



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Planning Committee (North)

Tuesday, 5th September, 2023 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Peter van der Borgh (Chairman)	Liz Kitchen
Tony Bevis (Vice-Chairman)	Richard Landeryou
Colette Blackburn	Dennis Livingstone
Martin Boffey	Jay Mercer
James Brookes	John Milne
Len Ellis-Brown	Colin Minto
Nigel Emery	Jon Olson
Ruth Fletcher	Sam Raby
Chris Franke	David Skipp
Anthony Frankland	Jonathan Taylor
Nick Grant	Clive Trott
Kasia Greenwood	Mike Wood
Warwick Hellowell	Tricia Youtan
Tony Hogben	
Alex Jeffery	

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 14
To approve as correct the minutes of the meeting held on Tuesday 1 August 2023 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	

4. **Announcements**

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

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

5. **Appeals** 15 - 16

Applications for determination by Committee:

6. **DC/23/0320 Hills Cemetery, Guildford Road, Horsham** 17 - 26

Ward: Denne

Applicant: Mr Sorin Caraiman (Horsham District Council)

7. **DC/23/1303 139 Churchill Way, Broadbridge Heath** 27 - 34

Ward: Broadbridge Heath

Applicant: Mrs Shazia Penne

8. **Urgent Business**

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

Agenda Annex

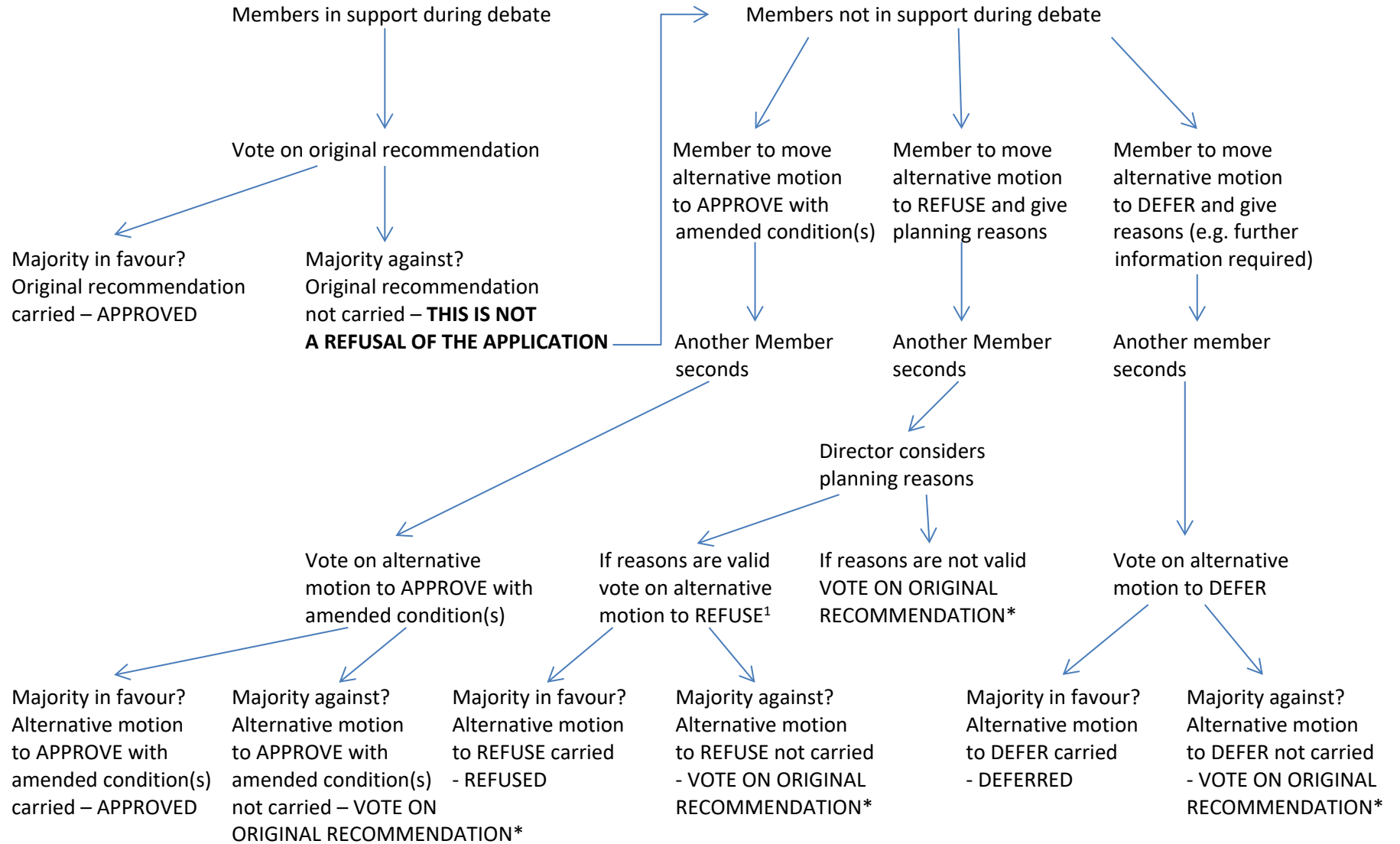
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

