:** No Objection

Recommend conditions: air quality mitigation plan; Construction Environmental Management Plan (CEMP); land contamination; asbestos; waste removal; electric charging specification.

**HDC Drainage Engineer:** No Objection

**HDC Housing:** Comment

Applicant has worked alongside HDC Housing Officers to bring forward a proposal for a 100% affordable rented scheme, with 12 units on site, which will greatly help meet the demand on the Housing Register. Proposal is more than policy compliant with affordable housing requirements in HDPF Policy 16.

Understood the Slinfold Neighbourhood Plan has identified this site could provide housing for the elderly and that there is a strong desire by the Parish Council to restrict the proposed scheme for residents over the age of 55. In support of this desire, a Housing Needs Survey conducted by Action in rural Sussex has been supplied.

The Horsham District Council Housing Register currently shows 129 applicants wishing to live in Slinfold. However, this does not confirm that those applicants have a declared local connection to the area, the number of which currently stands at 15.

Of all the applicants wishing to live in Slinfold, 65 are over the age of 55, and crucially, there is only 1 applicant with a declared connection who is over 55.

Conversations with the applicant have seen a number of provisions to cater for residents aged 55 or above. These include:

- The accommodation being restricted to residents on the housing register over the age of 55 with a local connection at initial letting stage
- The properties being built to M4(2) standards with the addition of wet floor showers in the ground floor units

It is important to note that retaining the scheme as General needs accommodation would not preclude any eligible applicants over the age of 55 wishing to move to the scheme to be considered, however it ensures that the scheme would provide the housing that is truly needed in the Parish.



Arguably Housing Offices would be unlikely to support a scheme of this type if it were age restricted as it would not be possible to demonstrate the need.

## OUTSIDE AGENCIES

### **Southern Water:** No Objection

Exact position of public sewers determined on site. No habitable rooms within minimum 15 metres of wastewater pumping station boundary, due to vibration and noise and potential odour. Existing access arrangements to the station to be maintained. Surface water drainage information shows no flows greater than existing levels is been connected to the system which is acceptable.

### **Ecology Consultant:** No Objection

Satisfied will not affect ecology of site or HRA Screening. Recommended conditions: Accordance with Ecological Appraisal recommends; biodiversity enhancement strategy, wildlife sensitive lighting scheme.

**WSCC Flood Risk Management:** No objection, based on the FRA.

### **WSCC Highways:** No Objection

Transport Note (TN) reviewed. Visibility appears unobstructed, this is a well-established access with no record of any accident history to suggest it has been operating unsafely. Also access to rear from Greenfield Road, this leads to some garages currently and has been in situ for some time. In terms of vehicle trips, these would generally be expected to be lower due to the decrease in dwellings on the site, with 12 proposed instead of 17 existing flats.

Greenfield Road access offers access to the Scout Hut. Consideration and allocation of marked out parking needs to be considered for anyone else using this access and parking area other than new residents.

The Local Highway Authority does not consider the 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.

Conditions: Car parking space (details required) and cycle parking.

## PUBLIC CONSULTATIONS

3.2 2 objections received from separate addresses, raising the following issues:

### *Scout Hut*

Comment as a Scout Leader. Scout movement in this village is one of the largest youth groups in locality with over 100 children, young people and leaders. Slinfold village plan that people of this village voted for, states this policy seeks to ensure the scout hut can be replaced at this location if no other suitable sites comes forward. To date and with 3 sites underway/completed no scout hut has been forthcoming. This proposal shows absolutely no consideration whatsoever for this important community amenity.

Current hut is well past its service life, too small, and need of a new roof. If the hut stays as it is, what access will be allowed? At present an implied permission exists and few vehicles park to the rear allowing the scouts free access. With proposal, the current arrangement will become unworkable. Most evenings, parents drive and park to drop off and collect. Scout leaders attend with vehicles sometimes with trailers. Season camps see at least 2 minibuses and associated vehicles. There are no spaces in Greenfield Road.

### *Design and Appearance*

Most of the development looks attractive but design and materials that faces Hayes Lane is not in keeping. This part would look more in keeping if in black cladding. Front porches facing Hayes Lane very unattractive and reminiscent of 1950s Crawley council estate. Will the refuse/recycling bins be within an enclosed area not visible from Hayes lane.

### 3.3 1 supporting representation received, raising following:

Generally in favour but ask that as far as it possible, cladding be used and construction method meet fire safety.

3 representations neither objecting to nor supporting, raising the following:

Bats may be roosting on site. Can approval be conditional to construction management plan to ensure heavy vehicles do not access the site via Greenfield and Streetfield Road. Access is very restricted.

### *Elderly Accommodation*

17 units exclusively for elderly occupants is being replaced with 12 units with no minimum age requirement. Means lose 17 residences for elderly population in village. A need for retirement age accommodation when the existing scheme at Cobblers was built in 1970 and that need now clearly even greater. Central position of site in village and close to the bus routes and village store makes it obvious choice for elderly occupation. Other developments will cater for affordable housing needs but not dedicated for elderly.

### *Elevation Heights*

Drawings should show height and outline of development in relation to existing buildings. Without this it is difficult to ascertain the scale, particularly as so close to Conservation Area.

### 3.5 **Slinfold Parish Council:** Objection (2<sup>nd</sup> response)

The Cobblers was the only age-related facility in the Village and was rated very highly when Slinfold Parish Council organised its own survey and asked all residents (not just the elderly) what sort of accommodation they would like to see in the village. As well as starter homes, so that the children of villagers could remain in the village, the next requirement was for somewhere their widowed dependent parents could live and be looked after easily by their families. The ex-residents of The Cobblers understood that their accommodation was being improved in the new build as it was not up to present day standards and that it would remain as somewhere they and their age-group could live in the future. Indeed, residents were even told that it would be possible to move back to the accommodation once it had been completed. As a village, we would like to promote this development as accommodation for the elderly in the right location and as detailed in the Slinfold Neighbourhood Plan (SNP) which had supporting evidence for this and was agreed by both the village and the examiner.

Following points/questions: What was the demand / occupancy rate percentage in the old complex? This had serious defects in terms of specification, quality and facilities? If the 17 units were needed and occupied before, when the building was not really fit for purpose, they must still be needed now! Rather than dismiss the Housing Needs Survey (HNS) provided as out of date and "is not considered to supply particularly relevant data" and therefore irrelevant, in view of the SNP expressing a wish for continued elderly provision on this site we would expect an updated survey to support HDC's case as the position taken is contrary to the SNP and indeed the needs of the village. The site is referred to as an affordable rented scheme which is unlikely to be suitable for older, limited income occupiers. If some of the units were social rented but restricted to over 55 this could provide housing for older people who cannot meet the affordable rent. All of the development sites in the village include an affordable percentage in line with government rules. Only this site and the Crosby Farm site could be considered central to the village, close to the shop, pub and bus stops. For this

reason The Cobblers it is the most ideal location for an elderly scheme and that is why the SNP stated it should remain as such. We would like to see a suggestion as to how HDC could target this development to the elderly in a practical way i.e. meaningful planning conditions. We note that the HDC Housing register already has 65 people over the age of 55 expressing a desire to live in Slinfold.

