

Development Control (North) Committee

Tuesday 2nd February 2016 at 5.30pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Liz Kitchen (Chairman)	
Ian Howard (Vice-Chairman)	
John Bailey	Tony Hogben
Andrew Baldwin	Adrian Lee
Toni Bradnum	Christian Mitchell
Alan Britten	Josh Murphy
Karen Burgess	Godfrey Newman
Peter Burgess	Brian O'Connell
John Chidlow	Connor Relleen
Roy Cornell	Stuart Ritchie
Christine Costin	David Skipp
Leonard Crosbie	Simon Torn
Jonathan Dancer	Claire Vickers
Matthew French	Tricia Youtan

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

Agenda

1. Apologies for absence
2. To approve as correct the minutes of the meeting of the Committee held on 1st December 2015 (attached)
3. To receive any declarations of interest from Members of the Committee – *any clarification on whether a Member has an interest should be sought before attending the meeting*
4. To receive any announcements from the Chairman of the Committee or the Chief Executive
5. To consider the following reports of the Development Manager and to take such action thereon as may be necessary:
 - (a) Appeals
 - (b) Applications for determination by Committee:

Item No.	Ward	Reference Number	Site
A01	<i>Broadbridge Heath</i>	DC/15/0284	Land South of Broadbridge Heath, Old Wickhurst Lane, Broadbridge Heath, West Sussex
A02	<i>Itchingfield, Slinfold and Warnham</i>	DC/15/2680	Land To The East of Tuggles Plat, Warnham, West Sussex
A03	<i>Itchingfield, Slinfold and Warnham</i>	DC/15/0989	Demolished Twigs, Bashurst Hill, Itchingfield, West Sussex
A04	<i>Itchingfield, Slinfold and Warnham</i>	DC/15/1888	Demolished Twigs, Bashurst Hill, Itchingfield, West Sussex
A05	<i>Roffey North</i>	DC/15/2672	12 Parsonage Road, Horsham, West Sussex RH12 4AR
A06	<i>Denne</i>	DC/15/2606	War Memorial, Carfax, Horsham, West Sussex
A07	<i>Holbrook West</i>	TPO/1480	3 Cavendish Close, Horsham, West Sussex, RH12 5HX
A08	<i>Itchingfield, Slinfold and Warnham</i>	TPO/1482	Land East of 1 To 25 Hayes Lane, Slinfold, West Sussex
A09	<i>Horsham Park</i>	TPO/1483	Cotswold Court, Burford Road, Horsham, West Sussex

6. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

DEVELOPMENT CONTROL (NORTH) COMMITTEE
5th January 2016

Present: Councillors: Liz Kitchen (Chairman), Ian Howard (Vice-Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, Karen Burgess, John Chidlow, Roy Cornell, Christine Costin, Leonard Crosbie, Matthew French, Adrian Lee, Christian Mitchell, Josh Murphy, Godfrey Newman, Connor Relleen, Stuart Ritchie, David Skipp, Claire Vickers, Tricia Youtan

Apologies: Councillors: Peter Burgess, Christine Costin, Jonathan Dancer, Brian O'Connell, Simon Torn

DCN/83 **MINUTES**

The minutes of the meeting of the Committee held on the 1st December 2015 were approved as a correct record and signed by the chairman.

DCN/84 **INTERESTS OF MEMBERS**

<u>Member</u>	<u>Item</u>	<u>Nature of Interest</u>
Councillor John Bailey	DC/15/2644	Personal, Prejudicial and pecuniary
Councillor Ian Howard	DC/15/2064	Prejudicial

DCN/85 **ANNOUNCEMENTS**

There were no announcements

DCN/86 **APPEALS**

Notice concerning the following appeals had been received:

Appeals Lodged

Written Representations/Household Appeals Service

<u>Ref No</u>	<u>Site</u>	<u>Officer Recommendation</u>	<u>Committee Resolution</u>
DC/14/2700	Buchan Reservoir (land south of), Buchan Hill, Pease Pottage	Refuse	Refuse
DC/13/1153	The Levee, Loxwood Road, Rudgwick	Refuse	Delegated

DCN/87 **PLANNING APPLICATION: DC/15/2064 – ERECTION OF 244 DWELLINGS (INCLUDING 54 RETIREMENT LIVING APARTMENTS) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPE WORKS PURSUANT TO OUTLINE PLANNING PERMISSION DC/14/0590 (APPROVAL OF RESERVED MATTERS)**
SITE: LAND WEST OF WORTHING ROAD, SOUTHWATER
APPLICANT: MRS OLIVIA FORSYTH

The Development Manager reported that this reserved matters application related to outline permission DC/14/0590 for the development of up to 540 dwellings and 54 retirement apartments. Permission DC/14/0590 had been considered by the Committee in February 2015 (Minute No. DCN/98 (17.02.15) refers) and had been granted subject to a legal agreement, which had been secured.

The site would be developed in phases and the current Phase 1 application consisted of two separate parcels of land. The first was in the northern part of the site adjacent to Worthing Road and would include 190 dwellings, 54 retirement apartments, open space, landscaping and an overflow school car park. The approved access was from the Worthing Road/Cedar Drive junction. The application sought a secondary access further south opposite the garage on Worthing Road. There would also be three roads off the main access road within the site. There would be two access roads from the south, one of which already existed.

Housing provision would include: market housing comprising 17 2-bedroom, 68 3-bedroom, 43 4-bedroom and 10 5-bedroom houses; and affordable housing comprising 11 2-bedroom and eight 3-bedroom houses, and 12 1-bedroom and 21 2-bedroom flats. The retirement apartments would comprise 32 1-bedroom and 22 2-bedroom flats, all of which were affordable housing.

There would be five blocks of flats, including the 54 retirement apartments, and a combination of 1- and 2-bedroom flats. There would also be 52 terraced, 46 semi-detached and 50 detached houses. Proposed parking provision for the dwellings included 455 resident spaces and 38 visitor spaces.

The proposal also included a landscaped buffer along the northern and western boundaries, 32 overflow car parking spaces for the nearby schools, a landscaped area including a pond on the eastern boundary with Worthing Road, two Zebra crossings on Worthing Road, and soft landscaping either side of two footpaths and the Downslink, which cross this phase.

The second parcel of land in the south west corner would form part of the ecological mitigation area, with native scrub, grass and tree planting, and the inclusion of emergency vehicle access from Shaw's Lane.

DCN/87 Planning Application: DC/15/2064 (Cont.)

The application site was located outside but adjacent to the built-up area boundary of Southwater to the west of Worthing Road. The wider site was approximately 34.6 hectares, with the current application covering 9.58 hectares.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council raised no objection in principle, but wished to continue discussions to ensure best solutions were attained in relation various issues including parking, layout and drainage. Eighteen letters of objection had been received. 2 members of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: compliance with the principles established with the outline permission, and linkages to the principle of the legal agreement; housing mix and affordable housing; character and design; impact on the amenities of neighbouring and future occupiers; highways and public rights of way; air quality and drainage.

Members were concerned with the loss of a mature oak tree within the application site as well as the risk of flooding and the number of parking spaces for the 'retirement apartments'.

It was moved and seconded that the application be DEFERRED:

Councillor John Chidlow asked for a recorded vote in respect of this item.

The votes in respect of the motion were as follows:

FOR the motion to defer: Councillors: John Chidlow, Claire Vickers, Toni Bradnum

AGAINST the motion to defer: John Bailey, Andrew Baldwin, Alan Britten, Roy Cornell, Leonard Crosbie, Matthew French, Liz Kitchen, Adrian Lee, Christian Mitchell, Josh Murphy, Godfrey Newman, Connor Relleen, Stuart Ritchie, David Skipp, Tricia Youtan

ABSTAINED: Councillors: Karen Burgess, Tony Hogben

ABSENT: Councillors: Peter Burgess, Christine Costin, Jonathan Dancer, Ian Howard, Brian O'Connell, Simon Torn

DCN/87 Planning Application: DC/15/2064 (Cont.)

Therefore the motion was not carried.

RESOLVED

That planning application DC/15/2064 be granted subject to amended parking requirements for the retirement apartments (1 per unit) and delegation of the conditions to the Development Manager in consultation with Ward members, The Chairman of the Development Control (North) Committee and the Chairman of the Council.

DCN/88 **PLANNING APPLICATION: DC/15/1981 – CHANGE OF USE FROM USE CLASS C2 (RESIDENTIAL INSTITUTION) TO A MIXED USE TO INCLUDE USE CLASS C2 (RESIDENTIAL INSTITUTION) AND THE HOLDING OF WEDDING CEREMONIES AND RECEPTIONS**
SITE: GAVESTON HALL, NUTHURST STREET, NUTHURST
APPLICANT: STUDENT TOURS (LONDON) LTD

The Development Manager reported that this application sought permission to allow wedding ceremonies and receptions within the site. This would involve the erection of marquees for the holding of ceremonies and dining only, with any music and dancing taking place within Gaveston Hall.

The application site was located outside the built-up area boundary on the outskirts of Nuthurst and Maplehurst. The manor house, outbuildings and grounds, which had formerly been a school, was currently a residential institution for school study trips, and other groups such as religious organisations and breaks for carers.

The main manor house included a flat roofed extension providing a multi-purpose hall and dormitory accommodation. Outbuildings near the house provided further dormitory accommodation and 'common room' type facilities. A new dwelling, approved by DC/14/2541, was nearing completion.

There were formal lawns around the manor house, with areas of woodland and grazed fields and a lake. A public footpath crossed the northern edge of the site. On the opposite side of Nuthurst Road there were a number of listed buildings.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. In particular the comments of the Environmental Health Officer were noted.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council objected to the proposal. Twenty-six letters of objection had been received.

DCN/88 Planning Application: DC/15/1981 (Cont.)

2 members of the public spoke in objection to the application, the applicant and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were the impact of the proposal on the character and appearance of the area, the amenity of neighbouring residents and on highway safety.

It was noted that the applicant proposed limiting weddings to the spring and summer months, with a maximum of 20 weddings per annum. Members concluded that concerns regarding residential amenity and highway safety could be addressed through conditions and a legal agreement, and the proposal was therefore acceptable.

RESOLVED

- (i) That a legal agreement be entered into to ensure that the use of the site for wedding ceremonies and receptions ceases should the dwelling at Gaveston Hall be occupied by a party not associated with the operation of the business operating from the remainder of the site.
- (ii) That an additional condition be added relating to a decibel limiter, with the wording to be determined by the Development Manager in consultation with the Local Members.
- (iii) That on completion of (i) and (ii), planning application DC/15/1981 be granted subject to the following conditions:
 - 01 A condition listing the approved plans.
 - 02 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 03 The use of the site for wedding ceremonies and receptions shall be limited to 20 days per calendar year and the site operator shall keep a log book detailing times and dates of all wedding ceremonies and receptions held, which shall be made available upon request by the Local Planning Authority.

DCN/88 Planning Application: DC/15/1981 (Cont.)

- 04 No wedding receptions or ceremonies shall take place within the site, other than within those areas shown on Drawing Number A122/6 received by the Council on 22nd October 2015.
- 05 The use of the site for wedding receptions and ceremonies shall not take place other than between the hours of 1000-2300 Mondays to Saturdays and 1000-2200 on Sundays and Bank Holidays.
- 06 No amplified music or sound shall be played or broadcast at any time other than within the existing function hall within the site, coloured brown and annotated as "Hall used for Wedding Reception and Ceremonies" on drawing number A122/6 received by the Council on 22nd October 2015.
- 07 Prior to the commencement of the use hereby permitted, a Management Plan detailing the means by which noise and behaviour will be managed in connection with wedding ceremonies and receptions taking place within the site, including the details of any clauses relating to noise management to be included in contracts for use of the site for such functions, shall be submitted to and approved in writing by the Local Planning Authority. The terms of hire of the site for wedding ceremonies and receptions shall thereafter be subject to the approved management plan.
- 08 At no time shall any amplified music or sound being broadcast within the existing function hall within the site, coloured brown and annotated as "Hall used for Wedding Reception and Ceremonies" on drawing number A122/6 received by the Council on 22nd October 2015 be audible at the boundary of the site nearest to any residential property.
- 09 The use of the site for wedding ceremonies and receptions shall not commence until visibility splays of 2.4metres by 57 metres have been provided at the proposed site vehicular access onto Nuthurst Road 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.

DCN/89 **PLANNING APPLICATION: DC/15/2644 – ERECTION OF ONE
DETACHED DWELLING**
SITE: JASMINE HOUSE, COX GREEN, RUDGWICK
APPLICANT: MR & MRS J BARR

The Development Manager reported that this application sought planning permission for the erection of a two storey, 5-bedroom dwelling with off street parking and new access from Church Street. The proposal was of traditional design, in keeping with the Georgian architecture in the village.

The application site was located on the east side of Cox Green, on the B2128, and was part of the garden of the donor property, Jasmine House. There was mature planting along the north and east boundaries and a dense area of planting in the north-east corner of the site. There was a wall along the western boundary. There were other dwellings to the south, west and north-east of the site, and to the north there was open land.

Cox Green was characterised by detached dwellings of varying size, scale and style in large plots adjacent to the public highway. It was close to the A281, the principle access route to Rudgwick.

Details of relevant government and council policies, and relevant planning history, as contained within the report, were noted by the Committee. It was noted that since publication of the officers' report WSCC Highways authority confirmed that they raised no objection to the application.

There had been no responses from statutory external consultees.

The Parish Council raised no objection to the application. Four letters of support had been received. The applicant and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its design and the impact on the character of the area; its impact on residential amenity; and highway matters.

Whilst Members were mindful of the local support for the proposal, they concluded that the proposed development, outside the built-up area on a site that had not been allocated for development, was contrary to policy. Members therefore concluded that the proposal was unacceptable.

RESOLVED

That planning application DC/15/2644 be refused for the following reason:

- 01 The application site is located outside of the defined Built up Area Boundary of Rudgwick.

DCN/89 Planning Application: DC/15/2644 (Cont.)

Thus, in the absence of any exceptional circumstances that would justify new residential development in a countryside location, the proposed development is considered to be contrary to policies 2, 3, 4, 15 and 17 of the Horsham District Planning Framework (2015) and Paragraph 55 of the National Planning Policy Framework.

DCN/90 **PLANNING APPLICATION: DC/15/2329 – CHANGE OF USE FROM PLAY AREA TO RESIDENTIAL GARDEN**
SITE: 10 HIGHDOWN WAY, HORSHAM
APPLICANT: MR ROB FAIRS

The Development Manager reported that this application sought permission for the change of use of a public play area, currently owned by Horsham District Council, to incorporate it into the wider residential garden of the application property. There had been discussions between the Council and the applicant regarding purchase of the land. The Committee had refused a similar application DC/14/2620 in April 2014 on the grounds that the proposal would result in the loss of a community facility (Minute No. DCN/119 (14.04.15) refers).

The application site was located within the built-up area of Horsham and included a detached house set on a 1990s estate. Its garden abutted the public children's play area to the south of the site. This play area was enclosed by fences, walls and planting, with a high conifer screen to the east. Access was via a low picket gate on the southern side, adjacent to the driveway of 9 Highdown Way. The play area was in poor repair, with little functioning equipment. A newer playground with more exposure and natural surveillance was on the southern side of Tylden Way approximately 90 metres from the application site.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The response from the Property and Valuation Department, as contained within the report, was considered by the Committee.

The Parish Council objected to the proposal. One letter of support had been received. 1 member of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were the principle of the development, in particular the loss of public amenity space, its impact on the amenity of neighbouring occupiers and on the visual amenities of the streetscene.

DCN/90 Planning Application: DC/15/2329 (Cont.)

Members noted that the Council had enhanced another play area in the locality. Members agreed the area was too small, underused and close to a more popular play area.

Members concluded that proposal was therefore acceptable.

RESOLVED

That planning application DC/15/2329 be granted subject to the following conditions:

- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 02 The land hereby approved as an extension to the residential garden of No. 10 Highdown Way (as per the red outline on the Site Location Plan submitted on the 14 October 2015) shall be used solely for that purpose, unless otherwise agreed in writing by the Local Planning Authority.
- 03 The use hereby approved shall not come into effect until full details of the means of enclosure of the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of enclosure shall be implemented as approved and maintained in accordance with those approved details.

DCN/91 **PLANNING APPLICATION: DC/15/2584 – FELL ONE OAK TREE**
SITE: LAND EAST OF 6 LEMMINGTON WAY, HORSHAM
APPLICANT: HORSHAM DISTRICT COUNCIL

The Development Manager reported that this application sought permission to fell an oak tree, which was protected under Tree Preservation Order (TPO) No 573.

The tree was located at the northern end of the area of public open space to the south of Lemmington Way.

Details of relevant government policies and relevant planning history, as contained within the report, were noted by the Committee.

The Parish Council had not objected to the proposal.

DCN/91 Planning Application: DC/15/2584 (Cont.)

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the condition of the tree, which had been in decline for some years; the amenity value of the tree; and the potential risk caused by the tree due to internal decay. It was noted that a replacement tree would be planted to mitigate the loss of amenity.

RESOLVED

That application DC/15/2584 be granted subject to the following conditions:

- 01 Time limit.
- 02 Replacement planning.

REASON

The proposal represents best arboricultural practice, and the most prudent use of resources.

DCN/92 **PLANNING APPLICATION: DC/15/2500 – SURGERY TO ONE OAK TREE**
SITE: LAND SOUTH OF THE SHIELING, WORTHING ROAD,
SOUTHWATER
APPLICANT: HORSHAM DISTRICT COUNCIL

The Development Manager reported that this application sought permission to carry out surgery on an oak tree, with a 20% crown reduction. The tree was protected under Tree Preservation Order (TPO) No 227 as part of a group of five oaks.

The tree was located on the northern boundary of an area of public open space to the south of the garden of The Sheiling, Worthing Road, on the northern side of the junction with College Road. The land was owned by Horsham District Council.

Details of relevant government policies, as contained within the report, were noted by the Committee.

The Parish Council had not objected to the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the condition of the tree; its amenity value; and the potential risk the tree could pose if it were not reduced in size.

DCN/92 Planning Application: DC/15/2500 (Cont.)

RESOLVED

That application DC/15/2500 be granted subject to the following conditions:

- 01 Time limit
- 02 Treeworks limit:
 - Undertake tree surgery works exactly as specified within schedule of proposed works submitted with application.
- 03 Surgery standards

REASON

The proposal represents best arboricultural practice.

DCN/93 **PLANNING APPLICATION: DC/15/2471 – FELL ONE SYCAMORE TREE**
SITE: HILLS CEMETERY, GUILDFORD ROAD, HORSHAM
APPLICANT: HORSHAM DISTRICT COUNCIL

The Development Manager reported that this application sought permission to fell an sycamore tree, which was protected under Tree Preservation Order (TPO) No 1312.

The tree was located in the far south-western corner of Hills Cemetery, on the western boundary adjacent to the property 24 Somergate.

Details of relevant government policies and relevant planning history, as contained within the report, were noted by the Committee.

The Parish Council had not objected to the proposal. The Horsham Society requested that a suitable mature tree be planted in its place.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the condition of the tree, which had recently become infected with a decay fungus; the amenity value of the tree; and the potential risk caused by the tree should the fungus, for which there is no cure, continue to spread. It was noted that a replacement tree would be planted to mitigate the loss of amenity.

RESOLVED

That application DC/15/2584 be granted subject to the following conditions:

DCN/93 Planning Application: DC/15/2471 (Cont.)

01 Time limit.

02 Replacement planning.

REASON

The proposal represents best arboricultural practice, and the most prudent use of resources.

The meeting closed at 8.22pm having commenced at 5.30pm.

CHAIRMAN

DEVELOPMENT MANAGEMENT COMMITTEE (NORTH) COMMITTEE
2ND FEBRUARY 2016

REPORT BY THE DEVELOPMENT MANAGER

APPEALS

1. Appeals Lodged

I have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

2. Written Representations/Householder Appeals Service

Ref No.	Site	Appeal	Officer Recommendation	Committee Resolution
DC/15/1154	Jasmine House, Cox Green, Rudgwick, RH12 3DE	In Progress	Refuse	Delegated
DC/15/0945	Land at Woodford Road, Rudgwick, RH12 3EP	In Progress	Refuse	Delegated
DC/15/1270	Stonehouse Farm, Handcross Road, Plummers Plain, RH13 6NZ	In Progress	Refuse	Delegated
DC/15/1271	Stonehouse Farm, Handcross Road, Plummers Plain, RH13 6NZ	In Progress	Refuse	Delegated
DC/15/1295	Stonehouse Farm, Handcross Road, Plummers Plain, RH13 6NZ	In Progress	Refuse	Delegated
DC/15/1726	Dutch Barn, Clemsfold Farm, Guildford Road, Clemsfold, RH12 3PW	In Progress	Refuse	Delegated

3. Appeal Decisions

I have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

Ref No.	Site	Appeal	Officer Recommendation	Committee Resolution
DC/14/2485	Lower Barn, Westons Farm, Itchingfield, RH13 0NR	Allowed	Refuse	Delegated
DC/14/2217	Rectory Barn Farm, Fulfords Hill, Itchingfield, RH13 0NX	Dismissed	Refuse	Delegated
DC/15/0638	23 Woodgates Close, Horsham,	Dismissed	Refuse	Delegated

	RH13 5RS			
DC/14/2437	The Weatsheaf, Handcross Road, Plummers Plain, RH13 6NZ	Dismissed	Refuse	Delegated
DC/14/2452	Shiremark Barn, Horsham Road, Capel, RH5 5JP	Dismissed	Refuse	Delegated
DC/15/0953	20 Park Farm Close, Horsham, RH12 5EU	Allowed	Refuse	Delegated



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 02 February 2016

DEVELOPMENT: Reserved matters application for the neighbourhood centre at Wickhurst Green (pursuant to outline approval for 963 residential units (DC/09/2101)), Land South of Broadbridge Heath, Broadbridge Heath.

SITE: Land South of Broadbridge Heath

WARD: Broadbridge Heath

APPLICATION: DC/15/0284

APPLICANT: Countryside Properties Plc

REASON FOR INCLUSION ON AGENDA: Request to address Committee by the Parish Council.

RECOMMENDATION: To grant planning permission subject to the completion of an amended section 106 agreement and the resolution of conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the Planning Application.

DESCRIPTION OF THE APPLICATION

1.2 In October 2011 Outline planning permission was granted for the development of a sustainable mixed use development comprising up to 963 residential dwellings, a neighbourhood centre, a reserved site for a primary school and associated open spaces including youth and recreational facilities on land to the South of Broadbridge Heath.

1.3 The outline planning permission is subject to a legal agreement which secures inter alia, the provision of a neighbourhood centre, community buildings/uses and a primary school.

- 1.4 The site has developed in phases and this application seeks consent for the neighbourhood centre, including a limited number of retail, office units, a nursery and associated parking and landscaping.
- 1.5 The Neighbourhood Centre will be set over 2 storeys with the front elevation comprising a two storey element and the rear, a single storey, with accommodation located within the pitched roof space; both book-ended by gabled roofs and set under covered walkways.