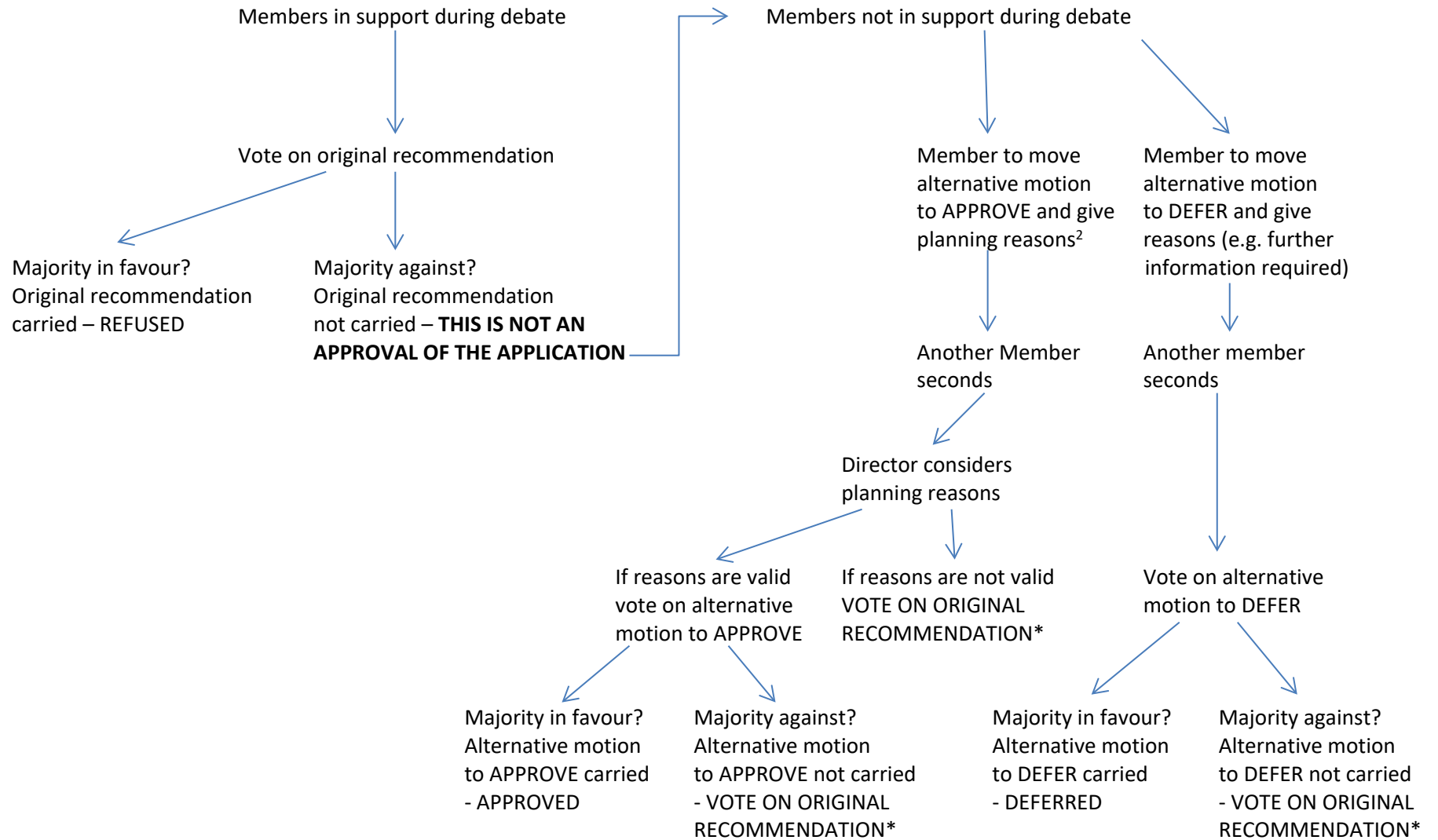
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

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

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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

Planning Committee (North)
1 AUGUST 2023

Present: Councillors: Peter van der Borgh (Chairman), Tony Bevis (Vice-Chairman), Martin Boffey, James Brookes, Nigel Emery, Ruth Fletcher, Chris Franke, Anthony Frankland, Nick Grant, Kasia Greenwood, Tony Hogben, Alex Jeffery, Liz Kitchen, Richard Landeryou, Dennis Livingstone, Jay Mercer, John Milne, Colin Minto, Jon Olson, David Skipp, Jonathan Taylor, Clive Trott, Mike Wood and Tricia Youtan

Apologies: Councillors: Colette Blackburn, Len Ellis-Brown, Warwick Hellowell and Sam Raby

PCN/22 **MINUTES**

The minutes of the meeting held on 4 July 2023 were approved as a correct record and signed by the Chairman.

PCN/23 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/23/0578 Councillor James Brookes declared a personal interest as he occupies a property adjacent to the application site. He did not take part in the debate and left the room whilst the vote took place.

DC/23/1024 Councillor Colin Minto declared a personal interest as he lives on the same road as the application site but does not know the applicant.

DC/23/0324 Councillor Chris Franke declared a personal interest as he has a personal relationship with residents on the road of the application site.

DC/23/0324 Councillor Mike Wood declared a personal interest as he has a personal relationship with a resident on an adjacent road affected by the application site.

PCN/24 **ANNOUNCEMENTS**

There were no announcements.

PCN/25 **APPEALS**

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

PCN/26 **DC/22/2077 RSPCA HEADQUARTERS, OAKHURST BUSINESS PARK,
WILBERFORCE WAY, SOUTHWATER**

The Head of Development & Building Control reported that this application sought permission for the demolition of the existing office building and erection of three separate buildings to form commercial units under Class B2 (general industrial) and Class B8 (storage and distribution). Plans would include ancillary office floorspace, associated hard and soft landscaping, car and cycle parking, supporting infrastructure and retention of the existing attenuation pond.

The site would retain the only existing access point from Wilberforce Way with one internal estate road providing access to the north and south. Each building would be provided with allocated car and cycle parking, including disabled bays and electric charge vehicle points.

The application site was located within the Built-Up area boundary of Southwater and within the Oakhurst Business Park. The site is adjacent to the A24 to the east and other commercial properties within Oakhurst Business Park to the west.

There had been 10 representations received from 9 addresses objecting to the proposal and Southwater Parish Council raised objections.

The Parish Council and one member of the public spoke in objection to the application, and the agent addressed the Committee in support.

Members were concerned that the application proposed operating hours of 24 hours a day 7 days a week. It was felt that HGV traffic would impact surrounding residential roads and properties and a time restriction should be placed on deliveries.

It was also felt that even though a Noise Management Plan was in place for the proposal, further noise consideration was also required for internal and external workings of the proposed buildings to protect nearby dwellings.

Further discussion considered the West Sussex County Council Highways report which had not raised any concerns, however Members felt there could potentially be increased safety issues on the site to cyclists and pedestrians without a footway and increase in HGV traffic.