Whilst we appreciate that there may be a housing crisis, we have a number of developments underway in what is a small village, all with a percentage of affordable housing, meaning the needs of younger people are being met. On only one of these sites have we asked that it is age restricted. Without the restriction we have lost 17 flats (which feasibly equates to up to 34 people) catering for what is recognised as the fastest growing demographic in the UK. We need to ensure that there is adequate provision for the elderly within the heart of the village and this is what the SNP aimed to do. We oppose the current application for the reasons previously stated in our response to the application and strongly suggest that Saxon Weald and Horsham District Council need to revisit the plans for the allocation of housing in this Slinfold Neighbourhood Plan development.

#### Initial response: Objection

- The application does not mention ‘a focus on the elderly’ as stipulated in the Slinfold Neighbourhood Plan and does not give a justification for this. The details in the Housing Needs Survey Report (attached) must be relevant to this application and should be taken into account for development
- The Design and Access Statement mentions a Transport Statement however this is not included in the documentation
- We would like to see a Transport Management Plan to ensure that access to and from the site is appropriate given the location and is understood
- We believe that much more could be made of the outside space.

The Slinfold Neighbourhood Plan also states ‘Proposals include a replacement Scout Hut if no alternative provision can be made elsewhere’. An alternative site has not been identified. In view of this The Scouts have confirmed that they would be happy to stay in their current location but the existing hut is now in desperate need of replacement. We would like to encourage Saxon Weald, after discussion with The Scouts, to submit a planning application for a Scout Hut. Once plans are available and the location confirmed The Scouts will be able to cost the designs and continue their fund raising efforts.

#### **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**

##### Principle of the Development

- 6.1 The application site is located within the built-up area boundary of Slinfold. The site is allocated for residential development within the Slinfold Neighbourhood Plan 2014-2031 (Policy 10: The Cobblers).

- 6.2 Policy 10 (The Cobblers) of the Slinfold Neighbourhood Plan (SNP) states residential development on this site will be supported where:
1. Proposals facilitate the upgrade or replacement of the existing 17 units
  2. Proposals demonstrate that special regard has been given to preserving and enhancing the character of the adjacent Conservation Area
  3. A suitable mix of dwelling types and sizes to meet the needs of current and future households is provided, with a focus on the elderly
  4. Proposals allow for the retention of existing mature trees and hedges
  5. Proposals include a replacement scout hut if no alternative provision can be made elsewhere
- 6.3 The subsequent sections of this report will detail how the proposal has demonstrated to accord with criterion (1) – (5) of this policy.
- 6.4 Given the site is located within a built-up area, and its allocation within the SNP, there is no objection in principle to the development of this site for housing. Consideration must therefore be given to any site-specific constraints, and the detail of the scheme – including how it includes a replacement scout hut. As such, the principle of development on the site is acceptable, subject to the detailed considerations as set out below.

#### Scout Hut

- 6.5 The revised proposal now incorporates an area to provide a replacement scout hut, subject to future reserved matters. The Scouts will fundraise to build the replacement hut themselves. The Scout leader's objection pre-dates the inclusion of hut within the application red line. According to the planning agent, the chairman of the scouts has approved in writing the proposed plans indicating the size and position of the scout hut. The car park area which Saxon Weald owns will be resurfaced, including in front of the Scout Hut and the access way to this. On this basis, your officers consider the proposal to be sufficiently compliant with criteria 5 of SNP Policy 10.

#### Housing Density and Mix

- 6.6 Policy 10 of the SNP does not allocate a housing number for this site. At paragraph 4.9 of the Examiner's report, the Examiner agreed with Horsham District Council that the overall allocation of housing in the Neighbourhood Plan (at some 77 dwellings, toward the upper end of the identified range of housing need) was in proportion to the scale and size of the village and its function. Collectively, the allocations will deliver these new housing numbers.
- 6.7 This application of 12 flats represents a net decrease of five flats when compared to the existing site use of 17 units. However, given the nature of the housing model being promoted (100% affordable rent) and the delivery of ground floor 2 bed flats with their own gardens (compared to the existing situation of occupiers being reliant on communal grounds), this reduction in overall numbers is considered an acceptable outcome in the delivery of a better scheme overall. It is also noted the Council's Landscape Architect initially considered the layout to be 'tight' suggesting a denser scheme would be harmful in townscape terms.
- 6.8 Policy 6 (Housing Mix) of the SNP supports developments which provide a suitable mix of one, two, three and four bed dwellings. HDPF Policy 16 states development should provide a mix of housing sizes, types, and tenures to meet the needs of the district's communities.
- 6.9 The proposed mix is for 8 no 1 bed flats and 4 no. 2 bed flats, all for affordable rent. The Council's Housing Officer has confirmed this mix broadly accords with the current demand figures on the Council's Housing Register for affordable provision. Again, the proposed mix reflects the nature of the housing model being promoted.

### *Affordable Housing and Elderly Occupation*

- 6.10 For development providing 10 - 14 dwellings, HDPF Policy 16 requires 20% to be affordable or an equivalent financial contribution where on-site provision is not achievable. The proposal to provide all 12 units (100%) as affordable rent is more than policy compliant. This offer is a material consideration that should be afforded significant weight, alongside the requirements of Slinfold Neighbourhood Plan Policy 10 criteria 3 and its stated objective to meet the needs of current and future households.
- 6.11 It is recognised that the Slinfold Neighbourhood Plan has identified that this site should provide a mix of dwelling types and sizes for existing and future households, with a focus on the elderly, and that there is a strong desire by the Parish Council to restrict the proposed scheme for residents over the age of 55 similar to the manner in which the previous 17 dwellings on this site were occupied. In support of this desire, a Housing Needs Survey (dated 2011) conducted by Action in Rural Sussex has been supplied which has identified a desire for downsizing accommodation and sheltered/extra care accommodation by the 135 households who responded. It is noted that of these respondents, nearly 50% resided in dwellings of 4 or more bedrooms.
- 6.12 HDC Housing has confirmed the Horsham District Council Housing Register currently shows 129 applicants wishing to live in Slinfold (although applicants may select as many areas of the district as they like so there is no indication that these are all first choices). 15 of these 129 applicants have a declared local connection to the area. Of all the applicants wishing to live in Slinfold, 16 are over the age of 55, and there is only 1 applicant with a declared connection who is over 55.
- 6.13 Taking these housing need figures into consideration, your planning officers working alongside HDC Housing have negotiated with the applicant the following package of measures to help tailor the accommodation to residents aged 55 years and over:
- Provision of 4 no 2 bed flats and 8 no. 1 bed flats all built to M4(2) standard, to ensure that the homes are adoptable and accessible for over 55's.
  - Provision of wet floor showers in the 4 no. ground floor 1 bed flats, which provide ease of access for over 55's.
  - Prioritisation at first let for over 55's with a local connection, before cascading out to other age-groups.
- 6.14 The prioritisation at first let is to be secured in a S106 agreement. It will operate as follows:-
1. The s106 would require that an appropriate Affordable Rent unit is to be offered in the first instance to any person(s) over 55 years of age on the HDC Register who can demonstrate a local connection to the parish of Slinfold.
  2. In the event there are no such qualifying persons on the HDC Register on the date the nominations are to take place, or that any such qualifying person subsequently rejects an Affordable Rent unit within the normal prescribed period (5 days) and there is no alternative qualifying person, then the Affordable Rent unit shall be occupied as normal in accordance with the HDC Nominations policy.
  3. All subsequent lets to be in accordance with the HDC Nominations policy with no over 55's requirement.
- 6.15 It is important to note that retaining the scheme as general needs affordable accommodation would not preclude any eligible applicants over the age of 55 wishing to move to the scheme to be considered. HDC Housing Officers have also advised that they would be unlikely to support a scheme of this type if it were age restricted as it would not be possible to demonstrate the need.

