



Horsham
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Council

serving our towns and villages

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Development Control (North) Committee

TUESDAY 6TH DECEMBER 2011 AT 5.30p.m.
COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors:

Liz Kitchen (Chairman)	Ian Howard
Roy Cornell (Vice-Chairman)	David Jenkins
John Bailey	Christian Mitchell
Andrew Baldwin	Josh Murphy
Peter Burgess	Godfrey Newman
John Chidlow	Robert Nye
Christine Costin	Jim Rae
Helena Croft	David Sheldon
Leonard Crosbie	David Skipp
Malcolm Curnock	Simon Torn
Laurence Deakins	Claire Vickers
Duncan England	Tricia Youtan
Frances Haigh	
David Holmes	

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

AGENDA

1. Apologies for absence
2. To approve as correct the minutes of the meeting of the Committee held on 1st November 2011 (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



INVESTOR IN PEOPLE

5. To consider the reports of the following officers and to take such action thereon as may be necessary:

Chief Executive
Interests of Officers

Head of Planning & Environmental Services
Appeals
Applications for determination by Committee – Appendix A

Item No.	Ward	Reference Number	Site
A1	<i>Rusper & Colgate</i>	DC/11/1350	Stafford House Bonnetts Lane Ifield Crawley
A2	<i>Southwater</i>	DC/11/2097	Rosbank Worthing Road Horsham West Sussex
A3	<i>Southwater</i>	DC/11/1961	17 The Copse Southwater Horsham West Sussex
A4	<i>Rudgwick</i>	DC/11/2289	Rudgwick Metals Ltd Church Street Rudgwick Horsham
A5	<i>Holbrook West</i>	DC/11/1459	1 Fern Way Horsham West Sussex RH12 5XE
A6	<i>Forest</i>	DC/11/1529	Amberley House Kennedy Road Horsham West Sussex
A7	<i>Itchingfield, Slinfold & Warnham</i>	DC/11/1622	1 - 56 Six Acres Slinfold West Sussex
A8	<i>Denne</i>	DC/11/1762	Hills Cemetery Guildford Road Horsham West Sussex
A9	<i>Denne</i>	DC/11/1859	Land Adjacent To 193 Tanbridge Park Horsham West Sussex

NOTE:

- (a) Those items which are headed DELEGATION in the recommendation are seeking authority for the application to be decided by the Head of Planning & Environmental Services. The Committee is not being asked to decide the application as it is unable to do so at this meeting.
- (b) The suggested conditions and reasons for refusal may alter from those set out in the agenda.
- (c) Applications relating to sites in two or more parishes are shown under the first Parish in alphabetical order.

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

DEVELOPMENT CONTROL (NORTH) COMMITTEE
1st NOVEMBER 2011

Present: Councillors: Liz Kitchen (Chairman), Roy Cornell (Vice-Chairman), John Bailey, Andrew Baldwin, Peter Burgess, John Chidlow, Helena Croft, Leonard Crosbie, Malcolm Curnock, Laurence Deakins, Duncan England, Frances Haigh, David Holmes, David Jenkins, Christian Mitchell, Jim Rae, David Sheldon, David Skipp, Simon Torn, Claire Vickers, Tricia Youtan.

Apologies: Councillors: Christine Costin, Ian Howard, Josh Murphy, Godfrey Newman, Robert Nye

DCN/68 **MINUTES**

The minutes of the meeting of the Committee held on 4th October 2011 were approved as a correct record and signed by the Chairman.

DCN/69 **INTERESTS OF MEMBERS**

<u>Member</u>	<u>Item</u>	<u>Nature of Interest</u>
Councillor John Chidlow	DC/11/0657	Personal – he was a member of Southwater Parish Council
Councillor Peter Burgess	DC/11/1660 DC/11/1846 & DC/11/1548	Personal and prejudicial – he was a member of North Horsham Parish Council and knew the applicant. Personal – he was a member of North Horsham Parish Council.
Councillor David Sheldon	DC/10/2669	Prejudicial – he was the Chief Executive of one of the businesses operating from the application site.
Councillor Helena Croft	DC/11/1660 DC/10/2669	Pre determined position in opposition to the application. Prejudicial – she worked for an organisation who had applied for funding for a community project from the applicant.
Councillor Christian Mitchell	DC/11/1660	Prejudicial – he knew a close family member of the applicant
Councillor Claire Vickers	DC/11/0657 DC/11/1881	Personal – she was a member of Southwater Parish Council

DCN/70 **INTERESTS OF OFFICERS**

The Chief Executive reported that Steve Booth, Team Leader (North), had declared an interest in planning application DC/11/0657. The interest arose because the owner/occupiers of a number of properties adjacent to and in the vicinity of the site were family friends. The officer had confirmed that he would take no part in the processing or determination of the application.

DCN/71 **ANNOUNCEMENTS**

There were no announcements.

DCN/72 **APPEALS**

Notice concerning the following appeal had been received:

Appeals Lodged

Written Representations/Household Appeals Service

Ref No	Site	Appellant(s)
DC/11/0303	Elenge Plat, Grouse Road, Colgate, Horsham.	Mr and Mrs F Varela

DCN/73 **DECISIONS ON LAWFUL DEVELOPMENT CERTIFICATES**

<u>Ref No</u>	<u>Site and Development</u>	<u>Decision</u>
DC/11/1631	Land at Mead Farm, Slinfold - The original application was for the use of the land for the storage of builders' materials, plant and machinery. The applicant had to prove that this use had existed for a period of ten years prior to the application. No proof was submitted of the storage of plant and machinery and the immediate neighbours denied that this use was ever made of the land. The description allowed was just for the storage of builders' materials. Plan amended	Granted

DCN/74 **PLANNING APPLICATION: DC/11/0657 - ERECTION OF 131 RESIDENTIAL DWELLINGS (38 X 2-BED, 53 X 3-BED AND 40 X 4-BED) WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND INFRASTRUCTURE**
SITE: LAND EAST OF TURNERS CLOSE AND EAST AND SOUTH OF MILLFIELD, SOUTHWATER
APPLICANT: BOVIS HOMES LTD
(Councillors John Chidlow and Claire Vickers had declared personal interests in this application as they were members of the Parish Council).