Some Members felt the proposal was positive for an existing industrial site, important for local economic development and would support small and medium businesses within the district.

It was therefore proposed and seconded to add an additional time restriction condition to the application and amendment to wording on Condition 8.

RESOLVED

That application DC/22/2077 be approved in accordance with Officer recommendation subject to appropriate conditions and the completion of a Section 106 Legal Agreement and the following:

Additional condition: No dispatch or receipt of deliveries shall take place from the site except between the hours of 07.00 – 20.00 Monday – Friday, 07.00 – 18.00 Saturdays and not at all on Sundays, Bank Holidays or Public Holidays.

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

Amendment to wording of condition 8: No development above ground floor slab level shall commence for any phase or unit until a noise mitigation scheme for protecting nearby dwellings from noise emanating from the development hereby approved has been submitted to and approved in writing by the local planning authority. The approved scheme shall include, but not necessarily be limited to, detail on acoustic fencing along the southern boundary of the site, **detail of the building fabric for the units** and detail on acoustic louvres over the delivery/dispatch areas. The scheme shall be implemented prior to the first use/occupation of the site and be permanently maintained thereafter.

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

PCN/27 **DC/21/2180 WOODFORDS, SHIPLEY ROAD, SOUTHWATER**

The Head of Development & Building Control reported that this application sought outline permission for the erection of up to 73 dwellings (C3 use) and retention of existing farmhouse building (Woodfords), associated public open space, landscaping, drainage and highway infrastructure works, including a new vehicular access from Shipley Road.

The application was considered at April Planning North Committee and was deferred to consider:

- technical guidance on rainwater harvesting
- legal advice regarding the monitoring and enforcement of the water neutrality off setting measures.
- to review the speed limit on Shipley Road

Following the meeting, details had been received on off setting measures, further details on rainwater harvesting provided and WSCC Highways had also responded to the query regarding the speed limit on Shipley Road. The applicant had also requested flexibility in the application to allow for the delivery of up to 100% affordable housing units on the site.

The application site was located to the east of Shipley Road, approximately one mile south of the centre of Southwater. The site boundaries were mostly mature

hedgerows and trees with an area of ancient woodland about 40 metres from the site. There was some development north of the site, which ran close to Shipley Road.

Members noted the planning history of the application where an identical scheme was refused in April 2021 and dismissed at appeal in August 2021 on the grounds of insufficient information in relation to water neutrality impacts. Additional evidence in the report demonstrated that this had now been achieved.

Shipley Parish Council objected to the application and a further 37 representations had been received in addition to the 49 received to the original application.

The Parish Council and two members of the public spoke in objection to the proposal and the applicant and agent spoke in support.

Members questioned proposed water usage, offsetting measures and water monitoring on the site. There was concern that Raven properties were not within the Council's administrative area and should ownership of the site change in the future, plans were required to ensure the site could still be monitored and remain water neutral.

Officers provided a detailed response to the committee on water neutrality requirements, water consumption calculations and measurements. It was advised that the Section 106 and Section 33 Legal agreements would be secured and enforceable on site if conditions were not met and this included change of ownership.

Further discussion included rainwater harvesting measures and capacity, affordable housing and traffic calming measures.

It was acknowledged that the applicant and Officers had worked hard since the April Committee to address all issues raised and without a five year housing supply and up to date Local Plan the proposal was considered acceptable.

RESOLVED

That Planning Application DC/21/2180 be approved subject to Officer recommendation, conditions set out in the report and Section 106 and Section 33 Legal Agreements.

PCN/28 **DC/23/0235 LAND ADJACENT TO OAKFIELD, COX GREEN, RUDGWICK**

The Head of Development & Building Control reported that this application sought permission for a detached two-storey four bedroom dwelling with

integral garage, associated access and erection of a detached garden room to the rear.

Access to the site would be via a new shared access to the existing property at Oakfield, which is to be redeveloped under planning permission DC/21/2211. Off-street parking would be provided in addition to the garage.

The site is located outside of the Built-Up Area Boundary of Rudgwick although immediately adjoins it which includes Oakfield but not its side garden. The area is characterised by large detached residential properties on both sides of the road.

Members noted the planning history of the application.

The Parish Council objected to the proposal. There had been 11 letters of representation received from 9 addresses objecting to the proposal.

The Parish Council and a member of the public spoke in objection and the agent and applicant spoke in support.

Members discussed the proposed four-bedroom dwelling and some felt it was unsuitable for the area due to its scale and size. It was suggested that it did not conform with the Rudgwick Neighbourhood Plan where smaller houses were considered more beneficial to the local area.

The proposal was however considered proportionate in scale and sustainable in its location and development. Members were reminded that the Council was currently unable to demonstrate a five-year housing land supply and Local Plan so decisions had to be made within the current planning framework.

The local Member agreed with the Parish Council's concerns and strongly felt that the area did not need another dwelling of this size and a smaller dwelling would be preferred.

It was therefore proposed and seconded to move an alternative motion to refuse the application as the proposal was contrary to RNP 2 of Rudgwick Neighbourhood Plan and the dwelling would not address local housing needs.

This motion was LOST.

Members then voted on the original recommendation to approve the application and this vote was CARRIED.

RESOLVED

That application DC/23/0235 be granted subject to Officer recommendations as set out in the report.

PCN/29 **DC/23/0578 LOWER BROADBRIDGE FARM, BILLINGSHURST ROAD,
BROADBRIDGE HEATH**

The Head of Development & Building Control reported that this application sought to vary conditions 5 and 6 of previous planning permission DC/20/2126 which was for the change of use of the land and buildings for the blending, screening, storage and distribution of landscape materials (Class Sui Generis).

Permission was also granted for the extension of an earth bund along the northern boundary and erection of 2.2m high wall to the western boundary to allow for the removal of the hopper in relation to the noise levels on site.

DC/23/0578 sought permission to vary condition 5 which would remove the motor from the existing hopper and condition 6 regarding an average noise level from all operations measured from the site boundary to sufficiently address the impact on neighbouring properties.

