



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (South)

BY: Development Manager

DATE: 20 September 2016

DEVELOPMENT: Variation of condition 1 of previously approved planning permission DC/15/1382 Relating to a proposed minor material amendment to site access

SITE: Billingshurst Doctors Surgery Roman Way Billingshurst West Sussex

WARD: Billingshurst and Shipley

APPLICATION: DC/16/1528

APPLICANT: Mr Joseph Fowler

REASON FOR INCLUSION ON THE AGENDA: The development, if approved, would be a Departure from the Development Plan within the meaning of the Town and Country (Development Plans and Consultations) (Departures) Directions 1999

RECOMMENDATION: To approve the application, subject to conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application proposes an amendment to planning permission DC/15/1382, which granted outline planning permission (appearance, landscaping and scale reserved for later consideration) for 45 dwellings. The access to the site as permitted would be through land currently used as car parking for the adjacent Doctors Surgery. As such, the approved application included provision of a replacement area of car parking within the application site and a new access further east along Roman Way to serve the Doctors Surgery.

1.3 The current application proposes to amend the permitted access arrangements. It removes the previously permitted new Surgery access. Vehicle access to the Surgery is now proposed via the new development access road.

DESCRIPTION OF THE SITE

1.4 The application site is as per DC/15/1382, comprising former allotments accessed from Little East Street.

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2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework, in particular chapters 4, 6, 7, 8, 10 and 11.

RELEVANT COUNCIL POLICY

- 2.3 The Development Plan comprises the Horsham District Planning Framework (November 2015). The relevant Policies of the HDPF include 1 (Sustainable Development), 2 (Strategic Development), 3 (Development Hierarchy), 4 (Settlement Expansion), 15 (Housing Provision), 16 (Meeting Local Housing Needs), 24 (Environmental Protection), 25 (District Character and the Natural Environment), 26 (Countryside Protection), 31 (Green Infrastructure and Biodiversity), 32 (The Quality of New Development), 33 (Development Principles), 34 (Cultural and Heritage Assets), 35 (Climate Change), 36 (Appropriate Energy Use), 37 (Sustainable Construction), 38 (Flooding), 39 (Infrastructure Provision), 40 (Sustainable Transport), 41 (Parking) and 43 (Community Facilities, Leisure and Recreation).

NEIGHBOURHOOD PLAN

- 2.4 Billingshurst Parish was designated as a Neighbourhood Plan Area from 30th December 2015. No draft plan is currently available.

PLANNING HISTORY

BL/2/90	Erect new medical centre	Permitted
BL/87/90	Amendment to approval BL/2/90 for the erection of medical centre, re- siting of car parking and new access	Permitted
BL/83/96	Retention of additional car parking areas	Permitted
BL/100/99	Two-storey extension (amendment to BL/15/99)	Permitted
BL/15/99	Two-storey extension to doctors surgery	Permitted
DC/15/1382	Erection of 45 dwellings, associated landscaping and parking, amended access to Billingshurst Doctor's Surgery (Outline)	Permitted

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 Housing Services Manager: No additional comments in addition to those previously made in respect of DC/15/1382.
- 3.2 Ecology Consultant: No new comments further to those made in respect of DC/15/1382.
- 3.3 Environmental Health Officer: No objections.

OUTSIDE AGENCIES

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- 3.4 WSCC Highways: No objection, subject to conditions.
- 3.5 Southern Water: No objection. Comments in respect of previous application remain valid.

PUBLIC CONSULTATIONS

- 3.6 Billingshurst Parish Council: No objection
- 3.7 No third party representations were received at the time of drafting this report.

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

- 6.1 This application proposes an amendment to planning application DC/15/1382. The application is made under section 73 of the Town and Country Planning Act 1990, as amended, and proposes the variation of the 'approved plans' condition to substitute an amended site plan showing the alternative access arrangements. The granting of planning permission under S73 results in the issuing of a new planning permission, and the developer then has the option of implementing either the original planning permission or the amended scheme. If a permission is granted under S73, it would be subject to the same time limit for implementation as the original permission. The principle of development has therefore been previously considered acceptable, and remains acceptable. The main consideration for this application is therefore the acceptability of the proposed amendments.
- 6.2 The Highway Authority raises no objection to the proposed alternative access arrangements, although a new condition is proposed to ensure that pedestrian access along the new access road will be provided prior to use of the new car park. No safety concerns therefore arise as a result of the proposed amendment. The proposed car park is shown as accommodating 27 spaces, three of which would be disabled spaces. The previous application did not demark the spaces, but the car park is shown as being the same size as previously permitted.
- 6.3 In terms of the appearance of the proposed development, the amended scheme would no longer necessitate a new access to the surgery site, allowing existing vegetation to remain. The amended scheme would retain an area for planting around the proposed surgery car park, to soften its appearance and provide a buffer to the proposed residential element.
- 6.4 In light of the limited difference between the approved scheme and the proposed amended scheme, Officers recommend approval of the proposal. As stated above, granting permission would result in an entirely fresh planning permission being issued. In this case, it will therefore be necessary to include all of the conditions set out in the previous decision notice. In addition, the previous permission was subject to a S106 agreement securing the provision of affordable housing and infrastructure contributions. That Legal Agreement

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includes provisions to ensure that the planning obligations contained therein remain enforceable in the event that a planning permission under S73 is granted and implemented. As such, it is not necessary to enter into a Deed of Variation in this instance.