The Head of Planning & Environmental Services reported that this application sought planning permission for the development of the site for residential purposes by the erection of 131 dwellings, including 52 affordable dwellings. The application, as originally submitted, had been for 133 dwellings but had subsequently been amended following negotiations and the submission of revised plans to take account of the initial comments made by officers. The application was accompanied by a number of submitted technical studies and supporting documents.

The proposed dwellings ranged from two bedroom flats up to four bedroom family homes. The site was currently two fields with an existing access from a public bridleway track off Mill Straight. The site was bounded by the A24 to the east and by the existing residential development at Millfield and Turners Close to the west. On the northern boundary was Stakers Lane, forming part of the Downs Link that connected the site to the surrounding area, including access to the village centre.

The two fields had existing hedgerows marking the boundaries. There were public rights of way across the site from west to east and adjacent to the A24 from north to south. The north-western boundary of the site comprised a belt of mature trees which screened the site from Turners Close. A public bridleway giving access to the site and connecting the site to Mill Straight ran between the two fields.

There were no previous planning applications directly relevant to the current proposals but there had been previous consideration of the site as a potential residential allocation during the preparation of the Local Development Framework. The land had been considered in the formative stages of the Site Specific Allocations of Land Development Plan Document but had not been included in the proposed allocated sites in the Submission Draft version of the document in 2005. The Inspectors, who had independently examined that document, supported this conclusion at that time in their report published in October 2007.

Government Policies PPS1, PPS3, PPS7, PPG13 and PPG24; Local Development Framework Core Strategy Policies CP1, CP2, CP3, CP4, CP5, CP12, CP13 and CP19; Local Development Framework General Development Control Policies DC1, DC2, DC5, DC6, DC7, DC8, DC9,

DCN/74 Planning Application: DC/11/0657 (cont.)

DC18 and DC40; the provisions of the Local Development Framework 'Facilitating Appropriate Development' Supplementary Planning Document (May 2009); the provisions of the Planning Obligations Supplementary Planning Document (SPD) and the Southwater Parish Design Statement 2011 were all relevant to the determination of the application.

The comments on the current application, as well as the original application, of the Spatial Planning Manager, Design & Conservation Adviser, the Landscape Architect, the Public Health & Licensing Officer, West Sussex County Council Highways and Southern Water were noted. The comments of the Housing Strategy & Development Manager on the original application were noted. The comments of the Engineering Section, the Arboricultural Officer, the County Council's Archaeology and Ecology Departments, the Environment Agency and the Crime Prevention Design Advisor (West Sussex Police) on the current application were noted. Southwater Parish Council raised no objection in respect of the current application. The comments of Shipley Parish Council were noted. Thirty three letters of objection to the original application and 24 letters of objection to the amended proposal had been received. A number of additional queries and comments brought the total number of representations received to seventy. The applicant's agent and a representative from Saxon Weald spoke in support of the application and three members of the public spoke in objection to the proposal.

The main issues in the determination of this application were the principle of the development; its effect on the character and amenities of the area, including the design and layout and the impact on the amenities of neighbouring occupiers as well as noise considerations relating to the new development; highway safety and access considerations; the impact on existing trees and vegetation; flooding and drainage issues; and the need for development contributions.

It was noted that the development would provide 40% affordable housing in an appropriate mix and thereby met planning policy objectives in this respect. The design and layout of the amended scheme was considered to be an appropriate approach. However, there were still certain specific elements of the scheme which needed to be resolved and for which further information, or additional amended plans were required.

It was noted that a Section 106 Planning Obligation would be required for the provision and tenure of the affordable housing and to secure the required contributions for transport, education, fire and rescue, community facilities, open space/sport and recreation, local recycling and public art.

It was considered that, given the current context, there were material considerations of sufficient weight to indicate a positive determination of the proposals; the principle of development on the site could be supported

DCN/74 Planning Application: DC/11/0657 (cont.)

under the Facilitating Appropriate Development Supplementary Planning Document, enabling 131 dwellings, including 52 affordable homes, to be provided in the near future in Southwater. It was acknowledged that the proposed development caused concerns to residents of neighbouring properties on a number of grounds but these had to be weighed in the balance and a number of significant improvements had been made to the details of the submitted scheme in the amended plans.

The site was relatively self-contained and any landscape impact of the scheme could be addressed through the retention of trees, and additional planting/landscaping. Whilst the potential future risks to existing trees on the western boundary was a concern, the issue could be addressed to a sufficient extent through appropriate planning conditions. Noise issues arising from the proximity of the A24 to the site, which had previously been a concern, had essentially now been addressed in the scheme and it was considered the site had reasonable access to local facilities and services.

Some additional information/confirmation or further amendments were still required in respect of some details of the scheme, including the orientation of the corner buildings to overcome the remaining noise considerations.

Members, therefore, supported the proposals in principle subject to the resolution of outstanding issues and further revisions to the scheme. It was confirmed that if any of the outstanding issues remained unresolved, the application would be brought back to Committee.

RESOLVED

- (i) That a planning agreement be entered into to secure; the necessary contributions in respect of transport, education, fire and rescue, community facilities, open space/sport and recreation, local recycling and public art; landscaping; works to footpaths and bridleways; the maintenance of the acoustic fence; and the provision of affordable housing.
- (ii) That, upon completion of the agreement in (i) above and subject to the outcome of further negotiation and the receipt of further information/amended plans including in respect of landscaping; internal layout of the flats; access arrangements; parking provision; and details of elevations of the amended units and materials, application DC/11/0657 be determined by the Head of Planning & Environmental Services, in consultation with the Chairman and Vice-Chairman

DCN/74 Planning Application: DC/11/0657 (cont.)

of the Committee and the three local Members.
The preliminary view of the Committee was that
the application should be granted.