The Neighbourhood Centre will consist of the following unit/sizes;

- . 688sqm gross internal A1 retail (4x79 sqm units and 1 x 372 sqm unit).
- . 465 sqm gross internal Children's Nursery (D1 use)
- . 196 sqm gross internal Parish Office (B1 use)

The proposed external materials will consist of the following;

- . Buff coloured brick
- . Render
- . Standing seam metallic roof
- . Grey powder coated aluminium profile
- . Glazed balustrade

- 1.6 The layout proposes that the 5 (A1) retail units and the (D1) Nursery facility will display extensive glazing to the principle (north) elevation to provide an active frontage. The proposed anchor store (to be located on the eastern end) will be set under a covered walkway and sited adjacent to units 1-4. The units themselves are to be located on the ground floor with the nursery facility occupying the western wing of the building and occupying part of the first floor. The parish offices will also be sited on the first floor with ground floor entrance.
- 1.7 The rear of the centre will accommodate the service areas and the site will be accessed from the A264 with landscaped parking bays located to the north of the development. It is proposed that there will be 54 No. shared Neighbourhood Centre parking spaces of which 6 will be disabled spaces. In addition there will be secured cycle parking provided within the new square.
- 1.8 There will also be associated soft/hard landscaping and enhanced pedestrian and cycle connections to existing Broadbridge Heath Centre

DESCRIPTION OF THE SITE

- 1.9 The Neighbourhood Centre is bounded by the A264 to the north and to the south and west by residential dwellings which form part of the wider South of Broadbridge Heath development.
- 1.10 The eastern boundary is presently a construction compound and is identified in the S106 and parameter plans as the site for a new Primary School which will be transferred to the West Sussex County Council prior to the completion of the 350th dwelling.
- 1.11 Further beyond this the land is predominantly flat and gently undulating with the notable exception of High Wood Hill which is the location of a species rich designated woodland and Site of Nature Conservation Interest. Mill Lane, a public bridleway (BW1630) and Old Wickhurst Lane provide the key routes linking Broadbridge Heath to the countryside to the south and to Mill House and Broadbridge Farm, including the recently converted Grade II Listed Buildings. Part of the Mill Lane public

bridleway runs north of the existing Broadbridge Heath by-pass to Thelton Avenue and provides a key link to the village. The trees and hedgerow on the edge of Mill Lane provide an important wildlife corridor which along with field boundaries in the northern half of the site and on its edges, coupled with existing tree cover, are important to the landscape character of the area.

RELEVANT PLANNING HISTORY

DC/09/2101	Residential development of up to 963 dwellings, a reserved matters site for a New Primary School, Associated open spaces including youth and recreational facilities, neighbourhood centre, new East West Link road, Improvements to Five Oaks roundabout, realignment and partial closure of existing A264 Broadbridge Heath by-pass and other ancillary works.	Permitted 03 rd October 2011
DC/12/2202	Approval of reserved matters for the erection of 320 residential units (256 private and 64 affordable housing units) comprising 101 x 2-bed, 165 x 3-bed and 54 x 4-bed houses/flats, landscaping, highways, parking and associated works pursuant to approved outline planning application DC/09/2101 (Erection of 963 residential units and other associated development)	Permitted 27 th June 2013

There are a number of reserved matters associated with this wider site however the reserved matters application DC/12/2202 surrounds the site to the south and west and is therefore considered to be the most relevant to this scheme. No reserved matters application has currently come forward for the school site to the east.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

National Planning Policy Framework:

NPPF6 - Delivering a wide choice of high quality homes

NPPF7 - Requiring good design

NPPF14 - Presumption in favour of sustainable development

RELEVANT COUNCIL POLICY

The following Development Plan Documents (DPDs) also form part of the development plan and are relevant to the determination of the application, the adopted Horsham District Planning Framework (2015).

Horsham District Planning Framework (November 2015):

Policy 1 – Strategic Policy: Sustainable Development

Policy 2 – Strategic Policy: Strategic Development

Policy 12 – Strategic Policy: Vitality and Viability of Existing Retail Centres
 Policy 24 – Strategic Policy: Environmental Protection
 Policy 25 – Strategic Policy: District Character and the Natural Environment
 Policy 32 – Strategic Policy: The Quality of New Development
 Policy 33 – Development Principles
 Policy 36 – Strategic Policy: Appropriate Energy Use
 Policy 39 – Strategic Policy: Infrastructure Provision
 Policy 40 – Sustainable Transport
 Policy 41 – Parking
 Policy 42 – Strategic Policy: Inclusive Communities
 Policy 43 – Community Facilities, Leisure and Recreation

- 2.2 Land West of Horsham Masterplan Supplementary Planning Document SPD (2008), Land West of Horsham Design Principles and Character Areas SPD (2009) provide guidance on design matters for developers and others preparing planning applications and for those considering applications.

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which area available to view on the public file at www.horsham.gov.uk.
- 3.2 **Environmental Health (summarised) No objection:** The Councils Environmental Health Officer has provided the following comments;
- The neighbourhood centre will be overlooked by the residential properties located to the south. In order to minimise the potential for disturbance arising from use of the neighbourhood centre it is recommended that the following conditions be applied:
 - Deliveries to or from the premises shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays;
 - No internally or externally located plant machinery or equipment shall be installed or operated without the prior written approval of the Local Planning Authority.
 - The hours of operation for the retail uses shall be restricted to 07:30-22:30 hours on Monday to Saturdays and from 09:00-22:30 hours on Sundays;

OUTSIDE AGENCIES

- 3.3 **Sussex Police (summarised): No objection:**
- Pleased the Design and Access statement gave mention to some crime prevention measures.
 - The perimeter to the south of the development should be at least 1.8 metres in height and should be constructed in such a way that there are no footholds

on the attack face. The fence also acts as the perimeter fence to the gardens of the adjoining residential dwellings.

- The delivery gates to the delivery/ service yard should conform to the requirements of chapter 44 SBD commercial 2015.
- Strongly recommend that all external doors within the development conform to PASS 024:201 / LPS 1175 SR2/STS 201. Any fire doors are to be devoid of any external furniture and linked back to the security alarm or reception indicated when opened or left ajar. Windows are to conform to either PAS 024:2012, STS 204 issue 3; 2012 or LPS 1175 issue 7:2010 with any easily accessible windows having laminated glazing that conforms to BS 356:2000 P1A.

3.4 **WSCC Drainage (summarised) No Objection**

The Councils Technical Drainage Advisor has raised no objection to the application subject to the satisfactory discharge of drainage conditions.

3.5 **WSCC Highways (summarised): No objection:**

Whilst I have no highway objections in principle to the proposed layout of the neighbourhood centre, I must reiterate my earlier concerns that the A264 downgrading works are not included as part of this application. These works are needed to serve the new building allowing pedestrians and cyclists to cross the bypass in a safe environment. The proposed planning layout leaves the Broadbridge Heath bypass in its current form but mentions that future highway works will be implemented to downgrade this section of road. However, this responsibility will lie with the developer and not WSCC as it is needed to support the development. The agreed bus routeing with Metrobus is that buses will turn left into the bus link from the south via the eastern residential road and then exit west along the old bypass. The planning layout, as submitted, will need to be amended to allow buses to turn into the bus link (supported by swept path tracking) as the radius shown is much too tight. The downgrading works will have to include the following:

- Narrowing the existing carriageway of the bypass along the length of the bus link (this is indicated in the D& Access Statement, but not included in the red line).
- The provision of an east-west cyclepath to the north and parallel to the bus link (again, this is indicated in the D&A Statement along with a route through the recreation ground although the east-west alignment is slightly more remote than anticipated. The location of the tie in to the Mill Lane public bridlepath and at the eastern end will need careful consideration).
- Provision of adequate entry and exit radii to allow buses to turn into the bus link (as mentioned above buses would not be able to turn left into the bus link from the south, the radius is just too tight. Swept path tracking needs to be submitted to support this turn and the layout amended accordingly).
- Details of bus gate features.
- Provision of a bus shelter, RTPI and raised kerbing on the south side of the bus link.
- A Zebra crossing across the bus link and a footway link northwards to the village hall and Mill Lane (this is indicated in the D&A Statement).

From a highways and transport point of view, whilst the construction of the neighbourhood centre can commence without the closure of the bypass, the above mentioned downgrading works are essential in order to support the opening of the neighbourhood centre. Therefore, a Grampian condition needs to be added requiring the downgrading works to be completed prior to the opening of the neighbourhood centre. As all of the downgrading works would take place within the public highway they can be delivered under a road agreement with WSCC.

Recommended condition :The neighbourhood centre hereby permitted shall not be occupied unless and until the downgrading works to the existing Broadbridge Heath bypass have been completed to provide a bus link, bus gates, bus shelter with RTP1, an east-west cyclepath and Zebra crossing in accordance with plans and details to be submitted to the LPA for approval.

Reason: In the interests of highway safety and to encourage sustainable transport modes. The applicants will be required to enter into a S278 road agreement for the construction of the off-site highway works.

3.6 **Care Commissioning Group (summarised): No objection subject to a contribution**

- Horsham and Mid Sussex CCG are mindful that a Healthcare facility sufficient to accommodate up to 5 GPs has been provided for within the overall Section 106 by developers of land South of Broadbridge Heath within or adjacent to the planned for Neighbourhood Centre.
- Notwithstanding the number of meetings held with a wide range of interested parties in 2014 on this subject a firm decision on operational issues could not easily be achieved and this together with the changes within the NHS following the Health & Social Care Act 2012 a building model of this size would now not be sustainable.
- Accordingly, the CCG has been looking strategically across the healthcare needs for the whole of Horsham and continues to work with GP practices to develop a model of care for the locality. The developing model of care will enable integration of primary, secondary and community services, bringing care close to home for the residents of Horsham, whilst also ensuring a sustainable future for our primary care providers.
- A key part of this model will be ensuring sufficient primary care capacity to meet the needs of residents of the new development in Broadbridge Heath.
- We therefore, would like the opportunity to request a developer contribution toward the impact of increasing the number of residents/patients in the Horsham vicinity by relinquishing the requirement for a small healthcare facility by way of an alternative financial contribution
- These monies would be directed towards improving primary care provision and capacity to ensure sufficient capacity for the residents of the new development in Broadbridge Heath.

3.7 **Southern Water (summarised): No objection**

PUBLIC CONSULTATIONS

3.8 Broadbridge Heath Parish Council: Objects

Provision of health facilities

Broadbridge Heath is a Category 1 settlement and may have in excess of 6,000 residents in the near future. At present no provision has been confirmed for additional health facilities, e.g. a GP surgery, either in this Neighbourhood Centre proposal or the Broadbridge Heath Quadrant.

Horsham District Council must work closely with the CCG and NHS England to provide the facilities as proposed in the West of Horsham Masterplan. With the significant growth in the number of residents, HDC must look to future-proof the needs of the community by providing space for a healthcare facility within the parish of Broadbridge Heath.

The Parish Office

The Parish Council (PC) recognises that Countryside Properties has consulted with regard to the proposed office space; however, as previously advised the PC would like to see their facility all at ground level. One option would be for the PC to occupy two of the retail units. The space allocated is not fit for purpose. The entrance area is too small. There should be a larger reception area to accommodate display and information boards and an area where visitors could be met and quick enquiries dealt with.

There is also no outside storage space for Parish Council equipment e.g. litter barrow, lawnmower, hedge trimmer and spare parts for open spaces etc. A purpose built storage facility is required as there is no apparent useable outside space at the rear of the parade. There may be an option to provide such a facility in the North-Western parcel where no suitable use has been found to date. Also, situated next door to a nursery, there is concern over noise levels disrupting meetings and the working day, particularly from the outdoor space. Adequate sound proofing will be required.

The Parish Office should be well signed and the PC would like to be consulted fully on the interior design of the office space.

Parking

It is important that there is no vehicular link between the two sides of the car park. Any link between the parking areas should be closed to prevent rat-running through the Centre. The PC fully supports West Sussex County Council's view on this.

The PC remains to be convinced that there will be adequate parking spaces given the close proximity of the retail units and the school. Has any consideration been given to where the school traffic will park particularly during peak periods (drop off and collection of pupils)? Has WSCC and HDC proven that car parking will be adequate?

Concern also exists that there is nothing at the front of parking bays adjacent to the front of the development to prevent a collision with a pedestrian or a glass fronted unit. It would seem appropriate to install bollards or similar be along the front of the building and these should be shown on the plans.

North-Western Parcel Parking - as above, this potentially could be used to provide a storage facility and further parking. Under no circumstances should it be used for additional residential development.

S106 - the Parish Council would like to be fully consulted on any amendment to the S106 agreement.

Landscape Proposals - when the A264 is downgraded, there will be an opportunity for a new landscaped area to connect the Neighbourhood Centre to the existing Village Centre playing fields. It is important that these plans are not considered in isolation and that provision is made to create an attractive interface which will link the communities.

- 3.9 1 No. letter of representation has been received, however, this queries the timescale for the downgrading works along the existing A264 and issues with heavy traffic and associated noise and air pollution arising from the existing layout, rather than specifics relating to the neighbourhood centre.

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 The key issues presented by this application are:

- Compliance with the principles established through the parameter plans approved by virtue of the outline application.
- Linkages with the 'parent' S106 legal agreement and any amendments needed in the event of acceptability of this application.
- The design approach and compliance with advice within the Land West of Horsham Design and Character Areas Supplementary Planning Document.
- The site layout, appearance, access and highway safety including car parking provision and servicing together with temporary construction arrangements.
- The landscape strategy, open space provision and drainage
- Issues arising from public consultation.

Each of these issues is addressed below:

Compliance with the principles established through the parameter plans approved by virtue of the Outline application

- 6.2 The Outline planning application, approved at Committee, established through the parameter plans and supporting technical information the key principles relating to the location and scale of the main land uses; vehicular access and primary circulation routes; density and character areas; building heights; and landscape strategy.
- 6.3 The proposed development for this phase for a neighbourhood centre adheres to the key principles established by these parameter plans.

- 6.4 The proposal provides for a mix of A1, B1 and D1 uses and is 1 – 2 storeys in height. The building is set back from the road frontage by a grass verge, a landscaped square and areas of parking.

Linkages with the ‘parent’ S106 legal agreement and amendments needed

- 6.5 As a Reserved Matters application, the infrastructure and other contributions are linked to the ‘parent’ legal agreement secured in connection with the Outline planning application DC/09/2101. With regard to the Neighbourhood Centre the S106 secures and defines the neighbourhood centre as follows:

The Neighbourhood centre ‘shall include 5 small flexible units for retail/office use, the health care facility, a restaurant/public house and the Parish office facility..’

The health care facility is secured and defined as follows: ‘means a health care facility capable of accommodating up to 5 GPs with waiting areas, and consulting rooms together with ancillary facilities to be provided on the site within the Neighbourhood Centre..’

The Parish Office facility is secured and defined as follows: ‘means a building or space of a minimum of 110sqm (Net Internal Area) within the Neighbourhood Centre..’

- 6.6 In terms of the health care facility the CCG have advised that a 5 GP practice is no longer viable and that they do not wish to provide a health facility within the Neighbourhood Centre on the basis of what was secured as part of the outline scheme. However they acknowledge that the medical needs of the new population will need to be met and are seeking a financial contribution to help deliver a new facility. At the time of writing this report no evidence base has been submitted to demonstrate the cost of providing such a facility or indeed no specific project has been identified where any such monies would be spent. Officers are currently seeking a legal view on this matter however at present officers are of the opinion that at present insufficient information has been submitted by the CCG to demonstrate that such a contribution is CIL Regulation compliant.
- 6.7 The early year’s facility as required as part of the S106 is now to be accommodated within the Neighbourhood Centre.
- 6.8 In terms of the loss of the public house/restaurant the applicants property agents have advised that the “Pub Market is very quiet, with the recent trend being of more closures than openings. As a result operators who are expanding can afford to be selective on location and will reject the majority of sites that are put to them”.
- 6.9 Greene King and Marstons are identified by Savills as currently the most acquisitive operators, and their requirements are considered to include the following.
- Main road frontage of immediate proximity to a high visibility attractor such as a food superstore;
 - Minimum site area of 0.75 acres;
 - On site car parking or shared car parking with a food store/leisure park
- 6.10 The developers agents thus conclude that given the small size of the proposed neighbourhood centre plot, and lack of local supporting uses (even considering

Tesco's immediately to the east) that the chances of a letting to a pub/restaurant operator at South Broadbridge Heath is minimal.

- 6.11 Officers have considered the supporting evidence and is in agreement that a pub/restaurant are not viable options within the Neighbourhood Centre.
- 6.12 Officers have accepted the revised design given that the centre along with the proposed enhanced pedestrian and cycle connections to the existing Broadbridge Heath Village centre will help create a new focal point for a new community hub.
- 6.13 Mill Lane bridleway is located to the west of this parcel (outside of the red line boundary) and links the development with the wider countryside to the south as well as providing a link to the village centre of Broadbridge Heath. The retention and upgrading of this key route has been secured and completed under the S106.
- 6.14 It is considered that the application as shown on the submitted plans and supported by the technical information for the provision of a Neighbourhood Centre which includes the delivery of A1, B1 D1 units and 54 additional parking spaces is deemed acceptable, subject to modification of the legal agreement to account for the non-provision of the health centre and pub/restaurant, and consideration of a financial contribution to provide a health facility off site.

The design approach and compliance with advice within the Land West of Horsham Design and Character Areas Supplementary Planning Document

- 6.15 The site forms part of Character Area 3 as defined within the Land West of Horsham Design and Character Area SPD. The specific design guidance for Character Area 3 incorporating the agreed changes is reproduced below and has been annotated to demonstrate how the current application is in general conformity.

DESIGN GUIDANCE	COMMENT
Possibility of a landmark building in Neighbourhood Centre to provide focal point:	The building represents a key focal point within the local community, with its design and key features supporting the character of Wickhurst Green.
2-3 storey buildings in residential or mixed use	This development provides for a mix of A1, B1, D1 units to support differing commercial needs, focused around a new public square creating a vibrant community hub across two storeys.
Layout of new neighbourhood centre facilities to be designed and orientated so as to integrate with existing village	The design, layout and materials reference that of the ongoing development at South of Broadbridge Heath and are considered to integrate well within the surrounding context.
Layout of buildings, street and footpaths in vicinity of neighbourhood centre to be designed to give greater priority to the needs of pedestrians and cyclists;	The development provides enhanced pedestrian and cycle connections to existing Broadbridge Heath Centre, which link into a hierarchy of existing roads, footpaths, cycleways and bridleways. The centre has been laid out to be outward facing (i.e. towards the existing Broadbridge Heath) to further

	encourage pedestrian and cycle usage.
Retention and landscape enhancement of the existing rights of way (Old Wickhurst Lane and Mill Lane).	The development is sufficiently set away from existing rights of way (Old Wickhurst Lane and Mill Lane) to ensure their retention as sensitive areas.

The site layout, appearance, access and highway safety including car parking provision and servicing together with temporary construction arrangements.

Layout, Scale and Appearance

- 6.16 The Neighbourhood Centre will be conveniently located within easy reach for residents of both Broadbridge Heath and Wickhurst Green. The proposed development will be set over 2 storeys with the front elevation comprising a two storey element and the rear, a single storey, with accommodation within the pitched roof space; both book-ended by gabled roofs and set under covered walkways.
- 6.17 The Neighbourhood Centre will consist of the following unit/sizes;
- . 688sqm gross internal A1 retail (4x79 sqm units and 1 x 372 sqm unit).
 - . 465 sqm gross internal Children's Nursery (D1 use)
 - . 196 sqm gross internal Parish Office (D1 use)
 - . 54 no. shared Neighbourhood Centre parking spaces (of which 6 are disabled spaces).
 - . Associated Landscaping
- 6.18 The proposed external materials will consist of the following;
- . Buff coloured brick
 - . Render
 - . Standing seam metallic roof
 - . Grey powder coated aluminium profile
 - . Glazed balustrade
- 6.19 The layout proposes that the 5 (A1) retail units and the (D1) Nursery facility will display extensive glazing to the principle (north) elevation to provide an active frontage. The proposed anchor store (to be located on the eastern end) will be set under a covered walkway and sited adjacent to units 1-4. The units will provide reasonable sized retail space for prospective users and proprietors. The units themselves are to be located on the ground floor with the nursery facility occupying the western wing of the building and occupying part of the first floor. The parish offices will also be sited on the first floor with ground floor entrance accommodation.
- 6.20 The nursery frontage has been designed with the nursery functionality and children's safety in mind. The rooms to the front of the centre comprise the reception area, a meeting room, kitchen, store and the sleep room, which will be obscurely glazed.
- 6.21 The centre is identified as a stand-alone character area within the approved Outline Application, however it is worth noting that the design and materials reference that of the ongoing development at South of Broadbridge Heath and are considered to integrate well within the surrounding context.
- 6.22 The rear of the centre will accommodate the service areas and this arrangement is considered likely to lessen the conflict between the proposed users of the community

facilities and refuse and service personnel. This is considered to be a sensible approach given the parish councils concern over the relationship between these two areas. The comments from Broadbridge Heath Parish Council regarding the need for ground floor Parish council office space have been considered by Officers and the applicant. Whilst it is regrettable that the current design has not provided ground floor offices, on balance, the current scheme is considered acceptable and it would not be reasonable to refuse the application on this basis as there is no requirement for the Parish Council office space to be at ground floor level within the S106. The office would provide a lift for disability access.

- 6.24 In terms of design, the proposed centre will have regard to the Sussex vernacular and includes such features as brickwork, render, and gabled roofs and introduces more modern elements such as glazed balustrades to provide variation across the site. This approach is consistent across the other phases already approved. The applicant has also provided details of proposed materials which will ensure consistency across the entire strategic development in terms of the materials; it is recommended that a condition be attached to secure details and samples of these materials. Whilst the use of coated aluminium of the roof may differ from the traditionally designed dwellings throughout the site, this application is for a commercial centre and therefore such use of materials is not considered to be unacceptable or indeed harmful to the character of the area, particularly given the low profile of the roof.
- 6.25 The design of the centre reflects some characteristics from the adjacent Phase to the south west. The use of substantial glazing on the front elevation and the creation of a private balcony for the use by the Nursery have created a real sense of individual character whilst maintaining a similar materials palette as within the southern section. It is considered that this approach will ensure continuity across the development.
- 6.26 The proposed building height and design is considered to be acceptable and accords with the principles secured as part of the outline approval.

Access and Highway Safety

- 6.27 In respect of access and highway safety, a comprehensive Transport Assessment was submitted in support of the outline planning application, of which this site forms part. The main access to the site will be from the A264, the downgrading of which was secured as part of the Outline planning permission.
- 6.28 Pedestrian and cycle links are to be provided onto the downgraded A264 which will allow for access to the new bus stop to be provided along this route. Pedestrian access is also available from Mill Lane Bridleway.
- 6.29 The proposed development provides a total of 54 car parking spaces which includes disabled spaces set within landscape courtyards. This will ensure a sensitive relationship with the new public square. Secure cycle parking is also provided. This level of parking is considered adequate for a scheme of this scale and it is noted that no objections have been raised by WSCC.
- 6.30 From a highways and transport point of view, whilst the construction of the Neighbourhood Centre can commence without the works to the A264 bypass having been implemented, downgrading works are essential in order to support the opening of the Neighbourhood Centre. A Grampian condition can be applied requiring the downgrading works to be completed prior to the opening of the Neighbourhood Centre. As all of the downgrading works would take place within the public highway

they can be delivered under a separate road agreement between the developer and WSCC. With regards to the likelihood of rat-running through the proposed car park by vehicular traffic, WSCC have accepted that a degree of monitoring will need to be undertaken to inform any decision as to whether further traffic control measures would be needed. Notwithstanding this it is considered that whilst a through route is possible through the car park, this is very convoluted and will involve passing users manoeuvring into and out of spaces. It will therefore be unlikely to be an attractive route for rat-running.

- 6.31 Overall the development is considered to comply with Policy 40 (Sustainable Transport) of the Horsham District Planning Framework.

Temporary construction arrangements

- 6.32 The applicant submitted a site wide Construction Environment Management Plan (CEMP) in March 2012 pursuant to the discharge of condition 39 of Outline planning permission DC/09/2101. Consultations were undertaken and the CEMP was approved. This application will need to demonstrate compliance with the principles established as part of the outline approval DC/09/2101 as well as providing site specific information as to where construction vehicles will park, materials stored, wheel washing facilities located etc. This can be controlled through a suitably worded condition.

