



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st February 2022

DEVELOPMENT: Provision of new road to enable access to proposed development of 37 houses at land at Windacres Farm (all proposed dwellings within Waverley Borough Council boundary).

SITE: Land Between Trundle Mead and April Rise (Land At Windacres Farm)
Cox Green Rudgwick West Sussex

WARD: Rudgwick

APPLICATION: DC/21/1415

APPLICANT: **Name:** William Lacey Group Ltd **Address:** C/o Agent, Wharf House
Wharf Road Guildford GU1 4RP

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.

RECOMMENDATION: To approve planning permission subject to appropriate conditions and the completion of a legal agreement to tie the development to the Waverley Borough Council housing application.

In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

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 37 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. This proposed area also includes a new foul water pumping station for the housing development located to the south east section, which is also within the Horsham District Council area. This permission is for outline consent for the access and the foul water pumping station only. If recommended

for approval, other considerations, including design and landscaping, would be considered under a Reserved Matters application. This application is subject to a legal agreement which would tie the approval exclusively to the Waverley application for housing, in the event that this application is approved.

- 1.3 The current application is for the access and pumping station only 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 37 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/2021/02002).
- 1.4 This proposal follows the previous grant of planning permission for an access in 2019 under application DC/18/1520. This access was to serve 57 houses on the Waverley BC site. Waverley BC subsequently refused permission for the housing application for 57 units and a subsequent appeal was then dismissed for a number of reasons. As the approval for the access in 2019 was tied to the Waverley application for 57 units, this permission could not then be implemented. This current proposal is for an access for a new proposal for 37 units at the Waverley BC site.
- 1.5 The proposed layout is similar to the previous approved scheme but with the addition of a pumping station to serve the proposed housing.

DESCRIPTION OF THE SITE

- 1.6 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 fronting Cox Green. 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, within the boundary of Waverley BC.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

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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 Rudgwick Neighbourhood Plan:

- Policy RNP1: Spatial Strategy
- Policy RNP12: Accessibility

PLANNING HISTORY AND RELEVANT APPLICATIONS

RW/79/94	Erection of 1 dwelling and garage with new access	Application refused in 1995 (subsequent appeal dismissed)
DC/18/1520	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)	Application permitted 27-06-2019

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 Drainage Engineer:** No Objection.

OUTSIDE AGENCIES

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

- 3.4 **Ecology Consultant:** Comment. Further information required.

- 3.5 **WSCC Rights of Way:** Comment. The application for housing will create increased use of Public Footpath 1390 links the village of Rudgwick to the Downs Link. A contribution should be sought for improvements to the right of way.

- 3.6 **Sussex Police:** Comment. Advice is given on the housing application.

- 3.7 **WSCC Fire Service:** Comment. The new road will be required to comply with fire regulations for access.

PUBLIC CONSULTATIONS

3.8 **Rudgwick Parish Council** have strongly objected to the proposal on the following grounds:

- The road application and the application for dwellings fall under 2 separate planning authorities but are nevertheless inextricably linked.
- The detrimental implications of giving access to a site which would intrude into the undeveloped nature of the countryside and facilitate development outside the built up area boundary are inherently inconsistent with all local plan policies.
- Approving the road would permit access into an Area of Great Landscape Value, as designated by Surrey County Council.
- This site is not allocated for development and neither the Parish or HDC would gain any benefit from the scheme.
- Permitting this road would have a negative impact upon the character and setting of Cox Green.
- The proposal would also have a negative impact on the amenity of the neighbouring properties.
- The highway evidence submitted in the traffic survey is questioned.
- If approved, this application should be tied to permission for the housing estate being granted by a legal agreement.

3.9 **Rudgwick Preservation Society** have objected on the following grounds:

- The proposed back land development of 37 houses is not supported by the Ewhurst Neighbourhood Plan or Waverley Borough Council. It is an intrusion into the countryside. This is essentially an extension of Rudgwick and will result in an unacceptable increase in traffic. The proposed access point onto B2128 is hazardous.

3.10 **38 objections** have been received (including a Waverley Borough Councillor) on the following grounds:

- Lack of infrastructure and services to cope with the additional demand created by the additional housing.
- The scheme is contrary to the spatial strategies of Horsham, Waverley and Rudgwick Neighbourhood Plan.
- The access and increased traffic will result in highway safety issues. The access is near to a dangerous bend in the road where there is busy traffic. The findings of the traffic survey are questioned.
- 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.
- Impact on residential amenity, especially the two adjacent properties to the access.
- Additional light pollution.
- The approval of this application will likely result in more applications for houses to the Waverley site.
- If approved, this application should be linked to a permission at Waverley DC for the housing.