DCN/75 **PLANNING APPLICATION: DC/11/1660 - CHANGE OF USE FROM
RETAIL/OFFICE (USE CLASS A1/B1) TO A HOT FOOD TAKEAWAY (USE
CLASS A5) AND ERECTION OF ASSOCIATED CHIMNEY TO SIDE
ELEVATION TO SERVICE EXTRACT DUCT**

SITE: ENTERPRISE HOUSE, 80 LAMBS FARM ROAD, HORSHAM

APPLICANT: MR JOHN RELLEEN

(Councillor Peter Burgess declared a personal and prejudicial interest in this application as he was a member of the Parish Council and he knew the applicant. Councillor Helena Croft declared a pre-determined position in opposition to the application. Councillor Christian Mitchell declared a prejudicial interest in this application as he knew a close family member of the applicant and he withdrew from the meeting.)

Councillors Peter Burgess and Helena Croft spoke in objection to the application and then withdrew from the meeting.

The Head of Planning & Environmental Services reported that this application sought planning permission for the change of use from retail/office (Use Class A1/B1) to a hot food takeaway (Use Class A5) and the erection of associated chimney to side elevation to service the extract duct.

The application site was located on the southern side of Lambs Farm Road, within the built up area of Horsham. The unit was positioned within a small parade of shops, with the other units currently being occupied by a sports shop and a 'one-stop' convenience store with residential flats above. The forecourt area to the front of the parade of shops had three delineated parking spaces serving the application site. The surrounding area was predominantly residential with a mix of terraced, semi detached and detached dwellings in Lambs Farm Road and the immediate vicinity.

Government Policies PPS1, PPS4 and PPG24; Local Development Framework Core Strategy Policies CP1, CP3 and CP17; Local Development Framework General Development Control Policies DC9 and DC37 and South East Plan Policies CC1 and CC4 were relevant to the determination of this application.

DCN/75 Planning Application: DC/11/1660 (cont.)

Relevant planning history included:

HU/347/68	New shopfront.	Granted
NH/8/93	Continued use of premises at ground floor level for retail use (A1) and office (B1) with ancillary storage.	Granted
NH/17/04	Erection of side wall and gate enclosing bottom of external staircase.	Granted
DC/10/1724	Change of Use to a food takeaway.	Refused and dismissed on appeal

The comments of the Public Health & Licensing Department were noted and further comments were verbally reported. The Parish Council strongly objected to the proposal. West Sussex County Council Highways raised no objections. Twenty eight letters of objection and a petition signed by 183 people objecting to the proposal and one letter of support had been received. A representative from the Parish Council, two representatives from the Residents Association and a member of the public spoke in objection to the application.

The main issues in the determination of this application were considered to be the principle of the development and the impact of the proposal on the visual amenities and character of the locality, its impact on the amenities of adjacent occupiers and highway safety.

The proposal had been submitted following the refusal of a previous application reference DC/10/1724 and its subsequent dismissal on appeal. The current application sought to overcome the previous refusal reasons.

The current proposal incorporated the ducting within a chimney to be erected on the western elevation of the building, which would extend slightly above the ridgeline. Although this was considered to be an improvement in visual terms than the previous proposal, there was a concern that it would still have an adverse impact on the visual amenities of the streetscene and the character of the area.

Concern had been expressed by adjoining residential occupiers regarding the impact on amenities, particularly in regard to odours and noise emanating from the unit as a result of the use of the site. The applicant had submitted details regarding the extraction unit to be installed in association with the proposed use. However, it was considered that further details were required in order to ensure the system was adequate, so as not to materially harm the amenities of any adjoining occupiers.

DCN/75 Planning Application: DC/11/1660 (cont.)

Concerns had also been raised by neighbouring properties regarding the impact of the proposal on highway safety and parking issues in the area. It was noted that West Sussex Highways Department had raised no objection to the proposal and that the Inspector had not considered highway or parking issues to be a major issue in the determination of the previously dismissed appeal. However, Members requested further investigation and consultation in this respect.

Having regard to the number of public representations received, Members considered that further information was required before the application could be determined.

RESOLVED

That application DC/11/1660 be deferred pending the receipt of further information, in respect of the implications of the construction of a chimney adjacent to a staircase providing access to flats above; the adequacy of the proposed extract and ventilation system; the nature of the A5 use proposed to occupy the premises; any recent road traffic accidents in the vicinity; and re-consultation with West Sussex County Council on highway safety and parking issues.

DCN/76 **PLANNING APPLICATION: DC/10/2669 - CHANGE OF USE FROM CAR SHOWROOM/WORKSHOP TO TWO CLASS A1 (RETAIL) UNITS**
SITE: TANFIELD GARAGE, GUILDFORD ROAD, HORSHAM
APPLICANT: WEYBERG LTD

(Councillor David Sheldon declared a prejudicial interest in this application as he was the Chief Executive of one of the businesses operating from the application site and he withdrew from the meeting. Councillor Helena Croft declared a prejudicial interest in this application as she worked for an organisation who had applied for funding for a community project from the applicant. She withdrew from the meeting)

The Head of Planning & Environmental Services reported that this application sought planning permission for the change of use of the building from a car showroom/workshop to two Class A1 (retail) units. The entire unit was currently being used as a charity shop. It was proposed to continue this use in one of the A1 units (Unit 2) with a further A1 use on the eastern side of the building (Unit 1), in the form of a Co-Operative supermarket.

The application site was located on the southern side of Guildford Road (A281) within the built up area of Horsham, outside the town centre. The application site comprised approximately 0.26 hectare of land with a single

DCN/76 Planning Application: DC/10/2669 (cont.)

building subdivided into two separate units of 372 square metres (Unit 1) and 266 square metres (Unit 2) respectively.

There were three existing vehicular accesses to the site, two along the Guildford Road and one in the south western corner of the site onto Blackbridge Lane. Pedestrian access to the site existed via lit footways on both sides of the A281 and along Blackbridge Lane. The site had permission to be operated as a vehicle maintenance garage and separate car sales office. The two units on the site were currently being used as a charity shop, which did not have the benefit of planning permission.

Government Policies PPS1, PPS4 and PPG13; Local Development Framework Core Strategy Policies CP1, CP2, CP3, CP10, CP11, CP17 and CP19; Local Development Framework General Development Control Policies DC8, DC9, DC20, DC35 and DC40 and South East Plan Policies CC1 and CC4 were relevant to the determination of this application.

