



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 6<sup>th</sup> June 2023

**DEVELOPMENT:** Provision of an enclosed bin store and associated soft landscaping for Piries Place Car Park.

**SITE:** Park Place, Horsham, West Sussex, RH12 1NY

**WARD:** Denne

**APPLICATION:** DC/22/2368

**APPLICANT:** **Name:** Mr Brian Elliot **Address:** Parkside Chart Way Horsham West Sussex RH22 1RC

**REASON FOR INCLUSION ON THE AGENDA:** By request of Councillor Peter Burgess

The proposal has been submitted by Property Services at Horsham District Council

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

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

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 The application has been proposed in full and seeks permission for the erection of a bin store to serve the adjoining flats at Burton's Court, Horsham. The bin store would be located in Park Place and would be sited next to the Piries Place Car Park.
- 1.2 The bin store is proposed to be brick built (Ibstock Ivanhoe Cream bricks to match Piries Place Car park), with 2.5m high walls. No roof is proposed. Landscaping is proposed in the vicinity of the bin store, to include the provision of box level planters (relocated from the existing car park planters), and a new tree surrounded by a resin bound porous surface.
- 1.3 The store would be segregated internally to provide 2 separate bin storage areas, each with the capacity to accommodate 6no. 1100l bins (12no. bins in total). Each section of the store would be accessed by double access gates which would be lockable, and wash-down gulleys would be provided within the stores. Residents of Burtons Court would be able to access the store utilising a push button access system with a code known only to residents. Collection from each of the 2 bin stores would be by Horsham District Council on an

alternate weekly basis. The bin store would be managed by Southern Housing who manage the flats.

## DESCRIPTION OF THE SITE

- 1.4 The site is located within Horsham town centre and is directly adjacent to the Piries Place Car Park which was rebuilt in 2019. The bin stores are proposed to serve the adjoining 33no. flats (Burton's Court, owned and managed by Southern Housing). The site is on land owned by WSCC Highways and is located around 18m from the edge of the Horsham Conservation Area. The site is close to a number of shops and other services along Park Place, as well as residential flats above the shops (including nos. 1-7 Parkway House).

## 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:

#### **National Planning Policy Framework (NPPF, 2021)**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 24 - Strategic Policy: Environmental Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

#### **Supplementary Planning Guidance**

Horsham Town Plan SPD (2007)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

#### **Planning Advice Notes:**

Facilitating Appropriate Development (FAD, 2022)

Biodiversity and Green Infrastructure (2022)

- 2.4 RELEVANT NEIGHBOURHOOD PLAN

#### **Horsham Blueprint Neighbourhood Plan (December 2022)**

Policy HB1: Location of Development

Policy HB3: Character of Development

Policy HB4: Design of Development

Policy HB6: Retaining and Enhancing the Vitality and Viability of Horsham Town Centre

Policy HB7: A Welcoming Public Realm

Policy HB10: Green and Blue Infrastructure and Delivering Biodiversity Net Gain

Policy HB12: Encouraging Sustainable Movement

2.5	<b>PLANNING HISTORY AND RELEVANT APPLICATIONS</b>	
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
DC/20/0656	Erection of enclosed bin stores and associated soft landscaping for Burtons Court	Withdrawn on 27.04.2020
DC/20/1226	Erection of enclosed bin stores and associated soft landscaping for Burtons Court	Application Permitted on 04.12.2020

### 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)

3.1 **HDC Landscape Architect:** No Objection

3.2 **HDC Conservation:** No Objection

3.3 **HDC Environmental Health:** No Objection (subject to conditions)

3.4 **HDC Waste Collections:** Comment

[Summary]: We would ask for a roof to be put on the bin store to prevent waste being thrown over the top and fly tipping. The developer will be responsible for purchasing 12 x 1100lt bins to replace the existing bins which are damaged. Lighting to be provided in each bin store.

3.5 **Archaeology Consultant:** No Objection

3.6 **WSCC Highways:** No Objection

The land subject of this application is within publicly maintained highway. This road is low trafficked, and subject to a 30-mph speed limit. the proposed will not reduce the width of the existing Footway arrangements. The road must be 'Stopped Up' and have its highway rights extinguished. An informative note is recommended to advise the applicant to contact the DFT Nation Transport Casework Team to commence the 'Stopping Up' process. In summary, no highway safety or capacity concerns have been identified.