7. RECOMMENDATIONS

7.1 To grant planning permission, subject to the following conditions:

1. A condition listing the approved plans
2. Approval of the details of the scale of each building, the appearance of each building, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
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. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from 27/06/16, being the date of issuing planning permission DC/15/1382.
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.
4. The development hereby permitted shall be begun either before the expiration of 3 years from 27/06/16, being the date of issuing planning permission DC/15/1382, 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.
5. Prior to the commencement of development precise details of the finished floor levels of the development in relation to a fixed datum point located outside of the application site shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed and maintained in accordance with the approved details.
Reason: To control the development in detail in the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).
6. Prior to the commencement of any other part of the development hereby permitted, the replacement access and car parking area to serve the Doctor's surgery shall be constructed and made available for use in accordance with details to be submitted to and approved in writing by the LPA.
Reason: To ensure sufficient parking remains available to serve the existing Doctor's surgery during the construction period, in accordance with Policy 41 of the Horsham District Planning Framework (Adopted November 2015).
7. Prior to the commencement of development, details of screen walls and/or fences shall be submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected. Thereafter the screen walls and/or fences shall be retained as approved and maintained in accordance with the approved details and no additional screen walls or fences over and above those approved shall be erected at any time.
Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).
8. Prior to the commencement of development a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles and secure, covered parking for bicycles shall be submitted to and approved in writing by the Local Planning

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Authority. The areas of land so provided prior to the occupation of the dwelling it serves and shall not thereafter be used for any purpose other than the parking of vehicles and cycles as indicated on the approved drawings.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policies 40 and 41 of the Horsham District Planning Framework (Adopted November 2015).

9. Prior to the occupation of the development details for the provision for the storage of refuse and recycling bins shall be made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the adequate provision of recycling facilities in accordance with Policies 32 and 33 of the Horsham District Planning Framework (Adopted November 2015).
10. Prior to the commencement of the development hereby permitted, details of a cycle and pedestrian link from the development site to the adjacent area of planned public open space, including timescale for delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure that the development is well connected to its surroundings in order to encourage sustainable transport choices and in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).
11. The development hereby permitted shall not commence unless and until the accesses to the site from Roman way have been designed, laid out and constructed in accordance with plans and details to be submitted to and approved by the LPA.
Reason: In the interest of highway safety and in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).
12. The development hereby permitted shall not be occupied unless and until the access roads serving the development have been designed, laid out and constructed in accordance with plans and details to be submitted to and approved by the LPA.
Reason: To ensure that the dwellings have a safe and adequate standard of access in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).
13. The development hereby permitted shall not commence until a Construction Management Plan (CMP) has been submitted and approved by the LPA to include the following:
 - Construction traffic routeing (this should be along Roman Way and then to and from high street (north) only i.e. not through the village centre)
 - Location of site offices
 - Location of plant and materials storage
 - Area for the loading/unloading and turning of HGV delivery vehicles
 - Location of wheel washing equipment
 - Location of staff and contractor parkingReason: In the interest of highway safety and in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).
14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C or E of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilages of the dwellings hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwellings unless permission is granted by the Local Planning Authority pursuant to an application for the development.
Reason: In the interest of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