Relevant planning history included:

HU/116/50	Proposed covered way over petrol pumps.	Granted
HU/64/70	Installation of automatic car wash and widening of existing access.	Granted
HU/111/79	New forecourt canopy and pump islands, form new shop within existing building.	Granted
HU/217/79	Change of use of bungalow to offices and continuation of use for storage of vehicles for sale on rear cartilage.	Granted
HU/130/80	Conversion of existing garage building to form showroom, offices, lavatories.	Granted
HU/150/83	Self service diesel pump and tank installation.	Granted
HU/184/90	Two storey extension to car showroom with storage and offices over.	Granted
HU/127/94	Erection of a replacement preparation bay and security fence.	Granted

The Public Health & Licensing Department and the Strategic Planning Department raised no objections to the proposal in principle and their comments were noted. The comments of West Sussex County Council Highways and the Neighbourhood Council were noted. Four letters of objection to the proposal and two letters of comment had been received. The applicant's agent spoke in support of the application.

The main issues in the determination of this application were considered to be the principle of the proposed development, the impact of the proposal on the visual amenities and character of the area, highway safety and parking and the impact on the amenities of the occupiers of adjoining properties.

DCN/76 Planning Application: DC/10/2669 (cont.)

It was noted that the site was located just outside the defined town centre and was within walking distance of both primary and secondary retail frontages in the town centre. It was, therefore, considered that the proposed use in this location would likely add to the vitality and viability of the area in economic terms, rather than detract or undermine it. It was considered that the relatively small size of the A1 units and the limited range of goods and products that could be sold at the proposed development, would not have a negative impact on the vitality and viability of the town centre. It had been demonstrated that adequate parking provision for staff and visitors could be provided on the site.

The removal of the petrol station canopy was proposed as part of the current application which was welcomed as it was considered it would represent an improvement in the visual amenities of the locality and the character of the area.

The area had a mix of uses with the northern side of Guildford Road comprising mainly residential dwellings with a significant number of retail properties sited further to the east. Uses in the area included car showrooms, restaurants and takeaways and a number of A1 uses. It was, therefore, considered that the addition of two further A1 uses on the site, which was set back from the road, would have no material adverse impact on the visual amenities of the locality or the character of the area.

Whilst concerns had been expressed regarding the proposed entrance to the site due to the level of traffic likely to be generated, it was noted that the access already existed and the site had previously operated as a petrol filling station, which would have generated a similar high level of traffic. It was therefore considered, on balance, that the proposal was acceptable in highway terms.

In terms of car parking, the site benefitted from a large forecourt area and, following the removal of the petrol canopy, 33 car parking spaces (including two disabled bays) would be provided. It had been demonstrated that this level of parking would be in accordance with West Sussex County Council Parking Standards and would be more than sufficient to accommodate peak parking demand at the site. The parking provision was, therefore, considered to be acceptable.

It was noted that the proposed use as a convenience store in Unit 1 combined with the use as a charity shop in Unit 2 would result in longer opening hours and a more intensive use of the site than the current unauthorised use as a charity shop for the whole building.

Members considered that the proposed change of use from a car showroom/workshop to two Class A1 (Retail) units was acceptable in principle, subject to negotiations with the applicant in respect of the

DCN/76 Planning Application: DC/10/2669 (cont.)

proposed hours of operation and changes to the proposed/additional conditions.

RESOLVED

That application DC/10/2669 be determined by the Head of Planning & Environmental Services, in consultation with the local Members, following discussions with the applicant with a view to agreeing a closing time of 22.00 rather than 23.00 as currently proposed; the amendment of proposed condition 12 to allow deliveries on Bank Holiday Mondays between 11.00 and 16.00; an additional condition to control the use of the units as one food retail unit and one non-food retail unit; consideration of the timings of newspaper deliveries; and investigation of the possibility of pedestrian visibility splays at the vehicular entrances/exits. The preliminary view of the Committee was that the application should be granted.

DCN/77 **PLANNING APPLICATION: DC/11/1846 - ERECTION OF 3 DWELLINGS (1 X DETACHED AND 2 X SEMI-DETACHED) WITH VEHICULAR ACCESS FROM MILLTHORPE ROAD**

SITE: LAND TO THE REAR OF 30 RUSPER ROAD, HORSHAM

APPLICANT: ROOKWOOD HOMES LTD

(Councillor Peter Burgess declared a personal interest in this application as he was a member of the Parish Council.)

The Head of Planning & Environmental Services reported that this application sought planning permission for the erection of three dwellings (one detached and two semi-detached) with an access road from Millthorpe Road.

The application site comprised land to the rear of 30 Rusper Road, which was part of the substantial and mature garden of the property and was located within the built up area of Horsham. The properties fronting Rusper Road were large detached dwellings with long rear gardens. To the east of the site, the development character was of a higher density with semi-detached houses fronting a narrow driveway, which was also a footpath. To the south of the application site was a row of two storey terraced properties accessed via Northern Close, which backed onto the walkway. The rear windows of these properties faced the application site.

Government Policies PPS1, PPS4, PPS7, PPG13 and PPG24; Local Development Framework Core Strategy Policies CP1, CP2, CP3, CP13 and CP19; Local Development Framework General Development Control

DCN/77 Planning Application: DC/11/1846 (cont.)

Policies DC9 and DC40 and South East Plan Policies CC1 and CC4 were relevant to the determination of this application.

Relevant planning history included:

DC/06/1421	Erection of 2 dwellings with single garages (rear of 30 Rusper Road) and new single garage for 44 Millthorpe Road.	Refused and dismissed on appeal.
DC/07/2826	Erection of a pair of semi-detached dwellings.	Refused and allowed on appeal.

The comments of the Public Health & Licensing Department and Southern Water were noted. The Tree Officer raised no objection and his comments were noted. West Sussex County Council Highways raised no objection. The Parish Council and the Horsham Society objected to the application and six letters of objection had been received. The applicant spoke in support of the proposal.

The main issues in the determination of this application were considered to be the principle of the residential development in this location, whether the proposal was in character with the pattern of residential development in the locality, its impact on trees, the effect upon neighbouring residential amenity and highway/traffic issues including the impact on the Twitten.

