



**TO:** Planning Committee (North)

**BY:** Head of Development

**DATE:** 1 December 2020

**DEVELOPMENT:** Installation of surfaced highway lay-by.

**SITE:** Land at The Junction of East Street, Burnt House Lane and Lambs Green Road Chowles Rusper West Sussex RH12 4RG

**WARD:** Colgate and Rusper

**APPLICATION:** DC/20/0618

**APPLICANT:** **Name:** Thames Water Utilities Ltd **Address:** Clearwater Court Vastern Road Reading RG6 4EH

**REASON FOR INCLUSION ON THE AGENDA:** At the request of the local member

**RECOMMENDATION:** That planning permission be approved subject to appropriate conditions

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

- 1.1 The purpose of this report is to update Members on new information that has been submitted and considered by Officers since the application was considered at the 2 June Planning Committee (North) meeting. At this meeting the application was delegated to the Head of Development with a view to approval, subject to further discussions with the applicant and WSCC with a view to finding a means of restricting public access to the layby, in consultation with Local Members and the Vice-Chairman of the Committee. Whilst discussions have taken place and amended information submitted the local member has requested that this amended information be considered at committee before a decision is made.
- 1.2 The applicants have provided an amended plan proposing parking restrictions and signage (Proposed Site Layout: D322\_A10-B2-AB-00603\_D – received 23 October 2020). The original committee report for the June meeting is appended to this report and forms part of the overall planning assessment.

### Background

- 1.3 The application seeks planning permission to install a surfaced lay-by on land near the junction of East Street, Burnt House Lane and Lambs Green Road, Rusper. The proposed layby would facilitate off-highway parking in connection with a new below ground wastewater pumping station, for reasons connected with the ongoing operation of the pumping equipment and associated rising main.
- 1.4 The application site is the highways verge on the west side of Lambs Green Road (a 'C' class road), immediately southwest of the junction with East Street/Burnt House Lane. The site is in a rural location and currently comprises an informal layby and amenity grassland

with some trees. The land surrounding the application site is primarily agricultural in character and there are open fields to the east across Lambs Green Road.

- 1.5 There are scattered residential properties in the area and the nearest neighbouring dwellings are across East Street to the north. Adjacent to the site to the west is Chowles Farm containing residences, with Chowles Farmhouse approximately 100m to the southwest.
- 1.6 The verge area is an adopted highway but the landowner is unknown with the parcel of land unregistered on the Land Registry. The application site is located within Flood Zone 1 where there is a low risk of flooding. A small watercourse (Rusperhouse Gill) is approximately 3m to the west of the application site at its closest point and joins the Baldhorns Brook approximately 150m to the south.

## **2. OUTCOME OF CONSULTATIONS**

- 2.1 **HDC Landscape Architect:** No objection
- 2.2 **WSCC Highways:** No objection subject to informative relating to obtaining the relevant consents relating to the highway works. The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.
- 2.3 **Rusper Parish Council:** No comments received to the amended plan at the time of drafting

### **PUBLIC CONSULTATIONS**

- 2.4 Since consideration of the application at the June meeting of Planning Committee (North), an additional 8 letters of representations have been received (from 7 different households) objecting to the application. These are in addition to the 20 letters received to the proposal as originally submitted. The additional representations received raise the following concerns:
  - Fly tipping/litter is an existing problem and the proposal will exacerbate this;
  - Encourages overnight HGV parking/Gatwick parking;
  - A layby is not needed as the site has been in operation for a number of months with no reported accidents and is only needed on an infrequent/ad hoc basis;
  - The size of the proposed layby is too big
  - Hedges/trees important to wildlife

## **3. PLANNING ASSESSMENTS**

- 3.1 The applicants have submitted an amended site layout plan proposing parking restrictions and signage (Proposed Site Layout: D322\_A10-B2-AB-00603\_D – received 23 October 2020).
- 3.2 Concerns have been expressed by local residents and Rusper Parish Council that an open layby may result in fly-tipping and anti-social activities. The advice from West Sussex County Council (WSCC) as the Local Highway Authority is that as the land is within the statutory highway verge, an application to stop-up the lay-by (i.e. to install bollards such that the layby is available exclusively for Thames Water access) would not be supported. For this reason, the applicant determined not to propose to install bollards to prevent public access. It is considered that the lay-by with the proposed parking restrictions and signage would discourage an increase in fly tipping, which is ultimately an illegal activity irrespective of any decision made on this application. It is therefore considered that the scheme proposing parking restrictions (double yellow lines) and signage (with regard to parking restrictions and

no fly-tipping) to discourage anti-social activities is acceptable relative to the scale and nature of the scheme the subject of this application.

- 3.3 The amended plan proposing parking restrictions and signage is considered to be a satisfactory arrangement rather than stopping up the lay-by to discourage anti-social activities, to safeguard the amenities of the locality in accordance with policies 32 and 33 of the Horsham District Planning Framework (HDPF).
- 3.4 The proposed lay-by would provide access to a new wastewater pumping station, which is integral to the new sewer rising main and an essential part of the wastewater infrastructure serving the surrounding area; enabling treated effluent discharges to the Baldhorns Brook to cease. The applicant, Thames Water, has a legal obligation under the Water Framework Directive to reduce phosphorus levels in the waterbody to achieve Good Waterbody status.
- 3.5 The proposed lay-by would contribute to the efficient servicing and on-going maintenance of the wastewater infrastructure and would represent an improvement over the previous informal arrangement at the site and within the highway verge. The principle of the development is considered to accord with the relevant policies of the HDPF and the application is therefore recommended for approval, subject to detailed consideration as set out in the Officer report of 2 June 2020, and appropriate conditions.

#### 4 CONCLUSION

- 4.1 Since the committee meeting on 2 June further discussions have taken place and an amended plan has been submitted. It is acknowledged that the constraints of the classification of the site as public highway do not allow for bollards to be installed. Since that meeting the applicant has submitted an amended plan proposing parking restrictions and signage (Proposed Site Layout: D322\_A10-B2-AB-00603\_D – received 23 October 2020).
- 4.2 It is considered that the lay-by with the proposed parking restrictions and signage would discourage an increase in fly tipping and anti-social activities, and it is not considered to be reasonable to refuse this application because bollards cannot be installed. The principle of the development is considered to accord with the relevant policies of the HDPF and the application is therefore recommended for approval, subject to detailed consideration as set out in the Officer report of 2 June 2020, and appropriate conditions.

#### 5. RECOMMENDATION

- 5.1 It is recommended that planning permission is approved subject to appropriate conditions as detailed below:

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 **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, details of measures to discourage anti-social activities such as fly tipping and overnight parking shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall be put in place prior to the first use of the development and shall be retained as such thereafter.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Ecological Impact Assessment (EclA) Stantec-AMP6 Rusper Intermediate Pumping Station Option4; dated 17.03.2020.

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).

- 5 **Regulatory Condition:** The landscaping scheme, as set out on the approved plans, shall be fully implemented in accordance with the approved details within the first planting season following the first use of any part of the development hereby permitted. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure 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:** 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).

- 7 **Regulatory Condition:** No works relating to the construction 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 and not at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

#### Notes to Applicant

##### WSCC Local Highway Authority:

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

The applicant is advised to also contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed waiting restrictions. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

Background Papers: DC/20/0618