- 6.16 Both your Housing and Planning officers consider that, with the above provisions, there is sufficient adherence to criteria 3 of Policy 10 of the Slinfold Neighbourhood Plan with its requirement to have 'a focus on elderly' occupation, albeit it is accepted that the level of adherence is somewhat limited given no market housing is being proposed on the site. It is important to note that there is no requirement in Policy 10 for an over 55's occupancy restriction, or for the existing 17 dwellings to be replaced and occupied on a like-for-like basis, only for there to be a 'focus' on elderly provision which can take many forms. Planning Officers have carefully read the Parish's Housing Needs Supply survey and consider it mainly identified a desire from the older population to be able to downsize and remain in the village from a predominance of dwellings with 4 or more bedrooms, or find sheltered/extra care housing. This proposal will not provide that specific type of housing, however downsizing accommodation has come forward elsewhere in the village in the form of 3-bedroom market dwellings on the development sites at Spring Lane, Crosby Farm and Welwyn Hayes Lane, with further housing allocated on a site east of Hayes Lane. Furthermore, up to 141 units of accommodation in the Wellcross Farm Continuing Care Retirement Community scheme (DC/19/1897 refers) just outside the village, has recently been allowed at appeal. All the units in this scheme are age restricted to over the age of 55, with 20% secured as affordable to a housing need and local connection (parish).
- 6.17 The proposed tailored housing provision is the result of the continued discussions with the Housing Services Team at the Council. Given the presence of smaller housing in other developments in the village and the Wellcross Farm approval, there is capacity in the local area for the elderly to stay local, with this scheme benefiting any local elderly on the Council's waiting list, those may in future be on our waiting list, and young wishing to stay in the village. Bringing together all these matters, whilst the proposal is judged to be compliant with SNP Policies 6 (Housing Mix) and 10 (The Cobblers) to a limited degree, having regard to the above factors it is not considered that the proposals would prevent existing residents of the parish from being able to downsize or move in future to local sheltered/extra care accommodation.

#### Heritage, Design and Appearance

- 6.18 The site lies within the setting of the Slinfold Conservation Area. Chapter 16 of the NPPF seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset. HDPF Policy 34 and Slinfold Neighbourhood Plan Policy 1 require development affecting the setting of a Conservation Area to reinforce the special character of the district's historic environment.
- 6.19 The Council's Conservation Officer is satisfied the existing building has little, if any, architectural interest and welcomes its replacement, with the proposal designed to better reflect the palette of materials in the village. The existing building is visible from the Conservation Area between Stone Cottages and York Cottage when looking south along The Street and it is judged the replacement building will also be visible from this direction. The more traditional colours of the proposed building will be less conspicuous and will improve these long views through the Conservation Area as a result. Therefore SNP Policy 1 and criterion 2 of the SNP Policy 10 is achieved and HDPF Policy 34 is complied with.
- 6.20 Policy 10 of the Slinfold Neighbourhood Plan (SNP) states development will be supported where its design responds positively to the prevailing character of the surroundings. Policy 10 must be read in conjunction with SNP Policies 3 *Green Infrastructure* and 5 *Development Principles* and HDPF policies 32 and 33 which state good design is a key element in development making efficient use of land and integrating effectively with the character of the surrounding area.
- 6.21 The development is considered appropriate in terms of how the various components of the scheme (the two building blocks, the communal and private spaces, and the circulation

routes) all respond to and address the street scene, in their massed arrangement across the development site, and in their proportions and overall scale relative to surrounding built form.

- 6.22 A contemporary approach has been adopted but this replaces a scheme of the modern era that is also of its time. A condition is suggested to ensure materials are not unduly dark or flat in colour to avoid a dull building and are chosen bearing in mind the tradition of the use of these materials in the area.
- 6.23 Amendments have also been secured to the communal and circulation spaces that have addressed issues raised by the Council's Landscape Architect, including greenery to the car park. Standard landscape and maintenance and management plan conditions will be necessary, to be secured by condition.

#### Trees

- 6.24 The proposal will result in the removal of a Category U Hawthorn tree that is advised for removal. The remaining 13 individual trees, 2 groups of trees and 2 hedges can be retained and protected. Remedial trees works to lift and reduce crown spreads will provide sufficient space for construction purposes.
- 6.25 This work, assessed under the Arboricultural Development Statement (prepared by The Complete Arboricultural Consultancy) with protection measures in accordance with British Standard, is not considered to be detrimental to the trees and allows for their long term retention within the development layout. Adherence to the recommendations of the Statement can be secured by condition.

#### Amenity Impacts

- 6.26 HDPF Policy 33 requires development not to cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. The Council's Environment Health Officer recommends conditions to secure measures, such as a Construction Environmental Management Plan, in the interests of safeguarding human health and to mitigate unacceptable amenity impacts during construction and operation phases of the development. Installation of electric charging points within the development will be the main measure by which to mitigate and/or offset air quality impacts.

#### *Existing Neighbours*

- 6.27 The most sensitive relationships to existing neighbours are with Cedars to the south and York Cottage and Stone Cottages to the north.
- 6.28 Introduction of built form will impact onto these neighbour's amenities, particularly given the orientation of the two residential blocks relative to the site boundaries. However, the flanking orientation of Cedars onto the new development and the separation distance relative to all existing neighbouring dwellinghouses immediately north and south of the site, is sufficient to avoid adverse overshadowing and overbearing. Comings and goings from the new dwellings would be domestic in nature.
- 6.29 Despite the existing fenestration on the existing buildings on site, an increased propensity for overlooking and loss of privacy, particularly onto the adjacent dwelling 'Cedars', would arise from the new development. For Cedars, this is due to the introduction of first floor balconies, and given the fact that the existing first floor fenestration is obliquely angled to the southern boundary whereas in the current proposal windows would be face on. However, this proposed glazing mostly serves bedrooms with high level windows only to the primary living spaces at first floor. The building orientation of the Cedars is such that the principal outlook of its primary living space is due south or west/east rather than north onto the application site. The greater part of the private garden of Cedars is due south of the

dwellinghouse, with this area laid as lawn and its privacy maintained. There is dense existing planting along the northern boundary on the neighbour's side (Cedars) of a height to provide suitable screening and ensure a suitable level of privacy is maintained.

