



TO: Planning Committee North

BY: Head of Development

DATE: 6 November 2018

DEVELOPMENT: Provision of new road to enable access to proposed development of 57 houses at land at Windacres Farm (all proposed dwellings within Waverley Borough Council boundary)

SITE: Land Between Trundle Mead and April Rise, Cox Green, Rudgwick, West Sussex

WARD: Rudgwick

APPLICATION: DC/18/1520

APPLICANT: **Name:** William Lacey Group **Address:** C/O Agents WYG

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

The application involves land owned by a Council Member.

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 Outline planning permission is sought for the provision of a new access road off Cox Green. The new road would allow access for up to 57 houses being proposed to the south of the site at Windacres Farm. The proposed road would be between the houses at Trundle Mead and April Rise. The new road would include two lanes and a pavement. An area of land is shown adjacent the new road, to the north east side, which is indicated as a grassed area. This permission is for outline consent for the access only. If recommended for approval, other considerations, including design and landscaping, would be considered under a Reserved Matters application.

1.3 The current application is only for the access to the proposed houses as this is the only section of the site which is within the boundary of Horsham District Council. The section of the site at Windacres Farm which would provide for the 57 dwellings is within the boundary of Waverley Borough Council. The boundary between Waverley BC and Horsham DC cuts across the back of the rear gardens of the houses on Cox Green. As such, this is a cross

boundary proposal being considered by two separate councils. The main bulk of the proposal for housing is within the jurisdiction of Waverley BC. The application within Waverley BC's area is currently being considered (ref: WA/2018/1458).

DESCRIPTION OF THE SITE

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

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport

Supplementary Planning Guidance:

- 2.3 Rudgwick Parish Design Statement

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Rudgwick was designated as a Neighbourhood Development Plan Area in June 2016. To date, no draft neighbourhood plan has been produced for the Parish.

PLANNING HISTORY AND RELEVANT APPLICATIONS

RW/79/94	Erection of 1 dwelling and garage with new access	Application refused in 1995 (subsequent appeal dismissed)
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3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No Objection

- 3.3 **HDC Drainage Engineer:** No Objection.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection subject to conditions.

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

- 3.6 **WSCC Rights of Way:** Comment. The application should look into the possibility of creating a bridleway between Church Street through the development to link up to the existing bridleway to the south of the site.

PUBLIC CONSULTATIONS

- 3.7 **Rudgwick Parish Council** have objected to the proposal on the following grounds:

- The negative impact on the properties along the new road.
- The intrusion on the countryside. The new road affects the rural character and undeveloped nature of the countryside.
- The development of the 57 houses would significantly urbanise and change the rural character of the site and result in the loss of the linear historic pattern.
- Concern is raised regarding the accuracy of the comments from WSCC Highways and the Agricultural Statement submitted.

- 3.8 **Rudgwick Preservation Society** have objected on the following grounds:

- Whilst the scheme is within Waverley BC, the proposal is effectively an extension to Rudgwick. Permission should not be given for the road until Waverley BC have decided the proposal for the housing.
- The road is unsuitable and the proposal will result in an unacceptable increase in traffic and parking.
- The Society reject the comments of WSCC Highways.

- 3.9 **136 objections** have been received on the following grounds:

- Lack of infrastructure and services to cope with the additional demand, such as doctors surgeries and schools.
- Impact of construction traffic.
- The access and increased traffic will result in highway safety issues. The access is near to a bend in the road where there is busy traffic.
- The findings of the traffic survey are questioned.
- Disagreement with the comments of WSCC Highways.
- Loss of countryside and overdevelopment.
- Inappropriate design which will spoil the character of the village.
- No more houses are needed in Rudgwick which is already struggling with current developments. The proposal is within Waverley BC and has no benefit for Rudgwick or Horsham DC.
- Inaccuracies in the plans and supporting statements.
- Impact on residential amenity.
- Increase in pollution.
- Removal of hedgerows.

- Ecological damage.
- Additional light pollution.
- The applicant is a District Councillor.
- Impact on water drainage and lack of sewage infrastructure.
- Refuse collection.