The site is located to the west of Billingshurst Road, immediately adjacent to, but outside of the Built-Up area boundary of Broadbridge Heath. The site comprises a number of former agricultural buildings which have most recently been used for light industrial and storage purposes.

The wider surroundings are characterised by open countryside to the north and west, with the residential development of Charrington Way located to the east, and separated by mature vegetation and the A281.

The Parish Council objected to the application, seven letters of representation were received from six households objecting to the proposal.

Since the publication of the committee report a further representation had been received objecting to the proposal.

Local Members generally welcomed the new conditions however raised ongoing compliance and enforcement issues on the site. It was felt crucial that the applicant adhered to all conditions and this was closely monitored.

Members sympathised with nearby residents and were advised that any breeches of conditions should be reported to the Council's Planning Enforcement Team to monitor and investigate.

RESOLVED

That planning application DC/23/0578 be granted subject to Officer recommendations as detailed in the report.

PCN/30 **DC/23/0324 13 NELSON ROAD, HORSHAM**

The Head of Development & Building Control reported that this application sought part-retrospective permission for the conversion of an existing garage into habitable space and removal of fence along part of the west boundary to create off street parking.

The garage was converted in January 2023 and the application site comprises a two-storey end of terrace dwelling within the north part of Horsham situated on the corner of Nelson Road and Milton Road. The dwelling is located within the Built-Up area of Horsham.

There had been 24 letters of representation from 14 separate households objecting to the proposal.

Since the publication of the committee report there had been five additional letters of representation received objecting to the proposal.

Three members of the public spoke in objection and the applicant spoke in support.

Members considered the consultees' responses and the officer's planning assessment.

Members acknowledged there were significant parking issues in both Nelson Road and Milton Road which affected the whole community.

Representation letters and speakers highlighted the loss of parking spaces arising from the garage conversion into habitable space and removal of the boundary fence for off street parking.

Members also noted public safety concerns due to limited pedestrian access on pavements due to on-street parked cars, the inability to turn a car around within the road and the significant impact the parking constraints were having on local residents.

It was noted that some information in the report submitted by West Sussex County Council Highways was factually incorrect and Members required further details on dropped kerbs, vehicle crossover licences, and information on visibility splays and vehicle tracking.

RESOLVED

That DC/23/0324 be deferred to allow for:

- Further consultation with WSCC Highways regarding likelihood of a vehicle crossover licence; and

- Submission of additional visibility splays and vehicle tracking information

PCN/31 **DC/23/1024 21 PATCHINGS, HORSHAM**

The Head of Development & Building Control reported that this application sought planning permission for the removal of a front porch and pitched roof, conversion of car-port into a garage, erection of a pitched roof to the rear extension and associated alterations.

Permission is required due to the height of the car-port which will be converted to a garage which is a later addition to the original dwelling. The application site is a two-storey dwelling located within the Built-Up area of Horsham. The dwelling is set back from Patchings with a driveway accessed off Patchings which can accommodate a number of parked cars.

Members note the planning history of the application.

Members were positive regarding the proposed extensions and alterations and felt they were appropriately designed and in-keeping with the existing area.

RESOLVED

That planning application DC/23/1024 be granted in accordance with Officer recommendation.

The meeting closed at 9.30 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee (NORTH)

Date: 5th September 2023



**Horsham
District
Council**

Report on Appeals: 20/07/2023 – 22/08/2023

1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/22/2156	The Levee, Loxwood Road, Rudgwick, West Sussex, RH12 3BP	21/08/2023	Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/23/0652	40 Carter Drive, Broadbridge Heath, West Sussex, RH12 3GZ	Fast Track	28/07/2023	Refused	N/A
DC/22/1917	21 Calvert Link, Faygate, West Sussex, RH12 0AF	Fast Track	08/08/2023	Refused	N/A
DC/22/2093	Lake Cottage, Nuthurst Street, Nuthurst, Horsham, West Sussex, RH13 6RG	Written Representation	21/08/2023	Refused	N/A

3. Appeal Decisions

HDC have received notice from the Planning Inspectorate that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/22/1340	Nightingale Farm, Sincox Lane, Shipley, West Sussex	Written Representation	Dismissed	Prior Approval Required and REFUSED	N/A
DC/20/0061	22 Station Road, Southwater, Horsham, West Sussex, RH13 9HQ		Withdrawn	Refused	N/A
DC/22/0495	Marlpost Meadows, Bonfire Hill, Southwater, Horsham, West Sussex, RH13 9B	Written Representation	Allowed	Refused	N/A
DC/22/0495	Bonwycks Lodge Farm, Ifield Wood, Ifield, Crawley, West Sussex, RH11 0LE	Written Representation	Dismissed	Refused	N/A



**Horsham
District
Council**

PLANNING REPORT

COMMITTEE

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 5 September 2023

DEVELOPMENT: Change of use of existing allotment site to form extension to Hills Cemetery for burial plots, and creation of hard surfaces for vehicular and pedestrian access.

SITE: Hills Cemetery, Guildford Road, Horsham, West Sussex, RH12 1TT

WARD: Denne

APPLICATION: DC/23/0320

APPLICANT: **Name:** Mr Sorin Caraiman **Address:** Parkside Chart Way Horsham RH12 1RL

REASON FOR INCLUSION ON THE AGENDA: The site is owned by the District Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the change of use of the land from allotments (sui generis agriculture) to a cemetery (sui generis) to provide approximately 476 burials plots and 659 ash areas. The proposal includes the creation of new hardstanding routes within the site for vehicular and pedestrian access to create a one-way system, and additional planting.