3.7 **WSCC Fire and Rescue Team:** Comment

[Summary]: There is a fire hydrant located exactly where the bin store is intended to be positioned. The fire hydrant will need to be available to operational fire crews 24/7 with no obstructions when needing to operate the hydrant. If the fire hydrant needs to be moved, this will need to be consulted on and agreed with Southern Water at the developer / owner's expense.

3.8 **Denne Neighbourhood Council:** No Objection

[Summary of Final Comments following amended plan]: The response from the HDC Assistant Landscape Officer addresses the concerns that Horsham Denne NC had regarding the area between the two access points to the bin store, and the planters, we therefore have no objection to this amended application.

[Summary of Initial Comments]: The proposed location is not ideal, but as a secure store is essential it is considered acceptable, and the proposed design and materials are an improvement. We have the following queries and comments. Hold objection raised until answers to the following are provided:

1. The site is WSCC Highway's land - confirm if permission from WSCC is required.
2. Consider a direct path between both bin areas.
3. Reconsider existing planters - planting will not survive behind the bin store wall.
4. Consider rainwater inside the bin store - have the surface levels been checked.

### 3.9 PUBLIC CONSULTATIONS

3no. letters have been received in connection with the proposal. 1no. letter welcomed the provision of a purpose-built bin store noting it would be an improvement on the existing situation; but highlighted some concerns and suggestions for improvement (relating to drainage, security and landscaping). 2no. of the letters object to the proposal, citing the following reasons (summarised):

- A better site for the bins would be in the car park itself. There is a lack of evidence that the reasons for not locating bins within the car park are valid
- The proposed store is costly (£100k), compared to converting spaces in the car park
- The proposal is an afterthought, looks tatty
- The store is proposed in Park Place which is land owned by WSCC. No indication that WSCC are willing to release the land or the cost of purchasing it
- The land is a designated highway, so will alter vehicle access
- The size of the structure will take up free road space
- No drainage details provided to explain how rainwater will drain away
- Existing surface gulley would be blocked
- No water supply so cannot be cleaned properly
- No roof so rainwater will collect inside, and rubbish can be thrown over the walls
- A path is needed between the two doors to protect the landscaping.

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

## 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is acknowledged that the bin store is located in a prominent town-centre location, whereby some anti-social activities (such as fly tipping or rough sleeping) is possible. An assessment of this is made in full in the report below, but subject to the inclusion of necessary security measures such as lockable gates, it is not considered that the development would be likely to have any significant impact on crime and disorder.

## 6. PLANNING ASSESSMENTS

### Principle of Development

- 6.1 The proposal is for a dedicated bin store to serve residents of the flats in Burton's Court (owned and managed by Southern Housing). The structure would be located in the town-centre, well within the built-up area boundary of Horsham. The proposal seeks to improve the social and environmental conditions for residents of Burton's Court, and the general public alike, and is therefore considered to accord with the overarching aims of the National Planning Policy Framework (NPPF) and Policy 1 of the Horsham District Planning Framework (HDPF) to achieve sustainable development. As such, the principle of development in this location is acceptable, and a presumption in favour of this development is applied as the starting point. The overall acceptability of the proposal will depend on the assessment of all other material matters, and whether any harm identified would be outweighed by the benefits in the planning balance.

### Need

- 6.2 The need for a dedicated bin store to serve residents of Burton's Court has been evident since the re-development of Piries Place Car Park in 2018/19. Previously to the erection of the new car park, the Burton's Court bins were located on the ground floor of the old car park. When the car park was re-developed the design did not include re-provision for the Burton's Court bins. The bins have since been located in an informal manner in the alleyway between Park Place and Park Way, and at the northern end of Park Place, partially screened by temporary metal hoardings. The current situation is not secure and is unsightly. As such, it is judged that the need for a permanent solution is required. A proposal for a new bin store located in the gap between the two Burton's Court blocks (facing Park Way) was approved by the Council under DC/20/1226. This store only had the capacity for half the bins needed to serve the flats (6no. 1100l bins) but was approved nevertheless in order to remove unsightly bins from Park Place. It is understood that this option cannot now be pursued due to cost. As such, a revised solution is needed.

