



**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 1<sup>st</sup> December 2020

**DEVELOPMENT:** Erection of enclosed bin stores and associated soft landscaping for Burtons Court

**SITE:** Burtons Court Park Way Horsham West Sussex

**WARD:** Denne

**APPLICATION:** DC/20/1226

**APPLICANT:** **Name:** Horsham District Council **Address:** Parkside Chart Way Horsham West Sussex RH12 1RL

**REASON FOR INCLUSION ON THE AGENDA:** The applicant is Horsham District Council

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions.

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### 1.1 DESCRIPTION OF THE APPLICATION

The application proposes the erection of a bin store to accommodate 6no. 1100L communal general waste bins for the use by residents of Burtons Court. The bin store is required as a permanent bin storage solution for the flats since the new Piries Place Car Park was constructed (previously bins were stored inside the old car park). The bin store would replace an existing temporary bin storage arrangement, and would be located in the 'gap' between the two Burtons Court blocks, fronting onto Park Way.

1.2 The bin store (as revised) would be constructed in brick to match the existing Burton's Court facade, with a gently sloping sedum (green) roof. The store would measure a maximum height of 2.7m, sloping down to 2.2m, and would have a curved design to its north and south elevations. The store is proposed to have double gates (with key code lock) in 'Weldmesh' fencing for residents and the Council's collections operatives to access. An access path would be located on the front (east facing) elevation, connecting to the existing footway.

1.3 A scheme of planting and landscaping is proposed in the grounds surrounding the bin store, including several climber plants (including ivy, honeysuckle and clematis), and other shrub planting (including dogwood, and other ornamental shrubs and grasses), along with 2no small flowering trees. Low-level post and rail fencing (to match existing) would be used to enclose the surrounding landscaped area.

## 1.4 DESCRIPTION OF THE SITE

The site is located in Horsham Town Centre, and is adjacent to the newly constructed Piries Place Car Park. The application site is located between the two 'blocks' that make up Burtons Court, a residential building comprising 1 and 2-bed 33 flats. The site fronts onto Park Way and is visible from this road. The site and surrounding land is owned by Horsham District Council. The Burton's Court flats are run by London Quadrant (a Housing Association), who lease the land from HDC.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework (NPPF, 2019)**

#### **Horsham District Planning Framework (HDPF, 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

#### **Supplementary Planning Guidance:**

Horsham Town Plan SPD (2007)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

### 2.3 RELEVANT NEIGHBOURHOOD PLAN

Denne Neighbourhood Council forms part of the Horsham Blueprint Business Neighbourhood Forum which is the designated body of the un-parished area of Horsham Town. After its original designation in 2015, the Forum area was formally re-designated in August 2020 and comprises representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Forum has recently published a Regulation 16 (draft) plan which was subject to public consultation between September and November 2020. Despite the publication of the Regulation 16 plan, the plan has not yet undergone formal Examination and therefore limited weight can be afforded to the Neighbourhood Planning process in this location at present.

### 2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/0656

Erection of enclosed bin stores and associated soft landscaping for Burtons Court

Application Withdrawn on 27.04.2020

DC/17/2511	Demolition of existing car park deck and replacement with new Ground floor + 4 deck (G+4) public car park incorporating new lighting, electrical services and new public conveniences. Parking spaces totalling 517no. including Accessible Bays, Parent and Child Bays and Electric Vehicle charging bays. (Regulation 3 Application)	Application Permitted on 07.02.2018
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### 3. OUTCOME OF CONSULTATIONS

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk). Where relevant, comments relating to the originally submitted plans are provided, as well as subsequent comments received on the amended plans received 02/11/2020.

#### 3.1 INTERNAL CONSULTATIONS

##### **HDC Landscape Architect:** No Objection

[Subsequent Comments on Amended Plans]: The management and maintenance for soft landscape to be for the duration, and included in management plan. Tree stakes/ties to be checked and adjusted during maintenance inspections and removed two years after planting. Condition suggested to require planting to be started as soon as possible or within next growing season.

[Initial Comments on Original Plans]: The management plan and works specification reference the old planting plans and not the revised ones. The Management & Maintenance plan should include hard landscape such as the bin structure, gates and steel trellis wires. Maintenance being HDC's responsibility and for the lifetime of the development to also be included.