The granting of permission on appeal (DC/07/2826) had established that the erection of a pair of semi-detached houses in this location was acceptable in principle.

However, it was a pertinent and material consideration to examine whether the current application, which proposed the addition of a further dwelling, would have any additional material impact on issues of acknowledged importance.

Members considered that the provision of an additional dwelling would have an additional impact on the character of the surrounding area and that it would result in the overdevelopment of the site.

Concern was also expressed in respect of the proposed parking provisions, particularly in relation to the adjacent dwelling.

Members, therefore, considered that the current proposal was unacceptable.

RESOLVED

That application DC/11/1846 be determined by the Head of Planning & Environmental Services to allow the

DCN/77 Planning Application: DC/11/1846 (cont.)

framing of reasons for refusal. The preliminary view of the Committee was that the application should be refused.

DCN/78 **PLANNING APPLICATION: DC/11/1548 - DRIVEWAY GATES MOVED BACK AND RE-SITING OF 2 METRE HIGH FENCING**

SITE: 18 ROWAN WAY, HORSHAM, RH12 4NX

APPLICANT: MR GRAHAM DANCE

(Councillor Peter Burgess declared a personal interest in this application as he was a member of the Parish Council.)

The Head of Planning & Environmental Services reported that this application sought planning permission for the re-siting of an existing unauthorised two metres high fence, gates and landscaping works on land to the north of the site. The proposal, which was a resubmission of a previously refused application (DC/11/0575), sought permission to re-site the fence with a separation ranging from 0.2 metre to 1 metre from the back edge of the footpath. Landscaping was proposed, although no specific details had been provided.

The fence was a replacement for a previously existing 1.8 metre timber closeboard fence and conifer arrangement. The unauthorised timber fence and gates spanned the length of the site's side frontage, adjacent to Rowan Way, from east to west for approximately 15 metres. A section of fence turned at a ninety degree angle for a length of 5.5 metres, to join the side elevation of the dwelling, therefore enclosing the area of land in question.

The subject site was a two-storey dual aspect dwelling at Rowan Way, within the Horsham built-up area. The surrounding Rowan Way area was generally characterised by open fronted gardens, with low level planting at both party and property boundaries.

Local Development Framework Core Strategy Policy CP3 and Local Development Framework General Development Control Policies DC3, DC9, and DC40 were relevant to the determination of this application.

Relevant planning history included:

DC/11/0575	Retrospective permission for removal of overgrown conifers at edge of boundary and replacement with 2 metre fencing.	Refused
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It was also considered relevant that an application elsewhere within the estate (DC/11/0398) at 6 Rowan Way, for the relocation of a garden fence to the boundary line, had been refused and dismissed at appeal.

DCN/78 Planning Application: DC/11/1548 (cont.)

The Parish Council objected to the application. The applicant and a member of the public spoke in support of the proposal.

In an attempt to address the reasons for refusal of the previous application, the current application proposed amendments to the scheme, to set-back the fence by approximately one metre from the boundary at its western end and to introduce shrub planting as a screening treatment along some of the property boundary. However, the fence at the east end would remain as existing, approximately 0.2 metre from the back edge of the footpath.

In terms of impacts on the street scene, it was considered that, despite the amendments made, concerns remained in relation to the size and layout of the fence. Notwithstanding the proposed increased set back of the fence towards its western end, its alignment at the eastern end would be retained as existing. This area of the property also fronted the public road and this 5.5 metres stretch of fencing was in a prominent position within the street scene. Given the established open character of the area, it was considered that the fence repositioned as proposed would continue to have an overbearing appearance and, at two metres in height, would occupy an unduly prominent position within the street scene.

Members, therefore, considered that the proposal was unacceptable as it would have a material adverse impact on the character of the area.

RESOLVED

That application DC/11/1548 be refused for the following reason:

- 01 The fence by reason of its design, appearance and siting would appear as an incongruous feature in the locality and would have a material adverse impact on the visual amenities of the street scene and the character of the area. The application would therefore be contrary to the aims of the development plan in particular policy CP3 of the Horsham District Local Development Framework: Core Strategy (2007) and policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

DCN/79 **PLANNING APPLICATION: DC/11/1881 - PROPOSED ATTIC
CONVERSION, FIRST FLOOR EXTENSION, RAISING OF EXISTING
RIDGE HEIGHT, GROUND FLOOR PORCH, NEW DECKING,
ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS.**
SITE: RYELANDS FARM, BONFIRE HILL, SOUTHWATER, HORSHAM,
APPLICANT: MR JONNA MERCERCOX

(Councillors Claire Vickers declared a personal interest in this application as she was a member of the Parish Council.)

The Head of Planning & Environmental Services reported that this application sought planning permission for a number of extensions and alterations to the existing dwelling comprising an attic conversion, a first floor extension, raising of the existing ridge height by approximately 0.6 metre, a ground floor porch, new decking and associated internal and external alterations.

The site was located on Church Lane, approximately one kilometre to the west of Southwater, outside any defined built-up area. The site comprised an existing single storey dwelling set within a substantial plot. It was relatively flat and adjoined to the south and east by agricultural land and to the west by a residential property. Boundaries comprised a well maintained 2.5 metre hedgerow along the northern flank, timber post and rail fencing along the southern and western flanks and a number of mature trees to the east. There were large mature trees along the western boundary, which provided screening between the respective properties.

Government Policy PPS7; Local Development Framework Core Strategy Policy CP3 and Local Development Framework General Development Control Policies DC1 and DC28 were relevant to the determination of this application.

The only relevant planning history was for the erection of two dwellings (HR/26/74) which had been granted.

The Parish Council raised no objection to the proposal. The applicant and the applicant's agent spoke in support of the application.

The main issues in the determination of this application were considered to be the principle of the proposed development in this location, its effect on the character of the rural area and the visual amenities of the locality and the amenities of the occupiers of adjoining properties.

It was noted that the nearest adjoining dwelling to the west was located approximately 17 metres away. Given there would be no additional windows situated on this elevation, it was considered that there would be no material impacts in terms of overlooking or loss of amenity.