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

- 6.1 This application is to consider whether the proposed access road and pumping station for up to 37 houses is appropriate. The access and pumping station are the only part of the proposal within Horsham District Council's jurisdiction. The main part of the proposal for houses is within Waverley Borough Council. At the time of writing this report, the Waverley BC application for the 37 houses was pending a decision. Horsham DC have been consulted on this part of the proposal by Waverley BC and have commented accordingly objecting to the proposal.
- 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.
- 6.3 This proposal follows a previous outline consent for an access in 2018 under DC/18/1520. This access was to serve 57 houses on the Waverley BC site. Waverley BC refused permission for the housing and a subsequent appeal was then dismissed for several reasons. As the previous permission for an access road was linked to this Waverley application, the applicants have had to reapply for an access road for the revised permission for 37 houses.
- 6.4 Given the previous permission for an access, the principle of an access road to serve housing to the Windacres site has been established. It should be noted that the granting of this permission for the access road has no bearing on Waverley DC's assessment of the housing application.

Highway Safety and Access:

- 6.5 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.
- 6.6 Paragraph 111 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*'.
- 6.7 To support the new access, a Transport Statement has been submitted. 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. Concern was also raised by the owner of Trundle Mead that the visibility splay crossed over their land. In response, an additional Technical Note has been provided by the applicant. WSCC Highways also commented that

they were aware that additional information was submitted as part of DC/18/1520 in connection with the traffic counts. This information provided background in terms of the prevailing weather conditions at the time the surveys were undertaken. They understood that this information subsequently resulted in several days' worth of data being excluded from use within the previous application. WSCC previously have accepted this report and the approach applied within it.

- 6.8 Subsequently, the following additional information was received:
- An updated Designer's response regarding the Safety Audit.
 - A plan showing that the visibility splays do not cross the land over which Trundle Mead has a right of way.
 - A report demonstrating that the speed survey information on which the visibility splays are based is valid and not discredited due to adverse weather at the time or a failure to take account of the inferior braking capability of HGVs.
- 6.9 WSCC Highways consequently commented that the additional information had addressed their comments and raised no objections in terms of highway safety.
- 6.10 One of the requirements stipulated by the WSCC Highways Authority is the provision of appropriate visibility splays. The proposal indicates visibility splays of 56m to the north and south (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.
- 6.11 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 111 of the NPPF.

Design

- 6.12 As outlined above, this proposal is for the provision of the new access road only and a pumping station. 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 Architect 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.
- 6.14 In relation to the pumping station, this is required for the new housing (if approved by Waverley BC) and would be set at the south east corner of the HDC site. The station would mainly be formed of underground apparatus surrounded by fencing with a parking area for maintenance. Subject to appropriate fencing, to be assessed under a reserved matters application, the pumping station is considered visually appropriate and unobtrusive.

Impact on Amenity

- 6.15 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.

- 6.16 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.
- 6.17 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.
- 6.18 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. The proposed pumping station is also located at the south east corner at the end of the garden of Trundle Mead and would not result in any significant impact on residential amenity in this location.

Other Considerations

- 6.19 In relation to Ecology, the scheme includes a Preliminary Ecological Appraisal. 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 (GCN), 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. The Council's Ecologist had commented that further information on mitigation measures for GCN was required. At the time of writing the report, the applicant was finalising the details for the GCN report.
- 6.20 In terms of drainage, the Council's Drainage Engineer 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.
- 6.21 Details of landscaping will also 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.
- 6.22 The road is considered appropriate in the context of the overall development of the site in conjunction with the Waverley application. As a standalone 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, this proposal is subject to a legal agreement that the new road is only used in conjunction with the application currently being considered by Waverley for 37 houses (ref: WA/2021/02002).

- 6.23 The adjacent residents of Trundle Mead have raised an objection to the scheme on the grounds that they own a piece of land which was shown as part of the proposal and had not been served notice as part of this proposal. The land in question is a square piece of land between Trundle Mead and the application site which is shown as being jointly owned. The ownership of this piece of land is in dispute. To rectify the situation, the applicant has served notice on the owners of Trundle Mead for this square piece of land. The applicant has also shown that the proposal will not affect this piece of land.

Water Neutrality:

- 6.24 Waverley BC have been informed by Natural England that they do not need to consider water neutrality for the accompanying housing development within their borough as the borough is not supplied by water from the Sussex North Water Supply Zone. As such, this application for the access and pumping station, and the accompanying housing development within Waverley BC, will not result in an adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar sites. The proposal for the access and pumping station for the development would therefore be considered compliant with the provisions of HDPF policy 31 in addition to the relevant provisions of the Habitats Regulations 2017.

Conclusion

- 6.2 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. The application is subject to the completion of a legal agreement to tie the new access road to the proposal at Waverley DC for new housing.

7. RECOMMENDATIONS

- 7.1 That planning permission be approved subject to the completion of a legal agreement and the following conditions:

Conditions:

- 1 A list of the approved plans

2 **Standard Time Condition:**

- (a) Approval of the details of the layout, landscaping and appearance of the development (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 layout, landscaping and appearance 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, 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).

4 **Regulatory Condition:** No part of the access road shall be first used until visibility splays (as indicated on drawing no.4714/005A) of 56m either side of access (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:** 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/18/1520, Waverley Borough Council ref: WA/2021/02002