##### **HDC Environmental Health:** No Objection

[Subsequent Comments on Amended Plans]: The revised bin store plans are satisfactory, in particular the solid roof walls will limit the potential nuisance arising for the storage of the waste bins. In order to avoid issues with odour, flies and vermin the applicant should be advised provision should be made for regular cleaning of the bin store.

[Initial Comments on Original Plans]: Concern is raised regarding the potential for odour and noise from the bin stores to impact the residential properties adjacent. Preference is for the bin stores to be located away from residential properties, but if this the only available location, it may be necessary to consider covering the bin store to minimise the escape of odours etc. and requiring a management plan to ensure it is kept clean and tidy.

##### **HDC Waste Collections:** Comment

[Summary]: The bin provision is under the capacity of what is required for a building with 33 apartments (which requires 6 x 1100 litre refuse bins together with 7 x 1100 litre recycling bins). Request for the kerb on Park Way (opposite the site) to be dropped to allow for the bins to be moved by the Waste Collections crew.

#### 3.2 OUTSIDE AGENCIES

##### **WSCC Highways:** No Objection

[Summary]: The location proposed for refuse vehicles to stop/collect the bins is near to a signalised crossing in a town centre, where stop/start is common/expected. Forward visibility has not been formally assessed, but the principle that it will be a refuse vehicle

stopping (with flashing lights etc.) and knowledge that refuse trucks do stop, mitigates against any inadequacies of forward visibility that may exist. In summary, there are no unacceptable impact on highway safety and that it will not result in 'severe' cumulative impacts on the operation of the highway network. A licence for the proposed dropped kerb would be granted but this must be applied for by the applicant (informative wording suggested). A condition is recommended to ensure the dropped kerb is not used for vehicular access.

**Denne Neighbourhood Council:** No Objection

[Subsequent Comments on Amended Plans]: The amended plans show a big improvement, and the fully enclosed store is welcomed. Queries/concerns include:

1. Light into the car park will be blocked, additional car park lighting may be needed.
2. Will the inside of the bin store be lit? Will it be sensor lighting?
3. The bins may be visible through the fencing, unattractive.
4. Can some bins in the bin store be used for recycling as well as refuse?

[Initial Comments on Original Plans]: The information provided is insufficient, and we do not consider that the design of the proposed bin store is sufficiently safe or secure.

1. the storage area should be fully enclosed;
2. a robust roof is needed to prevent litter dropping/fire risk/vermin/antisocial behaviour;
3. the elevation illustrations are inaccurate;
4. the plans give no indication regarding ground levelling;
5. the property to the right of the proposed bin store would have their windows obscured;
6. conditions needed for landscape maintenance;
7. will the recycling bins remain in the alley off Park Way?

### 3.3 PUBLIC CONSULTATIONS

No representations received.

## 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 The bins storage for Burton Court previously sat within the former Piries Place car park, however since its redevelopment bin storage has been temporarily placed within the alley way between Park Way and Park Place adjacent to the building. This arrangement is unsightly and poses a health and safety risk to the public. The removal of the bins in this location will be a benefit to both the appearance and health/safety of the publically accessible alley way, as well as a benefit to the amenities of residents in flats immediately adjacent.

- 6.2 In order to resolve these issues and provide new permanent bin storage for Burton Court, the applicants have given consideration to all options, including retaining bin storage within the Park Place alley way, siting a new bin store in Park Place, re-introducing it into the new car park, and a considering new location in the gap between the two buildings that form Burton Court. The applicants have determined not to place the bins behind new screening on Park Place as it would detract from the appearance of this street and the adjacent Conservation Area. Use of parking bays within the car park has also been considered however convenient and safe access for residents from Burtons Court to this location is difficult, and the loss of a number of parking bays is not desirable to the applicant. There are no alternative locations close to Burton Court, with all remaining space being small, highly visible in the streetscene, and/or close to windows and footpaths along the site frontage. The applicant has therefore settled on the current proposals for bins storage in the recessed gap between the two buildings of Burtons Court.