It was considered that the proposed extension would not be unduly prominent and would not have a material impact on the dwelling or the

DCN/79 Planning Application: DC/11/1881 (cont.)

street scene. Members considered that the proposal would be sympathetic to the scale and character of the existing dwelling and was, therefore, acceptable.

RESOLVED

That application DC/11/1881 be determined by the Head of Planning & Environmental Services, in consultation with the local Members, to allow the framing of appropriate conditions. The preliminary view of the Committee was that the application should be granted.

The meeting closed at 9.29pm having commenced at 5.30pm.

CHAIRMAN

**Report to Development
Control (North) Committee**



**Horsham
District
Council**

6th December 2011

By the Chief Executive

INFORMATION REPORT

Not exempt

Interests of Officers

EXECUTIVE SUMMARY

Barbara Childs, Spatial Planning Manager, has declared an interest in planning application DC/11/2274 for change of use from B1 to D1 at 2 Denne Parade, Horsham. The interest arises because the building is under the ownership of the officer's husband's family. The officer has confirmed that she will take no part in the processing or determination of the application.

The declaration has been made in accordance with Paragraph 18 of the Officers' Code of Conduct, which requires officers' interests in planning applications to be declared.

The declaration of interests by officers, and their non-participation in the processing and determination of planning applications ensures the protection of the public's rights

RECOMMENDATIONS

The Committee is recommended to note the report

REASONS FOR RECOMMENDATIONS

To ensure the requirements of the Council's constitution are met

Background papers
Email dated 18/11/11

Consultation

Ward affected

Contact
Lesley Morgan
Ext. No. 5123

DEVELOPMENT CONTROL (NORTH) COMMITTEE
6TH DECEMBER 2011
REPORT BY THE HEAD OF PLANNING & ENVIRONMENTAL SERVICES

APPEALS LODGED

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

1. **Written Representations/Householder Appeals Service**

DC/10/2632 The residential occupation of a building at Sussex Topiary (certificate of lawful development - existing)
Sussex Topiary, Naldretts Lane, Rudgwick, Horsham, RH12 3BU
For: Mr D Hatch

APPEALS DECIDED

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

- EN/5/2011 Without Planning Permission; the erection of a two storey extension on the south east elevation of the dwellinghouse, and the conversion and extension of the single storey extension that was permitted under reference T/43/99 to form a two storey extension on the North West elevation of the dwelling house.
The Green, Goose Green Lane, Thakeham, Nr Pulborough, RH20 2LW
For: Mr David Feeney
Appeal: **DISMISSED**
- EN/2/2011 Without Planning Permission; The unauthorised extension of the concrete apron/yard area.
Stonehouse farm, Hammerpond Road, Plummers Plain
For: Mr Gayne Cooper
Appeal: **ALLOWED**
- EN/3/2011 Without Planning Permission; The unauthorised erection of a milking parlour
Stonehouse farm, Hammerpond Road, Plummers Plain
For: Mr Gayne Cooper
Appeal: **ALLOWED**
- EN/4/2011 Without Planning Permission; The unauthorised construction on an underground slurry storage tank.
Stonehouse farm, Hammerpond Road, Plummers Plain
For: Mr Gayne Cooper
Appeal: **ALLOWED**
- DC/11/1126 Re-site existing closeboard wooden fence 100cm from its current location out to the boundary of the curtilage, install inward opening double gate across driveway and incorporate visibility splays
Wealden Grove, Newlands Road, Horsham, RH12 2BY
For: Mr Owen Marfany
Appeal: **ALLOWED** (Delegated)

DC/10/2683 Erection of new attached 3 bedroom dwelling in side garden of No. 1 Lucas Road
1 Lucas Road, Warnham, Horsham, RH12 3RG

For: Mr P Cavallini

Appeal: **ALLOWED** (Committee)

DC/11/0742 Demolition of existing fire-damaged carport/conservatory and construction of three-
bedroom dwellinghouse together with construction of single storey extension to No. 28
Wimblehurst Road.

28 Wimblehurst Road, Horsham, West Sussex

For: Mrs Zoe Harris

Appeal: **ALLOWED** (Officer Recommendation Overturned at Committee)



Horsham
District
Council

servicing our towns and villages

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 6th December 2011

DEVELOPMENT: Change of use to a mixed use comprising residential unit and meeting rooms

SITE: Stafford House Bonnetts Lane Ifield Crawley

WARD: Rusper and Colgate

APPLICATION: DC/11/1350

APPLICANT: Mr Farukh Shamsi

REASON FOR INCLUSION ON THE AGENDA: Officer Referral

RECOMMENDATION: It is recommended that planning permission be delegated for approval to the Head of Planning and Environmental Services, subject to the completion of a satisfactory S106 agreement to restrict the level of activity associated with the use of the community facility in the evenings and at weekends and subject to the following conditions:

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The applicant seeks permission for a change of use to a mixed use comprising residential unit and meeting rooms.
- 1.2 The applicant heads a small community of Shiah Muslims living in the vicinity of the application site which is registered with the Charity Commission. It was inaugurated on the 23rd September 1897 and has been active in the Crawley area since that time.
- 1.3 The applicant seeks permission to use the ground floor of the existing residential property for occasional low key use over three days per week for the purposes of a modest community meeting place for approximately 30 people at a time. The first floor of the premises would remain in residential use as the Imams residence. It is

proposed that the ground floor kitchen facility be shared, and that a ground floor window on the north east elevation is relocated to the north west elevation.

- 1.4 The applicants supporting statement states that in addition to the normal residential use of the premises, the weekly events would comprise Sunday school classes for children between 9am until 12noon one day per week and 2 weekday events for families between 6pm until 9pm on Tuesday and Thursday evenings. An additional evening event may occasionally occur during the evening between 6pm -9pm for a special occasion.
- 1.5 The applicant has stated that they are willing to enter into a suitable legal agreement limiting these regular activities to three days per week.
- 1.6 In addition to the above, the applicants supporting statement states that there are 2 one-day events and commemorative events during the Islamic months of Moharram (December 2010 – from 6pm until 9pm) and Ramadan (August 2010 – approximately 30 days from 6pm until 9pm). It is advised that the Islamic calendar is a lunar one and hence falls 10 days earlier every year and as such these events will gradually run around the calendar.
- 1.7 Seven car parking spaces are proposed including one disabled space. The existing access off Charlwood Road is to be widened. A turning area is proposed within the curtilage of the site.