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15. Prior to the commencement of development full details of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall be submitted concurrently as a complete scheme, unless otherwise agreed with the Local Planning Authority, and shall comprise:
- A detailed plan and specification for topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice
 - Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
 - Tree pit and staking/underground guying details
 - A written hard and soft specification (National Building Specification compliant) of planting (including ground preparation, cultivation and other operations associated with plant and grass establishment)
 - Existing and proposed levels, contours and cross / long sections for all earthworks
 - Hard surfacing materials: layout, colour, size, texture, coursing and levels
 - Walls, fencing and railings: location, type, heights and materials
 - Minor artefacts and structures - location, size and colour and type of street furniture, play equipment, signage, refuse units and lighting columns and lanterns
- The approved scheme shall be implemented in full accordance with these details. Planting shall be carried out according to a timetable to be agreed in writing with the Local Planning Authority prior to commencement of the development. Any plants which within a period of 5 years die, are removed, or become 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 in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).
16. Prior to the commencement of development a detailed long term 25 year Landscape Management and Maintenance Plan for all landscape areas shall be submitted to and approved by the Local Planning Authority in writing. The plan shall include:
- Aims and Objectives
 - A description of Landscape Components
 - Management Prescriptions
 - Details of maintenance operations and their timing
 - Details of the parties/organisations who will be maintain and manage the site, to include a plan delineating the areas that they will be responsible for
- The plan shall demonstrate full integration of landscape, biodiversity and arboricultural considerations. The areas of planting shall thereafter be retained and maintained in perpetuity in accordance with the approved Landscape Management and Maintenance Plan, unless any variation is approved in writing by the LPA.
- Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with Policies 2, 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (Adopted November 2015).
17. The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan reference PJC/3706/15/B contained within the Arboricultural Impact Assessment reference PJC/3706/15 received by the Council on 19th June 2015.
- Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policies 2, 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (Adopted November 2015).
18. Not later than the submission of the first Reserved Matters application pursuant to the permission hereby granted, an Ecological Mitigation and Management Plan and Construction Environmental Management Plan shall be produced to incorporate all recommendations from the supporting ecological information. This will include details of the

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proposed reptile receptor site, planting details for the western boundary, and felling recommendations for Category 2 trees in addition to mitigation and enhancement for other species. This plan shall be submitted to, and agreed in writing by, the Local Planning Authority. Any such measures shall thereafter be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the ecology and biodiversity of the area and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000, to ensure that a habitat remains for them during and after development in accordance with Policy 31 of the Horsham District Planning Framework (Adopted November 2015).

19. Not later than the submission of the first Reserved Matters application pursuant to the permission hereby granted, a bat sensitive lighting scheme shall be produced in liaison with the consultant ecologist and in accordance with the recommendations made in the Preliminary Ecological Assessment (PJC Ecology) received by the Council 19th June 2015, and the Tree Assessment Report (the Ecology Company) received by the Council 2nd November 2015. The development shall thereafter be carried out in accordance with the approved details and no additional external lighting shall be erected or placed within the site or attached to any building without prior approval in writing from the Local Planning Authority.

Reason: To safeguard the ecology and biodiversity of the area and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000, to ensure that a habitat remains for them during and after development in accordance with Policy 31 of the Horsham District Planning Framework (Adopted November 2015).

20. Prior to the commencement of development full details of the design and construction of all sustainable urban drainage features shall be submitted to and approved by the Local Planning Authority in writing. The details shall include:

- Plan showing existing and proposed levels and contours and cross sections
- Location, design and material of inlet and outlet structures

The scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that the development is properly drained in accordance with Policies 2, 37 and 38 of the Horsham District Planning Framework (Adopted November 2015).

21. Prior to the commencement of development, a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed buildings shall be submitted to and approved by the Local Planning Authority in writing. All materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

22. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

23. Prior to the commencement of development hereby permitted, full details of the foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The drainage works shall be thereafter constructed prior to the occupation of the development in accordance with the approved details, and thereafter retained and maintained as approved.

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Reason: To ensure that the development is properly drained in accordance with Policies 2, 37 and 38 of the Horsham District Planning Framework (Adopted November 2015).

24. The burning of any materials from site clearance or from any other source shall not take place within 10m of the furthest extent of the canopy of any tree, group of trees, or hedgerow, targeted for retention on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in accordance with Policies 2, 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (Adopted November 2015).

25. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (c) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works in accordance with Policy 24 of the Horsham District Planning Framework (Adopted November 2015).

26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works in accordance with Policy 24 of the Horsham District Planning Framework (Adopted November 2015).

27. Prior to the commencement of the development hereby permitted, the developer shall provide evidence that their approved building control provider has been notified of the requirement to apply the optional requirement for water efficiency to the development (limiting water use within the dwellings hereby permitted to less than 110 litres per person per day). The development shall thereafter be carried out in accordance with the optional requirement for water efficiency standard set out in the Building Regulations.

Reason: In the interests of managing water use in this area of Serious Water Stress, in accordance with Policy 37 of the Horsham District Planning Framework (Adopted November 2015).

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28. The use of the new doctor's surgery car park hereby permitted shall not commence unless and until the vehicular and pedestrian access arrangements as shown on the approved plan have been designed, laid out and constructed in all respects to the satisfaction of the LPA.

Reason: In the interest of highway safety and in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).

Notes To Applicant:

- a. The Applicant is reminded that the provisions of the Legal Agreement of DC/15/1382 remain applicable in the event that this permission is implemented.
- b. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- c. The water efficiency standard required under the above conditions is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

Background Papers: DC/15/1382