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# Development Management (North) Committee

**Tuesday, 6th December, 2016 at 6.00 pm**  
**Conference Room, Parkside, Chart Way, Horsham**

Councillors:	Liz Kitchen (Chairman)	
	Karen Burgess (Vice-Chairman)	
	John Bailey	Tony Hogben
	Andrew Baldwin	Adrian Lee
	Toni Bradnum	Christian Mitchell
	Alan Britten	Josh Murphy
	Peter Burgess	Godfrey Newman
	John Chidlow	Connor Relleen
	Roy Cornell	Stuart Ritchie
	Christine Costin	David Skipp
	Leonard Crosbie	Simon Torn
	Jonathan Dancer	Claire Vickers
	Matthew French	Tricia Youtan

You are summoned to the meeting to transact the following business

## Agenda

	<b>Page No.</b>
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	3 - 12
To approve as correct the minutes of the meeting held on 01/11/16	
3. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	
4. <b>Announcements</b>	
To receive any announcements from the Chairman of the Committee or the Chief Executive	
<b>To consider the following reports of the Development Manager and to take such action thereon as may be necessary:</b>	
5. <b>Appeals</b>	13 - 14
Applications for determination by Committee:	

6. **DC/16/1371 - Swan Walk Shopping Centre Horsham (Ward: Denne)  
Applicant: C/O Agent** 15 - 34
7. **DC/16/2340 - Fisher Clinical Services UK Ltd Wood Road Horsham (Ward:  
Holbrook West) Applicant: Fisher Clinical Services Ltd** 35 - 44
8. **DC/16/2247 - Coombdale Two Mile Ash Road Barns Green (Ward  
Itchingfield, Slinfold and Warnham) Applicant: Mr & Mrs Vernon Jennings** 45 - 58
9. **DC/16/2200 - Gate Lodge Stane Street Slinfold (Ward: Itchingfield, Slinfold  
and Warnham) Applicant: Mr Sam Baker** 59 - 70
10. **DC/16/2201 - Gate Lodge Stane Street Slinfold (Ward: Itchingfield, Slinfold  
and Warnham) Applicant: Mr Sam Baker** 71 - 82

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

# Public Document Pack Agenda Item 2

## Development Management (North) Committee 1 NOVEMBER 2016

Present: Councillors: Liz Kitchen (Chairman), Karen Burgess (Vice-Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Peter Burgess, John Chidlow, Christine Costin, Leonard Crosbie, Matthew French, Christian Mitchell, David Skipp, Claire Vickers and Tricia Youtan

Apologies: Councillors: Alan Britten, Roy Cornell, Jonathan Dancer, Tony Hogben, Adrian Lee, Josh Murphy, Godfrey Newman, Connor Relleen, Stuart Ritchie and Simon Torn

### DMN/55 MINUTES

The minutes of the meeting of the Committee held on 4<sup>th</sup> October 2016 were approved as a correct record and signed by the chairman.

### DMN/56 DECLARATIONS OF MEMBERS' INTERESTS

DC/16/1016 – The Director of Planning, Economic Development & Property declared an interest in this item. He confirmed that he had not been involved in the preparation of the report and left the meeting during the determination of the application.

### DMN/57 ANNOUNCEMENTS

There were no announcements.

### DMN/58 APPEALS

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

### DMN/59 DC/16/1329 - LAND NORTH OF OLD GUILDFORD ROAD, BROADBRIDGE HEATH (WARD: BROADBRIDGE HEATH) APPLICANT: MR TOD

The Development Manager reported that this full application sought permission for a 70-bedroom residential care home, plus eight extra-care apartments and three extra-care bungalows. The application also included access road, parking and landscaping.

The principle of a care home on this site had been established by outline application (DC/13/2408) for a 60 bed care home, which had been granted on appeal. The current application sought permission for a different form of development, although the proposed access was the same as that allowed under DC/13/2408.

The proposal included an H shaped two and a half storey care home comprising 70 en-suite bedrooms within the two main wings and communal areas and staff facilities in the linking section. This would be to the rear of the site. A maximum height of just below nine metres, which was less than the height permitted under DC/13/2408, was proposed.

The extra care apartments would be in a two and a half storey block comprising six 2-bedroom flats and two 1-bedroom flats, facing the access road, side on to Old Guildford Road. The three extra care 2-bedroom bungalows would be in front of the care home, west of the entrance road, with private gardens.

The buildings would be traditionally designed with render, brick and tile hung elevations and pitched tiled roofs. A total of 40 car parking spaces were proposed, a majority of which would be in front of the care home.

There were significant levels of planting along the southern and eastern boundaries. Extensive planting along the western and northern boundaries, and within the site, was proposed.

The application site was located to the north of Broadbridge Heath, outside and adjacent to the built-up area boundary, on the northern side of Old Guildford Road. There was a public right of way along the hedgerow with trees adjacent to the western edge of the site, and another footpath to the north.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. In response to concerns regarding the level of refuse collection provision the applicant had submitted proposals that overcame these concerns (including medical waste). An additional condition would be added to ensure that these measures were implemented as proposed.

The Parish Council objected to the application. Two letters of objection had been received. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: density; design and its impact on the character of the streetscene; impact on the highway network; neighbouring amenity; trees and landscaping; heritage assets; ecology; drainage; and infrastructure.

Members discussed aspects of the proposal, in particular parking provision for staff and other users and noted that the number of spaces was acceptable when considered against West Sussex County Council's Parking Standards for a development of this size and nature.

RESOLVED

- (i) That a legal agreement be entered into to secure appropriate infrastructure and affordable housing contributions.
- (ii) That on completion of (i) above, planning application DC/16/1329 be determined by the Development Manager. The view of the Committee was that the application should be granted.

DMN/60 **DC/16/1844 - BROADBRIDGE HEATH SPORTS CENTRE, WICKHURST LANE, BROADBRIDGE HEATH (WARD: BROADBRIDGE HEATH)**  
**APPLICANT: HORSHAM DISTRICT COUNCIL**

The Development Manager reported that this application sought permission for the demolition of the leisure centre and associated facilities, the bowls club canopy and existing external sports pitches, and the erection of a new two-storey leisure centre with associated parking, landscaping and facilities.

Part of the existing leisure centre, a portion of the indoor sprint track known as The Tube, would not be demolished. The Tube had been proposed as a storage space but in response to concerns the proposal had been amended to retain this space as a multi-use sports area.

The future MUGAs, sports pitches and football pavilion would be to the south of the leisure centre. There would be 174 parking spaces west of the proposed building on the site of the existing leisure centre.

The application site was located within the built-up area of Broadbridge Heath and stretched from the bowls club to the edge of the athletics area west of the existing leisure centre. The proposed sports pitches would be to the south, and the northern boundary adjoined the access road to the bowls club and was adjacent Tesco car park. The residential development by Countryside Properties was to the south. The A24 was east of the bowls club.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. Since publication of the report Sport England had withdrawn their objections as a result of continued negotiations and further amendments. An addendum to the report had been circulated to Members that outlined these amendments and revised conditions, and confirmed Sport England's new position. It was reported at the meeting that a letter had been received from Sport England confirming that they had withdrawn their objections subject to conditions.

The Parish Council did not wish to comment on the application given the extensive consultation process that had taken place. Ninety-three letters of

objection to the initial consultation had been received. In response to the further consultation on the amended scheme 14 letters of objection had been received. Three members of the public spoke in objection to aspects of the application and the Cabinet Member for Leisure and Culture addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of the loss of existing facilities in the context of paragraph 74 for the National Planning Policy Framework; design and its impact on the surrounding streetscene; parking, access and the impact on the highway; neighbouring amenity; and ecology.

Members considered the amended proposal in the light of the withdrawal of Sport England's objection and recognised the extensive community involvement which had contributed to the development of the final scheme, which would benefit local residents and those from across the district.

#### RESOLVED

That planning application DC/16/1844 be determined by the Development Manager, subject to the expiration of the consultation period with no additional objections being received raising new material planning issues. The view of the Committee was the application should be granted subject to the appropriate conditions.

#### DMN/61 **DISC/16/0110 - 1 HAYES LANE, SLINFOLD (WARD: ITCHINGFIELD, SLINFOLD & WARNHAM) APPLICANT: MR JAMES HARRIS**

The Development Manager reported that this application sought approval of details of conditions 6 and 7 attached to reserved matters permission DC/13/2042 for 23 dwellings and access. This permission also included a replacement football pitch, car parking upgraded access to existing recreation ground, new tennis pavilion and siting for additional tennis court and landscaping. Condition 6 required a Phasing Strategy, and Condition 7 required a Construction Management Plan, both to be approved prior to commencement of the development. The Construction Management Plan required the use of Hayes Lane for construction traffic during the initial weeks of development, rather than Maydwell Avenue as originally proposed, because of the need to eradicate Japanese Knotweed that had been found adjacent to the access from the industrial estate.

Details of the route of construction traffic during phase 3, as printed in the report, were clarified to Members who were advised that the part of the site where the last two or three units would be built would be accessed from Hayes Lane rather than Maydwell Avenue.

The application site was located adjacent to but outside the built-up area, south of Slinfold village, west of Hayes Lane. The northern section of the site, where

the dwellings would be concentrated, was accessed from Maydwell Avenue, which continued west through the Business Park towards the A29. The southern part of the site was accessed from the driveway to Cherry Tree Farm and would include playing fields and other community facilities.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council had strongly objected to the application. A total of 49 letters of objection had been received to the first consultation and a further 12 received in response to the re-consultation. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of access to the site required to implement permission DC/13/2042; impact on the amenities of the area; and highway safety.

Since publication of the report the Parish Council had met with the Highway Authority to discuss ways of managing traffic in Hayes Lane, and a Traffic Regulation Order (TRO) had been proposed to introduce temporary traffic lights along the narrow stretch of Hayes Lane.

Members considered the phasing details submitted to be acceptable. With regards to the Construction Management Plan, Members discussed the proposed traffic lights. Whilst this would be extremely inconvenient, the TRO would address safety concerns.

Members were concerned that if the Japanese Knotweed were not eradicated in time, the temporary TRO could be extended beyond the agreed six weeks. It was noted that should the TRO need to be extended it would be reviewed by the Highway Authority in consultation with the Parish Council and Local Members.

#### RESOLVED

- (i) That the phasing strategy in respect of Condition 6 be approved.
- (ii) That the Construction Management Plan in respect of Condition 7 be approved, subject to receipt of lighting details and the implementation of a TRO for a six week period to control traffic in Hayes Lane.
- (iii) Should the TRO be required beyond its initial six week period, it will be reviewed in consultation with the Parish Council and Local Members.

DMN/62 **DC/16/1939 - CAMPING WORLD, HORN BROOK PARK, BRIGHTON ROAD, HORSHAM (WARD: FOREST) APPLICANT: MR RICHARD BRADLEY**

The Development Manager reported that this application sought permission for a temporary marquee housing an ice rink, cafe and bar, to be erected for 101 days from 21<sup>st</sup> October 2016 until 30<sup>th</sup> January 2017. It would be removed completely after 30<sup>th</sup> January 2017. The proposal included temporary change of use from A1 (outdoor tent display and retail) to mixed use. The ice rink would be open from 10am to 9pm every day, and a Christmas Market and Fayre would be open 10am to 10pm for a total of 22 days from 26<sup>th</sup> November to 2<sup>nd</sup> January.

The application site was located outside the built-up area of Horsham and was within Hornbrook Park Retail Estate. It comprised the outdoor display area used by Camping World, which was one of four retail units on the estate. They all shared a central 250 space car parking area. There was suburban development to the west, and sparsely developed countryside to the east. Tall hedging and fences, and evergreen trees screened the site to the south and west.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. Since publication of the report the Highway Authority had commented further on the proposal. An addendum to the report had been circulated to Members outlining these comments and recommending an additional condition requiring a Traffic Management Plan to address these comments. Subject to this condition, the Highway Authority did not object.

Councillor Claire Vickers advised that her daughter lived relatively close to the site, but she did not have a personal interest in this item.

The Parish Council raised no objection to the application. Nine letters of objection and one letter of comment had been received. The applicant and the executive producer of the event both addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; visual impact within the countryside; impact on neighbouring amenity; and highway safety.

Members discussed the benefits of the proposal and weighed these against the impact of temporary increased activity in the countryside, including noise disturbance in the evening and increased traffic movements. To address these



concerns Members agreed that the site should close at 9pm instead of 10pm, and the temporary use of the land for ice skating should cease two weeks earlier than proposed, on the 14<sup>th</sup> January 2017.

RESOLVED

That planning application DC/16/1939 be granted subject to the following amendments to the conditions as reported:

- (i) That Condition 1 be amended so that the temporary use be discontinued and the land restored to its original condition immediately following 14<sup>th</sup> January 2017 and that the Christmas Market and Fayre be restricted to 22 days between 26<sup>th</sup> November and 2<sup>nd</sup> January;
- (ii) That Condition 3 be amended to restrict hours of trade or business to between 10:00 and 21:00;
- (iii) That the submitted Travel Management Plan be considered and approved in consultation with the Chairman and Vice-Chairman of the Committee, the Local Member for Forest Ward and the Local Member for Nuthurst Ward.

DMN/63 **DC/16/1016 - PARK NORTH AND NORTH POINT, NORTH STREET, HORSHAM (WARD: HORSHAM PARK) APPLICANT: NORTH STREET HORSHAM DEVELOPMENT LLP**

The Development Manager reported that this application sought permission for ground floor infill extensions to the access and undercroft parking area to the rear of North Point. The extensions would relate to a total of seven apartments, comprising four additional units and additions to three half units that already had prior approval under DC/15/1678. There would also be external alterations to all elevations, including window and door alterations, render panels in place of curtain walling panels, and a new single storey plant room.

The application site was located along North Street in the built-up area of Horsham. It was adjacent to part of Chichester Terrace and the BT Exchange to the rear. The Capitol Theatre was southwest of the site and another office (Comewell House) was to the northeast.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. Relevant planning history, including the prior approval for 65 apartments, was also noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Neighbourhood Council objected to the application. Two letters of objection, including one from the Horsham Society, had been received. The

applicant's architect addressed the Committee in support of the proposal. A representative of Denne Neighbourhood Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its impact on the character and appearance of the area; amenity of nearby occupiers; parking and traffic conditions in the area; and affordable housing and infrastructure contributions.

Members considered whether the proposal had overcome the reasons for refusing application DC/15/1449, which had been refused on the grounds that a lack of natural light in the units would fail to provide a satisfactory living environment, and the loss of onsite parking would lead to car parking pressures in the locality. Members concluded that the current application had not overcome these reasons for refusal.

#### RESOLVED

That planning application DC/16/1016 be refused for the following reasons:

- (i) The proposed additional residential units would fail to provide a satisfactory living environment for future residents due to the lack of natural light. As such the proposed units would be contrary to Policy 33 of the Horsham District Planning Framework and the requirements of National Planning Policy Framework (2012).
- (ii) The proposed additional residential units would, by virtue of the loss of onsite car parking spaces, fail to make adequate provision for future users, leading to additional car parking pressures within the locality. The proposed development would therefore be contrary to Policy 41 of the Horsham District Planning Framework.

DMN/64 **TPO/1490 - LAND AT WARNHAM VILLAGE HALL, HOLLANDS WAY, WARNHAM (WARD: ITCHINGFIELD, SLINFOLD & WARNHAM)**

The Development Manager reported that provisional Tree Preservation Order 1490 had been served on 16th May 2016 on an oak tree on land near Warnham Village Hall and that the statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

The tree was located on an area of public open space north-east of Hollands Way, to the immediate north of a formal play area, and north-west of a huge old oak tree in the centre of the open space. There was a cricket ground to the north. The site was within the local conservation area.

Details of relevant government policies, as contained within the report, were noted by the Committee. The Council had been notified of an intension to fell the tree on 15<sup>th</sup> March 2016.

The Parish Council, who owned the land, objected to the TPO on the grounds that the tree was self-seeded and inappropriately located in relation to the children's play area and the larger oak tree.

Members considered the location of the tree in relation to the children's play area and the wider site. It was noted that the older oak tree needed to be crowned because it was showing signs of age related distress and the younger tree the subject of this TPO would make a fitting replacement in years to come.

RESOLVED

That Tree Preservation Order 1490, land at Warnham Village Hall, Hollands Way, Warnham, be confirmed for the reasons as reported.

*The meeting closed at 8.15 pm having commenced at 6.00 pm*

CHAIRMAN

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## Development Management Committee (North)

Date: 6<sup>th</sup> December 2016



**Horsham  
District  
Council**

Report by the Head of Planning & Environmental Services: APPEALS  
Report run from 20/10/16 to 23/11/16

### 1. Appeals Lodged

I have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/16/1320	Winterton Court Horsham West Sussex	1 <sup>st</sup> November 2016	Permit	Refuse
DC/16/1102	Lyons Farm Lyons Road Slinfold West Sussex	9 <sup>th</sup> November 2016	Refuse	

### 2. Live Appeals

I have received notice from the Department of Communities and Local Government that the following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
EN/15/0454	Ifield Court Hotel Charlwood Road Ifield Crawley West Sussex RH11 0JY	Written Reps	14 <sup>th</sup> November 2016	ENF Notice for Operational Development	
EN/15/0454	Ifield Court Hotel Charlwood Road Ifield Crawley West Sussex RH11 0JY	Written Reps	14 <sup>th</sup> November 2016	ENF Notice for Material Change of Use	

### 3. Appeal Decisions

I have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/16/0978	26 Patchings Horsham West Sussex RH13 5HL	Fast Track	ALLOW	Refuse	
DC/15/2680	Land To The East of Tuggles Plat Warnham West Sussex	Informal Hearing	DISMISSED	Refuse	Refuse
DC/16/0803	2 Plough Lane Horsham West Sussex RH12 5TN	Written Reps	DISMISSED	Refuse	



**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (North)

**BY:** Development Manager

**DATE:** 6 December 2016

**DEVELOPMENT:** The part demolition, reconfiguration and extension of the western part of the shopping centre to provide new A3 (restaurants and cafes) uses at ground floor level, a new Class A1 (retail) unit at mall level and Class D2 (leisure) uses above; construction of new mall entrance; provision of an outdoor seating area onto Springfield Road; and other associated works

**SITE:** Swan Walk Shopping Centre Horsham West Sussex RH12 1HQ

**WARD:** Denne

**APPLICATION:** DC/16/1371

**APPLICANT:** c/o agent

**REASON FOR INCLUSION ON THE AGENDA:** More than 5 letters of representation contrary to the Officer's recommendation have been received and the Council has an interest in the application site

**RECOMMENDATION:** That planning permission be granted subject to conditions

### 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks permission for the part demolition of the existing centre and its re-building/remodelling to provide the following:
  - a multiscreen cinema with six screens and up to 850 seats in total plus foyer/café and concessions area;
  - four restaurant units totalling approximately 1581m<sup>2</sup>; with access directly from Springfield Road;
  - A reconfigured retail unit on the first floor only totalling approximately 1641m<sup>2</sup>;
  - the re-configuration of part of Swan Walk – providing a more legible internal layout;
  - an improved entrance to Swan walk from Springfield Road.
- 1.2. The proposed development results in a loss of approximately 1,730 sq m retail floorspace and a loss of 2,707 sq m office floorspace.
- 1.3 Access to the cinema and Swan Walk would be gained via a glazed entrance along the Springfield Rd elevation, adjacent to the service entrance to the Swan Walk Centre. At this

## ITEM A01 - 2

point the existing building will be extended out to 'square off' the existing diagonal corner. From this location escalators and a lift would provide access to the upper floors, leading to the retail centre at first floor and cinema at second floor. Access is available to the Swan Walk car park for the public from the first floor and for servicing the cinema from the second floor. The basement service yard lies to the rear of the Springfield Road restaurants.