#### Design and Appearance

- 6.3 The proposals have been significantly amended from the originally submitted plans to overcome concerns over its appearance and amenity impacts. The proposed store now includes a curved brick elevation with a gently sloping green roof above. Previously the store was designed as an open-roof enclosure with hit-and-miss timber elevations.
- 6.4 The bin store has been designed for both practical purpose, and to mitigate amenity harm as far as possible. The use of brick for the main walls will both assist with preventing odours and vermin, and by using matching bricks to the existing Burton's Court, will also help the new structure to blend in with the main building. The solid brick structure and lockable access gates will also prevent unauthorised access to the store. The green (sedum) sloping roof will improve the visual appearance when viewed from above (i.e. from flats on the first and second floors), and will complement the ivy planting at the car park behind. The sedum roof has the benefit of offering some ecological value and effective water storage/drainage. In addition to helping to improve the outlook for ground floor residents, the curved walls helps to add interest to the design, and over time, the associated 'infill' planting will mature and sit appropriately within the surrounding space.
- 6.5 The existing sloping ground is proposed to be levelled to provide a practical (level) ground for bins to be wheeled in and out for collection. The levelling will involve a 1.1m retaining wall to be included between the car park and the proposed store.

#### Landscaping and Management

- 6.6 The range of planting proposed will provide a pleasant range of heights and colours all year round. The inclusion of climbing species (ivy, clematis etc) planted near the walls of the store will grow over time and work to obscure the bin store from immediate view. The climbing plants will be complimented by a range of low level shrubs/grasses as well as the planting of 2x small flowering trees to either side of the store. The planting proposals and specifications as a whole are acceptable, and will add to the quality and appearance of this highly visible site. The management and maintenance of the landscaped areas will be the responsibility of HDC as the landowner, and regular monitoring is required to take place in line with the details contained within the submitted Landscape Management Plan.
- 6.7 As required by the Council's Environmental Health Team, a Bin Store Management Plan is required to be submitted, which details the process by which the bin store will be checked/cleaned on a regular basis, and treated for vermin when necessary. The management of the bin store will be the responsibility of HDC. A condition requiring a Bin Store Management Plan has been drafted.

### Storage Capacity

- 6.8 The number of bins proposed (6x 1110L communal general waste bins) falls short of the recommended need for the number of flats at Burton's Court, albeit it matches the number of bins currently being used (as evidenced by the 6x general waste bins informally located in the Park Way alley way). Using the Council's guidance, the 33 flats are calculated to require 5x general waste bins, and 7x recycling bins (12x 1110L communal bins in total). Additional bin storage therefore may be needed in the future in order to meet the full needs of Burton Court, however this site cannot accommodate any more than the 6x bins proposed. All 6x communal bins proposed are noted as for 'waste' only, therefore it is suggested that 5 of these are provided for general waste (as per the guidance), and 1x bin is provided for recycling to help encourage/enable this practice. A condition is recommended to that effect.

### Amenity Impacts

- 6.9 Given the proximity of the proposed bin store to residential flats and openable windows of Burtons Court, neighbouring amenity (in particular noise, odour and outlook) is a key consideration. In terms of outlook, it is acknowledged that the bin store would be positioned close to the ground floor windows of adjacent flats, and as a result, the outlook of both adjacent ground floor flat windows would be partially obscured and harmed. This harm will need to be weighed up in the overall planning balance, including the benefits offered by the proposed bin store in this location. In order to improve the outlook for the resident of this flat, the architect has positioned the bin store as far from these windows as possible, and has designed the store to include a curved feature at the corner which will help to soften and widen the outlook from these windows. The proposed planting will mature to further obscure and soften the view of the bin store.
- 6.10 The Council's Environmental Health Officer (EHO) has been consulted with regard to noise and odour impact. On the advice of the EHO, the amended plans now show the proposed bin store to be fully enclosed with solid walls and roof (apart from the access gates), which in the view of the EHO will limit potential nuisances including odour, noise, flies and vermin. As a result of the amendments, the EHO has raised no objection to the proposed bin store on amenity grounds, provided that a robust management and maintenance plan is submitted which details how HDC will ensure the store is kept clean, tidy and pest-free. The requirement for this has been drafted as a condition.