The landscape strategy, open space provision and drainage

- 6.33 Whilst some landscaping is proposed in the form of nursery gardens, the planting of native trees and hedges, a hard landscaped public square and a covered walkway, it is still considered that additional planting can be secured through a comprehensive landscape condition, which forms part of this recommendation. It is also worth noting that proposed (south) landscaping around the parking area will assist in linking the development with Broadbridge Heath once the A264 has been downgraded. In this respect members should be aware that Officers are seeking to facilitate a wider scheme, which will fall outside the scope of this application which seeks to integrate existing and new Broadbridge Heath through the land to the north of the Neighbourhood Centre. It is therefore important that any landscaping scheme on this site feeds into that scheme and vice versa.
- 6.34 The development is considered to respect Mill Lane to the west and no objections have been raised by HDC's Arboricultural Officer with regard to impacts on existing trees and hedgerows.

Surface Water and Water Reduction Strategy

- 6.35 In respect of surface water drainage and water reduction strategy, the applicant has submitted information pursuant to the condition 7 of Outline planning permission DC/09/2101 which was subject to consultation and the overarching principles for the site wide development were considered acceptable. However details of a foul and surface water scheme shall be submitted for this scheme which shall demonstrate compliance with the principles approved through the discharge of condition 7 on the outline scheme.

Issues arising from public consultation.

- 6.36 One third party representation has been received during the course of considering this application, which did not raise any material considerations in respect of this proposal. The concerns which have been raised by the Parish council with regard to the collection of refuse, highways and the location of the Parish Office have been considered within the report.

Conclusion

It's considered that the proposed development accords with the policies within the Development Plan, the principles as set out within the approved outline parameter plans together with the provisions within the S106, other than those for which an amendment is sought. Furthermore, it is considered that the delivery of the proposed Neighbourhood Centre as proposed is deemed acceptable, ensuring appropriate landscaping is acceptable, and thus approval of this application is recommended.

The recommendation to members is set out below and includes a need to amend the S106 Legal Agreement. The amendments to the legal agreement shall also include the consideration of the request by the CCG for a financial contribution towards off-site health provision to meet the needs of the development.

7. RECOMMENDATIONS

It is recommended that Planning Permission be delegated for approval to the Development Manager subject to the completion of amendments to the S106 agreement and the following conditions.

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Schedule of plans/documents:

Location Plan Drwg no. 1263-D-1100 Received 12 February 2015
 Illustrative External Views Drwg. 1263-D-1900 Received 12 February 2015
 Elevations Plan Drwg. 1263-D-1800 Received 12 February 2015
 Design and Access Statement, dated May 2015 Received May 2015

Reason: For the avoidance of doubt and to enable the Local Planning Authority to control the development in detail.

2. Notwithstanding the submitted information, 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(s) shall be submitted to and approved, in writing, by the Local Planning Authority. The 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 32 of the Horsham District Planning Framework (2015).

3. Prior to the commencement of development details of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development must be constructed in accordance with the approved details.

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 32 of the Horsham District Planning Framework (2015).

4. Before development commences precise details of the finished floor levels of the development in relation to a nearby datum point shall be submitted to and approved by the Local planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: To control the development in detail in the interests of amenity and in accordance with Policy 1 and Policy 32 of the Horsham District Planning Framework (2015).

5. Notwithstanding the submitted information, prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) details of screen walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority and the Neighbourhood Centre shall not be brought into use 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. Any screening along the Southern boundary shall consider the acoustic qualities of the fencing.

Reason: In the interests of amenity in accordance with Policy 32 and 24 of the Horsham District Planning Framework (2015).

6. Notwithstanding the submitted information, prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) 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)
 - Hard surfacing materials: layout, colour, size, texture, coursing and levels (to include where appropriate necessary delineation between cyclepath/footpath and community streets).
 - Walls, fencing and railings: location, type, heights and materials
 - Minor artefacts and structures – location, size and colour and type of street furniture, 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 32 of the Horsham District Planning Framework (2015).

7. Prior to the commencement of development details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations there for, shall be submitted to and approved by the Local Planning Authority in writing. These details shall demonstrate effective coordination with the landscape scheme submitted pursuant to condition [6], and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: To protect roots of important trees and hedgerows on the site in accordance with Policy 32 of the Horsham District Planning Framework (2015).

8. No unit within the Neighbourhood Centre hereby approved shall be brought into use until the parking, turning and access facilities have been provided in accordance with the plans hereby approved (or in accordance with plans submitted to and approved in writing by the Local Planning Authority) and the parking, turning and access facilities shall thereafter be retained solely for that purpose and in connection with school drop off points.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9. Notwithstanding the submitted information, prior to commencement of works a refuse strategy shall be submitted to and approved, in writing, by the Local Planning Authority and shall include details of collection points for each retail unit and shall demonstrate effective coordination with the landscape scheme submitted pursuant to condition [6] together with construction details of the carriageway to ensure appropriate construction to withstand regular use by refuse collection vehicles.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 1 of the Horsham District Planning Framework (2015).

10. No unit within Neighbourhood Centre hereby permitted shall be brought into use unless the provision of facilities for the parking of cycles has been made within the site in accordance with the hereby approved plan (or in accordance with plans submitted to and approved, in writing by the Local planning Authority) and the facilities so provided shall be thereafter retained solely for that purpose.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

11. 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.

Reason: To safeguard the amenities of nearby residents in accordance with Policy 32 of the Horsham District Planning Framework (2015).

12. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Such a scheme shall demonstrate compliance with the principles established as part of the outline scheme DC/09/2101.

Reason: To ensure a satisfactory development and ensure the development is properly drained in accordance with Policies 1, 32 and 38 of the Horsham District Planning Framework (2015).

13. No burning of materials shall take place on the site.

Reason: In the interests of amenity and in accordance with Policy 32 of the Horsham District Planning Framework (2015)

14. No unit within the Neighbourhood Centre hereby permitted shall be occupied unless and until the downgrading works to the existing Broadbridge Heath bypass have been completed to provide a bus link, bus gates, bus shelter (with Real Time Passenger Information), swept path tracking information, an east-west cycle path and Zebra crossing in accordance with plans and details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: in the interests of highway safety and to encourage sustainable transport modes in accordance with Policy 40

15. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and maintained throughout the construction period, unless alternative details are agreed in writing by the Local Planning Authority. The CEMP shall demonstrate compliance with the site wide CEMP submitted pursuant to condition 39 of DC/09/2101 and include details and a plan including:
- Contractor's buildings and parking, including areas for the loading and unloading of vehicles associated with the building or other operations on the site
 - Storage of materials, construction plant and equipment; provision
 - Vehicle movements (including site clearance works)
 - Details of demolition works
 - Protective fencing
 - Details of site construction and demolition access
 - Scheme of works for the control and mitigation of noise and dust

- An effective wheel cleaning facility

Reason: In the interests of road safety and/or in the interests of amenity and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

Reason: In the interests of amenity and highway safety and in accordance with policy 24 of the Horsham District Planning Framework (2015).

16. Prior to the commencement of development a Surface Water Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall demonstrate compliance with the principles established as part of the outline scheme DC/09/2101.

Reason: To ensure a satisfactory development and to prevent flooding in accordance with Policy 38 and 32 of the Horsham District Planning Framework (2015).

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or Orders amending or revoking and re-enacting the same, the building hereby permitted shall not be extended in any way unless planning permission has been granted by the Local Planning Authority on application in that respect.

Reason: A more intensive use of the site would be likely to cause amenity issues for adjacent residential neighbours to the south and servicing issues for the units contrary to Policies 33 and 40 of the Horsham District Planning Framework 2015

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 or Orders amending or revoking and re-enacting the same, no retail unit (A1) hereby permitted shall change to A2, A3, D2 or residential (C3) unless permission is granted by the Local Planning Authority pursuant to an application.

Reason: To protect the vitality and viability of the Neighbourhood Centre and the character and appearance of the area in accordance with Policies 12 and 32 of the Horsham District Planning Framework 2015.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 or Orders amending or revoking and re-enacting the same, the office unit (B1) hereby permitted shall not change to B8 unless permission is granted by the Local Planning Authority pursuant to an application.

Reason: To protect the vitality and viability of the Neighbourhood Centre, the character and appearance of the area and the amenities of neighbouring occupiers in accordance with Policies 12, 32 and 33 of the Horsham District Planning Framework 2015.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 or Orders amending or revoking and re-enacting

the same, the nursery unit (D1) hereby permitted shall not change to A1, A2, A3 or B1 unless permission is granted by the Local Planning Authority pursuant to an application.

Reason: To protect the vitality and viability of the Neighbourhood Centre and the character and appearance of the area in accordance with Policies 12 and 32 of the Horsham District Planning Framework 2015.

Background Papers: DC/15/0284

Case Officer: Ray Deans

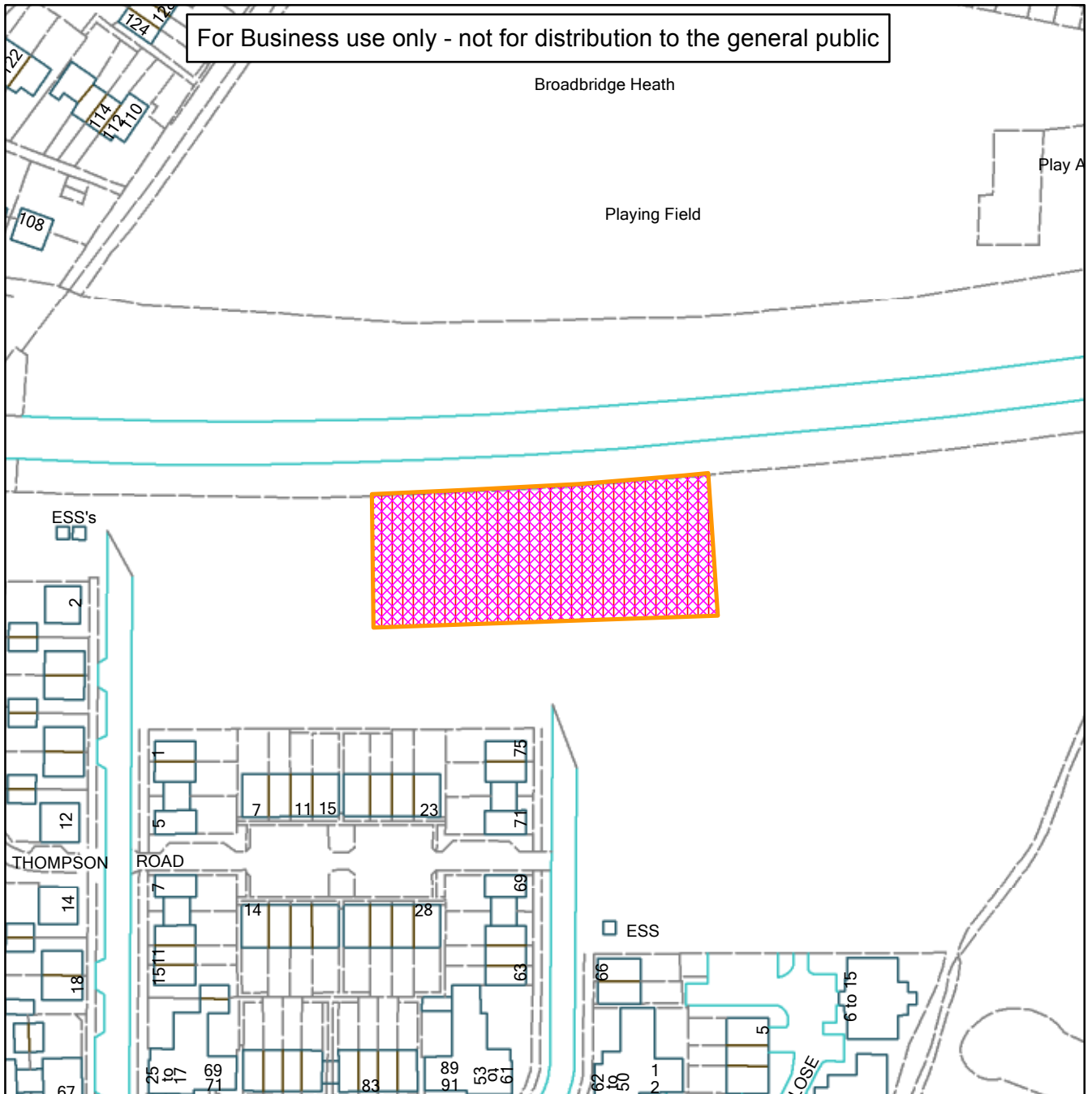
DC/15/0284



Horsham
District
Council

Land South of Broadbridge Heath

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Scale: 1:1,273

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/01/2016
MSA Number	100023865



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 2 February 2016

DEVELOPMENT: Outline application for up to 14 dwellings (20% affordable housing) with vehicular, cycle and pedestrian access from Tuggles Plat

SITE: Land To The East of Tuggles Plat Warnham West Sussex

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/15/2680

APPLICANT: Castle Land and Development LLP

REASON FOR INCLUSION ON THE AGENDA: Departure from the Development Plan

RECOMMENDATION: To refuse the application.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application is made in outline. Matters of access, appearance, landscaping, layout and scale are all reserved for later consideration.

1.3 The application proposes the erection of up to 14 dwellings, served by a new access from Tuggles Plat. The application indicates an indicative layout of detached two storey dwellings with parking spaces and garages. The proposal includes 20% affordable housing units. If 14 units are provided this would equate to the provision of 3 affordable units.

1.4 The indicative layout submitted with the application indicates an extension of the residential development at Tuggles Plat to the west of the site. This would include an extension of the existing road at Tuggles Plat with housing facing north and south sited either side of an extended road. The extended road would run east to west across the site. The proposed density of the site would be up to 16 dwellings per hectare. The indicative layout and proposal indicate that the scheme would retain the trees around the borders of the site and would include a green buffer zone along the northern boundary. New tree planting is also indicated within the confines of the site.

1.5 The application has been accompanied by a number of supporting documents including:

- Design and Access Statement
- Planning Statement

- Heritage Statement
- Affordable Housing Statement
- 5 Year Housing Land Supply Assessment
- Envirosearch Risk Assessment
- Ecological Appraisal
- Tree Survey
- Utilities Report
- Site Waste Management Plan
- Transport Statement

DESCRIPTION OF THE SITE

- 1.6 The application site comprises an area of 0.85 hectares and encompasses an enclosed field laid to grass over clay. The site is on a slope which falls from the southern boundary of the site. The submitted site survey plan indicates that the site falls by approximately 2 – 2.5 metres across the site from south to north. The northern boundary of the site abuts the rear gardens of dwellings fronting Friday Street. The site is also adjacent to the pub garden of the Greets Inn Public House which is also on Friday Street.
- 1.7 No.s 33 (now divided into nos. 31 & 33), 37, 39, 44, The Greets Inn, Rose Cottage and Bank Cottage on Friday Street are all Grade II listed buildings located directly north of the site. Due to the topography of the site, the buildings at Friday Street are all set at a lower ground level than the application site. The site is adjacent to Warnham Conservation Area which includes all of Friday Street and partly adjoins the northern boundary of the application site.
- 1.8 The northern boundary of the site is formed by a mixture of fencing, hedging and trees establishing the rear boundary treatments of the individual properties at Friday Street. The eastern and southern boundaries of the site are also formed of fencing, dense bushes and trees. The land to the east is in use as garden by a Friday Street property. Directly to the south are further fields. The large field to the immediate south of the site currently houses red deer.
- 1.9 To the west of the site is the residential street of Tuggles Plat. This street is comprised of detached chalet style bungalows and two-storey houses dating from the late twentieth century. The application site is separated from Tuggles Plat by fencing, hedges and trees and partly by land in the ownership of The Greets Inn Public House.
- 1.10 The site is adjacent to the boundary of the Built-Up-Area of Warnham. Warnham is classed as a 'Medium Village' in Policy 3, Strategic Policy: Development Hierarchy of the Horsham District Planning Framework (HDPF). These settlements are classed as having a moderate level of services and facilities and community networks together with some access to public transport. The site does not benefit from a specific site allocation in the HDPF or in an adopted Neighbourhood Plan.
- 1.11 The site is located within the Horsham District Landscape Character Area K2: Warnham and Faygate Vale. The assessment states that 'this area comprises a narrow vale on Weald Clay, with a medium to large scale field pattern of mainly arable farmland. The traditional hedgerowed field pattern has become fragmented or lost, and only isolated patches of woodland occur.'

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

2.2 The National Planning Policy Framework (March 2012), sections 1, 4, 6, 7, 8, 10, 11 and 12.

2.3 Planning Practice Guidance (March 2014).

RELEVANT COUNCIL POLICY

2.4 The following policies in the HDPF are considered to be relevant:

- Policy 1: Strategic Policy: Sustainable Development
- Policy 2: Strategic Policy: Strategic Development
- Policy 3: Strategic Policy: Development Hierarchy
- Policy 4: Strategic Policy: Settlement Expansion
- Policy 15: Strategic Policy: Housing Provision
- Policy 16: Strategic Policy: Meeting Local Housing Needs
- Policy 17: Exceptions Housing Schemes
- Policy 24: Strategic Policy – Environmental Protection
- Policy 25: Strategic Policy: The Natural Environment and Landscape Character
- Policy 26: Strategic Policy: Countryside Protection
- Policy 27: Settlement Coalescence
- 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
- Policy 35: Strategic Policy: Climate Change
- Policy 36: Strategic Policy: Appropriate Energy Use
- Policy 37: Sustainable Construction
- Policy 38: Strategic Policy: Flooding
- Policy 39: Strategic Policy: Infrastructure Provision
- Policy 40: Sustainable Transport
- Policy 41: Parking
- Policy 42: Strategic Policy: Inclusive Communities

2.5 Local Development Framework: Supplementary Planning Document:

- Planning Obligations (2007)

NEIGHBOURHOOD PLAN

2.6 The site is within the parish of Warnham. Warnham has been designated as a Neighbourhood Development Plan Area. The Neighbourhood Plan is in the early stages with no allocated sites as yet. The Parish have been in the process of 'calling for sites'. This process ends in January 2016.

PLANNING HISTORY

2.7 There is no planning history for this site.

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.
- 3.2 **HDC – Housing (summarised):** Comment. The applicant proposes 20% affordable homes (3 units). Two homes would be provided for Affordable Rent and one for Shared Ownership. Due to Government announcements in the July 2015 Budget and proposals in the Housing and Planning Bill (October 2015) the final tenure mix of the affordable homes will be agreed in writing by the Council prior to commencement of development.
- 3.3 **HDC - Strategic Planning (Summarised):** Objection. The site is adjacent to the BUAB of Warnham within a countryside location. As such, the site is considered against 'Countryside Protection Policy 26' which protects the countryside against inappropriate development. The Council can demonstrate a full 5-year housing land supply against the required number of dwellings per annum. The scheme should be refused on the grounds that it is a departure away from the development plan and is contrary to policy 26. The views of the Parish should be sought for the site in the spirit of localism and the emerging Warnham Neighbourhood Plan.
- 3.4 **HDC – Technical Services (Drainage) (summarised):** Comment. The surface water / SuDs references are not considered sufficient in respect of an outline application of this nature. Further details are required on existing and proposed storm water drainage and a proposed flood risk and drainage assessment.
- 3.5 **HDC – Environmental Health (summarised):** No objection subject to the following:
- Submission of Construction Environmental Management Plan to be agreed by the Local Planning Authority.
 - Records indicate that the site has an agricultural land use history and therefore there are limited risks from ground contamination.
 - Prior to occupation of the buildings, a detailed lighting management plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained.
- 3.6 **HDC – Parks & Countryside:** No objection.
- 3.7 **HDC – Ecology Consultant (summarised):** Objection. The level of ecological information submitted is insufficient to allow an adequate assessment of ecological impacts. Further information is required regarding the potential impact on bats, great crested newts and reptiles.
- 3.8 **HDC - Archaeology Consultant (summarised):** Comment. No evidence is presented regarding archaeological potential despite being located immediately to the rear of 17th century development. Further information is required.
- 3.9 **HDC - Design & Conservation Consultant (summarised):** Objection. It is considered that the proposed development is too intensive and would cause significant harm to the setting of the Grade II listed buildings and Warnham Conservation Area.
- 3.10 **HDC – Landscape Officer (summarised):** Objection. Given the significant encroachment to the countryside, the proposal is not supported on landscape, townscape and visual grounds.

OUTSIDE AGENCIES

- 3.11 **West Sussex County Council – Flood Risk Management Consultant (summarised)**: Objection. Current mapping shows the site itself is at ‘low’ and ‘negligible’ risk from surface water flooding and ground water flooding. It should be noted that the areas of the adjacent roads (Tuggles Plat, Friday Street and Byfleets Lane) are shown to be at high risk of surface water flooding. To meet the NPPF policy the applicant must ensure development is appropriately flood resilient and resistant, safe for its users for the development’s lifetime, and will not increase flood risk overall. This has not been demonstrated on this development.
- 3.12 **West Sussex County Council - Highways (summarised)**: No objection. The principle of development is acceptable, subject to the submission of further details which could be submitted at the Reserved Matters stage for approval by the Local Planning Authority.
- 3.13 **Southern Water (Summarised)**: No objection subject to the following:
- The applicant is to submit a formal application with Southern Water for a connection to the public foul and surface water sewer.
 - It is the responsibility of the developer to make suitable provision for the disposal of surface water through adequate soakaway or infiltration system, water course or a sewer.
 - Prior to commencement of development details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

PUBLIC CONSULTATIONS

- 3.14 **Campaign to Protect Rural England Sussex (summarised)**: Objection on the following grounds:
- The scheme is contrary to paragraph 17 of the NPPF in that the application does not recognise and take into account the intrinsic beauty of this countryside locality.
 - If permitted, the development would extend the spread of built development into the countryside outside the Built-Up-Area of Warnham village, thereby harming the rural sense of place.
 - The Ecological Appraisal submitted is lacking sufficient details regarding the ecological impact of the proposal. This is contrary to Government advice to take the presence of a protected species into consideration as material consideration in the determination of a development proposal.
 - Further information is required in line with Warnham Parish Council’s comments regarding the potential impact on the adjacent listed buildings and Conservation Area.
 - The application is not supported by Warnham Parish Council and is not identified in Warnham’s evolving Neighbourhood Plan. The application is therefore contrary to HDPF Policy 4: Strategic Policy: Settlement Expansion.
- 3.15 **Warnham Parish Council**: Objection on the following grounds:
- Warnham is currently evolving a Neighbourhood Development Plan (NDP). A draft NDP is scheduled by mid-2016. The application is therefore premature and any consideration of the site should be solely through the NDP process.
 - Warnham’s NDP has identified housing needs in the parish. The applicant has not sought to identify local needs nor consult on the NDP findings. Any application on the site should be responsive to locally identified needs.
 - The visual impact on the properties at the east end of Tuggles Plat and on the south side of Friday Street has not been clearly demonstrated or assessed in the application. Cross sectional drawings and photographic images are required to show the exposure of existing properties in Friday Street to the new construction

and roof lines, and to show the extent to which the development would be visible from viewpoints within the village. The proposed development would impact on the setting of listed buildings in Friday Street.

- There is no convenient access route to the site that is acceptable for heavy construction vehicles. Friday Street is too narrow and residential; heavy vehicles would be overly intrusive and disruptive, and traffic vibrations will be damaging to adjacent properties. Granny's Lane/Byfleets Lane is narrow and single track in part. Access to the site from Strood Lane or Tilletts Lane would be a lengthy diversion for most construction traffic and unlikely to be enforced.
- The application site is prone to flooding. It is too waterlogged in the winter to be used for equestrian purposes. Rainwater run-off flows northwards from the site and has flooded gardens and properties in Friday Street. The run-off flows over the car park to the Greets Inn and via the access drive to Friday Street. It is inadequate for the applicant to state that "run-off will need to be managed...to minimise impact." In view of the gradient over the site the applicant should demonstrate at this stage that a fully engineered, complete and sustainable solution to the run-off problem is feasible.
- In view of the dominant position of the proposed development site above Friday Street, the scheme would result unacceptable harm to the amenity of adjacent properties.

