



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 2 June 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: More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: That planning permission be approved subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 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.

DESCRIPTION OF THE SITE

- 1.2 The application site is the highways verge on the west side of Lambs Green Road (a C class highway), immediately southwest of the junction with East Street/BurntHouse Lane. The site is in a rural location and currently comprises an informal layby and amenity grassland with some standing trees. The land surrounding the application site is primarily agricultural in character and there are open fields to the east across Lambs Green Road.
- 1.3 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 and Chowles Farmhouse is approximately 100m to the southwest.

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- 1.4 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. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 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 39 - Infrastructure Provision

Policy 40 – Sustainable Parking

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 There is no made plan

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/2046

Construction of 2 laybys - Lambs Green Road

Withdrawn 13.11.19

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.

EXTERNAL CONSULTATIONS

- 3.3 **WSCC Highways:** No objection. 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.

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PARISH COUNCIL

- 3.4 **Parish Council:** Objection. There is no clear need for the layby. An HGV would be clearly seen by road users which will be travelling slowly due to the approaching junction. Open laybys are an opportunity for passing motorists to fly tip, which is an increasing issue in rural areas and has already been an issue in this location while work is being undertaken. An open layby is also an opportunity for overnight parking, possibly linked to parking for Gatwick Airport.

PUBLIC CONSULTATIONS

- 3.5 18 representations were received objecting to the application for the following reasons:-

- 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

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

Background

- 6.1 This application seeks permission to construct a layby adjacent to the highway to facilitate formalised off-street parking for use in connection with a new below ground wastewater pumping station (which has been installed under permitted development) at the junction southwest of East Street and Burnt House Lane and the west side of Lamb's Green Road. The lay-by would have a maximum length of approximately 21 metres and a width of approximately 3.5 metres, and would be constructed using Type 3 Sub-base overlaid with Porous Asphalt with finished levels to match the existing road surface of Lamb's Green Road.
- 6.2 The pumping station has been installed as part of a new below ground pipeline to transfer wastewater flows from the existing Rusper Sewage Treatment Works (STW) to the Crawley STW catchment area, where land levels prevent gravity flows. The Rusper STW currently serves a population equivalent of around 400 and discharges both treated effluent and storm overflow discharges to the Baldhorns Brook, a tributary of the River Mole.
- 6.3 The applicant had advised that the pumping station requires operational access for intermittent maintenance visits, which may include in the future heavy plant capable of lifting the pumping equipment from the below ground chamber to allow inspection and

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removal for off-site maintenance. Further, in the event of an equipment failure at the pumping station a tanker would be parked in the layby to undertake emergency pumping of wastewater in order to prevent potential adverse environmental impacts such as sewage flooding and pollution. The layby has been designed to allow for the size of tanker that would be required, with the layby size and shape dictated by the need to manoeuvre the tanker safely off and on the main carriageway without creating a hazard. In the event that emergency pumping is required, hoses will be in use and a safe access off the main carriageway is necessary as hoses will be required to prevent a safety risk to users of the highway and Thames Water personnel.

- 6.4 A preceding application for a layby was withdrawn in November 2019, ref: DC/19/2046. Following this withdrawal the scheme was amended in order to reduce the extent of tree and hedgerow loss, reduce any impact on the privacy of the neighbouring property to the west and to propose a single layby (rather than two linked laybys).

Principle

- 6.5 Policy 24 of the HDPF advises that the District's environment will be protected, including maintaining or improving the quality of any watercourses; with Policy 39 of the HDPF aimed at providing adequate infrastructure capacity to serve existing and new development.
- 6.6 As set out above, the proposed layby 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.
- 6.7 The proposed layby would contribute to the efficient servicing and ongoing maintenance of this wastewater infrastructure, and would clearly represent an improvement over the informal arrangement which currently exists at the site. The principle of the development is considered to accord with the above policies, and is acceptable subject to detailed considerations.