### Location

- 6.3 The applicant's Planning Statement explains that whilst a bin store was previously located within the ground floor level of the old car park, the management of this arrangement was problematic because it was often used for rough sleeping, and the store suffered from fires. In addition, rubbish often overflowed to the adjacent street, and it was difficult to access for regular cleaning.
- 6.4 It is understood that location options have been explored at length by the applicant, including discussions with the Council's Head of Place, and Members. A previous proposal in 2020 for two separate bin stores (one located in the 'gap' between the two Burtons Court blocks, and another in Park Place) was discounted, and the associated planning application DC/20/0656 was subsequently withdrawn. A subsequent proposal for a single bin store in the gap facing Park Way was approved under DC/20/1226, but as above, it is understood that this option cannot now be pursued. This option only provided space for 6no. bins, which fell short of the required number of bins needed for the flats.
- 6.5 A proposal for a bin store within the car park has also been discounted in light of the management difficulties experienced in the past (including rough sleeping, antisocial behaviour, fire hazard, and difficulties cleaning). In addition, it is understood that owing to the fire hazard, it is not possible to insure the bins if they were located within the car park.
- 6.6 As such, the applicant is pursuing the current proposal, which places a single purpose-built bin store for 12no. 1100l bins at the far northern end of Park Place, adjacent to the car

park. Officers are of the opinion that this is not an ideal location but given the reasons above, it is accepted that the store cannot be located in the car park itself. Whilst Officers are of the view that a small bin store could still be acceptable in the gap between the two Burtons Court blocks (facing Albion Way), it is also understood that this would only be able to accommodate 6no. bins meaning that another bin store would be required in any case to fulfil the needs of the flats. Given the lack of alternative options, it is therefore accepted that the proposed location for the bin store in Park Place is the best feasible solution.

- 6.7 The consultation response received from the WSCC Fire and Rescue Team highlights that the proposed location of the bin store sits above an existing fire hydrant which would be obscured as a result of the development. As such, the fire hydrant would need to be relocated, and this will need to be consulted on and agreed with by Southern Water and WSCC at the applicant's expense. A condition has been drafted to ensure the fire hydrant in question is been appropriately relocated prior to commencement of development to ensure access to water for firefighting is available at all times.

### Design and Landscaping

- 6.8 The bin store has been designed to accommodate 12no. 1100l bins (6no. for waste and 6no. for recycling) which is in line with the number of bins required to meet the needs of the 33no. flats. The two bin types would be separated in different sections of the structure to prevent cross contamination. The store is basic in design, with 2.5m high brick walls (with brick to match the exterior of the car park). The 2.5m walls are design to be high enough to discourage rubbish being tossed over the walls and fly tipping. The store has no roof, and this is to avoid the creation of an enclosed store which is said to be more attractive to rough sleepers and vermin. The bins would have lids (as standard) to prevent rubbish getting wet, and to contain odours. The doors to the store would be locked and accessible by a push button access system with a code known only to residents of Burton's Court.
- 6.9 The store has been designed to be as small as it can be. The design is basic, but results in a functional bin store that is accessible to Burton's Court residents. The use of matching bricks will help to blend the building into the car park behind. The location of the bin store would require the removal of an existing tree which was planted when the car park was redeveloped in 2019. The proposed landscaping shows a replacement tree at the front of the bin store building which would help to obscure the bin store to some degree, and would improve the street scene which is welcomed. In addition, existing low-level planters are proposed to be repositioned from the car park boundary to the front of the new bin store.
- 6.10 The Council's Landscape Architect is satisfied with the landscaping proposals, but suggests that details of planting (including numbers, species etc, and maintenance details) are provided by condition before the store is brought into use. It has been suggested that a climbing plant is included in the planter located at the side wall, so it softens the blank façade. This is considered to be a reasonable suggestion, and a planning condition has been drafted to require the submission of detailed planting proposal including the species of tree to be planted.
- 6.11 The site is located outside of, but approximately 18m from the edge of the Horsham Conservation Area which is located along the southern end of Park Place and encompasses East Street and its surrounds. The Council's Heritage Officer notes that whilst the proposal would be located outside of the Conservation Area, it would be viewed within its setting, particularly from the southern half of Park Place. Despite this, the Heritage Officer is of the view that the proposal improves the current situation, and subject to matching brickwork and inclusion of appropriate soft landscaping, no objection is raised on heritage grounds.