- 1.4 The internal reconfiguration would affect the westernmost part of the Swan Walk centre resulting in the westernmost 'arm' of the centre proceeding directly towards the proposed Springfield Road entrance rather than reaching the entrance to the final retail unit before heading towards the West Street entrance. The new design and floorplan would allow views internally through the centre out to Springfield Road through the glazed atrium rather than into the side glazed wall of a retail unit. This will also provide direct connectivity between the retail centre and cinema.
- 1.5 The appearance of the centre would represent a contemporary design approach with a large glazed entrance on the Springfield Road elevation with signage indicating the entrance to Swan Walk and also the Cinema (the signage is indicative and advertisement consent is not granted by this application). A bronze coloured anodized aluminium cladding is proposed along the Springfield Road frontage, lying in a band across the first floor and wrapping around the corner to the flank elevation. Beneath this is a band of brickwork which frames the four restaurants. The design of the restaurant frontage is largely uniform across each unit with large areas of glazing alongside bronze louvered detailing and each unit framed by a stone surround. The louvres above the proposed fascias would be in the same material as the main body of cladding. Each restaurant frontage would include a retractable canopy to ensure the use of the external seating areas for a greater length of the year.
- 1.6 Above and between each restaurant unit brickwork is proposed which would link into the corner and West Street elevations. The corner and West Street elevations feature two storey height windows framed in bronze aluminium to match the restaurant frames and with some louvered detail on the West Street frontage. The bronze cladding is replaced on these frontages by brickwork and a textured brick band along the top of the wall that wraps around this part of the building.
- 1.7 The proposed scheme would result in a larger building than at present to accommodate the entrance extension on the Springfield Road elevation and the cinema screens on the top floor – which are contained in the silver/grey clad area of the building. This results in a number of changes which are detailed below, but which essentially result in the brick and bronze facades being a minimum of 2m lower than the existing building where it adjoins the highway, but with the cinema element being between 1.5 – 4 m higher than the existing building. The cinema element of the scheme, clad in the lighter silver/grey cladding would sit behind the main faces of the building. The highest part of the development is that part encompassing the cinema screens. This part of the scheme generally is set back from the ground and first floor facades. The changes can be quantified as follows:
  - the entrance to the scheme in Springfield Road would extend beyond that part of the existing building, projecting to a point level with the existing predominant building line of the Springfield Road elevation. In effect this corner of the building would be 'squared off';
  - the height of the building at its frontage (i.e. the brick elevation), where it abuts West Street would be approximately 2m lower than the roof of the existing building (apart from the staircase projection which would form a relatively narrow projection that would immediately abut the West Street facade). It would increase in height for the cinema level (which would be set back 2m from the frontage facade) to a height that would be between 2 - 4m higher than the existing roof of this building;
  - the height of the proposed front facade on the corner of the site facing into the area of the former Rising Universe, would be approximately 2m lower than the existing



## ITEM A01 - 3

building rising to approximately 4m higher than the roof level of the existing building at the cinema level. The cinema element would be setback from the corner frontage by between 1.6 – 7m:

- on the Springfield Road elevation the front façade would be between 3 – 5m lower than the existing facade with the cinema element being approximately 1.5m higher than the existing roof line. This element of the scheme would be set back between 1.6 – 16.6m behind the front façade;
- the north facing elevation, towards the service road to the Swan Walk centre, would see a decrease in height where the front facade would be lower than the existing pitched roof by a maximum of approximately 5m, the cinema element would be level with the existing pitched roof and where the cinema parts of the scheme reach into the rear part of the site there would be an increase in height of approximately 4m.

- 1.8 Externally, seating areas are anticipated outside each of the restaurants and the proposal includes canopies for this use. These areas would be sited at the point where Springfield Road and West Street are wide enough to permit the easy and free flow of pedestrians along the public highway around these areas.

### DESCRIPTION OF THE SITE

- 1.9 The site lies within the town centre and comprises a commercial property forming the westernmost part of the Swan Walk Shopping Centre, lying at the junction of Springfield Road and West Street in the pedestrianised part of the town centre. The ground and first floor are in retail use, being occupied by Wilko with office accommodation above. The area outside Wilko within the centre features a large glazed atrium. The existing building has a red brick façade with red framed windows and three vertical zinc clad towers on the West Street and corner elevations. The roof is pitched and tiled.
- 1.10 The site faces onto the site of the former Rising Universe fountain and onto retail premises along West Street and Worthing Road, the Lynd Cross with flats above on the corner of Springfield Road and Bishops Weald house, a mixed commercial and residential building, which is currently undergoing a redevelopment, on the opposite corner. The service access to the Swan Walk centre lies on the northern side of the site. On the other side of that access is the United Reformed Church building.
- 1.11 The Conservation Area is some 60m from the site in West Street, whilst the nearest listed buildings lie at 12 Bishopric (overlooking Albion Way) and 21 and 22 West Street.
- 1.12 The site lies within the identified town centre, with the retail units within the Swan Centre lying within a primary retail frontage and the ground floor of the site where it faces onto West Street lying within a Primary Shopping Area.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (NPPF)

Building a strong, competitive economy (Section 1)  
Ensuring the vitality of Town Centres (Section 2)  
Promoting sustainable transport (Section 4)  
Requiring good design (Section 7)

## ITEM A01 - 4

Meeting the challenge of climate change, flooding and coastal heritage (Section 10)  
Conserving and enhancing the historic environment (Section 12)

Technical guidance to the National Planning Policy Framework

Planning Practice Guidance

### RELEVANT COUNCIL POLICY

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

Policy 1 (Strategic Policy: Sustainable Development)  
Policy 2 (Strategic Policy: Strategic Development)  
Policy 3 (Strategic Policy: Development Hierarchy)  
Policy 5 (Strategic Policy: Horsham Town)  
Policy 12 (Strategic Policy: Vitality and Viability of Existing Retail Centres)  
Policy 13 (Town Centre Uses)  
Policy 14 (Shop Fronts and Advertisements)  
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 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)

### RELEVANT NEIGHBOURHOOD PLAN

#### 2.4 This site lies within the Horsham Blueprint Area which was Designated as a Neighbourhood Forum in 2015. Preparation of the plan is now underway.

### PLANNING HISTORY

#### 2.5 The planning history concerns a number of permissions and advertisement consents relating to the retail units within Swan Walk, none directly relevant to this application.

## 3. OUTCOME OF CONSULTATIONS

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

### INTERNAL CONSULTATIONS

#### 3.2 **HDC Environmental Waste and Cleansing:** Comment All restaurants, leisure and retail units will require space within the loading areas for trade bins. Each unit will require provision to house refuse and recycling bins for their unit.

#### 3.3 **HDC Environmental Health:** (Summarised) No objections – subject to conditions regarding the following: a construction management plan, air conditioning and ventilation and odour control systems, delivery hours (8-6 Monday to Friday and 8-1 Saturdays), delivery point, waste storage.

3.4 **HDC Town Centre & Events Manager** (Summarised) Support

Supports the application considering it would add substantial value to the town centre's 'offer': to be successful town centres need to change to meet the changing needs of consumers and functionally the advent of this type of family oriented leisure offer is exactly what the town needs, currently being weak in its family offering. With the number of young families currently moving to the Horsham area and the continued increase in population we need these facilities to prevent loss of overall trade and local economic benefit from locals. It will also attract new visitors to spend more time in the town.

It is also considered that such an addition to Swan Walk would be likely to support increased car park usage and income mostly at times when the car park is substantially underused.

3.5 **HDC Landscape and Horticulture Manager:** (summarised) Comment

It is always our intention to maximise the greening of streetscapes, particularly with structural planting at eye level and above. It appears that the container trees currently in Springfield Road are to be removed as part of these proposals and we are happy for that to happen. We would hope however that suitable street trees could be planted into the pedestrian surface in Springfield Road and would request that opportunities to do this are sought.

3.6 **HDC Conservation:** No Objection subject to Conditions

Firstly it should be noted that the proposal would work with the existing building and thus the existing scale and structural components of the building provide constraints in the proposed design and layout. Further, in working with the existing building the strong linear character of West Street will be maintained as will the strong corner treatment to West Street and Springfield Road –both of which are considered to be positive characteristics.

The LPA have worked closely with the architects on this application and the current design is the result of many reincarnations with various amendments made to respond to the existing and rather varied building types and palette of materials within the locality and it is now considered that the proposal would seek to preserve and enhance the setting.

The predominant use of brick within the design -especially to the West Street elevation- would allow the building to harmonise with the locality and the detailed design with elements such as the textured brickwork, extensive glazing with deep reveals, and the shopfront canopies with louvre features above, would provide relief and articulation to the building. These details would give interest along the prominent frontages and would subtly break up the visual massing of the building.

The use of the bronze metal cladding to the upper area of the elevation fronting Springfield Road has been the subject of much debate between the architects and the LPA and the scale of the chosen material is now considered appropriate. The metal cladding is a high quality material which would give the building interest and in accordance with NPPF advice, the innovative approach is welcomed.

The use of extensive glazing would promote an active street frontage and improve the vitality of the area. The existing building does not interact well with the street at ground floor level and it is considered that the proposal would enhance its relationship with the public realm; and again, the glazing would help to break up the massing.

The design approach also includes a limited palette of high quality materials and the clean lines within the elevation treatment give the building a bold simplicity which should allow the development to sit harmoniously within the streetscene.

## ITEM A01 - 6

For these reasons, it is considered that the proposal would serve to preserve and enhance the setting of the listed buildings and the Horsham Conservation Area in accordance with local and national planning policy, guidance and legislation. Recommends conditions relating to glazing, shopfronts and signage.

### OUTSIDE AGENCIES

#### 3.7 **WSCC Highways** (Summarised) No Objection

The Local Highway Authority (LHA) accept that the majority of the cinema trips will already be taking place and using the highway network, but travelling to a destination outside the existing town. The cinema will provide an alternative and trips will transfer from one destination to another. Similarly, a number of trips may be linked with other purposes in the town centre. The cinema will effectively result in very few new vehicle trips on the wider highway network although there is the potential for increased traffic within the junctions in the immediate vicinity of the site.

The development's peak traffic generation lies away from the network peak times, as such the highway network will have spare capacity at these times to accommodate additional traffic. At other times, in light of the likelihood of linked or transferred trips, the proposal is not envisaged to result in significant increases in traffic.

Parking demands could realistically be spread across a number of car parks within the town centre. Taking the data for Swan Walk, it's apparent that peak parking demands for the proposed development occur away from peak times for other town centre uses. At other times, again, it is accepted that given the potential for high proportions of linked trips, an element of the parking demands will already be taking place in association with other trip purposes. The LHA are satisfied that there are sufficient controls in place and that potential parking demands can be accommodated.

Any works within the adopted highway, for instance to the pedestrianised area of Springfield Road, will require a license which will be dealt with independently to the planning application.

There are no in principle objections to the changes of use proposed.

#### 3.8 **Southern Water** (Summarised) Comment

The results of the initial desk top survey indicate that Southern Water cannot currently accommodate the needs of the application without the provision of additional local infrastructure. The proposed development would increase flows into the foul and surface water system and as a result increase the risk of flooding in and around the existing area.

Should the local authority be minded to approve the application a condition is required to ensure that a drainage strategy is submitted to the local planning authority for agreement prior to development.

#### 3.9 **Horsham District Cycling Forum** Comment

The Cycling Forum consider that cycle provision for staff and visitors should be required in order to encourage sustainable transport to and from the premises. The transport assessment claims that cycle parking facilities are available provided by others.

#### 3.10 **Sussex Police** (summarised) Comment

It is recommended that the applicant implement the existing security measures that are presently in force adapting them and introducing new where necessary. The applicant is encouraged to take advice about their current ParkMark accreditation and seek to ensure that this can be applied to the new project.

Any consent for A3 units on these premises should be conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters/waitresses.

## PUBLIC CONSULTATIONS

- 3.11 11 letters of objection, including ones from the Horsham Society and the United Reformed Church, have been received, which raise the following issues:
- lack of facilities for all members of the community, specifically no facilities for people with disabilities. A Changing Places facility should be provided to assist disabled children and adults;
  - residents do not wish Horsham to turn into a mini Crawley: we should keep the character of this market town;
  - this will harm the Capitol theatre;
  - more food outlets are not needed;
  - concern about the access to the service facilities;
  - this end of town will become a 'no go' area at certain times of the day because of the anti-social behaviour of younger members of the community;
  - this site is highly visible in an important location – the appearance and materials have no relation to the buildings in the locality and nor do the restaurants public realm work in connection with the town vision. The metal cladding is inappropriate for a historic town crossroads and will 'date' quickly and there is no articulation at first floor and above. The loss of the external seating areas from the public highway should be resisted – to avoid reducing the public realm;
  - access to Swan Walk should remain central to the scheme, not be moved to the northern end of the scheme onto Springfield Road;
  - the additional height with cinema advertising will have a significant impact on views of the site.

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

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

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

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

## **6. PLANNING ASSESSMENTS**

- 6.1 The main planning issues concern the principle of the development and impact upon the existing cinema, reduction in retail floorspace, loss of office accommodation, design and impact upon the character of the surrounding streetscene, heritage impact, impact upon highways and parking, facilities for those with disabilities, and neighbour amenity.

### Principle of Development /Impact upon the Capitol

- 6.2 The NPPF confirms that town centres lie at the heart of the community, providing a competitive economic environment that provides customer choice with a diverse range of uses to meet retail, leisure, commercial, office, cultural, community and residential needs.
- 6.3 This is reflected at a local level in Policy 5 of the HDPF which promotes development which would maintain and strengthen the role of the town as the primary economic and cultural centre providing a range of services and facilities including those in arts, heritage and

## ITEM A01 - 8

leisure that make the town self-sustaining. A range of leisure uses that would contribute towards the evening economy will be supported.

- 6.4 The town has a cinema at the Capitol theatre and concern has been expressed by residents about the need for a multiplex that would compete with the Capitol and which is more representative of a larger town such as Crawley. The NPPF and the HDPF clearly seek to encourage a range of development opportunities with the town centre to respond to the continued population growth around the town and the wider district. The NPPF does not require the applicant to demonstrate need in order for this application to be determined – rather it takes the approach that planning policies should foster competitive town centres providing customer choice and centres that enhance existing markets and create new ones where appropriate.
- 6.5 The following information has been submitted to support the provision of a new cinema in Horsham: the cinema proposed would complement the existing offer at the Capitol insofar as it would offer a mainstream multiplex designed for first showings of blockbuster movies – the nearest such facility currently being on offer in Crawley. Survey results carried out by the applicant indicate that the four main cinemas currently used by the Horsham residents are those based in Horsham, 2 No. in Crawley (including The Hawth) and Dorking, with Cineworld in Crawley being the most popular centre for a cinema visit with around 3,259 seats. Other centres visited for a cinema trip include Reigate, Chichester, Brighton and Guildford. The study/projections calculate that of the cinema trips made by the district's residents only approximately 15% of them are made to the Capitol theatre – meaning that the vast majority are lost to surrounding districts. It is calculated that if all the outgoing visits were retained within the town, that in fact the proposed cinema would not offer enough seats to address the need generated.
- 6.6 The issue of competition between competing businesses is not therefore considered a matter for the planning system to address and any impact upon the Capitol must be addressed by the Council as owner of the Capitol just as any other business would be expected to react to additional competition from new development. 6.7 Therefore subject to complying with other relevant policies within the Development Plan, addressed below, the principle of a cinema led scheme in this location is considered acceptable.

### Reduction in Retail Floorspace

- 6.7 As recognised in the section above, the Council should encourage a situation which fosters the provision of a wide range of facilities within the town centre.
- 6.8 Policy 13 seeks to ensure that any new development would improve the character, quality and function of the town centre as a whole. It also addresses the protection of existing retail frontages, generally seeking to retain units located within Primary and Secondary frontages unless it can be demonstrated that the proposed change of use would contribute to the vitality and viability of the town centre.
- 6.9 The application site contains an existing retail store at ground and first floor. In terms of the identified retail frontage, the unit at first floor within the Swan Walk Centre is identified as lying within a Primary frontage, whilst the ground floor unit where it faces onto West Street lies within the Primary Shopping Area.
- 6.10 The proposed scheme would remove the ground floor retail unit and that floorspace would be incorporated into a larger first floor unit. In total this would result in the loss of 1,730 sq m of retail floorspace. In terms of Policy 13 such a loss could be acceptable if the change of use would contribute to the vitality and viability of the town centre.

## ITEM A01 - 9

- 6.11 The scheme as a whole would provide a first floor retail unit of just over 1,600 sq m in size, 4 new restaurants, a ground floor cafe (Use Class A3) and a 6 screen cinema. The cinema would add to the range of leisure facilities available in the town centre – capturing, at least in part, the local cinema audience that currently travels to surrounding towns such as Crawley for a multiplex visit. It is anticipated that the cinema would also create linked trips to existing and proposed retail and restaurant facilities in the town centre – where currently some of those visits are not made in Horsham – use being made in Crawley for instance of the neighbouring A3 facilities when linked to a cinema visit. It is concluded that the anticipated footfall and activity associated with a retained, albeit smaller, retail unit in combination with the restaurant uses and cinema would significantly exceed those of the existing larger retail unit on its own. The proposed scheme would therefore positively contribute to the vitality and viability of the town centre and the loss of some of the existing retail floorspace would be more than offset by the gains resulting from the cinema and proposed restaurant uses. The proposal is therefore considered to comply with the overall strategy to encourage economic growth within the district, to comply with the specific requirements of Policy 13 and with the aims of the NPPF.

