



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 3rd August 2021

DEVELOPMENT: Removal of Condition 6 of previously approved application DC/18/0363 (Retrospective application for the erection of a two storey detached dwelling, a detached triple garage with store and BBQ area, a detached garage, the creation of a new highway access with associated landscaping and amenity land) to allow for the bunds to the west and south of the site to be removed.

SITE: Deerswood Southwater Street Southwater Horsham West Sussex RH13 9BN

WARD: Southwater North

APPLICATION: DC/20/1164

APPLICANT: **Name:** Mr Scott Andrews **Address:** Deerswood Southwater Street Southwater RH13 9BN

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

By request of Southwater Parish Council

By request of the Local Ward Members

RECOMMENDATION: To approve planning permission subject to appropriate conditions and the completion of an amended Section 106 Agreement.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

BACKGROUND TO THE APPLICATION

1.2 This current application to allow for the removal of the bunds along the southern and western boundaries of the site follows retrospective planning permission, granted under planning reference DC/18/0363, which sought to regularise the development that had been undertaken to date. This also included seeking to regularise the breaches of conditions and the amendments made to the dwelling and garages.

- 1.3 The initial permission for the site allowed for the construction of two dwellings on the wider site under planning reference DC/15/2127, now known as Deerswood (current application site) and Stags Leap. A further application for a detached triple garage with store and BBQ area within the curtilage of Deerswood was approved under planning reference DC/17/1368.

DESCRIPTION OF THE APPLICATION

- 1.6 The application seeks permission to remove condition 6 on previously approved application DC/18/0636 to allow for the removal of the bunds to the southern and western sides of the site. The bunds were previously retained on site for the purposes of noise attenuation and landscaping. The applicant is purporting that there is no requirement for the bunds with regards to these two elements and is seeking their removal.

DESCRIPTION OF THE SITE

- 1.10 The application site lies to the northern side of Southwater Street, within the built-up area boundary of Southwater. Planning permission for two detached dwellings and carport structures was granted permission in 2016. These dwellings have now been constructed and occupied since late 2017.
- 1.11 The site, prior to planning permission for the dwellings being granted, formed part of a much larger area of undeveloped land on the north side of Southwater Street, which exists as a landscaped buffer between Oakhurst Business Park to the north and residential properties to the south, west and east and was required to be provided by legal agreements associated with the applications for the business park and residential development.
- 1.12 The site is bounded by residential development to the west (Roberts Close), south and east (properties along Southwater Street including Stags Leap) and to north by the remaining landscape buffer area with Oakhurst Business Park beyond. The area where the bunds are located is therefore not visible from a public vantage point to the south and west and their presence is only apparent from very localised views from within the site itself and from the immediate neighbouring properties.

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 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 32 - Strategic Policy: The Quality of New Development.

Policy 33 - Development Principles.

Policy 35 - Strategic Policy: Climate Change.

Policy 36 - Strategic Policy: Appropriate Energy Use.

Policy 37 - Sustainable Construction.

Policy 38 - Strategic Policy: Flooding.

Policy 40 - Sustainable Transport.
Policy 41 - Parking.

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Southwater Neighbourhood Plan was 'made' on 23 June 2021.
SNP2.1- Proposals for Residential Development
SNP16- Design
SNP18.1- A treed landscape

RELEVANT PARISH DESIGN STATEMENT

- 2.6 Southwater Parish Design Statement (2011).

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 The most recent and relevant planning history is summarised as follows:

DC/15/2127	Erection of two detached dwellings, two detached double carports, provision of footpath and associated works	Application Permitted on 30.06.2016
DC/17/1368	Proposed erection of single storey triple garage with store room and covered BBQ area	Application Permitted on 22.08.2017
DC/18/0363	Retrospective application for the erection of a two storey detached dwelling, a detached triple garage with store and BBQ area, a detached garage, the creation of a new highway access with associated landscaping and amenity land.	Application Permitted on 29.08.2019

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**

My understanding of the plans is that the bund proposed to be removed is the one to the western boundary of Deerswood and not the one to the north between the properties and the industrial estate. The existing landscape belt along the boundary is to be retained. Provided this does not result in removal of any boundary planting (which from the submitted plans doesn't seem to be the case) then I don't think there is a landscape need or justification for the bund

Further discussions have taken place with the Council's Landscape Architect, with regards to the background of the site and the bunds. As such, comments remain unchanged.