- 6.30 In terms of the neighbours to the north, views from the new development is across deep rear gardens where intervening planting and garden buildings would reduce the intrusiveness of views into the private living space of these neighbours. There would be some reduction in privacy, but present overlooking from the existing development and the distances involved mean the nature of any additional overlooking would not be uncharacteristic of a suburban environment and as such would not result in unacceptable harm.

#### *Other neighbours*

- 6.31 The siting and orientation of the proposed development onto remaining neighbours would not give rise to significant overlooking nor would it give rise to conflict through comings and goings, including from increased use of the car park areas.

#### *Future Occupants*

- 6.32 Each new property benefits from private amenity space and parking. The layout of the proposed dwellings is appropriate with regards to their impact on each other's living conditions. No habitable rooms will be located within a minimum 15 metres of the boundary of the existing wastewater pumping station, due to the vibration and noise generated by the pumping station and the potential odour, as requested by Southern Water.

#### *Scout Hut*

- 6.33 The submitted drawings indicate a slightly larger replacement scout hut than existing, with potentially more capacity. However, the existing scout hut generates noise and disturbance as well as comings and goings, and the principle of its replacement is considered compatible with existing and new residential neighbours. The final scale, layout, and appearance of the scout hut are reserved matters to be considered at this later stage should a final scheme be forthcoming. Activities from the scout hut and its associated land will be subject to further detailed assessment at reserved matters stage, with the opportunity available at that stage of planning to manage potential impacts by condition to safeguard amenities.

#### *Summary on amenity*

- 6.34 With the above in mind, the proposed development is not considered to result in adverse harm to the amenities of the existing neighbouring and future occupants, in accordance with HDPF Policy 33.

#### Highways and Access

- 6.35 HDPF Policies 40 and 41 require safe and suitable access and a choice of sustainable transport options and adequate parking facilities to meet the needs of anticipated users.

#### *Access Arrangements*

- 6.36 The existing pedestrian access to and from the application site is to be retained. The two existing parking spaces for the residents of Stone Cottages will be retained. Existing access arrangements to the wastewater pumping station to be maintained, as requested by Southern Water.
- 6.37 Vehicular access is proposed from the existing access road, which connects to Hayes Lane. Appropriate parking and turning areas are to be provided. Bus stops are located some 200



metres along Lyons Close. In response to the latest proposals, WSCC raise no objection on highway safety grounds.

#### *Internal Layout and Parking*

- 6.38 The layout allows for sufficient cars to pass refuse collection and fire tender vehicles can enter and turn within site. A total of 23 car parking spaces are proposed, which includes 21 unallocated car spaces, including visitor, and two spaces for Stone Cottages. This total is in excess of the West Sussex County Council: Guidance on Parking at New Developments, which is for 18 spaces for this development. Two spaces are designed to accommodate mobility impaired users. The application sets out that a minimum of 20% of spaces will have active EV charging facilities and the remaining spaces will be passive. This is a shortfall on the yearly index guide (33% for 2021) therefore a condition is applied to ensure the appropriate standard is met. The existing garages will be replaced with 13 marked parking bays that will be accessed from Greenfield Road. Covered and secure cycle parking will be provided in various, ground floor locations across the site.

#### *Accessibility and Trip Generation and Road Network Capacity*

- 6.39 Given the proximity of village services and facilities and the bus routes running hourly through the village, there are opportunities for sustainable transport to be used. The proposed development of 12 flats represents a net decrease of five flats when compared to the existing site use. Therefore the volume of traffic generated by the proposal represents a reduction in impact on the existing access and surrounding road network.

#### *Summary on highway matters*

- 6.40 Taking all the relevant information into consideration including the existing use of the site, the likely reduction in traffic movements and the on-site parking provision, it is considered that the proposed development will not have a severe impact on highway capacity or an unacceptable impact on highway safety so, therefore, is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Officers have no reason to disagree with this conclusion and recommend that the proposal therefore accords with HDPF Policies 40 and 41.

#### Ecology

- 6.41 The submitted Phase 1 Survey of the site was been reviewed, which concluded the site to be of limited ecological value. No evidence of legally protected and/or notable species were recorded and habitats on site are negligible to low suitability to support such species. All buildings and trees on site were considered to have negligible potential to support roosting bats.
- 6.42 The Council's Ecologist is satisfied sufficient ecological information is available for determination and for the Council to demonstrate compliance with its statutory duties, and does not object. This is subject to the mitigation measures identified being secured and implemented in full by condition, as well as additional measures including a Wildlife Sensitive Lighting Design Scheme.
- 6.43 The site is within the wider conservation area for The Mens Special Area of Conservation (SAC). The Council has certainty of likely impacts from the development on European Protected and Priority Species and as any significant impacts e.g. lighting, or severance of flightlines has been assessed for impacts on Barbastelle bats and screened out, the assessment does not need to proceed to HRA Stage 2: Appropriate Assessment.
- 6.44 The reasonable biodiversity enhancements (installation of bat and bird boxes and native planting) will result in a net gain for wildlife, secured by condition.

### Drainage

- 6.45 A Flood Risk Assessment has been undertaken. Risk from flooding (including groundwater, sewer, and surface water) is considered low. The site is within the Environment Agency's Flood Zone 1, meaning the land is in a 'low probability' flood zone.
- 6.46 Current site drainage discharges into public sewers to the rear of the site. The proposal would result in an increase in impermeable area from the existing situation. However surface water flow rates will be restricted to a 'brownfield' rate of 10l/s. This will be achieved by the roof and car parking areas draining to cellular attenuation tanks, discharged at a restricted flow rate via a new manhole construction onto the public sewer to the rear of the site.
- 6.47 No objection is raised by the drainage authorities, subject to planning conditions, including an agreement being in place for the ongoing maintenance. Therefore the development can be satisfactorily accommodated without increasing flood risk elsewhere in accordance with the NPPF and HDPF Policy 38.

### Climate Change

- 6.48 HDPF Policies 35, 36 and 37 require development mitigates the impacts of climate change, in reflection of Chapter 14 of the NPPF. The proposal includes the following measures to address climate change:
- Energy efficient LED lighting (including external lights);
  - Use of permeable surfaces and sustainable drainage systems;
  - Dedicated refuse and recycling storage capacity;
  - Opportunities for biodiversity gain (as detailed above) and additional planting;
  - Cycle parking facilities;
  - Provision of electric vehicle charging points
- 6.49 The Local Planning Authority are satisfied these appropriate measures could be put in place by way of planning condition and S106 agreement, and implemented to reduce the development's impact on climate change.