### Loss of Office Accommodation

- 6.12 Policy 9 of the HDPF seeks to protect existing employment sites outside the Key Employment Areas seeking to ensure that their redevelopment must demonstrate that the site is no longer needed and/or viable for employment uses.
- 6.13 The existing site has just over 2,700 sq m of office space on the top two floors of the building (Albery House) which would be lost as a result of the proposed scheme. This space is currently occupied by a technology based company who have been a long term occupant. No information is available from the applicants regarding the plans of the current occupants should this permission be granted.
- 6.14 An assessment of the Council's provision of office space, by Crickmays on behalf of the Council, concludes that the previously identified surplus of office space has been depleted within the town centre, partly as a result of changes to the permitted development rights allowing the change of office accommodation to residential use. However, a demand for the best quality office accommodation remains unsatisfied. Whilst the applicant draws attention to the proposed North Horsham development as a means of delivering future office provision for the town, this underestimates the benefits that the provision of offices within the town centre provide. Jobs located within the town centre provide custom for existing businesses within the town centre during the week with some potential for evening visits to surrounding restaurants, pubs etc. Taking the working population out of the town could have adverse impacts upon spending and activity levels within the town centre and this forms part of the consideration of the loss of the offices
- 6.15 However, the proposed use, whilst primarily a leisure use, would have an employment element whose staff would be able to use the town centre shops. The numbers of new staff, are likely to be less than the number of workers that could be accommodated were the existing offices retained and used to their fullest extent. Equally important however in terms of the vitality of the town centre are the linked trips that would be expected to accrue from visits to the cinema and restaurants.
- 6.16 The loss of office space is considered regrettable. It is acknowledged that the offices are not a premium grade accommodation, as a result of their age, location and situation above a shopping centre and that they offer a slightly lower grade accommodation. No evidence has been submitted to demonstrate that the space is no longer needed or viable for use and there remains an unfulfilled demand for the best quality office space within the town centre. However, conversely, the proposed use would provide employment opportunities, the expectation of linked trips to existing businesses as a result of the uses proposed and a very clear boost to night time levels of activity and the economy of the town centre. On

## ITEM A01 - 10

balance therefore, it is considered that concerns about the loss of the offices would be outweighed by the benefits that would accrue from the proposed scheme.

- 6.17 In conclusion the loss of the office accommodation is, on balance, considered to be acceptable. Whilst the town centre retains a demand for office accommodation that cannot be met, the accommodation is not the best grade available and the proposed scheme would provide some employment as well as providing a scheme that would enhance the overall vitality and viability of the wider town centre.

### Design & Impact upon the Surrounding Streetscene

- 6.18 The NPPF considers the role of high quality design as a means to add to the overall quality of an area, to create a strong sense of place, to optimise the potential of a site to accommodate development whilst responding to local character, reflecting the identity of local surroundings and materials whilst not preventing or discouraging appropriate innovation. Design policies should concentrate on guiding the overall scale, density, massing and height and should not attempt to impose architectural styles of particular taste and not should stifle innovation, originality or initiative. It is considered proper however to seek to promote or reinforce local distinctiveness. Whilst visual appearance is important, high quality and inclusive design goes beyond the aesthetic – addressing connections between people and places and the integration of the new into the natural, built and historic environment.
- 6.19 Policy 32 of the HDPF seeks high quality and inclusive design for all based upon a clear understanding of the context of the site, contributing to a sense of place and the way the building integrates with its surroundings whilst complementing any locally distinctive character and heritage.
- 6.20 The Horsham Town Design Statement 2008 concentrates predominantly on the residential areas surrounding the town centre but where it does make reference to the town centre, it identifies that a few town centre developments have used more innovative approaches but that these were not always universally welcomed”. It is considered important that new development is “accommodated in ways that do not damage the overall visual quality of the built environment and that Horsham should retain and enhance its image as a historic market town.” “All new development should take account of the setting of the town and respect the character of the approach roads. Design should have regard for the surrounding street scene, existing buildings and the local character of the area, but need not preclude innovative modern design”. In relation to shopfronts these should have regard to their context and location and where there is more than one shopfront in a building the design should be similar.
- 6.21 The existing building has 4 floors with regularly spaced and designed windows on the upper floors with large glazed shop windows at ground floor, albeit many of these are covered with vinyls on the inside face of the glass. The building uses traditional brick materials with a tiled pitched roof and a number of vertical towers punctuating the main facades.
- 6.22 The surrounding area comprises a mixture of designs, materials and building styles, although brick is the predominant material in use. The wider surrounding area has a generally traditional feel although the development around this pedestrian junction is largely more recent and a scheme at Bishops Weald House is currently under construction. The scale of buildings around the junction are generally larger than in the adjacent West Street and Bishopric with Bishops Weald House currently being constructed as a 5 storey development, with ground and first floor commercial uses and 3 floors of residential above. That scheme will feature facing brick and some cladding with contemporary shopfronts inserted. The application site lies at a crossroads and as a result of its scale and position



forms quite a prominent building providing a backdrop to views from Worthing Road, Bishopric, Springfield Road and West Street.

- 6.23 The bulk and scale of the scheme reflects a combination of the form of the existing building and the function of the proposed use as a cinema. Therefore, whilst the details of the design of the scheme have changed since its original submission, the scale remains unchanged.
- 6.24 The scheme incorporates a number of changes of height and level compared to the existing building and these are detailed in paragraph 1.8 above. In general terms the scheme has been designed to lower the front façade compared to the existing building to on this corner site and to remove the upper cinema levels from the front façade and set them back as far as can be achieved. The setback distance varies and it is clear that the cinema clad element of this scheme will be visible within the streetscene. The prominence of the cinema level works will be of greater or lesser prominence depending upon where the site is viewed from, however, the set back position ensures that these views do not overwhelm or dominate the overall appearance of the building. From a greater distance such as when viewed from Albion Way, the flank wall of the scheme will show in its entirety from that area between Springfield Road and Springfield Park Road. However at that distance the bulk and mass of the roof works would sit comfortably with the general bulk and mass of the Swan Walk and town centre development. The materials proposed are not used elsewhere in the town but are not dissimilar to the zinc/lead cladding that is evident on rooftops in smaller quantities around the town centre. The works to the Swan Walk Marks & Spencer for instance comprising zinc clad buildings on top of the brick built centre are easily visible from Albion Way but whilst a different form and material, these read as part of the wider streetscene rather than a jarring or unusual feature. It is considered that the longer distance views of this site would be interpreted in the same way. The closest views of the site would show, to varying degrees, the cinema level, but at this distance the forward prominence of the brick and bronze façade would be clearer and would be expected draw the eye from the lighter cinema cladding at the top of the scheme.
- 6.25 The design would create a contemporary and interesting scheme yet retaining a simple palette of materials. The existing building has very little interaction between the ground floor store and the street outside, which on a prominent corner such as this is a failing of the existing site. The proposed scheme seeks to change that with significant levels of glazing across two floors not only to provide visual interest, but to increase interaction between the uses inside and the external pedestrianised realm.
- 6.26 The palette of materials is simple with a mix of traditional brick, primarily on the West Street and corner part of the building, leading into a mix of a more contemporary anodised aluminium cladding above the restaurants and cinema on the Springfield Road elevation. The anodised cladding is a relatively common material although perhaps new to Horsham, but maintains a clean contemporary appearance that weathers well. The balance of the materials and the way in which they are used maintains a balance along the West Street elevation of a more traditional appearance, which changes to a slightly different character as you move away from the conservation area and round the corner to Springfield Road. Springfield Road at present forms a dead frontage and this scheme would introduce a lively frontage that would draw people further up the road to gain access to Swan Walk and the cinema as well as the restaurants in between.
- 6.27 Concern has been expressed by residents regarding the more contemporary nature of the scheme and the ability of this to 'fit in' with the general character of the town is questioned. The development sits in a part of the town that lies outside a conservation area, it does not lie close enough to any listed buildings to have to react to their setting and with more contemporary development in place, with the new Waitrose/John Lewis and the Bishops Weald House scheme under development, this is considered to be the appropriate part of town in which a more contemporary scheme could be accommodated. The design has

been modified to tone down the originally proposed expanse and brightness of the cladding and more brickwork and stone work has been introduced to relate to the surrounding buildings. The scale of the cladding on Springfield Road has been reduced to provide a more interesting elevation such that the lack of windows along the Springfield frontage at first floor level does not lead to a featureless façade. The proposed shopfronts with the fascias and louvered elements within the stone surrounds would provide a relatively traditional form but with clean modern materials. The double height windows on the corner and West Street elevations add to the visual interest of the scheme and would create a better interrelationship with the retail centre around the site, than the current scheme, which essentially turns its back on the retail centre other than from within Swan Walk.

- 6.28 Externally the scheme proposes seating areas in front of each of the restaurants on both Springfield Road and West Street. Springfield Road has a very slight incline and originally it was proposed that the areas in front of the restaurants in Springfield Road would be levelled out to a lower level than the surrounding pavement with a stepped access up to the surrounding pavement – of the same character as the stepped areas in the Carfax. Such works would require a Stopping Up Order to remove the specific areas from the public highway, which could not be resolved during the lifetime of this application. The area remains within the red line of the application site and the plan has been revised to show seating areas at pavement level. This matter will be resolved by means of a condition so that if the former approach is pursued then once the legalities have been finalised the details of the seating areas can be considered by the Council. In terms of the appearance of these areas however the scheme ensures that they provide a unified approach to the design of the building and the actual spaces and the details of any planters, screens etc can be dealt with as part of a condition to ensure a consistent approach to this area.
- 6.29 The scheme is required to fit comfortably within its context – that does not mean that it must slavishly copy any other building or style. This part of Horsham is undergoing change with more contemporary buildings in evidence. The scale of the building is considered to fit comfortably into its surroundings and the design and materials proposed, whilst offering a more contemporary approach would result in a scheme that contributes to a sense of place and that would integrate with its surroundings. It is considered that the scheme is policy compliant in this respect.

#### Impact upon Heritage Assets

- 6.30 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special regard to the desirability of preserving a listed building and its setting and the desirability of preserving or enhancing the character or appearance of conservation areas. This site does not lie in close proximity to any listed buildings, with the nearest such building lying at the far end of the Bishopric over 50m away. The nearest part of the conservation area lies in West Street some 60m to the east.
- 6.31 The scale of the scheme and its design has been considered above. The existing building already provides a prominent finish to West Street and the proposed scheme would not change that. It would provide a change in materials with a lighter brickwork being seen from West Street, with the front façade being lower than the existing building. The cinema level would be set back 2m from the West Street frontage and its lighter cladding is expected to register as a change in appearance, but not one that would adversely affect the setting or character of the conservation area. It is considered rather that the use of a lighter material to the upper elements would aid to lessen the perception of built form. The stairs onto West Street would require an extension to the building which would be higher than the existing façade and which would be visible from West Street. However the conservation area sits sufficiently far from the site that views of this more prominent part of the scheme would be insignificant.

## ITEM A01 - 13

- 6.32 The Council's Conservation Officer has considered the scheme and commented as set out above in paragraph 3.6 where it can be seen that the manner in which the scheme has been developed, results, in the view of officers, in a scheme that does not harm the setting of the nearest listed building nor the conservation area. This aspect of the scheme is considered to be policy compliant.

### Impact upon the Highway and Parking

- 6.33 One of the cornerstones of the NPPF is the encouragement of a pattern of development, where reasonable, which facilitates the use of sustainable modes of transport seeking to balance the transport system in favour of sustainable transport.
- 6.34 Local authorities should seek to improve the quality of parking in town centres so that it is convenient safe and secure whilst recognising that the parking standards required should take into account the accessibility of development, the availability of and opportunities for public transport, car ownership levels and an overall need to reduce the use of high emission vehicles.
- 6.35 Policy 40 of the HDPF refers to a re-balancing in favour of non-car modes supporting development which is located in areas where there are or will be a choice in the modes of transport available. Policy 41 addresses the issue of parking, requiring adequate parking facilities to meet the needs of anticipated users.
- 6.36 The site of the proposed re-development lies adjacent to a 900 space multi storey town centre car park which is open 24 hours a day. The site is also about 100m from the bus station and approximately a 15- 20 min walk to the train station. The adjacent car park is well connected to the highways network – linking to Albion Way.
- 6.37 Analysis of the occupancy rates for the adjacent car park indicate that the peak occupancy rates are during the day – between 11am – 12 midday with 89% occupancy on the Fridays when surveyed and 93% occupancy on the Saturdays surveyed. Occupancy after 6pm on both those days was generally low, being below 10% occupancy.
- 6.38 The anticipated trip generation for the scheme indicates that the peak hours are predicted to occur between 7pm-8pm on both weekdays and Saturdays – with the cinema generating 247 two way trips on weekdays and 671 two way trips on Saturdays. The restaurants are predicted to attract 134 two way vehicle trips in the peak hour during weekdays and 90 two way vehicle trips during the peak hour on Saturdays. The submitted Transport Assessment assumes that all vehicular traffic attracted to the site will use the Swan Walk car park, whilst in reality traffic is likely to be spread over a number of town centre car parks. However even using the assessment of the use of only the closest car park, the increase in traffic at the Medwin Way roundabout amounts to less than one additional vehicle every 3 minutes in the peak hour on a Saturday. This impact would be reduced with the use of the other car parks within the town centre.
- 6.39 The traffic would be quickly dispersed and it is not considered that the proposed development would have a significant impact on the operation of the local roads and junctions. In terms of the additional parking requirements generated by the development it is predicted that the existing Swan Walk car park would be able to accommodate the additional parking demand, whilst there is of course additional parking across the wider town centre.
- 6.40 The site is centrally located and well connected to public transport. In addition there are good cycle connections to the site with cycle parking available within the town centre. Overall as can be seen from the County Highways assessment, it is not considered that the proposed scheme would have an unacceptable or harmful impact upon the traffic and

parking conditions within the town centre and vicinity of the site. The proposal is therefore considered to comply with the NPPF and Policies 40 and 41 of the HDPF.

Facilities for those with Disabilities

- 6.41 The HDPF at Policy 42 seeks development which helps create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs. Particular account will be taken of the need to “address requirements stemming from people with additional needs including the disabled or those with learning difficulties”. It is clearly considered important that development should contribute towards meeting the needs of all sections of the community to help to encourage social cohesion.
- 6.42 In terms of statutory provision the minimum space for a Standard Wheelchair Accessible Toilet would require a space of some 3.3 sqm, a Space to Change Toilet would require 7.5 sqm and the most comprehensive facility available, a Changing Places facility, would require 12 sqm. Within Horsham town, the nearest facility which is almost compliant with the Changing Places standard is based in the leisure centre in Horsham Park. The existing Centre has a changing places type facility but that would be lost as a result of the development. There are existing toilet facilities and changing facilities within the main part of Swan Walk but no permanent toileting facilities for people with significant care needs..
- 6.43 Whilst Policy 42 is supportive and encouraging of new provision, the statutory provision securable as part of the Building Regulations, would not actually require anything other than the most basic of facilities in order to be compliant with the legislative background. The wider centre provides the minimum necessary and therefore it is not considered that a reason for refusal of this application could be justified on these grounds.

Neighbour Amenity

- 6.44 The NPPF seeks to ensure that the amenities of both existing and future occupants are protected from the harmful impacts of new development. This is addressed in Policy 33 of the Horsham District Planning Framework.
- 6.45 This scheme would comprise a major addition to the night time economy of the town in a part of the town where there are residents immediately adjacent to the site (the flats in St John’s House on the opposite side of Springfield Road) and in the surrounding area, with additional flats being constructed at Bishops Weald House. In addition the Travelodge has rooms in close proximity to the site. The implications of the scheme would amount to additional noise and disturbance from those going to and from the cinema and restaurants, the noise of those sitting outside the restaurants and the potential for odours emanating from the restaurants.
- 6.46 The site lies in the heart of the town centre where there is already noise and disturbance to a certain level arising from those visiting the pubs and restaurants already in the town, including The Lynd Cross public house immediately below the flats in St John’s House. That level of noise may well rise as a result of drawing more people into the centre, particularly in respect of the outdoor seating areas and the cinema – when those leaving a screening would leave at the same time and thus the numbers congregating in the pedestrianised areas could be expected to be greater than existing. However as a town centre location it is to be expected that such facilities could exist and that levels of noise and disturbance could and indeed would be expected to change over the lifetime of occupation of a property within the core commercial centre.
- 6.47 There should not be any other noise effects than those described and these are not considered unreasonable for any residential property in the town centre. No objections are raised therefore in this respect.

## ITEM A01 - 15

- 6.48 In respect of the potential disturbance from odours emanating from the restaurants, proposed means of ventilation and odour extraction can be controlled by condition and would not therefore be expected to create any problems for those living in proximity to this site.
- 6.49 This scheme is therefore considered to be compliant with those policies seeking to protect resident's amenities.

### **Conclusion**

- 6.50 This application seeks permission for the redevelopment of the site involving the demolition of the upper levels of the building and the remodelling/re-building to provide a 6 screen cinema including a cafe, 4 restaurants and a first floor retail unit.
- 6.51 The scheme proposes a contemporary appearance and would result in significant changes to the bulk and mass of the building on this corner site with a building that would have a much more contemporary appearance than the existing building. The bulk and mass proposed would sit comfortably within the scale of the wider town centre and this part of the town generally, which has a number of buildings of relatively significant scale. The scale of the proposed scheme would therefore sit comfortably within its surroundings.
- 6.52 The uses provided as part of the scheme would benefit the town with the expectation that the cinema in particular would draw more visitors to the town centre with all the consequent economic benefits to the existing town and businesses. The site lies adjacent to a town centre car park and it is anticipated that that one car park would be sufficient to address the parking needs generated by this scheme – the existing car park being busiest during the day whilst the anticipated peak demand for the cinema would be in the evening.
- 6.53 The design of the scheme is contemporary but has been designed to provide an interesting façade responding to the character of the more traditional parts of the town such as the adjacent conservation area, whilst resulting in a scheme that would contribute to a sense of place in this part of Horsham.
- 6.54 Overall it is considered that this scheme would deliver significant economic and cultural benefits to the town centre, in accordance with policies of the HDPF, and that permission should be granted subject to a number of relevant conditions.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission be granted subject to appropriate conditions:
1. Approved plans condition
  2. 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. The uses hereby permitted shall not be commenced unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

4. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

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

5. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with the provisions of Policies 33 and 40 of the Horsham District Planning Framework (2015).

6. The use hereby permitted shall not be commenced until the means of ventilation for the extraction and disposal of cooking odours has been provided in accordance with details first submitted to and approved by the Local Planning Authority in writing. These details shall include times of operation of the ventilation system and the proposed maintenance programme. Thereafter, the ventilation system shall be installed, operated and maintained in accordance with the approved details.

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

7. Deliveries shall not be made to the scheme hereby approved outside the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm Saturdays and there shall be no deliveries on Sundays or Bank Holidays.

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

8. Prior to the occupation of any part of the development hereby approved full details of all soft landscaping works in conjunction with any works to the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the site strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced with others of similar size and species.