### Amenity / Maintenance

- 6.12 The Council's Environmental Health Officer (EHO) has been consulted with regard to noise and other environmental health impacts. The EHO has confirmed that no objection is raised on amenity grounds, provided that a robust bin store management and maintenance plan is submitted which details how (and by whom) the store will be kept clean, tidy and pest-free. The requirement for such a plan has been drafted as a condition.
- 6.13 The Planning Statement notes that maintenance responsibilities would lie with the owners of Burton's Court (Southern Housing). As above, if the application was permitted, the submission of a detailed bin store management plan would be secured by condition. Provided that the maintenance plan is robust and secures measures that must be taken to keep the store clean, secure, and pest-free; the impact on neighbouring amenity would be lessened to an acceptable level.

#### Highways Impact

- 6.14 The application site (Park Place) is designated Highways Land controlled by West Sussex County Council and is a low-trafficked unclassified road with a 30mph speed limit. As the proposed bin store would result in an obstruction to the Highway, it would need to be formally 'Stopped Up' in order to be exempt from potential future enforcement action which could be made under the Highways Act 1980. The Stopping-Up process is a separate legal process independent from the planning stage, and the grant of planning permission does not prejudice the outcome of the Stopping-Up application (and visa-versa). It is understood that WSCC are not likely to object to the Stopping-Up process subject to diversion of the utility service cover located nearby. The utility service cover would need to be relocated on highways land so that it can be accessed at all times, and details of this must be agreed with WSCC Highways prior to commencing the Stopping-Up process. An informative note has been drafted to advise the applicant to contact the DFT Nation Transport Casework Team to commence the 'Stopping Up' process.

#### Drainage

- 6.15 The bin store is proposed with no roof, so rainwater would fall within the store. In order for this water to drain away (as well as any water used to wash the stores), wash-down gully's within each section of the bin store are indicated on submitted plan P04. These gulleys would connect to the existing system of pavement gulleys on Park Place and would direct surface water to the existing drainage network. The Council's Drainage Engineer has no concerns with the proposed gulleys and has raised no objection to the proposal.

#### Water Neutrality

- 6.16 The bin store would not result in additional mains water consumption therefore it will not result in a significant effect on water supplies to the Arun Valley sites, so no mitigation is required. The development has therefore been screened-out of the need to proceed to stage 2 Appropriate Assessment as it will not result in an adverse impact on protected species or their habitats.

#### Conclusion

- 6.17 It is acknowledged by Officers that a solution to the existing bin storage problem on Park Place is required, and it is accepted that the proposed bin store will provide a functional and permanent structure that will address the current informal and unsightly situation. It is considered that use of matching bricks as well as appropriate landscaping proposals will help to soften the appearance of the store, and over time will help it to blend into the wider street scene.
- 6.18 The concerns raised in the 2no. letters of objection received from members of the public are noted and the matters raised have been addressed in this report. It is noted that Denne

Neighbourhood Council does not object to the proposal. In summary, Officers are of the view that 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 Park Place, and this benefit weighs in great favour of the proposal. It is accepted that the proposed location is the only practical option for a bin store to serve the residents of Burton's Court, and as such, 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-Commencement Condition:** No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority detailing the relocation of the existing fire hydrant located within the site boundary to an appropriate location in consultation with West Sussex County Council Fire and Rescue Service.

*Reason: In accordance with fire and safety regulations 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, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of the ongoing maintenance of the planting
- Details of all hard surfacing materials and finishes

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. 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 or retained 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).*

5. **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).*

6. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, details of any 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 to be used in the development hereby permitted shall strictly accord with those indicated on the submitted Proposed Bin Store Plan [drawing number: 21B14-HNW-01-ZZ-DR-A-2200 P05 ] unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development commencing.

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

8. **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).*