### Access and Highways Impacts

- 6.11 The Council's Waste Collections Supervisor has confirmed that the bins can be collected by the collections team, via this location on Park Way. A request has been made for the kerb immediately adjacent to the bin store site to be dropped, to enable the Collection Operatives to wheel the large bins in and out without lifting them.
- 6.12 West Sussex County Council (as the Highways Authority) has reviewed the details submitted pursuant to this application, and have confirmed that the site does not encroach onto highways land, and would not therefore result in any significant harm in terms of highways safety. The waste collections vehicles will be required to stop on Park Way to collect the waste on a weekly basis. Forward visibility from this point is partly restricted by the curved nature of the road plus the presence of a traffic sign may obstruct forward visibility. However, given the expectation that refuse vehicles do stop/start and have flashing lights etc. to warn other drivers, plus the 3-lane nature of the road in this location, this is considered enough to mitigate against any inadequate forward visibility that may occur. In summary, the Highways Authority are of the view that the collection arrangements proposed are not considered to cause unacceptable impact in terms of highways safety.

- 6.13 The Highways Authority has further confirmed that the dropped kerb required to wheel the large bins from the store to the waste collection vehicles is supported in principle (and would be granted), but note that the applicant is required to formally apply to WSCC for this licence separately. An informative to the applicant has been drafted to that effect. The Highways Authority has also recommended that a condition be applied to prevent the dropped kerb being used for vehicular access, and this has also been drafted.

### Conclusion

- 6.14 It is acknowledged that the location of the bin store will partially obscure a nearby window, resulting in a level of harm with regard to the outlook of the resident of the ground floor flat adjacent to the site. This harm has been mitigated as far as possible in the revised design, but nevertheless weighs against the proposal. Given the enclosed design of the bin store, Environmental Health officers have confirmed that no significant concern is raised with regard to neighbouring amenity in terms of noise or odour impact, provided that a robust Bin Store Management Plan is submitted to secure regular cleaning.
- 6.15 The proposed bin store will provide a purpose-built, enclosed, lockable and easily accessible location for communal bins for the residents of Burton's Court, which would result in the removal of the poorly located and unsightly bins currently placed in the alley way between Park Way and Park Place, and this benefit weighs in favour of the proposal. The applicant has noted that the proposed location is the only viable option for a bin store to serve the residents of Burton's Court, and as such, taking the identified harm in account and balancing this with the clear benefits of the proposal, the application is recommended by Officers for approval.

## **7. RECOMMENDATIONS**

- 7.1 To grant planning permission, subject to the conditions listed below:

### Conditions:

#### **1. Plans list**

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-Occupation Condition:** The approved soft landscaping scheme (as shown on Detailed Planting Plan reference LLD1907-LAN-DWG-200 Rev 02) shall be fully implemented in accordance with the approved details (including the submitted Landscape Works Specification, reference LLD-1907-LAN-SPE-001 Rev 01) as early as possible, or within the first planting season following the first use of any part 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 a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

4. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, a Bin Store Management Plan shall have been submitted to and approved in writing by the Local Planning Authority, The Bin Store Management Plan shall include details regarding the ongoing management and maintenance of the bin store, including a regular cleaning/repair schedule and details of the responsible party, and all operation of the bin store shall thereafter take place in accordance with the approved Plan.

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

5. **Pre-Occupation Condition:** Within one month of first use of the bin store hereby permitted, the existing temporary bin store (located in the alley way between Park Way and Park Place) and all associated fencing, shall have been removed, and the land restored to its former condition.

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

6. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, details of all proposed internal lighting within the bin store shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the internal lights, and means by which the lights are illuminated (sensory or manual switch).

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

7. **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

8. **Regulatory Condition:** The ongoing management of the development hereby permitted shall be undertaken in strict accordance with the submitted Landscape Management Plan (Lizard, LLD1907-LAN-REP-001 Rev 02).

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

9. **Regulatory Condition:** The 6no. 1100L communal bins to be stored in the development hereby approved, shall be divided into the provision of 5no. communal bins for general waste (refuse), and 1no. communal bin for recycling.

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

10. **Regulatory Condition:** The proposed dropped kerb located opposite the bin store hereby approved shall only be used for the movement of bins by the Council's Waste Collection Operatives. The use of this dropped kerb shall not at any time be used as a vehicular crossover.



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

11. **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:  
DC/20/1226