DESCRIPTION OF THE SITE

- 1.2 The application relates to the southern-most part of the Hills Cemetery site located on the southern side of Guildford Road. The site was formerly occupied by allotments, in addition to the sporadic siting of polytunnels and sheds. At the time of the Officers visit to the site (April 2023), the buildings and allotments had been cleared, and the site laid to soil / self-seeded grass. The site is located within the built-up area of Horsham, in an area predominantly comprising residential development. The site is level and is bound by neighbouring residential properties to all its boundaries. The southern boundary of the site is formed of a close boarded fence with sporadic tree and hedge planting.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 27 - Settlement Coalescence
- Policy 28 - Replacement Dwellings and House Extensions in the Countryside
- Policy 29 - Equestrian Development
- Policy 30 - Protected Landscapes
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities
- Policy 43 - Community Facilities, Leisure and Recreation

Horsham Business Blueprint Neighbourhood Plan (made):

- Policy HB1 – Location of Development
- Policy HB3 – Character of Development
- Policy HB4 – Design of Development
- Policy HB15 – Allotments and Community Growing Spaces

Planning Advice Notes:

Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/07/1822	Change of use from allotments to cemetery	Application PERMITTED 14.11.2007	on
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3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Arboricultural Officer: No Objection

HDC Environmental Health: No Objection, subject to conditions

HDC Drainage Engineer: No Objection (verbal comments)

OUTSIDE AGENCIES

WSCC Highways: No Objection

Environment Agency: No Objection – Our position is that at this point we would not pursue a permit for the extension to Hillside cemetery. This is due to no abstractions being near the locale, a lack of pathways and that it is an extension to an existing cemetery. This may change at a later date as more guidance on the permitting of cemeteries becomes available.

PUBLIC CONSULTATIONS

- 3.2 Three (3) letters of representation received from three separate addresses *objecting* to the proposal on the following grounds:
- Impact on adjacent protected tree
 - Poor fencing to the southern boundary
 - Adverse impact on neighbouring amenity
- 3.3 Two (2) letters of representation received from two separate addresses *neither objecting to nor supporting* the proposal, stating:
- Concerns regarding an increased risk of flooding
 - Existing damage to the southern fence
 - Works have already commenced on the site
 - Potential impact on the tree
- 3.4 **Horsham Denne Neighbourhood Council** *objects* to the proposal on the following grounds:
- Insufficient details relating to flooding, planting, boundary treatment and access to the site from the south.

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

Background

- 6.1 The site forms part of Hills Cemetery and had formerly been used for the allotment use. Historically, it is understood that more of the site to the north was also once used for allotments. As the demand for burial plots over time has increased, the site has reverted into the cemetery use. Planning application DC/07/1822 was granted in November 2007, which sought the cemetery use for the entire site. The proposal was supported under Policy HU15 of The Horsham District Local Plan 1997, which allocated the site for such a use. However, only a portion of the site (to the west) was used as approved. The remaining part of the approved site is subject to this application.

Principle of the Development

- 6.2 Policy 43 of the Horsham District Planning Framework 2015 (HDPF) states that the provision of new or improved community facilities or services will be supported. Proposals that would result in the loss of sites and premises currently or last used for the provision of community facilities or services, leisure or cultural activities for the community will be resisted unless equally usable facilities can be conveniently provided nearby. It will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as; appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier.
- 6.3 Policy HB15(a) of the Horsham Blueprint Neighbourhood Planning Document (NPD) states that proposals that would result in the loss of all or part of existing allotment spaces will not be supported.
- 6.4 As above, the site has historically been allocated for a cemetery use, and the 2007 permission (DC/07/1822) secured the reversion from the allotment use. As the permission was only part-implemented, the lawful use of the site by virtue of time (in excess of ten years) would fall to the allotment use. It is recognised that the loss of the allotment use would contradict Policy HB15(a) of the NPD. Though the application does not seek to replace the allotment use, the proposal would result in the improvement of an existing community facility. The additional burial spaces are required in the District. Whilst it is appreciated that the strategic development at North Horsham does include such a provision, this is not expected to be delivered in the short term. The cemetery at the Land North of Horsham site is part of Phase 3 (the last phase of development) and the earliest it could potentially be brought forward is in 2025. In addition, there are a number of smaller allotment sites within the surrounding area to meet the needs of the residents.
- 6.5 Though the loss of the allotment use is regrettable, the proposal would support the improvement of an existing community facility. The principle of the proposal is therefore considered acceptable in accordance with Policy 43.

Design and Appearance

- 6.6 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

- 6.7 The proposal does not require the demolition or erection of any physical structures on the site. However, new infrastructure and planting are proposed. Primarily a new roadway would be constructed to the eastern side of the site to create a one-way ring road around the entire site, in addition to the widening of the existing pathway to the west. The existing central walkway would be extended to the south into the new burial area, and a new pedestrian pathway established around the ashes area.
- 6.8 The resultant works would result in the creation of an efficient one-way system for vehicular traffic (hearses) to access the southern part of the site. The proposed layout is logical, and continues the relative symmetry of the northern part of the site.
- 6.9 The Neighbourhood Council's concerns on the proposal's planting are noted. The proposal includes the planting of 8x oak trees (4x each side of the central path). Planting to the southern boundary of the site has already been established, comprising of native English hedging. The remainder of the site will be laid to grass until the burial plots are interred. The specific planting within the site is yet to be determine. As a public site owned by the District Council, the detailed planting needs to be first agreed by Councillors at a selection committee (as part of the Council's procurement procedure) in consultation with the local residents. Therefore, it would be unfeasible for Officers to request this detail to be submitted upfront as part of this application or by way of condition.
- 6.10 Neighbouring concerns relating to impact on the protected trees outside of the site close to the eastern boundary are noted. The 2x lime trees and sycamore tree protected under TPO/1550 (T1-3). An updated construction layout plan was received on 09 May which detailed that the new roadway to the east would be outside of the root protection areas (RPA) of the two northern-most trees. Though there would be some impact on fibrous rooting, this would only impact on a small area. The RPA of the tree further south would be affected by the new roadway. The plan illustrates that this portion of the road would comprise a no-dig construction, utilising a webbing system that would not impact on the rooting system of the tree. The plan also indicates that no excavation would occur within the RPA of the protected lime tree to the south-eastern corner of the site (T4 of TPO/1550).
- 6.11 With the above in mind, the proposal is considered to accord with Policies 32 and 33 of the HDPF in terms of its design, layout and appearance, in addition to planting and preservation of nearby TPO tree specimens.

