



Development Control (South) Committee
TUESDAY 21ST MAY 2013 AT 2.00p.m.
COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors:	David Jenkins (Chairman)	
	Sheila Matthews Vice-Chairman)	
	Roger Arthur	Liz Kitchen
	Adam Breacher	Gordon Lindsay
	Jonathan Chowen	Brian O'Connell
	Philip Circus	Roger Paterson
	Roger Clarke	Sue Rogers
	George Cockman	Kate Rowbottom
	David Coldwell	Jim Sanson
	Ray Dawe	Diana van der Klugt
	Brian Donnelly	Claire Vickers
	Jim Goddard	

Tom Crowley
Chief Executive

AGENDA

1. Apologies for absence
2. To approve as correct the minutes of the meeting of the Committee held on 19th March 2013 (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 and to take such action thereon as may be necessary

Head of Planning & Environmental Services

Appeals

Applications for determination by Committee - Appendix A

Item No.	Ward	Reference Number	Site
A1	<i>Billingshurst and Shipley</i>	DC/13/0147	Land at Daux Wood, Marringdean Road, Billingshurst
A2	<i>Cowfold, Shermanbury and West Grinstead</i>	DC/12/1851	Land adjoining The Orchard, Cowfold Road, West Grinstead
A3	<i>Pulborough and Coldwaltham</i>	DC/13/0539 DC/13/0550 DC/13/0551	Brinsbury College, Stane Street, North Heath, Pulborough
A4	<i>Chantry</i>	DC/13/0586	10 Hawthorn Way, Storrington, Pulborough
A5	<i>Pulborough and Coldwaltham</i>	DC/12/1977	32 Aston Rise, Pulborough

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 (SOUTH) COMMITTEE
19th MARCH 2013

Present: Councillors: David Jenkins (Chairman), Roger Arthur, Adam Breacher, Philip Circus, George Cockman, David Coldwell, Brian Donnelly, Jim Goddard, Brian O'Connell, Roger Paterson, Sue Rogers, Kate Rowbottom, Jim Sanson

Apologies: Councillors: Jonathan Chowen, Ray Dawe, Sheila Matthews (Vice-Chairman), Ian Howard, Liz Kitchen, Gordon Lindsay

DCS/114 **MINUTES**

The minutes of the meeting of the Committee held on 19th February 2013 were approved as a correct record and signed by the Chairman.

DCS/115 **INTERESTS OF MEMBERS**

<u>Member</u>	<u>Item</u>	<u>Nature of Interest</u>
Councillor Jim Goddard	DC/13/0017	Personal – the applicant is Clerk of Bramber Parish Council and is therefore a close associate
Councillor David Coldwell	DC/13/0017	Personal – the applicant is Clerk of Bramber Parish Council and is therefore a close associate
Councillor Brian O'Connell	DC/13/0200	Personal & prejudicial – he is the applicant

DCS/116 **ANNOUNCEMENTS**

There were no announcements.

DCS/117 **APPEALS**

Appeals Lodged

Written Representations/Household Appeals Service

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>
DC/12/1905	The Orchard, Storrington Road, Thakeham	Mr J Mills
DC/12/1275	60 Acorn Avenue, Cowfold	Mr Malcolm Etherton
DC/12/0283	Land West of Unit S3A, Rosier Commercial Centre, Coneyhurst Road, Billingshurst	Mr Nick Pope

DCS/117 Appeals (Cont.)

DC/12/2005	Oakleigh Farm, Coolham Road, Shipley	Mr John Sage
DC/12/1584	Brambledown, Monkmead Copse, West Chiltonton	Mr and Mrs J Crook

Appeal Decisions

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>	<u>Decision</u>
DC/12/1418	Henfield House, Croft Lane, Henfield	Mr and Mrs M Lewis	Allowed
DC/12/0462	Sunwood Farm, Adversane, Billingshurst	Mr and Mrs Scott	Dismissed
DC/12/1463	61 Dell Lane, Billingshurst	Piers Faulkner	Dismissed
DC/11/2460	Castle Farm Estate, The Hollow, Washington	Hargreaves Management Ltd	Withdrawn

DCS/118 **PLANNING APPLICATION: DC/12/2093 – USE OF LAND FOR THE STATIONING OF THREE ADDITIONAL MOBILE HOMES FOR A GYPSY FAMILY**

SITE: OAKDENE BLACKGATE LANE PULBOROUGH

APPLICANT: MR AND MRS D WILLET

The Head of Planning & Environmental Services reported that this application sought permission for the erection of three additional mobile homes to provide three bedrooms, bathroom, utility, kitchen, dining room and lounge. The accommodation would provide for the applicant's three daughters and their children who currently lived in the existing mobile home with Mr and Mrs Willet. The existing legal agreement S106/1106 entered into by the applicant restricted the number of mobile homes on the site to one and the application sought a variation to this agreement.

The mobile homes would be positioned west of the existing mobile home and would each be provided with two car parking spaces.

The site was located in a countryside location to the west of Blackgate Lane and comprised a stable block, barn, mobile home and ancillary caravan. There were open paddocks to the south and west of the site and an ancient woodland, owned by the applicant, to the far west. There was a residential property (Penfold Grange) to the south of the site, and a residential property (Firstone) to the north. The northern boundary was screened by hedging and mature oak trees and the southern boundary had recently been planted with hedgerow whips.

DCS/118 Planning Application: DC/12/2093 (Cont.)

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policies CP1, CP3 and CP15; and Local Development Framework General Development Control Policies DC1, DC2, DC9, DC32, DC33 and DC40; and Planning Policy for Traveller Sites 2012 (paragraphs 21, 23, 24 and 25) were relevant to the determination of this application.

Relevant planning history included:

PL/115/99	Retention of 1 mobile home	Granted
DC/06/1447	Erection of 1 detached dwelling replacing existing mobile home (outline)	Refused
DC/07/1733	Erection of 1 detached dwelling replacing existing mobile home (outline)	Refused
DC/08/2547	Adaption of mobile home to permanent structure (Certificate of Lawful Development)	Granted
DC/09/1645	Erection of 1 x 3 bed detached dwelling replacing existing mobile home (outline)	Refused
DC/11/1231	Determination as to whether existing structure comprises operational development (Certificate of Lawful Development)	Refused

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council had objected to the application. No letters of objection, support or comment had been received. The applicant's agent spoke in support of the proposal.

Members considered the effect of the development on the amenity of nearby occupiers and the visual amenities and character of the area, and it was noted that the proposed siting of the mobile homes had been amended after discussion with officers. It was also noted that the Landscape Officer's concerns had been overcome with additional planting of trees and hedging along the northern and southern boundaries.

Members requested that the applicant be required to remove a mobile Low Loader that was currently kept on the site in contravention of Condition 7, and it was confirmed that a Note would be sent to the applicant requiring its removal.

Members noted that there was an unfulfilled need for gypsy pitches in the District and considered that the provision of three additional gypsy pitches on an established site for the Willet family would contribute to this need. It was considered that the proposal would also fulfil a local housing need.

DCS/118 Planning Application: DC/12/2093 (Cont.)

Members considered the officer's recommendation that Conditions 6 and 7 as published in the Report should be amended and agreed that: Condition 6 regarding industrial, commercial and business activity should be amended to allow the applicant to continue to use the site for his nursery business; and Condition 7 regarding a weight restriction on vehicles should be amended to allow a horsebox owned by the applicant to be kept on the site.

Members considered that the proposal was acceptable.

RESOLVED

- (i) That legal agreement S106/1106 be varied to allow for the number of mobile homes on the site to be increased.
- (ii) That subject to (i) above, application DC/12/2093 be determined by the Head of Planning & Environmental Services to allow for the amendment of Conditions 6 and 7. The preliminary view of the Committee was that the application should be granted.

DCS/119 **PLANNING APPLICATION: DC/12/1619 (FULL PLANNING) AND DC/12/1645 (LISTED BUILDING) – CONVERT AND EXTEND THE PROPERTY TO A MIXED USE OF RESIDENTIAL SPACE ON THE GROUND AND FIRST FLOOR WITH A CAFE ALSO LOCATED ON THE GROUND FLOOR**
SITE: THE BRIDGE INN HIGH STREET UPPER BEEDING STEYNING
APPLICANT: MS SHARON KING

The Head of Planning & Environmental services reported that this application sought planning permission to convert Bridge Inn into a residential property on part of the ground floor and the whole of the first floor, with a change of use from a pub to a café covering part of the ground floor, reducing the commercial floor space by approximately 50%. The proposal included the restoration, conversion and extension of the property.

The site was located adjacent to the river in the built up area of Upper Beeding within its Conservation Area and was Grade II Listed with a large rear garden. The site was within Flood Zone 3 of the Environment Agency's flood risk areas. A public footpath ran along the western boundary between the site and the river. The building had been used as a public house with residential accommodation above until October 2009 when the pub had ceased trading.

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policies CP1, CP5 and CP14; and Local Development Framework General Development Control Policies DC9, DC12, DC13 and DC19 were relevant to the determination of this application.

DCS/119 Planning Application: DC/12/1619 and DC/12/1645 (Cont.)

Relevant planning history included:

DC/11/2099	To restore, convert and extend property and adjust layout to create family home and cafe/ business premises and alterations and extensions	Withdrawn
DC/11/2101	To restore, convert and extend property and adjust layout to create family home and cafe/business premises and alterations and extensions (Listed Building Consent)	Withdrawn

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council raised no objection to the application. Six letters of objection had been received. The applicant addressed the Committee in support of the proposal.

Members considered the effect of the development on the listed building and the amenity of nearby occupiers. Members noted that the applicant had unsuccessfully endeavoured to keep the pub open, and there were two other pubs in Upper Beeding and other alternative facilities in neighbouring Bramber. Members considered that continued commercial use of the site was welcomed.

Whilst there was a lack of customer parking provision and only limited on-street parking, Members noted that this had been the case when the building had been a public house and the introduction of a café at this river-side location would attract walkers and cyclists.

Whilst it was considered that proposed changes to the building, including the removal of outbuildings and addition of a conservatory, would enhance the character of the building, concern was raised regarding the proposed glazed privacy screen on the terrace. It was therefore agreed that approval of its design should be secured as a Condition.

Members considered that the proposed change of use, restoration and conversion would enhance the building and the visual amenities and character of the area and was therefore acceptable.

RESOLVED

- (i) That Listed Building application **DC/12/1645** be granted, subject to the following conditions:

- 01 LB1 Listed Building 3 Year Time Limit
02 LB4 Protection from damage

DCS/119 Planning Application: DC/12/1619 and DC/12/1645 (Cont.)

- 03 LB5 Remedial works
- 04 LB7 Re-use of original materials
- 05 LB13 Making good
- 06 LB14 Matching Materials
- 07 Site Specific -Full Joinery Details - Before works commence, details of all new and replacement joinery, including windows and doors, and bargeboards eaves and soffits shall be submitted to the Local Planning Authority at a scale of 1:10 elevations with full size (1:1) sections through, showing relationship to the existing structure and approved in writing by the Local Planning Authority and only those approved details employed within the development and thereafter retained. Any existing historic glass should be retained and reused in position(s) to be agreed in writing by the Local Planning Authority
- 08 Before commencement of the alterations hereby approved, details of all new joinery, including windows, doors, conservatory and partitions, at a scale of 1:10 elevations with full size sections through cills, frames and opening lights, including glazing bars and mullions and showing the relationship to the proposed timber-framed structure and/or extension shall be submitted to and approved in writing by the local planning authority and only those approved details shall be employed within the development and thereafter retained.
- 09 No works shall be carried out until the following details have been submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details:
- 1:20 scale plan sections of all proposed underpinning, foundations, floor supporting structures, and internal partitions, including details of their relationship to historic structure, and junctions with historic fabric;
 - Details of the flexible joint to be provided between the proposed new structure and the existing listed building;
 - Details of materials and finishes required within the historic element of the building in order to achieve Part B compliance.

DCS/119 Planning Application: DC/12/1619 and DC/12/1645 (Cont.)

- 10 Before any demolition commences as hereby approved, details of measures to be taken to safeguard those parts of the building shown to be retained on the approved plans shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be fully implemented and retained for the period of any demolition or construction works.

REASON

- ILBC1A The proposal would preserve the setting of the Listed Building.

INF15 Application Approved Following Revisions

- (ii) That application **DC/12/1619** be granted, subject to the following conditions and an additional condition requiring the submission of details of the glazed screen:
- 01 A2 Full Planning
- 02 M1 Approval of Materials
- 03 M5 Timber and Wall Treatment
- 04 The existing outbuilding on the application site at the date of this permission shall be demolished, the debris removed from the site before any other works for the implementation of the development hereby permitted commence.
- 05 No works shall take place until details of the method of fire protection of the walls, floors, ceilings and doors, including 1:5 scale sections through walls and ceilings, 1:20 scale elevations of doors and 1:1 scale moulding sections, have been submitted to and approved in writing by the Local Planning Authority. All existing original doors shall be retained and where they are required to be upgraded to meet fire regulations details of upgrading works shall be submitted to and approved in writing by the Local Planning Authority. Self-closing mechanisms, if required, shall be of the concealed mortice type. The works shall be carried out in accordance with the approved details.
- 06 Hours of construction activities (including deliveries and dispatch) should be limited to 08.00 – 18.00 Monday until Friday, 09.00 – 13.00 Saturdays and no activity on Sundays or Bank Holidays

DCS/119 Planning Application: DC/12/1619 and DC/12/1645 (Cont.)

- 07 The premises shall be used only for purposes within Use Class (A3 & C3) as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987.
- 08 J8 Hours of Opening “0800 hours – 2300 hours Monday – Saturday inclusive and 0830 – 2200 hours Sundays and bank holidays only”.
- 09 O2 Burning of Materials
- 10 Details of the specific mechanical plant to be installed including performance and noise data shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the café use.
- 11 The preparation of hot food shall be limited to the reheating of already cooked food or ready to eat foods in the premises oven range or microwave only.
- 12 The first floor residential accommodation shall be occupied ancillary to the ground floor commercial use.
- 13 Deliveries, loading and unloading shall be restricted to 08:00 hours and 18:00 hours Mondays to Fridays inclusive and from 08:30 to 16:30 on Saturdays and no deliveries, loading or unloading shall be undertaken on Sundays or public holidays.
- 14 Prior to the café use commencing on site, details of the proposals for refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. All work which forms part of the approved scheme shall be completed prior to the café use commencing and thereafter retained.
- 15 L1 Hard & Soft Landscaping

REASON

ICAB3 The proposal does not have an adverse impact upon the character and appearance of the street scene or locality.

DCS/120 **PLANNING APPLICATION: DC/13/0017 – TWO STOREY FRONT EXTENSION**
SITE: 7 COOMBE DROVE BRAMBER STEYNING
APPLICANT: MRS P ROBSON

(Councillors Jim Goddard and David Coldwell both declared a personal interest in this application as the applicant was the Clerk of Bramber Parish Council, which was within Bramber, Upper Beeding and Woodmancote Ward.)

The Head of Planning & Environmental services reported that this application sought planning permission for a two-storey front extension, which would project two metres from the front of the existing dwelling with a height that matched the existing dwelling of 6.8 metres. Windows would be installed on the ground and first floor, and two velux windows would be installed on both the south-east and north-west roof pitch.

The site was located within the built up area of Steyning and comprised a two bedroom chalet bungalow with a small front, rear and side garden. The site was on a prominent corner plot. The chalets were uniform in appearance with distinct pitched roofs. There was a one metre high fence with mature hedging along the north and west of the site.

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policy CP3; and Local Development Framework General Development Control Policy DC9 were relevant to the determination of this application.

There was no recent planning history relevant to this application.

There were no comments received from internal and external consultees. The Parish Council raised no objection to the application. No letters of objection, support or comment had been received. The applicant's agent addressed the Committee in support of the proposal.

The close proximity of 9 Coombe Drove was noted and concerns that the proposed extension would have an overbearing impact and lead to overlooking were considered. Members noted that the room that would be affected was the bathroom, which had glazed windows, and that no objections had been received.

Members noted the overall, size, scale and mass of the proposal and considered its impact on the street scene. It was noted that the application site was in a prominent position at the end of a row of similar chalet bungalows. It was considered that the proposal would not have a detrimental impact on the appearance of the existing row of chalet buildings because of its location at the end of the row.

Members considered that in the context of the wider street scene, which included dwellings in a variety of styles and sizes, the proposal would not appear overly prominent.

DCS/120 Planning Application: DC/13/0017 (Cont.)

Members considered that the proposal was acceptable in principle.

RESOLVED

That application DC/13/0017 be determined by the Head of Planning & Environmental Services to allow for the framing of conditions. The preliminary view of the Committee was that the application should be granted.

DCS/121 **PLANNING APPLICATION: DC/12/2249 – CHANGE OF USE OF CHICKEN SHED TO OFFICES**
SITE: CHALK FARM OKEHURST LANE BILLINGSHURST
APPLICANT: MR GARTH HOUGHTON

The Head of Planning & Environmental Services reported that this application sought permission for the change of use of a chicken shed to B1 office use. The vacant single storey building would be divided into two separate office units for the accommodation of four people. Three parking spaces would be provided close to the building.

The application site was located in a countryside location and was accessed from Okehurst Lane. There were a group of buildings in addition to the chicken shed. The site was surrounded by open countryside which included some sporadic residential development.

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policies CP1 and CP15; and Local Development Framework General Development Control Policy DC24 were relevant to the determination of this application.

Relevant planning history included:

DC/04/2705	Relocation of barn	Granted
DC/06/1370	Change of use and conversion of redundant chicken houses to holiday cottages	Refused
DC/07/0689	Prior notification to erect a timber framed building for agricultural use	Refused
DC/11/2438	New field entrance	Granted

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council objected to the application. Six letters of objection had been received. The applicant addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

DCS/121 Planning Application: DC/12/2249 (Cont.)

Members noted that the existing building's structure was considered capable of being converted for non domestic use. Windows would be inserted into Western elevation. The applicant had advised that the chicken business had become financially unviable and had ceased trading in 2006.

Concerns regarding the impact of increased traffic on the lane were considered and the Highway Authority's comments were noted. Members considered the proposed scale and level of activity generated by office accommodation for four people would not have a significant effect on the rural nature of the site or have a negative impact on the lane. Members were concerned that the provision of three parking spaces would be inadequate and agreed that an additional parking space should be provided.

Members considered that the proposal was acceptable in principle.

RESOLVED

- (i) That a legal agreement be entered into to secure the financial contribution in respect of transport infrastructure.
- (ii) That subject to the completion of the legal agreement in (i) above, and the submission of a plan demonstrating that one additional car parking space can be provided and subject to an amendment to Condition 4 to specify B1 office use, application DC/12/2249 be determined by the Head of Planning & Environmental Services. The preliminary view of the Committee was that the application should be granted.

DCS/122 **PLANNING APPLICATION: DC/13/0201 – GROUND AND FIRST FLOOR
EXTENSION TO EXISTING SINGLE STOREY HOUSE
SITE: ALDERS HORSHAM ROAD STEYNING
APPLICANT: MR STEVE COWLEY**

The Head of Planning & Environmental Services reported that this application sought permission for a single storey extension to provide a bedroom with en-suite bathroom, sitting room and balcony. The ridge height would be increased and four dormer windows installed so that the roof space could be used.

The site was located outside the built up area boundary on the corner of Horsham Road and the A283. The site consisted of a single storey irregularly shaped four bedroom dwelling located to the north of a large plot with a number of large outbuildings and a large pond to the south.

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policies CP1 and CP3; and Local Development Framework General Development Control Policies DC9 and DC28 were relevant to the determination of this application.

DCS/122 Planning Application: DC/13/0201 (Cont.)

Relevant planning history included:

ST/37/94	Agricultural workers bungalow	Granted
DC/10/2261	New vehicular access	Withdrawn
DC/11/0044	New vehicular access	Refused
DC/11/1482	Occupation of Alders in non-compliance with Condition 2 of planning permission ST/37/94 (agricultural occupancy condition) (Certificate of Lawful Development)	Granted
DC/12/2193	Ground and 1st floor extension to existing single storey house	Granted

The proposal was similar to the original application DC/12/2193 which had been approved after it had been amended to reduce its scale.

There were no responses from statutory internal consultees or outside agencies to be considered by the Committee. It was reported at the meeting that the Parish Council had raised no objection to the application. Seven letters of support had been received. The applicant's agent addressed the Committee in support of the proposal.

Members considered the design of the proposal and the extent of its impact on the surrounding countryside. The proposal would increase the maximum ridge height from 5.9 metres to 7.2 metres. Members considered the design of the extension in the context of the location and noted that the proposal would create views of the surrounding countryside and therefore improve the amenity of occupiers.

Members noted that the dwelling was located at a low level within the site and was screened from view by vegetation. It was therefore considered that the scale and design of the extension would not have a detrimental effect of the surrounding countryside. It was considered that the existing building had no architectural merit and therefore the design and scale of the gable end would be acceptable.

Whilst the scale of the extension was not in keeping with that of the existing building, it was considered that the proposal would not have a detrimental effect on the character of the building. Members noted that the design would improve the amenity of the building for its occupiers and was well screened from the surrounding area.

DCS/122 Planning Application: DC/13/0201 (Cont.)

Members considered that the proposal was acceptable in principle.

RESOLVED

That application DC/13/0201 be determined by the Head of Planning & Environmental Services to allow for the framing of conditions. The preliminary view of the Committee was that the application should be granted.

DCS/123 **PLANNING APPLICATION: DC/13/0076 – REAR SINGLE STOREY EXTENSION TO PROVIDE OFFICE, GAMES ROOM, SAUNA AND GYM AND REMOVAL OF EXISTING OUTBUILDINGS**
SITE: VALELANDS WEST CHILTINGTON LANE CONEYHURST BILLINGSHURST
APPLICANT: MR DAVID BRUTON

The Head of Planning & Environmental Services reported that this application sought permission for the removal of outbuildings and the erection of a single storey dual pitched extension, to the rear of the two storey dwelling, to accommodate an office, games room, sauna and gym.

The application site was located outside the built up area boundary in a rural setting with mature trees and vegetation along its boundaries. The site is mainly laid to lawn with a pool area to the south west. The nearest neighbouring property (Ridge Barn) was located to the north east of the site.

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policies CP1 and CP3; and Local Development Framework General Development Control Policies DC9 and DC28 were relevant to the determination of this application.

Relevant planning history included:

DC/12/2143	Removal of existing outbuildings and erection of a single storey rear extension	Refused
DC/12/2384	Outbuilding for home cinema, gym, sauna and games room (Certificate of Lawful Development)	Granted

Members noted that the Certificate of Lawful Development would allow for an outbuilding of similar scale to this application.

There were no responses from statutory internal consultees or outside agencies to be considered by the Committee. The Parish Council raised no objection to the application. Five letters of support had been received. The applicant and the applicant's agent both addressed the Committee in support of the proposal. A representative of the Parish Council spoke in support of the application.

DCS/123 Planning Application: DC/13/0076 (Cont.)

The applicant had amended DC/12/2143, which had been refused planning permission, to address issues regarding the scale, massing, appearance and proximity to the neighbouring property (Ridge Barn). Members noted that the proposal had addressed some concerns, and considered that the extension would no longer have a detrimental impact on the neighbouring property.

Members considered that the removal of the existing outbuildings would improve the appearance of the site. It was noted that the gym facilities would be for the specific use of the applicant. With regards to the scale, massing and appearance of the extension, the reduction in footprint and ridge height were noted.

Members were concerned that whilst the proposed design was more sympathetic to the location than DC/12/2143 had been, it did not fit with the scale of the house and had the appearance of a semi-detached bungalow rather than an extension.

Members therefore considered that, on balance and after careful consideration, the proposal was acceptable in principle, subject to the approval of a revised design that was more in keeping with the scale and character of the main dwelling.

RESOLVED

- (i) That a legal agreement be entered into to secure occupation as ancillary to the main dwelling.
- (ii) That application DC/13/0076 be determined by the Head of Planning & Environmental Services, in consultation with Local Members, to secure an amendment to the design and scale of the proposal and to allow for the framing of conditions. The preliminary view of the Committee was that the application should be granted.

DCS/124 **PLANNING APPLICATION: DC/13/0200 – ERECTION OF A HOMEWORKING OFFICE**

SITE: SAKE RIDE FARM WINEHAM LANE WINEHAM HENFIELD

APPLICANT: MR BRIAN O'CONNELL

(Councillor Brian O'Connell declared a personal and prejudicial interest in this application as he was the applicant. He withdrew from the meeting and took no part in the determination of the application.)