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

9. Notwithstanding the previously submitted drawings, prior to installation, the detailed design, including materials and finishes, of the following items shall be submitted to and approved in writing by the Local Planning Authority:
- All new glazing
  - Shopfronts (including canopies, fascias etc)
  - Lighting
- The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:20 with full size moulding cross sections, where mouldings are used. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory appearance upon completion in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

10. Prior to the development of the external seating areas, details shall be submitted to, and approved, in writing, by the Local Planning Authority of the proposed scheme including, but not limited to, the following details:
- any changes to land levels
  - any means of screening of the seating areas
  - the manner in which the boundary with the public highway will be addressed

Reason: To ensure a satisfactory appearance and relationship with the public highway upon completion in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11. No work for the implementation of the development hereby permitted shall be undertaken except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank or Public Holidays.

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

12. No development shall commence until full details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water as appropriate. The submitted details shall prevent surface water from discharging onto the public highway and should incorporate the use of Sustainable Drainage Systems where possible. The approved details shall be fully implemented prior to occupation of the development hereby permitted and shall thereafter be permanently retained and maintained solely for their intended purpose.

Reason: To ensure that the site is adequate drained, to reduce the risk of flooding and in the interests of highway safety, in accordance with the advice of the NPPF and Policy 38 of the Horsham District Planning Framework (2015).

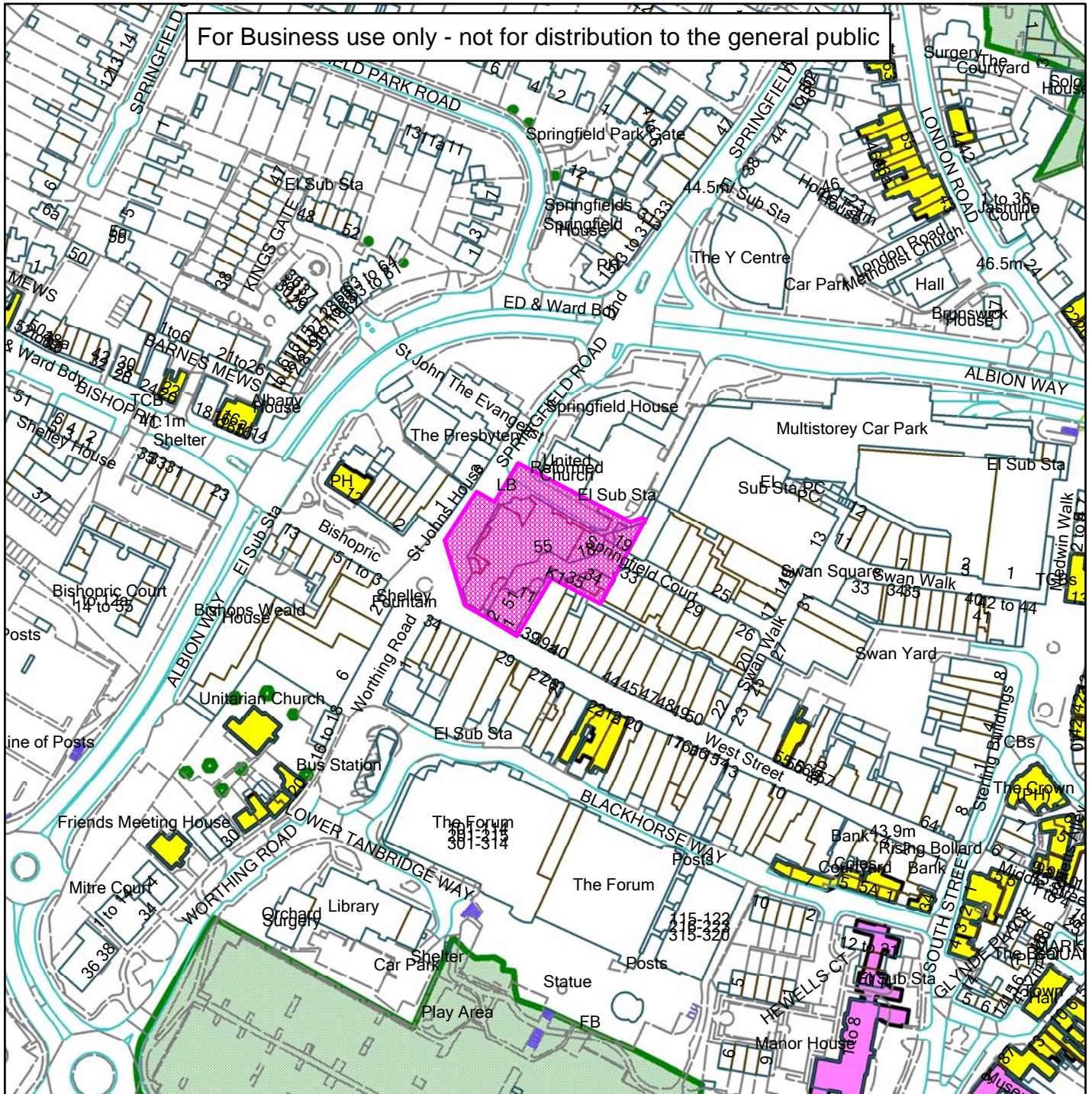
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**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (North)

**BY:** Development Manager

**DATE:** 6 December 2016

**DEVELOPMENT:** Variation of condition 1 to previously approved DC/16/0564 Relating to raising the building and changes to fenestration

**SITE:** Fisher Clinical Services Uk Ltd Langhurst Wood Road Horsham West Sussex

**WARD:** Holbrook West

**APPLICATION:** DC/16/2340

**APPLICANT:** Fisher Clinical Services Ltd

**REASON FOR INCLUSION ON THE AGENDA:** The application if permitted would represent a departure from the Development Plan as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015

**RECOMMENDATION:** To approve the application.

### 1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The application is made under Section 73 of the Town and Country Planning Act 1990. Under this provision, minor material amendments can be made to extant planning permissions through the variation of the condition which relates to approved plan drawings. Planning permission was granted for the construction of a cold store warehouse for Fisher Clinical Services under DC/16/0564. The current application seeks the following amendment to this permission:

- Increase the finished floor level of the proposed building by 1m through the reduction of excavation works. This would significantly reduce the amount of soil that would need to be removed from the site as a result of the proposal.
- Removal of all windows to south, north and west elevations of the new building and removal of majority of proposed windows to east elevation.

1.3 The principle of the proposed development has already been considered acceptable, by way of granting permission for the scheme under DC/16/0564. As such, only the acceptability of the proposed amendments, the impact of any relevant local or national

## ITEM A02 - 2

planning policy changes since the last permission, and any other material considerations can be considered when assessing the application.

### DESCRIPTION OF THE SITE

- 1.4 The application site relates to Fisher Clinical Services (FCS). FCS Horsham is a company who specialise in the handling of all types of clinical supplies and pharmaceuticals. This includes the cold storage of clinical supplies on site as well as packaging, labelling and distribution. The company occupy a large commercial building which is part of a large industrial site off Langhurstwood Road. The estate was established in the 1970's and FCS took over the site in the early 1990s. The company currently employ 715 people. The site is accessed via Langhurstwood Road, which leads directly to the A264 to the south.
- 1.5 The FCS building is located on the west side of the industrial estate adjacent to a railway line which runs north to south. Brookhurst Wood Landfill site lies to the south of site and separate office buildings are to the east of the FCS building. These buildings are part of the Broadlands Business Campus. The existing site includes approximately 202 parking spaces and there is a goods in and out area for HGVs on the south side of the main building. The building is modern in design, two-storeys high with black metal cladding and a flat roof. The estate includes numerous mature trees which for the most part surround the FCS building. This includes a large area of trees and open space to the north section of the site set at a slightly higher ground level than the car park and main FCS building. None of the existing trees are protected by tree preservation orders.
- 1.6 The FCS site includes a large area of open scrubland to the north of the main building. This area was former landfill and is generally flat. This piece of land is also set at a higher ground level than the main building and is the approved site for the new warehouse building. The scrubland area is approximately 2.3ha in size. A large temporary store is currently placed on this piece of land. The scrubland is adjacent to the northern boundary of the site. The northern boundary includes dense vegetation and trees and slopes down to a stream. This section of the site is a flood risk area (Zone 2). Open fields lie to the north of the site which stretch up from the site from south to north.
- 1.7 The site is within North Horsham Parish and is also adjacent to boundaries with Ruser Parish to the north and Warnham Parish to the west. The site is outside any built-up boundary as defined by the HDPF.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 1, 3, 4, 6, 7, 8, 10, 11 and 12.
- 2.3 Planning Practice Guidance (March 2014).

### RELEVANT COUNCIL POLICY

- 2.4 The following policies in the HDPF are considered to be relevant:

Policy 1: Strategic Policy: Sustainable Development

Policy 2: Strategic Policy: Strategic Development

ITEM A02 - 3

- Policy 3: Strategic Policy: Development Hierarchy
- Policy 4: Strategic Policy: Settlement Expansion
- Policy 7: Strategic Policy: Economic Growth
- Policy 9: Employment Development
- Policy 10: Rural Economic Development
- Policy 24: Strategic Policy: Environmental Protection
- Policy 25: Strategic Policy: The Natural Environment and Landscape Character
- Policy 26: Strategic Policy: Countryside Protection
- Policy 31: Green Infrastructure and Biodiversity
- Policy 32: Strategic Policy: The Quality of New Development
- Policy 33: Development Principles
- Policy 35: Strategic Policy: Climate Change
- Policy 36: Strategic Policy: Appropriate Energy Use
- Policy 37: Sustainable Construction
- Policy 38: Strategic Policy: Flooding
- Policy 39: Strategic Policy: Infrastructure Provision
- Policy 40: Sustainable Transport
- Policy 41: Parking

2.5 Local Development Framework: Supplementary Planning Document:

- Planning Obligations (2007)

NEIGHBOURHOOD PLAN

2.6 The site is within the parish of North Horsham. North Horsham is not designated as a Neighbourhood Plan Area.

2.7 PLANNING HISTORY

DC/16/0564	Erection of a new cold storage warehouse	Permitted 20/07/2016
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**3. OUTCOME OF CONSULTATIONS**

INTERNAL CONSULTATIONS

3.1 **HDC – Landscape Officer:** No objection subject to appropriate measures to mitigate the visual impact of the proposal. It is recommended that, under the landscaping condition, details should be sought to secure instant hedging and additional semi-mature trees to put in place within the proposed landscape buffer. Additional planting should also be provided within the parking entrance.

OUTSIDE AGENCIES

3.2 **Natural England:** No comment.

PUBLIC CONSULTATIONS

3.3 **North Horsham Parish Council:** No objection.

3.4 No representations have been received from any local residents.

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

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

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

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

**6. PLANNING ASSESSMENTS**

- 6.1 This application for material amendments is assessed against the relevant policies of the HDPF and the national planning policies contained in the National Planning Policy Framework (NPPF).
- 6.2 This application proposes amendments to the extant permission for a cold store warehouse building under DC/16/0564. As such, the only matters for consideration now are the acceptability of the proposed amendments taking into account any changes to national or local planning policy or any other material considerations.

Layout, scale and appearance

- 6.3 The current proposal seeks to amend the finished floor level of the proposed building. The position of the building remains the same as approved. The building would still be located north of the existing Fisher Clinical Services (FCS) building on existing scrubland. The layout of the building and proposed floor space also remains as approved. The building as originally approved would have been set into the existing ground. This lowered the overall height of the building when viewed from the surrounding area and involved extensive excavation works.
- 6.4 It is proposed to reduce the amount of excavation works proposed. This would result in the removal of less earth and the building being set at 1m higher than originally approved. The applicant has stated that this would significantly reduce the amount of soil that would need to be removed from the site as a result of the proposal. The applicant states that their initial calculations have indicated that the approved scheme would result in 32,000 cubic metres of soil to be taken away from the site, at considerable cost. Raising the height of the building by 1m would reduce the amount of soil to be removed by approximately half. This would result in a significant reduction in vehicle movements to and from the site.
- 6.5 Increasing the height of the building by 1m would result in a marginally more prominent building on site. However, there would still be a significant gap between the new warehouse and the existing building and the new cold store warehouse would not be read in the context of the existing building. The proposed building (with the additional height) is also appropriate in the wider context of this commercial site.
- 6.6 To reduce the visual impact of the originally approved building, the proposed warehouse is set back from the northern boundary by approximately 15m. This set back allows substantial landscaping, including new trees, to be placed along the northern boundary on a new land mound. To secure appropriate landscaping for the landscape buffer and the site as a whole, condition 10 of the decision notice requires the approval of a landscaping scheme by the Local Planning Authority prior to any works above slab level.

## ITEM A02 - 5

- 6.7 The Council's Landscape Officer has commented that the rising of the finished floor level of the building by 1m is not ideal as the resulting building would stand prouder when viewed from some key points identified in the Landscape Visual Impact Assessment. The officer has no objection to the scheme subject to appropriate mitigation to address the additional visual impact. The Landscape Officer has recommended that under the landscaping condition, the details secured should include instant hedging and additional semi-mature trees to put in place within the proposed landscape buffer along the northern boundary. Additional planting should also be provided around the building. With this additional planting, the visual impact of the additional height of the building created by the higher finished floor level would be satisfactorily addressed.
- 6.8 The current scheme also proposes alterations to the fenestration of the new building. As originally approved, the building included windows to all elevations. The current scheme proposes to remove the windows to the north and south, and west elevations and the removal of the majority of proposed windows to the east elevation. The applicant has stated that some of the drugs to be stored within the building are light sensitive. Therefore, the removal of the windows would result in a more productive storage facility and the windows are not required. The scheme would retain a row of windows at second floor level to the east elevation. These windows would allow light to offices within the building. It is appropriate for these windows to be retained to allow a suitable standard of office accommodation.
- 6.9 The removal of the windows would result in a more streamlined building than approved. The building would retain an appropriate appearance as a commercial building and match the existing FCS building, which also has limited windows. The removal of the windows would also allow for a more efficient storage facility for light sensitive drugs.

### Other Considerations

- 6.10 Given that the scheme does not alter the layout of the approved scheme, the building (as amended) would not give rise to any concerns in relation to impact on amenity, ecology, highway considerations, drainage or impact on trees. These issues are satisfactorily addressed under the approved scheme.
- 6.11 The original approval was subject to a Section 106 agreement to secure a contribution of £75,000 to be spent on transport infrastructure in the form of a new Toucan crossing on the A264 Horsham Northern Bypass. The current scheme would not affect this obligation. It should be noted that the agreement includes a section which allows Section 73 variations without the requirement for an amendment to the original legal agreement. As such, a deed of variation is not required for this proposal.
- 6.12 Under application DISC/16/0276, the details reserved by conditions 4, 5 and 6 were approved. The wording of conditions 5 and 6 has been amended to reflect the approval of these details. Condition 4 has not been amended as the details required for this condition relate to finished floor levels in relation to nearby datum points. An additional application is required to formally approve the details reserved by this condition which relates to the current proposal.

### Conclusion

- 6.13 The proposed amendment to the finished floor level of the building is appropriate subject to additional planting to the northern landscape buffer and around the site. The additional landscaping will mitigate the visual impact of the more prominent building. Details of landscaping are to be agreed through condition 10 of the extant permission, which is repeated below. The removal of the majority of the windows from the building is also considered visually appropriate and would not significantly detract from the appearance of

this commercial building. The removal of the windows would also facilitate the storage of light sensitive drugs, a significant element of FCS operations.

## 7. RECOMMENDATIONS

7.1 That planning permission be approved subject to the below conditions.

1. Approved Plan Numbers.

2. The development hereby permitted must be commenced by the 20/07/2019.

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

3. The scheme shall be implemented in strict accordance with the Arboricultural Method Statement dated the 24<sup>th</sup> February 2016 by PFC Consultancy.

**Reason:** To ensure the protection of trees and shrubs to be retained on site in accordance with Policy 33 of the Horsham District Planning Framework 2015.

4. No development shall commence until precise details of the finished floor levels of the development in relation to nearby datum points 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 visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework 2015.

5. The proposal shall be implemented in accordance with details of means of foul and surface water drainage and sewerage to serve the development approved under DISC/16/0276. The scheme shall be implemented strictly in accordance with the agreed details and thereafter maintained as such.

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

6. The proposal shall be implemented in accordance with the Ecological Mitigation and Management Plan approved under DISC/16/0276. The approved details shall be implemented in full and in accordance with the agreed timings and details.

**Reason:** As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 25 of the Horsham District Planning Framework 2015.

7. No development shall commence until a Lighting Strategy has been submitted to and approved, in writing, by the Local Planning Authority. The Strategy shall outline measures to reduce impacts on foraging and commuting bats. The approved scheme shall be implemented strictly in accordance with the agreed details and no other forms of external lighting or floodlighting shall at any time be installed within the site.

**Reason:** As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 25 of the Horsham District Planning Framework 2015.

8. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,



## ITEM A02 - 7

- The storage of plant and materials used in construction of the development,
- The erection and maintenance of any hoardings,
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works,
- Details of the working hours agreed with the Local Planning Authority for the implementation of the development,
- A site waste management plan,
- Details of any temporary utilities required,
- Details of a communication strategy to include the provision of a dedicated phone line for residents to contact the site manager directly with complaints which should be manned at all times while site works are in progress,
- Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries,
- Details of the measures to mitigate the noise and vibration from construction traffic and activities.

**Reason:** As this matter is fundamental in the interests of highway safety and ensuring the free flow of traffic on the highway network; to minimise the risk of damage to the highway; to safeguard the amenity of existing and proposed residents; to safeguard existing landscape features in accordance with Policies 33, 37, 38 and 40 of the Horsham District Planning Framework (2015).

9. The development shall be constructed in full accordance with the sustainability measures outlined in the submitted Sustainability and Energy Statement.

**Reason:** In the interests of sustainability and in accordance with Policy 37 of the Horsham District Planning Framework 2015.

10. No development above ground floor slab level of the development hereby permitted shall take place until details of all hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following the completion of works hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** As this matter is fundamental to ensure a satisfactory development and in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework 2015.

11. No development above ground floor slab level of the development hereby permitted shall take place until a schedule and details of external walls and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and thereafter maintained as such.

**Reason:** As this matter is fundamental to ensure the visual impact of the proposal in accordance with Policies 25, 26 and 33 of the Horsham District Planning Framework 2015.

12. Prior to occupation of the new building hereby permitted, details of the provision for the storage and collection of refuse/recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

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

13. Prior to occupation of the new building, a landscape management plan, including long term design objectives, management responsibility and maintenance schedules for all landscape

## ITEM A02 - 8

areas, shall be submitted to and approved, in writing, by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

14. The scheme shall be implemented in accordance with the approved Green Travel Plan from Caneparo Associates for the development. The Travel Plan shall thereafter be fully implemented in accordance with the approved details outlined in the plan.

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with Policy 40 of the Horsham District Planning Framework 2015.

15. Within six months of the date of first occupation, the temporary storage on site, as shown on plan no. FD00001/Rev 9, shall be removed from the site and the relative ground areas restored to their former conditions.

**Reason:** To remove inappropriate structures from the site in accordance with Policy 33 of the Horsham District Planning Framework 2015.