### Community Infrastructure Levy (CIL) and Section 106 Agreement

- 6.50 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017. This development constitutes CIL liable development but as a 100% affordable it will not be chargeable.
- 6.51 A Section 106 Agreement has been drafted to secure the 100% affordable housing contribution on site with agreed tenure and prescribed first let arrangement. This will be agreed between the Council's legal department and the applicant's solicitors prior to issuing the decision notice if members are minded to agree with the Officer's recommendation to approve the planning application subject to the below planning conditions.

### Conclusions

- 6.52 The Neighbourhood Plan for Slinfold (SNP) was adopted in 2019 and this site allocated for residential development under SNP Policy 10. In regard to the principle, the proposal for housing on the site is therefore acceptable. Policy 10 requires that the housing mix for the site caters for current and future households with a focus on the elderly. As this proposal is for 100% affordable rent housing the opportunities for providing housing suitable for the elderly is more limited. In this regard, whilst the proposed s106 mechanism to provide Part M4(2) accommodation and direct the first allocations to any qualifying older person with a

local connection provides some focus on elderly accommodation, it is accepted that the degree of policy compliance in this regard is limited.

- 6.53 Your officers acknowledge the scheme is not for the over 55s market housing as desired by the Parish, and that there will be the loss of 17 age restricted dwellings on this site, however SNP Policy 10 does not expressly require such an occupancy restriction is required on this site, or that the existing restrictions should remain in a similar or like-for-like manner. The need identified within the Parish's Housing Needs Assessment is primarily for downsizing accommodation followed by sheltered/extra care accommodation. Having regard to the proposed S106 mechanism, the accommodation delivered elsewhere in the village suitable for downsizing, and the future Wellcross Farm extra care scheme, this works in tandem to offer opportunities for elderly residents to remain in the village. Balanced against this is a 100% affordable rent housing scheme that would provide much needed rental accommodation for all ages that will greatly help meet the demand on the Housing Register.
- 6.54 Taken as a whole, the benefit of providing 100% affordable rent accommodation on this site carries significant weight and is considered by your officers to outweigh the shortfall in elderly-specific accommodation being provided on the site.
- 6.55 The submission has demonstrated accordance with the criteria of SNP Policy 10 in its design, in addition to general compliance with local planning policies, including impact on existing residential amenity. In having regard to the full detail of the submitted proposal subject to final agreement on external materials, and the relationship of the site to the Slinfold Conservation Area, the proposed development would not result in harm to this heritage asset.
- 6.56 The Highways Authority is satisfied the site would be safely accessed without harm to the operational use of the highway network. Appropriate ecological mitigations are agreed by the Council's Ecologist. No resultant adverse risks are identified related to drainage of the scheme.
- 6.57 Furthermore, the proposal facilitates the replacement of the existing Scout hut and associated car park of a design, use, layout and floorplate scale that is satisfactory and does not give rise to adverse amenity harm. The timely provision of this secured in Reserved Matters by this permission is considered a significant community benefit.
- 6.58 Officers therefore recommend that this application be approved, subject to the below detailed list of planning conditions and the completion of the necessary s106 legal agreement.

## 7. RECOMMENDATIONS

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

### Conditions:

- 1 **Standard Plans Condition:** The development hereby permitted shall be undertaken in full accordance with the approved plans.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 **Regulatory Condition:** The development shall be implemented as two separate phases, in accordance with approved drawing 020 Proposed Site Plan Phase 1 & 2 - and the development shall thereafter be implement in accordance with the approved Phasing plan to comprise:-

- Phase 1 (housing and associated land)
- Phase 2 (Scout hut and associated land)

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

- 3 **Regulatory (Time) Condition:** The development within Phase 1 hereby permitted (which for the avoidance of doubt excludes the scout hut and its associated land within Phase 2), shall be commenced before the expiration of three years from the date of this permission. The development of the scout hut and associated land within Phase 2 shall be commenced before the expiration of two years from the approval of the last reserved matters as defined in condition 4.

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

- 4 **Outline Permission:**
- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development within Phase 2 (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
  - (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development within Phase 2, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
  - (c) Application for approval of the reserved matters pursuant to Phase 2 shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.
  - (d) The development hereby permitted within Phase 2 shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- 5 **Pre-Commencement Condition:** No development within each Phase shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority for that Phase. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. An indicative programme for carrying out of the works
- b. The arrangements for public consultation and liaison during the construction works
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations if required, the careful selection of plant and machinery and use of noise mitigation barrier(s) if required for specific tasks.
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- e. the anticipated number, frequency and types of vehicles used during construction,
- f. the method of access and routing of vehicles during construction,
- g. the parking of vehicles of site operatives and visitors
- h. loading and unloading of plant and materials
- i. storage of plant and materials used in constructing the development

- j. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- k. wheel washing facilities
- l. measures to control the emission of dust and dirt during construction
- m. a scheme for recycling/disposing of waste resulting from demolition and construction works.

A licensed waste removal contractor shall remove all site clearance debris, demolition and construction waste from site including all asbestos waste (if any).

Reason: In the interests of highway safety and the amenities of the area, ecological and biodiversity interests, and in accordance with Policies 24, 33 and 40 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 6 **Pre-Commencement Condition:** No development within a Phase 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 for that Phase. 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).

- 7 **Pre-Commencement Condition:** No development within a Phase shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority for that Phase. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 8 **Pre-Commencement Condition:** Prior to the commencement of development within a Phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of that Phase and extant structures shall each 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.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy 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.

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

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 within a Phase other than works of demolition and site clearance and ecology works shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

- 10 **Pre-Commencement Condition:** No development within a Phase other than works of demolition and site clearance and ecology works shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations for that Phase, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and the Arboricultural Development Statement by The Complete Arboricultural Consultancy Dec 2020 CBA11286 v1. The development shall thereafter be carried out in accordance with the approved details.

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

- 11 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of each Phase of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) within that Phase 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 buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

- 12 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level within Phase 1 of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) persons responsible for implementing the enhancement measures; e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve and enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority

habitats & species) and Policy 31 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

13 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development within each Phase hereby permitted, full details of all hard and soft landscaping works for that Phase 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 in the approved Arboricultural Development Statement by The Complete Arboricultural Consultancy
- 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 that Phase 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 Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policies 3 and 5 of the Slinfold Neighbourhood Plan.

14 **Pre-Occupation Condition:** Prior to occupation of the development within Phase 1, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 15 **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).

- 16 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted within a Phase, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

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

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

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

- 18 **Pre-Occupation Condition:** Prior to the first occupation of any building within a Phase hereby permitted, the parking, turning and access facilities necessary to serve that building shall be implemented in accordance with the approved drawings and shall be thereafter retained as such for their designated use.

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).

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

Reason: To ensure that there is adequate provision for the parking of cycles as an alternative travel option to the use of the car in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 20 **Pre-Occupation Condition:** No building within a Phase hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that building in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.