The Head of Planning & Environmental Services reported that this application sought permission for the erection of an outbuilding on land to the front of the dwelling, within its cartilage, to provide a home working office.

The application site was located on the western side of Wineham Lane outside any designated built-up area and the surrounding area was predominantly rural in character, with open fields and farmland.

DCS/124 Planning Application: DC/13/0200 (Cont.)

A replacement dwelling was currently under construction on the site of the 'former dairy' to the east of 'Sake Ride Farm' (Minute No. DCS/43 (21/08/12) refers).

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policies CP1 and CP3; and Local Development Framework General Development Control Policies DC9 and DC28 were relevant to the determination of this application.

Relevant planning history included:

DC/11/2378	Conversion of building to a dwelling house (Certificate of Lawful Development)	Granted
DC/12/0599	Non compliance of condition 7 of consent SH/10/93 - Agricultural occupancy condition (Certificate of Lawful Development)	Granted
DC/12/1305	Replacement dwelling and car port	Granted

There were no responses from statutory internal consultees or outside agencies to be considered by the Committee. The Parish Council raised no objection to the application.

It was noted that the originally submitted plans had placed the building to the south of the dwelling and on land outside the residential curtilage, which had been considered inappropriate. The revised location to the front of the existing dwelling and within the residential curtilage was considered not to have a detrimental impact upon the surrounding countryside.

The proposed building would be a timber construction with a number of windows within the front and side elevations. The building would be five metres by seven metres, with a height of 2.75 metres with a shallow pitched roof. Members noted its intended use as a home working office and agreed that a Condition requiring ancillary use of the building should be included.

Members considered that, given its proximity to the residential dwelling and the extent of screening along the front boundary, the design and scale of the proposal would not have an adverse impact upon the surrounding countryside and was therefore acceptable.

DCS/124 Planning Application: DC/13/0200 (Cont.)

RESOLVED

That application DC/13/0200 be granted, subject to the following conditions:

- 01 A2 Full Permission
- 02 M6 Prescribed Materials
- 03 An additional condition requiring ancillary use of the building

REASON

ICAB3 The proposal does not have an adverse impact upon the character and appearance of the street scene or locality.

The meeting closed at 4.05pm having commenced at 2.00pm.

CHAIRMAN

DEVELOPMENT CONTROL SOUTH COMMITTEE

21ST MAY 2013

REPORT BY THE HEAD OF PLANNING AND ENVIRONMENTAL SERVICES

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**

DC/12/2133 Fell 1 x Conifer tree (part of hedge) subject to Condition 13 of WG/25/02 (Erection of 20 dwellings)
10 Bedford Square, Partridge Green, Horsham, RH13 8QY.
For: Mrs Pat Bourne

DC/12/0474 Retrospective permission for erection of air conditioning units on rear flat roof
Storrington Club, 28 West Street, Storrington, Pulborough, RH20 4EE.
For: Mr David Grinham

DC/12/1496 Retrospective application to install solar panels (Listed Building Consent)
Templemead House, Lower Street, Pulborough, RH20 2BH.
For: Mrs Susan Russell Flint

3. **Public Inquiry**

DC/12/1590 Construction of stable barn and retention of access track and menage, mobile home and change of use from agricultural to agricultural and equestrian use.
Pulborough Farm, Storrington Road, Thakeham
For: Miss Jo Jones

4. **Appeal Decisions**

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

DC/11/2385 Erection of 46 (Class C) residential dwellings with associated car parking, landscaping and access
Land East of Daux Avenue, Billingshurst
For: Bellway Homes (South East) Ltd
Appeal: **ALLOWED** (Committee)

APPEALS (Cont...)

- DC/12/2247 Construction of a two storey side extension and a single storey rear extension
30 Acorn Avenue, Cowfold, Horsham, RH13 8RS.
For: Mr Kevin Casey
Appeal: **ALLOWED** (Delegated)
- DC/12/0317 Demolition of existing dwelling and replacement with 3 No. 5-bed houses with ancillary garaging and hardstanding.
Yaffles, Rock Road, Storrington, Pulborough, RH20 3AF.
For: Mr John Matuszewski
Appeal: **ALLOWED** (Officers Recommendation Overturned at Committee)
- DC/12/1584 First floor rear/side extension
Brambledown, Monkmead Copse, West Chiltington, Pulborough, RH20 2PD.
For: Mr and Mrs J Crook
Appeal: **ALLOWED** (Delegated)
- DC/11/2631 Erection of two private family stables, hay store and tack room incorporating use of existing lawful highway access and change of use from agricultural to private equestrian use.
Spring Acres, West End Lane, Henfield
For: Mr T Tingey
Appeal: **ALLOWED** (Delegated)
- DC/12/0551 The change of use of land to a dual pitch local gypsy site including the stationing of two mobile homes.
The Caravan, Littleworth Lane, Partridge Green
For: Mr Billy Bath
Appeal: **DISMISSED** (Committee)



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning and Environmental Services

DATE: 21st May 2013

DEVELOPMENT: Residential development for 46 dwellings including new access, internal roads and footpaths, parking areas, garaging together with open space and play area provision (Outline Planning)

SITE: Land at Daux Wood Marringdean Road Billingshurst West Sussex

WARD: Billingshurst and Shipley

APPLICATION: DC/13/0147

APPLICANT: Rydon Homes Ltd

REASON FOR INCLUSION ON THE AGENDA: Category of Development

RECOMMENDATION: To refuse planning permission.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks outline consent for the erection of 46 dwellings with a new access, associated parking and garaging together with open space and play area provision. Consent is here sought for the means of access to the site with all other matters reserved for future determination.
- 1.2 The application site has an area of 2.46 hectares, although it is maintained that the provision of the ancient woodland buffer reduces the developable area to 2.04 hectares.
- 1.3 Whilst the application is in outline form the applicant has indicated that the proposed development would comprise the following mix of units:- 2 x 1 bed apartments, 2 x 2 bed apartments, 12 x 2 bed houses, 16 x 3 bed houses and 14 x 4 bed houses. The proposal would provide 18 affordable units with the additional 0.4 units being provided by way of a commuted sum which would equate to 40% affordable housing provision. The remaining 28 units would be for open market housing.
- 1.4 The application site has an existing gated field access onto Marringdean Road which would be upgraded to serve the proposed development.

DESCRIPTION OF THE SITE

- 1.5 The application site lies to the south-east of the village of Billingshurst, on the eastern side of Marringdean Road. The site is roughly rectangular in shape and its northern and eastern boundaries abut the Ancient Woodland of Daux Wood which merges further eastwards with Rosier Wood. To the south of the site lies the residential development of Kingsfold Close and the western boundary is demarked by fencing which is located behind a highway ditch and wide verge which incorporates a footpath.
- 1.6 The site is an area of managed woodland which is covered by a Woodland Tree Preservation Order. The central area of the site has recently been the subject of a Forestry Commission felling licence and has temporarily reduced the density of the existing coppice and individual tree standards.
- 1.7 The application site is outside of any built-up area as currently defined by the Horsham District Local Development Framework. The applicant states that the proposal has been submitted under the terms of the Facilitating Appropriate Development SPD which seeks to deliver small housing sites capable of delivering housing in the short term and to maintain the Council's rolling 5 year housing land supply.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework 2012 – Delivering Sustainable Development - Sections 4, 6, 7, 8, 10 & 11 are relevant to the proposal.

RELEVANT COUNCIL POLICY

- 2.3 Policies CP1, CP2, CP3, CP4, CP5, CP9, CP12, CP13 & CP19 of the Core Strategy are relevant to the determination of the application.
- 2.4 Policies DC1, DC2, DC3, DC5, DC6, DC7, DC8, DC9, DC10, DC18 and DC40 of the General Development Control Policies Document are relevant to the determination of the application.
- 2.5 Guidance contained within the Facilitating Appropriate Development (FAD) SPD and the Planning Obligations SPD is also relevant to the determination of the application.

PLANNING HISTORY

- 2.6 A further material consideration is that the Inspectors who examined the submitted Site Specific Allocations of Land DPD in 2007 concluded that the then proposed allocation of the site for 50 dwellings was unsound as it stood and failed the relevant tests. The Inspectors' concluded that the site:

'is separated from the town and does not relate well to its built-up area – it is perceived as a semi-rural site. It would be a prominent extension of development into the countryside for around 50 dwellings. There was little evidence on possible woodland and ecological impacts. Any PDL claim for the land seems to us to be tenuous and not a justification for housing'

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 The Head of Strategic & Community Planning has commented on the proposal and has highlighted the key policy principles. Given the South East Plan was revoked on the 25th March 2013 it is considered appropriate that the consultation response is set out in full below:

“Under paragraph 38(6) of the Planning and Compulsory Purchases Act 2004 determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The order to revoke the South East Plan (SEP) has been laid before Parliament and the Plan was formally revoked on the 25th March 2013. Therefore, for the purposes of consideration of this application, the development plan consists of the Core Strategy (CS) (2007), the General Development Control Policies (2007) DPD, the Site Specific Allocations of Land (2007) DPD and the Proposals Map (2007). Other relevant local development documents are the Facilitating Appropriate Development (FAD) SPD (May 2009) and the Planning Obligations SPD. National policy in the form of the National Planning Policy Framework (NPPF) is also a key material consideration.

Five year supply

The Council is required, through the NPPF (paragraph 47) to ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land’. This requirement to be able to show a five year housing land supply is similar to that required by previous guidance (PPG3 and PPS 3). In order to accord with this requirement, the Council publishes the Housing Trajectory and the five year supply position within the Annual Monitoring Report (AMR) each December. The AMR 11/12 (published December 2012 and amended on the 13th March 2013) contains the latest housing trajectories and reports on the housing position against both the CS and the SEP.

Paragraph 5.39 of the 2011/12 AMR (as amended 13th March 2013) indicates that the Council currently has a 107.7% five year housing land supply against the CS. This equates to 3,016 net completions projected against a requirement of 2,800 over the next 5 years. The requirement includes an additional 5% buffer required under paragraph 47 of the NPPF to ‘ensure choice and competition in the market for land’ (5% of 439 x 5 = 110). The projection takes into account the 2011/12 monitoring year and large sites (6+ dwellings) granted permission from the 1st April 2011 to 31st October 2012 as set out in Table 13.

However, although the CS is the most up to date element of the Development Plan, it is acknowledged that the evidence which fed into the CS, from the West Sussex Structure Plan 2001 – 2016, is considered out of date and therefore policy CP4, Housing Provision, is out of date. In light of this, the SEP figures represent the most up to date tested figure, having gone through examination and therefore still remain a key material consideration for you to take into account. In respect of the SEP housing targets, the Council is achieving a 77.1% housing land supply. This equates to 3,270 projected net completions against a five year requirement of 4,243 (including a 5% buffer); a shortfall of 973. This has been seen to be a significant shortfall in appeal decisions since 2009.

The Inspector in his decision on the recent Daux Avenue appeal confirms the above and concluded that ‘Although the SEP has been revoked, its housing requirement figures are the most recent figures that have been tested through an examination process’, and that

just 'because a regional spatial strategy has been revoked does not necessarily mean that the evidence base which underpinned its policies is no longer applicable.' The Inspector drew attention to the fact that the evidence base for the Core Strategy housing provision figures is considerably older than the evidence base used in the SEP for its housing requirement figures.

The Inspectors decision is a material consideration. The decision clearly indicates that the Council's housing requirement figure should be derived from the requirements contained within the SEP, and that the Council's housing land supply should be assessed against these figures rather than those in the Core Strategy.

In his report the Inspector came down on the side of adopting the "Sedgefield approach" where the shortfall in housing supply is addressed within five years, rather than the "residual approach" where the shortfall in housing land supply is made up over the lifetime of the development plan. The implications of this with regards to the Council's housing land supply are set out by the Inspector as follows: 'As at March 2012, the historic shortfall amounted to just over 2,320 dwellings. When the SEP average annual requirement of 650 dwellings for the next five years is added to the shortfall this gives a requirement figure of just over 5,570 dwellings. With the addition of the 5% buffer set out in the Framework, the requirement rises to almost 5,740 dwellings. Against this requirement...there are almost 3,330 dwellings on the supply side. Subtracting the supply figure from the requirement gives a shortfall of 2,410 dwellings.' The Inspector stated that this represents a 'very substantial shortfall'.

It is noted that there is new emerging evidence using new Office of National Statistics (ONS) and 2011 Census data, which suggest that a different requirement will follow in the review of the Core Strategy. This evidence suggests local need could result in lower numbers than originally projected using the old data. However, until this data is tested, it is acknowledged that it will carry little weight.

Facilitating Appropriate Development SPD

In light of the consideration regarding five year housing land supply the application could be considered in relation to the Facilitating Appropriate Development SPD which allows for flexibility to ensure that there is sufficient housing supply during the life of the CS. However, it fails the first criterion, which is to have at least one boundary physically adjoining the existing BUAB of Billingshurst. The site is separated from the settlement by an area of ancient woodland and by Marringdean Road to the west.

The site is also covered by a Tree Preservation Order. Therefore, the impact on the trees, as well as on landscape character and biodiversity, must also be considered. You should seek expert advice on these issues. It would seem likely that the proposal will not meet the FAD SPD criteria in these respects.

Paragraph 118 of the NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland or aged / veteran trees, unless the need for and benefits of development clearly outweigh the loss.

Affordable Housing

In relation to the FAD SPD criterion 15 and policy CP12, the proposal appears to comply with 39% affordable housing proposed on site, along with a small commuted sum. The Housing Development & Strategy Manager should be consulted regarding the mix and type of dwellings. There appears to be more intermediate units than rented dwellings. Normally a 60 (rented):40 (other) split is required (see paragraph 4.71 of the CS).

Sustainability

The Core Strategy sets the spatial vision for the District and along with the other LDF documents delivers the spatial planning strategy for the future of the District. The strategy was based around two large scale strategic locations: west of Crawley and west of Horsham, with limited provision for small scale 'greenfield' allocations elsewhere. Policy CP 5, Built-Up Areas and Previously Developed Land), sets out a settlement hierarchy by identifying Category 1 and Category 2 settlements. Policy CP 5 states that:

Priority will be given to locating new development within Horsham Town and the other towns and villages which have defined built-up areas in accordance with the hierarchy and criteria listed below.

- *Category 1 Settlements – towns and villages with a good range of services and facilities as well as some access to public transport – capable of sustaining some expansion, infilling and redevelopment.*
- *Category 2 Settlements – villages with a more limited level of services which should accommodate only small-scale development or minor extensions that address specific local needs.*

The strategy, then, is to locate development in sustainable locations and the hierarchy of settlements provided within Policy CP 5 identifies those more sustainable towns and villages. Billingshurst is identified as a Category 1 settlement. The application site, however, falls outside of the Built-Up Area Boundary and the application would normally be considered contrary to planning policy – Policy CP1, Landscape and Townscape Character of the Core Strategy and Policy DC1 of the General Development Control Policies (2007), because the site lies in the countryside outside of the Built-Up Area Boundary (BUAB) of Billingshurst as defined on the Proposals Map (2007).

With regards to the NPPF, one of the documents Core Principle's is that planning should recognise the intrinsic character and beauty of the countryside. Policy DC1 seeks to protect the countryside by preventing development in the countryside unless it is considered essential to its countryside location and supports criterion set out in policy.

The NPPF has the presumption in favour of sustainable development running through it as a golden thread. Paragraph 7 explains that there are three dimensions to sustainable development; an economic role, a social role and an environmental role. Whilst it is recognised that there are public transport links within relatively close proximity to the site, and the concept of sustainability in relation to development in rural areas has previously been widely interpreted to relate purely to transport sustainability, in fact, the concept should be applied on a much wider basis to encompass all aspects of sustainability. This broader view, now encompassed in the NPPF, requires us to look at the overall impact of a development on the community.

History of site

For your information, this site has a planning policy history that dates back to before the adoption of the Horsham Local Development Framework in 2007. As part of the production of this plan a number of greenfield sites were put forward for potential housing allocation to meet the District's housing needs, this site was one of these sites and was assessed. It was not considered developable. The Inspectors report on the examination into the Site Specific Allocations of Land DPD agreed with this assessment, it stated that the Land at Daux Wood *'is separated from the town and does not relate well to its built-up area – it is perceived as a semi-rural site'*, and that development would result in *'a prominent*

extension of development into the countryside'. The Inspector also stated that *'Any PDL claim for the land seems to us to be tenuous and not a justification for housing'*.

Local support

From the information submitted there is no evidence that prior to the submission of this application any consultation took place with the Parish Council and local community concerning the proposed development. Through the Localism Act, the Parish Council, as representatives of the community are able to produce a Neighbourhood Development Plan to help steer what development should take place and where it is best located in their areas. There is a lack of evidence that the proposal has any local support, and it is understood that Billingshurst Parish Council strongly objects to this application.

Conclusion

This proposal comprises the erection of 46 dwellings in a countryside location as defined by policy CP5 of the Horsham District Local Plan and as such is contrary to the Council's current adopted planning policies (CP1 & DC1) concerning development in the countryside. These policies seek to protect the countryside by preventing development in the countryside unless it is considered essential to its countryside location.

This application has been submitted under the FAD SPD guidance, however, as noted above the proposal fails to meet the first criterion of the FAD SPD, and in addition may not comply with other criterion set out in the FAD.

It is recognised that the Council does not have a 5 year housing supply against the South East Plan and as such the NPPF states that the relevant housing policies of the Horsham District Local Plan should not be considered up-to-date. Sustainable development is a 'golden thread' running through the NPPF, and as such the NPPF still requires that all development be considered sustainable in the wider sense. It is considered that due to the countryside location and nature of this site, including its relationship with the built-up area, there is concern as to whether the proposal should be considered to be a form of sustainable development.

3.2 The Arboricultural Officer objects to the proposal for the following reasons and due to the length of the consultation response it has its own paragraph numbers:-

1. In landscape terms, the principle of development rests on the premise that the 2.5ha area of land is a "field" of "recently cleared woodland, now covered by moss and rough grass with numerous areas of scrub and a sparse scatter of trees" (Design and Access Statement (DAS), para. 4i).

2. To the north and east of the area, are the woodlands known as Daux and Rosier Woods, areas designated as Ancient Woodland (AW) under the Ancient Woodland Inventory for West Sussex (January 2010). The designation of AW reflects the long wooded history of the site; its definition as set out by Natural England (Standing Advice, version 3, 30 May 2012) is "an area that has been wooded continuously since at least 1600 AD". In the case of Daux and Rosier woods, there is clear evidence of this continual use, as well as a wealth of topographical and floral evidence on the ground. Both Daux and Rosier Woods, and the area the subject of this report, are protected under a woodland Tree Preservation Order (No. 850) confirmed on the 7th January 1997.

3. The area the subject of this application is clearly not AW. The site is shown as an open field on Ordnance Survey maps dating from 1876 to just before WW2. It is well known that during the war the area was used a POW camp, and indeed the by-then abandoned MOD buildings on the site are visible on the 1952 OS. As stated in the DAS, conclusive evidence

is shown by the presence of a woodbank along the northern boundary of the site, confirming that the area does not represent an assart (clearing) from an ancient wooded area.

4. However, what is clear is that the area has been wooded since the MOD abandoned the site after the war. Aerial photographs attest to the woodland cover which has grown up since, and indeed the size of the remaining 'standards' (large retained trees, principally in this case of oak) are all of an age consistent with having grown up since that time. Indeed, not only have a good spread of standards grown on, but so had a dense growth of hazel, which at one time appeared to have been coppiced. By the time of my first visit to the woodland (10th November 2004), it was heavily dense; in fact to the extent that it was in poor condition, as the canopy had closed badly restricting light to the woodfloor. Subsequent visits, made for various reasons, confirmed this.

5. Given the present condition of the site, a key consideration is therefore the question of whether the area is still 'a wood', or whether it is now an open 'field', as contended by the applicants (DAS, para. 4i).

6. The Oxford English Dictionary defines 'a wood' as "*an area of land, smaller than a forest, that is covered with growing trees*". The definition sets no standard for the sizes of the trees, nor their number, nor density; nor does it exclude any tree which may have been recently felled, but is re-growing from the stump or coppice stool – so long as it's 'growing'. Nor does it set any limit for how long an area has to have been so covered to meet the definition.

7. Trees have been growing on this site for over 60 years since the MOD moved away. Some of the retained specimens as measured by the developers' own Arboricultural Consultant show stem diameters of considerable size, in general terms commensurate with the number of years which have elapsed since the abandonment of the POW camp; though in some cases they are considerably larger than this. For example, the oak tree T2598 has a stem diameter of 102cm, suggesting that it is strongly likely to considerably pre-date the POW camp.

8. The Arboricultural Survey and Planning Integration Report, as compiled on behalf of the developers by Quaife Woodlands, lists 212 individual trees and 5 groups on the site, which in itself illustrates a fair covering of 'growing trees'. It is a useful list, though in terms of assessment of the number of 'growing trees' on the site it misses the great majority of the trees which are the coppice stools, spread densely across the whole area and which gave rise to the previous growth which represented the bulk of the structure of the woodland.

9. Following an application to the Forestry Commission (FC) on 7th September 2010 in accordance with the 1967 Forestry Act (as amended), a licence was granted for the coppicing and thinning of the woodland. This involved the felling of around 30% of the standards (larger trees) and the coppicing of the hazel and other lower growth to ground level to allow the stumps ('stools') to regenerate. The Council were consulted by the FC in the appropriate way due to the existence of the TPO on the site. It is most rare for the Council to object to any proposals for felling licences in regard to woodlands, as the FC, whilst acknowledging landowners' rights to extract timber from a woodland, are concerned to ensure the retention and improvement of woodland areas and seek best practice to achieve this. The central thrust of a woodland TPO is to protect woodland without it being used "*as a means of hindering beneficial management work, which may include regular felling and thinning*" (**Tree Preservation Orders - A guide to the Law and Good Practice** (DETR, March 2000), para. 3.16). The Council registered no objection to the licence proposal, having no reason to suspect that the landowner's intentions were anything but for the good of the woodland. It was always accepted, given the heavy preponderance of

coppice growth in the wood, that it would look rather sparse for a period following the completion of the works.

10. A key part of the licence was the principle that the coppiced low growth, cut to ground level, would regenerate strongly, at the same time the new level of light onto the woodfloor allowing the germination of possibly long-dormant ground flora. This is already occurring, the proximity of the nearby AW possibly explaining the presence of primroses and other plants that are known to be AW vascular indicator species. This explains why the licence was granted with no 'restocking conditions', that is, orders to plant replacement trees for the number of standards felled, as it was felt that the great number of coppice stools present would 'restock' the woodland naturally.

11. The FC's consideration is confirmed in the letter recently received commenting on the application (dated 4th February 2013) which states, in regard to the granted licence, that "*I consulted with Horsham District Council before issuing the licence, on the understanding that the trees would grow back as coppice*".

12. In summary, it can be seen that this area was – and still is – woodland, and though clearly not 'ancient', it should be treated accordingly. It is also now clear that the application for a felling licence was possibly not solely motivated by a desire to look after it in the appropriate manner...

13. Though AW receives a great deal of attention – rightly so – all woodland is of value, adding to the country's 'green lung', and providing important habitats for many species of flora and fauna now under threat. The 'strapline' of the FC is that they "*are the Government department responsible for the protection and expansion of Britain's woodlands*" (not restricted to AW sites). The 2012 Final Report from the Independent Panel on Forestry notes England's very low percentage woodland cover, and seeks to sustainably increase this from 10% to 15% by 2060 – an ambitious target.

14. Paragraph 8.2 of the Planning Statement notes that "*the planning assessment has identified no major planning constraints*" on the site. This is a startling error; it takes no regard of a major planning constraint on the site – the TPO.

15. The DAS (page 2) does note that there is "*a blanket TPO in place*", suggesting (maybe subliminally) that the TPO is an 'area' type classification, which is often referred to as a 'blanket' order. Orders of this type only protect the trees which were present at the time the order was served. However, it is of importance that the TPO on this site is in fact a 'woodland' type order. The purpose of this type of order is to safeguard the woodland as a whole, as confirmed by the recent judgement in the case of **Palm Developments Ltd v The Secretary of State for Communities and Local Government** [2009] in which it was held that a woodland order "*protects the undifferentiated mass of tree seedlings, saplings, existing and future trees*".