Character and appearance

- 6.8 Policy 25 of the HDPF states that the natural environment and landscape character of the District will be protected. Policy 26 advises that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development.
- 6.9 As part of the application two individual trees would be removed with partial removal of two tree groups. The trees identified for removal are individually of low amenity value and do not benefit from any statutory protection. Elsewhere on the site existing trees would be retained wherever possible, with pruning where necessary, in order to provide natural screening. As part of the application process discussions have taken place with the applicant in order to improve the landscaping proposals being put forward, and to secure replacement planting to compensate for lost trees and to provide enhanced visual screening along the western boundary with a neighbouring residential property. The amended planting proposals, which have significantly benefitted from advice by the Council's Landscape Officer, include a native hedgerow along the western boundary of the proposed layby and pumping station with native woodland edge planting to the west of the hedgerow.
- 6.10 It is considered that the presence of a layby along this section of highway would not result in any demonstrable harm to the visual amenities of the locality, with the landscaping scheme appropriate and sufficient to ensure any short views of the site are mitigated where

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necessary through additional and enhanced natural screening. The visual impact of the proposal is therefore considered acceptable and would accord with the above policies.

Ecology / Biodiversity

- 6.11 Policy 31 of HDPF sets out that development proposals will be required to contribute to the enhancement of existing biodiversity. Where felling of trees is necessary, replacement planting with a suitable species will be required.
- 6.12 An Ecological Impact Assessment has been submitted with the planning application which notes that the site comprises amenity grass and species poor hedgerows with some trees. The site is considered to be of low ecological value with limited potential for any protected species to be affected and is not subject to any nature conservation designations. The assessment includes details of appropriate mitigation and implementation of best practice measures and these would be secured through condition.
- 6.13 It is considered that the proposed development, subject to an appropriate condition, would have no adverse impact on nature conservation, habitats or species and forms part of a wider development that will contribute towards an improvement in water quality. The proposed development is therefore considered to be in accordance with Policy 31 of the HDPF.

Impact on Neighbouring Amenity

- 6.14 Policy 24 of the HDPF sets out that developments will be expected to minimise impacts on residential amenity, including with respect to noise, odour, air and light pollution.
- 6.15 The proposals have been amended to minimise the extent of tree and vegetation clearance and to maximise the extent of retained visual screening. The proposed lay-by will be at ground level and the landscape planting proposals will provide visual screening along the western boundary of the layby and pumping station to minimise any adverse impact to visual amenity of nearby residential properties.
- 6.16 The applicant has advised that the pumping station would be visited approximately once per month as part of its planned maintenance regime. In any case the use of the layby for the parking of vehicles would not be expected to result in a degree of harm, by way of noise, disturbance or privacy etc., which would be unacceptable or warrant a refusal of planning permission, particularly given the existing informal arrangement which exists at the site. The pumping station itself did not require planning permission and is not subject of this application.
- 6.17 There are concerns expressed from residents that an open layby may be affected by fly-tipping and anti-social activities. The advice from the Highways Authority is that as the land is within the statutory highways verge an application to stop-up the layby (i.e. to install bollards such that the layby is available exclusively for Thames Water access) would not be supported. It is considered that the layby would not facilitate or inevitably lead to 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 risk of fly tipping, or any other illegal activity on the site, would not be such that a refusal of planning permission could be justified. A condition is though recommended to secure a scheme, such as signage, to discourage anti-social activities and this approach is considered acceptable to the scale and nature of the scheme.
- 6.18 There are no existing drainage gullies along Lambs Green Road. The existing road slopes downwards from north to south and runoff at present naturally drains into the verges on both sides. The proposed layby will drain towards the existing carriageway and the natural drainage of the existing road will be used. Permeable asphalt has been chosen to minimise

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the impact on the drainage of the existing road. The permeable lay-by is intended to act as storage before runoff drains to the existing road rather than acting purely as a soakaway.

Highways Safety

- 6.19 Formal pre-application with the Highways Authority has been undertaken in respect of the layby proposals and the advice received (ref: PRE-125-19) is included within the planning application submission. The pre-application advice from the LHA advised that the proposed site for the layby falls within the designated highway verge and an application to ‘stop-up’ the layby is not supported by the Highways Authority. For this reason, it is not proposed to install bollards to prevent public access.
- 6.20 The Local Highways Authority was consulted and in responses dated 17th April and 15th May it advised that this proposal would have not an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network. There are considered to be no reasons to take a different view and, accordingly, there are no transport grounds to resist the proposal. The LHA have recommended an informative should be applied to obtain all appropriate consents from West Sussex County Council to cover the off-site highway works prior to commencement of works.

Conclusion

- 6.21 The development is considered to accord with relevant local and national planning policies and is recommended for approval.

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 **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).

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- 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

WSSC 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.

Wildlife Protection

The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

Birds

The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

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Bats

The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: enquiries@bats.org.uk, <http://www.bats.org.uk/>.

Background Papers: DC/20/0618