### Notes to Applicant

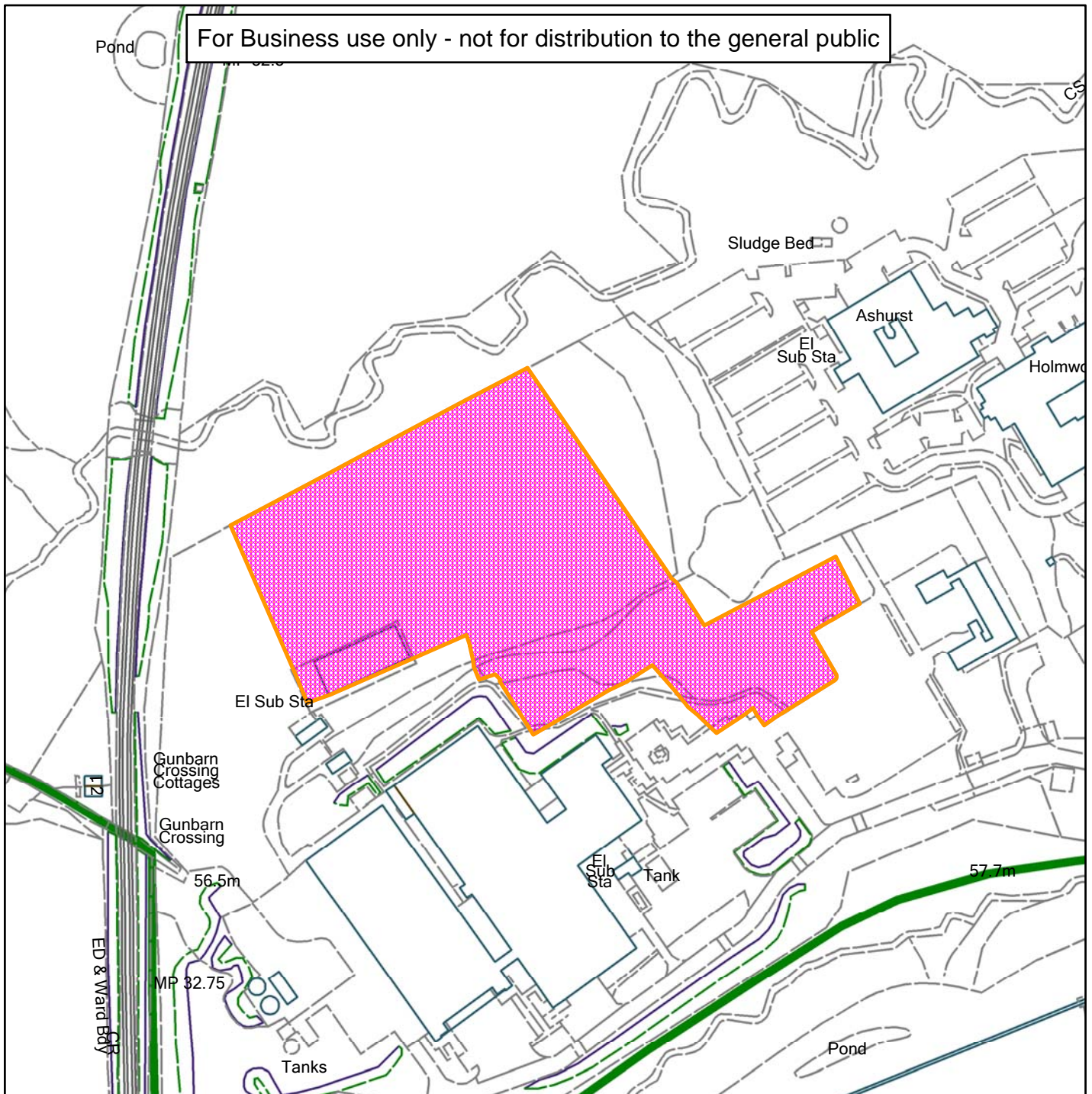
1. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
2. The applicant is advised to ensure the works comply with Network Rail's guidance on works adjacent to a railway line: <http://www.networkrail.co.uk/asp/1538.aspx>.
3. Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
4. If during development any visibly contaminated or odorous material not previously identified is found to be present at the site, work on site must cease and further advice sought from Local Planning Authority on contaminated land.
5. Please note that, with the increase in the finished floor level of the building, the landscaping details required by condition 10 will need to include instant hedging and additional semi-mature trees to put in place within the proposed landscape buffer along the northern boundary. Additional planting should also be provided around the building. With this additional planting, the visual impact of the additional height of the building would be satisfactorily addressed.

Background Papers: DC/16/0564, DC/16/2340



Fisher Clinical Services UK Ltd

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**Horsham  
District  
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## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (North)  
**BY:** Development Manager  
**DATE:** 6 December 2016  
**DEVELOPMENT:** Erection of two bungalows  
**SITE:** Coombdale Two Mile Ash Road Barns Green Horsham  
**WARD:** Itchingfield, Slinfold and Warnham  
**APPLICATION:** DC/16/2247  
**APPLICANT:** Mr & Mrs Vernon Jennings

**REASON FOR INCLUSION ON THE AGENDA:** The application if permitted would represent a departure from the Development Plan as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 and more than 5 representations have been received of a contrary view to the Officer recommendation.

**RECOMMENDATION:** To refuse planning permission.

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

To consider the planning application.

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

- 1.1.1 The application seeks full planning permission for the construction of two dwellings along with garages and the stopping up of the existing vehicular access at the junction of Trout Lane and Two Mile Ash Road and the relocation of the existing hedgerow on a revised line to allow for improved visibility at the junction.
- 1.1.2 The dwelling on plot 1 would be some 9.5 metres in width by 13.9 metres in length and 6.5 metres to its highest point and would provide 2 bedroom accommodation with a kitchen, living/dining room and two bathrooms on a single level. A detached double garage measuring some 5.9 metres in width by 5.6 metres in length will be sited to the south of the dwelling and will be 4.5 metres to the ridge and 2.3 metres to the eaves. It will have a catslide roof to the rear elevation. A cycle/refuse store measuring 2.5 metres by 1.7 metres will be provided to the west of the garage. Access to the site would be from Trout Lane.
- 1.1.3 The dwelling on plot 2 would be some 8.5 metres in width by 16.6 metres in length and 6.1 metres to its highest point and would provide 3 bedroom accommodation over the two floors with an open plan kitchen, living and dining room, utility room, WC and ensuite

## ITEM A03 - 2

bedroom on the ground floor and two ensuite bedrooms (one with a balcony) within the roofspace. The property will have an attached single garage. Access to the site would be from Two Mile Ash.

- 1.1.4 A section of hedge measuring approximately 80 metres along Two Mile Ash from its junction with Trout Lane would either be relocated or a new hedge replanted further back to enable improved sight lines. The hedge along Trout Lane would remain as existing. The existing access at the junction of Trout Lane and Two Mile Ash Road will be stopped up.

## 1.2 DESCRIPTION OF THE SITE

- 1.2.1 The application site forms part of land within the ownership of the owners of Coombdale, a residential property located approximately 460 metres from the built-up area boundary of Barns Green. The site is relatively level with a number of mature trees.

- 1.2.2 The application site itself measures 35.9 metres by 50.6 metres and is adjoined to the north by Two Mile Ash Road, to the east by the curtilage of Coombdale, to the south by agricultural fields and to the west by Trout Lane with residential properties beyond.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT GOVERNMENT POLICY

- 2.2.1 The following sections of the National Planning Policy Framework (2012), hereinafter referred to as the 'Framework', are relevant to the consideration of this application (Note: This list is not exhaustive and other paragraphs of the Framework are referred to where necessary within the contents of the report):

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

- 2.2.2 National Planning Policy Guidance 2014 (NPPG).

### 2.3 RELEVANT COUNCIL POLICY

- 2.3.1 Horsham District Planning Framework (HDPF) – the following policies are of particular relevance:

Policy 1 – Strategic Policy: Sustainable Development  
Policy 2 – Strategic Policy: Strategic Development  
Policy 3 – Strategic Policy: Development Hierarchy  
Policy 4 – Strategic Policy: Settlement Expansion  
Policy 15 – Strategic Policy: Housing Provision  
Policy 16 – Strategic Policy: Meeting Local Housing Needs  
Policy 25 – Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 – Strategic Policy: Countryside Protection  
Policy 31 – Strategic Policy: Green Infrastructure and Biodiversity  
Policy 32 – Strategic Policy: The Quality of New Development  
Policy 33 – Development Principles

## ITEM A03 - 3

Policy 35 – Strategic Policy: Climate Change  
Policy 37 – Sustainable Construction  
Policy 39 – Strategic Policy: Infrastructure Provision  
Policy 40 – Sustainable Transport  
Policy 41 – Parking

### 2.4 RELEVANT NEIGHBOURHOOD PLAN

2.4.1 The Parish of Itchingfield was designated as a Neighbourhood Development Plan Area on 1 September 2015.

### 2.5 PLANNING HISTORY

I/19/65	Garage for 2 cars with vehicular access.	PER
I/13/81	Extension.	PER
I/15/82	1 mobile home.	PER
I/21/89	Single storey ext.	PER
I/16/97	Erection of 1 house and garage	REF
DC/06/1931	Change of use of land to agricultural and horticultural equipment and materials storage, bund, 2 containers and 2 lights (Land opposite The Cottage, Trout Lane, Barns Green)	WDN
DC/06/2659	Change of use to agricultural and horticultural storage yard and retention of 2 containers	REF
DC/08/0452	Erection of agricultural food and machinery store and track	WDN

## 3. OUTCOME OF CONSULTATIONS

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

### 3.2 INTERNAL CONSULTATIONS

3.2.1 **Drainage Engineer** – The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways, however no details and sizing of the proposed soakaways have been supplied. The design should be informed by infiltration testing and designed in accordance with BRE Digest 365. Therefore drainage conditions should be applied that ensure the proposed soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding to other buildings and third party land.

### 3.3 OUTSIDE AGENCIES

3.3.1 **Southern Water** – A public water distribution main lies within the site. Its exact position must be determined on site before the layout of the proposed development is finalised. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree

## ITEM A03 - 4

planting should be carried out within 4 metres of the public water main without consent from Southern Water. There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

3.3.2 **WSCC Highways** – The Local Highway Authority does not consider that the proposal for two dwellings would have ‘severe’ impact on the operation of the Highway network, therefore is not contrary to the NPPF (paragraph 32), and that there are no transport grounds to resist the proposal. Conditions in respect of achieving acceptable visibility splays, providing adequate car parking, blocking up the existing access, constructing new accesses to an acceptable standard, providing cycle storage and providing details of construction plant and material storage are recommended.

### 3.4 PARISH COUNCIL

3.4.1 *“Itchingfield Parish Council recommends for approval subject to the entrances/exits of the new buildings being in the right place.”*

### 3.5 MEMBER COMMENTS

3.5.1 No comments received.

### 3.6 PUBLIC CONSULTATIONS

3.6.1 12 letters/emails of support have been received which raise the following comments:

- There is a lack of bungalows in Barns Green.
- Good design.
- Highway safety improvements and improved visibility splays.
- A shame if the applicant and his wife were forced to move away.
- Improve the appearance of the junction of Trout Lane and Two Mile Ash.
- Good use of redundant land.
- Allowing local people to relocate to smaller properties.
- Recent village survey highlighted need for bungalows and small infill sites.
- Barns Green has a rising age profile with few properties within the village for people wishing to downsize.
- Sited within boundary of existing property and not on agricultural land.

## 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.

4.2 The Human Rights Act 1998 seeks to protect the rights and freedoms of individuals, and includes the protection of property, the right to respect of a private life, and the right to enjoy the property peacefully. The Human Rights Act 1998, as interpreted by the Courts, makes clear that the effect on the rights of an individual (and their personal circumstances) as a result of any decision within the planning process, must be a necessary and proportionate response to a legitimate public interest consideration. This should have regard to evaluating whether a particular decision does not contravene the applicant’s rights to home and family under the Act when balanced against specific and contravening factors such as the protection of the character of the surrounding area and the amenity of adjacent residential properties, with particular reference to policy considerations, ie. the Core Strategy (2007) and Horsham District General Development Control Policies (2007).



## ITEM A03 - 5

4.3 The Equality Act 2010 applies to local planning authorities and the planning decision process of the Public Sector Equality Duty (PSED) under S.149 (1) of the Act. It is necessary to set out the PSED for the purpose of this report.

4.4 The authority must, in the exercise of its functions, have due regard:

- (a) to the need to eliminate discrimination, harassment, victimisation, and any other conduct prohibited under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Disability is a protected characteristic for the purposes of the Act.

4.5 A recent court case refers to six principles in discharging the Public Sector Equality Duty (PSED), demonstrating that any decision is reached in a fair, transparent and accountable way that is compliant with the Act. The public authority is directed to properly analyse all relevant material by reference to a proper evidence base. There must be due regard to identified Equality policy objectives of the Council, as found within the Single Equality Scheme, in taking any decisions that may affect disabled persons in terms of those policies. This is to be discharged (and in the mind of the Committee) at the time when the decision which is being made may impact on such policy objectives. This duty is to be carried out with an open mind, and with reference to any non-statutory guidance that may be applicable, and is not a duty that can be delegated to a non-Council body to discharge. It is a continuing duty and hence will be further engaged in any further process which may result from the Committee decision. Finally, it is stated to be good practice to keep proper and adequate records of all decisions which are relevant to the Council's duties as stipulated via the Equality Act 2010.

4.6 An Equality Impact Assessment is the process of assessing the impact of existing or proposed functions, policies or services in relation to their consequences for residents with different protected characteristics. This includes looking for both positive and negative consequences, and involves anticipating these and making sure that, as far as possible, any negative consequences are minimised and opportunities for promoting equality are maximised. A formal equality assessment is not a necessary requirement of the obligation to have regard, although one may be commissioned voluntarily.

4.7 The medical analysis in this matter, through obtaining an independent medical opinion on the evidence of the applicant's disablement and needs, and through assessing the consequences of any decision in this application, is in practice similar to such an Equality Impact Assessment. The planning outcome in this matter should subsequently feed through as a datum to the reviews of the Council's policies and practices in the Single Equality Scheme 2013-2015, with particular reference to priority 4.01 of the Council's Action Plan, providing adjustment thereafter in order to refine Development Control and Enforcement policies where appropriate.

4.8 Thus, having applied the foregoing process to any decision in terms of the impact on the Council's ability to discharge its PSED, regard should be had to the need for an understanding of the impact on individuals so affected by the decision, and to the effect of any mitigation to reduce such adverse impact. However, it is clear from recent case law that the PSED is only one factor in coming to a decision, and thus can be balanced against other relevant factors including countervailing policy considerations and the weight to be given to them. Thus, in a 2013 case, the courts regarded a planning decision as being justified by the benefit on the wider community, which was achieved by that decision outweighing the adverse impact on those with protected characteristics.

- 4.9 In conclusion, it is appropriate in this case to assess the impact of any decision on the Council's Equality policy objectives (Single Equality Scheme), held under the Equality Act 2010, when discharging the Public Sector Equality Duty (PSED), and to otherwise have regard to the rights of the applicant under the Human Rights Act 1998, measured against local amenity and the interest of neighbouring residential occupiers, and other relevant Council policy considerations.

## **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 key issues for consideration in relation to this proposal are:

- The principle of the development
- Impact on the character and appearance of the surrounding area
- Affordable housing and infrastructure contributions
- Highway impacts
- Ecology

### **Principle of development**

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking.

#### *Five year housing land supply*

- 6.3 Paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development*" and that "*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".
- 6.4 The applicants agent considers that "*at the end of the very first 5-year period from 2011 to 2016 there will almost certainly be a shortfall of no less than 500 houses not built that will need to be addressed in future years, compounding the difficulty of maintaining the increased house building requirements foisted on the Council by the Examination Inspector*" and therefore paragraph 49 of the NPPF should apply. The recently adopted HDPF does provide for a 5-year housing land supply plus a buffer of over 5%, as confirmed by the Inspector's Examination Report of 8th October, which found the Plan sound. The Inspector's Report (paragraph 49) calculates the 5-year supply requirement plus 5% buffer as 4976 dwellings. He notes that the delivery trajectory from April 2015 to March 2020 is 5803 dwellings. He therefore concluded that the Council has a 5 year supply "*with a considerable degree of flexibility to take account of any slippage on major sites*". He noted that "*even without the Neighbourhood Plan sites the five year supply requirement is just met*".
- 6.5 The latest position with regards to the 5 year housing supply was produced in May 2016 and is set out in the Housing Authority Monitoring Report Mid Yearly Update. This report calculates the 5-year requirement plus 5% buffer as 5014 dwellings. The delivery trajectory, which has been calculated from April 2016 to March 2021 following the update, has been calculated as 5,728 dwellings. Consequently, the Council can demonstrate that it has a 5

## ITEM A03 - 7

year supply that has a considerable degree of flexibility to take account of any slippage on major sites, or indeed the projected progression of Neighbourhood Plan sites.