3.3 **HDC Environmental Health: No Objection**

We have reviewed the South Down Environmental Consultants Noise Assessment of Earth Bund, dated April 2021, and we agree with the conclusions in the report in that an increase in noise levels at the Wheels and Roberts Close properties due to noise generated by activity in Oakhurst Business Oak is considered unlikely following any removal of the bund.

Given the above we therefore not do object to the granting of planning permission.

OUTSIDE AGENCIES

3.4 **Natural England: Objection**

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.

3.5 **WSCC Highways: No Objection**

3.6 **Southern Water: No Comments**

PUBLIC CONSULTATIONS

3.7 **Southwater Parish Council: Objection**

3.8 A total of 13no letters of objection from 12no separate households were received during the initial consultation period. The nature of the objections can be summarised as follows –

- Noise impacts from the removal of bunds
- Impact on privacy
- Bunds act as a buffer zone from commercial development
- Existing garden of site considered to be adequate
- Findings of Noise information not acceptable
- Wildlife impact
- Bunds there to protect neighbours not the site

4no letters of support from 3no separate households were received during the initial consultation period. The nature of the support letters can be summarised as follows –

- No longer a requirement for the bunds

3.9 Following submission of additional noise information, a re-consultation was carried out. An additional 6 letters of objection from 5 separate households were received. The nature of the objections were similar to those outlined above

2no letters of support from 2no separate households were received following the re-consultation. The nature of the comments were similar to the points above.

3.10 Following submission of a final detailed noise assessment report and a further re-consultation, a further 5no letters of objection from 5no separate households were received. In addition to the above points, further points raised can be summarised as follows –

- The assessment was carried out during coronavirus restrictions
- Findings do not represent the reality from the neighbouring properties

1no letter of support from 1no separate household was received following the re-consultation. The nature of the comments were similar to the points above.

MEMBER COMMENTS

3.11 Cllr Vickers and Greening requested that the application be heard at Planning Committee.

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

4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

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 and Equalities 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

Landscaping & Visual Amenities of the Street Scene

6.1 As detailed above, the site is bounded by residential development to the west (Roberts Close), south and east (properties along Southwater Street including Stags Leap) and to north by the remaining landscape buffer area with Oakhurst Business Park beyond. The area where the bunds are located is not visible from a public vantage point to the south and west and their presence is only apparent from very localised views from within the site itself and from the immediate neighbouring properties.

6.2 From a case officer site visit, it was apparent that the western and southern boundaries of the site are bounded by extensive soft landscaping in the form of trees, bushes and shrubs. The proposals would retain this existing screening and would allow for additional soft planting and landscaping to be provided.

6.3 Given the presence of the existing soft screening to be retained, the bunds are not considered to offer any visual enhancements. Indeed the bunds, by their nature, are not considered to be of any aesthetic merit and their removal would not detract from the make-up of the site, the visual relationship between the site and neighbouring properties and the wider area. The Council's Landscape Architect has advised that there is no landscape need for the bunds and as such, their removal is considered to be acceptable in this regard.

- 6.4 A further landscaping condition is recommending which would secure additional soft planting and landscaping to be provided along the southern and western boundaries of the site, details of which would be sought to be provided within a period of 3 months, in order to maintain and enhance the relationship with neighbouring properties.