3.16 **59** no. letters of objection (from 45 different addresses) have been received. The grounds of objection are as follows:

- The roads in the area are busy enough without adding 14 new properties into this side of town. Increased traffic would be dangerous for pedestrians and result in a significant impact on residents and increase pollution.
- The development would lead to very large vehicles using Friday Street to access the development site leading to damage. Friday Street and Byfleets Lane allow single file traffic only and are too small for HGVs.
- The amount of green land that will be affected will be a loss to the area.
- A small village cannot sustain a large rate of growth.
- The scheme would result in a detrimental impact on the amenity of the Friday Street properties as the properties would tower over them resulting in loss of light and privacy.
- There have been problems with flood water coming off the application site and Bailing Hill flooding the properties on Friday Street, many of which are listed. This has led to a lot of damage. The proposal would exacerbate this problem with surface water run-off. The drains are at breaking point.
- The development would result in a considerable amount of noise disturbance during the building phase. The use of the properties would also result in noise disturbance.
- The proposal would result in a detrimental ecological impact. This paddock is a haven for wildlife.
- Trees have been cut down already without permission.
- This would be another blot on the landscape with no reflection of vernacular architecture. Due to the difference in ground levels, the scheme would overshadow and be out of keeping with the historic and visual setting of Friday Street. As this development is not being contained within the natural bowl of village houses it will stand out significantly from viewpoints around the village. The scheme would alter the profile of the village when viewed from local viewpoints.
- Under the policies of the HDPF development in Warnham should be restricted to small scale scheme shown to address specific local needs. This is opportunistic planning for profit, which does not meet specific local needs and is not within existing boundaries of the village.
- No consultation was undertaken with the local community.

- The scheme has not been identified within the Warnham Parish Neighbourhood Plan. The timing of this development appears to circumvent the Warnham Neighbourhood Plan and any surveys conducted as part of that process.
- It will have an impact on the resale of all houses directly in the area.
- Many residents bought properties here on the basis that this piece of land would not be developed. The development of this site would affect the ambience of the area.
- This is the wrong part of the village for this development.
- This proposal would set a precedent to potentially allow further development adjacent to the site.
- The proposal should not be accepted without a considerable contribution towards the financial cost of traffic calming measures in the village being made by the applicant as a condition of the plan should it be passed.

Officer note: The applicant has not submitted evidence to indicate that pre-application consultations have taken place with the local community for this proposal. In accordance with Planning Practice Guidance, pre-application engagement with the community is encouraged where it will add value to the process and the outcome.

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 As an outline application, the main issue in the consideration of this application is whether the development of this site for up to 14 dwellings is acceptable in principle having regard to both central government and local development plan policies, and to any other material considerations. The details of the proposed access, appearance, landscaping, layout and scale of the proposal are all reserved for later consideration.
- 6.2 As set out in Section 2, the Horsham District Planning Framework (HDPF) was adopted on 27th November 2015. It is, therefore, necessary to assess this application against the relevant Policies of the HDPF and the national planning policies contained in the National Planning Policy Framework (NPPF). The Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant to this application.
- 6.3 The NPPF states that Local Planning Authorities should contribute to building strong, responsive and competitive economies; vibrant and healthy communities that meet the needs of present and future generations; high quality built environments, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; protect and enhance the natural, built and historic environment and; improve biodiversity, using natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change.
- 6.4 In accordance with the above objectives, the main issues for the Local Planning Authority to consider in the determination of this application are the acceptability of the principle of the proposed residential development in land use terms; the impact on the setting on the

adjacent Grade II Listed Buildings at Friday Street and Warnham Conservation Area; the impact on the character and visual amenity of the landscape and locality; the impact of the development on the amenity of prospective and neighbouring occupiers; whether safe vehicular and pedestrian access can be provided to the site; whether appropriate provision can be made for car and cycle parking, refuse storage/collection, drainage/flooding and; whether the development can be delivered without harming the interests of nature conservation, land contamination and archaeology.

Principle of Development

- 6.5 The HDPF demonstrates that there is adequate housing land available to provide the required 800 dwellings per annum for a 5 year period. Policy 3 of the HDPF, confirms that development should be focused within Built-Up Area Boundaries. In addition to Built-Up Areas, it is recognised that, in order for some communities to be able to grow and develop, it will be necessary for them to expand beyond their current built form.
- 6.6 Accordingly, Policies 3 and 4 note that, by allocating sites in the Local Plan or Neighbourhood Plans, it will be possible to meet the identified local needs of these settlements and provide an appropriate level of market and affordable housing, as well as maintaining the viability of smaller villages and towns. The Policy notes the importance of retaining the rural character of the District beyond these settlements. In this instance, the proposed site is adjacent to the Built-Up-Area of Warnham and is located in a countryside location. It should be noted that in recent appeal decisions (DC/14/2452: Shiremark Barn, Horsham Road, Capel and DC/14/2139: Land off Kithurst Lane, Storrington), the Planning Inspectorate agreed that the Council's policies in the HDPF were up to date and both of these appeals were partly dismissed on the grounds of inappropriate development outside the Built-Up-Area in a countryside location.
- 6.7 The HDPF outlines that the proposed settlement hierarchy which is the most sustainable approach to delivering housing. New development should be focused in the larger settlements of Horsham, Southwater and Billingshurst, with limited new development elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.
- 6.8 The application site does not have a site specific allocation in the HDPF. Additionally, the site is not allocated for development within a made Neighbourhood Plan. Warnham are evolving a Neighbourhood Development Plan and currently do not have any allocated sites. The Parish have stated that a draft Neighbourhood Plan is scheduled for the middle of 2016. In their consultation response, Warnham Parish Council has raised concerns regarding the suitability of this site for housing. As the Neighbourhood Plan is in its early stages, there is limited weight attached to Warnham Neighbourhood Plan.
- 6.9 In this countryside location, the site is also considered against 'Countryside Protection' Policy 26 which protects the countryside against inappropriate development unless it is considered to be appropriate in scale and essential; and must also meet one of four criteria. The proposed development does not meet any of these four criteria, nor is it considered to be essential given the Council can demonstrate a full 5-year housing land supply against the required number of dwellings per annum. As outlined below, there are also concerns that the current scheme would further erode the character of this countryside location and would also harm the setting of the adjacent listed buildings and Warnham Conservation Area.
- 6.10 For the reasons outlined above, the principle of developing this site for 14 dwellings, outside the Built-Up-Area Boundary, within a countryside location, and where the land

hasn't been allocated for development within a Local or Neighbourhood Plan, is unacceptable. The development is not essential to its countryside location and is therefore contrary to Policies 1, 2, 3, 4, 15, 25 and 26 of the HDPF.

- 6.11 The applicant states that it is clear that there is a need for housing in the parish of Warnham and that meeting this requirement cannot be achieved from deliverable sites within the existing Built-Up-Area. The applicant states that the Council will be unable to deliver a five year housing land supply. The applicant also states that this therefore makes it essential for housing development to take place in the countryside beyond the Built-Up-Area boundary and that the current proposal would demonstrably enable the sustainable development of this rural area. The Council's position is that with the adoption of the HDPF, it is now clear that the Council can demonstrate a five year supply of housing and can substantiate this.
- 6.12 The HDPF does allow development outside the Built-Up-Area but only if proposals accord with the Local Plan or a Neighbourhood Plan. It is acknowledged that there is a housing need in Warnham as identified in the 2015 Housing Needs Survey. However, this need should be provided within the Built-Up-Area of Warnham or via the Warnham Neighbourhood Plan. Additionally, the HDPF takes into account the District wide need for housing. The Neighbourhood Plan is in the process of being formulated with a draft plan schedule later this year. The applicant is therefore advised to pursue this site through the Neighbourhood Plan process for consideration.

Dwelling Type and Tenure

- 6.13 20% of the proposal would be made available on the affordable housing market. This would equate to 3 units on the basis of the provision of 14 units. Two homes would be provided for Affordable Rent and one for Shared Ownership. This would accord with the requirements of Policy 16 of the HDPF. The proposed affordable housing provision is, therefore, acceptable in principle. The exact size and tenure split of the units could be controlled by a suitably worded legal agreement, if all other aspects of the proposed development were considered acceptable.
- 6.14 Policy 16 of the Horsham District Planning Framework seeks to achieve a mix of housing sizes to meet the District's housing needs, as identified in the Strategic Housing Market Assessment (SHMA), in order to create balanced and sustainable communities. The Housing Section has commented that the greatest need in the District is for 2 bed 4 person homes. Delivering three family 3 bed homes as proposed would not normally be supported. However, as evidence from the 2015 Housing Needs Survey shows that 7 families require an affordable home in Warnham, the proposal is supported by the Council's Housing Manager.

Impact on the Setting of Adjacent Listed Buildings and Warnham Conservation Area

- 6.15 Policy 34 of the HDPF states that the Council recognises that heritage assets are an irreplaceable resource and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. As stated in Section 1.7, the application site is adjacent to Warnham Conservation Area and several listed building on Friday Street.
- 6.16 The listing for The Greets Public House states that the building dates from 17th century and is timber-framed building, refaced with roughcast on ground floor and with imitation painted timbering above. The listing for 33, 37 & 39 Friday Street states that these houses date from 18th and 19th century and are painted brick and stone buildings. Rose and Bank Cottage is listed as one building dating from 17th century building or earlier and is a timber-framed building with plaster infilling and curved braces, ground floor rebuilt in red brick.

- 6.17 The Council's Conservation Officer has stated that the application site, which comprises a grass paddock, appears to have survived to the footprint shown on historic OS maps, the earliest viewed being 1870-71. The site is set behind the houses fronting Friday Street and there are only glimpses, if the application site is at all visible, of the paddock from the public realm. However as set out at para 57 of the NPPF, high quality and inclusive design should be achieved in all development, including private spaces.
- 6.18 Whilst it is acknowledged that the proposed plans are for indicative purposes only, the quantum of development is considered too intensive for the relatively small parcel of land. Furthermore, the higher ground level compared to that fronting Friday Street would result in an intense residential development which would be visually dominant in the context of the historic and rather quaint scaled houses along Friday Street.
- 6.19 The neighbouring statutory listed buildings are of a rural vernacular character. Whilst the grain along the southern side of Friday Street is relatively tight, the rural and open character to the rear of the properties gives a pleasant landscape relief which positively contributes to their setting and their historic and architectural significance. The setting of the listed buildings and the Conservation Area is characteristically rural and the grass paddock contributes to the open rural character and one's experience of the heritage assets. Therefore, the proposal, which would involve suburbanising the immediate setting of the historic buildings and Conservation Area, is considered inappropriate.
- 6.20 It is acknowledged that the layout shown is indicative only and that the details of the proposal including the layout, design and scale would be considered at the Reserved Matters stage, if recommended for approval. With this in mind, the Council is aware that the layout of the proposed houses could be significantly altered, if the principle of development is accepted at the outline stage. The current scheme indicates 14 houses on the site which substantially fill this piece of land. Based on the current submission, the Council is unable to accept the principle of developing this land for residential development given the detrimental impact on the adjacent heritage assets, as outlined above.
- 6.21 It is also acknowledged that the proposed additional housing would provide economic benefits, including employment opportunities during the construction process and that the prospective occupiers would be likely to contribute to the local economy and would also be required to pay Council Tax. It is also acknowledged that 3 of the dwellings would be made available on the affordable housing market. Financial contributions secured through a planning obligation could, together with appropriate conditions, require the provision of off-site highway improvements and enhanced local facilities, thereby supporting the local community's social well-being.
- 6.22 On balance, whilst acknowledging that the development could provide some positive social and economic outcomes, it is not considered that these would be of a sufficient scale to significantly and demonstrably outweigh the harm identified to the setting of the Listed Buildings and Conservation Area. Additionally, as the Council can now demonstrate a 5 year housing supply, there is no overriding public benefit arising from the development which would outweigh the great weight to be applied to the harm caused to the heritage assets. On that basis, the proposed development is not considered to represent a sustainable form of development as prescribed by the NPPF.
- 6.23 In reaching this conclusion, significant weight is given to the fact the Council can deliver its housing requirements as outlined in the HDPF without having to rely on sites located outside Built-Up-Areas. It is therefore considered that there is insufficient justification for overriding the presumption in favour of preserving the setting of the Grade II Listed Buildings and Warnham Conservation Area.

- 6.24 It is therefore considered that the proposed development of the paddock would cause less than substantial harm to the setting of the heritage assets and there would not be any tangible public benefit which would offset that harm, contrary to para 134 (section 12) of the NPPF. For the above reasons, the proposal is considered to be contrary to Policy 34 of the HDPF, Sections 66(1) and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF (Sections 7 and 12).

Impact on landscape character and the visual amenity of the locality

- 6.25 The site is located in a countryside location, adjacent to Warnham's defined Built-Up-Area and therefore covered by HDPF policy 26 which protects the countryside against inappropriate development unless it is considered to be appropriate in scale and essential to that location.
- 6.26 The Council's Landscape Officer has commented that the scheme is not supported on landscape, townscape and visual grounds. The topography of the site gently rises to the south and any development on this higher land is likely to be very prominent when viewed from many existing residential properties in the village. As existing, the site has a strong sense of enclosure and is visually well confined from public view by mature hedgerows and trees to its boundaries.
- 6.27 The site is categorised in the Horsham District Landscape Capacity study as Landscape Study Area WN2. The site's landscape sensitivity to accommodate small scale housing is considered as Moderate - High and characteristics relevant to the site include 'moderate sloping landform rising to a ridgeline in the south of the area', 'regular field pattern', 'pasture fields bounded by hedgerows and hedgerow trees but with some loss of internal fields boundaries' and 'complex and low density soft edge to the village'.
- 6.28 Whilst the site boundary treatment would be retained, the Landscape Officer has commented that the landscape characteristics of the site, such as the rural character and the settlement edge, characterised by small scale historic or vernacular buildings, would be lost to be replaced by an urbanising form. The landscape context of this site is informed as much by the tranquillity and rurality of the pastoral and arable fields to the south and east as it is by the settlement edge to the north and west. This application would result in the loss of this tranquillity and rurality.
- 6.29 There are also concerns given the elevated position of the site. This increase, together with the two-storey height for the proposed dwellings, shown on the indicative plans, would result in a very visually prominent development. It is noted that the proposal shows the existing hedgerow field pattern of the site to be maintained and reinforced by new planting. This would assist in mitigating the visual impact of the proposal but not to any great extent.
- 6.30 Overall, the loss of this paddock is resisted on the grounds that the visual impact of developing this piece of land for housing would be significant due to the elevated position of the site and the visual impact when viewed from the Friday Street properties and other properties nearby. Additionally, the scheme would result in an urbanising form of development which would result in the loss of the landscape character of the area characterised by tranquillity, rurality and the historic settlement edge.
- 6.31 It is recognised that the scheme is in outline and that the scale and design of the proposed 14 houses could be amended at a later stage, if recommended for approval. However, it is felt that the quantum of development proposed is inappropriate given the detrimental impact the proposal would have on the landscape character and appearance of the area. In coming to this conclusion, weight is given to the ability of the Council to meet its 5 year housing supply. Consequently, there are no overriding public benefits in the delivery of this scheme which would outweigh the concerns raised on visual impact on loss of countryside,

as outlined above. The scheme is therefore considered contrary to policy 26 of the HDPF which aims to protect the rural character and undeveloped nature of the countryside from inappropriate development outside built-up-areas.

Impact on the Amenity of Existing and Prospective Occupiers

- 6.32 The residents of Tuggles Plat and Friday Street would be most affected by this proposal. Tuggles Plat lies to the west of the site and nos 9 & 10 Tuggles Plat would be immediately adjacent the western boundary of the application site. The indicative plan shows two proposed dwellings either side of the extended road from Tuggles Plat adjacent to the boundary with Tuggles Plat. These dwellings are shown in line with 9 & 10 Tuggles Plat. Setting the proposed development in line with the existing residential pattern on Tuggles Plat significantly reduces any potential impact on the amenity of the neighbouring residents.
- 6.33 Additionally, nos 9 & 10 are set a significant distance from the common boundary with the application site. The main windows of these two properties face north and south and, given this orientation, these windows would not be affected by the proposed development. Having regard to the position and orientation of the Tuggles Plat properties, the development of the application site for housing could be designed so that there would not be a significant impact on the amenity of the Tuggles Plat properties.
- 6.34 With respect to the Friday Street properties, the proposal would most affect the properties directly to the north of the site from Rose Cottage up to The Greets Inn. All of these properties are set at a lower ground level than the application site and include rear windows which face south. No.35 Friday Street is the closest property to the proposed site. This property is immediately adjacent the boundary and includes south facing windows. The indicative layout plan indicates that there will be a buffer zone of approximately 12m in width along the northern boundary which would separate no.35 from the rear gardens of the proposed houses.
- 6.35 The north facing elevation of the proposed dwellings on the indicative layout plan are shown approximately 26m from the south facing elevation of no.35. The properties at 29, 31, 33, 37 & 39, 41 & 43 Friday Street are set much further north with rear gardens measuring between approximately 25 and 29m in length. Bank and Rose Cottage are adjacent the north east corner of the application site. Bank Cottage is within 7m of the north east corner of the proposed site.
- 6.36 Even with the proposed green buffer in place along the northern boundary, there is concern that the proposal, as indicated, would result in a significant impact on the amenity of the Friday Street properties. The proposed dwellings would be set at a significantly higher ground level than the Friday Street properties. This relationship would heighten the potential impact and positioned, at a higher level, two-storey dwellings proposed along the northern boundary could potentially result in a detrimental impact on the amenity of the Friday Street properties through overlooking. This would especially be the case with no.35 in such close proximity.
- 6.37 However, as this is an outline application, with all matters reserved, the layout shown is indicative only and the final layout and design of the proposed houses would be approved as part of a Reserved Matters application. It is felt that the houses could be designed and positioned in such a manner that would overcome concerns regarding impact on amenity. This could involve limiting some properties to bungalows to stop overlooking from first floor windows facing north. Therefore, if recommended for approval, the scheme could be designed so that it would not result in a detrimental impact on the amenity of the Friday Street properties.

- 6.38 Furthermore, proposed parking areas and the new access road could be designed so as to be sited away from adjacent properties and this would help to avoid harmful levels of disturbance to existing occupiers. The exact design and location of street lighting could be controlled by condition, if all other aspects of the development were considered acceptable, and this would help to ensure that adjacent occupiers were not exposed to unacceptable levels of glare/light pollution.
- 6.39 The introduction of 14 no. dwellings into what is currently an open field would result in increased levels of disturbance to adjacent residential occupiers associated with, for instance, the comings and goings of vehicles and the use of rear gardens. However, it is not considered that this would result in unacceptably harmful impact on the living environment of adjacent residents.
- 6.40 In light of the above, it is considered that the development could be designed to avoid harmful impacts on the amenities of existing or prospective occupiers in terms of loss of light, outlook or privacy. Measures to protect residents from harmful effects of noise, vibration and dust during the construction period could be controlled by a suitably worded condition requiring the submission of a Construction Environmental Management Plan to be approved by the Local Planning Authority.

Highway Impact, Access and Parking

- 6.41 To address the potential highway and transport impacts of the proposal, the application includes a Transport Statement. As an outline application, the consideration for this proposal is whether the principle of development is acceptable from a highway safety perspective.
- 6.42 The scheme indicates an extension of the road at Tuggles Plat to access the site. West Sussex County Council Highways Section has commented that the principle of the use of this road and the new access proposed is acceptable. The Highways Section has commented that access arrangements can be dealt with at the Reserved Matters Stage. Further details are required such as a Road Safety Audit and Designers Response. These details could be undertaken at this later stage.
- 6.43 With regards to layout, further evidence and justification on the site's turning arrangements for larger vehicles such as a fire tender and a refuse vehicle is required. Parking for cars should also be in accordance with the WSCC requirements. Finally, conformation would be sought as to whether the access road will be adopted under a Section 38 Agreement.
- 6.44 If recommended for approval, further details of the proposed transport and access details, such as the submission of a Road Safety Audit, could be secured by condition. On the basis of the submission, the highway authority is satisfied that the principle of development from a highway safety perspective is acceptable subject to the submission of the additional details requested.

Arboricultural Impacts

- 6.45 The applicant has submitted a Tree Survey which records a total of twenty-five individual trees with stem diameters of 75mm and above. All trees are located around the borders of the site. The surveyed trees included 15 Category C trees (considered to be of lower value), 7 Category B trees (trees of moderate quality) and 3 Category A trees (trees of high quality). Three English Oak Trees were surveyed and recorded as Category 'A'. These mature established boundary trees have high individual quality and landscape value. All of the Category A trees are situated on the southern boundary and are key landscape features. None of the trees within the site are covered by a Tree Preservation Order.

- 6.46 The scheme indicates that all existing trees would be retained on site. If recommended for approval, a condition could be imposed requiring the submission of a method statement outlining measures to protect the trees to be retained on site during construction works for the approval of the Local Planning Authority. The Local Planning Authority would seek the retention of all Category A and B trees on site in order to maintain the visual amenity of this site and the surrounding area.
- 6.47 The scheme indicates landscaping for the proposal including a green buffer along the northern boundary. Given this is an outline application, the precise details of the landscaping are not indicated. If recommended for approval, details of the landscaping for the site could be required by condition to be submitted and considered as part of a Reserved Matters application.

Nature Conservation, Ecology and Biodiversity

- 6.48 The application is supported by Ecological Reports that outline the findings of initial ecological surveys undertaken at the site. The Council's Ecological Consultant has commented that the current level of ecological information submitted remains insufficient to allow an adequate assessment of ecological impacts against relevant planning policies. The Council's Ecologist has raised concerns regarding the following protected species:
- 6.49 Bats: The Council's Ecologist notes that bat surveys have been carried out but is not satisfied that the surveys have fully assessed the potential impact on bats and their habitats. Although there has been an assessment of the trees around the periphery of the site, and some trees are considered suitable to support bat roosts, no survey has been carried out to determine if a roost is present. The report identified that if trees need to be removed, then surveys will be carried out. Therefore, it is not clear if impacts to bats will occur as a result of the proposed development, and therefore it is not possible to determine if mitigation measures are required.
- 6.50 Great Crested Newts: The Ecology report submitted identifies the location of a pond 260m from the site which provides potential habitat for great crested newts. It is recognised that the site does not support any water bodies, but does provide some suitable terrestrial habitat to support great crested newts in their terrestrial phase around the peripheries of the site. The Council's Ecologist has commented that the report lacks a full assessment of the potential impact on great crest newts accessing the site. Further clarification is required in order for the Ecologist to have the confidence that there would not be a detrimental impact on the habitat of great crested newts.
- 6.51 Reptiles: The report identifies that there are records of common reptile species within the local area, and noted a sighting of an adult grass snake whilst carrying out the survey. The report also notes that the peripheral areas of the site are considered most suitable for reptiles to utilise. Further clarity is required for the timing of proposed hand clearance works, and whether the removal of a potential egg laying site for grass snakes will require any further mitigation or enhancement measures.
- 6.52 The concerns of the Council's Ecologist have been raised with the agent of the proposal. The agent has commented that he disagrees with the Ecologist's comments and has declined to submit any further information at this stage.
- 6.53 In response, the Council's Ecologist has commented that the reptile concern can be dealt with by a proposed condition, as common reptiles (those likely to be found on site) are not categorised as European protected species. However, the concerns regarding the potential impact on bats and great crested newts are required to be addressed at the outline stage to ensure that the scheme would not result in a detrimental impact on these

species. These concerns relate to the principle of the ecological impacts of the proposal and cannot be addressed through recommended conditions.