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

- 21 **Regulatory Condition:** Prior to the installation of any external lighting within each phase, 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 that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

The scheme must also be designed by a suitably qualified person in accordance with the recommendations for environmental zone E2 in the Institute of Lighting Professional's Guidance document "Guidance Notes for the Reduction of Obtrusive Light GN01:2020.

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 allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 22 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase I Ecological Survey (Ecosupport Ltd, October 2019), as already submitted 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015) and Policy 4 of the Slinfold Neighbourhood Plan.

- 23 **Regulatory Condition:** All works shall be executed in full accordance with the Arboricultural Development Statement by The Complete Arboricultural Consultancy Dec 2020 Ref: CBA11286 v1.

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) and Policy 3 of the Slinfold Neighbourhood Plan.

- 24 **Regulatory Condition:** 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).

25 **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).



## **Planning Committee North: 3 August 2021**

### **AGENDA ITEMS 6 (DC/20/2578) and 7 (DC/21/0685)**

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

The revised National Planning Policy Framework (the 'NPPF') came into force on 20 July 2021. The new NPPF does not contain any material changes that alters the recommendations set out in the agenda items. New NPPF paragraph references are noted on the items, set out below:-

Both items refer to para 109 (refusing a development on highway grounds only if unacceptable impact on highway safety or severe cumulative impact on road network). This is now para 111 of the July NPPF.

Item 7 refers to para 127 (ensuring developments conform to good practice urban design principles). This is now para 130 of the July NPPF.

### **AGENDA ITEM 6 - DC/20/2578**

#### **The Cobblers, Hayes Lane, Slinfold**

##### **Updated HDC Housing Register figures**

HDC Housing has provided an update on the original housing register figures provided as part of their planning response in February. As a consequence, the number of applicants over the age of 55 wanting to live in Slinfold is now much lower than the 65 figure provided in February:-

- 165 applicants who have Slinfold as a preferred area of choice (what is used to show the demand for an area), 13 with a specified local connection.
- 13 over the age of 55 with Slinfold as a preferred area of choice, 3 over 55s with a specified local connection.

Anyone wishing to join the Horsham District Council housing register must have a general connection to the Horsham District, usually having lived here for the last 2 years, or in permanent employment in the District for the last 9 out of 12 months. The local connection to Slinfold is then on top of that, and HDC Housing would either look for people already living in the area, or having direct family relatives living in the area.

## **Parking for Scout Hut and Updated WSCC Local Highway Authority Consultation**

Since the committee report was published, your officers have negotiated with the applicant Saxon Weald on parking provision for the Scout hut, and an updated WSCC Local Highway Authority (LHA) consultation has been received in response.

Most trips to/from the Scout hut will be drop off/pick up trips so there would be no need to park for an extended time. However the Scout Leaders/staff will require somewhere to park, as well as some Scouts having their own mini bus that requires parking.

Presently, the terms of the lease allow the Scouts legal right to access and for the area in front of the Scout hut to be used by the Scouts. The new plans do not change this access and configuration. Additionally, Saxon Weald have agreed to allow the scouts to have access to the two visitor spaces of the residential scheme and permits for use on a first come first served basis.

Previously the LHA confirmed no objection, subject to a query raised over the parking strategy for the site, with reference to the parking at the rear of the site off of Greenfield Road. The LHA has since confirmed the scheme provides adequate parking allocation for the residential dwellings.

In terms of the Scout hut, the LHA does not agree that use of the visitor spaces alone is acceptable, as there is no guarantee these spaces will be available in the evening when most residents are home and may have visitors, at the same time as the Scout Hut would be operational.

However, the area for outline planning permission for the new Scout Hut can secure parking for the sole use of the Scouts at a later date. This would make clear how the residential parking/turning area and Scout Hut can be catered for as a whole. There appears space in front of the new storage area for the Scout hut to provide designated spaces. The development would not meet the WSCC thresholds for a Travel Plan or Travel Plan Statement.

Provided a couple of parking spaces are secured outside the Scout hut storage area, so long as this does not interfere with access, the LHA does not consider that the 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 NPPF, and there are no transport grounds to resist the proposal.

The Slinfold Scout Group Chairman has confirmed that parking arrangements are in accordance with the terms of their lease.

### **Officer comment:**

Your officers believe the negotiated solution protects and maintains the current Scout operations whilst also enabling use of the two additional visitor spaces. This represents a betterment upon the existing situation. The Local Highway Authority is satisfied that this provision, within a parking strategy for the site secured by the conditions listed below, ensures the Scout Hut could be suitably accessed for its immediate servicing and parking needs, and it is therefore not reasonable to refuse permission.

- **Condition 18** be amended to:-

18 **Pre-Occupation Condition:** Prior to the first occupation of any building within Phase 1 hereby permitted, the parking, turning and access facilities necessary to serve that building shall be implemented in accordance with the approved drawings and shall be thereafter retained as such for their designated use.

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).

- Insertion of new condition:-

**Pre-Occupation Condition:** Prior to the first occupation of any building within Phase 2 hereby permitted, the parking, turning and access facilities necessary to serve that building shall be implemented in accordance with a strategy plan and drawings to be submitted to and approved in writing by the Local Planning Authority and shall be thereafter retained as such for their designated use. The strategy plan shall include measures to enable the scouts to have access to the two visitor spaces of the residential scheme and permits for use on a first come first served basis.

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).

- Condition 19 be amended to:

19 **Pre-Occupation Condition:** No building within Phase 1 hereby permitted shall be occupied until the cycle parking facilities serving those buildings within Phase 1 have been provided within the side or rear garden or purpose built communal facility for that building. No building within Phase 2 hereby permitted shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle parking facilities shall thereafter be retained as such for their designated use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles as an alternative travel option to the use of the car in accordance with Policy 40 of the Horsham District Planning Framework (2015).