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 is to consider whether the proposed access road for up to 57 houses is appropriate. The access is the only part of the proposal within Horsham District Council's jurisdiction. The main part of the proposal for 57 houses is within Waverley Borough Council. At the time of writing this report, the Waverley BC application for the 57 houses is pending a decision. Horsham DC have been consulted on this part of the proposal by Waverley BC and will comment accordingly.

- 6.2 The main considerations for this proposal are whether the access is appropriate in terms of highway safety, design, impact on amenity, drainage, landscape and impact on ecology. A large number of objections have been received from local residents which relate to the principle and impact of the proposed housing. The proposed housing is not a consideration in the determination of this application as this section of the proposal is within the jurisdiction of Waverley BC.

Highway Safety and Access:

- 6.3 The proposed road would be provided on a section of unused land in between the houses at Trundle Mead and April Rise. The proposed road goes up to the rear boundary of these properties (127m). This is where the boundary of Horsham District Council meets the boundary of Waverley Borough Council. The road then continues on to serve the proposed houses to the south. The proposed access is shown as 5.5m wide with a 2m footway on the western side. The new footway would be an extension of the existing footway at Cox Green.
- 6.4 Paragraph 109 of the NPPF sets out that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 6.5 To support the new access, a Transport Statement has been submitted. A Stage 1 Road Safety Audit has been carried out by the applicant as well as traffic surveys. An automated traffic count and speed survey was also undertaken in March 2016 to determine percentile speeds. WSCC highways have assessed the new access and commented that they have no objections in terms of highway safety. This is subject to conditions, including the submission of an updated Road Safety Audit.
- 6.6 Residents have raised concerns regarding the access and the data provided. This is, in part, in relation to when the surveys were taken and if they are reliable. In response, an additional Technical Note has been provided by the applicant. The note is in relation to the speed survey data and visibility splay dimensions. WSCC has commented that the traffic data

submitted is considered to be acceptable and there is no significant or meaningful evidence or reason to doubt the appropriateness of this data.

- 6.7 In terms of trip generation, proposed vehicle trips for the proposed housing have been provided using TRICS (Trip Rate Information Computer System). The report indicates vehicle movements in the region of 26 two way movements in the AM peak period (8-9am) and 25 two way movements in the PM period (5-6pm) to serve the proposed 57 dwelling development. The Highway Authority is satisfied with the parameters used in the report and has commented that the vehicle movements proposed would not have severe impact on the local highway network.
- 6.8 One of the requirements stipulated by WSCC highways is the provision of appropriate visibility splays. The proposal indicates visibility splays of 51m to the south and 53m to the north (from a setback of 2.4m). A condition is recommended that once the splays have been provided they shall thereafter be maintained and kept free of all obstructions in the interests of highways safety. The land in question is either adopted highway land or under the control of the applicant. If vegetation is overhanging from third party land, then this can be cut back without third party consent to maintain the visibility splays and highway safety.
- 6.9 Overall, it is considered that, subject to conditions, the new road is appropriate in terms of highway safety and is in accordance with Policy 40 of the Horsham District Planning Framework (2015) and paragraph 109 of the NPPF.

Design

- 6.10 As outlined above, this proposal is for the provision of the new access road only. The new road would be located at a section of unused land in between two houses on Cox Green, and would require the removal of hedgerow fronting Cox Green. The details regarding the final design of the road would be considered under a reserved matters application, in the event that approval is granted. This would include the materials of the new road, pavement and all landscaping. The proposed access will introduce a gap in an existing hedgerow between April Rise and Trundle Mead, however this is not uncharacteristic of the street scene and in itself is not considered to result in harm to the character of the area. The Council's Landscape Officer has raised no objection to the proposal accordingly. ON this basis it is considered that, in between the two houses within the defined settlement boundary of Rudgwick, a new road of the scale proposed would not stand out as an inappropriate addition, therefore the principle of the proposal in design and landscape impact terms is considered acceptable.