### *Compliance with locational strategy*

- 6.6 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 55 of the NPPF and policies 2, 3, 4 and 26 of the Horsham District Planning Framework (HDPF).
- 6.7 Policy 2 of the HDPF is an overarching policy that covers location and amount of development in terms of economy, housing, retail and infrastructure. It sets out the spatial strategy to 2031, which seeks to influence development in order to maintain the District's unique rural character, whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment.
- 6.8 Policy 3 seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield land. As the site is outside of the built-up area boundary of a town or village it would not meet the requirements of Policy 3 of the HDPF.
- 6.9 Whereas Policy 3 provides guidance on the scale of development within settlement boundaries, Policy 4 relates to the manner in which growth of settlements in the hierarchy through development outside the defined built-up area boundaries will be considered.
- 6.10 The site has not been allocated for development in any made neighbourhood plan or within the HDPF. No draft neighbourhood plan currently exists for the parish of Itchingfield however it is understood that the site has been put forward by the applicant for residential development in the neighbourhood plan. It is therefore considered that the proposal is contrary to Policy 4.
- 6.11 The applicant has advised that the *"...housing development being carried out in the village catered primarily for open market housing for young families with a few affordable houses in view of the substantial outlay in school facilities that were funded by the development. The development did not however cater for those in the village who wish to downsize, generally because of their age, ill health or death of a partner etc."* The applicants wish to downsize to a smaller single storey property whilst remaining in the village. They have also advised that *"...There are other local residents nearby who have expressed a desire to also move into a bungalow. For a small sector of the local community there is a need, in particular, for bungalows of the kind proposed in this application."* Whilst the proposal would provide two small properties that could be occupied by local residents looking to downsize, the strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. This strategy was examined through the Examination in Public and was found to be sound and the plan was adopted in November 2015. The applicant's agent has also advised that a benefit of the scheme would be the freeing-up of two large dwellings in village which are likely to be occupied by families who will bolster the local school and other facilities. Whilst this may be the case, there are no guarantees that both proposed properties will be occupied by residents within the village, the positive benefits of the scheme would apply to any well designed proposal for housing, including in a more sustainable location that accorded with the development plan. On these grounds the proposal is not in accordance with policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

*Sustainability of the site*

- 6.12 The applicant's agent is of the opinion that the built-up area boundaries as defined in the HDPF are for policy purposes only and is not reflective of the developed area of the village. It is considered by the applicant's agent that "*Because this is a rural area where traffic flows are not high and there are wide verges with horse riders frequently present, it is considered it is safe to walk or cycle the very short distance to the village centre where there are day-today convenience facilities as well as a school, pub and recreation facilities etc.*" The site is some 460 metres from the built up area boundary of Barns Green and some 700 metres from the village primary school, some 900 metres from the village recreation ground, village hall and play area and just under 1km to the village public house, village store and post office. Whilst some of the route is paved once within the defined built up area boundary, the majority is unpaved, unlit and relatively narrow with narrow grass verges (at times no verges). Policy 40 of the HDPF which relates to sustainable transport seeks to ensure that development proposals promote a re-balancing in favour of non-car modes as a means of access to jobs, homes services and facilities. Consistent with this paragraph 35 of the NPPF suggests that development should be located and designed where practical to (amongst other criteria) give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. Given the location of the site, the distance to the limited services and facilities that Barns Green has to offer and the means of accessing the village by foot/cycle, it is highly likely that future residents of the properties will be reliant on the use of private car to access services and facilities.
- 6.13 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. Consistent with this, Policy 26 states that any development should be essential to its countryside location and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas. The proposed development of the site for residential purposes would not constitute a development which is essential to this countryside location, neither is it considered that the proposal would contribute to existing rural enterprises, activities or recreational opportunities. The proposal does not involve the conversion of existing rural buildings. The proposal therefore fails to accord with the NPPF and with Policy 26 of the HDPF.
- 6.14 The applicant's agent is of the opinion that the site comprises of previously developed land within the curtilage of the existing residential dwelling on the site. Whilst the site may be brownfield land and one of the core principles within the NPPF is to encourage the effective use of land by reusing land that have been previously developed provided that it is not of high environmental value, the fact that the development would reuse previously developed land in accordance with that criteria would not overcome the harm arising from the location of the site outside of a built-up area boundary and within the countryside.
- 6.15 In conclusion and as discussed above, the strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. This strategy was examined through the Examination in Public and was found to be sound and the plan was adopted in November 2015. On these grounds the proposal is not in accordance with policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

### **Personal circumstances of the applicant**

- 6.16 The applicants have advised that they have lived in Barns Green for over 40 years and during that time have been heavily involved in the village life with Mr Jennings being on the Board of Governors at Muntham House School for over thirty years and Chairman for six years, involved in raising funds for various charities via the Barns Green Half Marathon being Chairman since 1998 and also helping out when the family were young in a number of self-help projects to do with the primary school. Mr Jennings is also on the Steering Committee for Itchingfield Neighbourhood Plan. He was honoured with a British Empire Medal in 2015 for his involvement with the local community.
- 6.17 Now their family have left home, Mr and Mrs Jennings have advised that they are both coping with either hip/knee replacements with Mr Jennings suffering from asthma and COPD and Mrs Jennings suffering from severe Osteoarthritis, which now affects her whole body and they find maintaining their current property and grounds too large to cope. They have advised that they have no real option but to downsize into a bungalow, whilst also wishing to remain in the village and part of this community in which they have lived and served for over 40 years.
- 6.18 Whilst there is sympathy with the personal circumstances of the applicant and his wife, it is not considered that they outweigh the conflict of the proposal with the locational strategy as set out in the HDPF. There may well be a need for the applicant and his wife to downsize to a bungalow and there may not at the present time be any suitable accommodation available within their preferred location, however it should be borne in mind that the development will remain long after the personal circumstances of the applicant have ceased to be material.

### **Impact on the character and appearance of the surrounding area**

- 6.19 The application site is situated in a rural location, where development is sporadic and organic in form. Section 7 of the NPPF provides guidance relating to design and states that good design is a *"key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."* It also notes in paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.20 Policy 25 of the HDPF seeks to ensure that development proposals protect, conserve and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics and mains settlement separation. Policy 26 requires proposals to be of a scale appropriate to its countryside character and location, and not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside, and protects and/or conserves and/or enhances the key features and characteristics of the landscape character area in which it is located. Policy 32 requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 relates to Development Principles and requires development, amongst other matters, to recognise any constraints that exist, to not cause unacceptable harm to the amenity of surrounding occupiers, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.21 Whilst the site may be of sufficient size to accommodate two dwellings, the proposed construction of residential properties in this rural location would have an adverse impact on the rural character and appearance of the area. No tree survey has been produced at the time of writing the report and, it is likely that a number of mature trees will need to be removed along with a number of mature shrubs and vegetation. At the present time, the

site is fairly inconspicuous and appears as an area of green space within the ribbon of development on the edge of Barns Green.

- 6.22 Whilst the site in the past may have been used as domestic curtilage in association with Coombland, from a recent site visit undertaken, it is clear that the application site has been fenced off, is overgrown and does not appear to have been used as such for some time. It is considered that the introduction of the dwellings with their associated domestic built form, paraphernalia and lighting, would have an adverse visual impact on the character and appearance of the area. It is therefore considered with regards to the current application that the proposal would not meet the requirements of policies 25, 26, 32 and 33 in this respect.

### **Highways**

- 6.23 Highway safety improvements are proposed as part of the scheme to develop the site for two residential properties. These improvements include the removal of the access at the junction of Trout Lane and Two Mile Ash Road and the resiting/replanting of the hedgerow along Two Mile Ash Road from its junction with Trout Lane to improve visibility at the junction.
- 6.24 The Highway Authority has not raised an objection to the application. It has however raised a number of queries with the proposed visibility splays and car parking provision but consider that these issues can be resolved by way of conditions should planning permission be granted.
- 6.25 In respect of the access to Plot 1, the Highway Authority is satisfied with the visibility splays proposed however it is noted that the full extent of the southern splay is cut off from the plan and require that the full extent of the splay be shown. Plot 1 is provided with a double garage however the internal dimensions do not meet with the Highway Authority's requirements for a double garage capable of providing two car parking spaces and bicycle storage. In respect of Plot 2, the Highway Authority has advised that, again, the splays have been cut off from the plan and therefore it is not possible to assess whether they pass wholly through either land under the applicants control or maintainable public highway. From an inspection of local mapping it would appear that the full extent of the eastern splay would pass through a small slither of land that is not maintainable highway and has not been included within the ownership edge of the site therefore the applicant should demonstrate maximum achievable visibility wholly in land under their control or highway boundary. This may not extend to the previously annotated 90 metres. However, considering the posted speed limit is 30 mph the Highway Authority are satisfied that sufficient visibility will still be demonstrable and that it can be secured via condition.
- 6.26 The existing historical access on the corner of Trout Lane and Two Mile Ash Road will be closed off and the kerb line reinstated, under licence obtained from WSCC Highways, as part of the proposal. In respect of improvements to the junction of Trout Lane and Two Mile Ash Road, the Highway Authority are satisfied that the junction will be improved by setting back part of the hedgerow thus improving visibility to the east. A splay of 5 metre by 90 metres to the east has been demonstrated and can be secured via condition.
- 6.27 Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Consequently, it is considered that there are no transport grounds to resist the proposal.

### **Ecology**

- 6.28 No ecology survey has been submitted in support of the application. There are a number of structures on the site that will be removed as part of the development of the site along with the removal of vegetation, including potentially a number of trees, Further information is

required to confirm whether any of the trees or buildings scheduled for removal, or with potential to be impacted by the proposals, are suitable to support roosting bats. Such an assessment will determine whether notable and/or protected species may be impacted and if so, the measures that will be required to avoid, mitigate or compensate for such impacts. The assessment will also identify whether any further protected species surveys are required to fully inform the application. Therefore the current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies.

- 6.29 Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before the planning permission is granted. Policy 31 of the HDPF seeks to ensure that proposals maintain or enhance the existing network of green infrastructure and do not result in the loss of existing green infrastructure unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained. The policy goes on to require development proposals to contribute to the enhancement of existing biodiversity, and create and manage new habitats where appropriate.

### **Conclusion**

- 6.30 The applicant's agent has advised, in the submitted supporting statement, that there are a number of material considerations that must be afforded weight and put into the balance. These considerations have been discussed above and are the housing shortfall in the District, local housing need, the built form and visual impact of the scheme, the removal of the 'dangerous' access, the improvement in visibility at the junction of Trout Lane and Two Mile Ash Road, the sustainable location of the site and the bolstering of local facilities. It is not considered that the material considerations put forward by the applicant outweigh the significant harm that would be caused by allowing the construction of two dwellings on this site.
- 6.31 The application site is located outside of the defined built up area boundary. The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. The site has not been allocated for development in a neighbourhood plan or the Local Plan and is not essential to its countryside location. Whilst there is sympathy with the personal circumstances of the applicant and his wife, it is not considered that they outweigh the conflict of the proposal with the locational strategy as set out in the HDPF. It is therefore considered that the proposal does not comply with policies 1, 2, 3, 4, 25, 26, 32, 33 and 40 of the HDPF and paragraph 55 and Section 6 of the NPPF.
- 6.32 In addition, further information is required to confirm whether any of the trees or buildings scheduled for removal, or with potential to be impacted by the proposals, are suitable to support roosting bats. The current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies. The proposal is therefore contrary to Policy 31 of the HDPF and provisions within the NPPF.

**7. RECOMMENDATIONS**

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

1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to policies 1, 2, 3, 4 and 40 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
2. The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
3. The proposed dwellings by reason of their siting, plot subdivision, and associated intensification of domestic paraphernalia would be out of keeping with the character of the area and would represent a form of development which would be detrimental to the rural character and appearance of the area. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 32 and 33 of the Horsham District Planning Framework 2015.
4. Insufficient information has been submitted with the application to demonstrate that the proposed development can take place without harm to any protected species which may reside or forage within the site. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

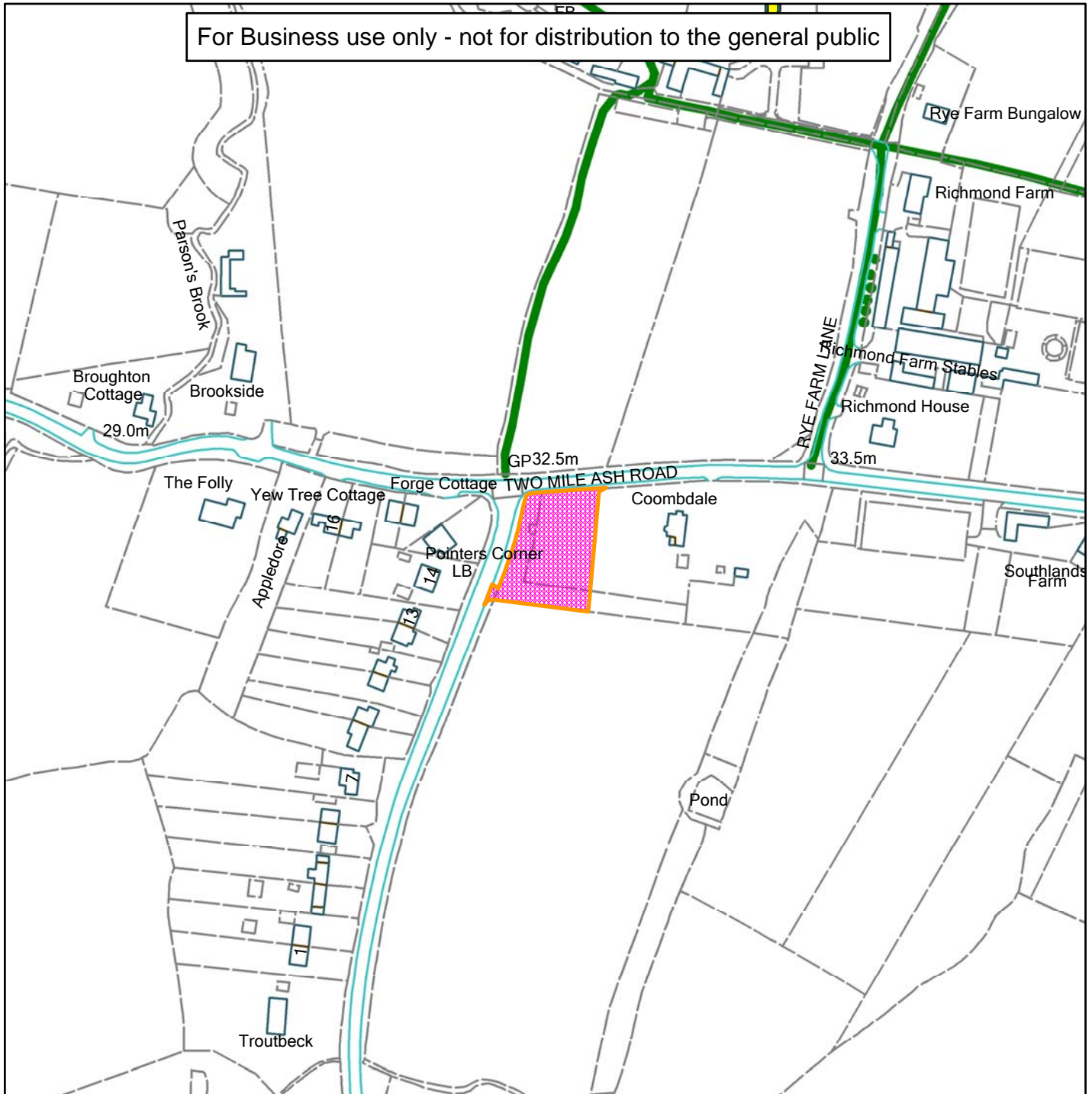
Background Papers: DC/16/2247





Coombdale, Two Mile Ash Road

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Organisation	Horsham District Council
Department	
Comments	
Date	24/11/2016
MSA Number	100023865

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**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (North)

**BY:** Development Manager

**DATE:** 6 December 2016

**DEVELOPMENT:** Cessation of commercial uses, removal of associated commercial buildings and the erection of three 4 bedroom houses together with garages and landscaping

**SITE:** Gate Lodge Stane Street Slinfold Horsham

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/16/2200

**APPLICANT:** Mr Sam Baker

**REASON FOR INCLUSION ON THE AGENDA:** The application if permitted would represent a departure from the Development Plan as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 and more than 5 representations have been received of a contrary view to the Officer recommendation.

**RECOMMENDATION:** To refuse planning permission.

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

To consider the planning application.

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

- 1.1.1 The application seeks full planning permission for the cessation of the commercial uses on the site, the removal of the associated buildings and the construction of three, detached dwellings with garaging and landscaping.
- 1.1.2 Planning permission was granted for the cessation of the commercial uses, the removal of the associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge under application reference DC/15/0911 (considered by Committee on 15 July 2015 and 8 September 2015).
- 1.1.3 The proposal seeks to construct three, four bedroom, two storey detached dwellings with double garages, associated car parking and amenity space. Each dwelling will provide a kitchen with a dining room, living room, utility room, WC and integral double garage on the ground floor and four bedrooms (one ensuite) and a bathroom on the first floor. The accommodation will be arranged in an 'L' shape with a single storey double garage measuring 5.6 metres to its ridge sited at a right angle to the main accommodation which is

## ITEM A04 - 2

some 7.5 metres in height. The dwellings at their longest and widest points are some 15 metres by 13 metres.

1.1.4 The existing access and driveway off the A29 are to be retained and utilised, and extended to provide access to all properties. A total of four car parking spaces are to be provided for each dwellings; two in the garage and two on the driveway, with space within the garage also being provided for the storage of bicycles and bins.

1.1.5 Two of the dwellings will be located on the site previously granted permission for the construction of the three small bungalows, with the third dwelling proposed on land partially in a former commercial use and partially domestic curtilage associated with Gate Lodge. It should be noted that a further (fourth) dwelling is proposed to be constructed to the immediate rear of Gate Lodge (ref DC/16/2201).

### 1.2 DESCRIPTION OF THE SITE

1.2.1 The application site lies to the west of the A29, approximately 860m (as the crow flies) from the built-up area boundary of Slinfold. Walking into the village of Slinfold would involve walking along the A24 to join the Downs Link; a walk of approximately 1.2km to the edge of the village.

1.2.2 The site measures approximately 0.24 hectares and slopes slightly uphill from the A29. The site is well hidden from public view due to the mature planting that exists around its boundary. A number of buildings and structures exist on the site, including a single storey timber building being used as a shed and office with associated car parking area and a large shed and car port with an associated hard surface. There is an existing internal road which runs east to west through the site given access to these buildings.

## **2. INTRODUCTION**

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT GOVERNMENT POLICY

2.2.1 The following sections of the National Planning Policy Framework (2012), hereinafter referred to as the 'Framework', are relevant to the consideration of this application (Note: This list is not exhaustive and other paragraphs of the Framework are referred to where necessary within the contents of the report):

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

2.2.2 National Planning Policy Guidance 2014 (NPPG).

### 2.3 RELEVANT COUNCIL POLICY

2.3.1 Horsham District Planning Framework (HDPF) – the following policies are of particular relevance:

Policy 1 – Strategic Policy: Sustainable Development

Policy 2 – Strategic Policy: Strategic Development

## ITEM A04 - 3

- Policy 3 – Strategic Policy: Development Hierarchy
- Policy 4 – Strategic Policy: Settlement Expansion
- Policy 15 – Strategic Policy: Housing Provision
- Policy 16 – Strategic Policy: Meeting Local Housing Needs
- Policy 25 – Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 – Strategic Policy: Countryside Protection
- Policy 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 37 – Sustainable Construction
- Policy 39 – Strategic Policy: Infrastructure Provision
- Policy 40 – Sustainable Transport
- Policy 41 – Parking

### 2.4 RELEVANT NEIGHBOURHOOD PLAN

- 2.4.1 The Parish of Slinfold was designated as a Neighbourhood Development Plan Area on 20 May 2014. A pre-submission version of the draft Slinfold Neighbourhood Plan was consulted on between 25 April 2016 and 6 June 2016.

