



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 05 September 2017

DEVELOPMENT: Variation to condition 1 of previously approved application DC/11/1100 (The use of a dwelling, its plot and associated land (which formed part of the approved application DC/10/0006) to be used as a sales and marketing suite with associated car park for a temporary period of 3 years.) Proposed extension of period of use to 29th December 2018, following approval of extension previously granted under DC/14/2306.

SITE: Land East of A24 Worthing Road Horsham West Sussex, RH12 1EP

WARD: Denne

APPLICATION: DC/17/1528

APPLICANT: **Name:** Miss Lisa Parchment **Address:** Berkeley House Bay Tree Avenue Leatherhead Surrey

REASON FOR INCLUSION ON THE AGENDA: This application was called to committee by a councillor regarding highway safety concerns.

RECOMMENDATION: Grant permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The proposal is for an extension to the previously granted temporary use of a residential unit, its plot and surrounding, as a sales and marketing suite with associated car parking for 8 cars. The previous consent for the site expired on 1st January 2017. This application seeks to retain the sales and marketing suite until 29th December 2018.

DESCRIPTION OF THE SITE

- 1.2 The site is within the Berkeley Homes 'Highwood' site approved under outline application DC/09/2138. The plot and the associated car park are located immediately on the right when entering the site from Hills Farm Lane, within Phase 1 of the development. The details of which were approved as part of Reserved Matters application DC/10/0006.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework:

NPPF1 - Building a strong, competitive economy

NPPF7 - Requiring good design

NPPF14 - Presumption in favour of sustainable development

Horsham District Planning Framework (HDPF 2015)

HDPF33 - Development Principles

HDPF32 - Strategic Policy: The Quality of New Development

RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Neighbourhood Forum has been designated as a Neighbourhood Development Plan Area but does not yet have an adopted Neighbourhood Development Plan.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/11/1100	The use of a dwelling, its plot and associated land (which formed part of the approved application DC/10/0006) to be used as a sales and marketing suite with associated car park for a temporary period of 3 years.	Application Permitted on 11.08.2011
DC/10/0006	Erection of 196 dwellings, comprising phase 1 of the comprehensive development of Land East of A24, West Horsham, for primarily residential purposes. Creation of a new vehicular/pedestrian/cycle access from Hills Farm Lane, together with the internal highway network, footpaths and drainage works. Formation of the related landscaping, open space and recreation facilities, including additional facilities for Tanbridge House School	Application Permitted on 10.01.2011
DC/14/2306	Variation of condition no 1 attached to DC/11/1100 to allow the use of a dwelling, its plot and associated land as a sales and marketing suite with associated car park up until 1st January 2017	Application Permitted on 15.12.2014

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 None.

OUTSIDE AGENCIES

3.2 **West Sussex County Council (WSCC):** No highway objections. This is a minor application for an extension of time to allow the continued use of the existing Berkeley marketing suite and is not an application that the highway authority would usually be consulted on. The highway issues raised are related to the continued use of the bridge from Hills Farm Lane. There are current proposals to close this to vehicular traffic and downgrade the bridge for pedestrian, cycle and emergency vehicle use only. This is a requirement of the S106 agreement which can be enforced by Horsham District Council.

The internal estate roads are not yet adopted by WSCC so they are not publicly maintained highway and, as such, they are still within Berkeley's ownership and control.

- 3.3 **Denne Neighbourhood Council:** raised no objection to the extension of time specified.

MEMBER COMMENTS

- 3.4 This application was called to committee by Councillor Lee who considers that there to be significant road safety issues associated with the continuation of its use which need to be addressed by the planning committee.

PUBLIC CONSULTATIONS

- 3.5 One joint letter of representation was received signed by three households. This can be summarised as follows:
- When moving in to Highwood in November 2012, the Berkeley Homes Marketing Team said that the marketing suite and access bridge from Hills Farm Lane would be closed within 18 months.
 - Numbers of people living on the site have increased. This is presenting a road safety problem due to increased vehicular and pedestrian movements across the bridge and on to The Boulevard.
 - The increase in traffic is bringing associated noise, congestion, pollution and road safety issues.
 - This is exacerbated by vehicles visiting the marketing suite which have to decelerate to enable them to turn right into the car park.
 - There is also frequent parking on the roadway in front of the Marketing Suite, whether the marketing suite is full or empty.