Impact on Amenity

- 6.11 Policy 33 of the HDPF states that developments are required to be designed to avoid unacceptable harm to the amenity of nearby properties. For this proposal, the amenity consideration is whether the use of the road would result in an unacceptable noise and amenity impact on the immediate adjacent properties at Trundle Mead and April Rise. The new road would be in close proximity to these two properties.
- 6.12 April Rise is a detached house to the west of the new road. The house is approximately 4m from the boundary and includes side windows facing the proposed access road. The house would be approximately 7m from the new road itself. April Rise includes a new garage which has been constructed to the front of the property. The garage is closer to the new road than the main house but is not indicated as habitable accommodation.
- 6.13 Trundle Mead is the immediate detached house to the east of the new road. This dwelling would be closer to the boundary of the site of the new road. Trundle Mead would be approximately 5m from the new road. Both properties have limited side windows facing the

new road. It should be noted that none of the side windows at April Rise which face the property serve habitable rooms.

- 6.12 The proposal would result in an increase in noise from cars coming and going to and from the site but this would generally be at peak times during the morning and evening. The properties already experience traffic noise through the daily use of Cox Green. Given the vehicle movements indicated for the wider housing development and the distances from the new road, it is not considered that the use of the new road would significantly increase the existing noise impact to any great degree. Whilst there would be a noise increase through the use of the new road, the increase would mainly be at peak times and it would be difficult to argue that this results in a significant impact in terms of noise disturbance. The use of the footpath to Cox Green is also likely to be limited given that it does not give access to any services for the future residents of the development. Shops and services at Rudgwick are all located to the south of the site. For these reasons it is considered that the proposed road would not result in a significant impact on the amenities of the two adjacent properties, or any other dwellings in the immediate area.
- 6.13 It should be noted that the amenity impact is only acceptable based on the number of vehicle movements associated with the proposed 57 dwelling scheme, with any more potentially having a harmful impact. Therefore a condition is required to link this development to the Waverley scheme, as outlined below.

Other Considerations

- 6.14 In relation to Ecology, the scheme includes a Preliminary Ecological Appraisal. This covers the whole of the wider site. The section of the site under consideration in this application includes a small section of hedgerow fronting Cox Green and an area of mainly grassland. The Ecological Appraisal states that the site as a whole has potential for foraging and commuting bats, terrestrial habitats for great crested newts, breeding birds, reptiles and dormice. The Council's Consultant Ecologist has commented that the main issue with this part of the site for the access is the impact on great crested newts and reptiles. No objection is raised subject to compliance to the measures outlined in the Ecological Appraisal.
- 6.15 In terms of drainage, the Council's Drainage Officer has not raised any objections to the proposed section of road. Full details of drainage for this section of the new road will be considered under the Reserved Matters application.
- 6.16 Details of landscaping will be submitted as part of a reserved matters application. It should be noted that this section of the proposal does not include any substantial trees which are proposed to be removed. The submitted Arboricultural Statement indicates that the trees and hedgerows along the boundaries of April Rise and Trundle Mead will be protected with fencing during the construction works.
- 6.17 The road is considered appropriate in the context of the overall development of the site in conjunction with the Waverley application. As a stand alone application, without the proposed housing, the new road would lead to nowhere and would be inappropriate. This proposal is therefore only acceptable as an access road in conjunction with the new houses, currently being considered by Waverley BC. Therefore, a condition is recommended that the new road is only used in conjunction with the application currently being considered by Waverley for 57 houses (ref: WA/2018/1458).

Conclusion

- 6.18 Subject to conditions and detailed design at the Reserved Matters stage, the new access road is considered appropriate in terms of highway safety, ecology, impact on amenity and design.

7. RECOMMENDATIONS

7.1 That planning permission be approved subject to the following conditions:

Conditions:

1 A list of the approved plans

2 **Standard Time Condition:**

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

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

3 **Pre-commencement Condition:** No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

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

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

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

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

- 5 **Regulatory Condition:** The approved access road shall only be provided and used in conjunction with the proposal for housing at Windacres Farm (Waverley Borough Council ref: WA/2018/1458). The new road shall not be used for any other purpose.

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

- 6 **Regulatory Condition:** No part of the access road shall be first used until visibility splays of 51m to the south and 53m to the north (from a setback of 2.4m) have been provided at the proposed site vehicular access onto Cox Green in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 7 **Regulatory Condition:** The development shall be carried out in accordance with the mitigation measures set out in the Preliminary Ecological Appraisal from the William Lacey Group received on 23rd July 2018.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 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 and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

Background Papers: Waverley Borough Council ref: WA/2018/1458