Impact on Amenity

- 6.12 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.13 Officers appreciate that the pre-existing allotment use had been long-established, and that a change to the use of the site may result in a perceived amenity impact. However, given the proposed use, which is not likely to result in frequent day to day visits from the public, the use of the site as a cemetery is not considered any more harmful to neighbouring amenity compared to the previous allotment use.
- 6.14 The proposed is therefore considered to accord with Policy 33(2) of the HDPF.

Highways Impacts

- 6.15 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has

been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

- 6.16 The proposal is not anticipated to result in an increased use of the site over and above the pre-existing arrangement. Given the former allotment use, it is likely that the additional burial plots would result in fewer day to day trips to and from the site. In addition, the proposed use would not require the need for any additional parking. The existing parking to the west of the site (approved in 2007) was granted for the entirety of the southern portion of the site, and not just the section already in use. Therefore, the need for parking for the proposed area is thus already considered to have been met.
- 6.17 With the above in mind, the proposal would not result in any adverse impact to the safe use and operation of the highway network, and is therefore considered to accord with Policies 40 and 41 of the HDPF.

Other Matters

Flooding / Pond

- 6.18 Officers note that a balancing pond has been constructed within the north-western corner of the development site. The pond has been installed to capture surface water run off from the entire site, which is known to experience high level of surface water runoff. Members are advised to note that Schedule 2 Part 12 Class A of the General Permitted Development Order allows for 'development by local authorities', stating:

'A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;'

- 6.19 The pond is considered to fall under an 'other alteration' on land owned by the Council, and therefore does not require planning permission in itself. The pond serves a function, and is not ornamental, therefore providing public benefit for a statutory use. Therefore, it would be unreasonable to request further details or to attach conditions to the decision notice relating to the pond.

Contamination

- 6.20 The Environment Agency (EA) initially raised concerns regarding the extension to the cemetery, relating to the water levels below ground level. As above, the attenuation pond has been installed to alleviate any potential ground water issues. The Council had contacted the EA following these concerns, explaining how the current burials are managed with regards to ground water soakage. Further correspondence was received on 08 August 2023 from the EA confirming that further permit would not be required for the extension to the cemetery.

Fence

- 6.21 Officers note neighbouring concerns relating to the fence to the Southern Boundary. As above, planting long the boundary has recently been established, and will provide a level of screening over time in addition to forming a natural boundary between the site and its neighbours. In addition, any fences backing into the site are not owned by the Council, and are thus not responsible for repairs. However, the planting should provide the necessary security in time.

- 6.22 The Neighbourhood Council's comments regarding access from the south of the site are acknowledged. However, there is no access from the south side of the cemetery and there are no plans to create a new entrance from that side of the cemetery (Wakehurst Mews/ Hazlehurst Crescent). The only possible access from these streets will be from a garage/car park area which is private, and would not be readily available for the public to use.

Water Neutrality

- 6.23 The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.
- 6.24 Given the nature of the proposed use, the proposal is not considered to result in the increased abstraction of water over and above the pre-existing arrangement. The proposal is therefore considered to be water neutral.

Conclusion

- 6.25 Whilst the proposed would result in the loss of public allotments, the proposed expansion of the cemetery use (on land previously allocated for such a use) would improve a needed community use, especially given the limited availability of uninterred plots within Horsham. The proposal has been designed as a continuation of the existing cemetery and would thus appear contiguous with the existing arrangement. Details of specific planting will be selected by the Council at a later date (in consultation with the public/neighbours), and the submitted construction plan illustrates that the protected trees nearby would be unaffected by the development. Given the use of the proposal, the development is not anticipated to result in an adverse harm to neighbouring amenity, nor result in any increase in trip generation or parking issues that would affect the safe use and operation of the highway network. Officers therefore recommend to members that the application is approved subject to the below conditions.

7. RECOMMENDATIONS

- 7.1 Officers therefore advise that the application is approved subject to the following conditions:

Conditions:

1 **A List of the Approved Plans**

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

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

- 3 **Pre-Commencement Condition:** No development shall commence until an ecological mitigation and enhancement plan has been submitted to and approved by the Local Planning Authority in writing. The approved provisions shall be implemented before development commences and shall thereafter be retained and maintained in accordance with the approved details.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 4 **Regulatory Condition:** All works relating to any new roadways and footpaths shall be undertaken in strict accordance with the submitted Proposed Layout – Road Construction Plan, reference: PL/HC/106 (received by the Council on 09.05.20213).

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

- 5 **Regulatory Condition:** No trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