- 6.54 Section 11, paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Without sufficient information, the Local Planning Authority is not in a position to state that the principle of development is appropriate with regards to the potential ecology impact on the habitats of the protected species of bats and great crested newts. The scheme is therefore contrary to policy 31 (Green Infrastructure and Biodiversity) of the HDPF and to the requirements of the NPPF.

Flooding and Drainage

- 6.55 The site is located within Flood Zone 1 where there is a low probability of flooding. Notwithstanding this, West Sussex County Council has commented that the areas of the adjacent roads (Tuggles Plat, Friday Street and Byfleets Lane) are shown to be at high risk of surface water flooding. A number of local residents have also commented that properties in this area (particularly Friday Street) have been the subject of flooding from water running off from the application site which does not have suitable drainage provision. The application site includes a drainage channel along the northern boundary but this has not been sufficient to stop surface water flooding.
- 6.56 The Sustainable Drainage Officer of Horsham District Council has raised concerns regarding the submitted information and commented that the surface water / SuDs references are not considered sufficient. West Sussex County Council Flood Risk Management Engineer has also commented that, given the lack of information, the proposal should be refused. The applicant must ensure the development is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and will not increase flood risk overall. This has not been demonstrated for this development.
- 6.57 Paragraph 100 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'
- 6.58 It is clear that the properties on Friday Street have suffered from surface water flooding coming off the application site. As this is an area at risk from flooding, the applicant is required to demonstrate that the principle of developing this site with respect to sustainable drainage and potential flooding is acceptable. As this has not been clearly demonstrated in the submission, to the satisfaction of West Sussex County Council's and Horsham District Council's Sustainable Drainage Officers, the scheme is considered contrary to the requirements of the NPPF and Policy 38 of the HDPF.

Archaeology

- 6.59 The Council's Consultant Archaeologist has commented that there is potential for archaeology to be present at the site which has not been fully addressed in the submission. As such, a condition could be attached to any planning permission preventing development until such a time that a programme of archaeological work to evaluate the archaeological potential of the site has been agreed with the Council.

Renewable Energy

- 6.60 In accordance with Policies 35, 36 and 37 of the HDPF, if all other aspects of the development were considered acceptable, planning conditions could be used to promote the use of renewable energy sources and to restrict water use, control construction waste and to encourage the use of natural lighting and ventilation.

Legal Agreement

- 6.61 In the event that planning permission was to be granted, Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, contributions would be required towards open space, play and recreation areas, indoor and outdoor sports provision, community facilities, libraries, education, transport infrastructure, fire and rescue, highway improvements and affordable housing. An agreement is also required to secure the proposed affordable housing.
- 6.62 All contributions must be justified in accordance with the three tests set out under Regulation 122 of the Community and Infrastructure Levy Regulations 2010, in so far that they must be; necessary to make the development acceptable in planning terms; directly related to the development and; fairly and reasonably related in scale and kind to the development.
- 6.63 The developer contributions, secured in the event that planning permission is granted, could be allocated towards improvements within the local area, to ensure they benefit local resident. For the reasons outlined above, the provision of a commuted sum for specific local projects is considered a fair approach to deal with the cumulative pressure on existing qualitative and quantitative deficiencies in the District and in this case, to enhance existing facilities in the local area.
- 6.64 Although the applicant has confirmed a willingness to enter into a legal agreement to secure the necessary sums and affordable housing, such an agreement is not yet in place. The development is, therefore, contrary to Policy 39 of the HDPF.

Other Considerations:

- 6.65 With respect to refuse collection, as an outline application the Council would expect a full refuse strategy to be submitted as part of a Reserved Matters application in the event that an outline approval is granted.
- 6.66 Local residents have raised concern about potential construction traffic accessing the site which could cause damage given the narrow width of the adjacent roads. The required Construction Environmental Management Plan could partly address this issue through the submission of details indicating how the site would be used by construction traffic. This would limit potential damage to adjacent properties.
- 6.67 The Environmental Health Team have commented that as the site has an agricultural land use history there are limited risks from ground contamination. If recommended for approval, a condition could be recommended that if, during development, contamination is found to be present at the site then no further development 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.

Conclusions

- 6.68 Taking all matters into account, the proposal is considered to represent an unsustainable form of development, on a site contrary to the strategy of growth as outlined in the HDPF. The provision of housing in this location would diminish the rural and open character of this particular part of the landscape. Furthermore, the development would adversely harm the

setting of the adjacent Listed Buildings and Warnham Conservation Area and has not addressed the potential impact of on protected species and their potential habitats within the site. Additionally, insufficient information has been provided to demonstrate the proposal is appropriately flood resilient. The development is therefore considered harmful, even when weighed against the economic and social benefits of the scheme and as such, the presumption in favour of sustainable development, as set out in Paragraph 14 of the NPPF, cannot be applied.

- 6.69 When all material considerations are taken into account, and given appropriate weight in the planning balance, the adverse effects of granting outline planning permission would significantly and demonstrably outweigh the benefits.

7. RECOMMENDATIONS

7.1 To refuse planning permission for the following reasons:

1. The proposed development is located in a countryside location, outside the defined Built Up Area Boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Development Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. Furthermore, the proposed development is not essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development that is contrary to the aims and objectives of the NPPF and Policies 1, 2, 3, 4, 15, 25 and 26 of the Horsham District Planning Framework (2015).
2. The site comprises a grass paddock which contributes to the open rural character of the setting of Warnham Conservation Area and the Grade II Listed Buildings at Friday Street. The development of this paddock for housing would significantly harm the setting of these heritage assets. The provision of housing in this location, set at a higher ground level than the Friday Street properties, would also diminish the rural and tranquil character of this particular part of the landscape, creating a prominent and uncharacteristically urbanised environment. The development is therefore contrary to S66(1) and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies 25, 26 and 34 of the Horsham District Planning Framework (2015).
3. Insufficient ecological assessments have been submitted to indicate that the development of this site would not result in a detrimental impact on the habitats of the protected species of bats and great crested newts. The scheme is therefore contrary to the requirements of the NPPF and Policy 31 of the Horsham District Planning Framework (2015).
4. Insufficient information has been provided to demonstrate the proposal is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and will not increase flood risk overall in an area which has suffered from surface water flooding. The scheme is therefore considered contrary to the requirements of the NPPF and Policy 38 of the HDPF.
5. The proposed development makes no provision for securing affordable housing units, or for contributions towards improvements to education provision; transport infrastructure; libraries; fire and rescue services; open space; sport and recreation facilities; community facilities; and is, therefore, contrary to Policies 16 and 39 of the Horsham District Local Development Framework (2015), as it has not been demonstrated how the infrastructure needs of the development would be met.

Note to Applicant:

The reason for refusal relating to infrastructure contributions and affordable housing provision could be addressed through the completion of a legal agreement. If the applicant is minded to appeal the refusal of this application you are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable Agreement.

Background Papers: None

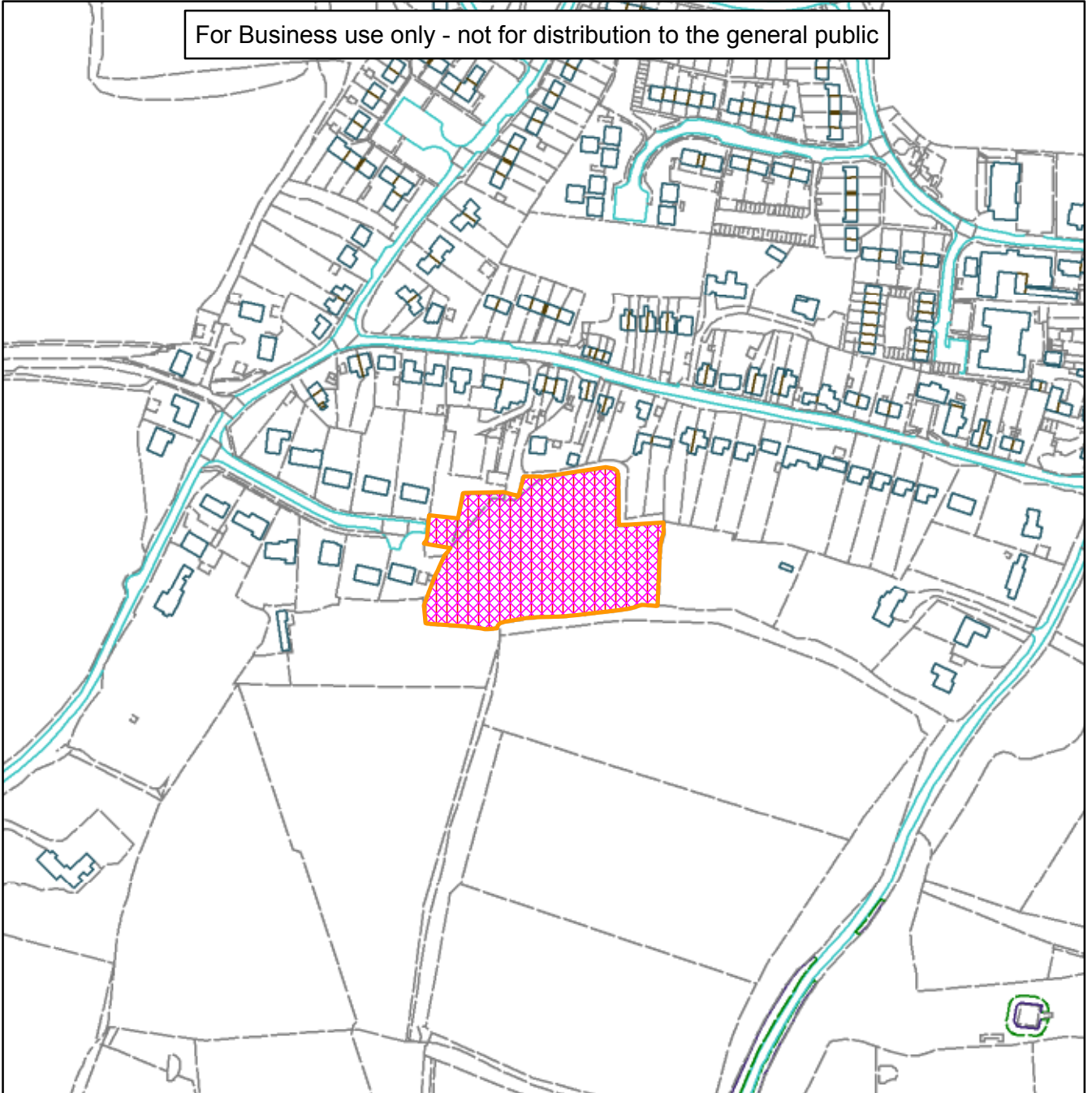
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Horsham
District
Council

Land To The East of Tuggles Plat

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/01/2016
MSA Number	100023865



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)
BY: Development Manager
DATE: 2 February 2016
DEVELOPMENT: Variation of plans compliance condition on DC/14/2285 to amend the siting and design of the proposed garage
SITE: Twigs, Bashurst Hill, Itchingfield, Horsham, West Sussex, RH13 0NY
WARD: Denne
APPLICATION: DC/15/0989
APPLICANT: Mr Duncan Jagger

REASON FOR INCLUSION ON THE AGENDA: The Development Manager has requested that the application be determined by Members given the history of the site

RECOMMENDATION: That planning permission be delegated for approval to the Development Manager subject to the expiry of the consultation period in respect of the amended plans and subject to conditions as set out in section 7

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

1.1 DESCRIPTION OF THE APPLICATION

1.1.1 The application seeks amendments to the siting and design of the approved, but unbuilt detached garage on the site to include accommodation above and the installation of external air source heat pumps.

1.2 DESCRIPTION OF THE SITE

1.2.1 The application site comprises a square-shaped residential plot, on which a two storey property is being constructed following the demolition of the bungalow that existed on the site. The new dwelling is substantially complete, with it is believed, only internal works and landscaping works being left to complete. The plot is located on the west side of Bashurst Hill in a countryside location. Bathurst Hill is characterised by large detached dwellings set in very generous plots and the application site is smaller than most.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT GOVERNMENT POLICY

2.2.1 The following sections of the National Planning Policy Framework (2012), hereinafter referred to as the 'Framework', are relevant to the consideration of this application (Note: This list is not exhaustive and other paragraphs of the Framework are referred to where necessary within the contents of the report):

"Achieving Sustainable Development"

NPPF 6 – Delivering a wide choice of high quality homes

NPPF 7 – Requiring good design

2.3 RELEVANT COUNCIL POLICY

2.3.1 Horsham District Planning Framework (HDPF) – the following policies are of particular relevance:

Policy 16 – Strategic Policy: Meeting Local Housing Needs

Policy 25 – Strategic Policy: The Natural Environment and Landscape Character

Policy 30 – Protected Landscapes

Policy 33 – Development Principles

Policy 39 – Strategic Policy: Infrastructure Provision

Policy 40 – Sustainable Transport

2.4 PLANNING HISTORY

2.4.1 The site has a long and complex history which is outlined below:

DC/07/2210 – Demolition of existing bungalow and erection of a 4-bed dwelling and detached double garage – Withdrawn 03.12.2007

DC/08/0659 – Demolition of existing bungalow and erection of a 3-bed dwelling and detached double garage – Refused 20.05.2008

DC/08/1523 – Demolition of existing bungalow and erection of a 4-bed dwelling and detached double garage – Permitted 05.09.2008

DC/11/0682 – Renewal of unimplemented permission Ref DC/08/1523 (Demolition of existing bungalow and erection of a 4-bed dwelling and detached double garage) – Permitted 09.06.2011

DC/13/2058 – Replacement of existing bungalow with chalet dwelling and detached garage – Permitted 23.12.2013

DC/14/0626 – Non-Material amendment to previously approved DC/13/2058 (Replacement of existing bungalow with chalet dwelling and detached garage) comprising alterations to windows, roof and minor design changes – Permitted 28.08.2014

DC/14/2285 – Material amendment to planning permission DC/13/2058 comprising of alterations to the roof – Permitted 06.01.2015

DC/15/1888 – Retrospective application for the erection of a four bed chalet bungalow together with the erection of a cycle store – Under consideration

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.

3.2 INTERNAL CONSULTATIONS

3.2.1 **Environmental Health Officer** – In the absence of an acoustical report the proposal to site the two air source heat pumps on the eastern side of the proposed garage at Twigs is unlikely to give rise to complaint of noise nuisance from neighbouring and adjoining dwellings. The applicant should take suitable steps to ensure that the pumps are sited appropriately and should be made aware that compliance with planning conditions does not preclude the local authority or other persons from taking action for statutory nuisance under the Environmental Protection Act 1990 or other legislation.

3.3 PARISH/NEIGHBOURHOOD COUNCIL

3.3.1 “Itchingfield Parish Council objects to this planning application as it is overdevelopment of the site. It is close to the boundary, some of the boundary screening is to come down and enough development is enough on this site.”

3.4 MEMBER COMMENTS

3.4.1 Councillor Youtan has requested that the application is heard before Committee as a number of affected residents have expressed strong opposition to the application.

3.5 PUBLIC CONSULTATIONS

3.5.1 7 letters/emails of objection have been received from 3 households which raise the following material considerations:

- Overdevelopment of the site
- Increase in height and floorspace of garage
- Garage too big for the site
- Garage moved closer to boundary with Beggars Roost
- Imposing impact on neighbouring property
- Impact of air source heat pumps both visually and from the noise on Beggars Roost
- The mature trees along the boundary should not be removed
- Overdevelopment of the site

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 The main issues in the consideration of this application are:

- The principle of the development
- The alterations to the detached garage
- The air source heat pumps
- Loss of trees

Background to applications

- 6.2 As discussed above, the site is subject to a long and complex history since 2007 when the first application (DC/07/2210) was submitted for the demolition of the existing bungalow on the site and the erection of a 4-bedroom dwelling and a detached garage. The first application was withdrawn following concerns raised by Officers in respect of the size of the proposed dwelling being disproportionate to the size of the existing dwelling. A further application (DC/08/0659) for the demolition of the existing bungalow and the construction of a replacement dwelling on the site was submitted in 2008 and was refused for the following reason:
- “The replacement dwelling by reason of its size, height and appearance would be disproportionate to the size of the existing dwelling and would be detrimental to the rural character of the area. The proposal is therefore contrary to policy DC28 of the Horsham District Local Development Framework: General Development Control Policies (2007), policy DEV1 of the West Sussex Structure Plan 2001-2016 and policy CP1 of the Horsham District Local Development Framework: Core Strategy (2007).”*
- 6.3 Later in 2008 an application (DC/08/1523) for the demolition of the existing bungalow and the construction of a replacement dwelling on the site was approved. The dwelling as approved measured 15.5m in width by 8.1m in depth and would provide three bedroom accommodation. The application received objections from the occupiers of Littlefold, Badgers and Beggars Roost. The timescale to implement this permission was subsequently extended in 2011 for a further three years (DC/11/0682).
- 6.4 In December 2013 a further application (DC/13/2058) for a replacement dwelling on the site was approved. The proposal was for a 4-bedroom dwelling with a footprint of approximately 155sqm and measuring 15.7m in width by 8.2m in depth. The dwelling was of a contemporary chalet design, with overhangs, front and rear hipped dormers, front and rear hipped gables and a two storey bay to the south-west flank. The proposal also included the construction of a detached double garage with a hipped roof and having a footprint of 35sqm and a maximum height of 5m. The application received objections from the occupiers of Willow Cottage and Beggars Roost.
- 6.5 In August 2014 a non-material amendment (DC/14/0626) was received to make alterations to the windows, roof and design of the proposed dwelling. This was permitted under delegated powers on 28 August 2014. As the amendments proposed to the approved plans were considered to be non-material in nature and as such there was no requirement to consult neighbours. The amendments to the scheme were:
- Change in size of windows on front/rear elevations of two storey projecting element to southwest elevation
 - Changes to the style of windows – instead of a central vertical glazing bar there will only be a horizontal glazing bar
 - A roof light to be added on the northwest and southeast roof slope
 - Change in style of windows and doors on two storey projecting element to front elevation
 - Infilling of overhanging open elements on front elevation
 - Installation of glass open porch to front elevation
 - Alterations to porch on northeast elevation

6.6 In January 2015 a minor material amendment (DC/14/2285) was received which was described by the applicant's agent as being alterations to the roof. The application was permitted under delegated powers on 6 January 2015. The amendments proposed to the approved plans were considered to be minor but material in nature and therefore there is a requirement for neighbours and any statutory consultees to be notified of the application. Itchingfield Parish Council were notified of the application and objected to the scheme, however no neighbour notification letters were sent out or a site notice posted. The amendments to the scheme, despite being described within the application as being alterations to the roof, were:

- Removal of barn hips to main roof
- Removal of hipped roof to two storey projecting element to the front of the property and alter the shape of the window
- Reposition roof window/light on front elevation roof slope
- Increase height of two storey projection on southwest elevation
- Inclusion of flue to rear elevation
- Reduction in size of windows with front/rear elevations of two storey projection on southwest elevation
- Reduction in height of porch on northeast elevation
- Change single door opening to ground floor southeast elevation to pair of fully glazed doors
- Change half-timbered door in northeast elevation to fully glazed
- Remove one window from first floor northeast elevation
- Remove barn hip ends to garage roof
- Add pitched roof dormer window to southwest roof slope of garage
- Re-siting dwelling from 9m from rear boundary at its closet point to 5.8m at its closest point

6.7 In June 2015 the application the subject of this report (DC/15/0989) was submitted for further minor material amendments to the approved plans was received. This amendment application is for alterations to the detached double garage. The approved plans for the garage show a single storey, hipped roofed building measuring 6.1m in width by 5.5m in depth, with a maximum height of 5.6m. The amendments to the detached garage involve a change in design of the structure to be open fronted and clad in Marley Cedral cladding. The footprint of the structure will be increased to 8m in width by 6m in depth, with a maximum height of 5.7m to allow for a home office in the roofspace. The proposal also includes the installation of two air source heat pumps on the exterior of the northwest elevation of the structure.

6.8 In addition, a further application (DC/15/1888) has been submitted for further amendments to the approved dwellinghouse.

The alterations to the detached garage

6.9 A number of objections have been received in respect of amendments being made to the scheme for a replacement dwelling on the site without consulting neighbours as required by legislation. The representations received further considered that these amendments result in significant harm to the privacy and amenity of the occupiers of the neighbouring properties and the character and appearance of the streetscene. This error has been acknowledged by Officers to the residents who have contacted the Council in this respect. The neighbouring occupiers have made formal complaints to this, and appropriate compensation has been offered to those impacted residents through the Council's complaints procedure. It should be noted that this is separate to and outside of the planning process. It should be noted however that the failure to consult neighbours does

not invalidate the decisions subsequently made on the application and the dwelling as shown within the approved application as detailed above and which has been subsequently amended twice is the approved scheme for the site. The approved scheme for the site therefore needs to be taken into consideration when determining the current application.

- 6.10 Policies 32 and 33 of the HDPF seek to ensure that development is of a high quality which makes efficient use of land and ensures that the scale, massing and appearance of development relates sympathetically with the built surroundings and is locally distinctive in character and represents the character of the surrounding area. In addition, Policy 33 of the HDPF requires new development to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.11 The application proposes the variation of plans compliance condition on DC/14/2285 to amend the siting and design of the proposed garage. The garage as approved is a single storey, hipped roofed building measuring 6.1m in width by 5.5m in depth, with a maximum height of 5.6m. The garage as approved will be just over 4m from the front elevation of the dwelling. The amendments to the detached garage proposed under this application involve a change in design of the structure to be open fronted and clad in Marley Cedral cladding. The footprint of the structure will be increased to 8m in width by 6m in depth (an additional 14.45m in the size of the footprint), with a maximum height of 5.7m (an additional 0.1m) to allow for a home office in the roofspace. The structure has been re-sited to be just over 1m from the boundary with Beggars Roost and approximately 4.7m from the front elevation of the dwelling. The proposal also includes the installation of two air source heat pumps on the exterior of the northwest elevation of the structure. As the structure will be slightly larger in its footprint it will be sited closer to the boundary with Beggars Roost (1m as opposed to 2.8m at its closest point). Given that a detached structure to be used as a garage has already been granted consent in this position, it is considered that an increase in its footprint and subsequent floorspace, a slight increase in its height and its re-positioning of the structure closer to the neighbouring property will not have an adverse impact on the privacy and amenity of the occupiers of the neighbouring property or on the character and appearance of the streetscene. In order to protect the amenity of the occupiers of the neighbouring property, it is recommended that a condition is attached removing permitted development rights from the structure to ensure that no windows are installed or alterations to the roof are undertaken.

Air source heat pumps

- 6.12 Whilst air source heat pumps have been installed on the north eastern side of the dwelling, Officers have advised that these would have an adverse impact on the amenity of the occupiers of the neighbouring property and should be moved to an alternative location. The location most appropriate as suggested by the Council's Environmental Health department is the eastern side of the detached garage. The Environmental Health department have advised that the siting of the air source heat pumps on the eastern side of the proposed garage at Twigs is unlikely to give rise to complaint of noise nuisance from neighbouring and adjoining dwellings. The applicant has agreed to reposition the units and amended plans have been received on this basis which are the subject of an additional period of consultation. Any additional comments that are received as a result of the consultation will be verbally presented to Members.

Loss of trees

- 6.13 A number of concerns have been raised in respect of the loss of a number of trees within the site. Whilst it is noted that a number of trees have been felled either prior to or during construction works, these trees were not the subject of a Tree Preservation Order and the site is not within a conservation area and therefore permission for their felling was not

required. The Council's Arboricultural Officer was consulted on the original application for the site and raised no objection to the proposals including the proposed removal of trees.