DESCRIPTION OF THE SITE

- 1.8 Stafford House is a two storey detached dwelling located in a rural position at the junction of Charlwood Road and Bonnetts Lane. The site lies approximately 400 metres outside the built up area boundary to the town of Crawley which is located to the south west of the application site. To the north at a distance of about 1.5km, lies Gatwick Airport. The property lies within an area where there is only loose knit and scattered development including a range of farm buildings immediately to the north west of Bonnetts Lane. The house currently has 4 bedrooms at first floor level and four reception rooms and a small kitchen area on the ground floor. There are twin bays at ground floor level whilst at the rear it has a single storey flat roof extension. It has a fully hipped roof with a two storey hipped gable projection on the rear.
- 1.9 The site is located outside of any built up area boundary and therefore it is located within the countryside. The site is situated close to Gatwick Airport and is located within a noise sensitive area. The site also formed part of the 'West of Crawley Area of Study' during the Issues and Options stage of the Horsham District Local Development Framework – Core Strategy; however it has not been included within the area for future development expansion.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

2.2 PPS1, PPS7 and PPG24

RELEVANT COUNCIL POLICY

2.3 Local Development Framework Core Strategy 2007
CP1, CP3, CP5, CP13, CP14, CP15, CP17 and CP192.4 Local Development Framework GDCP 2007
DC1, DC2, DC3, DC9, DC17 and DC402.5 South East Plan 2009
SP1, SP2, CC1, CC6, CC7, T7, C4, C5, S6, GAT1,

PLANNING HISTORY

2.6

RS/72/00	REF	06/12/00	Variation of condition 4 of rs/8/94 to allow a garden/farm shop
RS/11/01	PER	11/04/2001	Conversion of buildings to dwelling & garage retention of access removal of hardstanding to form paddock
RS/33/03	PER	27/06/2003	Double garage and workshop
DC/05/0689	REF	01/09/2005	Change of use to HMO (used for rent to low income persons who rent a single room with ensuite facilities together with communal kitchen and eating facilities) and 2-storey extension. Appeal Dismissed
DC/05/1429	REF	01/09/2005	Change of use of land to airport parking for 55 cars. Appeal Dismissed
DC/05/2354	REF	30/11/2005	Retention of entrance gates
DC/05/2353	REF	02/12/2005	Change of use from residential dwelling to bed and breakfast. Appeal Dismissed

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 **Strategic Planning:** commented that:

The proposal has been considered against policies in the Core Strategy Development Plan Document 2007 and the General Development Control Policies Development Plan Document 2007.

The site is located outside the built up area boundary (BUAB) and should therefore be considered as countryside. Whilst development in this location is not generally permitted, the proposal involves the re-use of an existing dwelling which is encouraged under policy CP5. The application would subsequently be acceptable under policy provided that it does not conflict with any other policies.

The proposal appears to satisfy an identified need for the local Shiah community which is supported under policies CP14 and DC17, however under the provisions of these policies it is also important that the applicant can demonstrate that no alternative sites are available.

In conclusion I do not have any objection in principle to this change of use proposal provided it does not conflict with any of the general development control policies. Given the sites rural location it is felt that appropriate weight should be given to policies DC1, DC9 and DC40 to ensure the change of use would not result in a significant increase in the overall level of activity in the countryside. Ultimately the Case Officer must be satisfied that the application would not have a degrading effect on the surrounding environment and the amenity of local residents and it must be demonstrated that no alternative sites are available.

3.2 Public Health and Licensing: Commented that:

As long as the ownership of the residential unit and the meeting rooms is tied and that occupancy at the residential unit is linked to the use of the meeting rooms, I have no objections.

3.3 Horsham and District Access Forum: commented that:

The design and access statement makes reference to access for disabled people to the venue but is rather vague, please confirm the following:

- 1) How many disabled parking bays are there and will it be correctly marked out (6metres by 3.6metres) with relevant signage?*
- 2) Is there level access into the venue?*
- 3) There looks like no toilet provision on the ground floor, is that the case?*

OUTSIDE AGENCIES

3.4 West Sussex County Council: commented that:

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

The existing access onto Bonnetts Lane will be widened to accommodate the proposal. The works on the access to widen it will need to be agreed with the WSCC Local Engineer and be carried out under licence. Visibility from the point of access appears to be acceptable from an inspection of the plans and the most recently available accident data suggest there have been no recorded RTA's in the vicinity of the existing point of access. Based on the submitted information it is not anticipated that this proposal would see a material increase in traffic movements of what already currently exists.

If the LPA are minded to approve this application a condition securing any modification to the existing access should be included.

INFORMATIVE

The applicant is advised to contact the Area Engineer, West Sussex County Council, Worthing Road, Broadbridge Heath, Horsham, RH12 3LZ, Tel No: 01403 223900 to obtain formal approval from the highway authority to carry out the site access works on the public highway.

3.5 **Rusper Parish Council:** commented that:

Rusper Parish Council strongly objections to the change of use and the loss of a residential property. If converted this would adversely impact on this very busy junction.

PUBLIC CONSULTATIONS

3.6 **Neighbour Notifications** – 1 letters of support received from Henry Smith MP - House of Commons.

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 there are any implications for crime and disorder arising from this application.

6. **PLANNING ASSESSMENT**

6.1 The main considerations for this application are the principle of the proposed use in this location, the effect of the development on the character of the area, impact on amenities of nearby residential occupiers and existing parking and traffic conditions in the area.

Principle of Development

6.2 The site is located outside of any defined built up area boundary and as such is located within the countryside. The site is located close to the administrative boundaries of Crawley but is still within the jurisdiction of Horsham. The immediate area surrounding the application site is characterised by a mix of residential, commercial and hotel guest houses. However, the surrounding area is predominantly rural with some sporadic development, and as such the relevant countryside policies apply.