16. Herewith, accordingly, is the principal reason for objecting to this proposal: despite the assurances about retention of site frontage trees (para. 8.1 of the Planning Statement), and the intention to "*leave the best specimens as feature trees to help the development integrate with its wooded surroundings*" (3.6), you should be under no illusion that this proposal would result in the complete destruction of the area as a 'woodland', by anyone's definition. Of the 212 individual trees on the site, 82 are targeted for removal to facilitate the site development (38.7%) – and this doesn't include ANY of the coppice stools and other understorey, all of which would be lost, thereby negating the consideration of the FC in granting the licence. In dismissing an appeal against the Local Planning Authority's decision to refuse planning permission for 45 dwellings at Rounton, 28 Nascot Wood Road, Watford on 27th September 2012 (ref: APP/Y1945/A/12/2174205), an application which would have resulted in considerable loss of TPO'd woodland, the Inspector stated tellingly

that “it seems to me that this scheme runs counter to the thrust of the TPO system of making ‘provision for the preservation of trees’ as section 198 of the Town and Country Planning Act says. If a development is to be located with little regard to any effect upon a woodland TPO such that the woodland has no opportunity to regenerate and continue as a whole entity, then it is not being ‘preserved’ in the ordinary meaning of the word of keeping safe from harm or injury; to take care of, to guard”.

17. Comment is made within the Planning Statement regarding the **National Planning Policy Framework (NPPF)** (DCLG, March 2012), noting the ‘presumption in favour of sustainable development’, set out in para. 14, which states that planning consent should be granted “*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*” (etc.). It is attested that “*no such adverse impacts have been identified*” in regard to the scheme (para. 5.18 of Planning Statement). However, the loss of this protected woodland area clearly represents a serious adverse impact to the woodland stock within the District and to the character and amenities of the local area. It would also cause harm to the adjacent AW, as I shall refer to later.

18. At this time, the South-East Plan remains in force, albeit due for review. Policy NRM7 seeks to protect and enhance the region’s woodland. This is noted in the submitted Planning Statement (page 8) – but ignored. Given the woodland loss noted, the proposal clearly conflicts with this. As I shall come to later, I am also of the view that the scheme conflicts with policy NRM5 (conservation and improvement of biodiversity), as well.

19. The development is presented as a FAD scheme (**Facilitating Appropriate Development supplementary planning document** (May 2009)). As such it needs to meet **all** of the requirements therein regarding suitability of the proposal on the site chosen (para. 3.2). On the grounds of the woodland loss alone, it fails this test in regard to categories 6, 9, and 10. It also fails at categories 13 and 14, for reasons set out below.

20. In particular, it fails the tests at policies CP1 of **The Core Strategy** (February 2007) and policies DC5, DC6 and DC9 of the **General Development Control Policies Framework document** (December 2007) which seek to “*protect, conserve or enhance the biodiversity of the District*” (DC5), to “*ensure the continued protection of woodlands and trees*” (DC6) and “*presume(s) in favour of the retention of existing important landscaping and natural features, for example trees, hedges, banks and watercourses*” (DC9).

21. As the proposal is wholly contrary to the policies and guidance set out above, there is reason enough to refuse the application on this ground alone.

22. With the effective ‘loss’ of the woodland, come the other less quantifiable side-effects; less quantifiable, though no less of a concern. The biodiversity of the site has been assessed by professional ecologists (Phase 1 Habitat Survey report from James Blake Associates, August 2012) who make a number of recommendations in regard to the development of the area which, in their view, would maintain the ecological value of the site and its enhancement. But clearly this report was carried out subsequent to the main of the site clearance, at a time in the life of the woodland when wildlife is likely to be most adversely affected as an unfortunate consequence of the works pursuant to the felling licence. When the wood has grown up again, the coppice growth and natural understorey will provide an excellent habitat once more. Indeed, the report states clearly that the site, at the time of the visit, “*was in the process of re-vegetating*”. It is also recorded that the site “*supported a rich ground flora*”, and included species “*indicative of the previous woodland such as enchanters nightshade (Circaea lutetiana), lords and ladies (Arum maculatum) and bluebell (Hyacinthoides non-scripta)*”. The latter species is known as an ancient woodland indicator species – as are the number of primroses found on the site (*Primula vulgaris*) not mentioned in the report. Whilst accepting the professional analysis carried out in the Habitat Survey, how it can possibly be held that the biodiversity of this woodland site is

likely to be “*protected, conserved and enhanced*” in accordance with the requirements of criteria 9 of the FAD document by placing 46 houses on it is astonishing, and in my judgement clearly inaccurate.

23. A further concern is the likely ill-effects on the adjacent Ancient Woodland. It is attested at para. 7.4.10 of the Planning Statement that the proposed development layout “*has been devised as a careful and sensitive response to the need to respect the woodland character of the site*”, and that “*the important Ancient Woodland to the north, east and along the site frontage has been carefully protected by generous buffers*” (my underlining). Generous is not the word I would use.

24. The principle of a buffer between residential development and AW sites arose from comments made by the Secretary of State’s Inspector further to the Public Inquiry regarding an appeal by Crest Nicholson (South) Limited in 2007 regarding Land to SW of Haywards Heath (Bolnere Village: Four Acre Wood) phases 4 & 5 applications (*Ref: HH/04/02676/OUT and others*). A 15m buffer was suggested, and this has now been adopted by Natural England in their Standing Advice regarding the protection of AW sites. But this is suggested as a MINIMUM, and hence the word ‘generous’ is inappropriate.

25. The principle of such ‘buffer protection’ is still emerging. What has become clear in recent times is that the buffer should be an area of completely restricted access to ensure that the root protection areas of the trees at the edge of the AW, and the land immediately adjacent, is protected. This means preventing access so far as is possible to both the AW land AND the buffer zones anything which would be likely to damage the AW. This includes increased trampling from humans; domestic pets (cats in particular, so harmful to wildlife); chemical drift and spillage (of domestic gardens sprays, herbicides and other chemicals which can cause acidification, eutrophication and toxic pollution); invasion by non-native plant species; and the dumping of rubbish which might contain material toxic to the woodland soils.

26. It is also known that the proximity of residential development to AW sites has a seriously deleterious effect on the wildlife and ecology of the woodland. **Corney et al.** (*Impacts of nearby development on the ecology of ancient woodland, Just Ecology & others, October 2008*) confirm considerable disbenefits to AW sites, including “*increased predation; reduced breeding success and population viability; and altered hydrological functioning of soil structure, leading to tree death and changes in the composition of woodland vegetation*” (page 2).

27. Hence due to perceived inadequacies at the initial suggestion of a 15m minimum depth buffer zone, the need for a much deeper buffer is emerging. Both the FC¹ and the Woodland Trust² are on record at stating that the minimum depth should be doubled to 30m. Given the dramatic alteration of land use which this proposal represents, and its contiguous boundary on two sides of the site (317m in total), the 15m buffer should be seen as wholly inadequate.

28. In this case, not only is the 15m inadequate, it is not even provided for correctly at all. Plots 14 – 21 inclusive are tucked so close to the AW boundary that their gardens form part of the buffer zone. This is unacceptable: if part of the buffer zone is within a residential garden, it no longer acts as a buffer zone as there is no way that access into the area can be restricted. Furthermore, an access footway is provided through almost the entire length of the buffer for “*informal recreation through the ecological enhancement area to create a meaningful space*”. I’m unsure what the last part of this sentence means; but in totality it confirms that the developers have failed to understand the purpose of the buffer zone. Similarly, the Arboricultural Report advises of the provision of a “*path through the woodland available to residents that engages them with the Ancient Woodland*” (para. 5.1), again missing the point.

29. A further problem is that of shading by existing trees around the site peripheries of a large number of the proposed plots. It is a well-known adage that people like sunlight. **BS 5837 'Trees in relation to design, demolition and construction - Recommendations'** (2012) advises that designs “*should avoid unreasonable obstruction of light*” (para. 5.2.2). Para. 5.11(ii) of the publication **Tree Preservation Orders - A guide to the Law and Good Practice** (DETR, March 2000) stresses the need to avoid layouts where trees cause unreasonable inconvenience, leading inevitably to requests to fell, anticipates that conflict with trees may arise, and aims to prevent it. The recently revised publication **Site Layout Planning for Daylight and Sunlight – A guide to good practice** (Littlefair, BRE, 2nd edition, 2011) offers the suggestion that “*if the whole of the garden is shaded by trees for a lengthy period of time in summer, the garden is probably too shady*” (para H4.2). In support of this, the desire for sunshine and good levels of ambient light is well known in regard to rear gardens in particular, the private open-air amenity spaces so important to householders, especially during the summer months.

30. In my judgement, at least 30 of the 46 plots will suffer from a serious enough degree of tree shading as to result in a desire to cut back, lop, top and possibly fell whichever trees behind the plots are considered to be causing a problem with reasoning which the Council would find impossible to resist. On plots 38 – 46 inclusive the problem might not be so serious, as these have generously sized gardens facing south or south-west. But the plots along the northern and eastern boundaries will suffer particularly badly.

31. There appears to be some variance regarding the potential for irresistible future residential pressure from surrounding trees within the information submitted in support of the scheme. The Planning Statement confidently attests (para. 6.1) that the retained trees “*will not give rise to any significant post development pressure*”. However, the Arboricultural Report, whilst confirming that none of the plots will be in complete shade throughout the day, nonetheless admits that there will be “*some shade from nearby trees during parts of the day*” and in addition brings into focus a separate problem which causes pressure on trees, an abundance of leaf litter, which the report states there will be a “*high likelihood*” of. I agree with the arboricultural assessor’s view, and consider furthermore that irresistible post development pressure on the trees is particularly likely in this case, contrary to recommendations and guidance set out within BS 5837 and elsewhere.

CONCLUSIONS:

32. The area of land in question was, and is, a woodland. It is protected by a woodland TPO. Accordingly all woodland policies at national and local level apply.

33. The principle of development within a wooded area – and a protected one at that – is wholly contrary to the policies noted, fails the tests required to satisfy the FAD document, and is inappropriate. It will effectively cause the complete destruction of the area of woodland.

34. The scheme will furthermore cause damage to the adjacent Ancient Woodland, and is designed in a manner and density likely to result in irresistible post development pressure on the trees sited around the site boundaries within that woodland contrary to recommendations and guidance.

35. The harm to the local area from the woodland loss, and the harm which will result to the adjacent Ancient Woodland, are significant and demonstrable and in my judgement clearly outweigh the benefits of the proposal in conflict with the National Planning Policy Framework.

36. Given the breadth and form of the proposal, I cannot see any way in which its harmful effects can be ameliorated either by condition, slight reduction in numbers, by design or by alterations made to matters reserved for future consideration.

37. I therefore OBJECT to this proposal.

3.3 **Second comments**

I am in receipt of the comments made by, and on behalf of, the applicants in regard to the above site further to my original report to you dated 26th March 2013. I have examined the e-mail from Christopher Sampson, Rydon Homes Planning Manager, and the report from Quaiife Woodlands, both dated 3rd April.

I have noted also the amended illustrative site layout, drawing number 10459-OA-03, revision A, dated 25th March 2013.

I note the following:

- The drawing indicates some alterations to the buffer zone to the ancient woodland, amendments which provide a minor improvement. However, the difference made to the application as a whole is tiny, and makes no difference to my overall objection to the proposal.
- It is attested that the 15m width buffer zone is "*more than adequate*" - not the case. As previously advised, it is a minimum; and there is emerging consideration that 15m is in itself inadequate. So this consideration is incorrect.
- Reliance on the scheme being outline - and therefore not requiring to indicate the exact chosen positions of the dwellings - to argue away potential shading issues is inadequate. Given the density required, I believe that unacceptable post development pressure on the areas containing the plots I set out in my report is inevitable.
- The consideration that the woodland - albeit in its presently rotational state - somehow doesn't matter because it is of "*modern origin*" is incorrect. Not only are all bodies trying to protect England's woodlands making no distinction as to the value of more recent woodland as opposed to older woodland, they seek to increase the stock - not simply fell it to facilitate development. As I pointed out in my report, the **Forestry Commission** strapline is that they are the Government department responsible for "*the protection and expansion*" of Britain's woodlands (my underlining). The 2012 **Independent Panel on Forestry's Final Report** supports this, as do many other bodies: they recommend that the Government "*commit to an ambition to sustainably increase England's woodland cover from 10% to 15% by 2060, working with other landowners to create a more wooded landscape*". Clearly the landowner in this case does not share this commitment.

In summary I am of the view that the 'improvements' made are minimal overall, and I retain my objection to the proposal.

3.4 The Landscape Architect also objects to the proposed development and his comments are repeated below:-

It is considered to be contrary to the National Planning Framework in respect of :

- Para 7- an environmental role in achieving sustainable development, protecting and enhancing the natural ,built and historic environment; and as part of this helping to improve biodiversity
- Para 9- seek positive improvements in the quality of the built and natural environment, including moving from a net loss of biodiversity to achieving net gains for nature
- Para 17-take account of the different roles and character of different areas..., recognising the intrinsic character and beauty of the countryside
- allocations of land should prefer land of lesser environmental value

- Para 58-planning decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings and materials, promote local distinctiveness

Furthermore it is considered to be contrary to the Core Strategy Policy CP1 Landscape and Townscape Character, Policy CP3 Improving the Quality of new Development and to the General Development Control Policies DC2, DC3, DC6, DC9d and f. The case officer may also wish to consider in conjunction with the ecological consultee whether the development is also contrary to policy DC5.

In terms of FAD criteria it is considered the proposed development does not meet criteria 7, 9 and 10.

It is very disappointing to find a residential development application made on an existing woodland. Whilst the current drive for economic growth and provision of new homes is understood I do not consider this should be at the expense of loss of a substantial area of existing woodland, woodland, which despite it apparently only having been there for 40 years or so, is covered by a woodland TPO, and which makes a valuable contribution to the strongly wooded character of the local landscape.

Relative to other areas of land close to existing Category 1 settlements in the Horsham District the site is considered to be of high landscape sensitivity to housing development and if further housing development are necessary other areas of low-moderate sensitivity should be preferred first.

In summary the principal concerns are :

- the proposed significant loss of woodland edge scrub and woodland trees including oak and ash standards, together with the loss of an attractive, diverse woodland ground flora will have a substantial adverse impact on the landscape character of the site itself. Whilst it is appreciated that recent felling license works have temporarily reduced the density of existing coppice and individual standards it can be expected substantial regrowth will occur within a 5-10 year period which will further strengthen the wooded character of the site.

- despite the proposed lower density of development closer to the Marringdean Road frontage with a woodland belt retained the essentially urban character of the development proposals as shown on the illustrative plans provided are considered inappropriate in a countryside location which has a predominantly rural character. It is appreciated that there is some industrial and suburban style development lies close to the site but this does not currently influence the undeveloped character of the site. Whilst the application is in outline, given permission is sought for 46 dwellings and taking account of the size of the site this inevitably leads to a more urban layout and scale of development characterised by features such as close spacing of dwellings, high density of parking, including parking courts, urban access road, traffic and some dwellings more than two storeys in height (two and half storeys), lighting columns etc.

- the attractive character of the adjoining ancient woodland is at risk from the peripheral footpath and informal amenity area within the 15m buffer zone. In the absence of this being solidly planted up with native species woodland edge planting there is likely to be encroachment from people and dogs into the woodland, resulting in potential disturbance to wildlife, trampling, nutrient enrichment and thereby eroding its landscape character

- although landscaping is reserved the illustrative landscape strategy is not considered appropriate. The layout will for the most part allow sufficient space for compensation planting of medium-large size, native species trees and includes many areas of ornamental shrub planting

- it is questionable whether the open space requirements, in particular for useable functional amenity space generated by 46 houses are met

Finally it is worth emphasizing the difference between the landscape character of this site and that of the land west of Marringdean Road.

In that case, unlike this one, the character of the site was strongly influenced by existing, immediately adjoining industrial and residential development on the built up edge of Billingshurst.

- 3.5 The Housing Services Manager has no objection in principle to the proposal subject to amendments with regard to the proposed tenure mix and his comments are set out in full below:

The intention to provide 39% affordable housing with a commuted sum top up is acceptable in principle.

The proposed mix consists of 12 x 2 bed homes and 6 x 3 bed homes. Although the affordable provision does not reflect the overall mix of the development, the Housing Options Team reports that a considerable majority of households on the Housing Register are in need of smaller homes. In the light of established need, officers support the inclusion of a higher proportion of smaller affordable units on this development.

However, should outline permission be granted, Housing officers will discuss the tenure mix with the applicant. The proposal offers 38% rented housing and 62% intermediate (shared ownership) housing, which effectively reverses the guidance issued in the Council's Planning Obligations Supplementary Planning Document (62.5% rented, 37.5% intermediate). The document does state:

Depending on subsequent housing needs surveys/housing market assessments the Council may seek to vary the division of the affordable housing target between affordable rented and intermediate housing.

There is considerable need for rented housing in the District and numbers on the Housing Register are increasing. Households on the Register do not qualify for shared ownership as their incomes are insufficient – affordable rent is the only tenure available to them.

In view of the very strong established need for affordable rented accommodation, Housing officers will be seeking an increase in the numbers of rented units on this development.

- 3.6 The Access Officer has confirmed that as it is proposed that the development would be Part M compliant, he therefore has no objection to the proposal.

OUTSIDE AGENCIES

- 3.7 The County Surveyor has advised that he raises no objection to the proposal subject to the imposition of conditions and has commented as follows:

The application form indicates that outline planning permission is sought with only access to be approved at this stage. The current application is supported by way of a transport statement (TS) along with a Stage One Road Safety Audit.

The site does have an existing gated field access onto Marringdean Road that is to be upgraded in order to serve the proposed development. The upgraded access is to take the form of a bellmouth access with 6metre kerb radii with an access road width of 5.5metres. Whilst Marringdean Road is subject to a 30mph speed limit in the location of the access, a

7 day automated speed surveys has been undertaken to ascertain 85th percentile vehicle speeds. The use of 85th percentile speeds is a recognised means of determining the design speed for existing roads upon which stopping sight distances should then be based. The recorded speeds do indicate that the 85th percentile speeds are in excess of the posted speed limit with speeds of 34.9mph recorded northbound and 38.5mph recorded southbound. Based upon these speeds and applying the design guidance within Manual for Street and the Design Manual for Roads and Bridges respectively, sightlines of 59metres would be required northwards and 97metres southwards. The Applicant has demonstrated that these splays are achievable within the existing public highway.

The access arrangements have also been the subject of a Stage One Road Safety Audit. The Audit has raised no safety problems with the proposed arrangements. The proposed access arrangement is acceptable and is not anticipated to result in any highway safety concerns.

It is noted that the TS refers to the current application providing further traffic calming along Marringdean Road. It is acknowledged that the s106 agreement for planning application DC/10/0939 does include a requirement for the developer to undertake further traffic monitoring and if necessary design and implement an appropriate scheme of traffic calming on Marringdean Road. However it is not considered appropriate for the current proposal to provide any further specific traffic calming nor is the provision of traffic calming as a consequence of this proposal considered to meet tests within the CIL Regulations. The current proposal will though be required to provide a TAD contribution and as such, this contribution can be used towards locally identified priorities that may include traffic calming or other accessibility improvements to be implemented by the Highway Authority.

The TS does consider matters of potential vehicular trip generation and it is acknowledged that this proposal would result in an increase of vehicular trips on the surrounding road network. Trip rates have been derived from TRICS, which is an accepted means of estimating trips and the same technique was applied to the approved DC/10/0939. The impact of the additional vehicular trips has been considered in the AM and PM network peak periods, which are recognised as being the most sensitive time periods to increased vehicular movements. The assessment of these periods accords with current DfT advice. The proposed development is estimated to result in an increase of 26 movements (8 arrivals, 18 departures) in the AM peak and 25 movements (16 arrivals, 9 departures) in the PM peak. The increase of trips and resultant impact upon surrounding junctions is not such that would meet current thresholds to warrant further capacity assessment work. As such taking account of this proposal alongside other consented developments, this development is not anticipated to result in any capacity consequences.

The site is located on the edge of Billingshurst. The site is linked to the village centre by way of a continuous footway network and there are a wide range of services well within the 2km walking distance as suggested within the now rescinded PPG13. There are also viable routes for cyclists. The location of the site is not considered such that would require residents to be reliant upon the use of the private car for all trips, although it is fully acknowledged that the car would need to be used for trips of a certain purpose. Nevertheless, there are a range of services within realistic walking and cycling distance and as such the site does offer the opportunity to travel by modes other than the private car.

It is appreciated that the current application seeks outline permission with only access to be approved at this stage. The application does though include an indicative internal layout, details of parking and a design philosophy for the internal roads. The application form also indicates that the internal roads are to be offered for adoption, although comments on the adoptability can only be confirmed once the detailed on-site arrangements are finalised. The following comments would nevertheless be provided

although the layout may in any case change and as appropriate it would be appropriate for these matters to be addressed as part of any reserved matters application,

- The TS details that the internal carriageway would be 5.5metres wide initial and narrowing down to 4.8metres. A 2metre wide footway is also to be provided on a single side of the carriageway throughout the development. The principle of this arrangement is acceptable.
- Turning and manoeuvring would need to be demonstrated for a refuse vehicle. The design vehicle would need to be representative of that used by the waste collection authority. Carry distances would also need to be suitably considered.
- The location of parking for certain plots does need to be considered, for example,
 - The total number of parking spaces does need to be considered against the final number, mix and tenure of dwellings once agreed.
 - The parking spaces for plots 31 and plots 32-34 are somewhat remote from the dwelling entrances, as such parking is likely to take place on-street.
 - There are a number of visitor parking bays within parking courts and relatively few unallocated on-street visitor parking bays. Further on-street unallocated parking does need to be provided in place of the parking within courts as this is more likely to be used by residents rather than visitors.
 - Parking will inevitably take place in the turning head adjacent to plot 28. This does need to be designed out.
 - Some of the driveways and private access roads are somewhat long and have limited ability for vehicles to turn, thus resulting in vehicles having to reverse overly long distances (for example plot 41 and the visitor parking between plots 4 and 7). Again these matters can be considered as part of any reserved matters application.

It is noted that a number of concerns have been raised by 3rd parties relating to the impact of construction traffic. Routing for construction traffic is restricted due to existing weight (on Marringdean Road) and height restrictions (on Natts Lane). Although construction itself is not a material planning consideration, this does need to be considered and suitable mitigation secured. A construction management plan should be provided and agreed prior to any development commencing.

In conclusion, there are considered to be no highway safety or capacity grounds upon which this proposal could be resisted. No highway objection would be raised.

- 3.8 The County Ecologist objects to the proposal as it would result in an overall loss of biodiversity and his comments are set out in full below:-

“ Summary

Ecological objection: It is my opinion that the proposed development does not accord with NPPF [partic. 109 & 118] and HDC Core Strategy (CP1) General Development Control Policies DPD (DC5, 6 & 9) and will result in the unmitigated loss of woodland biodiversity.

Notes

The submitted ecological survey was an ‘Extended Phase 1 Habitat Survey’ designed to list the main habitats and determine whether suitable conditions exist for protected species such that further surveys would be required. The survey was undertaken in July 2012 and does not appear to have had the benefit of the master plan / site layout. The illustrative

site layout was produced in January 2013. Therefore, the full impacts of the proposed development submitted with a site layout to be approved have not been assessed. However, I understand that since the report was produced the consultant ecologists are working with the developers to address outstanding issues.

A number of surveys are proposed within the submitted ecological report dependant upon the scope of the proposed development. I understand that further bat survey work is planned for the near future. The results of the bat survey may have a material impact on the layout of the development / access and internal highway arrangements. However, and with regard to the Natural England response, I agree with the ecological consultants that further great crested newt surveys are not required.

Whilst the site has recently been cleared and is described as a field in the DAS, in reality it remains woodland; it has however been coppiced under licence. Coppicing is a legitimate woodland management practice with an added benefit of improving biodiversity. The coppice stools will re-grow very quickly. The proposed development would not be removing a field but a woodland that is currently regenerating its wooded cover.

The habitat proposed to be lost to development could also be considered to be lowland mixed deciduous woodland a priority habitat under S41 of the Natural Environment and Rural Communities Act 2006 and the UK Biodiversity Action Plan. This is therefore material consideration in planning and adds value to the habitat proposed to be removed. Notably, the woodland is also covered by a Tree Preservation Order.