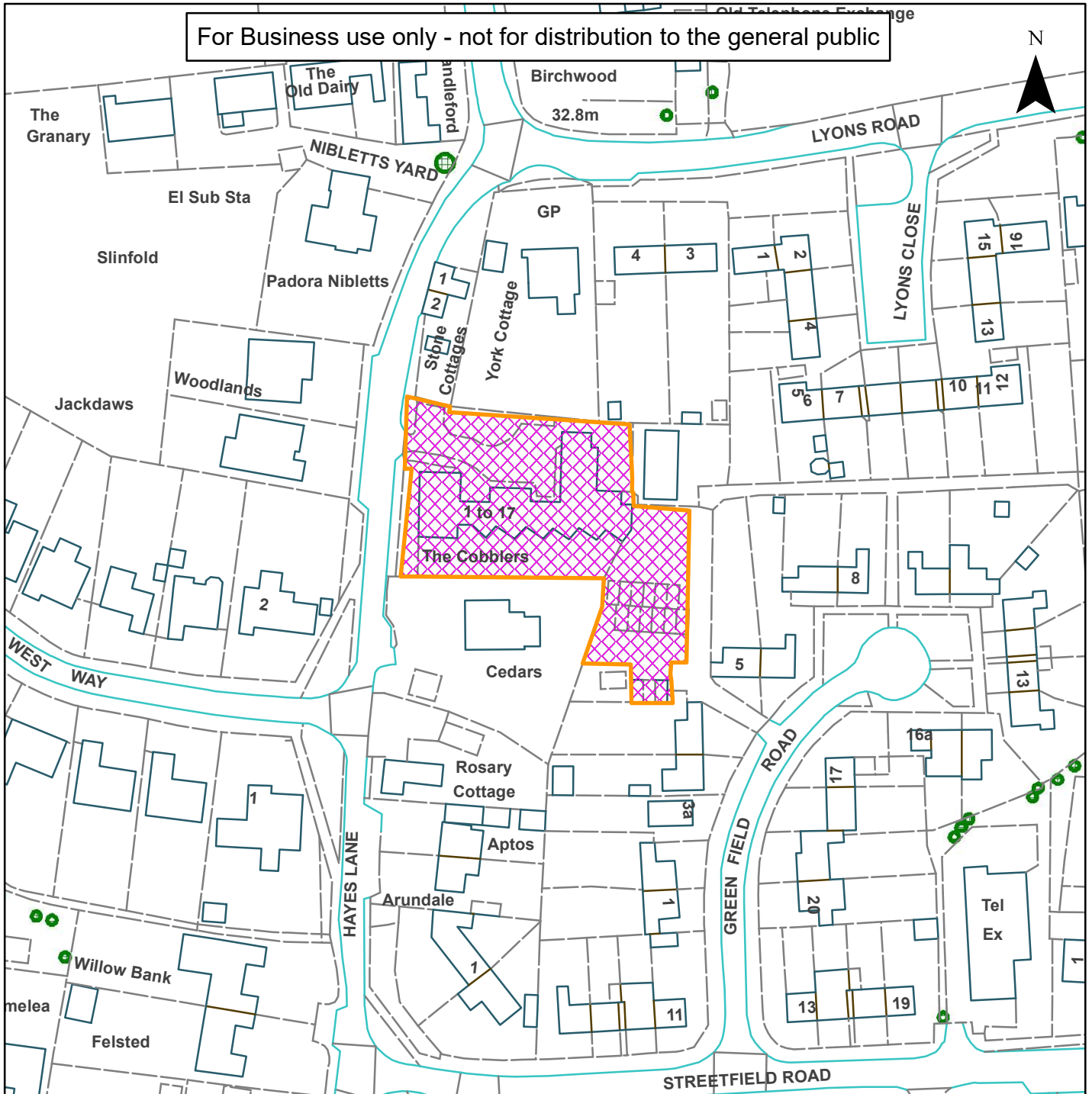
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The Cobblers, Hayes Lane, Slinfold, West Sussex, RH13 0SA

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

**BY:** Head of Development and Building Control

**DATE:** 1<sup>st</sup> February 2022

**DEVELOPMENT:** Retrospective application for the installation of a free-standing storage container.

**SITE:** St Andrews Church of England Primary School Nuthurst Street Nuthurst Horsham West Sussex RH13 6LH

**WARD:** Nuthurst and Lower Beeding

**APPLICATION:** DC/21/2691

**APPLICANT:** **Name:** The Governors of St Andrew's CE Primary School **Address:** St Andrews CE Primary School Nuthurst Street Nuthurst RH13 6LH

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

**RECOMMENDATION:** To approve permission for a temporary 12 month period subject to appropriate conditions

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.2 In January 2021 a retrospective application (DC/20/2366) for the installation of a free-standing storage container was approved on condition that the storage container shall be removed and the land shall be restored to its former condition on or before the 27 January 2022. As part of this permission it was considered that the storage container was not suitable as a permanent form but that it met a need for additional storage, with the temporary permission providing time for more suitable alternative provision to be made.
- 1.3 This current application seeks to retain the storage container for a further 12 months, until January 2023. The supporting information states that the school has not been able to put in place a long term plan to overcome the disruption that has been caused to its operations during the Covid 19 pandemic. The temporary retention of the container is therefore sought to allow the school to formulate a long term plan and come up with alternative proposals for additional storage.

## DESCRIPTION OF THE SITE

- 1.4 The application site is located south of the Grade II listed St. Andrews Church along Nuthurst Street, and within the Nuthurst Conservation Area. The site is located outside of any defined built-up area.
- 1.5 The main access to the school site is to the south side of the school, off Harriots Close. The location of the storage container, the subject of this application, however, is the north side of the school, near to the rear gated access of the school grounds which is used only by pupils and parishioners when attending St Andrews Church.

## 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 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 34 - Cultural and Heritage Assets

Policy 43 - Community Facilities, Leisure and Recreation

- 2.4 RELEVANT NEIGHBOURHOOD PLAN

Nuthurst Neighbourhood Plan 2015. Of relevance to this application is Policy 10 (Housing Design), Policy 11 (Community Facilities) and Policy 12 (Education Uses).

Nuthurst Parish Design Statement (2017)

- 2.5 Nuthurst Parish Design Statement

- 2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/2366	Retrospective application for the installation of a free-standing storage container.	PER	27.01.2021
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DC/19/2390	Erection of a single storey extension to south elevation, refurbishment to existing main entrance and offices and installation of windows and doors to existing early years classroom	PER	22.01.2020
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N/39/97	Erection of fence new vehicular and pedestrian access and layby	PER	19.11.1997
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N/35/83	Extension to equipment store and re-site timber shed (From old Planning History)	PER	09.03.1984
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### **3. OUTCOME OF CONSULTATIONS**

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

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation Officer:** The structure is not reflective of that which might be expected in this location and does fail to preserve the character of the conservation area. The temporary permission of one year was to enable alternative arrangements to be made. If this has been difficult due to the current situation then there would be no objection to a further temporary permission of another year.

#### PUBLIC CONSULTATIONS

- 3.3 **Nuthurst Parish Council:** Whilst the Parish Council would like to be able to support the School, it strongly objects to this application because a permanent large metal container is totally inappropriate in the Nuthurst Conservation Area. The Parish Council recommends that if the School needs permanent storage, it should make an application for a building of suitable design for the Conservation Area and which meets policies 33 and 34 in the HDPF.'
- 3.4 5 representations were received objecting to the proposal, stating that of objection were received, stating that the storage container is an eye sore and not in keeping with the surroundings and is not an appropriate development within the conservation area.

### **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 primary school was formed as a National school in the nineteenth century and appears on the first edition O.S. County series map 1874. The school has been extended piecemeal throughout the twentieth and early twenty-first centuries but the principal range (the east elevation) is little changed, although the windows have diluted the historic character of the building. The building is viewed as a positive contributor to the character of the conservation area and is considered a non-designated heritage asset in its own right.
- 6.2 During construction works for a new extension to the school (application reference no. DC/19/2390), which began in July 2020 immediately after the end of the summer term, it was necessary for the school to empty several of the rooms of all furniture and equipment, and for that purpose a temporary storage container was installed adjacent to the rear entrance to the school.
- 6.3 It is understood that when the school re-opened to all students in September 2020 social distancing requirements under the new Covid regulations required much of the furniture and

equipment in all classrooms and the main school hall to be removed in order to make the school Covid-secure, and the only available space for this was the storage container that had been installed during the building works. Retrospective planning permission for the storage container to temporarily remain in place until 27 January 2022 was approved in January 2021, on the basis that it is temporarily required to house excess furniture and essential equipment that cannot be left within the school during Covid restrictions.