### 2.5 PLANNING HISTORY

SF/3/73	Proposed erection of private dwelling	REF
SF/50/90	Change of use of dwelling to offices and erection of building for b1 use (outline)	REF
SF/2/92	Change of use of dwelling to offices & erection of building for b1 use (outline)	REF
DC/15/0911	Cessation of commercial uses, removal of associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge	PER
DC/16/0614	Non Material Amendment to previously approved application DC/15/0911 (Cessation of commercial uses, removal of associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge). Modest extension on the western side of the property, the replacement of the lounge window with double swing doors and moving the whole dwelling two metres to the west in order to increase the distance to the boundary to improve wheelchair access around the property.	REF
DC/16/2201	Construction of 1 no. 4 bedroom house together with garage and landscaping	PCO

## 3. OUTCOME OF CONSULTATIONS

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

3.2 INTERNAL CONSULTATIONS

- 3.2.1 **Drainage Engineer** – No drainage information has been submitted to make any appropriate comment or observations. Therefore drainage conditions should be applied before any works commence on site, that show full details of the measures to dispose of both foul and surface water
- 3.2.2 **Environmental Health** – Recommends conditions in respect of land contamination, site clearance, control of noise and dust, importation of soil or other fill material, hours of demolition and construction work and no exterior floodlighting.
- 3.2.3 **Ecology Consultant** – Further assessment of the current site ecology and potential impacts from the proposed works to notable and protected species within the red line application and the associated zone of influence for the work is required. The current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies.
- 3.2.4 **Arboricultural Officer** – No objection.

3.3 OUTSIDE AGENCIES

- 3.3.1 **Southern Water** – No objections and advise the Environment Agency should be consulted directly regarding the use of private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposal to discharge surface water to the local watercourse.
- 3.3.2 **WSCC Highways** – The local highway authority does not consider that the proposal for three dwellings would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the NPPF (paragraph 32), and that there are no transport grounds to resist the proposal. Conditions in respect of vehicle parking and turning, visibility splays and cycle storage are recommended.
- 3.3.3 **WSCC Countryside Access Ranger** – Public Right of Way (PROW) Footpath 1367 runs to the north of and contiguous with the development's boundary. Any alteration to, or replacement of, the existing boundary with the PROW or the erection of new fence lines, must be done in consultation with WSCC's PROW Team to ensure the legal width of the footpath is maintained and there is no unlawful encroachment. Access along the PROW by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right. If the footpath's surface is considered damaged as a result of the development then the applicant will be required to make good the surface to a standard satisfactory to WSCC's PROW Team. Should any building works, demolition or construction encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to WSCC's PROW Team.

3.4 PARISH COUNCIL

- 3.4.1 Slinfold Parish Council – no objection.

3.5 MEMBER COMMENTS

- 3.5.1 No comments received.

### 3.6 PUBLIC CONSULTATIONS

3.6.1 Nine letters/emails of support have been received which raise the following comments:

- Principle of residential development has been established
- The site is not in the open countryside
- Proposal will help with the housing supply in Slinfold and the wider area
- Gate Lodge, which is a large property, will be freed up
- The site is close to the two main employment sites in Slinfold
- There is a reliable bus service along the A29
- Good visibility onto the A29
- Adequate parking and secure storage for cycles proposed
- Proposal in keeping with surrounding area
- New dwellings will not be seen from the A29
- Scheme makes good use of the site
- Landscaping in keeping with the area
- No overlooking issues

## 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 key issues for consideration in relation to this proposal are:

- The principle of the development
- Impact on the character and appearance of the surrounding area
- Affordable housing and infrastructure contributions
- Highway impacts
- Ecology
- Impact on trees

### **Principle of development**

6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking.

6.3 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 55 of the NPPF and policies 2, 3, 4 and 26 of the Horsham District Planning Framework (HDPF).

6.4 Policy 2 of the HDPF is an overarching policy that covers location and amount of development in terms of economy, housing, retail and infrastructure. It sets out the spatial strategy to 2031, which seeks to influence development in order to maintain the District's

## ITEM A04 - 6

unique rural character, whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment.

- 6.5 Policy 3 seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield land. As the site is outside of the built-up area boundary of a town or village it would not meet the requirements of Policy 3 of the HDPF.
- 6.6 Whereas Policy 3 provides guidance on the scale of development within settlement boundaries, Policy 4 confirms that growth outside of settlements outside of the defined built up area boundaries will be considered only when set criteria is met.
- 6.7 The site is some 830 metres from the built up area boundary of Slinfold (as the crow flies) and some 1.2 kilometres (as the crow flies) from the village centre and the services and facilities that Slinfold provides. Policy 40 of the HDPF which relates to sustainable transport seeks to ensure that development proposals promote a re-balancing in favour of non-car modes as a means of access to jobs, homes services and facilities. Consistent with this paragraph 35 of the NPPF suggests that development should be located and designed where practical to (amongst other criteria) give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. Given the location of the site, the distance to the limited services and facilities that Slinfold has to offer and the means of accessing the village by foot/cycle, it is highly likely that future residents of the properties will be reliant on the use of private car to access services and facilities. The site is not therefore considered to be in a sustainable location.
- 6.8 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. Consistent with this, Policy 26 states that any development should be essential to its countryside location and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas. The proposed development of the site for residential purposes would not constitute a development which is essential to this countryside location, neither is it considered that the proposal would contribute to existing rural enterprises, activities or recreational opportunities. The proposal does not involve the conversion of existing rural buildings and seeks to demolish the existing buildings on the site to facilitate the construction of three new dwellings.
- 6.9 Whilst permission was granted on part of the site under application reference DC/15/0911 for the cessation of the commercial use, the demolition of the existing buildings and the construction of three bungalows, the scheme the subject of this application includes an additional area beyond that previously granted for residential use, part of which is residential curtilage associated with Gate Lodge. Application DC/15/0911 was considered under the policies contained within the Local Development Framework Core Strategy and the General Development Control Policies documents and at that time the Council could not demonstrate a five year housing land supply. Development proposals were assessed more flexibly and the proposal was considered to utilise a previously developed site. However as discussed above, the strategic approach of the now adopted HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. This strategy was examined through the Examination in Public and was found to be sound and the plan was adopted in November 2015.
- 6.10 Therefore, whilst extant permission exists for the construction of three small bungalows on part of the site the subject of this current application, one of the new proposed dwellings will be constructed on land outside of this area and it is therefore considered that the current proposal for the construction of three four bedroom dwellings on the site as now



## ITEM A04 - 7

proposed is not in accordance with policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

- 6.11 It should be noted that in addition to the applications set out above, a non-material amendment was submitted to alter one of the three dwellings previously granted consent on the site. The alterations proposed included a modest extension on the western side of the property, the replacement of the lounge window with double swing doors and moving the whole dwelling two metres to the west in order to increase the distance to the boundary to improve wheelchair access around the property. The application was refused on the grounds that the proposed changes would materially alter the character and appearance of the proposed development and it is considered that the proposed works would represent a level of change greater than can be considered as a non-material amendment.

### **Impact on the character and appearance of the surrounding area**

- 6.12 The application site is situated in a rural location, where development is sporadic and organic in form. Section 7 of the NPPF provides guidance relating to design and states that good design is a *"key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."* It also notes in paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.13 Policy 25 of the HDPF seeks to ensure that development proposals protect, conserve and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics and mains settlement separation. Policy 26 requires proposals to be of a scale appropriate to its countryside character and location, and not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside, and protects and/or conserves and/or enhances the key features and characteristics of the landscape character area in which it is located. Policy 32 requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 relates to Development Principles and requires development, amongst other matters, to recognise any constraints that exist, to not cause unacceptable harm to the amenity of surrounding occupiers, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.14 As advised, the current scheme proposes the construction of three dwellings on land to the rear of Gate Lodge. An additional application (DC/16/2201) has been submitted for a further dwelling on the land to the rear of the existing residential property which could result in a total of four properties. The dwellings proposed are significantly larger in both their footprint, scale and massing than those previously granted permission on part of the site. Whilst the site in terms of its size may be of a sufficient size to accommodate the four dwellings proposed in a more urban location, the proposed construction of residential properties in this rural location would have an adverse impact on the rural character and appearance of the area, by reason of the number of dwellings proposed, their size and scale, and their relationship with site boundaries. The scheme as submitted is considered to represent a contrived and cramped overdevelopment of the site which would be out of keeping with the character of the immediate area which is rural in nature and is predominately characterised by detached dwellings set within large plots. The construction of four dwellings within the rear garden area of the existing property would represent a form of development which would be detrimental to the rural character and appearance of the area.
- 6.15 It is therefore considered that the proposal, by reason of the number of dwellings proposed, their size and scale, and their relationship with site boundaries, represents a contrived,

cramped overdevelopment of the site which would be out of keeping with the character of the area and would represent a form of development which would be detrimental to the rural character and appearance of the area. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 32 and 33 of the Horsham District Planning Framework 2015.

### **Highway safety**

- 6.16 The applicant for the previous application for three small dwellings (DC/15/0911) promoted the site on the basis that the loss of the existing commercial uses would significantly reduce the number of vehicular movements coming to and going from the site. Whilst it was accepted that a reduction in traffic movements, would be likely following the cessation of the existing commercial uses, the introduction of a residential use in this location would inevitably lead to additional domestic journeys in the vicinity. Whilst the implementation of the proposed scheme would be likely to have some overall benefit in terms of highway usage, the County Highways Authority advised in respect of the previous application that the site does not have a poor highway safety record and therefore this perceived benefit should only be afforded limited weight.
- 6.17 In respect of the current application, the Highway Authority has advised that the residential use at the site has been agreed and it would not wish to raise any highway grounds for refusal to this comparable proposal. It is advised that visibility splays at the existing access point, as demonstrated under DC/15/0911, should be secured as part of this scheme via condition and that these were previously shown as 2.4m by 128m to the south and 2.4m by 132m to the north. The applicant should ensure that the entrance at the point of access onto Stane Street remains as hard bound material, on land within the applicant's control; not within the publicly maintained highway, to ensure that gravel does not overspill on to the highway.
- 6.18 In conclusion, the Local Highway Authority does not consider that the proposal for three dwellings would have a 'severe' impact on the operation of the highway network and therefore is not contrary to paragraph 32 of the NPPF and that there are no transport grounds to resist the proposal.

### **Contamination**

- 6.19 The site, due to its past uses, is likely to be subject to contamination. The Council's Public Health and Licensing department have however advised that this element can be dealt with by the imposition of a condition requiring a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, to be submitted to and agreed in writing by the Local Planning Authority.

### **Trees**

- 6.20 Policy 25 of the HDPF seeks to ensure that development proposals protect, conserve and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics and mains settlement separation. Policy 26 requires proposals to be of a scale appropriate to its countryside character and location, and not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside, and protects and/or conserves and/or enhances the key features and characteristics of the landscape character area in which it is located including the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features. Policy 31 requires development to demonstrate that it maintains or enhances the existing network of green infrastructure and states that proposals that result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.

- 6.21 Whilst no tree survey or tree constraints plan has been submitted with the application, the Council's Arboriculturalist has advised that he has no objections to the application. A number of trees have been removed on the site and those that are to remain are either not of sufficient amenity value to warrant protection through a tree preservation order or will not be adversely impacted upon by the development.

### **Ecology**

- 6.22 Whilst a preliminary ecological appraisal has been submitted dated September 2016, the Council's Ecology Consultant has advised that further assessment of the current site ecology and potential impacts from the proposed works to notable and protected species within the red line application and the associated zone of influence for the work is required.
- 6.23 The assessment will need to determine whether notable and/ or protected species may be impacted and if so, the measures that will be required to avoid, mitigate or compensate for such impacts. The assessment will also need to identify whether any further protected species surveys are required to fully inform the application. The current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies. Whilst no such concerns over the level of information provided with the previous application was raised, the current application proposes the redevelopment of a larger area of land than that previously proposed including areas of the existing domestic curtilage associated with Gate Lodge.
- 6.24 Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before the planning permission is granted. Policy 31 of the HDPF seeks to ensure that proposals maintain or enhance the existing network of green infrastructure and do not result in the loss of existing green infrastructure unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained. The policy goes on to require development proposals to contribute to the enhancement of existing biodiversity, and create and manage new habitats where appropriate.
- 6.25 It is therefore considered that insufficient information has been submitted with the application to demonstrate that the proposed development can take place without harm to any protected species which may reside or forage within the site. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

### **Conclusion**

- 6.26 The application site is located outside of the defined built up area boundary. The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. Whilst part of the site has been granted consent for residential development and therefore there is extant permission for the construction of three small single storey dwellings, the scheme the subject of this application seeks to develop land not previously considered. The site has not been allocated for development in a neighbourhood plan or the Local Plan and is not essential to its countryside location. It is therefore considered that the proposal does not comply with policies 1, 2, 3, 4, 26 and 40 of the HDPF and paragraph 55 of the NPPF.

## ITEM A04 - 10

- 6.27 The principle of residential development on part of the site has been accepted as a result of the approval of application DC/15/0911 which proposed the construction of three small bungalows on the site. However, the current application proposes the construction of three larger, two storey dwellings on the site, which by reason of the number of dwellings proposed, their size and scale, and their relationship with site boundaries, represents a contrived, cramped overdevelopment of the site which would be detrimental to the rural character and appearance of the area. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 32 and 33 of the Horsham District Planning Framework 2015.
- 6.28 In addition, further information is required to demonstrate that the proposed development can be implemented without harm to any protected species which may reside or forage within the site. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

## **7. RECOMMENDATIONS**

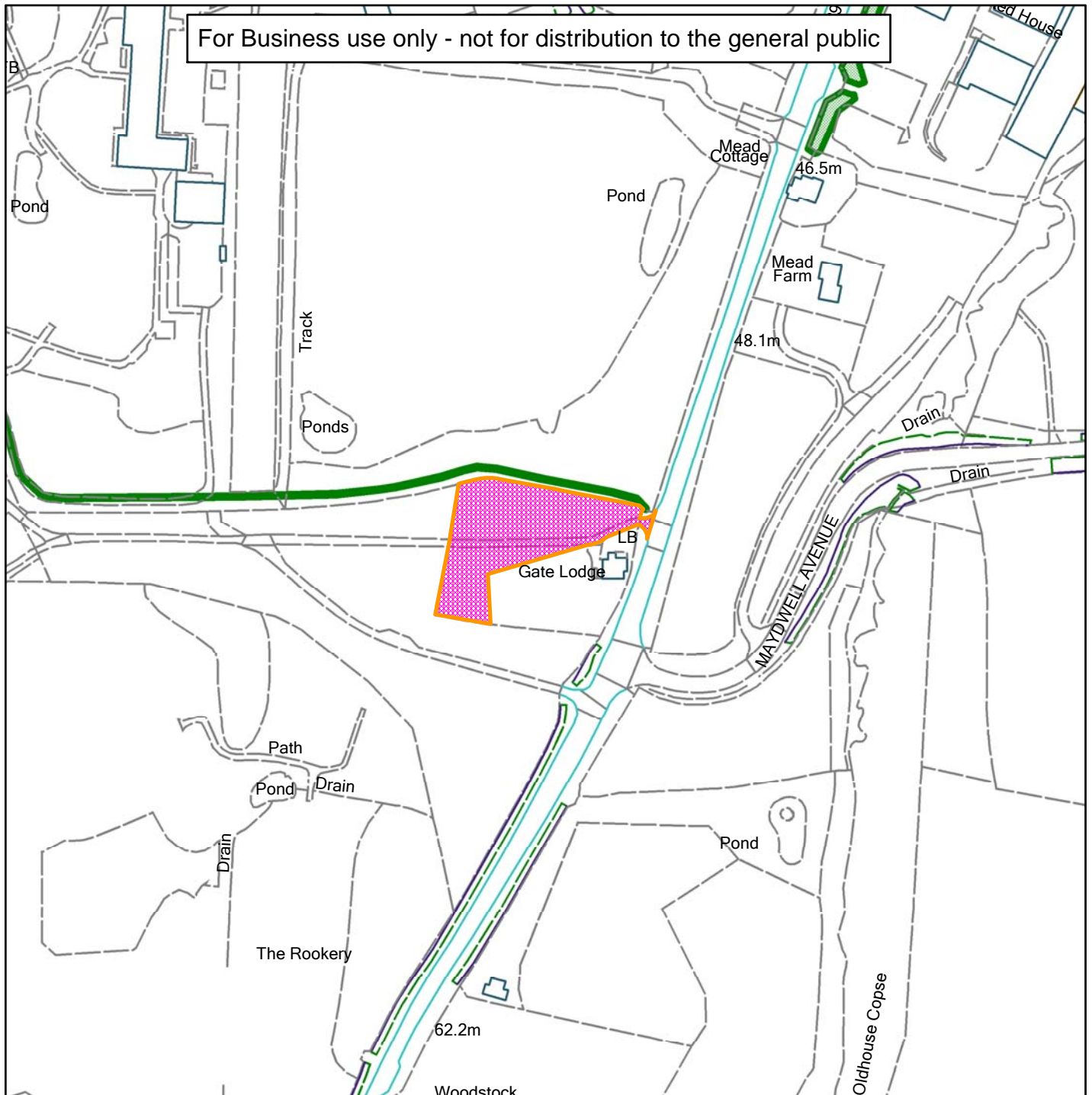
- 7.1 It is recommended that planning permission is refused for the following reasons;
1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to policies 1, 2, 3, 4, 26 and 40 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
  2. The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
  3. The proposal, by reason of the number of dwellings proposed, their size and scale, and their relationship with site boundaries, represents a contrived, cramped overdevelopment of the site which would be detrimental to the rural character and appearance of the area. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 32 and 33 of the Horsham District Planning Framework 2015.
  4. Insufficient information has been submitted with the application to demonstrate that the proposed development can take place without harm to any protected species which may reside or forage within the site. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

Background Papers: DC/16/2200  
DC/16/2201  
DC/15/0911



Gate Lodge, Stane Street

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	24/11/2016
MSA Number	100023865

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**Horsham  
District  
Council**

# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee (North)

**BY:** Development Manager

**DATE:** 6 December 2016

**DEVELOPMENT:** Construction of 1 no. 4 bedroom house together with garage and landscaping

**SITE:** Gate Lodge Stane Street Slinfold Horsham

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/16/2201

**APPLICANT:** Mr Sam Baker

**REASON FOR INCLUSION ON THE AGENDA:** The application if permitted would represent a departure from the Development Plan as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 and more than 5 representations have been received of a contrary view to the Officer recommendation.

**RECOMMENDATION:** To refuse planning permission.

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### 1.1 DESCRIPTION OF THE APPLICATION

- 1.1.1 The application seeks full planning permission for the construction of one detached, four bedroom dwelling with garaging and landscaping.
- 1.1.2 Planning permission was granted for the cessation of the commercial uses, the removal of the associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge and to the immediate north of this site under application reference DC/15/0911 (considered by Committee on 15 July 2015 and 8 September 2015).
- 1.1.3 The proposal seeks to construct one, four bedroom, two storey detached dwelling with a double garage, associated car parking and amenity space. The dwelling will provide a kitchen with a dining room, living room, utility room, WC and integral double garage on the ground floor and four bedrooms (one ensuite) and a bathroom on the first floor. The accommodation will be arranged in an 'L' shape with a single storey double garage measuring 5.6 metres to its ridge sited at a right angle to the main accommodation which is some 7.5 metres in height. The dwelling at its longest and widest point is some 15 metres by 13 metres.