Conclusion

- 6.14 A significant number of objections have been received in respect of amendments being made to the scheme without consulting neighbours as required by legislation and it is the view of the objectors that these amendments have resulted in significant harm to the privacy and amenity of the occupiers of the neighbouring properties and the character and appearance of the streetscene. This error has been acknowledged by Officers to the residents who have contacted the Council in this respect. It should be noted however that the failure to consult neighbours does not invalidate the decisions subsequently made on the application and the dwelling as shown within the approved application as detailed above and which has been subsequently amended twice is the approved scheme for the site.
- 6.15 The amendments proposed to the detached garage to alter its design and position is considered to be acceptable and it is not considered to have any additional adverse impact on the privacy and amenity of the occupiers of the neighbouring residential properties or the character and appearance of the streetscene.
- 6.16 The applicant has agreed to reposition the air source heat pumps following advice received by Officers and amended plans have been submitted on this basis and are currently the subject of a period of additional consultation.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be delegated for approval to the Development Manager subject to the expiry of the consultation period in respect of the amended plans and subject to the following conditions:

1. 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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 to the order shall be erected or constructed on the garage/carport hereby approved so as to enlarge improve or otherwise alter its appearance, unless otherwise agreed with the Local Planning Authority through the submission of a planning application.

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

3. No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours 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 (2015).

4. No burning of materials in connection with the development shall take place on the site.

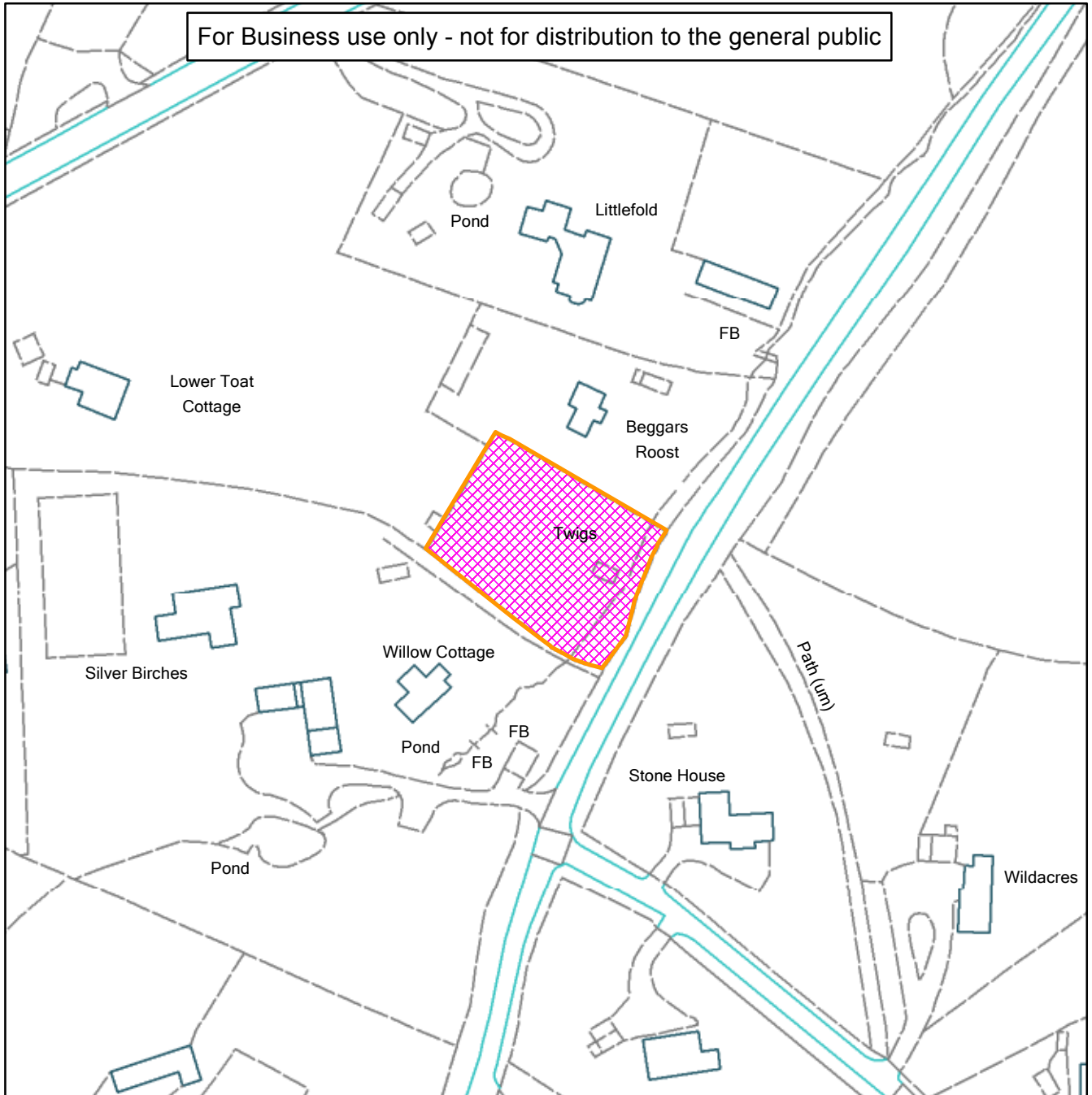
Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/13/2058, DC/14/0626, DC/14/2285, DC/15/0989 and DC/15/1888



Demolished Twigs

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Scale: 1:1,273

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/01/2016
MSA Number	100023865



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 2 February 2016

DEVELOPMENT: Retrospective application for the erection of a four bed chalet bungalow together with the erection of a cycle store

SITE: Twigs, Bashurst Hill, Itchingfield, Horsham, West Sussex, RH13 0NY

WARD: Denne

APPLICATION: DC/15/01888

APPLICANT: Mr Duncan Jagger

REASON FOR INCLUSION ON THE AGENDA: Over five letters of objection have been received, the application has been requested to be determined by the Committee by the local Member and the Parish Council has requested to speak at the meeting

RECOMMENDATION: That planning permission be delegated for approval to the Development Manager subject to the expiry of the consultation period in respect of the amended plans and subject to conditions as set out in section 7

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

1.1 DESCRIPTION OF THE APPLICATION

1.1.1 The application seeks retrospective permission for the erection of a four bed chalet bungalow together with the erection of a detached garage with accommodation above and external air source heat pumps and erection of a cycle store. Planning permission exists for the construction of a detached chalet bungalow on the site together with a detached garage and this application seeks retrospective and proposed amendments to the approved plans.

1.2 DESCRIPTION OF THE SITE

1.2.1 The application site comprises a square-shaped residential plot, on which a two storey property is being constructed following the demolition of the bungalow that existed on the site. The new dwelling is substantially complete, with it is believed, only internal works and landscaping works being left to complete. The plot is located on the west side of Bashurst Hill in a countryside location. Bathurst Hill is characterised by large detached dwellings set in very generous plots and the application site is smaller than most.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT GOVERNMENT POLICY

- 2.2.1 The following sections of the National Planning Policy Framework (2012), hereinafter referred to as the 'Framework', are relevant to the consideration of this application (Note: This list is not exhaustive and other paragraphs of the Framework are referred to where necessary within the contents of the report):

“Achieving Sustainable Development”

NPPF 6 – Delivering a wide choice of high quality homes

NPPF 7 – Requiring good design

2.3 RELEVANT COUNCIL POLICY

- 2.3.1 Horsham District Planning Framework (HDPF) – the following policies are of particular relevance:

Policy 16 – Strategic Policy: Meeting Local Housing Needs

Policy 25 – Strategic Policy: The Natural Environment and Landscape Character

Policy 30 – Protected Landscapes

Policy 33 – Development Principles

Policy 39 – Strategic Policy: Infrastructure Provision

Policy 40 – Sustainable Transport

2.4 PLANNING HISTORY

- 2.4.1 The site has a long and complex history which is outlined below:

DC/07/2210 – Demolition of existing bungalow and erection of a 4-bed dwelling and detached double garage – Withdrawn 03.12.2007

DC/08/0659 – Demolition of existing bungalow and erection of a 3-bed dwelling and detached double garage – Refused 20.05.2008

DC/08/1523 – Demolition of existing bungalow and erection of a 4-bed dwelling and detached double garage – Permitted 05.09.2008

DC/11/0682 – Renewal of unimplemented permission Ref DC/08/1523 (Demolition of existing bungalow and erection of a 4-bed dwelling and detached double garage) – Permitted 09.06.2011

DC/13/2058 – Replacement of existing bungalow with chalet dwelling and detached garage – Permitted 23.12.2013

DC/14/0626 – Non-Material amendment to previously approved DC/13/2058 (Replacement of existing bungalow with chalet dwelling and detached garage) comprising alterations to windows, roof and minor design changes – Permitted 28.08.2014

DC/14/2285 – Material amendment to planning permission DC/13/2058 comprising of alterations to the roof – Permitted 06.01.2015

DC/15/0989 – Variation of plans compliance condition on DC/14/2285 to amend the siting and design of the proposed garage – Under consideration

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.

3.2 INTERNAL CONSULTATIONS

3.2.1 **Environmental Health Officer** – In the absence of an acoustical report the proposal to site the two air source heat pumps on the eastern side of the proposed garage at Twigs is unlikely to give rise to complaint of noise nuisance from neighbouring and adjoining dwellings. The applicant should take suitable steps to ensure that the pumps are sited appropriately and should be made aware that compliance with planning conditions does not preclude the local authority or other persons from taking action for statutory nuisance under the Environmental Protection Act 1990 or other legislation

3.3 PARISH/NEIGHBOURHOOD COUNCIL

3.3.1 "Itchingfield Parish Council strongly objects to the above application on the following grounds: -

1. The height to the ridge of the current dwelling is at level 52.890m whereas the height in the permitted development was 51.075M an increase of 1.815m, although as late as 4/01/2015 in DC/15/0016 it was stated by the agent that the floor level was consistent with that of the original "Twigs".
2. The ground area of the building has increased from 20% greater than the original dwelling, (92.5sq metres) to almost 100% greater at 181.146sq metres. Again on 5/01/2015 the agent wrote to Ms Julie Cattell of HDC that... "we are NOT making the footprint or square footage any larger than we already have approval for, or the ridge height any higher than we already have approval for"...
3. The current building has moved back on the site by approximately 4 metres which has also contributed to the increase in overall height and dominance of the current dwelling over the site. It is now only 4 metres from the boundary with Beggars Roost.
4. The agreed barn hipped roof ends have been replaced by gable ends further increasing the mass of the dwelling.
5. Two air source heat pumps are proposed unnecessarily close to the boundary of Beggars Roost which will cause noise nuisance.
6. The permitted double garage is proposed to be replaced by a double car port with home office above. This will increase the height of the structure by 1.2metres above the currently permitted garage. As the car ports clearly have no security it has become necessary to apply for the erection of a cycle store adjacent to the boundary with Beggars Roost.
7. Screening hedges and shrubs have been removed from the boundary with Beggars Roost leading to loss of privacy. This despite the design and access statement saying that no trees or hedges would be removed.
8. From the above it is clear that the proposed,(current) dwelling is seriously in breach of HDC policy 28 which states "that a replacement dwelling should not be disproportionate to the one it replaces". The argument was used successfully by HDC in refusing the original application DC/08/0659. Itchingfield Parish Council therefore considers that the proposed, (current) dwelling cannot be allowed to remain in its present unapproved position nor as such an overpowering structure on this site."

3.4 MEMBER COMMENTS

3.4.1 Councillor Youtan has requested that the application is heard before Committee as a number of affected residents have expressed strong opposition to the application.

3.5 PUBLIC CONSULTATIONS

3.5.1 21 letters/emails of objection have been received from 15 households which raise the following material considerations:

- Overdevelopment of a relatively small plot
- Impact of air source heat pumps on neighbouring property
- Grossly out of proportion garage
- Scale of development detrimental to the amenity of the neighbouring properties and the streetscene
- Closer to rear boundary than approved
- Dwelling enlarged and altered significantly from that approved
- Barn hips more appropriate for the roof of the dwelling than gable ends
- Mature trees will be felled in order to construct the garage
- Development not in keeping with area
- Transparent windows overlooking neighbouring properties
- A house of this size should not be sited so close to the boundaries
- Concerns with ownership of land along the southern boundary
- Incorrect siting of dwelling
- Dwelling disproportionate to the bungalow that existed there
- No requirement for accommodation above the garage
- Applicant has filled in a drainage ditch along the southern boundary which is a watercourse which could lead to drainage problems
- Gable ends now include two large triangular windows
- Overshadowing and an overbearing impact on the neighbouring property

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 The main issues in the consideration of this application are:

- The principle of the development
- The alterations to the dwelling
- The alterations to the detached garage
- The air source heat pumps
- Loss of trees

Background to applications

- 6.2 As discussed above, the site is subject to a long and complex history since 2007 when the first application (DC/07/2210) was submitted for the demolition of the existing bungalow on the site and the erection of a 4-bedroom dwelling and a detached garage. The first application was withdrawn following concerns raised by Officers in respect of the size of the proposed dwelling being disproportionate to the size of the existing dwelling. A further application (DC/08/0659) for the demolition of the existing bungalow and the construction of a replacement dwelling on the site was submitted in 2008 and was refused for the following reason:
- “The replacement dwelling by reason of its size, height and appearance would be disproportionate to the size of the existing dwelling and would be detrimental to the rural character of the area. The proposal is therefore contrary to policy DC28 of the Horsham District Local Development Framework: General Development Control Policies (2007), policy DEV1 of the West Sussex Structure Plan 2001-2016 and policy CP1 of the Horsham District Local Development Framework: Core Strategy (2007).”*
- 6.3 Later in 2008 an application (DC/08/1523) for the demolition of the existing bungalow and the construction of a replacement dwelling on the site was approved. The dwelling as approved measured 15.5m in width by 8.1m in depth and would provide three bedroom accommodation. The application received objections from the occupiers of Littlefold, Badgers and Beggars Roost. The timescale to implement this permission was subsequently extended in 2011 for a further three years (DC/11/0682).
- 6.4 In December 2013 a further application (DC/13/2058) for a replacement dwelling on the site was approved. The proposal was for a 4-bedroom dwelling with a footprint of approximately 155sqm and measuring 15.7m in width by 8.2m in depth. The dwelling was of a contemporary chalet design, with overhangs, front and rear hipped dormers, front and rear hipped gables and a two storey bay to the south-west flank. The proposal also included the construction of a detached double garage with a hipped roof and having a footprint of 35sqm and a maximum height of 5m. The application received objections from the occupiers of Willow Cottage and Beggars Roost.
- 6.5 In August 2014 a non-material amendment (DC/14/0626) was received to make alterations to the windows, roof and design of the proposed dwelling. This was permitted under delegated powers on 28 August 2014. As the amendments proposed to the approved plans were considered to be non-material in nature and as such there was no requirement to consult neighbours. The amendments to the scheme were:
- Change in size of windows on front/rear elevations of two storey projecting element to southwest elevation
 - Changes to the style of windows – instead of a central vertical glazing bar there will only be a horizontal glazing bar
 - A roof light to be added on the northwest and southeast roof slope
 - Change in style of windows and doors on two storey projecting element to front elevation
 - Infilling of overhanging open elements on front elevation
 - Installation of glass open porch to front elevation
 - Alterations to porch on northeast elevation
- 6.6 In January 2015 a minor material amendment (DC/14/2285) was received which was described by the applicant’s agent as being alterations to the roof. The application was permitted under delegated powers on 6 January 2015. The amendments proposed to the approved plans were considered to be minor but material in nature and therefore there is a

requirement for neighbours and any statutory consultees to be notified of the application. Itchingfield Parish Council were notified of the application and objected to the scheme, however no neighbour notification letters were sent out or a site notice posted. The amendments to the scheme, despite being described within the application as being alterations to the roof, were:

- Removal of barn hips to main roof
- Removal of hipped roof to two storey projecting element to the front of the property and alter the shape of the window
- Reposition roof window/light on front elevation roof slope
- Increase height of two storey projection on southwest elevation
- Inclusion of flue to rear elevation
- Reduction in size of windows with front/rear elevations of two storey projection on southwest elevation
- Reduction in height of porch on northeast elevation
- Change single door opening to ground floor southeast elevation to pair of fully glazed doors
- Change half-timbered door in northeast elevation to fully glazed
- Remove one window from first floor northeast elevation
- Remove barn hip ends to garage roof
- Add pitched roof dormer window to southwest roof slope of garage
- Re-siting dwelling from 9m from rear boundary at its closet point to 5.8m at its closest point

6.7 In June 2015 an application (DC/15/0989) for further minor material amendments to the approved plans was received. This amendment application is for alterations to the detached double garage.

6.8 In addition, a further application (DC/15/1888) was submitted for further amendments to the approved scheme. It is this application that is the subject of this report. This application was described on the application form as *“Material Amendments to Existing Approval ref DC/14/2285- Insertion of rooflights, air source heat pumps, side porch design revisions, and revised and resited garage with home office above.”* Prior to the submission of and during the consideration of the application it has been brought to Officer’s attention that there are a number of discrepancies with the dwelling as being constructed. These discrepancies include the exact positioning of the dwelling on the site, the size of the dormers windows and the positioning of the windows on the ground floor of the front elevation. From a site visit undertaken by Officers, it was also noted that a retaining wall under a metre in height was in the process of being constructed along a section of the rear and north east side boundaries of the site. The retaining wall would need planning permission as it is considered to be an engineering operation (i.e. retaining land) rather than being a means of enclosure as set out in the permitted development rights. Further amendments shown on the submitted plan when compared with the approved plans show alterations to be as following:

- North east elevation – alterations to size and design of porch, smaller window on ground floor and installation of two air source heat pumps;
- South west elevation – smaller window on ground floor and insertion of two square opening windows within triangular windows under the eaves;
- North west elevation – one larger and one smaller ground floor window, removal of flue and alteration of chimney to flue and installation of rooflight;
- South east elevation – smaller window on ground floor and installation of rooflight;

- All elevations – alteration to design and style of windows.

6.9 During the consideration of the application the alterations proposed to the porch on the side elevation of the property and the installation of two additional rooflights have been removed from the scheme. The applicants and their agent have been in dispute with Officers over the description of the application. They maintain that they are applying for proposed amendments to the scheme only however Officers maintain that there are issues on the site that need regularising. The application description has therefore been amended to read *“Retrospective application for the erection of a four bed chalet bungalow together with the erection of a detached garage with accommodation above and external air source heat pumps and erection of a cycle store”* to take account of the retrospective alterations that in Officers opinion need regularising and the proposed amendments.

Alterations to the dwelling

- 6.10 A significant number of objections have been received in respect of amendments being made to the scheme without consulting neighbours as required by legislation. The representations received further considered that these amendments result in significant harm to the privacy and amenity of the occupiers of the neighbouring properties and the character and appearance of the streetscene. This error has been acknowledged by Officers to the residents who have contacted the Council in this respect. This matter has been considered via the Council's corporate complaints procedure, and the impacted neighbours have been offered appropriate compensation for the errors made. It should be noted however that the failure to consult neighbours does not invalidate the decisions subsequently made on the application and the dwelling as shown within the approved application as detailed above and which has been subsequently amended twice is the approved scheme for the site. In this respect, whilst Officers consider that the number of amendments, both retrospective and proposed, amount to being more than minor in nature and require a new application to be submitted and considered, nevertheless the approved scheme for the site needs to be taken into consideration when determining the current application.
- 6.11 Policies 32 and 33 of the HDPF seek to ensure that development is of a high quality which makes efficient use of land and ensures that the scale, massing and appearance of development relates sympathetically with the built surroundings and is locally distinctive in character and represents the character of the surrounding area. In addition, Policy 33 of the HDPF requires new development to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.12 The dwelling has been broadly sited and built as per the approved plans albeit there are some minor discrepancies that this application seeks to regularise. These discrepancies are relatively minor in nature when considered against the approved scheme for the site and as such it is not considered that the amendments have any additional adverse impact on the privacy and amenity of the occupiers of the neighbouring residential properties or the character and appearance of the streetscene.
- 6.13 The new elements proposed to the dwelling as discussed above are also considered to be relatively minor in nature when considered against the approved scheme for the site and as such it is not considered that the amendments would result in additional adverse impact on the privacy and amenity of the occupiers of the neighbouring residential properties or the character and appearance of the streetscene.

Alterations to the detached garage

- 6.14 DC/15/1888 proposes the further alteration of the garage structure to that proposed under DC/15/0989 to be 6m in width and 6m in width (an additional 2.45m in the size of the footprint when compared with the approved structure) with a maximum height of 5.7m (an additional 0.1m) to allow for a home office in the roofspace. The structure has been re-sited to be just over 1m from the boundary with Beggars Roost and just under 11m from the front elevation of the dwelling. As discussed above, given that a detached structure to be used as a garage has already been granted consent in this position, it is considered that an increase in its footprint and subsequent floorspace, a slight increase in its height and its re-positioning of the structure closer to the neighbouring property will not have an adverse impact on the privacy and amenity of the occupiers of the neighbouring property or on the character and appearance of the streetscene. In order to protect the amenity of the occupiers of the neighbouring property, it is recommended that a condition is attached removing permitted development rights from the structure to ensure that no windows are installed or alterations to the roof are undertaken.

Air source heat pumps

- 6.15 Whilst air source heat pumps have been installed on the north eastern side of the dwelling, Officers have advised that these would have an adverse impact on the amenity of the occupiers of the neighbouring property and should be moved to an alternative location. The location most appropriate as suggested by the Council's Environmental Health department is the eastern side of the detached garage. The Environmental Health department have advised that the siting of the air source heat pumps on the eastern side of the proposed garage at Twigs is unlikely to give rise to complaint of noise nuisance from neighbouring and adjoining dwellings. The applicant has agreed to reposition the units and amended plans have been received on this basis which are the subject of an additional period of consultation. Any additional comments that are received as a result of the consultation will be verbally presented to Members.

Loss of trees

- 6.16 A number of concerns have been raised in respect of the loss of a number of trees within the site. Whilst it is noted that a number of trees have been felled either prior to or during construction works, these trees were not the subject of a Tree Preservation Order and the site is not within a conservation area and therefore permission for their felling was not required. The Council's Arboricultural Officer was consulted on the original application for the site and raised no objection to the proposals including the proposed removal of trees.

Conclusion

- 6.17 A significant number of objections have been received in respect of amendments being made to the scheme without consulting neighbours as required by legislation and it is the view of the objectors that these amendments have resulted in significant harm to the privacy and amenity of the occupiers of the neighbouring properties and the character and appearance of the streetscene. This error has been acknowledged by Officers to the residents who have contacted the Council in this respect. It should be noted however that the failure to consult neighbours does not invalidate the decisions subsequently made on the application and the dwelling as shown within the approved application as detailed above and which has been subsequently amended twice is the approved scheme for the site.
- 6.18 The amendments proposed to the dwelling, both retrospective and proposed, along with the construction of a detached garage of the design and position are considered to be acceptable and are not considered to have any additional adverse impact on the privacy

and amenity of the occupiers of the neighbouring residential properties or the character and appearance of the streetscene.

- 6.19 The applicant has agreed to reposition the air source heat pumps following advice received by Officers and amended plans have been submitted on this basis and are currently the subject of a period of additional consultation.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be delegated for approval to the Development Manager subject to the expiry of the consultation period in respect of the amended plans and subject to the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the first floor side elevations of the development, unless otherwise agreed with the Local Planning Authority through the submission of a planning application.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forwardmost part of any proposed building which fronts onto a highway, unless otherwise agreed with the Local Planning Authority through the submission of a planning application.