The recently coppiced woodland forms an important part of the overall ecological unit. The ecological flow from the neighbouring ancient woodland has allowed it to develop quickly making an important contribution to the local ecological network. There are already substantial detrimental impacts on the adjacent ancient woodland from the existing housing to the north and the woodland is well used by dog walkers. The proposed development will add pressure to the adjacent ancient woodland and nearby Site of Nature Conservation Importance adding to the cumulative impacts arising from existing development and recently granted permissions.

The implementation of the proposals could only ever be recorded as overall loss of biodiversity”.

- 3.9 The County Archaeologist raises no objection on archaeological grounds subject to suitable archaeological safeguards to be provided through the imposition of a suitable condition. This condition is considered necessary as within the site are the visible remains of a former World War 2 prisoner-of-war camp. The site is therefore of local military historical interest of which all traces – both visible and buried – would be removed during the course of development.
- 3.10 The Forestry Commission has advised that the Government’s forestry policies highlight the importance of Ancient Woodland and strongly discourage development that results in its loss, unless there are overriding public benefits arising from the development. Ancient woodlands are widely regarded as irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed, even those parts that have been felled and replanted.

The Commission further advises that a felling licence was granted in 2010 on the understanding that the trees would grow back as coppice. Although the application site is not the site of an Ancient Semi Natural Woodland (ASNW) it is adjacent to one on the northern and eastern boundaries. There is the possibility that the proposed development would have an adverse impact on the hydrology of the site that could affect the ASNW.

- 3.11 Southern Water has no objection to the proposal but advises that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers will therefore be required to provide sufficient capacity to service the development.
- 3.12 The Environment Agency has no comments to make on the application.
- 3.13 Sussex Police raises no objection to the application from a crime prevention viewpoint.

PUBLIC CONSULTATIONS

- 3.14 Billingshurst Parish Council strongly objects to the proposal on the grounds that the site is covered by a blanket Woodland Tree Preservation Order; adverse visual amenity impact on the adjoining Ancient Woodland; adverse impact on the landscape character and biodiversity of the area; inadequate site surveys; possible ground contamination; failure to meet the FAD criteria; site previously considered for development and found to be unacceptable; traffic congestion; construction traffic access; unsustainable location; inadequate foul sewer capacity; possible flooding and lack of community involvement. The Parish Council's comments are attached in full at Appendix A.
- 3.15 CPRE Sussex objects to the proposal on the same grounds as raised by the Parish Council.
- 3.16 55 letters of objection have been received from neighbouring residents on the following grounds:-
- Over-development of the village
 - Traffic congestion
 - Noise and disturbance
 - Lack of infrastructure in terms of schools and health provision
 - Devastating impact on the natural landscape
 - Existing schools over-subscribed
 - Threat to Ancient Woodland
 - Increased risk of surface water flooding
 - Highway safety
 - Loss of woodland as a general amenity area
 - Adverse impact on wildlife
 - Inadequate parking provision
 - Destruction of character of the village
 - Scheme is surplus to local housing needs

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 It is considered that the principal issues in the determination of the application are i) whether the proposal is acceptable in principle having regard to central government and development plan policy ii) the effect on the woodland, and iii) the effect of the development upon the character and appearance of the area
- 6.2 The application has been submitted under the auspices of the FAD SPD. This document has arisen from the need to provide 'flexibility' to ensure that there is sufficient housing supply during the life of the existing adopted Core Strategy. The document sets out the requirements against which those planning applications for development, put forward by landowners/developers as a response to the evolving circumstances, on greenfield and brownfield sites which adjoin defined settlement boundaries in the District will be considered.
- 6.3 The approach put forward in the document is a criterion based one to enable all stakeholders to determine if sites may be considered suitable for development. Sites put forward under this policy approach should be 'deliverable' at the time that the site is put forward for planning permission. In the case of housing, there is likely to be a specific need in the short term, therefore sites should be capable of delivering housing completions during the life of the Core Strategy.
- 6.4 A willingness to develop is not the only criterion which governs the permitting of potentially suitable sites. LDF policy also requires that development is in 'sustainable' locations. Category 1 settlements are considered sustainable locations, as these are town and villages with a good range of services and facilities, as well as some access to public transport; they are also deemed capable of sustaining some expansion. In the case of Category 2 settlements only small scale development within the settlement and minor extensions to the settlement may be permitted providing that they address a specific local need. In both cases any site would be expected to adjoin the defined Built-up Area Boundary.
- 6.5 The scale of development will impact on the deliverability and the sustainability of a development. The size of all developments that come forward under this approach will be considered in terms of their scale in relation to the settlement to which they are attached.
- 6.6 The three issues of deliverability, sustainability and scale form the basis for the approach to be taken in considering proposals on greenfield and brownfield sites which adjoin defined settlement boundaries.
- 6.7 The SPD sets out a number of criteria against which development proposals will be assessed. These include:
- The site boundary is contiguous (at least one boundary must physically adjoin in whole or part) with an identified Built-Up Area Boundary to accord with policies CP5 and CP8 of the Core Strategy.
- The scale of the development adjoining a Category 1 settlement does not exceed around 150 dwellings, individually or cumulatively, to accord with the aims of the policies CP1, CP3, CP8, CP9, CP15, CP19 and DC9. Any development adjoining a Category 2 settlement would be expected to be of a much smaller scale in accordance with policies CP3, CP5, CP8, CP15 and DC1, DC9.
- The impact of the development individually, or cumulatively, around the edges of a settlement does not result in the actual or perceived coalescence of settlements in accordance with policy DC3.

- The impact of the development individually, or cumulatively, does not prejudice comprehensive, long term development, in order not to conflict with the development strategy set out in the Core Strategy and/or not to prejudice the review of the Core Strategy.

The landscape and townscape character is protected, and conserved and/or enhanced, in accordance with policies CP1, DC2, DC4, DC9, DC11 and DC12

The biodiversity of a site is protected, conserved and enhanced where relevant, in accordance with policies CP1 and DC5

Existing natural features, such as woodland, trees and hedgerows are retained wherever possible, in accordance with policies DC2, DC6 and DC9

The site and proposed development is sustainable in accordance with PPS1, PPS3, PPG13, and the Core Strategy (2007) in particular policies CP5, CP8, and CP9. A sustainability report must be submitted with any planning application following the criteria and scoring guidelines set out in the Appendix.

- In order to assess and where necessary compare sites adjoining the same settlement, the advice in paragraph 75 of PPG13, that is, the length of short journeys that are likely to be replaced by walking are those under 2km, shall also be used. Sites where it is possible to walk to a wide range of facilities will be considered preferable to sites which are further away and make car journeys into town/village centres more likely

- The development is of a high quality, in all aspects, including layout and design, to accord with policies CP3 and DC9. In addition, high standards of sustainable construction are expected as well as the inclusion of renewable and low carbon energy generation where feasible, in order to comply with policies CP2 and DC8.

- Where housing is proposed there is a mix of housing sizes, types and tenures in accordance with policy CP12; on developments of more than 15 dwellings up to 40% of the dwellings are required to be 'affordable' dwellings, and a mix including smaller units is required by policy DC18.

- The proposal satisfies the criteria relating to transport and access set out in policy DC40. Note that criteria b of Policy DC40 requires that the development is of an appropriate scale to the transport infrastructure in its location. Infrastructure contributions may be required. A Green Travel Plan will be required for developments that exceed Travel Plan thresholds.

- The Council is satisfied that the site is deliverable and sufficient evidence is provided to demonstrate this. Applicants must be prepared to accept time limited permissions which have regard to new policy development

6.8 It can be seen from the above criteria that, potentially, the application site could fall within the remit of the SPD and therefore could be considered for development. However, it would be necessary to meet the requirements of all the criteria for a favourable recommendation to be given to construct up to 46 dwellings on a site outside of the built-up area.

6.9 The application site lies in the countryside outside of the Built-up Area Boundary of Billingshurst as defined in the Proposals Map of the Local Development Framework and as such would normally be considered contrary to Policy CP1. However, in light of the Council's current lawful position in relation to 5 year housing land supply as outlined by the

Head of Strategic & Community Planning at Para.3.1, the Council's approach is to consider the proposal against the criteria outlined in the FAD SPD.

- 6.10 Whilst Billingshurst is a Category 1 settlement as defined by Policy CP5 and is therefore capable of sustaining some expansion, infilling and redevelopment nevertheless the proposal fails to meet the first criterion which requires that at least one boundary of the application site must physically adjoin, in whole or part, the identified built-up area boundary of Billingshurst. The site is separated from the village by an area of Ancient Woodland along its northern boundary and by Marringdean Road on its western boundary. As such, the proposal is contrary to Policy DC1 which seeks to restrict development outside built-up areas to certain categories of development which does not include the erection of 46 dwellings.
- 6.11 There are two other criteria which are of relevance when considering the principle of development. Firstly, the criterion that the scale of development adjoining a Category 1 settlement should not exceed around 150 dwellings, individually or cumulatively. However, Members will be aware that planning permission has previously been granted on appeal for 67 dwellings on land south of Hilland Farm; 150 dwellings on land west of Marringdean Road and more recently in April of this year a further 46 dwellings on land east of Daux Avenue.. This latest appeal decision is a material consideration in the determination of this current application. The Inspector when considering this appeal was fully aware of these earlier grants of permission but given the Council's 'substantial shortfall' in housing supply that he had identified, the Inspector considered that the proposed development would make a modest but valuable contribution to meeting the shortfall. As such, the Inspector gave substantial weight to the contribution of the site to meeting the Council's housing land requirements and very little weight to the requirements of the criterion.
- 6.12 Another matter for consideration in terms of principle is whether the development individually or cumulatively prejudices the comprehensive, long term development strategy set out in the Core Strategy and /or the review of the Core Strategy – Criterion 5 of the FAD SPD. The Inspector in the Oddstones appeal decision (DC/09/0488) took the view that unless the development actually hinders or holds back other developments in the Core Strategy or prevents something being taken through the Core Strategy Review, it can not be considered contrary to this criterion. Whilst Billingshurst has been previously suggested as a strategic location for development in the Core Strategy review process, the Council has taken the decision to respond on an ad-hoc basis to planning applications (rejecting the draft Interim Statement approach) whilst working on the review. Therefore, there is no justification for a refusal of the proposal on this basis.
- 6.13 Notwithstanding the above comments, in terms of the principle of development, it is your officers view that an objection could be sustained on the grounds that the proposal fails to meet the first criterion of the FAD SPD. Whilst support for development has been given at appeal, in all such cases the application site physically adjoined the built-up area boundary of Billingshurst, whereas the current proposal does not, being physically separated from the boundary by Daux Wood and Marringdean Road. It is therefore considered that there is an in principle objection to the development of the site as proposed.
- 6.14 It is also important to note that normal development management criteria must be fulfilled to ensure that the development complies with the criteria set out in the SPD. Development considered under the FAD document must, for example, ensure that the landscape and townscape character is protected, and conserved and/or enhanced. Policy CP1 states, amongst other things, that protected landscapes, habitats and species should be properly protected, conserved and enhanced. This objective must be integrated with the need to accommodate change in order to address social or economic objectives and meet the needs of communities, but it is also important to be aware of the broader implications of

gradual change through the cumulative effects on character, particularly in terms of the impact on more small-scale or local features.

- 6.15 The site has been previously put forward for potential housing allocation and was not found to be developable. As advised by the Head of Strategic & Community Planning, the Inspectors report on the examination into the Site Specific Allocations of Land DPD agreed with this assessment, it stated that the Land at Daux Wood *'is separated from the town and does not relate well to its built-up area – it is perceived as a semi-rural site'*, and that development would result in *'a prominent extension of development into the countryside'*. The Inspector also stated that *'Any PDL claim for the land seems to us to be tenuous and not a justification for housing'*. It is acknowledged that government guidance has changed in the interim with the publication of the National Planning Policy Framework (NPPF) in March 2012, which has the presumption in favour of sustainable development running through it as a golden thread. However, it is considered that the Inspectors' comments remain of relevance to the determination of the application. There has been no material change in circumstances relating to the physical characteristics of the site which could warrant a different conclusion being reached. It remains the case that the proposed residential development would be separated from the existing development to the north of the site by a large area of woodland. In this respect, there is concern that the proposal would likely to be viewed as an isolated housing estate with no relationship to the pattern and character of the surrounding area.
- 6.16 In terms of the impact on the landscape, Members will note that the Landscape Architect objects to the proposal on the grounds that it would result in the loss of a substantial area of existing woodland which is covered by a Woodland TPO and which makes a valuable contribution to the strongly wooded character of the local landscape. Relative to other areas of land close to existing Category 1 settlements in the District the site is considered to be of high landscape sensitivity to housing development and areas of low-moderate sensitivity should be considered for development in the first instance. It is appreciated that there is some industrial and suburban style development close to the site, to the west of Marringdean Road, but this area does not currently influence the undeveloped character of the site. Whilst it is acknowledged that there would be a lower density of development closer to the Marringdean Road frontage and a woodland belt retained, nevertheless, the Landscape Architect is of the view that the proposal would constitute an essentially urban form of development which is considered inappropriate in a countryside location which has a predominantly rural character.
- 6.17 A further related criterion of the FAD SPD is that existing natural features such as woodland, trees and hedgerows should be retained wherever possible in accordance with Policies DC2, DC6 and DC9. By way of background, the area was an open field to just before WW2 and during the war it was used as a POW camp. However, the area has been wooded since the MOD abandoned the site after the war and therefore trees have been growing on the site for over 60 years. The TPO on this site is a 'woodland' type order the purpose of which is to safeguard the woodland as a whole. Whilst the site is clearly not Ancient Woodland, nevertheless, all woodland is of value adding to the country's 'green lung' and providing important habitats for many species of flora and fauna. It is clear from the Arboricultural Officer's comments at Para.3.2 that his principal reason for objecting to the proposal is that the development in his view would result in the complete destruction of the area as a woodland. Of the 212 individual trees on the site, 82 are targeted for removal to facilitate the development of the site and does not include any of the coppice stools and other understorey – all of which would be lost as a result of the development. Further concerns are the damage likely to be caused to the adjacent Ancient Woodland and the likely irresistible post development pressure on the trees located around the site boundaries.

- 6.18 In response to the Arboricultural Officer's original objection to the scheme, further details, including an amended illustrative site layout, were submitted by the applicant. However, the Arboricultural Officer maintains his objection on the grounds that the amendments to the indicative layout represent only a minor improvement which do not overcome his concerns with regard to the significant and demonstrable harm to the local area which would result from the loss of the woodland and the damage which would be caused to the adjacent Ancient Woodland.
- 6.19 The County Ecologist is also of the view that the proposed development would result in the unmitigated loss of woodland diversity and therefore raises an objection to the proposal. He advises that whilst the site has been recently cleared and is described by the applicant as a 'field', in reality it remains a woodland. Whilst it has been coppiced under licence, coppicing is a legitimate woodland management practice with an added benefit of improving biodiversity. The coppice stools will re-grow very quickly, thus the proposed development would not be removing a field but a woodland that is currently regenerating its woodland cover. He further advises that the habitat which would be lost as a result of the development could also be considered to be lowland mixed deciduous woodland which is a priority habitat under S41 of the Natural Environment & Rural Communities Act 2006 and the UK Biodiversity Action Plan. This is therefore a material consideration in planning terms and adds value to the habitat proposed to be removed. The proposal would therefore fail criterion 9 of the FAD SPD which requires that the biodiversity of the site is protected, conserved and enhanced in accordance with Policies CP1 and DC5.
- 6.20 Having regard to the comments of the various consultees, it is therefore your officers' view that the development of the site as proposed would result in the loss of a valuable habitat which would cause significant and demonstrable harm to the local area and possibly result in damage to the adjacent Daux Wood, an Ancient Woodland. However, it should be noted that the proposed development would deliver some important economic and financial benefits. As previously advised at Para 6.15, the NPPF has the presumption in favour of sustainable development running through it as a golden thread. Para.7 of the NPPF explains that there are three dimensions to sustainable development:- an economic role, a social role and an environmental role. Para.8 advises that these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Therefore whereas previously the concept of sustainability in relation to development in rural areas has been widely interpreted to relate purely to transport sustainability, in fact, the concept should be applied on a much wider basis to encompass all aspects of sustainability. This broader view, now encompassed in the NPPF, requires an assessment at the overall impact of a development on the community.
- 6.21 Members will be aware of the current shortfall in the 5 year housing supply and the comments of the Inspector on the Daux Avenue appeal are of particular relevance in this respect. The Inspector identified the shortfall as 2,410 dwellings which in his view represented a 'very substantial shortfall'. The current proposal for 46 units would make a valuable contribution to tackling the existing shortfall in the housing land supply.
- 6.22 Similarly, with regard to the provision of affordable housing, the proposed provision for 39% affordable housing on the site together with a small commuted sum is considered acceptable in principle by the Housing Services Manager subject to amendments to the tenure mix. In this regard, the proposal would comply with the requirements of Criterion 15 of the FAD SPD and Policy CP12. Given the shortfall in the provision of affordable housing in the District, the provision of some 18 affordable housing units would be a welcome increase in the number of affordable housing units coming forward.

- 6.23 Furthermore, the proposed development would give rise to some important economic and financial benefits. There is no dispute that the construction of the development would generate jobs. It is also recognised that the expenditure by the occupants of the development in local shops would put money into the local economy thereby indirectly supporting retail and service jobs. The economic and financial benefits of the development should be accorded due weight in the assessment of the proposal. Moreover, the site is in a sustainable location with ready access to local facilities and public transport including the train station.
- 6.24 In addition in support of the proposal, the applicant has submitted a list of sites which were not considered suitable in the 2007 Inspectors report on the Site Specific Allocations of Land DPD and which have subsequently been granted permission for residential development, either by the Council or at appeal. The list includes the Former RMC site, Washington; Land east of Daux Avenue, Billingshurst; Land north of Glebelands, Pulborough; Oddstones, Pulborough and Land at Millfield, Southwater. However, in each case the application site physically adjoined the built-up area boundary of the settlement and the benefits to be derived from the proposal were considered to outweigh any harm arising from the development. Each application must be judged on its own merits and in this particular instance, the application site does not physically adjoin the built-up area boundary of the village. Furthermore, the development of the site as proposed would result in the loss of a protected woodland and would cause damage to the adjoining Ancient Woodland which is a significant material consideration in the assessment of the planning balance.
- 6.25 In this respect, Para.118 of the NPPF specifically states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland or aged/veteran trees, unless the need for and benefits of development clearly outweigh the loss. It is apparent from the comments of the respective consultees that development of the site as proposed would result in the unmitigated loss of an area of protected woodland and its associated diversity. Whilst there would be undoubted benefits to be derived from the proposal in terms of helping to address the shortfall in housing land supply and the resultant economic and financial benefits, it is considered that the significant and substantial harm to the local area that would result from the loss of the woodland would clearly outweigh the benefits to be derived from the proposal.
- 6.26 In conclusion, it is your officers' view that whilst the proposed development would give rise to a number of benefits nevertheless they would be outweighed by the objections raised by the various consultees on more detailed issues in accordance with the General Development Control Policies. The application is therefore considered unacceptable for the reasons outlined in the report and should therefore be refused.

7. RECOMMENDATIONS

7.1 Planning permission be refused for the following reasons:-

1. The proposed development is located in the countryside, outside of the defined built-up area boundary and is unrelated to the needs of agriculture, forestry, the extraction of minerals or the disposal of waste. It therefore represents an unacceptable form of development in the countryside contrary to Policy CP1 of the Horsham District LDF Core Strategy and Policy DC1 of the Horsham District LDF: General Development Control Policies.

2. The proposed development is unacceptable as there is no provision for contributions towards improvements to transport, education, community facilities and fire

and rescue infrastructure and is thereby contrary to Policy CP13 of the Horsham District LDF Core Strategy as it has not been demonstrated how infrastructure needs for the development would be met.

3. The proposed development is considered unacceptable by virtue of the proposed loss of the woodland and associated woodland bio-diversity, which would have a significant and demonstrable adverse impact on the locality, and in addition would cause damage to both the adjoining Ancient Woodland and the trees proposed to be retained on the site. The proposal is therefore contrary to Policy CP1 of the Horsham District LDF Core Strategy, Policies DC1, DC2, DC5 & DC6 of the Horsham District LDF: General Development Control Policies and Criteria 6, 9 & 10 of the Facilitating Appropriate Development SPD.

4. The proposed development and associated loss of woodland would have a significant adverse impact on the landscape and visual character of the site and the surrounding area. The proposal is therefore contrary to Policy CP1 of the Horsham District LDF Core Strategy, Policies DC1, DC2 & DC9, of the Horsham District LDF: General Development Control Policies and Criterion 6 of the Facilitating Appropriate Development SPD.

5. The proposed development would result in a small, isolated residential enclave which would not relate well to the development pattern and character of the surrounding area. The proposal is therefore contrary to Policies CP1 & CP3 of the Horsham District LDF Core Strategy, Policies DC1 & DC2 of the Horsham District LDF: General Development Control Policies and Criteria 6 & 7 of the Facilitating Appropriate Development SPD.

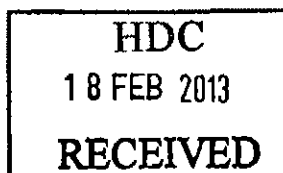
Background Papers: DC/13/0147



Our Ref: BB/EAB/9.3

15th February 2013

Ms H. Corke,
Planning Officer,
Horsham District Council
Park North
North Street
Horsham
RH12 1RL



Dear Hazel,

**Planning Application DC/13/0147 outline permission for 46 dwellings
Land off Daux Wood, Marringdean Road, Billingshurst**

Further to the Planning & Environment Committee meeting of Billingshurst Parish Council held on 7th February 2013, I submit the following response.

The site for this planning application is located adjacent to Daux and Rosier Woods and Kingsfold Close, a site of 14 houses only allowed on exception to secure improvement to a former Prisoner of War camp.

Ancient Woodland

The application site is covered by a blanket woodland type Tree Preservation Order dated 07 January 1997, number TPO/0850, which covers not only the above ground parts of the trees but the root system too. In recent months works have been carried out under licence from the Forestry Commission to:

- harvest a significant quantity of timber from the woodland by selective thinning out of the large oaks; and,
- improve the woodland ground flora and overall bio-diversity by re-instating the lapsed hazel coppicing regime, and clearing the overly dense scrub cover, mainly of blackthorn, which is greatly restricting light on to the woodland floor.

Following the works, the local Forestry Commission conservator Mr David Rogers, visited the site and noted that there is a good level of re-growth including a number of ground level plants which have been awakened from their dormancy, such as primroses and woodland *hypericum*. Some further planting and weeding was recommended, but the basal re-growth of hazel, hornbeam, field maple, oak and ash is very strong. HDC's Arboriculturalist fully supported the licenced works as he said they would greatly benefit the wood.

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Roman Way, Billingshurst, West Sussex RH14 9QW
Tel: 01403 782555 Fax: 01403 787699
Email: council@billingshurst.gov.uk

This site is situated immediately adjacent to the ancient woodland at Daux Wood and Rosier Wood. The development of this site in such a sensitive and special location would cause material adverse visual amenity impact harm to the ancient woodland and fails to protect, enhance and/or conserve the landscape character of this area. This distinctive Sussex landscape character would be lost forever to suburban sprawl and the development will visually erode the attractive backdrop of the woodland.

In respect of the effect of development upon the character and appearance of the area, the Appeal Inspector for another planning application close to this site DC/10/0819, said that the ancient woodland forms an impressive and dense band of woodland which is exceptional and distinctive, and the combined effects of the potential threat to the ancient woodland, which would result in harm to the landscape character of the area, are sufficiently weighty considerations to override the benefits of the proposal in terms of its contributions to the district's housing needs. This application for the other side of Rosier Wood was dismissed by the Appeal Inspector.

Referring to the Natural England publication, Low Weald Character Area 121 and their recommendations for shaping the future:

- Conservation of characteristic shaws, ancient woodlands and coppice should be considered.
- New woodland planting of shaws and hedgerows would help integrate existing and proposed developments.
- The conservation of farm woodlands, riparian landscape features and ponds would be beneficial.
- The retention of the character of rural lanes is important.
- The restoration, conservation and re-creation of hedges within the Low Weald, including new planting of hedgerow trees, would improve the landscape structure.

Referring to West Sussex County Council Low Weald Character Assessment, it includes in the biodiversity of the area, 'Small blocks of ancient coppice woodlands at Rosier Wood - Site of Nature Conservation Importance (SNCI), Great Lordings Wood and Marringdean Wood around Billingshurst and Woodhill Copse in the West Chiltington area.'