## ITEM A05 - 2

- 1.1.4 The existing access and driveway off the A29 are to be retained and utilised, and extended to provide access to the property. A total of four car parking spaces are to be provided for the dwelling; two in the garage and two on the driveway, with space within the garage also being provided for the storage of bicycles and bins.
- 1.1.5 It should be noted that a further three dwellings of the same scale and design are proposed to be constructed to the immediate rear of Gate Lodge (ref DC/16/2201). Two of the dwellings will be located on the site previously granted permission for the construction of the three small bungalows, with the third dwelling proposed on land partially in a former commercial use and partially domestic curtilage associated with Gate Lodge.
- 1.2 DESCRIPTION OF THE SITE
- 1.2.1 The application site lies to the west of the A29, approximately 860m (as the crow flies) from the built-up area boundary of Slinfold. Walking into the village of Slinfold would involve walking along the A24 to join the Downs Link; a walk of approximately 1.2km to the edge of the village.
- 1.2.2 The site the subject of this application measures approximately 0.1 hectares and slopes slightly uphill from the A29. The site is well hidden from public view due to the mature planting that exists around its boundary and forms part of the residential curtilage associated with Gate Lodge.

## **2. INTRODUCTION**

### **2.1 STATUTORY BACKGROUND**

The Town and Country Planning Act 1990.

### **2.2 RELEVANT GOVERNMENT POLICY**

2.2.1 The following sections of the National Planning Policy Framework (2012), hereinafter referred to as the 'Framework', are relevant to the consideration of this application (Note: This list is not exhaustive and other paragraphs of the Framework are referred to where necessary within the contents of the report):

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

2.2.2 National Planning Policy Guidance 2014 (NPPG).

### **2.3 RELEVANT COUNCIL POLICY**

2.3.1 Horsham District Planning Framework (HDPF) – the following policies are of particular relevance:

Policy 1 – Strategic Policy: Sustainable Development  
Policy 2 – Strategic Policy: Strategic Development  
Policy 3 – Strategic Policy: Development Hierarchy  
Policy 4 – Strategic Policy: Settlement Expansion  
Policy 15 – Strategic Policy: Housing Provision  
Policy 16 – Strategic Policy: Meeting Local Housing Needs



## ITEM A05 - 3

- Policy 25 – Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 – Strategic Policy: Countryside Protection
- Policy 31 – Green Infrastructure and Biodiversity
- Policy 32 – Strategic Policy: The Quality of New Development
- Policy 33 – Development Principles
- Policy 35 – Strategic Policy: Climate Change
- Policy 37 – Sustainable Construction
- Policy 39 – Strategic Policy: Infrastructure Provision
- Policy 40 – Sustainable Transport
- Policy 41 – Parking

### 2.4 RELEVANT NEIGHBOURHOOD PLAN

- 2.4.1 The Parish of Slinfold was designated as a Neighbourhood Development Plan Area on 20 May 2014. A pre-submission version of the draft Slinfold Neighbourhood Plan was consulted on between 25 April 2016 and 6 June 2016.

### 2.5 PLANNING HISTORY

SF/3/73	Proposed erection of private dwelling	REF
SF/50/90	Change of use of dwelling to offices and erection of building for b1 use (outline)	REF
SF/2/92	Change of use of dwelling to offices & erection of building for b1 use (outline)	REF
DC/15/0911	Cessation of commercial uses, removal of associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge	PER
DC/16/0614	Non Material Amendment to previously approved application DC/15/0911 (Cessation of commercial uses, removal of associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge). Modest extension on the western side of the property, the replacement of the lounge window with double swing doors and moving the whole dwelling two metres to the west in order to increase the distance to the boundary to improve wheelchair access around the property.	REF
DC/16/2200	Cessation of commercial uses, removal of associated commercial buildings and the erection of three 4 bedroom houses together with garages and landscaping	PCO

## 3. OUTCOME OF CONSULTATIONS

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

### 3.2 INTERNAL CONSULTATIONS

- 3.2.1 **Drainage Engineer** – No drainage information has been submitted to make any appropriate comment or observations. Therefore drainage conditions should be applied

## ITEM A05 - 4

before any works commence on site, that show full details of the measures to dispose of both foul and surface water

3.2.2 **Ecology Consultant** – Further assessment of the current site ecology and potential impacts from the proposed works to notable and protected species within the red line application and the associated zone of influence for the work is required. The current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies.

3.2.3 **Arboricultural Officer** – No objection.

### 3.3 OUTSIDE AGENCIES

3.3.1 **Southern Water** – No objection and advise the Environment Agency should be consulted directly regarding the use of private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposal to discharge surface water to the local watercourse.

3.3.2 **WSSC Highways** – The local highway authority has raised no objection to the application. They have advised that the plans demonstrate sufficient parking and turning space on site. A condition securing car parking and turning should be included should the application be approved.

### 3.4 PARISH COUNCIL

3.4.1 Slinfold Parish Council – objection to the application on the grounds that the proposal would result in the overdevelopment of the site

### 3.5 MEMBER COMMENTS

3.5.1 No comments received.

### 3.6 PUBLIC CONSULTATIONS

3.6.1 Ten letters/emails of support have been received which raise the following comments:

- The site is not in the open countryside
- Proposal will help with the housing supply in Slinfold and the wider area
- Good use of garden area whilst retaining an adequate garden for Gate Lodge
- Gate Lodge, which is a large property, will be freed up
- There is a reliable bus service along the A29
- Adequate parking and secure storage for cycles proposed
- Proposal in keeping with surrounding area
- New dwellings will not be seen from the A29
- Scheme makes good use of the site
- Landscaping in keeping with the area
- No overlooking issues

## 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 key issues for consideration in relation to this proposal are:
- The principle of the development
  - Impact on the character and appearance of the surrounding area
  - Affordable housing and infrastructure contributions
  - Highway impacts
  - Ecology
  - Impact on trees

**Principle of development**

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking.
- 6.3 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 55 of the NPPF and policies 2, 3, 4 and 26 of the Horsham District Planning Framework (HDPF).
- 6.4 Policy 2 of the HDPF is an overarching policy that covers location and amount of development in terms of economy, housing, retail and infrastructure. It sets out the spatial strategy to 2031, which seeks to influence development in order to maintain the District's unique rural character, whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment.
- 6.5 Policy 3 seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield land. As the site is outside of the built-up area boundary of a town or village it would not meet the requirements of Policy 3 of the HDPF.
- 6.6 Whereas Policy 3 provides guidance on the scale of development within settlement boundaries, Policy 4 confirms that growth outside of settlements outside of the defined built up area boundaries will be considered only when set criteria is met.
- 6.7 The site is some 830 metres from the built up area boundary of Slinfold (as the crow flies) and some 1.2 kilometres (as the crow flies) from the village centre and the services and facilities that Slinfold provides. Policy 40 of the HDPF which relates to sustainable transport seeks to ensure that development proposals promote a re-balancing in favour of non-car modes as a means of access to jobs, homes services and facilities. Consistent with this paragraph 35 of the NPPF suggests that development should be located and designed where practical to (amongst other criteria) give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. Given the location of the site, the distance to the limited services and facilities that Slinfold has to offer and the means of accessing the village by foot/cycle, it is highly likely that future residents of the property will be reliant on the use of private car to access services and facilities. The site is not therefore considered to be in a sustainable location.

## ITEM A05 - 6

- 6.8 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. Consistent with this, Policy 26 states that any development should be essential to its countryside location and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas. The proposed development of the site for residential purposes would not constitute a development which is essential to this countryside location, neither is it considered that the proposal would contribute to existing rural enterprises, activities or recreational opportunities.
- 6.9 Whilst permission was granted under application reference DC/15/0911 for the cessation of the commercial use, the demolition of the existing buildings and the construction of three bungalows on land to the immediate north, the scheme the subject of this application lies outside of the area previously granted planning permission and forms part of the residential curtilage associated with Gate Lodge. The strategic approach of the now adopted HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. This strategy was examined through the Examination in Public and was found to be sound and the plan was adopted in November 2015.
- 6.10 Therefore, whilst extant permission exists for the construction of three small bungalows on the land to the north of the application site, it is considered that the current proposal for the construction of a detached four bedroom dwelling on this site is not in accordance with policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

### **Impact on the character and appearance of the surrounding area**

- 6.11 The application site is situated in a rural location, where development is sporadic and organic in form. Section 7 of the NPPF provides guidance relating to design and states that good design is a *"key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."* It also notes in paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.12 Policy 25 of the HDPF seeks to ensure that development proposals protect, conserve and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics and maintains settlement separation. Policy 26 requires proposals to be of a scale appropriate to its countryside character and location, and not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside, and protects and/or conserves and/or enhances the key features and characteristics of the landscape character area in which it is located. Policy 32 requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 relates to Development Principles and requires development, amongst other matters, to recognise any constraints that exist, to not cause unacceptable harm to the amenity of surrounding occupiers, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.13 As advised, the current scheme proposes the construction of a single dwelling on land to the rear of Gate Lodge. An additional application (DC/16/2200) has been submitted for a further three dwellings on the land to the rear of the existing residential property and on the former commercial site to the north of Gate Lodge. This would result in a total of four properties being proposed on the wider site. The dwelling proposed is significantly larger in its footprint, scale and massing than those previously granted permission on the site north

of this site and on an area of land which is currently residential curtilage associated with Gate Lodge. Whilst the site in terms of its size may be of a sufficient size to accommodate the dwelling proposed in a more urban location, the proposed construction of a residential property in this rural location would have an adverse impact on the rural character and appearance of the area, by reason of its size and scale, and its relationship with site boundaries. The scheme as submitted is considered to represent a contrived and cramped overdevelopment of the site which would be out of keeping with the character of the immediate area which is rural in nature and is predominately characterised by detached dwellings set within large plots. The construction of a dwelling within the rear garden area of the existing property would represent a form of development which would be detrimental to the rural character and appearance of the area.

- 6.14 In addition, when this single dwelling on the site is considered in conjunction with both the approved dwellings on the site to the north, along with the three dwellings proposed under application DC/16/2200, it is considered that this would result in the overdevelopment on the wider site to the detriment of the rural character and appearance of the area. It is therefore considered that the proposal, by reason of its size and scale and its relationship with site boundaries, represents a contrived, cramped overdevelopment of the site which would be out of keeping with the character of the area and would represent a form of development which would be detrimental to the rural character and appearance of the area. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 32 and 33 of the Horsham District Planning Framework 2015.

#### **Highway safety**

- 6.15 The applicant for the previous application for three small dwellings on the site to the immediate north (DC/15/0911) promoted the site for residential development on the basis that the loss of the existing commercial uses would significantly reduce the numbers of vehicular movements coming to and going from the site. Whilst it was accepted that a reduction in traffic movements, would be likely following the cessation of the existing commercial uses, the introduction of a residential use in this location would inevitably lead to additional domestic journeys in the vicinity. Whilst the implementation of the proposed scheme would be likely to have some overall benefit in terms of highway usage, the County Highways Authority advised in respect of the previous application that the site does not have a poor highway safety record and therefore this perceived benefit should only be afforded limited weight.
- 6.16 In respect of the current application, the Highway Authority has raised no objection to the application. It is advised that the plans demonstrate sufficient parking and turning space on site and that a condition securing car parking and turning should be included should the application be approved. In conclusion therefore it is considered that the proposal is not contrary to paragraph 32 of the NPPF and that there are no transport grounds to resist the proposal.

#### **Trees**

- 6.17 Policy 25 of the HDPF seeks to ensure that development proposals protect, conserve and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics and maintains settlement separation. Policy 26 requires proposals to be of a scale appropriate to its countryside character and location, and not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside, and protects and/or conserves and/or enhances the key features and characteristics of the landscape character area in which it is located including the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features. Policy 31 requires development to demonstrate that it maintains or enhances the existing network of green infrastructure and states that

## ITEM A05 - 8

proposals that result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.

- 6.18 Whilst no tree survey or tree constraints plan has been submitted with the application, the Council's Arboriculturalist has advised that he has no objections to the application. A number of trees have been removed on the site and those that are to remain are either not of sufficient amenity value to warrant protection through a tree preservation order or will not be adversely impacted upon by the development.

### **Ecology**

- 6.19 Whilst a preliminary ecological appraisal has been submitted dated September 2016, the Council's Ecology Consultant has advised that further assessment of the current site ecology and potential impacts from the proposed works to notable and protected species within the red line application and the associated zone of influence for the work is required.
- 6.20 The assessment will need to determine whether notable and/ or protected species may be impacted and if so, the measures that will be required to avoid, mitigate or compensate for such impacts. The assessment will also need to identify whether any further protected species surveys are required to fully inform the application. The current level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies. Whilst no such concerns over the level of information provided with the previous application for the development of the land to the north was raised, the current application proposes the development of an area of the existing domestic curtilage associated with Gate Lodge and therefore further information is required.
- 6.21 Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before the planning permission is granted. Policy 31 of the HDPF seeks to ensure that proposals maintain or enhance the existing network of green infrastructure and do not result in the loss of existing green infrastructure unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained. The policy goes on to require development proposals to contribute to the enhancement of existing biodiversity, and create and manage new habitats where appropriate.
- 6.22 It is therefore considered that insufficient information has been submitted with the application to demonstrate that the proposed development can take place without harm to any protected species which may reside or forage within the site. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

### **Conclusion**

- 6.23 The application site is located outside of the defined built up area boundary. The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. Whilst the site to the north has been granted consent for residential development and therefore there is extant permission for the construction of three small single storey dwellings on the adjoining site, the scheme the subject of this application seeks to develop land not previously considered and wholly within the domestic

## ITEM A05 - 9

curtilage of Gate Lodge. The site has not been allocated for development in a neighbourhood plan or the Local Plan and is not essential to its countryside location. It is therefore considered that the proposal does not comply with policies 1, 2, 3, 4, 26 and 40 of the HDPF and paragraph 55 of the NPPF.

- 6.24 The proposed construction of a residential property in this rural location would have an adverse impact on the rural character and appearance of the area, by reason of its size and scale, and its relationship with site boundaries. The scheme as submitted is considered to represent a contrived and cramped overdevelopment of the site which would be out of keeping with the character of the immediate area which is rural in nature and is predominately characterised by detached dwellings set within large plots. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 32 and 33 of the Horsham District Planning Framework 2015.
- 6.25 In addition, further information is required to demonstrate that the proposed development can be implemented without harm to any protected species which may reside or forage within the site. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

## **7. RECOMMENDATIONS**

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

1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to policies 1, 2, 3, 4, 26 and 40 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
2. The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
3. The proposal, by reason of the size and scale of the dwelling proposed and its relationship with site boundaries, represents a contrived, cramped overdevelopment of the site which would be detrimental to the rural character and appearance of the area. The proposal therefore conflicts with paragraph 64 of the National Planning Policy Framework, and policies 25, 26, 32 and 33 of the Horsham District Planning Framework 2015.
4. Insufficient information has been submitted with the application to demonstrate that the proposed development can take place without harm to any protected species which may reside or forage within the site. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

Background Papers: DC/16/2200  
DC/16/2201  
DC/15/0911

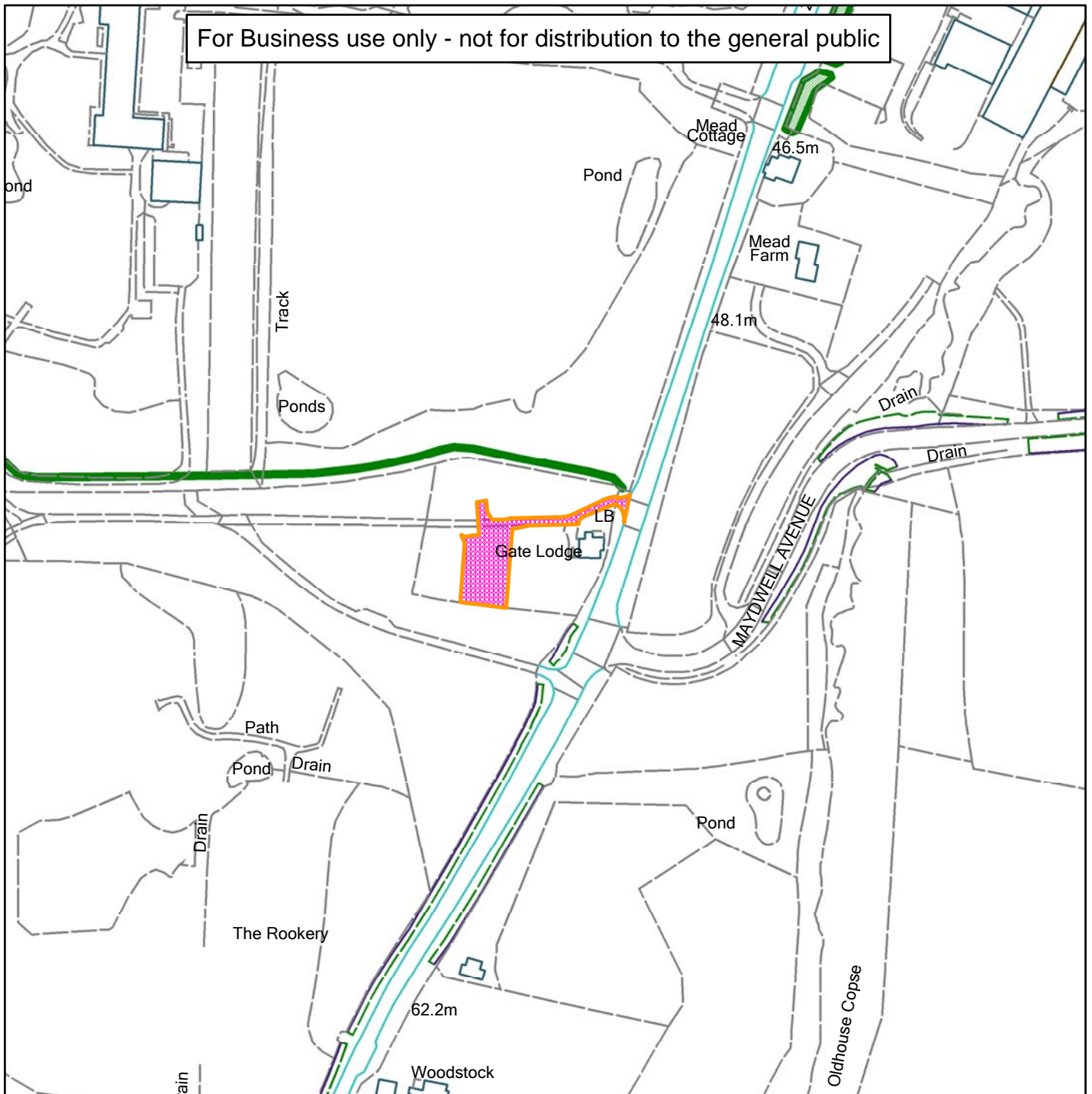
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Gate lodge, Stane Street

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