Reason: In order to safeguard the character and visual amenities of the locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage of the dwelling hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling, unless otherwise agreed with the Local Planning Authority through the submission of a planning application.

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

4. No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours 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 (2015).

5. The approved facilities for the parking, loading and unloading of vehicles and the storage of materials and equipment associated with the building works as agreed with

the Local Planning Authority on 28th January 2015 and shown on drawing number 2657/1000 Rev B shall be retained and available for use throughout the period of work required to implement the development hereby permitted unless alternative details are agreed in writing by the Local Planning Authority.

Reason: In the interests of road safety and/or in the interests of amenity and in accordance with Policy 40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

6. The approved vehicle wheel-cleaning facility as agreed with the Local Planning Authority on 28th January 2015 and shown on drawing number 2657/1000 Rev B shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7. No burning of materials in association with the construction works shall take place on the site.

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

8. The hard and soft landscaping works as agreed with the Local Planning Authority on 28th January 2015 and shown on drawing number 2657/1000 Rev B shall then be fully implemented in the first planting season following occupation of the dwelling hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting 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 otherwise agreed in writing by the Local Planning Authority.

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

9. The dwelling hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details which were agreed with the Local Planning Authority on 28th January 2015 and shown on drawing number 2657/1000 Rev B.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 40 of the Horsham District Planning Framework (2015).

10. The dwelling hereby permitted shall not be occupied until the parking spaces and cycle parking facility shown on the submitted plan have been constructed.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles and cycle clear of the highways in accordance with Policy 40 of the Horsham District Planning Framework (2015).

11. The dwelling hereby permitted shall not be occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan.

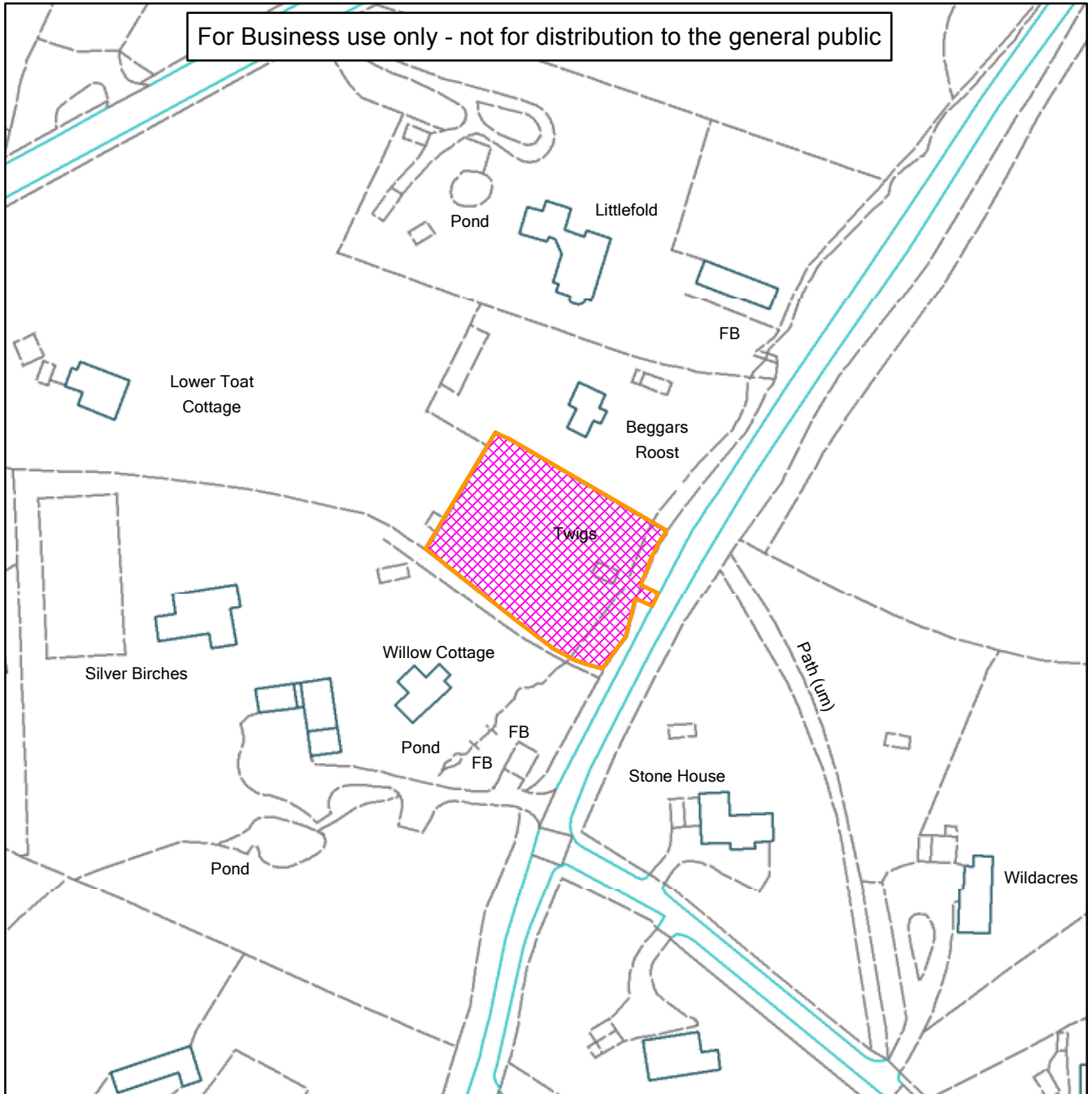
Reason: In the interests of road safety and to comply with Policy 40 of the Horsham District Planning Framework (2015).

Background Papers: DC/13/2058, DC/14/0626, DC/14/2285, DC/15/0989 and DC/15/1888



Demolished Twigs

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/01/2016
MSA Number	100023865



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)
BY: Development Manager
DATE: 2nd February 2016
DEVELOPMENT: Erection of a single storey rear extension
SITE: 12 Parsonage Road Horsham West Sussex RH12 4AR
WARD: Roffey North
APPLICATION: DC/15/2672
APPLICANT: Mrs Elaine Ticehurst

REASON FOR INCLUSION ON THE AGENDA: Member of Staff

RECOMMENDATION: Grant Planning Permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application is seeking planning permission for the erection of a single storey extension to the rear of the dwellinghouse.
- 1.2 The proposed extension would be located on the northwest side of the house and would be a modest extension with a gable pitch roof to match the host house. The extension would have dimensions of 3.2metres deep by 3.1metres wide with a ridge height of 3.5metres. It would have a combination window and door on the eastern (side) elevation and a roof light on the western roof slope, a large rear window would overlook the applicant's rear garden.
- 1.3 The proposal would provide an extended dining room to the main dwellinghouse.

DESCRIPTION OF THE SITE

- 1.4 The application site comprises a relatively new semi-detached house that occupies a rectangular plot on the north side of Parsonage Road in the built up area of Horsham. Originally the site comprised a single dwelling and an application in 2006 (DC/06/0115) approved its demolition and subsequent construction of two new houses with associated gardens.

- 1.5 The area is predominantly residential in nature. On its eastern side is the adjoining property (the other half of the building) and on its western side is an earth bund screening the site from the access into Parsonage Farm and to the rear are properties in Ringley Road.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 NPPF 7 – Requiring Good Design
NPPF 14 – Presumption in favour of sustainable development

RELEVANT COUNCIL POLICY

- 2.3 HDPF 33 - Development Principles

PLANNING HISTORY

DC/05/1512	Change of use from residential to a private specialist nutritional medicine clinic	REF
DC/06/0115	Demolition of existing dwelling and erection of two semi-detached dwellings with integral garages	PER

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 North Horsham Parish Council – No objection

OUTSIDE AGENCIES

- 3.2 N/A

PUBLIC CONSULTATIONS

- 3.3 No Neighbour representations received

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 The main issues are the principle of the development in the location and the effect of the development on;
- The character of the dwelling and the visual amenities of the area
 - The amenities of the occupiers of adjacent properties
- 6.2 Policy 33 states amongst other criteria that extensions should have regard to their natural and built surroundings in terms of their design, scale and character. An extension should be of a scale which is sympathetic to and does not overpower the original building.
- 6.3 The application would involve the erection of a modest pitch roof extension to the rear of the house that is 3.2metres by 3.1metres in floor area with a gable pitch roof of approximately 3.5metres to the ridge. The proposed extension would be flush with the side (west) elevation of the house and would be set in 3.8metres from the side boundary with No10 to the east (the other half of the building).
- 6.4 The proposed extension is considered to be in scale and proportion to the existing dwelling and would not dominate or overwhelm the character of the existing house and as such represents a sympathetic and appropriate addition. The proposal is therefore considered acceptable in terms of its impact on the character and appearance of the dwelling and the surrounding area
- 6.5 In view of the existing relationship between the application property and the adjoining neighbour given the separation distance of 3.8metres from the common boundary with No10 to the east (the adjoining property) it is not considered that the existing relationship would alter significantly, in terms of any loss of light, privacy or outlook.
- 6.6 It is therefore considered that the proposal is acceptable in terms of its impact on neighbour amenity and would not result in any material adverse impact on the residential amenities of the occupiers of the adjacent properties.

Conclusion

- 6.7 In conclusion, and for the reasons outlined above, it is considered that the proposed single storey rear extension; would not materially affect the character of the existing house, the amenities of the neighbouring occupiers or the visual amenities of the streetscene and is therefore considered acceptable.

7. RECOMMENDATIONS

Permit

1. *A2 Full Permission (3 years)*

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.

2. *M4 Matching Materials*

The materials and finishes of all new external walls and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

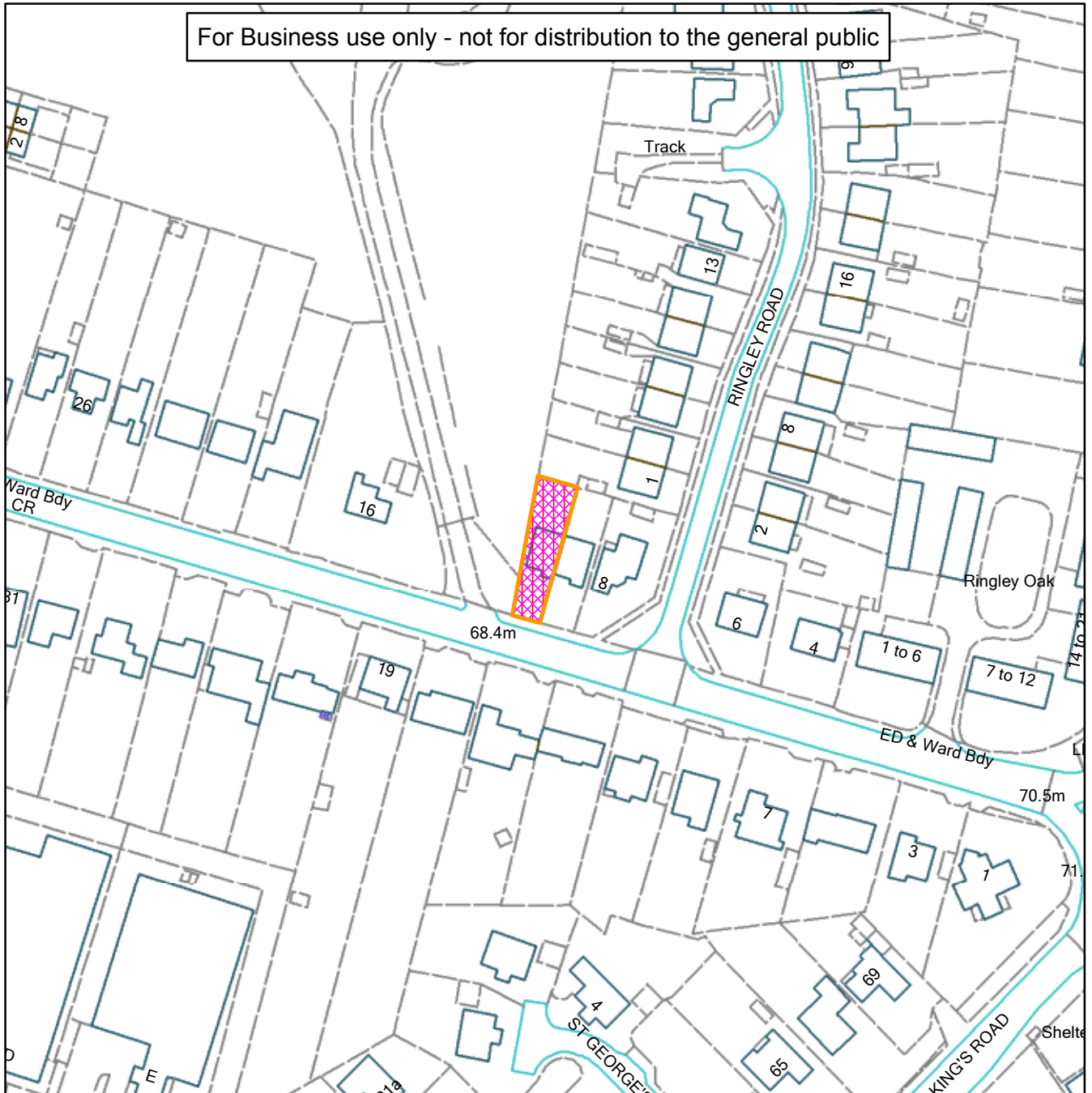
Reason: In the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework (2015)

Background Papers: DC/15/2672

Case Officer: Pauline Ollive



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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	22/01/2016
MSA Number	100023865



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 2 February 2016

DEVELOPMENT: Addition of names of service men and women who gave their lives in second world war. Alteration of one name to remove a letter "e". Light cleaning of the limestone tablets and plinth course (Listed Building)

SITE: War Memorial Carfax Horsham West Sussex

WARD: Denne

APPLICATION: DC/15/2606

APPLICANT: Horsham District Council

REASON FOR INCLUSION ON THE AGENDA: The applicant is Horsham District Council.

RECOMMENDATION: Grant Listed Building Consent

1. THE PURPOSE OF THIS REPORT

To consider this listed building consent application.

DESCRIPTION OF THE APPLICATION

- 1.1 The applicant seeks listed building consent for the installation of a stone tablet displaying additional names of service men and women; the correction of an existing name and the light cleaning of the limestone tablets and plinth course at the War Memorial, Carfax, Horsham. The proposals would include the addition of names of World War Two service men and women killed in the conflict and to undertake a light cleaning of the limestone tablets and limestone plinth wall reducer course. The gentle cleaning of the limestone is proposed to be undertaken using low pressure water spray from fine nozzles to soften deposits over a period of time. This will then be followed by brushing with a synthetic, bristle or phosphor bronze wire brush.
- 1.2 To achieve the proposals the temporary tablet located in the right hand rear wall (closest to NatWest Bank) that already has been inscribed will be carefully removed and retained for future display at the Horsham Museum. A new Portland limestone tablet will be carved with inscribed and black compound filled names of forty three World War Two servicemen to match the tablet and script on the opposing left hand side rear wall.

DESCRIPTION OF THE SITE

1.3 The War Memorial is an historic Grade II Listed structure within the built-up area of Horsham located within pedestrianised part of the Carfax and to the west of the bandstand. The structure is located in a prominent position within the town centre, directly adjacent to the NatWest Bank frontage (No. 47-48 Carfax) and is also located within the Horsham Conservation Area. The structure, constructed in 1921, was only recently listed in August 2014 by Historic England and the reasons for its designation is as follows:

- Historic interest: as an eloquent witness to the tragic impact of world events on this community, and the sacrifices it has made in the conflicts of the C20;
- Design: as a simple but elegant and well-proportioned Hopton Wood stone obelisk 17ft in height with a runic design open cross at the top. A bronze Crusader's downward-facing sword is superimposed to the front; and
- Context: occupying a prominent position within Horsham town centre and conservation area and with numerous listed buildings nearby, including the bandstand (listed in 1974 at Grade II) and a number of buildings within the historic centre of Carfax.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

RELEVANT GOVERNMENT POLICY

2.2 National Planning Policy Framework (NPPF), particularly section 12 (Conserving and Enhancing the Historic Environment).

RELEVANT COUNCIL POLICY

2.3 The relevant planning policies of the Horsham District Planning Framework (HDPF) document (2015) – the following policies are of particular relevance:
Policy 32 Strategic Policy: The Quality of New Development and
Policy 34 Cultural and Heritage Assets.

PLANNING HISTORY

2.4 There is no relevant planning history for the application site.

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 **Horsham District Council Conservation Officer:** (summary)

The application is seeking listed building consent for the installation of a stone tablet displaying additional names of service men and women; the correction of an existing name and light cleaning of the limestone tablets and plinth course.

The submission details the appropriate materials and method of application of the lettering and stone tablet; with this in mind, and subject to the following condition, the works would serve to preserve the special interest of the listed memorial.

OUTSIDE AGENCIES

- 3.3 There was no requirement to consult with any external agency for this application.

PUBLIC CONSULTATIONS

- 3.4 **Horsham Dene Neighbourhood Council**: (summary)

The Horsham Denne Neighbourhood Council has no objection to this application.

- 3.5 There were no letters of representation received.

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 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications, this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.

- 6.2 The main issues are the principle of the development in this location and the effect of the development on:

- the character, appearance and historic fabric of the Listed Structure.

- 6.3 Section 12 of the National Planning Policy Framework (NPPF) relates to the conservation and enhancement of the historic environment. This confirms that in determining applications, local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including development affecting the setting of a heritage asset. When considering the impact of a

proposal on a heritage asset, national planning policy confirms that the assessment should avoid or minimise conflict between the heritage asset's conservation and any other aspect of the proposal.

6.4 Policy 34 of the Horsham District Planning Framework (HDPF) document (2015) relates to cultural and heritage assets such as listed buildings and confirms that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. It notes that applications for such development will be required to:

- reinforce the special character of the district's historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques;
- make a positive contribution to the character and distinctiveness of the area, and ensuring that development in conservation areas is consistent with the special character of those areas;
- preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials.

6.5 The applicant seeks listed building consent for the installation of a stone tablet displaying additional names of service men and women; the correction of an existing name and light cleaning of the limestone tablets and plinth course at the War Memorial, Carfax, Horsham. The Council's Conservation Officer confirmed that the submission details have provided the appropriate materials and method of application of the lettering and stone tablet; consequently, it was confirmed that subject to the recommended condition below, the works would serve to preserve the special interest of the listed memorial in this case.

6.6 It is noted that Paragraph 131 of the NPPF confirms that local planning authorities need to consider the desirability of new development making a positive contribution to local character and distinctiveness of a listed building. It is considered that the new stone tablet would add to the historic significance of the listed structure and due to materials and method of application used, would not cause permanent harm to the character and design of the listed structure. On this basis, approval is recommended.

7. RECOMMENDATIONS

7.1 That listed building consent is granted with the following conditions:

1. The works for which listed building consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. All new and disturbed surfaces shall be made good at the time of the works using materials matching composition, form and finish to those of the existing listed structure.

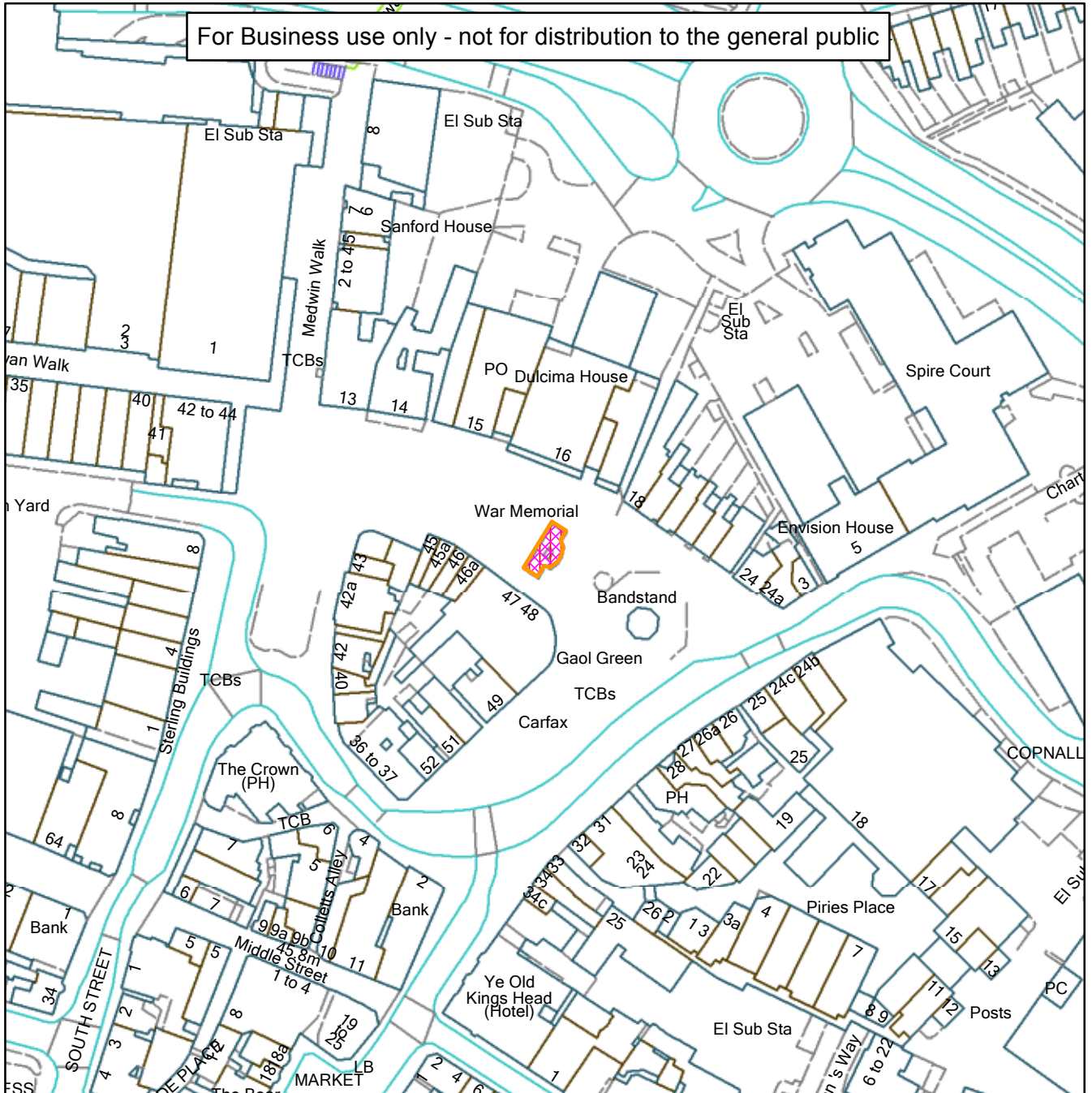
Reason: To ensure the satisfactory preservation of this listed structure and to comply with policy 34 of the Horsham District Planning Framework (HDPF) document (2015).

Background Papers:

DC/15/2606

War Memorial

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/01/2016
MSA Number	100023865



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North
BY: Development Manager
DATE: 02 February 2016
SITE: 3 Cavendish Close, Horsham.
WARD: Holbrook West.
APPLICATION: Tree Preservation Order No. 1480.

REASON FOR INCLUSION ON AGENDA: Objection to a tree preservation order.

RECOMMENDATION: To confirm Tree Preservation Order 1480.

1. THE PURPOSE OF THIS REPORT

To consider whether Tree Preservation Order 1480 should be confirmed.