The land management guidelines advise:

- Conserve and manage existing tree and woodland pattern, especially coppice and streamside woodlands and ponds, copses, tree lines and mature hedgerow trees.
- Promote the replacement of hedgerow trees by replanting or selection of regenerated trees to perpetuate features.
- Maintain and strengthen existing hedgerows and shaws. Conserve hedgerows by careful management and infill planting.
- Restore and create a network of new, small broadleaved farm woodlands, hedgerows and shaws throughout the area, whilst maintaining long views to distant ridges and respecting existing field patterns.

Rosier ancient woodland and hedgerows have been in existence since at least 1897 as it is shown on the Sussex Ordnance Survey map of this time. Referring to the application for land east of Daux Avenue DC/11/2385, the accompanying ecological report found ancient woodland indicator species *Mercurialis perennis*, commonly known as dog's mercury. In their response to the Daux Avenue application, the Woodland Trust advises that a 15m buffer to the ancient woodland at Rosier Wood may be too narrow to mitigate against disturbance effects. They advise that a buffer of 50 metres would allow more protection. The Arboricultural Report for this application states that development proposals do not include any construction within a 15m buffer strip identified alongside the ancient woodland beyond minor incursion of some rear gardens and a woodland path feature walk around from which the woodland can be appreciated. This clearly is less than the buffer strip advised by the Woodland Trust and would also represent a loss of habitat to mobile creatures and may have negative effects on species viability due to permanent removal of access to food. Ancient woodlands have more endangered species than any other UK habitat.

The ancient woodland is a prominent landscape feature and special character area along this rural lane in our parish, much valued by residents as it is part of our landscape character heritage and biodiversity. The scale and location of the development would represent an incursion into this countryside. The impact of light, vehicles, noise and disturbance associated with domestic activities should be recognised as harmful to the distinctive woodland's irreplaceable character and value.

The ancient woodland is sufficiently noteworthy to be recognised in the West Sussex Landscape Character Assessment and once lost can never be replicated and is worthy of our efforts to conserve our natural environment.

Landscape Character

This site lies in the WSCC Low Weald Character Assessment area which identifies this area as rural and peaceful. Its historic feature is the pattern of small fields as a result of enclosure in medieval times. The area has a distinctive scatter of isolated semi-natural copses, woodlands and linear streamside woodlands. One of its key issues for change is the removal of hedgerows and intrusion of urban development from Billingshurst. The Land Management Guidelines aim to conserve and enhance the area's pastoral rural character and maintain the historic character of the area, including moated sites, and the pattern of small irregular fields. They also seek to conserve and manage existing tree and woodland pattern, especially coppice and streamside woodlands and ponds, copses, tree lines and mature hedgerow trees and promote the replacement of hedgerow trees by replanting or selection of regenerated trees to perpetuate features.

Against this setting, the intrusion of a development of 46 houses, however well designed, will irrevocably destroy the landscape character of this area of countryside and lose part of our heritage forever.

Biodiversity

The national habitat inventories indicate that this development coincides with an area of Biodiversity Action Plan priority habitat. The National Planning Policy Framework states that *'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. 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.'

Habitat Survey

The Parish Council urges the planning authority to request a full badger survey as there is evidence in the Habitat Survey of an outlier badger sett. The survey should establish if the sett is disused and that there are no setts within 30m of the site which could be impacted by the proposed development. The Habitat Survey also recommends further surveys for reptiles as the site provides for moderate quality habitat for reptiles with areas of vegetation providing cover and foraging opportunities of bare ground suitable for basking reptiles. There are records of common lizard and slow worm close to the site.

The Habitat Survey advises that no further survey for dormice and bats should be necessary if the wooded buffer to Marringdean Road boundary and mature trees with bat roosting potential are retained. The Council questions whether an adequate wooded buffer is being retained for the dormice and bat habitats.

There are ponds within Rosier Wood for which the site may serve the terrestrial phase for great crested newts and toads and this should be investigated further as the desk study of plant species found water parsnip and marsh stitchwort which are associated with wetland and marshes.

The Plant Species list in the Habitat Survey identifies at least eight species of ancient woodland plant indicators on the "felled" woodland. *Hyacinthoides non scripta* is an ancient woodland indicator species in the British Isles; it is the native bluebell whose survival is the subject of growing concern and is listed as an endangered species.

Site Entrance

The Parish Council is aware that the entrance to the site has previously been used as a vehicle workshop, and thus should be examined for ground contamination.

Planning Policy

The site is outside of the Built Up Area Boundary (BUAB) of Billingshurst and is being considered under the Facilitating Appropriate Development policy. Criteria 3 of the FAD SPD determines that the scale of the development adjoining a Category 1 settlement should not exceed around 150 dwellings, individually or cumulatively, to accord with the aims of the policies CP1, CP3, CP8, CP9, CP15, CP19 and DC9. The Parish Council is fully aware of the arguments relating to the five year housing land supply, however, the Parish Council believes that this application is subject to high sensitivity to change and thus also fails to meet criteria 6 of FAD SPD as it will not protect, conserve or enhance the landscape and townscape character of the area, and it also fails to meet criteria 7 of FAD SPD as the development does not complement the character of the settlement as defined in the Parish Design Statement, which is an adopted SPD.

At this point, it is also worthy of note, that the parish of Billingshurst has had the following applications permitted recently:

Application	No. of Dwellings
Cedars Farm	1
Godden Land	67
Townlands	19
Manor House	4
Myrtle Lane	10
Station Mills	14
Wadeys Yard	14
Trees	14
Hammonds	14
Garden of Fairlight	2
Land south of Gillmans	150
Hillview	14

Whilst technically some of these sites may have been permitted due to a lack of a 5 year housing land supply, the Parish Council would like to comment on the real cumulative impact these developments have had on the parish, namely: continual traffic disruption, temporary traffic lights, provision of statutory services necessitating swathes of the road being dug up, roads blocked for deliveries, mud on the road from inadequate wheel washing facilities, treacherous pavements, additional street clutter from signage and construction noise from various locations in the parish. Whilst the Council's FAD Policy was meant to promote a more responsive and pro-active approach to housing proposals, this policy was created prior to the adoption of the National Planning Policy Framework and has been exploited by developers in the absence of an adopted Local Plan. The Parish Council contends that this application is premature in the absence of a Local Plan and fundamentally undermines the strategic planning of Billingshurst.

In the Response Statement by Horsham District Council into the Site Specific Allocations of Land Site ADS11 land at Daux Wood, Horsham District Council state that in the context of the Core Strategy, this site is neither necessary nor appropriate. In their statement, Horsham District Council comment on the visual intrusion of this site, thus, *'Development on this site is likely to cause significant visual intrusion into the surrounding woodland and from the existing residential dwellings that are located next to the site. There is a significant visual and physical break on the eastern side of Marringdean Road between the clearly defined limits of Billingshurst at the junction with Natts Lane and the limited development beyond, as a result of the presence of Daux Wood. Any development on this site would only serve to consolidate the more peripheral linear and single cul-de-sac development and would be undesirable as a result. The site is far from being a logical extension of the existing built-up area and the proposal represents an opportunistic approach rather than one founded on any appropriate long term planning basis.'*

Horsham District Council did not consider there were exceptional circumstances to include this site as an alternative site for development, *'It is not considered that there are any exceptional circumstances, including in relation to the 'previously developed' nature of the site or the suggested positive management of the woodland, to override*

these concerns. Indeed, the best means of securing the long term future and then management of the woodland, including the natural regeneration on the site, would be to ensure that any threat of future development is removed by a clear rejection of the development proposals.'

The Parish Council strongly supports this statement by Horsham District Council and urges the Council to continue to fully support this previous statement, made just five years ago, and firmly reject this development proposal.

Traffic Congestion

Marringdean Road leads on to Lower Station Road in Billingshurst. This area is partially residential and light industrial that necessitates regular vehicular movements. Combine this with a very busy Tesco Express store, cashpoint, mainline station, level crossing, chemist, five take-aways, Secondary School, Leisure Centre and Children and Family Centre all within about 400 metres, you have a highly concentrated, congested area where trains, automobiles and pedestrians all converge.

The addition of another 46 houses in this vicinity will only serve to exacerbate this area's problems which have been the focus of a Working Group of the Scrutiny and Overview Committee at Horsham District Council. West Sussex County Council are also currently consulting on the parking issues in this area to bring in further parking restrictions and possible future consideration of on street parking controls, caused by on street parking for occupants of the Victorian era houses that do not have off road parking and commuters seeking free parking for their commute to London

There is also a weight restriction on Marringdean Road, height restriction on Natts Lane railway bridge and width restriction over the Station Road level crossing exacerbating traffic issues for access to the industrial areas and adding to the general congestion of the whole area. The corner of Lower Station Road, Natts Lane and Marringdean Road is the location of the very popular Dauxwood Pre-School which is very busy at drop-off and collection times with parents, not all of whom reside within an easy walking distance to the Playgroup.

The Playgroup itself has no off road parking, necessitating both staff and visitors, and parents parking in the surrounding roads adding to the congestion of the area.

The site entrance along Marringdean Road is approximately 100 metres from the site entrance to the current building site for 150 dwellings. Once this site is occupied, more traffic movements will be added to Marringdean Road, which is after all a rural lane as detailed in the Parish Council's Parish Design Statement further eroding the character of this area. The proximity of these site entrances will increase vehicular movements and pose a danger to pedestrians on this rural lane.

Construction Traffic Access

Notwithstanding the traffic congestion in the Station Road and Lower Station Road, this area is further constrained for access from the south by the rural nature and weight restriction on Marringdean Road (and current construction access to build 150 houses) and the low railway bridge in Natts Lane introducing a height restriction too.

So taking account the three routes to access the site, you have the following constraints:

- i. Stane Street through to Station Road - primary school, leisure centre, children and family centre, secondary school, take aways and level crossing (with width restriction)
- ii. Marringdean Road – rural lane and weight restriction
- iii. Natts Lane – low railway bridge

Whichever route is defined for construction traffic access, it will severely impinge on the daily lives of the parish's existing residents and if either of the three options are selected, could potentially be a serious hazard for our younger generation walking to the children and family centre, schools or leisure centre in option one, or to the Dauxwood Pre-School on the junction of Marringdean Road and Natts Lane in options two and three.

If the District Council is minded to grant this application, particular care must be taken over construction traffic access and on site wheel washing facilities to prevent a repeat of the problems experienced recently from mud and ice on this rural lane. The Parish Council has received numerous complaints about the construction traffic accessing the site opposite and the mud left on the road. It was particularly treacherous when the sludgy mud froze, leading to the Parish Council calling for Marringdean Road to be added to WSCC's salting network. WSCC have refused to add Marringdean Road to their salting network as it does not meet their criteria further supporting the Parish Council's contention that Marringdean Road is a rural lane and as such is unsuitable for further large scale residential development.

The District Council should also make provision for contractor's on-site parking to alleviate the problems currently being experienced with a line of vehicles parked half on half off the only pavement along Marringdean Road. The Parish Council recommends that the District Council includes a planning condition for the developer to enter into a combined S38 & S278 Agreement with the Highways Authority.

Public Transport

This area is not served by the bus services which have been put into the applicant's transport plan. The only bus that passes near is the No. 100, which is hourly, does not operate on Sunday and the last bus is 3.05pm from Burgess Hill and 5.30pm from Horsham. By the time the 9.28am and the 11.04am reach Billingshurst High Street there is usually standing room only.

Foul Sewer Capacity

The Council would like to refer Horsham District Council to comments made in response to planning application DC/10/0939 in relation to the capacity of the foul sewer. Referring to correspondence between Hyder Consulting and Atkins Limited in response to this application, they state that allocation on the foul sewer system is made on a first come, first served basis and additional flows to the public sewerage system may be subject to a greater risk of flooding. Given that the 150 houses on land south of Gillmans are already under construction, there is very real concern that the current foul sewer system is at capacity and additional development would need to be served from off-site reinforcement. This view was expressed by Barton Willmore,

representing the consortium of developers also wishing to develop on land east of Billingshurst.

There is a public foul sewer which runs under Marringdean Road. Southern Water confirms in their letter dated 14 September 2012 that currently there is insufficient capacity in the sewer immediately adjacent to the site. The Horsham District Local Development Framework to 2026 states that '*Billingshurst wastewater treatment works (WTW) has headroom within the existing consent for up to 400 additional dwellings, subject to extension of the existing treatment capacity*'. It would appear that with the current developments and consents in process this development, if given permission, is likely to exceed the tipping point for Billingshurst Waste water plant.

Surface Water Capacity

The area is subject to surface water flooding in both Marringdean Road and Natts Lane. Climate change may increase the likelihood of floods in the future. 2012 was one of the wettest years on record and the ground conditions are at saturation point already; this could only worsen with increased development. The bore hole at Chilgrove in Chichester is at its highest ever recorded point, and is representative of boreholes all over West Sussex. If the developer plans to mitigate surface water drainage with a Sustainable Urban Drainage System, this must be approved by the Flood Authority and the Parish Council urges the Flood Authority to place a condition on the SUDS system that it is installed prior to commence and not at the end of construction as is so often the case. There are no public surface water sewers within the vicinity of the site. It should be noted that the underlying soils being clay will have very low permeability and are unsuitable for drainage using soakaways.

Community Involvement

The Parish Council has not been invited to participate in any community involvement in relation to this site.

For all the reasons stated in this letter, the Parish Council **STRONGLY OBJECTS** to development at this site.

If in the unfortunate event the Council is minded to permit this application, then the Parish Council would like to make the following request for inclusion in the s106 agreement bearing in mind the three tests:

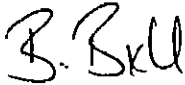
- i. Necessary to make the development acceptable in planning terms
 - ii. Directly related to the development
 - iii. Fairly and reasonably related in scale and kind to the development.
- Billingshurst Parish Council's adopted Parish Plan identified a gap in provision for youth services, in particular the provision of a youth café/drop in centre. Given the proximity of this development to the primary and secondary schools, it will be attractive to families with young children.
 - The upgrading/refurbishment/repair of play equipment in Lower Station Road Recreation Ground, being the closest recreation ground that will serve this development.
 - The upgrading/refurbishment/repair of the Skate Park in Lower Station Road Recreation Ground, suitable for use by older children.

- The upgrading/refurbishment/repair of sports facilities or equipment at Jubilee Fields, as this facility is enjoyed by all the residents of the parish.
- Improvements at the Billingshurst Community & Conference Centre, which again serves all the residents of the parish and is the focal point for community events and activities.

The Parish Council suggests that if the application is permitted, that a time limit condition is applied to the permission.

Yours sincerely

BILLINGSHURST PARISH COUNCIL

A handwritten signature in black ink, appearing to read 'B. Bell'.

Beverley Bell PILCM
Parish Clerk



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning and Environmental Services

DATE: 21st May 2013

DEVELOPMENT: Application for a new planning permission to replace extant permission DC/08/0593 (Construction of a sustainable low impact eco holiday and ranger centre, comprising 8 holiday lodges and campsite, WSCC Rangers office, associated parking blocks, parking and access)

SITE: Formerly The Tabby Cat
Cowfold Road
West Grinstead

WARD: Cowfold

APPLICATION: DC/12/1851

APPLICANT: Peacebound Ltd

REASON FOR INCLUSION ON AGENDA: Major Development

RECOMMENDATION: To grant planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks an extension of the time limit for the implementation of a previously approved application for the construction of an eco holiday centre with 8 holiday lodges, campsite (with a maximum of 50 occupants), management block, washing facilities, parking, access, a Rangers office and associated education centre with local produce retail unit, a vehicle and materials store, and a bicycle hire building previously approved in October 2009 under reference DC/08/0593.
- 1.2 The scheme remains as previously approved, and the earlier report is attached at appendix A for member's information.
- 1.3 The access to the site would be from the A272 Cowfold Road.

- 1.4 The proposed eco holiday centre would provide overnight accommodation for visitors to the site through either the camp site to the south of the site or within eight purpose built holiday lodges. The holiday lodges would be built in two designs with both styles of building having timber cladding to the external elevations and cedar cladding to the roof. The buildings would have solar panels within the roofslope with rooflights and a sun pipe to the bathrooms in the centre of the lodge. The proposed lodges would be 19.1 metres wide, 9 metres deep with a 1.5 metre external storm house to each unit. The buildings would be some 5 metres high. Each lodge could be occupied by three separate groups. Each unit would have a double bedroom, bathroom, kitchen and living /dining area. A fold out sofa would provide additional sleeping accommodation. One unit within each lodge would be suitable for wheelchair access. Internal partitions within two units could be removed to form one larger unit if required. To the rear of each unit would be a private decked area.
- 1.5 The proposed management office would provide accommodation for the everyday running of the site, a staff shower and WC, a staff reception area and a guest reception area. The proposed building would be 18.2 metres wide, 6.7 metres deep at its deepest point and 2.5 metres high to the front and 4.2 metres high to the rear. The building would have a single slope roof with a waterproof membrane covered with soil and vegetation.
- 1.6 The proposed shower block would provide a clothes washing facility, 5 unisex showers, male, female and disabled toilets and a dish washing and waste food disposal area. The building would be 22.3 metres wide, 6.8 metres deep and 2.4 metres high to the front and 4.2 metres high to the rear. The building would be timber clad, with cedar shingle to the single slope roof with integrated solar panels.
- 1.7 The proposed WSCC Rangers Centre would be a single storey building consisting of a resource/education room, WSCC Office and toilet, and a local produce retail area. The building would be 12.6 metres wide, 8.6 metres deep and 2.54 metres high to the front and 4.15 metres high to the rear. The proposed building would have a single slope roof with a waterproof membrane covered with soil and vegetation.
- 1.8 As part of the application a vehicle shelter and materials store is proposed which would be 18 metres wide, 11.2 metres deep at its deepest point and 9.4 metres high at its highest point and 6.4 metres high at its lowest point. The building would be constructed using timber cladding with a corrugated iron roof.
- 1.9 The proposed bike shed would be used for the storage of bikes hired on the site and would be some 12.6 metres wide, 8.6 metres deep and 2.291 metres high to the front and 3.849 metres high to the rear. The building would have a single slope roof with timber clad elevations and cedar shingles to the roof.

DESCRIPTION OF THE SITE

- 1.10 The application site is situated on the northern side of the A272 and to the west of the former railway line that now forms part of the Downs Link. The site is situated

close to a small informal group of properties that form the small hamlet of West Grinstead. The site is classified within the Horsham District Local Development Framework Proposals Map as being within a countryside location. To the west and south of the site are residential properties.

- 1.11 In the south eastern corner of the site is a detached building currently being used as a restaurant with a car parking area to the west. To the rear of the restaurant is an orchard area which is also used for al fresco dining. The main part of the site has been vacant for a period of time and therefore become overgrown with a large number of trees and shrubs. Part of the site has been cleared prior to the submission of the current application and the location of former buildings on the site can be viewed from the A272. The site currently has access onto the A272.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Town & Country Planning Act 1990

RELEVANT GOVERNMENT POLICY

- 2.2 Relevant government policies are contained within the National Planning Policy Framework which was published in March 2012 and has replaced guidance contained within PPG's and PPS's. The section on neighbourhood planning, amongst others, is considered relevant to the proposal and therefore the provisions of the Localism Act are also relevant.

RELEVANT COUNCIL POLICY

- 2.3 Local Development Framework Core Strategy Policy CP1 (Landscape and Townscape Character), CP2 (Environmental Quality), CP3 (Improving the Quality of New Development), CP15 (Rural Strategy), CP18 (Tourism and Cultural Facilities) and CP19 (Managing Travel Demand and Widening Choice of Transport) and are considered relevant to this application.
- 2.4 General Development Control Policies DC1 (Countryside Protection and Enhancement), DC2 (Landscape Character) DC5 (Biodiversity and Geology), DC6 (Woodland and Trees), DC8 (Renewable Energy and Climate Change), DC9 (Development Principles), DC25 (Rural Economic Development and the Expansion of Existing Rural Commercial Sites/ Intensification of Uses, DC37 (Neighbourhood and Village Shops), DC39 (Tourism) and DC40 (Transport and Access) are also considered relevant to this application.

PLANNING HISTORY

- 2.5 DC/12/1092 – An application for the development of a crematorium facility within a parkland setting, including a grounds maintenance and secure equipment store and a total of 63 car parking spaces. Proposals include an upgraded access onto A272

to be shared with the existing restaurant which adjoins the site is currently under consideration.

- 2.6 DC/11/0783 - In October 2011 an application for the erection of a crematorium building with associated infrastructure including new internal access road, manager's lodge house, grounds maintenance and secure equipment store and a total of 63 No. parking spaces was refused.
- 2.7 DC/08/0593 - In October 2009 an application for the construction of a sustainable low impact eco holiday and ranger centre, comprising 8 holiday lodges and campsite, WSCC Rangers office, associated parking blocks, parking and access was approved.

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 The Councils Landscape Architect's comments are awaited and will be reported verbally to the committee.
- 3.2 The Councils Arboricultural Officer's comments are awaited and will be reported verbally to the committee.
- 3.3 The Councils Strategic and Community Planning Department have raised no objection in principle to the application.
- 3.4 The Councils Public Health and Licensing Officer has made no comment on the application and raised no objection to the previous application subject to conditions.

OUTSIDE AGENCIES

- 3.5 Southern Water has raised no objection to the application for the extension of time.
- 3.6 The Environment Agency has raised no objection to the application provided that the surface water arrangements have not changed from DC/08/0593.
- 3.7 Natural England has raised no objection to the application following the receipt of further information.
- 3.8 The County Surveyor has noted that;

"The site does already have planning permission for the above. The Highway Authority did engage in discussion with the Developer as a consequence of the 2008 application, through which a scheme of access improvements was agreed. The Highway Authority subsequently raised no safety or capacity objections to the proposal.

The current application seeks only the renewal of the 2008 permission, the principles of which have already been agreed. The present renewal application does need to be assessed against this background and whether there have been any material changes in circumstances that would alter the Highway Authority's previous position. In light of the fact that the scheme could have been implemented at any point within the last three years and that there have been no material change in circumstances, it is considered that there would be no grounds upon which this application could be resisted. It is accepted that there is a further application presently under consideration for this site. This proposal does though need to be considered upon its own individual merits.

No highway objection would be raised to this renewal.

Any previously recommended highway conditions should be applied to the current renewal if permitted."

- 3.9 Following further consideration the County Ecologist has, in this instance only and should the LPA be minded to approve, recommended that the method statement and all other ancillary details that will be provided to Natural England for an European Protected Species License (EPSL) is conditioned to be presented to the LPA for approval; however should the EPSL be delayed for more than 12 months following approval then all surveys must be redone.

PUBLIC CONSULTATIONS

- 3.10 West Grinstead Parish Council has noted that they support the application but they would suggest a number of conditions if the application was to be approved.
- 3.11 Nine letters have been received objecting to the application on the following grounds:
- Proposal detrimental to the surrounding area
 - Impact on highway safety
 - Rangers office has been sold by the County Council therefore is there a need for one on the site
 - Public transport has deteriorated since the last application
 - Hamlet has no accessible shops or services
 - Site is unmanaged woodland
 - Poor access
 - Increase in traffic movements
 - Noise
 - Light pollution
 - Loss of existing trees
 - Dangerous access/exit
 - No benefit to community
 - If application had been viable then the scheme would have been implemented

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

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 the application. Consideration of Human Rights forms part of the planning assessment below.

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

It is not considered that the proposal will have any material impact on crime and disorder issues.

6. PLANNING ASSESSMENT

- 6.1 This application seeks an extension to the time limit for implementing application DC/08/0593 for the construction of a sustainable low impact eco holiday and ranger centre, comprising 8 holiday lodges and campsite, WSCC Rangers office, associated parking blocks, parking and access. Since the approval of the original planning application there has been a material change in planning policy with the publication of the National Planning Policy Framework which was published in March 2012 and has replaced guidance contained within PPG's and PPS's. Within the site the area remains in a similar condition to 2008 with no material change, although the Rangers accommodation has been decommissioned.
- 6.2 At the heart of the National Planning Policy Framework (NPPF) there is the presumption in favour of sustainable development and this is a golden thread which runs throughout the document. A core planning principle of the NPPF relates to supporting a prosperous rural economy, and states that to support a strong rural economy local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- 6.3 This application seeks an extension of the time limit for implementing DC/08/0593. Government guidance requires that local planning authorities should take a positive and constructive approach towards applications for the extension of time limits, as this may improve the prospect of sustainable development being taken forward quickly. The development proposed has by definition already been judged to be acceptable in principle at an earlier date, when the application was first considered. Therefore whilst these applications need to be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, guidance states that local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.
- 6.4 As previously noted there has been a material change in planning policy since the original approval of the scheme with the introduction of the National Planning Policy Framework. However it is your Officers view that the rural, economic and tourism policies of the Horsham District Local Development Framework used to determine the original application are generally compliant with the core planning principles of the NPPF. It is therefore considered that the policies used to previously determine

the application are consistent with the National Planning Policy Framework and therefore whilst government guidance may have changed in the interim the thread and content of planning policy remains constant in this instance. Therefore given the permission on this site, and the need to promote and encourage the rural economy as part of the core planning principles of the NPPF, it is considered that there has been no material change in circumstance that would warrant a refusal of the application for the extension of the timelimit.