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

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

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

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

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

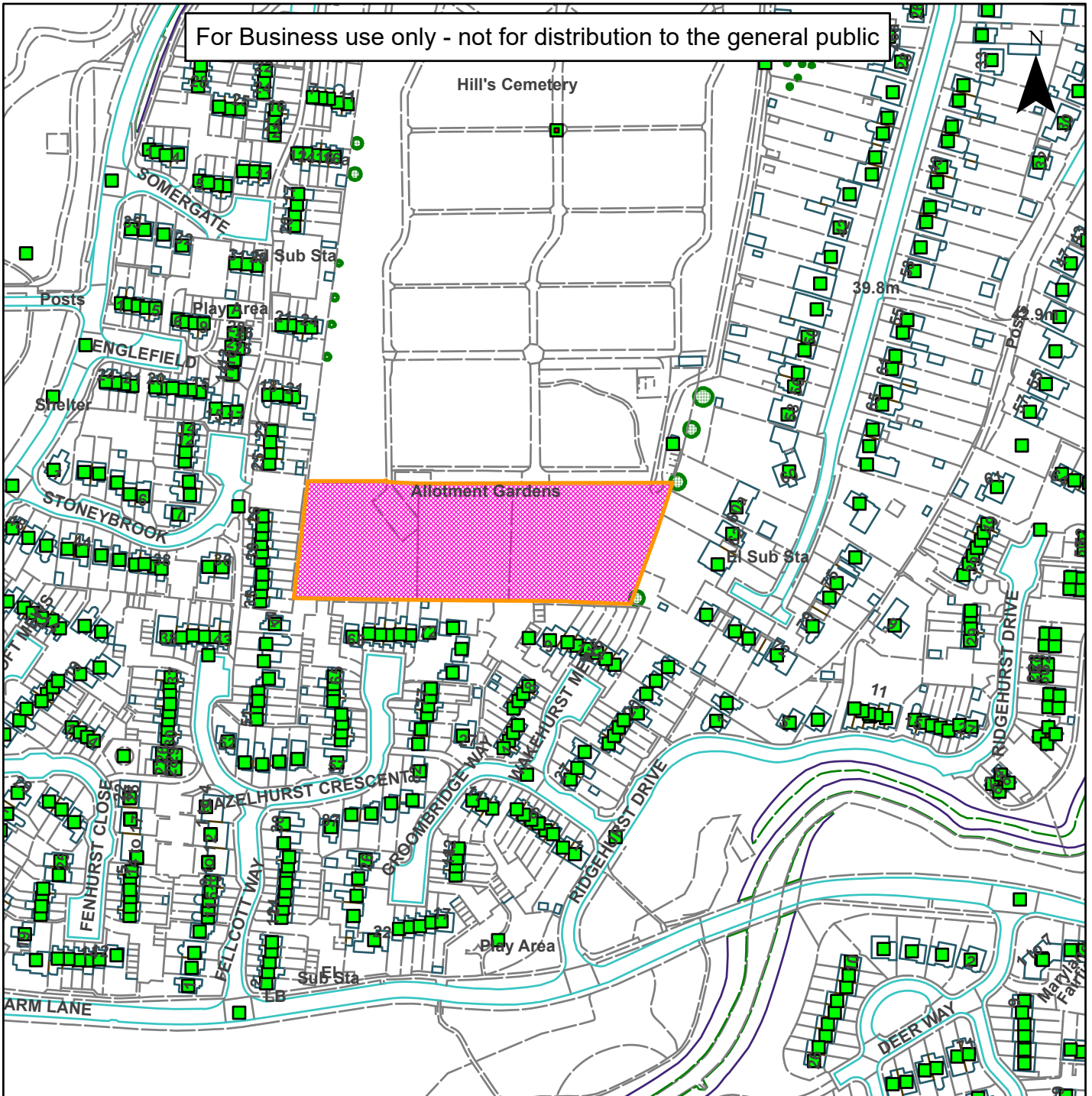
- 8 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or public Holidays

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

Background Papers: DC/23/0320



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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
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Date	23/08/2023
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 5 September 2023

DEVELOPMENT: Conversion of loft including a pitched roof dormer to the rear and installation of rooflights on the front roof slope.

SITE: 139 Churchill Way Broadbridge Heath West Sussex RH12 3TY

WARD: Broadbridge Heath

APPLICATION: DC/23/1303

APPLICANT: **Name:** Mrs Shazia Penne **Address:** 139 Churchill Way Broadbridge Heath West Sussex RH12 3TY

REASON FOR INCLUSION ON THE AGENDA: The application has been made by a Council Member or an officer or a member of their immediate family

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks permission for conversion of the loft to create a third bedroom and en-suite shower room. The proposal includes the installation of a dual pitched roof dormer, of width 2.25m to the rear roof elevation, to be positioned 0.6m below the main roof ridge, and 1.4m up from the eaves (measured along the roof slope). Proposed materials consist of tile hanging to the dormer cheeks to match the existing roof tiles. Roof tiling to dual pitched roof to match main roof tiling. White UPVC window to match existing main dwelling. Also proposed is the installation of three velux rooflights on the front roof slope to light the proposed en-suite, the staircase and storage space.

DESCRIPTION OF THE SITE

1.3 The application site is situated between Churchill Way and the A264, within the built up area boundary of Broadbridge Heath. The property is in a part of the close that consists of largely terraced properties of a similar form and design. The application site contains a two storey, mid terrace dwelling, with its front elevation facing north-east in the direction of the A264. Boundary treatment around the rear of the property consists of close boarded timber fencing.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

RELEVANT NEIGHBOURHOOD PLAN

2.5 Broadbridge Heath has not been designated as a Neighbourhood Plan area. There is no 'made' plan for the parish.

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.6 The most recent and relevant planning history relating to this site is as follows:

DC/09/2101	Erection of 963 residential units, community facility including land for a primary school, neighbourhood centre, youth and recreational facilities, other formal and informal open space, landscaping and environmental works, transport and access arrangements, new east-west link road, improvements to Five-Oaks roundabout, realignment and partial closure of existing A264 Broadbridge Heath by-pass and other ancillary works (Outline)	Application permitted on 03/10/2011
DC/14/2606	Reserved matters application for the development of 51 residential units, including 10 affordable housing units (20%), the creation of public and private amenity space, incidental public open space, internal circulation routes, landscaping and associated works	Application permitted on 28/05/2015
DC/20/1724	Erection of an orangery to the rear	Application permitted on 03/12/2020

3. OUTCOME OF CONSULTATIONS

3.1 **Natural England:** Standing Advice:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its

completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

- 3.2 One representation of objection received commenting that they have the following concerns:
- The proposal would unfortunately have a materially harmful impact on the use of the limited private amenity space at our property (2 Cheesmer Way).
 - The objector suggest the relocation of proposed dormer window to the front elevation, and relocation of the proposed roof lights to the rear.
 - Alternative window arrangements and styles such as additional/enhanced rooflights could be incorporated which would allow light to enter roof space but not result in unacceptable overlooking.
 - The proposed dormer window could include obscured glass and a condition applied to the planning permission to ensure this is permanently retained thereafter.

PARISH COUNCIL

- 3.4 **Broadbridge Heath Parish Council:** No objections, provided there are no material objections from owners of the adjoining / adjacent properties.

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:
- The character of the development and the visual amenities of the street scene
 - The amenities of the occupiers of adjoining properties
- 6.2 Policy 33 of the Horsham District Planning Framework (HDPF) states that development shall be required to, inter alia, ensure it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property through, for example, overlooking or noise; ensure the scale, massing and the appearance of the development is of a high standard of design and relates sympathetically with the built surroundings and respects the character of the

surrounding area. In addition, where applicable, development must take account of relevant design statements and use high standards of building materials.