DESCRIPTION OF THE ORDER

- 1.1 Provisional Tree Preservation Order 1480, 3 Cavendish Close, Horsham, was served on the 18th August 2015 on a beech tree under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under these Regulations, the tree included within the Order benefits from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The tree is sited in the front garden of the property, in very close proximity to its south-eastern boundary adjoining the footway attendant to the roadway.
- 1.4 Cavendish Close is a private road, both roadway and footway being jointly owned by the local residents.
- 1.5 Although the tree emanates wholly from within the curtilage of the private property it stands within, much of its crown spread (and parts of its root spread) ingress into and over the jointly-owned footway and roadway. These parts of the tree are accordingly subject to Common Law rights out of the control of the tree owner.

PLANNING HISTORY

- 1.6 Consideration of the possibility of providing formal protection for this tree was raised by the property owner in regard to the possibility of it being heavily lopped and root pruned by the collective owners of the footway and roadway.
- 1.7 On 12th January 2016 a number of surface roots growing beneath the adjacent existing footway were severed and removed under the supervision of the Council's Arboricultural Officer. This work was carried out under the exemption from the requirement to submit a formal application under S.14 (1)(a)(ii) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on Local Planning Authorities to make a TPO if it appears to them to be "*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*".

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 Three letters of objection have been received from local residents. The principal grounds for the objections are:
- That the tree, being sited in very close proximity to the footway and road, is causing a nuisance by way of:
 - Uplift of the tarmac surfaced footway;
 - Fouling of the adjacent telephone wires;
 - Fouling of free passage to traffic along the roadway;
 - Mast and leaf fall getting into roadway drainage system;
 - Possible damage to the drainage facilities from root incursion.
 - That the growth of the tree is uncontrolled, its size having an adverse effect upon light levels into adjoining properties.
 - That its presence is out of keeping with the open streetscene.

- 3.2 Two further letters from local residents have been received, one in support, one offering no objection.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

5. PLANNING ASSESSMENT

- 5.1 The tree in question is a young to semi-mature 'Copper' beech around 12m in height sited right on the boundary of the residential property adjacent to the private road into the estate.
- 5.2 The estate was built in the late 1950's, the layout being characteristically open, the houses being set at a considerable distance from the roadway; the average length of the front gardens facing the road is around 15m. This part of the estate contains few semi-mature trees, and remains visually open. To some, this is commensurate with the design of the estate as originally constructed; to others it might appear rather stark. Either way, and as a result, the tree in question stands out with prominence on the western side of the roadway, and cannot be missed by any resident or passer-by. As Cavendish Close is a cul-de-sac, it sees minimal passing traffic, and hence the principal amenity value of the tree is localised. However, it certainly stands out prominently in the streetscene.
- 5.3 The tree is in excellent health, and is highly vigorous. It is structurally sound, though has some elements of poor form including a low sub-dominant stem to the south that fouls other primary branches but which is now too large to remove; the resultant wound would be unlikely to occlude quickly enough to prevent the ingress of pathogenic decay.
- 5.4 The vast majority of the rooted volume of the tree appears to be within the boundary of the residential property – though not all of it. In recent years the roots to the east have caused considerable distortion to the tarmac-surfaced footway attendant to the road. This has become bad enough to become a serious trip hazard requiring redress. However, very recent works have revealed that the volume of roots in this vicinity is small, and, following their removal, the footway has been successfully re-surfaced. This nuisance has accordingly been abated.
- 5.5 The size of the tree – and its capacity for further growth – is clearly a concern to local residents. However, it is a specimen most suited to crown reduction, and, following an approach by the tree owner to the Council's Arboricultural Officer, an application has now been submitted for permission to carry out an overall crown reduction and the extensive trimming back of branches fouling the telephone wires and roadway. This application will need to be determined on its own merits, but in general terms the works proposed would represent best arboricultural practice, would not harm the tree, and would abate the concerns in this regard as perceived by local residents.
- 5.6 As with all deciduous trees, leaf litter can potentially block drains and gully-ways. However, this is normally viewed as the natural actions of a tree, and not a reason to condemn it. This is accordingly seen as insufficient reason not to confirm an order on a tree of high amenity merit.
- 5.7 No evidence or substantiation of the allegation that the tree's roots are causing actionable damage to the adjacent drainage system within the roadway has been received. Should evidence be found pointing to the tree's involvement with any such damage, the matter could be dealt with under the exemption for statutory nuisance under S.14 (1)(a)(ii) of the Town and Country Planning (Tree

Preservation) (England) Regulations 2012. Hence this does not represent a reason not to confirm an order on a tree of high amenity merit.

- 5.8 Should it be seen to be required, this tree if unprotected could be dramatically and drastically pruned under rights of Common Law by the collective owners of the roadway without the consent of its owner; indeed, any and all of the growth overhanging the property owners' boundary could be removed. This would cause the tree serious damage, would be contrary to the principles of good arboriculture, and would effectively nullify the tree's aesthetic appeal and amenity merit resulting in a significant negative impact on the local environment. The confirmation of the tree preservation order does not prevent works being carried out to the tree, either in regard to cosmetic appearance or in the abatement of any statutory nuisance. It is therefore recommended that this tree preservation order be confirmed.

6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1480, 3 Cavendish Close, Horsham, is confirmed.

Background Papers:

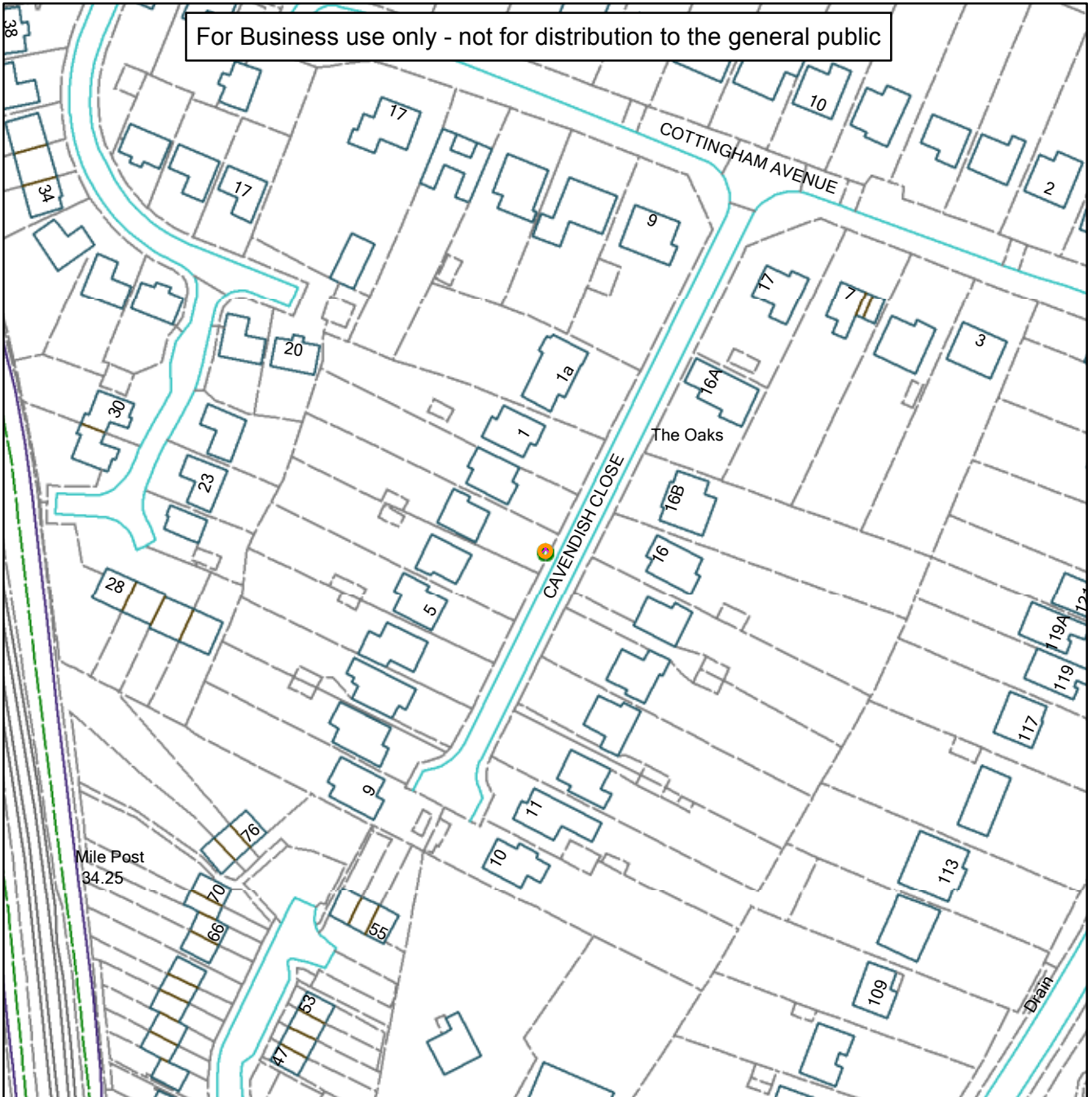
- Tree Preservation Order: 1480.

Contact Officer: **Will Jones**.



3 Cavendish Close

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/01/2016
MSA Number	100023865



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North
BY: Development Manager
DATE: 02 February 2016
SITE: Land east of 1 – 25 Hayes Lane, Slinfold.
WARD: Itchingfield, Slinfold and Warnham.
APPLICATION: Tree Preservation Order No. 1482.

REASON FOR INCLUSION ON AGENDA: Objection to a tree preservation order.

RECOMMENDATION: To confirm Tree Preservation Order 1482.

1. THE PURPOSE OF THIS REPORT

To consider whether Tree Preservation Order 1482 should be confirmed.

DESCRIPTION OF THE ORDER

- 1.1 Provisional Tree Preservation Order 1482, Land east of 1 – 25 Hayes Lane, Slinfold, was served on the 23rd October 2015 on five oak trees under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under these Regulations, the trees included within the Order benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The five oak trees are sited on the western boundary of the field to the east of Hayes Lane, immediately south of the Downslink footpath.

PLANNING HISTORY

- 1.4 On 16th March 2015 the Council received an application for outline planning permission for the erection of up to 50 dwellings on the site (*ref: DC/15/0591*). This application was refused on 21st July 2015.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on Local Planning Authorities to make a TPO if it appears to them to be “*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*”.

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 A letter of objection has been received from an agent whose clients hold an interest in the land. The grounds for the objection are:
- That as part of the recent application for planning permission, a comprehensive tree survey was carried out highlighting the value of the trees in question and noting their considerable amenity value. It is stated that the clients, in regard to the possibility of a further application for development on the site, would welcome the opportunity to work with the Local Planning Authority to ensure the trees’ long-term retention.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

5. PLANNING ASSESSMENT

- 5.1 The five trees in question are all field boundary old oaks sited along the western periphery of the field. To the immediate west runs Hayes Lane, on the opposing side of the road there being twenty dwellings directly facing, and looking out onto, the trees.
- 5.2 All five are large old specimens of high individual merit. In good condition and health, they generally have wide spreading crowns typical of the species, and have a highly pleasing appearance. Bounding the highway, and facing the residential properties to the west, they are heavily and particularly prominent in the streetscene, and indeed represent the principle landscape amenity feature in the area.
- 5.3 Recent development plans for the field (*ref: DC/15/0591*) showed the retention of these trees, and a good level of integration within the proposed residential scheme. Should revised plans be submitted, it accordingly might be feasible to integrate the trees within an alternative site layout proposal. However, it is considered that the amenity value and importance of these specific five oaks is such that it is in the public interest that their retention is emphasised and indeed assured, so far as is possible.
- 5.4 Without the protection of a tree preservation order, they could legitimately be removed should those with an interest in the land see fit to do so. It is considered

that this would result in a profound and highly unsatisfactory loss of amenity to the area, contrary to the Council's environmental aims and to Section 198(1) of the **Town & Country Planning Act 1990**. It is accordingly recommend that the order be confirmed.

6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1482, 1 – 25 Hayes Lane, Slinfold, is confirmed.

Background Papers:

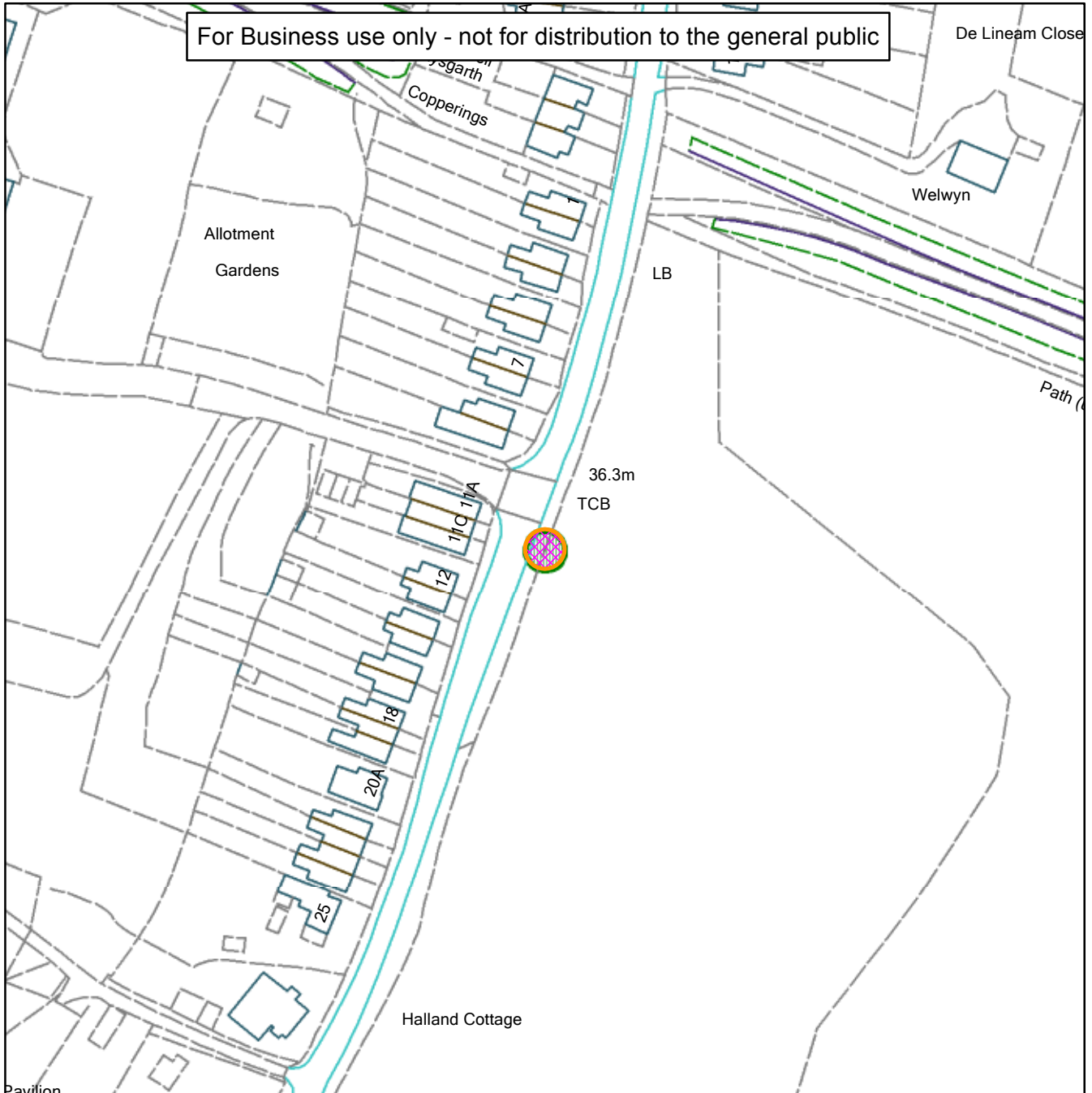
- Tree Preservation Order: 1482.
- Planning application: DC/15/0591.

Contact Officer: **Will Jones**.



Land East of 1 To 25

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Organisation	Horsham District Council
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Comments	Not Set
Date	20/01/2016
MSA Number	100023865



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North
BY: Development Manager
DATE: 02 February 2016
SITE: Cotswold Court, Burford Road, Horsham.
WARD: Horsham Park.
APPLICATION: Tree Preservation Order No. 1483.

REASON FOR INCLUSION ON AGENDA: Objection to a tree preservation order.

RECOMMENDATION: To confirm Tree Preservation Order 1483.

1. THE PURPOSE OF THIS REPORT

To consider whether Tree Preservation Order 1483 should be confirmed.

DESCRIPTION OF THE ORDER

- 1.1 Provisional Tree Preservation Order 1483, Cotswold Court, Burford Road, Horsham, was served on the 23rd October 2015 on 36 trees of varying species under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under these Regulations, the trees included within the Order benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The trees in question are all sited within the Cotswold Court residential estate.

PLANNING HISTORY

- 1.4 A large number of trees on the then newly erected Cotswold Court estate were protected under tree preservation order TPO/0073 on 22nd August 1961, the order being confirmed on 19th October of the same year. The order consisted of 10 individual trees; 6 groups of trees; and one large land parcel protected under the 'Area' classification.

- 1.5 In the 55 years since, the arboreal landscape of the area has changed dramatically. Many of the tree have long gone; by way of example, one large specimen was blown down in a gale on the night of the 10th January 1962; many others succumbed to the Great Gale of 1987. At the same time, a number of trees that were either omitted from the order, or that have established themselves since, have become the premier specimens on the site, but do not benefit from any formal protection.
- 1.6 The Government's publication **Tree Preservation Orders and Trees in Conservation Areas** (*Planning Practice Guidance, Mar 2014*) states at para. 2.10 that Local Planning Authorities "*are encouraged to re-survey existing orders that include the area classification*". It is also recommended that orders that have become outdated are re-surveyed and, where appropriate, re-served.
- 1.7 In October 2015, the whole site was re-surveyed by the Council's Arboricultural Officer, all of the trees on the site being assessed for their suitability for formal protection. A total of 36 trees were considered to meet the criteria required.
- 1.8 In line with the Government's recommendations, TPO/0073 was revoked on 23rd October 2015 and on the same day the new order, TPO/1483, served.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on Local Planning Authorities to make a TPO if it appears to them to be "*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*".

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 A letter of objection has been received from a neighbour in regard to a group of trees close to their residential boundary included within the order. The trees in question are the group of four, T33 – T38 inclusive, a Western Red cedar and three yews. The grounds for the objection are:
- That the trees have so far regularly been trimmed so as to ensure that they do not cause damage to the objector's property, nor adversely obstruct light permeation into that property.
 - It is contended that the imposition of the tree preservation order might prevent this regular work from occurring, thereby adversely affecting the objector's rights.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

5. PLANNING ASSESSMENT

- 5.1 It has been noted that the 'new' order necessarily includes a number of trees that were not protected by its predecessor, either as they were too small at the time, or even not present at all. This includes trees T33 – T36, trees of some considerable size now, though clearly post-dating the original order made back in 1961.
- 5.2 The four trees in question are good specimens, despite having been regularly trimmed. They contribute to the character and amenities of the locality, and are of sufficient amenity merit to warrant inclusion within the order.
- 5.3 As trees now subject to a preservation order, trimming would require the submission of an application; though this is free of charge, and can be undertaken readily on-line. Although each application would require to be adjudged on its own merits, the continuation of a management strategy that appears to be in compliance with the principles of good arboriculture would be unlikely to gain a negative response; once a management strategy for the trimming of coniferous trees has been commenced, it is generally good practice to repeat it.
- 5.4 Given the unfettered right of the landowners or the objector to submit such an application at any time, this provides no compelling argument not to confirm the order as served.
- 5.5 Without the protection of a tree preservation order, the trees could legitimately be removed should those with an interest in the land see fit to do so. It is considered that this would result in a loss of amenity to the area, contrary to the Council's environmental aims and to Section 198(1) of the **Town & Country Planning Act 1990**. It is accordingly recommend that the order be confirmed.

6. RECOMMENDATIONS

It is recommended that Tree Preservation Order 1483, Cotswold Court, Burford Road, Horsham, is confirmed.

Background Papers:

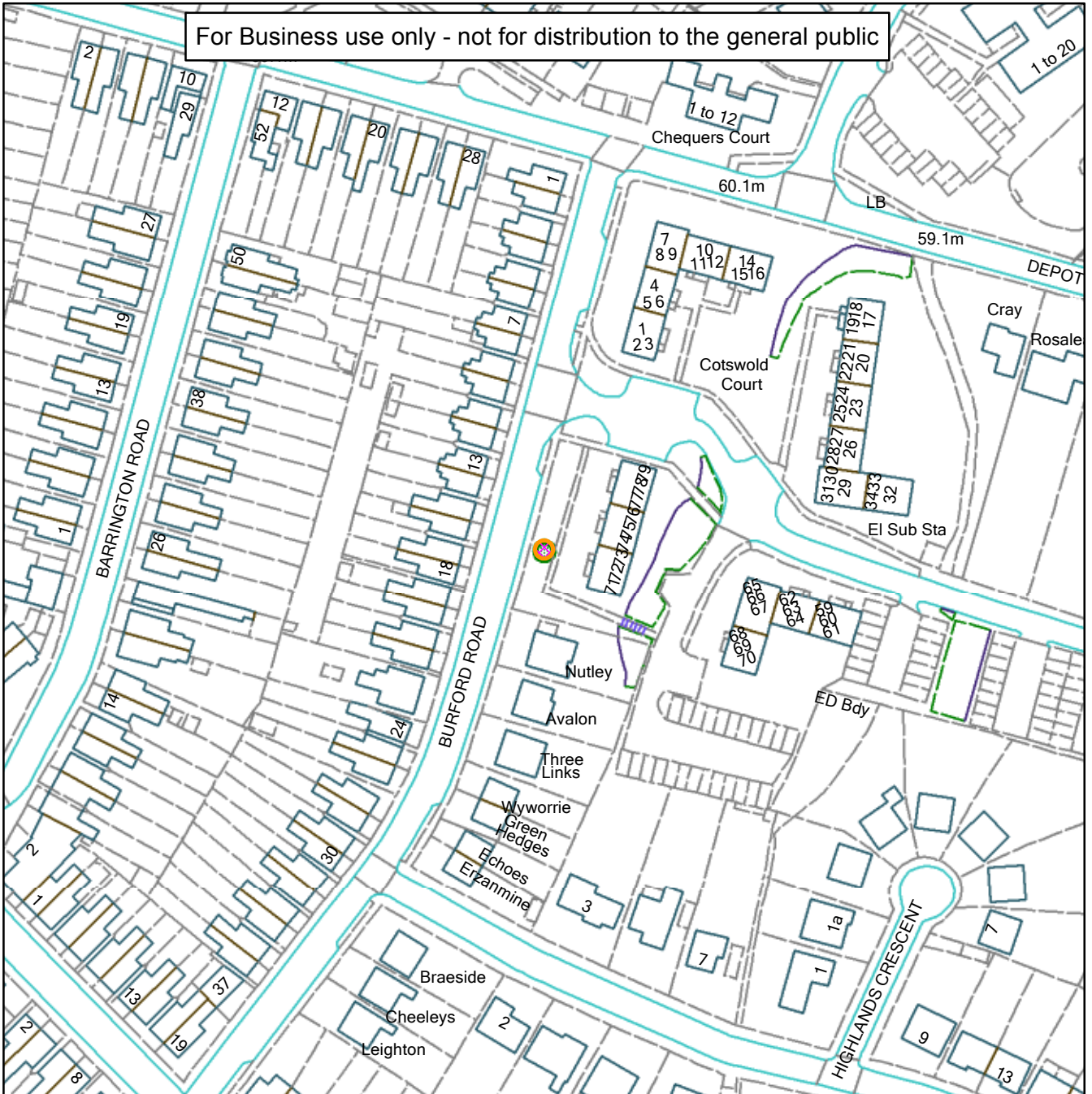
- Tree Preservation Order: TPO/1483.
- Original Tree Preservation Order: TPO/0073.

Contact Officer: **Will Jones**.



Cotswold Court

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