7. RECOMMENDATION

7.1 It is recommended that planning permission should be approved subject to the following conditions;

1. A2 – Full Permission
2. G3 – Parking, Turning and Access
3. H4 – On Site Parking
4. L1 – Hard and Soft Landscaping
5. M1 – Approval of Materials
6. E3 – Fencing
7. O1 – Hours of Working
8. O2 – Burning of Materials
9. O3 – Site Clearance
10. Any visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present.
Reason; In accordance with policy DC9 of the General Development Control Policies.
11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: In accordance with policy DC9 of the General Development Control Policies.
12. L2 a – Protection of trees not inspected
13. L4 – Landscape Management Plan remove “other than small privately owned domestic gardens” add “Woodland, pond and” before “landscape” add “details of how the more ecologically sensitive areas and habitats will be protected and enhanced” after “responsibility”
14. H1 – Access General
15. H3 – Existing Access closed
16. H10 – Cycling Provision
17. H6 – Wheel Washing
18. Development shall not be in operation until such a time that the external highway works regarding the speed limit lowering have been carried out and the speed limit of 50mph is in place on Cowfold Road. Reason; To ensure that visibility standards are in accordance with speeds on the road in accordance with Policy DC40 of the General Development Control Polices.

19. Details of the proposed grass roofs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The grass roofs shall then be maintained in accordance with the approved details. Reason; As per M1
20. C8 – Touring Caravan Sites – “tent “only
21. Details of the layout of the pitches of the proposed camping site shall be submitted to and approved by the Local Planning Authority prior to the occupation of the site. The layout shall then be maintained in accordance with the approved details unless agreed in writing with the Local Planning Authority. Reason: As per C11
22. D10 – Floodlighting
23. G4 – Site Surface
24. G5 – Recycling
25. The local produce shop hereby approved shall not be open for trade or business except between the hours of 0800 – 1800, Mondays to Saturday and no opening on Sundays or Bank Holidays and there shall be no external illumination of the premises except between these hours. Reason; As per J9
26. N15 – No Public Address Systems
27. V5 – No Extensions – Reason 3
28. Details of the proposed sustainable drainage systems, solar panels, ground water heating and environmentally sustainable technology as indicated in the planning application shall be submitted too and approved in writing by the Local Planning Authority prior to the commencement of development. The technology shall then be used in the implementation of the development unless otherwise agreed in writing with the Local Planning Authority. Reason: As per M9
29. The shop hereby permitted shall only be used for the purposes of selling local produce in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be maintained in accordance with the submitted details. Reason; As per J2
30. The management block hereby permitted shall be used for purposes ancillary to the day to day running of the tourist accommodation hereby permitted and shall be used for no other purpose. Reason; As per V5 reason 3
31. M9 – Sustainable Construction (Commercial Development)
32. The accommodation hereby permitted shall be occupied as holiday lets only. Reason: To permit holiday accommodation and preclude residential occupation in accordance with Policy DC39 of the General Development Control Policies.
33. The accommodation hereby permitted shall not be occupied by an individual, family or group for more than 4 consecutive weeks in any 8 week period commencing with the first day of letting or by an individual, family or group for more than 4 weeks in any 26 week period commencing with the date of the first letting. Reason: To permit holiday accommodation and preclude residential occupation in accordance with Policy DC39 of the General Development Control Policies.
34. The eco lodges, hereby approved, shall not be occupied until car parking spaces have been provided within the site in accordance with a plan and details to be submitted to and approved by the planning authority. These car parking spaces shall thereafter be retained at all times for their designated use. Reason: To provide off-road parking spaces for the lodges in accordance with Policy DC9 and DC40.

Informative

A Section 278 Agreement required in order to carry out access works in the public highway, please contact Andrew Howick in the Implementation Team at WSCC on 01243 777251.

8. REASONS

8.1 ICAB1 – The proposal does not materially affect the amenities of neighbouring occupiers.

ICTN1 – The proposal would not be obtrusive in the landscape or harmful to the visual quality of the area.

IECO1 – The proposal would make a positive contribution to the local economy and local job opportunities.

Background Papers: DC/08/0593, DC/12/1851
Contact Officer: Nicola Mason



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning and Environmental Services

DATE: 20th October 2009

DEVELOPMENT: Construction of a sustainable low impact eco holiday and ranger centre, comprising 8 holiday lodges and campsite, WSCC Rangers office, associated parking blocks, parking and access

SITE: Formerly The Tabby Cat
Cowfold Road
West Grinstead

WARD: Cowfold

APPLICATION: DC/08/0593

APPLICANT: Courtyard Properties

REASON FOR INCLUSION ON AGENDA: Major Development

RECOMMENDATION: To grant planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the construction of an eco holiday centre with 8 holiday lodges, campsite (with a maximum of 50 occupants), management block, washing facilities, parking, access, a Rangers office and associated education centre with local produce retail unit, a vehicle and materials store, and a bicycle hire building.
- 1.2 The proposed access to the site would be from the A272 Cowfold Road.
- 1.3 The proposed eco holiday centre would provide overnight accommodation for visitors to the site through either the camp site to the south of the site or within eight purpose built holiday lodges. The holiday lodges would be built in two designs with both styles of building having timber cladding to the external elevations and cedar cladding to the roof. The buildings would have solar panels within the roofslope with rooflights and a sun pipe to the bathrooms in the centre of the lodge. The proposed lodges would be 19.1 metres wide, 9 metres deep with a 1.5 metre

external storm house to each unit. The buildings would be some 5 metres high. Each lodge could be occupied by three separate groups. Each unit would have a double bedroom, bathroom, kitchen and living /dining area. A fold out sofa would provide additional sleeping accommodation. One unit within each lodge would be suitable for wheelchair access. Internal partitions within two units could be removed to form one larger unit if required. To the rear of each unit would be a private decked area.

- 1.4 The proposed management office would provide accommodation for the everyday running of the site, a staff shower and WC, a staff reception area and a guest reception area. The proposed building would be 18.2 metres wide, 6.7 metres deep at its deepest point and 2.5 metres high to the front and 4.2 metres high to the rear. The building would have a single slope roof with a waterproof membrane covered with soil and vegetation.
- 1.5 The proposed shower block would provide a clothes washing facility, 5 unisex showers, male, female and disabled toilets and a dish washing and waste food disposal area. The building would be 22.3 metres wide, 6.8 metres deep and 2.4 metres high to the front and 4.2 metres high to the rear. The building would be timber clad, with cedar shingle to the single slope roof with integrated solar panels.
- 1.6 The proposed WSCC Rangers Centre would be a single storey building consisting of a resource/education room, WSCC Office and toilet, and a local produce retail area. The building would be 12.6 metres wide, 8.6 metres deep and 2.54 metres high to the front and 4.15 metres high to the rear. The proposed building would have a single slope roof with a waterproof membrane covered with soil and vegetation.
- 1.7 As part of the application a vehicle shelter and materials store is proposed which would be 18 metres wide, 11.2 metres deep at its deepest point and 9.4 metres high at its highest point and 6.4 metres high at its lowest point. The building would be constructed using timber cladding with a corrugated iron roof.
- 1.8 The proposed bike shed would be used for the storage of bikes hired on the site and would be some 12.6 metres wide, 8.6 metres deep and 2.291 metres high to the front and 3.849 metres high to the rear. The building would have a single slope roof with timber clad elevations and cedar shingles to the roof.

DESCRIPTION OF THE SITE

- 1.9 The application site is situated on the northern side of the A272 and to the west of the former railway line that now forms part of the Downs Link. The site is situated close to a small informal group of properties that form the small hamlet of West Grinstead. The site is classified within the Horsham District Local Development Framework Proposals Map as being within a countryside location. To the west and south of the site are residential properties.
- 1.10 In the south eastern corner of the site is a detached building currently being used as a restaurant with a car parking area to the west. To the rear of the restaurant is

an orchard area which is also used for al fresco dining. The main part of the site has been vacant for a period of time and therefore become overgrown with a large number of trees and shrubs. Part of the site has been cleared prior to the submission of the current application and the location of former buildings on the site can be viewed from the A272. The site currently has access onto the A272.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 Town & Country Planning Act 1990

RELEVANT GOVERNMENT POLICY

2.2 PPS1, PPS7, PPS9 and PPG13

RELEVANT COUNCIL POLICY

2.3 Local Development Framework Core Strategy Policy CP1 (Landscape and Townscape Character), CP2 (Environmental Quality), CP3 (Improving the Quality of New Development), CP15 (Rural Strategy), CP18 (Tourism and Cultural Facilities) and CP19 (Managing Travel Demand and Widening Choice of Transport) and are considered relevant to this application.

2.4 General Development Control Policies DC1 (Countryside Protection and Enhancement), DC2 (Landscape Character) DC5 (Biodiversity and Geology), DC6 (Woodland and Trees), DC8 (Renewable Energy and Climate Change), DC9 (Development Principles), DC25 (Rural Economic Development and the Expansion of Existing Rural Commercial Sites/ Intensification of Uses, DC37 (Neighbourhood and Village Shops), DC39 (Tourism) and DC40 (Transport and Access) are also considered relevant to this application.

PLANNING HISTORY

2.5 The most recent planning history on the site relates to the building formerly known as the Tabby Cat. In October 2006 planning permission was granted for the variation of opening hours to allow opening 8am to 11.30pm Mondays to Thursdays and Sundays, 8am to 12.00 midnight Fridays and Saturdays (DC/06/1652). In June 2007 permission was granted for the use of the orchard area as outside seating ancillary to licensed premises, installation of lighting and provision for refuse (DC/07/0418). The most recent planning history for the main part of the site was in 1991 for the construction of a 40 bedroomed trusthouse forte travel lodge and car park extension which was refused in August 1991 (WG/42/91).

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 The Councils Landscape Architect has objected to the application but has suggested a number of conditions if the application were to be approved.
- 3.2 The Councils Arboricultural Officer has raised no objection to the application subject to conditions.
- 3.3 The Councils Strategic and Community Planning Department have raised no objection in principle to the application.
- 3.4 The Councils Environmental Health Officer has raised no objection to the application subject to conditions.

OUTSIDE AGENCIES

- 3.5 Southern Water did not wish to comment on the application.
- 3.6 The Environment Agency originally objected to the application but following the receipt of further information has withdrawn their objection.
- 3.7 Natural England has raised no objection to the application following the receipt of further information.
- 3.8 West Sussex County Council Local Development Division has stated that there is a formal strategic objection to the application due to the sites rural location, however it has been noted that if the District Council is satisfied that there are exceptional circumstances which justify the granting of planning permission it is requested that the development complies with certain policies of the West Sussex Structure Plan 2001-2016 (which has now been superseded by the South East Plan).
- 3.9 The County Surveyor following the receipt of further information has raised no objection to the application subject to conditions, including that the development cannot be operational until such a time as the lowered speed limit is in place.
- 3.10 The County Ecologist has raised no objection to the application.

PUBLIC CONSULTATIONS

- 3.11 West Grinstead Parish Council has noted that the proposal is potentially exciting but request strict control of the development and suggests a number of conditions.
- 3.12 One letter has been received supporting the application on the grounds that the proposal would offer a chance of employment, would be a welcome change, rehoming of WSCC Rangers may result in an additional dwelling becoming available and the changes to the road may reduce speed if properly engineered.

- 3.13 One letter has been received raising no objection to the application, and one letter commenting that the area has no local shops or post office.
- 3.14 Fourteen letters have been received objecting to the application on the following grounds:
- Proposal detrimental to the surrounding area
 - Poor access
 - Increase in traffic movements
 - Noise
 - Light pollution
 - Bus unlikely to be used
 - Site used to be used for rubbish disposal
 - Loss of existing trees
 - Live ammunition may be in area
 - Non compliance with existing required site lines
 - Dangerous access/exit
 - Limited parking shown on site
 - No local consultation
 - No need for holiday village
 - No benefit to community
 - WSCC Rangers already have facilities close to the site
 - No precedent/policy in favour of scheme
 - Difficult for site to be eco-friendly when it requires a number of trees to be removed.

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

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 the application. Consideration of Human Rights forms part of the planning assessment below.

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

It is not considered that the proposal will have any material impact on crime and disorder issues.

6. PLANNING ASSESSMENT

- 6.1 The application site is situated outside of the defined built up area boundary as shown on the Horsham District Local Development Framework Proposals Map. The proposal would therefore be considered against the countryside policies of the Development Plan which seek to protect the countryside for its own sake.
- 6.2 Building in the countryside, outside the defined built-up area boundaries of existing settlements and areas allocated for development in local development plans, will be controlled carefully in order to protect the character of the countryside especially those areas which are of particular value for example, due to their landscape or

nature conservation value. However, there is a need to ensure the maintenance and evolution of the rural economy and of rural settlements whilst protecting the qualities and characteristics which those local communities and others value. In promoting economic health and prosperity in the rural area, acceptable uses in the countryside can include uses such as tourism. Policy DC39 of the General Development Control Policies relates to tourism and states that the provision of small scale new facilities will be approved if the proposal is appropriate in scale and level of activity, is in keeping with its location and surroundings or is a sympathetic conversion or appropriate extension of a suitable building. Any proposal should establish how it would contribute towards the economic potential of the District and explain the need for the facility and justification for its size, location and design.

- 6.3 Policy DC9 of the General Development Control Policies relates to Development Principles and requires that proposal are of a high standard of design and layout and relate sympathetically to its surroundings. It presumes in favour of the retention of existing important landscape and natural features and seeks to ensure buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy.
- 6.4 The Rural Strategy sets the context for development in the countryside which allows for the provision of small scale new tourism facilities, providing that they are appropriate in scale and level of activity and in keeping with the sites location and surroundings. The application site is located on the A272, close to the A24 and is adjacent to the Downslink bridleway which is used by cyclists, pedestrians and horseriders and in this respect the site is considered to be appropriate with regards to its proximity to existing highway infrastructure. The site is also adjoining an existing restaurant which would correspond with the proposed use. It is therefore considered in this instance that the principle of tourist accommodation on this site would be in keeping with its location and surroundings. As part of the application information was submitted from Tourism South East which supports the proposal and it was noted that the location of the proposal would attract staying visitors. Tourism South East have stated that there is a lack of all forms of tourist accommodation provision in this part of West Sussex, and that there is a proven demand for self catering and camping provision in this area.
- 6.5 As part of the application a new access to the site has been proposed which would require the closure of the existing accesses onto Cowfold Road and the extension of the right hand lane. The proposals have taken into account a proposed Accident Investigation and Prevention Scheme to reduce the speed limit on this section of Cowfold Road to 50 mph, and this has allowed a lower level of visibility at the access. The County Surveyor has raised no objection to the proposed scheme subject to conditions and it would consequently be difficult to object to the application on highway safety grounds.
- 6.6 The applicant has submitted a Habitat Suitability Assessment, and an Amphibian and Reptile Report following a request from the County Ecologist and Natural England. Following consideration of the information received both Natural England and the County Ecologist has raised no objections to the proposal.

- 6.7 The Councils Arboricultural Officer has visited the site and has noted that there are a large number of trees on the land. Following the receipt of a Tree Survey it has been stated that 56 trees would be felled on the site. Fourteen of the trees would be felled for arboricultural reasons and from the remaining 42 only 4 trees have a stem diameter of over 300mm. Of these trees one would be located to the centre of the site and the Councils Arboricultural Officer is of the view that this has low amenity value. However the 3 other larger specimens are located adjoining the highway and would result in some amenity loss. However it is his view that the trees all have irremediable faults compromising their retention and consequently he is of the view that the overall tree loss is acceptable in the circumstances.
- 6.8 The site is situated in a location which was formerly used for agriculture and brick making. A Site Investigation Report was therefore required from the applicant to investigate the possibility of contamination from the previous uses. The Councils Environmental Health Officer has considered the report and is of the view that there is a limited likelihood of significant contamination being uncovered at the site.
- 6.9 It is considered that the size of the proposed scheme would not result in an overdevelopment of the site and that the low level design of the lodges and associated buildings would reduce the bulk of the development and maintain long views throughout the site. The proposed lodges would be constructed using materials which would reflect the rural character of the locality and would not appear prominent in the streetscene. It is considered that a condition requiring a long term landscape management plan of the site would maintain the wooded feel of the site and retain part of its existing character.
- 6.10 Although the site is located within a rural location there are number of residential properties close to the site which would be affected by the proposal. It is considered however, that due to the distance to the neighbouring properties and the existing noise from the A272 that the proposed eco lodges, camping area, local produce unit and Ranger/educational facilities would not result in an increase in noise and disturbance that would materially harm the amenities of adjoining properties. It is considered that due to the sites rural location that the level of external lighting should be controlled so as to retain the character of the locality.
- 6.11 As part of the application a local produce shop is proposed and a Ranger and educational Centre. It is considered that the proposed buildings are in scale with the use proposed and that the design of the buildings would be in keeping with the character of the surrounding development. It is considered that the proposed shop and education centre may provide a benefit to the local community and increase the facilities available in the locality.
- 6.12 In conclusion it is considered that there is a need to promote and encourage the rural economy within the District which is supported through both the South East Plan and the Local Development Framework Core Strategy. It is considered that tourism can achieve benefits to the local economy provided that it does not have an adverse impact on the existing character and amenities of the locality. Tourism South East has noted that there is a lack of tourist accommodation within the area and they believe that the site is well located for the proposed facility. The site is

close to the Downs Link, the A24 and the A272 and the County Surveyor has raised no objection to the proposal. It is considered that the proposal offers opportunities to develop environmentally friendly technologies without having an impact on the rural character of the area. Natural England and the County Ecologist has raised no objection to the proposal and the Councils Arboricultural Officer is of the view that the proposal is acceptable in the circumstances. It is therefore your officer's view that on balance the application provides an opportunity to encourage the rural economy and would not have an adverse impact on the rural character of the area.

7. RECOMMENDATION

7.1 It is recommended that planning permission should be approved subject to the following conditions;

1. A2 – Full Permission
2. G3 – Parking, Turning and Access
3. H4 – On Site Parking
4. L1 – Hard and Soft Landscaping
5. M1 – Approval of Materials
6. E3 – Fencing
7. O1 – Hours of Working
8. O2 – Burning of Materials
9. O3 – Site Clearance
10. Any visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present.
Reason; In accordance with policy DC9 of the General Development Control Policies.
11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: In accordance with policy DC9 of the General Development Control Policies.
12. L2 a – Protection of trees not inspected
13. L4 – Landscape Management Plan remove “other than small privately owned domestic gardens” add “Woodland, pond and” before “landscape” add “details of how the more ecologically sensitive areas and habitats will be protected and enhanced” after “responsibility”
14. H1 – Access General
15. H3 – Existing Access closed
16. H10 – Cycling Provision
17. H6 – Wheel Washing
18. Development shall not be in operation until such a time that the external highway works regarding the speed limit lowering have been carried out and the

- speed limit of 50mph is in place on Cowfold Road. Reason; To ensure that visibility standards are in accordance with speeds on the road in accordance with Policy DC40 of the General Development Control Policies.
19. Details of the proposed grass roofs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The grass roofs shall then be maintained in accordance with the approved details. Reason; As per M1
 20. C8 – Touring Caravan Sites – “tent “only
 21. Details of the layout of the pitches of the proposed camping site shall be submitted to and approved by the Local Planning Authority prior to the occupation of the site. The layout shall then be maintained in accordance with the approved details unless agreed in writing with the Local Planning Authority. Reason: As per C11
 22. D10 – Floodlighting
 23. G4 – Site Surface
 24. G5 – Recycling
 25. The local produce shop hereby approved shall not be open for trade or business except between the hours of 0800 – 1800, Mondays to Saturday and no opening on Sundays or Bank Holidays and there shall be no external illumination of the premises except between these hours. Reason; As per J9
 26. N15 – No Public Address Systems
 27. V5 – No Extensions – Reason 3
 28. Details of the proposed sustainable drainage systems, solar panels, ground water heating and environmentally sustainable technology as indicated in the planning application shall be submitted too and approved in writing by the Local Planning Authority prior to the commencement of development. The technology shall then be used in the implementation of the development unless otherwise agreed in writing with the Local Planning Authority. Reason: As per M9
 29. The shop hereby permitted shall only be used for the purposes of selling local produce in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be maintained in accordance with the submitted details. Reason; As per J2
 30. The management block hereby permitted shall be used for purposes ancillary to the day to day running of the tourist accommodation hereby permitted and shall be used for no other purpose. Reason; As per V5 reason 3
 31. M9 – Sustainable Construction (Commercial Development)
 32. The accommodation hereby permitted shall be occupied as holiday lets only. Reason: To permit holiday accommodation and preclude residential occupation in accordance with Policy DC39 of the General Development Control Policies.
 33. The accommodation hereby permitted shall not be occupied by an individual, family or group for more than 4 consecutive weeks in any 8 week period commencing with the first day of letting or by an individual, family or group for more than 4 weeks in any 26 week period commencing with the date of the first letting. Reason: To permit holiday accommodation and preclude residential occupation in accordance with Policy DC39 of the General Development Control Policies.
 34. The eco lodges, hereby approved, shall not be occupied until car parking spaces have been provided within the site in accordance with a plan and details

to be submitted to and approved by the planning authority. These car parking spaces shall thereafter be retained at all times for their designated use.

Reason: To provide off-road parking spaces for the lodges in accordance with Policy DC9 and DC40.

Informative

A Section 278 Agreement required in order to carry out access works in the public highway, please contact Andrew Howick in the Implementation Team at WSCC on 01243 777251.

8. REASONS

8.1 ICAB1 – The proposal does not materially affect the amenities of neighbouring occupiers.

ICTN1 – The proposal would not be obtrusive in the landscape or harmful to the visual quality of the area.

IECO1 – The proposal would make a positive contribution to the local economy and local job opportunities.

Background Papers: DC/08/0593
Contact Officer: Nicola Mason



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning and Environmental Services

DATE: 21st May 2013

DEVELOPMENT: Material amendment to planning consent DC/05/1331 (Tree production nursery to the trade) to include retention of bunding on north east and western boundaries as constructed, to complete levelling works to contours and to retain irrigation lake as constructed

SITE: Brinsbury College Stane Street North Heath Pulborough

WARD: Pulborough and Coldwaltham

APPLICATION: DC/13/0539

APPLICANT: Architectural Plants

REASON FOR INCLUSION ON THE AGENDA: Category of Development

RECOMMENDATION: To delegate the application for approval subject to the receipt of amended plans showing a reduced and gentler sloping landform in the north east corner of the site.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks a material amendment to planning consent DC/05/1331 (tree production nursery to the trade) to include the retention of bunding on the north east and western boundaries as constructed, to complete levelling works to contours and to retain the irrigation lake as constructed.

DESCRIPTION OF THE SITE

- 1.2 The site is located in a countryside location and to the north of the main Brinsbury Campus. The site is occupied by Architectural Plants who are in the process of moving their business from Nuthurst to the application site. The site is located to the west of Stane Street (A29) and consists of 13 hectares of land. The eastern boundary consists of hedging along the A29, the northern and western boundaries have mature trees sporadically sited along the boundaries. Adversane Caravan Park is to the north of the site and the southern boundary is fairly open to Brinsbury Campus.
- 1.3 The site has undergone substantial earth works which are subject to application DC/13/0539 which is a material amendment to application DC/05/1331 which permitted a

tree production nursery for Architectural Plants in 2006. This tree production nursery will contribute to the horticultural education of students at Brinsbury College through the Brinsbury Centre of Rural Excellence SPD.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Guidance 2012

Paragraph 18 states “The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths and to meeting the twin challenges of global competition and of a low carbon future.”

Paragraph 19 states “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Paragraph 28 states “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.”