- 6.4 This application seeks to extend temporary permission granted under DC/20/2366 to temporarily remain in place a further 12 months until 27 January 2023 as the school has still not been able to put in place a long term plan to overcome the disruption that has been caused to its operations during the Covid 19 pandemic, to allow the school to formulate a long term plan, or to come up with alternative proposals for additional storage that would meet with the Council's approval.
- 6.5 Policies 32 and 33 of the Horsham District Planning Framework (HDPF) indicate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, materials, orientation and character. Policy 34 of the Horsham District Planning Framework (HDPF) states, inter alia, that the council will sustain and enhance its historic environment through positive management of development affecting heritage assets. Development will not be permitted which would have an adverse impact on the setting or special architectural character or appearance of a listed building.
- 6.6 Paragraph 199 of the NPPF (2021) states that 'when considering the impact of 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)'. Paragraph 200 continues to state that 'any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or from development within its setting), should require clear and convincing justification'.
- 6.7 The free-standing storage container is of no design merit and is not reflective of a structure that would be expected in this location, appearing as an intrusive and incongruous addition to the site which fails to preserve the character of the conservation area. It is therefore considered that the permanent retention of the storage container would not be acceptable.
- 6.8 The existing storage container is of a scale and siting which does not result in an unacceptable impact on neighbouring amenity. The container provides additional accommodation in connection with the established educational use of the site, and is not of a nature of scale which would lead to significant potential for harmful levels of noise or disturbance. The container has been sited on land under the ownership of the applicant, as evident from the submitted certificate, with access for maintenance considered to be a private matter outside the scope of this planning application.

#### **Conclusions:**

- 6.9 While the proposal is not considered to result in unacceptable harm to neighbouring amenity, the storage container is of a utilitarian design which fails to preserve or enhance the setting of surrounding heritage assets, most notably the school building and Nuthurst Conservation Area.
- 6.10 This level of harm is less than substantial and is further tempered by its temporary nature. It is considered that the public benefit of the proposal, in providing additional short-term storage space which supports the functioning for the school in providing a safe environment for staff and children, outweighs this level of harm. It is therefore considered that a further temporary planning permission for a further 12-month period can be justified. This approach would

ensure the visual harm is limited to the short-term and would allow the school to continue to make use of the storage container during the current situation.

**7. RECOMMENDATIONS:**

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

1. **Regulatory (Time) Condition:** The storage container hereby permitted shall be removed and the land shall be restored to its former condition on or before the 27 January 2023.

Reason: The storage container is not considered satisfactory as a permanent form of development in accordance with Policies 33 and 34 of the Horsham District Planning Framework (2015).

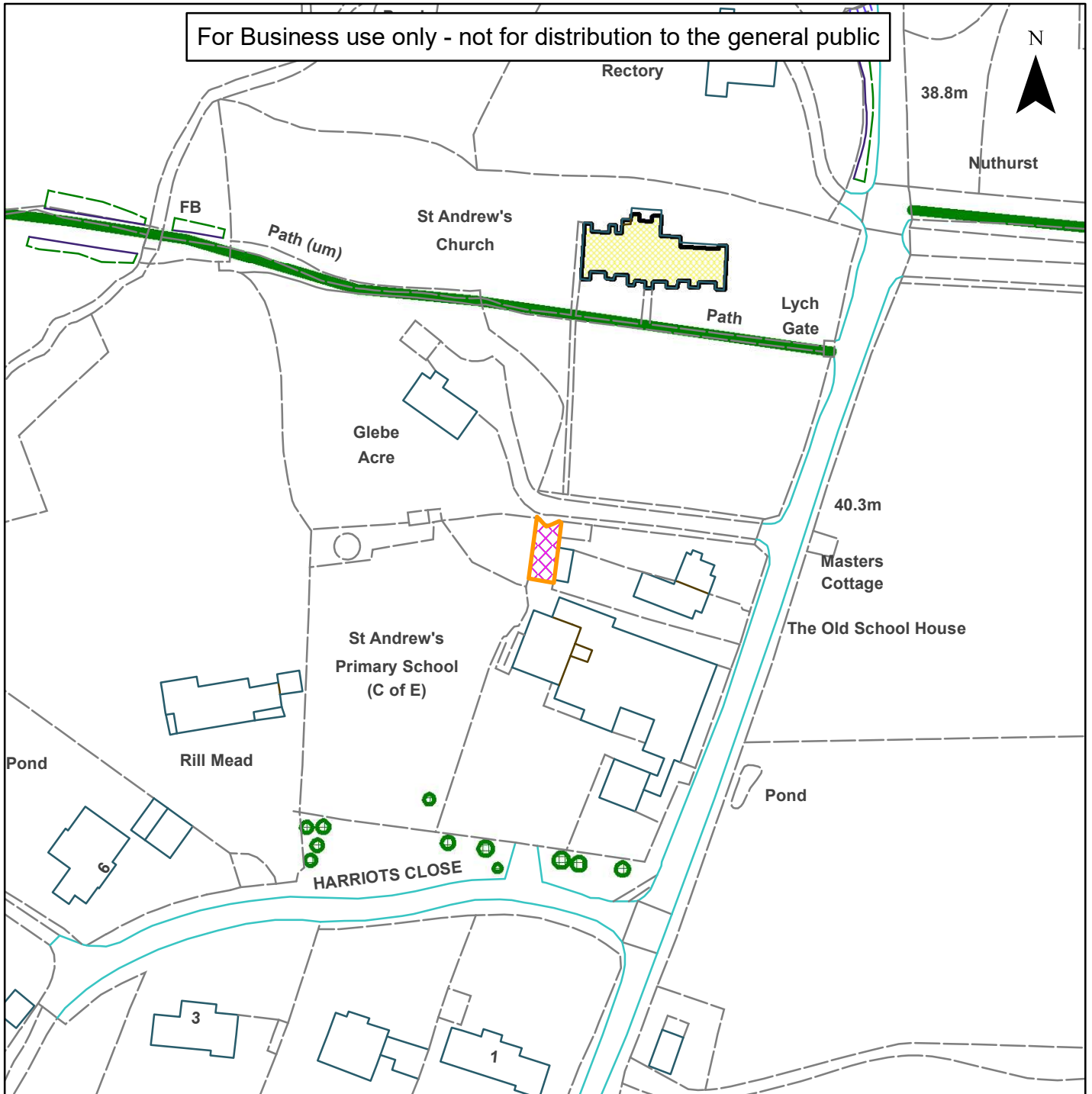
Background Papers: DC/21/2691  
DC/20/2366

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