Impact on Neighbouring Amenity

- 6.5 It is noted that a number of objections have been received with regards to noise from the commercial site to the north of the site and that the bunds provide a buffer from this. It is acknowledged that historically, the reason that the bunds were retained was to provide this buffer to neighbouring properties to the west and south when the site was undeveloped.
- 6.6 Notwithstanding this position, it is considered that the granting of permission for the two dwellings on the site, Deerswood (the application site) and Stags Leap (the neighbouring property to the east), has altered the context and composition of the site. Previously the undeveloped nature and distances maintained formed the buffer to the neighbouring properties to the west and south. Now that the site has been developed, the new residential nature of the site, with the built form of the host dwelling and the recently approved garage/outbuilding to the north, is now considered to form the main buffer to neighbouring properties.
- 6.7 The distances to the neighbouring properties (minimum distance from closest neighbouring property to Charwood House measuring approximately 130m) remain and while it is noted that a further commercial development has been approved to the west of this building, there remains a clear landscape buffer in place in the form of extensive mature trees and landscaping between the commercial site and the neighbouring properties to the south and west. Indeed it is noted that from a case officer site visit, it is considered that the northern section of the bund, being at a low level, does not offer screening from noise from the commercial site at Oakhurst Business Park, and that this is instead provided by the soft landscaping along the northern boundary of the site and the constructed garage/outbuilding.
- 6.8 In addition to the above contextual change of the site, officers have requested additional information with regards to noise, and noise assessments have been carried out from within the site and the neighbouring properties to ensure that an accurate assessment can be made with regards to noise levels present.
- 6.9 Sensors were stationed within the site and within neighbouring properties to the west and south for varying periods to monitor noise. The findings of the noise report state the following –

“Based on the results of the noise survey, noise associated with the Oakhurst Business Park does not appear to significantly contribute to the ambient noise levels at the dwellings located behind the earth bund, and any significant change in the ambient noise levels due to the removal of the earth bund at the Wheels and Roberts Close properties is considered unlikely”.

“An increase in the daytime and night-time background noise levels at the properties located behind the earth bund may occur due to the exposure to road traffic in the surrounding area, which is the main contributor to the background noise levels in the area. However, an increase in daytime and night-time noise levels would not be expected due to the commercial activity in Oakhurst Business Park”.

- 6.10 The findings of the report have been assessed and analysed by the Council's Environmental Health Department, who have advised that they agree with the conclusions in the report in that an increase in noise levels at the properties to the west and south due to noise generated by activity in Oakhurst Business Oak, is considered unlikely following any removal of the bund.

- 6.11 It is therefore considered that following detailed testing and consideration, the bunds do not provide the noise mitigation as was previously considered to be the case and their removal would not result in any further noise disturbance to neighbouring amenity beyond that of the existing situation on site.
- 6.12 Furthermore, from a case officer site visit, it was evident that the size and height of the bunds offer extensive views into neighbouring properties, particular along Roberts Close, when standing on top. The removal of the bunds would therefore result in an enhancement with regards to neighbouring amenity in this regard.

Water Neutrality

- 6.13 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/use of the site 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

- 6.14 Overall, taking the above points into account, it is considered that the removal of the bunds would not be detrimental in terms of landscaping and would not result in an increase in noise generation to neighbouring properties. A landscaping condition is recommended to provide additional soft boundary treatments to enhance the site and the relationship with neighbouring properties. While the bunds are not considered to be required for noise mitigation purposes, the additional landscaping would, by its nature, act as a natural buffer and the removal of the bunds would eliminate any harmful overlooking into neighbouring amenity space. The application is therefore recommended for approval

7. RECOMMENDATIONS

Conditions:

- 7.1 It is recommended that planning permission is permitted subject to the following conditions-

1 A list of the 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:** Within 3 months of the date of this permission, and notwithstanding the details submitted in support of this application and previously approved details, full details of all hard and soft landscaping works shall be submitted to the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained.
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details.
- Details of all boundary treatments

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the approval of the submitted details. 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 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).

Background Papers: DC/20/1164