RELEVANT COUNCIL POLICY

- 2.3 Local Development Framework (Core Strategy 2007) – CP1 (Landscape and Townscape Character), CP2 (Environmental Quality) and CP15 (Rural Strategy).
- 2.4 Local Development Framework (GDGP 2007) – DC1 (Countryside Protection and Enhancement), DC2 (Landscape Character), DC9 (Development Principles), DC40 (Transport & Access).
- 2.5 Site Specific Allocations of Land 2007 – Policy AL15 (Centre of Rural Excellence at Brinsbury).
- 2.6 Brinsbury Centre of Rural Excellence – Supplementary Planning Document 2009.

PLANNING HISTORY

- 2.7 Application DC/05/1331 permitted a Tree Production Nursery to the Trade in 2006 which included some earth works.
- 2.8 Application DC/11/0128 permitted the erection of 1 No. service building for agricultural purposes in March 2011.
- 2.9 Application DC/11/1091 permitted amendments to the wording of condition No. 6 of DC/05/1331 to 'The development hereby approved shall be used as a plant and tree production nursery and associated sales and for the furtherance of Horticultural Education in association with Brinsbury Campus' and the imposition of additional conditions restricting the amount of the nursery to be used for the sale of horticultural goods other than trees and plants and the reduction in car parking spaces from 260 to 100 together with lorry car parking and turning areas.
- 2.10 Application DC/12/0412 permitted the formation of a new access onto Stane Street and gates (A29) and the closing off of the existing field access in April 2012.
- 2.11 Application DC/13/0551 is for the erection of an office, Pending Consideration.
- 2.12 Application DC/13/0550 is for the erection of 10 poly tunnels, Pending Consideration.
- 2.13 Although there is a detailed planning history relating to Brinsbury College, it is not considered that there is any other planning history directly relevant to the application.

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 Public Health & Licensing has no objection to the scheme.
- 3.2 The Council's Landscape Officer has commented that:

1. The bunding already implemented around the irrigation reservoir is a significant concern as its shape/form, its steep slopes and significant height/scale is not considered to be appropriate to the wider landscape character of the area (the landform of the area is generally flat to gently undulating). However, in this particular instance, the adverse impact it would otherwise have is somewhat mitigated from the countryside to the west by the line of existing large, mature hedgerow trees that adjoin the bunds on their western boundary, and it also has to be recognised that certain landform changes across the whole site had already been agreed through the 2005 application, so these proposals should be considered to some extent in that context.

The applicant's have also proposed as part of the submitted landscape scheme for DC/13/0539 substantial additional boundary tree planting of Field Maple, Sycamore, Pine and Sweet Chestnut that I am satisfied will help to soften its impact further as seen from the wider area in the longer term. I would emphasize that in no way should this be taken as a precedent to permit artificial bunding elsewhere in the countryside in this district. It can often be a crude way of disposing of inert waste/surplus subsoil and is a feature that is not easily integrated into the landscape and planting alone without more sympathetic slope design often cannot be relied upon to provide integration.

2. The proposed gentle 1:170 gradient north and south from the central boulevard to achieve gravity fed drainage is not objected to in principle. This does need to be considered in the context of the Brinsbury Centre of Rural Excellence SPD in which Architectural Plants are a named case study and the drainage requirement necessitating specific land gradients could arguably be anticipated. However, this does mean that the 3m height landform will be higher than the existing 2-2.5m height A29 roadside hedgerow in the north east of the site which will look out of place in the landscape. Also the slope will be a very steep and artificial 1:3. In view of this and prior to any committee decision hedgerow tree planting should be included in this area (see below) and furthermore it is suggested the slope of the landform should be more gently graded back to a less artificial slope of the order of 1:5 or less.

3. Amended plans are also needed to confirm that the current spoil heaps in the south of the area will also be removed.”

- 3.3 The Council's Landscape Officer (on Amended Plans/Details) has commented that “I am happy with the amended landscape plan, statement and specification.”

OUTSIDE AGENCIES

- 3.4 The Environment Agency has no comments to make on the application.

- 3.5 Southern Water has no objections to the application.

- 3.6 West Sussex Highway Authority has stated “The County Council has issued a minor works licence for the highway access to the site. The applicants should provide details of how construction traffic is to be managed on-site, including parking, turning, waiting and wheel cleaning arrangements. No details are available at present. It would be helpful if a construction management plan could be provided (if a contractor has already been appointed). It is understood that the total number of lorry movements per day will be in the region of ten. We would not object to this level of construction traffic, though it would be helpful if an estimate of non-lorry construction-phase vehicle movements could also be provided.

A significant amount of soil is to be imported into the site. The County Council may have further comments to make on this aspect of the application in its role as waste planning authority.”

- 3.7 West Sussex Waste Planners have stated “I note that the applicant is seeking to import a further 30,000 tonnes of soil to complete bunding on the north-east and western boundaries of the site.

While the applicant refers to the material as 'soil' and has not completed section 22 of the application form relating to waste, I would also note that the Planning Statement refers to the EA monitoring the site, and we are aware that at least one waste operator brings material to the site. It is therefore important that conditions are attached, should permission be granted, that restrict the type of material which can be deposited at the site. The material must be entirely and only inert to ensure that there is no impact on the water environment in particular. In the past we have had to ask the operator to remove waste from the site which was not inert, and posed an environmental risk (I would also note that the operator did so immediately).

The applicant notes that the importation of soil would result in 1500 loads (HGVs) coming to the site. Our highways officers are responding separately to the implications for the highway, but I would question the vehicle number as this assumes a load of 20T per lorry.

This is more likely to be a maximum figure, with 15T a more realistic average. This would obviously increase the number of HGVs associated with the project to 2000.

In conclusion, I do not raise any objections to the project, but would advise that if planning permission is granted, the following condition should be added, to allow your Council to have better control over the development, to minimise its potential impacts on the environment and local people:

1. Only clean, uncontaminated soils and inert waste materials shall be used in the formation of the bund.

Reason: in the interests of protecting groundwater, surface water and soils.

A Construction Management Plan should also be used to ensure that emissions of dust, noise and mud are adequately controlled.

PUBLIC CONSULTATIONS

3.8 8 letters of support on the grounds of:

- Architectural Plants is a very well run & professional business;
- The proposal would blend in with the character of the area;
- The proposal would bring a horticultural package for the area creating employment and business for the local community;
- Architectural Plants are known countrywide for their award winning excellence;
- This development is an important step in the reinvigoration of the Brinsbury Campus;
- Architectural Plants have the highest standards in plant health, quality and diversity;
- There is no better company to set the example in teaching new generations of horticultural students the highest standards of their science and the greatest creativity of their art;
- It will not adversely impact the landscape of the area and will make good use of otherwise under-used land;
- It will increase employment in the area and also bring an increase in visitors which should also have a knock-on effect in stimulating the local economy;

3.9 Pulborough Parish Council has no objection.

3.10 West Sussex Growers Association supports the application "as commercial growers in West Sussex grow over £500 million pounds of produce and employ over 6000 people, making a major contribution to both the local and national economy. The Horticultural Industry in West Sussex is expanding to meet the needs of its customers and at the same time is helping to reduce food and plant miles and by growing crops locally is reducing our carbon footprint and displacing imports. Architectural Plants' new development at Brinsbury is of a very high standard and will be an asset to the people of West Sussex and the wider horticultural community for many years to come.

The site is already well developed and when the soil levelling and landscaping is completed, it will be an outstanding horticultural nursery and gardens. As with all modern commercial horticultural nurseries, achieving the correct soil levels is of paramount importance. Greenhouses need to be built on evenly graded sites to allow for roof water collection and for uniform environments within the enclosed structures. Level standing out and growing areas for trees and plants are far easier to manage and irrigate, leading to the minimum amount of waste. Having a level site also leads to the efficient manual and

mechanised handling of plants which is so critical to operations on this type of plant nursery.”

- 3.11 No other representations have been received to public notification on the application at the time of writing this report. Any further representations received will be reported verbally at the committee meeting.

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 determination of this application are considered to be the principle of the development and the effect on the visual character of the rural area.

- 6.2 Policy AL15 (Centre of Rural Excellence at Brinsbury) of the Site Specific Allocations of Land 2007 states that “Development in support of the expansion and enhancement of Chichester College Brinsbury Campus as a Centre of Rural Excellence will be permitted solely in order to ensure the Campus financial and educational viability for rural land-based education, and provided any proposals meet the following requirements:

- a) Careful siting and design of all buildings and associated facilities;
- b) The introduction of sustainable transport systems linked in with the Campus;
- c) Appropriate access provision from the A29;
- d) Compliance with the financial and educational viability tests as set out in a supplementary planning document;
- e) An archaeological investigation of the site for any proposals for development adjoining Stane Street; and
- f) A specific flood risk assessment to refine the need for open space provision only alongside the watercourse running through the site (which is within Flood Zones 2 and 3) and to identify the requirement for Sustainable Drainage Systems.

- 6.3 The Brinsbury Centre of Rural Excellence SPD sets out tests of appropriateness within Chapter 4 of the document and these state:

- 1) Development should reflect the rural location of the Brinsbury Campus and be related to the objectives of the Centre of Rural Excellence with regard to land based education and training and the linkages with rural enterprises.
- 2) Development should not detract from the rural environment, and should include provision for landscape enhancement.
- 3) Development should, where possible, contribute to the District’s Rural Strategy and objectives.

There are also educational and environmental criteria that also need to be complied with.

- 6.4 Brinsbury Centre of Rural Excellence SPD states “The intention is to enable the College to develop its facilities in order to ensure the Campus viability for rural land-based education.

Growth of the College in accordance with this principle, which could include businesses operating in collaboration with the College, would increase opportunities for education and training. Developing the Brinsbury Campus as a Centre of Rural Excellence would facilitate considerable gains for the College in the form of vocational training for students.”

- 6.5 The principle of Architectural Plants being on site was established under application DC/05/1331 which granted consent for a tree production nursery to the trade. The Brinsbury Centre of Rural Excellence SPD Appendix A states “Architectural Plants is a cutting edge firm whose work in its field has been recognised by the Queen’s Award for innovation. While the college has land to support the firm’s development it can also contribute to its operations by providing training, not just in horticulture but also in aspects such as health and safety and business and management. In return, the firm is able to provide support to students both from an understanding of the technologies it uses and from its general approach to tree husbandry. In addition the location of the firm’s operations on the Brinsbury Campus provides students with opportunities to experience at first hand cutting edge technologies as well as having opportunities for work experience and potentially, employment.”
- 6.6 Application DC/05/1331 granted consent for the change of use of the land to a Tree Production Nursery in 2006 and the approved plans showed that the land would be re-contoured in order to facilitate the erection of the poly tunnels for the re-use of irrigation water. The land was to be re-contoured to assist in the recycling of water and to ease the movement of the nursery stock. Drainage was to be laid to either side of the main access road and drainage would fall westwards to a proposed lake. All water was to be collected and harvested for irrigation and any surplus irrigation water would be re-used on the nursery. Work started on the re-contouring of the field to provide the levels required in the summer of 2009. This work has taken a while due to the shortage of suitable soils becoming available and weather conditions. This scheme is not yet complete. The Environment Agency has granted a license for the works and is currently being monitored by them.
- 6.7 The applicant has highlighted two reasons for the works:
- 1) The issue of sustainability and the saving and re-using of water. Nurseries can only survive if they are self sufficient in water as it is uneconomic to irrigate plants with mains water.
 - 2) The horticultural nursery rears, grows and cares for trees and plants. Plants have to be moved around every time they are re-potted, new stock comes in and when orders are being put together and in the life of a plant on the nursery this can be many occasions over periods of several years. The industry therefore works on a system of Danish Trolleys which can be moved with ease on a number of paths and roadways.
- 6.8 The main differences between this current application and application DC/05/1331 are:
- The lake is substantially larger (The lake created measures approximately 110m x 70m whereas the permitted lake measured approximately 75m x 25m);
 - The bunds / land levels to the north of the lake are to be approximately 5m higher than approved on DC/05/1331;
 - The land level across the whole site is to be approximately 2m higher than approved;
- 6.9 The applicant has advised that 90% of the work has been done, however 30,000 tonnes of soil is required to complete the works. 20,000 tonnes is needed to finish the north side of the main access road through the site and 10,000 tonnes is needed to the southern side of

the access road. This equates to 1500 loads with the work being completed by September.

- 6.10 Having consulted the Council's Landscape Officer he raised concerns as the bunding due to its shape/form, its steep slopes and significant height/scale is not considered to be appropriate to the wider landscape character of the area (the landform of the area is generally flat to gently undulating). However, he considered in this particular instance, the adverse impact it would otherwise have is somewhat mitigated from the countryside to the west by the line of existing large, mature hedgerow trees that adjoin the bunds on their western boundary, and it also has to be recognised that certain landform changes across the whole site have already been agreed through the 2005 application. The applicants have also proposed as part of the submitted landscape scheme for DC/13/0539 substantial additional boundary tree planting of Field Maple, Sycamore, Pine and Sweet Chestnut that would help to soften its impact further as seen from the wider area in the longer term.
- 6.11 The Landscape Officer has raised concern at the 3m height landform in the north east corner of the site which will be higher than the existing 2 - 2.5m height of the A29 roadside hedgerow. This would appear out of place in the landscape. Also the slope will be very steep and artificial at 1:3. The applicant has agreed to submit amended plans but the plans had not been received at the time of writing this report. However, the recommendation is to delegate for approval subject to the receipt of plans showing a reduced and gentler sloping land form in the north east corner of the site. The two spoil heaps to the south of the site would also be integrated into the scheme. Therefore, subject to the receipt of these amended details, the Landscape Officer would have no objection.
- 6.12 Therefore, given that the Landscape Officer now has no objection to the scheme, a reasonable justification for the earth works has been submitted with the application and that Architectural Plants are a named case study in the Brinsbury Centre of Rural Excellence Supplementary Planning Document 2009, it is considered that on balance the scheme is acceptable subject to satisfactory soft landscaping to mitigate against the visual impact of the earth works.

7. RECOMMENDATIONS

- 7.1 It is recommended that the application be delegated for approval subject to the receipt of amended plans showing a reduced and gentler sloping landform in the north east corner of the site and subject to the following conditions:
- 01 A2 Full Permission
- 02 The development hereby approved shall be used as a plant and tree production nursery and associated sales and for the furtherance of Horticultural Education in association with Brinsbury Campus Only and for no other purpose unless agreed in writing with the Local Planning Authority.
Reason – To ensure that the development accords with the aims of the Brinsbury Centre of Rural Excellence Supplementary Planning Document.
- 03 Only clean, uncontaminated soils and inert waste materials shall be used in the formation of the bund.
Reason: in the interests of protecting groundwater, surface water and soils.
- 04 No further works in relation to this consent shall occur until a Construction Management Plan detailing how construction traffic is to be managed on-site, including parking, turning, waiting and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented on site during the construction phase.

Reason – In the interests of road safety and in accordance with Policy DC40 of the General Development Control Policies 2007.

- 05 The landscaping works hereby approved shall be implemented in accordance with:
- Brinsbury Nursery Landscape Statement – Document 12-001-01 Rev A received on 9th May 2013;
 - Brinsbury Nursery Plant Schedule – Document 12-001-02 received on 9th May 2013;
 - Brinsbury Nursery Landscape Specification Document 12-001-03 March 2013 received on 9th May 2013;
 - Brinsbury Master Plan, Drawing no: 12-001 101 Rev A received on 9th May 2013;

And within 3 months of the date of this consent, a timetable for implementation of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Any plants 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 the Local Planning Authority gives written consent to any variation.

Reason – L1.

06 V1 Hours of Working

07 D10 Floodlighting

08 No more than 5% of the built area of the nursery permitted under application DC/05/1331 shall be used for the sale of horticultural goods other than trees and plants.

Reason – To ensure that the development accords with the aims of the Brinsbury Centre of Rural Excellence Supplementary Planning Document.

09 The car parking area permitted under application DC/05/1551 shall provide space for no more than 100 vehicles and lorry parking and turning in association with the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason – To ensure that the level of car parking provided is sufficient to serve the development hereby approved in accordance with Policy DC40 of the General Development Control Policies 2007.

8. REASONS FOR RECOMMENDATIONS

IDP1 The proposal is consistent with the provisions of the development plan.

Background Papers: DC/13/0551, DC/13/0550, DC/13/0539, DC/11/1091 and DC/05/1331

Case Officer: Kathryn Sadler



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South
BY: Head of Planning and Environmental Services
DATE: 21st May 2013
DEVELOPMENT: Erection of 10 polytunnels at Architectural Plants
SITE: Brinsbury College Stane Street North Heath Pulborough
WARD: Pulborough and Coldwaltham
APPLICATION: DC/13/0550
APPLICANT: Architectural Plants

REASON FOR INCLUSION ON THE AGENDA: Category of Development

RECOMMENDATION: To Grant Planning Permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks consent for the erection of 10 poly tunnels on site. The poly tunnels would measure 79m by 80m in total and would have a ridge height of 5m. There would be a concrete access path to the south and trolley paths to the north in order to move plants to the north. The concrete trolley paths will be at a gradient of 1:170. The level of the top concrete track is slightly higher than the tarmac road which has a drainage pipe located alongside it to collect all run off water which then falls to the lake and the water is pumped via the irrigation pipes to the nursery trees. Nine poly tunnels have already been approved under application DC/05/1331 of which 7 have been erected on site. The nine permitted poly tunnels measure 72m x 80m in area.

DESCRIPTION OF THE SITE

- 1.2 The site is located in a countryside location and to the north of the main Brinsbury Campus. The site is occupied by Architectural Plants who are in the process of moving their business from Nuthurst to the application site. The site is located to the west of Stane Street (A29) and consists of 13 hectares of land. The eastern boundary consists of hedging along the A29, the northern and western boundaries have mature trees sporadically sited along the boundaries. Adversane Caravan Park is to the north of the site and the southern boundary is fairly open to Brinsbury Campus.

- 1.3 The site has undergone substantial earth works which are subject to application DC/13/0539 which is a material amendment to application DC/05/1331 which permitted a tree production nursery for Architectural Plants in 2006. This tree production nursery will contribute to the horticultural education of students at Brinsbury College through the Brinsbury Centre of Rural Excellence SPD.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Guidance 2012

Paragraph 18 states “The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths and to meeting the twin challenges of global competition and of a low carbon future.”

Paragraph 19 states “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Paragraph 28 states “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.”

RELEVANT COUNCIL POLICY

- 2.3 Local Development Framework (Core Strategy 2007) – CP1 (Landscape and Townscape Character), CP2 (Environmental Quality) and CP15 (Rural Strategy).
- 2.4 Local Development Framework (GDGP 2007) – DC1 (Countryside Protection and Enhancement), DC2 (Landscape Character), DC9 (Development Principles), DC40 (Transport & Access).
- 2.5 Site Specific Allocations of Land 2007 – Policy AL15 (Centre of Rural Excellence at Brinsbury).

2.6 Brinsbury Centre of Rural Excellence – Supplementary Planning Document 2009.

PLANNING HISTORY

2.7 Application DC/05/1331 permitted a Tree Production Nursery to the Trade in 2006

2.8 Application DC/11/0128 permitted the erection of 1 No. service building for agricultural purposes in March 2011.

2.9 Application DC/11/1091 permitted amendments to the wording of condition No. 6 of DC/05/1331 to 'The development hereby approved shall be used as a plant and tree production nursery and associated sales and for the furtherance of Horticultural Education in association with Brinsbury Campus' and the provision of additional conditions restricting the amount of the nursery to be used for the sale of horticultural goods other than trees and plants and the reduction in car parking spaces from 260 to 100 together with lorry car parking and turning areas.

2.10 Application DC/12/0412 permitted the formation of a new access onto Stane Street and gates (A29) and the closing off of the existing field access in April 2012.

2.11 Application DC/13/0539 is a material amendment to DC/05/1331 (Tree production nursery to the trade) to include retention of bunding on north east and western boundaries as constructed, to complete levelling works to contours and to retain irrigation lake as constructed, Pending Consideration.

2.12 Application DC/13/0551 is for the erection of an office, Pending Consideration.

2.13 Although there is a detailed planning history relating to Brinsbury College, it is not considered that there is any other planning history directly relevant to the application.

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 The Council's Landscape Officer has "no objection in principle, bearing in mind poly tunnels have already been approved on site as part of application DC/05/1331. The poly tunnels are visually prominent from the A29 so additional hedgerow trees are needed to mitigate their visual impact from this major transport route and integrate the nursery into the wider landscape character of the area.

OUTSIDE AGENCIES

3.2 West Sussex Highway Authority has stated "West Sussex County Council was consulted previously on Highway Matters for this location under planning application no.DC/12/0412 to which no objections were raised to the site access subject to a road agreement. This application appears to be for permission to erect an additional 10 poly tunnels to that previously approved under DC/05/1331. From inspection of the plans and information available, it is not envisaged the additional poly tunnels will create a significant intensification of vehicular movement to the site, create parking issues or prevent vehicles from the ability of turning on site. Therefore there would be no concerns raised to this application from a highway safety perspective."

PUBLIC CONSULTATIONS

3.3 8 letters of support received on the grounds of:

- Architectural Plants is a very well run & professional business;
- The poly tunnels can only improve the area & assist in promoting additional local employment;
- The proposal would blend in with the character of the area;
- The proposal would bring a horticultural package for the area creating employment and business for the local community;
- Architectural Plants are known countrywide for their award winning excellence;
- This development is an important step in the reinvigoration of the Brinsbury Campus;
- Architectural Plants have the highest standards in plant health, quality and diversity;
- There is no better company to set the example in teaching new generations of horticultural students the highest standards of their science and the greatest creativity of their art;
- It will not adversely impact the landscape of the area and will make good use of otherwise under-used land;
- It will increase employment in the area and also bring an increase in visitors which should also have a knock-on effect in stimulating the local economy;

3.4 Pulborough Parish Council has no objections to the application.

3.5 West Sussex Growers Association supports the application “as commercial growers in West Sussex grow over £500 million pounds of produce and employ over 6000 people, making a major contribution to both the local and national economy. The Horticultural Industry in West Sussex is expanding to meet the needs of its customers and at the same time is helping to reduce food and plant miles and by growing crops locally is reducing our carbon footprint and displacing imports. Architectural Plants new development at Brinsbury is of a very high standard and will be an asset to the people of West Sussex and the wider horticultural community for many years to come.

The site is already well developed and when the soil levelling and landscaping is completed, it will be an outstanding horticultural nursery and gardens. As with all modern commercial horticultural nurseries, achieving the correct soil levels is of paramount importance. Greenhouses need to be built on evenly graded sites to allow for roof water collection and for uniform environments within the enclosed structures. Level standing out and growing areas for trees and plants are far easier to manage and irrigate, leading to the minimum amount of waste. Having a level site also leads to the efficient manual and mechanised handling of plants which is so critical to operations on this type of plant nursery.”

3.6 No other representations have been received to public notification on the application at the time of writing this report. Any further representations received will be reported verbally at the committee meeting.

4. 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 determination of this application are considered to be the principle of the development and the effect of the development on the amenity of nearby occupiers and the visual amenities and character of the area.
- 6.2 Policy AL15 (Centre of Rural Excellence at Brinsbury) of the Site Specific Allocations of Land 2007 states that "Development in support of the expansion and enhancement of Chichester College Brinsbury Campus as a Centre of Rural Excellence will be permitted solely in order to ensure the Campus financial and educational viability for rural land-based education, and provided any proposals meet the following requirements:
- a) Careful siting and design of all buildings and associated facilities;
 - b) The introduction of sustainable transport systems linked in with the Campus;
 - c) Appropriate access provision from the A29;
 - d) Compliance with the financial and educational viability tests as set out in a supplementary planning document;
 - e) An archaeological investigation of the site for any proposals for development adjoining Stane Street; and
 - f) A specific flood risk assessment to refine the need for open space provision only alongside the watercourse running through the site (which is within Flood Zones 2 and 3) and to identify the requirement for Sustainable Drainage Systems.
- 6.3 The Brinsbury Centre of Rural Excellence SPD sets out tests of appropriateness within Chapter 4 of the document and these state:
- 1) Development should reflect the rural location of the Brinsbury Campus and be related to the objectives of the Centre of Rural Excellence with regard to land based education and training and the linkages with rural enterprises.
 - 2) Development should not detract from the rural environment, and should include provision for landscape enhancement.
 - 3) Development should, where possible, contribute to the District's Rural Strategy and objectives.

There are also educational and environmental criteria that also need to be complied with.