Character and Appearance

- 6.3 The proposed rear dormer would represent some additional bulk and mass to the rear roof slope of this mid-terraced property. However, the proposed design would be of a scale and form that would be subservient to the main dwelling and roof and would not appear unduly prominent or incongruous in views from neighbouring properties or from the wider streetscene. There is also evidence of loft conversion and associated dormer window elements in the local area. It is considered that given the existing arrangement and existing development in the immediate area, the modest sized dormer and rooflights would not have a significant impact on the character of the surrounding area. The visual impact of the proposal is therefore considered acceptable, and it is considered that the proposal complies with the relevant policies of the HDPF.

Impact on Neighbouring Amenity

- 6.4 It is noted that a representation of objection has been received from a property to the rear of the application site commenting concerns of overlooking and loss of privacy from the proposed rear dormer window. The proposed rear dormer would be set back in the roof slope, would not reduce the separation from the shared boundaries on each side and rear. The rear elevation of the neighbouring dwelling to the south-east (no.141 Churchill Way) is set further back than the host dwelling. It is considered that given the existing degrees of overlooking in the area, the proposed rear dormer would not represent a significant increased level of impact and would not result in unacceptable harm to the privacy and amenity of the neighbouring occupiers given the prevailing existing situation and existing views. The impact of the proposal on the privacy and amenity of neighbouring occupiers is therefore considered acceptable and it is considered that the proposal complies with the relevant policies of the HDPF.
- 6.5 The proposed loft conversion of the existing two-bedroom dwelling would create a third bedroom. To the front of the dwelling is an off street parking area for the dwellings forming this terrace and the proposal is not considered to result in any significant intensification of the highways network and parking in the area.

Water Neutrality

- 6.6 The proposed development would provide loft accommodation for the existing family and there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

- 6.7 The visual impact, and impact of the proposal on the privacy and amenity of neighbouring occupiers and parking, is considered acceptable and it is considered that the proposal complies with the relevant policies of the HDPF. It is therefore recommended that planning permission is granted subject to the appropriate conditions.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to the following conditions:

Conditions:

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

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

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

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

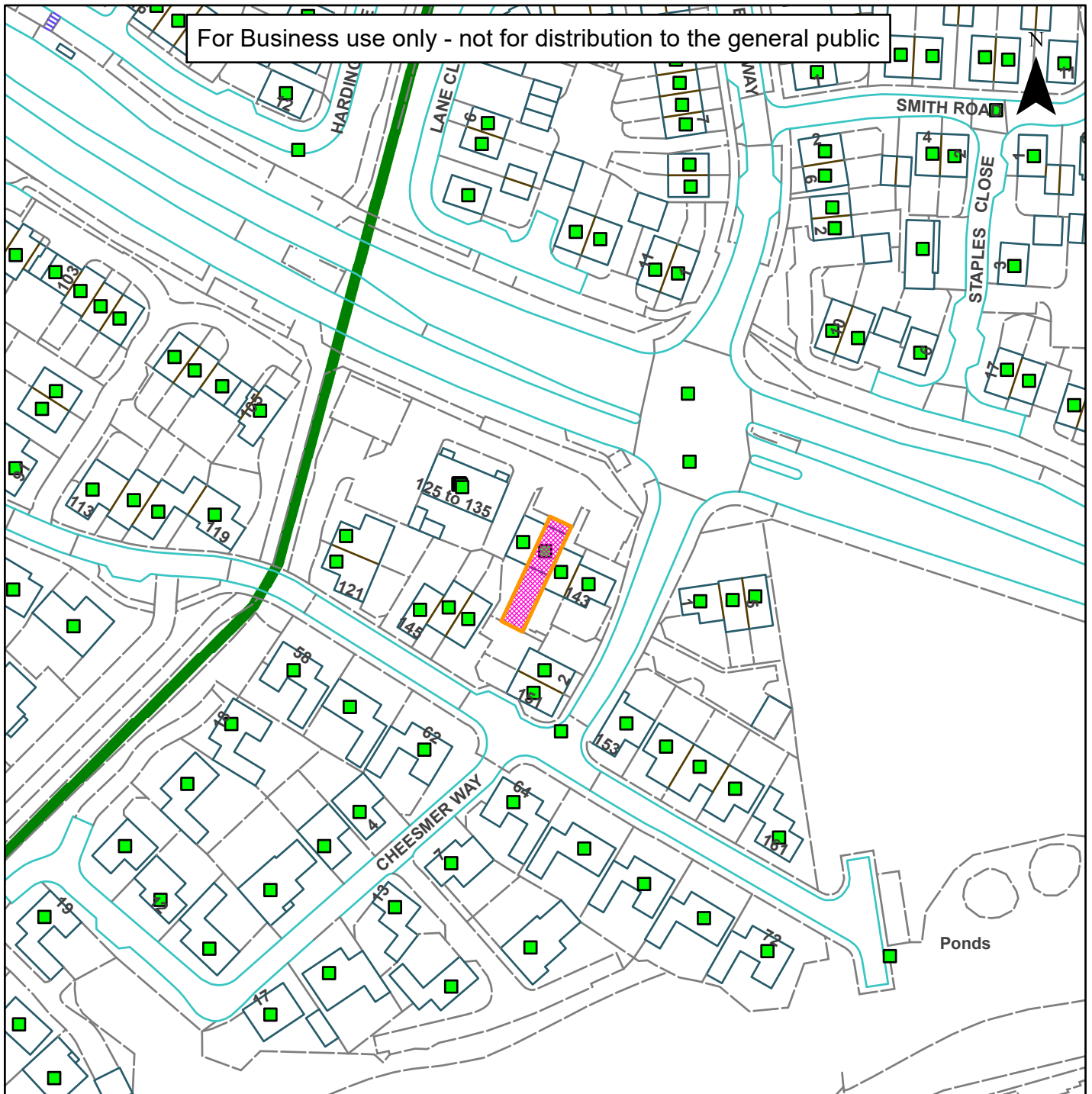
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