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 proposal is for an extension of time to the previously granted temporary use of a residential unit as a sales and marketing suite with associated car parking for 8 cars. The previous consent for the site expired on 1st January 2017. This application seeks to secure the continued use of the plot as a sales and marketing suite until 29th December 2018.
- 6.2 This application has been called to committee due to concerns regarding highway safety. In particular concerns have been raised in relation to the continued use of the Hills Farm Lane access bridge which was permitted as a temporary access point under outline application DC/09/2138. Written representations received in relation to this application raise concerns over the safety of the continued use of this access and its ability to cope with the increasing levels of traffic, associated with the rising rate of occupation across the site. Additionally, concerns have been raised over the safety of the access into the

marketing suite itself from Hills Farm Lane and the impact of vehicles parking on the roadway in front of the marketing suite.

- 6.3 West Sussex County Council Highways has been consulted on this application and have raised no objection to the proposed extension of time, and the continued use of the plot as a marketing suite. A safe access is provided into the site from The Boulevard and sufficient on plot parking for 8 cars is provided. In light of this consultation response it can be concluded that there are no significant highway concerns associated with the continued use of this plot as a sales and marketing suite and therefore an objection on highways grounds cannot be sustained.
- 6.4 There are separate Obligations within the S106 Legal Agreement associated with the outline consent and the reserved matters consent for Phase 1 of the development. This will ensure that the bridge is downgraded on the occupation of the 470th dwelling. It is understood that detailed design work is underway and works are scheduled to take place in the coming months. Berkeley Homes have advised they will contact residents when a date has been confirmed. However this process falls outside of the scope of this application and is secured by previous consents on this wider development site.
- 6.11 In conclusion the extension of the temporary use of this residential property as a sales and marketing suite until 29th December 2018 would not have a harmful impact on the character and appearance of the area nor would it have a significant impact on highway safety which would warrant an objection of the application in planning terms. The proposal is therefore acceptable subject to the imposition of conditions requiring the retention of the parking, turning and access facilities, the external lighting scheme, the landscaping scheme and the boundary treatment as approved by the previous application. When the permission has expired the scheme shall revert to the details as approved by the permission and conditions for application DC/10/0006 as required by the previous application.

7. RECOMMENDATIONS

- 7.1 To grant planning permission subject to the following conditions.

Conditions:

1. Condition listing approved plans
2. The use of the land and buildings hereby permitted shall be permanently discontinued and shall revert to the use as a Class C3 dwelling house as approved under planning consent DC/10/0006 on or before 30th December 2018.

Reason: The proposed development is not considered satisfactory as a permanent measure.

3. The boundary treatment details shall be maintained in accordance with drawing number S782-PH1-1015 and agreed by the Local Planning Authority on 14.02.2013 until the cessation of this permission.

Reason: In the interest of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015)

4. The parking, turning and access details as shown on drawing number S782-PH1-1015 and agreed by the Local Planning Authority on 14.02.2013 shall be retained solely for that purpose until the cessation of this permission.

Reason: To ensure adequate parking, turning and access facilities are available to service the development in accordance with policy 41 of the Horsham District Planning Framework (2015)

5. The external lighting as shown on drawing number s782-PH1-1012 and within the associated specification as agreed by the Local Planning Authority on 24.04.2012 shall be retained until the cessation of this permission.

Reason: In the interests of amenity and the character of the area in accordance with Policy 33 of the Horsham district Planning Framework.

6. The landscaping works shown on drawing numbers 1271/013/E and 1271/007 Rev C and agreed by the Local Planning Authority on 14.02.2013 shall be retained until the cessation of this permission.

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

7. The use of the land and building hereby permitted shall be used for a sales and marketing suite and for no other purpose (including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use classes) order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: Changes of use as permitted by the Town and Country Planning (general Permitted Development) Order 1995 are not considered appropriate in this case under Policy 33 of the Horsham District Planning Framework (2015).

8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 Part 42 Classes A and C or Orders amending or revoking and re-enacting the same, no extension or alteration to the building or hard surfacing within its curtilage shall be constructed without the prior permission of the Local Planning Authority pursuant to an application for the purpose.

Reason: To protect the amenities of adjoining residential properties and the character of the area in accordance with policy 33 of the Horsham District Planning Framework (2015).