- 6.4 Brinsbury Centre of Rural Excellence SPD states "The intention is to enable the College to develop its facilities in order to ensure the Campus viability for rural land-based education. Growth of the College in accordance with this principle, which could include businesses operating in collaboration with the College, would increase opportunities for education and training. Developing the Brinsbury Campus as a Centre of Rural Excellence would facilitate considerable gains for the College in the form of vocational training for students."
- 6.5 The principle of Architectural Plants being on site was established under application DC/05/1331 which granted consent for a tree production nursery to the trade. The Brinsbury Centre of Rural Excellence SPD Appendix A states "Architectural Plants is a cutting edge firm whose work in its field has been recognised by the Queen's Award for innovation. While the college has land to support the firm's development it can also contribute to its operations by providing training, not just in horticulture but also in aspects such as health and safety and business and management. In return, the firm is able to provide support to students both from an understanding of the technologies it uses and from its general approach to tree husbandry. In addition the location of the firm's operations on the Brinsbury Campus provides students with opportunities to experience at

first hand cutting edge technologies as well as having opportunities for work experience and potentially, employment.”

- 6.6 The poly tunnels would be used to house / grow plants on prior to sale. The tunnels have a clear plastic sheet over the frame which can be rolled up or down dependent on weather conditions. The agent has stated that the impact of the tunnels would be mitigated by the trees being grown around the structures as well as the landscape scheme around the boundary of the site.
- 6.7 It is considered that the principle of the development has already been established and that nine poly tunnels have already been granted consent under DC/05/1331. The erection of a further 10 poly tunnels would have a greater visual impact on the surrounding landscape. However, if the applicant provided landscape enhancement through appropriate soft landscaping to screen the poly tunnels this would go some way in mitigating this visual impact on the surrounding countryside.
- 6.8 The Council's Landscape Officer has commented that he has no objection in principle, bearing in mind nine poly tunnels have already been approved on site as part of application DC/05/1331. The poly tunnels are visually prominent from the A29 so additional hedgerow trees are needed to mitigate their visual impact from this major transport route and integrate the nursery into the wider landscape character of the area. A revised landscaping scheme has been submitted as part of DC/13/0539 which would mitigate against the visual impact of the poly tunnels.
- 6.9 Therefore, it is considered that the poly tunnels would accord with the aims of policies DC1, DC2, DC9, CP1, AL15 and the Brinsbury Centre of Rural Excellence SPD.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be granted subject to the following conditions:
- | | | |
|----|--|---|
| 01 | A2 | Full Permission |
| 02 | M6 | Prescribed Materials |
| 03 | J1 | Use Limitation 'The Growing & Sales of Trees and Plants by Architectural Plants Only' |
| 04 | V1 | Hours of Working |
| 05 | D10 | Floodlighting |
| 06 | No more than 5% of the built area of the nursery permitted under application DC/05/1331 shall be used for the sale of horticultural goods other than trees and plants.
Reason – To ensure that the development accords with the aims of the Brinsbury Centre of Rural Excellence Supplementary Planning Document. | |

8. REASONS

- ICTN1 The proposal would not be obtrusive in the landscape or harmful to the visual quality of the area.

Background Papers: DC/13/0551, DC/13/0550, DC/13/0539, DC/11/1091 and DC/05/1331

Case Officer: Kathryn Sadler



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning and Environmental Services

DATE: 21st May 2013

DEVELOPMENT: Erection of an office building at Architectural Plants

SITE: Brinsbury College Stane Street North Heath Pulborough

WARD: Pulborough and Coldwaltham

APPLICATION: DC/13/0551

APPLICANT: Architectural Plants

REASON FOR INCLUSION ON THE AGENDA: Category of Development

RECOMMENDATION: To Grant Planning Permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks consent for an office building for Architectural Plants. The building would be built in a 'U' shape and would measure 12m by 9m and would have a ridge height of 4.3m. The walls would consist of feather edged weather boarding and the roof would be traditional red oxide coloured corrugated iron sheeting. The building would comprise of office space, a shop and counter and two toilets. The building would be sited to the north of the existing poly tunnels on site and to the east of the permitted car park.

DESCRIPTION OF THE SITE

- 1.2 The site is located in a countryside location and to the north of the main Brinsbury Campus. The site is occupied by Architectural Plants who are in the process of moving their business from Nuthurst to the application site. The site is located to the west of Stane Street (A29) and consists of 13 hectares of land. The eastern boundary consists of hedging along the A29, the northern and western boundaries have mature trees sporadically sited along the boundaries. Adversane Caravan Park is to the north of the site and the southern boundary is fairly open to Brinsbury Campus.
- 1.3 The site has undergone substantial earth works which are subject to application DC/13/0539 which is a material amendment to application DC/05/1331 which permitted a tree production nursery for Architectural Plants in 2006. This tree production nursery will

contribute to the horticultural education of students at Brinsbury College through the Brinsbury Centre of Rural Excellence SPD.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Guidance 2012

Paragraph 18 states “The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths and to meeting the twin challenges of global competition and of a low carbon future.”

Paragraph 19 states “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Paragraph 28 states “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.”

RELEVANT COUNCIL POLICY

- 2.3 Local Development Framework (Core Strategy 2007) – CP1 (Landscape and Townscape Character), CP2 (Environmental Quality) and CP15 (Rural Strategy).
- 2.4 Local Development Framework (GDCP 2007) – DC1 (Countryside Protection and Enhancement), DC2 (Landscape Character), DC9 (Development Principles), DC40 (Transport & Access).
- 2.5 Site Specific Allocations of Land 2007 – Policy AL15 (Centre of Rural Excellence at Brinsbury).
- 2.6 Brinsbury Centre of Rural Excellence – Supplementary Planning Document 2009.

PLANNING HISTORY

- 2.7 Application DC/05/1331 permitted a Tree Production Nursery to the Trade in 2006
- 2.8 Application DC/11/0128 permitted the erection of 1 No. service building for agricultural purposes in March 2011
- 2.9 Application DC/11/1091 permitted amendments to the wording of condition No. 6 of DC/05/1331 to 'The development hereby approved shall be used as a plant and tree production nursery and associated sales and for the furtherance of Horticultural Education in association with Brinsbury Campus' and the provision of additional conditions restricting the amount of the nursery to be used for the sale of horticultural goods other than trees and plants and the reduction in car parking spaces from 260 to 100 together with lorry car parking and turning areas.
- 2.10 Application DC/12/0412 permitted the formation of a new access onto Stane Street and gates (A29) and the closing off of the existing field access in April 2012.
- 2.11 Application DC/13/0539 is a material amendment to DC/05/1331 (Tree production nursery to the trade) to include retention of bunding on north east and western boundaries as constructed, to complete levelling works to contours and to retain irrigation lake as constructed, Pending Consideration.
- 2.12 Application DC/13/0550 is for the erection of 10 poly tunnels, Pending Consideration.
- 2.13 Although there is a detailed planning history relating to Brinsbury College, it is not considered that there is any other planning history directly relevant to the application.

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 Public Health & Licensing has no objection to the application.
- 3.2 The Council's Landscape Officer has "no objection (bearing in mind the original 05 planning decision was to grant permission for a tree nursery and poly tunnels). This is subject to a satisfactory detailed landscape scheme to provide reinforcement native species hedgerow planting on the western boundary of the site being agreed as part of application DC/13/0539.
- 3.3 Equalities Officer - The plans show two L shaped cabins of which one has 2 toilets shown. There is no mention of an accessible toilet being fitted. Are there plans for this?

OUTSIDE AGENCIES

- 3.4 West Sussex Highway Authority has commented that the proposal is for the erection of an office building related to commercial premises within the Brinsbury College campus with access onto Stane Street via an existing access point. As the proposal would represent only a minor alteration to the college's movements there are no anticipated highway safety issues.

PUBLIC CONSULTATIONS

- 3.5 8 letters of support has been received on the following grounds:

- The proposal would blend in with the character of the area;
- The proposal would bring a horticultural package for the area creating employment and business for the local community;
- Architectural Plants are known countrywide for their award winning excellence;
- This development is an important step in the reinvigoration of the Brinsbury Campus;
- Architectural Plants have the highest standards in plant health, quality and diversity;
- There is no better company to set the example in teaching new generations of horticultural students the highest standards of their science and the greatest creativity of their art;
- It will not adversely impact the landscape of the area and will make good use of otherwise under-used land;
- It will increase employment in the area and also bring an increase in visitors which should also have a knock-on effect in stimulating the local economy;

3.6 Pulborough Parish Council has no objection to the application.

3.7 West Sussex Growers Association supports the application “as commercial growers in West Sussex grow over £500 million pounds of produce and employ over 6000 people, making a major contribution to both the local and national economy. The Horticultural Industry in West Sussex is expanding to meet the needs of its customers and at the same time is helping to reduce food and plant miles and by growing crops locally is reducing our carbon footprint and displacing imports. Architectural Plants new development at Brinsbury is of a very high standard and will be an asset to the people of West Sussex and the wider horticultural community for many years to come.

The site is already well developed and when the soil levelling and landscaping is completed, it will be an outstanding horticultural nursery and gardens. As with all modern commercial horticultural nurseries, achieving the correct soil levels is of paramount importance. Greenhouses need to be built on evenly graded sites to allow for roof water collection and for uniform environments within the enclosed structures. Level standing out and growing areas for trees and plants are far easier to manage and irrigate, leading to the minimum amount of waste. Having a level site also leads to the efficient manual and mechanised handling of plants which is so critical to operations on this type of plant nursery.”

3.8 No other representations have been received to public notification on the application at the time of writing this report. Any further representations received will be reported verbally at the committee meeting.

4. 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 determination of this application are considered to be the principle of the development and the effect of the development on the amenity of nearby occupiers and the visual amenities and character of the area.
- 6.2 Policy AL15 (Centre of Rural Excellence at Brinsbury) of the Site Specific Allocations of Land 2007 states that "Development in support of the expansion and enhancement of Chichester College Brinsbury Campus as a Centre of Rural Excellence will be permitted solely in order to ensure the Campus financial and educational viability for rural land-based education, and provided any proposals meet the following requirements:
- a) Careful siting and design of all buildings and associated facilities;
 - b) The introduction of sustainable transport systems linked in with the Campus;
 - c) Appropriate access provision from the A29;
 - d) Compliance with the financial and educational viability tests as set out in a supplementary planning document;
 - e) An archaeological investigation of the site for any proposals for development adjoining Stane Street; and
 - f) A specific flood risk assessment to refine the need for open space provision only alongside the watercourse running through the site (which is within Flood Zones 2 and 3) and to identify the requirement for Sustainable Drainage Systems.
- 6.3 The Brinsbury Centre of Rural Excellence SPD sets out tests of appropriateness within Chapter 4 of the document and these state:
- 1) Development should reflect the rural location of the Brinsbury Campus and be related to the objectives of the Centre of Rural Excellence with regard to land based education and training and the linkages with rural enterprises.
 - 2) Development should not detract from the rural environment, and should include provision for landscape enhancement.
 - 3) Development should, where possible, contribute to the District's Rural Strategy and objectives.

There are also educational and environmental criteria that also need to be complied with.

- 6.4 The principle of Architectural Plants being on site was established under application DC/05/1331 which granted consent for a tree production nursery to the trade. The Brinsbury Centre of Rural Excellence SPD Appendix A states "Architectural Plants is a cutting edge firm whose work in its field has been recognised by the Queen's Award for innovation. While the college has land to support the firm's development it can also contribute to its operations by providing training, not just in horticulture but also in aspects such as health and safety and business and management. In return, the firm is able to provide support to students both from an understanding of the technologies it uses and from its general approach to tree husbandry. In addition the location of the firm's operations on the Brinsbury Campus provides students with opportunities to experience at first hand cutting edge technologies as well as having opportunities for work experience and potentially, employment."
- 6.5 Application DC/11/1091 permitted amendments to the wording of condition No. 6 of DC/05/1331 to read: 'The development hereby approved shall be used as a plant and tree production nursery and associated sales and for the furtherance of Horticultural Education in association with Brinsbury Campus' only.' Condition 2 on this consent also states that "No more than 5% of the built area of the nursery shall be used for the sale of horticultural goods other than trees and plants."

- 6.6 The office would serve the tree production nursery and customers visiting the site. The agent of the application states that “Most of the company’s trade is via the telephone, mail order and the internet and the number of visitors to the site is unlikely to be more than six in a day. The site is not a garden centre.” Application DC/11/1091 permitted 100 parking spaces on the site which includes lorry parking and turning. It is considered that the level of activity generated by this proposal would not have an adverse impact on the character of the area or neighbouring occupiers, given the current level of activity generated by Brinsbury Campus itself. The office will house staff in connection with advising on landscaping schemes and the selection of trees/plants. It has not been stated what items (other than trees and plants) would be sold from the shop, therefore it is considered appropriate to attach a condition which requires the applicant to submit details of the horticultural goods to be sold from the premises.
- 6.7 It is considered that the principle of the development has already been established and therefore it is the size and location of the office building which has to be considered. The building is modest in scale with a relatively low ridge height of 4.3m. It is considered that the location of the office building is appropriate as it would be positioned between the car park and the poly tunnels. The office building would be viewed as a smaller ancillary structure to the existing poly tunnels on site and would therefore not have a harmful impact on the character of the rural area.
- 6.8 Therefore, it is considered that the office building would accord with the aims of policies DC1, DC2, DC9, CP1, AL15 and the Brinsbury Centre of Rural Excellence SPD.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be granted subject to the following conditions:
- | | | |
|----|-----|---|
| 01 | A2 | Full Permission |
| 02 | M6 | Prescribed Materials |
| 03 | J1 | Use Limitation ‘Office and Shop Use for Architectural Plants Only’ |
| 04 | | The office/shop building shall not be open for trade or business except between the hours of 0800 – 1900 hours Monday to Friday, 0800 – 1730 hours Saturdays and 1000 - 1600 hours Sundays & Bank Holidays.
Reason – J8 |
| 05 | D10 | Floodlighting |
| 06 | | Prior to the use of the shop/counter, details of the horticultural goods to be sold from the premises (other than trees and plants) shall be submitted to and approved by the Local Planning Authority in writing. Any further horticultural goods (to be sold from the premises) need to be agreed by the Local Planning Authority in writing. The horticultural goods sold shall thereafter accord with the approved list.
Reason – In order to restrict the type of goods sold from the premises and to retain the site as a horticultural nursery in accordance with Policy AL15 and the Brinsbury Centre of Rural Excellence SPD. |
| 07 | | No more than 5% of the built area of the nursery permitted under application DC/05/1331 shall be used for the sale of horticultural goods other than trees and plants.
Reason – To ensure that the development accords with the aims of the Brinsbury Centre of Rural Excellence Supplementary Planning Document. |

8. REASONS

- ICTN1 The proposal would not be obtrusive in the landscape or harmful to the visual quality of the area.

Background Papers: DC/13/0551, DC/13/0550, DC/13/0539, DC/11/1091 and DC/05/1331

Case Officer: Kathryn Sadler



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South
BY: Head of Planning and Environmental Services
DATE: 21 May 2013
DEVELOPMENT: Insertion of door to allow access to existing extension roof terrace, balcony railings to surround with access gate and courtesy/privacy panel
SITE: 10 Hawthorn Way Storrington Pulborough West Sussex
WARD: Chantry
APPLICATION: DC/13/0586
APPLICANT: Mr David Wright

REASON FOR INCLUSION ON THE AGENDA: Applicant is related to a member of staff

RECOMMENDATION: That the application is refused once the statutory consultation period has expired

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks permission for the erection of balcony railings approximately 1metre in height around the perimeter of the flat roof of the ground floor extension. In addition to this there would be a single doorway inserted into part of the existing bay window and a privacy panel erected on part of the eastern elevation covering the full height and approximately 1.25metres in width.

DESCRIPTION OF THE SITE

- 1.2 The application site is a terraced town house located in a residential area of Storrington within the built up area boundary. The property itself has a garage/ utility room and bedroom on the ground floor with living accommodation on the first and second floors. To the rear of the property is a small garden.
- 1.3 The dwelling has been previously extended with a single storey rear extension. The properties within the terrace are uniform in design, with each dwelling slightly staggered back from one another.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 Relevant government policy is contained within the National Planning Policy Framework published in March 2012.
- 2.3 Section 7 of the National Planning Policy Framework emphasises the importance of good design.

RELEVANT COUNCIL POLICY

- 2.4 Horsham District Council Local Development Framework Core Strategy (2007): CP1 (Landscape and Townscape Character) and CP3 (Improving the Quality of New Development)
- 2.5 Horsham District Council Local Development Framework General Development Control Policies (2007): DC9 (Development Principles)

PLANNING HISTORY

- 2.6 DC/09/1099: Single storey rear extension, Permitted

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 Storrington and Sullington Parish Council: Any comments received will be reported verbally at the meeting
- 3.2 Neighbour comments: Two letters of objection have been received raising concerns over possible overshadowing and loss of privacy. They both state that the proposed terrace is right along side my dining room which will cause both to occur. Secondly the proposal terrace will directly overlook my patio area and bedroom windows.

Any further comments received will be reported verbally at the meeting.

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 proposal seeks to utilise the existing flat roof to create a balcony area allowing direct access from the kitchen/ dining room to the proposed terrace with a privacy panel covering part of the eastern elevation. The proposed alterations would not significantly alter the character or appearance of the dwelling house.

- 6.2 The key consideration in the determination of this application is the impact of the proposal on the amenity of the occupiers of the neighbouring properties. In this case the properties most likely to be affected by the proposals are 8 and 12 Hawthorn Way.
- 6.3 Planning permission was granted for a single storey rear extension in 2009, which has since been constructed. As part of the permission a condition was attached to the proposal which stated that *“the roof of the ground floor extension hereby permitted shall at no time be used as a balcony or open seating area and no form of enclosure shall be installed”*. This condition was originally attached to protect neighbour amenity and the Case Officer at the time suggested that *“the balcony above the proposed extension would cause a detrimental loss of privacy to the neighbouring occupiers and therefore officers would seek to control the use of the first floor area above the flat roofed extension in the future by way of a planning condition attached to this recommendation for approval”*
- 6.4 Notwithstanding the above condition and previous Case Officers comments the application must be considered on its own merits. It is noted that the proposal includes a privacy screen covering the full height of the proposed balcony and measuring approximately 1.25metres in width, constructed of obscured glass/ plastic. However there are still significant concerns that the proposed use of the flat roof as a balcony area would have an adverse impact on the amenity of the occupiers of neighbouring properties as the majority of the proposed balcony would not be covered by a privacy screen and the occupiers of the 10 Hawthorn Way would be able to look directly into the kitchen/ dining room of the neighbouring properties as well as into the garden area directly outside the back door. It is therefore considered that the proposal would have a significant adverse impact on the amenity of the occupiers of neighbouring properties.
- 6.5 It is noted that no.14 Hawthorn Way has a balcony over a flat roof extension. Having looked at the planning history for this property, it does not appear that planning permission was ever granted for the balcony and neighbours have suggested that this has been in place for a long period of time. It is therefore considered that this should not set a precedent for further balconies to be created within the terrace.
- 6.6 In terms of the impact on the street scene and wider area, the proposed balcony area would not be readily visible and so any impact would be considered limited.
- 6.7 Overall, it is considered that the installation of railings and a privacy screen over the ground floor extension to create a balcony area would have a detrimental impact on the amenity of the occupiers of neighbouring properties in respect of overlooking. As a result it is considered that the proposed development fails to meet the aims of planning policy and it is recommended that planning permission is refused.

7. RECOMMENDATIONS

- 7.1 That planning permission is refused once the statutory consultation period has expired for the following reason:
1. The proposed development by virtue of its proximity to neighbouring properties would have a significant adverse impact on the amenity of the occupiers of neighbouring properties in respect of overlooking and subsequent loss of privacy. As a result it is considered that the proposal is contrary to Policies CP1 and CP3 of the Horsham District Local Development Framework Core Strategy (2007) and Policy DC9 of the Horsham District Council Local Development Framework General Development Control Policies (2007).



Horsham
District
Council

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee South

BY: Head of Planning and Environmental Services

DATE: 21st May 2013

DEVELOPMENT: Minor material amendment to previously approved DC/11/1605 (Single storey front and side extension to provide enlarged kitchen, bay window and additional WC) to include retention of rendering and enlarged window on the ground floor side elevation

SITE: 32 Aston Rise Pulborough West Sussex RH20 2JA

WARD: Pulborough and Coldwaltham

APPLICATION: DC/12/1977

APPLICANT: Miss Jane Hatcher

REASON FOR INCLUSION ON THE AGENDA: Member request

RECOMMENDATION: To grant planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks a minor material amendment to DC/11/1605 which granted approval in October 2011 for a single storey front and side extension to provide an enlarged kitchen, bay window and additional WC. The current application seeks approval for the retention of rendering and an enlarged window on the ground floor side elevation.

DESCRIPTION OF THE SITE

- 1.2 The property is a two-storey semi-detached dwelling located in a prominent position on the corner of Aston Rise and New Place Road. The design of the dwelling is typical of a 60s/70s style estate development and the character of the surrounding development is fairly uniform in terms of design and materials.
- 1.3 The property is located within the defined built-up area of Pulborough.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework – Section 7 ‘Requiring good design’ is of particular relevance in the assessment of the proposal.

RELEVANT COUNCIL POLICY

- 2.3 Policy CP3 of the Core Strategy is of relevance in the determination of the application.
2.4 Policy DC9 of the General Development Control Policies is also of relevance.

PLANNING HISTORY

- 2.5 DC/11/1605 – Single storey front and side extension to provide an enlarged kitchen, bay window and additional WC – approved in October 2011.
- 2.6 DC/12/0824 – Non-material amendment to previous permission DC/11/1605 (Single storey front and side extension to provide enlarged kitchen, bay window and additional WC) – permitted in May 2012. The non-material amendment comprised an alteration to the position and size of the ground floor side window.

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 Pulborough Parish Council has no objection to the proposal. However, the Parish Council would like it noted that they require HDC to work effectively on all future development ie any compliance issues or conditions imposed should be met. Councillors were extremely unhappy with the extension features at Aston Rise but in view of the fact that HDC had indicated to the property owner by letter that there would be no objection from them to the finishing, should this minor material amendment be submitted, then there was little that could be done to affect their decision. Any objection that was raised by the Committee would send very confusing signals to the owner of the property.
- 3.2 4 letters of objection have been received from neighbouring residents on the grounds that the rendering and painting that has taken place is unsightly and is totally out of character with any neighbouring properties.
- 3.3 1 letter of support has been received from a neighbouring resident.

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 ASSESSMENT

- 6.1 It is considered that the principal issue in the determination of the application is whether the works that have been undertaken are in accordance with the policies of the Development Plan.

- 6.2 As previously advised at Para.2.5 planning permission was granted in October 2011 for a single storey front and side extension to provide an enlarged kitchen, bay window and additional WC. It was indicated on the application forms that the proposed materials to be used in the construction of the extension would match the existing brickwork and roof tiles of the dwelling. Planning permission was subsequently granted on this basis and secured by condition.
- 6.3 Following the grant of permission, the applicant sought advice as to whether it would be acceptable to render the entire property as opposed to the approved materials. It is regrettable that the advice that was given was not full and clear and the applicant proceeded to render the entire property although the tile hanging on the front elevation was retained. The application therefore seeks permission for the retention of the change in the materials – render as opposed to the approved brick – and the re-location of a side elevation window.
- 6.4 The re-location of the side window involved only a slight alteration to the approved position of the window and is therefore considered acceptable.
- 6.5 With regard to the issue of materials, it is acknowledged that there are no other examples of render in the estate and the elevational treatment does look out of place within the surrounding area. This concern is exacerbated by the fact that the property is situated in a prominent location on the corner of Aston Rise and New Place Road. However, the property is not a listed building and neither is it situated within a Conservation Area. In this respect, whilst there is sympathy with the concerns of neighbouring residents, it is not considered that the harm caused by the use of render on the property is sufficient to justify a refusal of planning permission.
- 6.6 It should also be noted that following the completion of the extension the applicant could have rendered the whole property under permitted development rights and without the need to seek planning permission. In this respect, it is your officers' view that should planning permission be refused for this current application then it would not be expedient to take enforcement action.

7. RECOMMENDATIONS

- 7.1 It is therefore recommended that planning permission be granted.

8. REASONS FOR RECOMMENDATIONS

- 8.1 ICAB2B – The proposal does not materially affect the amenities or character of the locality

Background Papers: DC/11/1605, DC/12/0824 & DC/12/1977.