6.3 The Local Development Plan – General Development Control Policies, specifically policy DC1 ‘Countryside Protection and Enhancement’ requires that only

development essential to its countryside location is allowed outside of the built up area boundary.

- 6.4 LDF Policy DC1 states that outside of the built up area boundary, development will not be permitted unless it is essential to its countryside location and supports the needs of agriculture or forestry; enables the extraction of minerals or the disposal of waste; provides for the quiet informal recreation use; or ensures the sustainable development of rural areas. Any development must be to a scale appropriate to its countryside locations. Core Strategy Policy CP15 (rural strategy) encourages sustainable rural economic development to deliver economic and social environmental benefits for local communities. It further states that any development has to be appropriate to the countryside location, contribute to the wider rural economy, be contained within suitably located buildings which are appropriate for conversion and result in substantial environmental improvements and reduce the impact on the countryside. Such development should not harm the rural character of the area by virtue of the nature and level of activity involved and the type and amount of traffic generated or by other effects such as noise and pollution.
- 6.5 Your officers consider that whilst the application site is not considered to be located within a sustainable area in relation to the facilities within the Horsham District which are remote from the site, its geographical location is however in close proximity to the built up area of Crawley to the east and as such the site is appropriately placed close to services and public transport within the adjoining Borough of Crawley. The applicants also advise that the site is within sustainable walking and cycling distance of the main built up area boundary of Crawley and that is closer to the Shiah community than other mosques in the built up area of Crawley.
- 6.6 LDF Policy DC17 Redevelopment /Change of Use of Dwellings to Non Residential Use must also be considered. Policy DC17 states that the redevelopment / change of use of dwellings to non residential use will be permitted provided it meets with the following criteria:
- a) **the accommodation is not self-contained and there is no opportunity to provided such self containment.**

With regards to the above criteria, the proposal seeks to retain the residential use of the premises at first floor level with joint use of the ground floor kitchen. There would however be separate entrances to the first floor flat and to the community rooms proposed.

- b) **There are community benefits or an identified need that can be secured through the redevelopment /change of use, and no reasonable alternatives are available.**

The proposed partial change of use of the existing residential premises seeks to address the demand of a small low key community facility for Shiah Muslims.

The applicants supporting statement advises that the Shiah community, which has in the region of 170 community members living in vicinity of the application site, are

mainly based in the Langley Green Area, with the rest evenly spread throughout Crawley.

- 6.7 It is stated by the applicants that the ground floor of the premises is adequate to serve their needs on the basis that not all of the Shiah community will attend the property at the same time. The maximum anticipated number of people using the community facility is advised to be no more than 30 at a time.
- 6.8 LDF Policy D17 also requires that satisfactory evidence is provided to show that other suitable locations have been investigated and that no suitable alternative can be found. Such evidence has been submitted on behalf of the applicants from 'The Community Services Division' within Crawley Borough Council by way of a letter dated the 22nd August 2011 which confirms that the Millat-e-Jafferiyah group approached Crawley Borough Council in June 2003 regarding the needs of the group.
- 6.9 Various options were considered at the time including the hire of community centres and the hire of a sports and social club in Langley Green. These options were discounted on the grounds that they would not offer any long term viability and the lack of regular availability. In 2004 the Head of Community Services from Crawley Borough Council advised representatives of the Millat-e-Jafferiyah that Community centre hire was oversubscribed, and that Crawley Borough Council did not have any assets (land or buildings) identified as surplus to operational requirements that could be made available to the groups. The group were offered co-ordinated support to establish faith /community facilities with the Crawley's Community Development team. Various other options were considered none of which were considered suitable.
- 6.10 Crawley Borough Council's Community Development Officer confirms that it has taken seven years to find premises that they consider to be suitable and financially viable to meet their needs and that the group have exhausted all other possibilities for alternative sites within their authority.
- 6.11 Local Development Framework - Core Strategy policy CP14 Protection and Enhancement of Community Facilities States that New or Improved community facilities will be encouraged in order to enrich the overall quality of life within the District, and particularly where they meet the identified needs of the local communities. These facilities or services may exceptionally be located outside such areas where this is the only practicable option and where a suitable site well related to an existing settlement exists.
- 6.12 Local Development Framework - Core Strategy policy CP16 Inclusive Communities states that Positive measures that help create a socially inclusive and adaptable environment for a range of occupiers and users to met their long term needs will be encouraged and supported, including the of specific needs of minority groups.
- 6.13 The policy amplification to LDF policy CP16 advises that 'communities will only be sustainable if they are fully inclusive and deliver the necessary standards of services'. It also states that 'It is important that development shod contribute towards meeting the needs of all sections of the community and help to encourage social cohesion and that we will ensure that opportunities are taken to address identified needs and that the services which promote and support health and well-

being are accessible and effective, having regard to the circumstances of the people for whom they are provided’.

- 6.14 Your officers note that proposed use of the existing dwelling for both residential on the first floor and meeting rooms on the ground floor in association with its use as an Imams (Priests) House, does not involve any major alterations. Therefore, should the need arise in the future, the unit could revert back to solely residential use, by way of the submission of an appropriate application to the Local Planning Authority.

Impact on the Visual Amenities

- 6.15 As previously stated there are no fundamental physical alterations proposed. It is advised that one window will be relocated from the north east elevation to the north west elevation in order to prevent overlooking to a neighbouring property. As such, it is considered that there are is no impact on the private amenity through overlooking.
- 6.16 It is proposed to increase the width of the access off Charlwood Road. It is not considered that the proposed widening of the access would result in any significant or detrimental visual impact on the street scene and as such the Council do not raise any objection in this respect and as such the proposal is considered acceptable when assessed against LDF policy DC9 Development Principles.
- 6.17 The applicant advises that the proposed parking area would be constructed using a permeable material such as ‘Grasscrete’ or other similar material to allow grass to grow through and maintain the perception of a lawn. Car parking would be adequately screened to prevent any adverse impact upon the visual amenities of the surrounding rural character of the area. As such the impact of the proposal in terms of visual amenities and character of the area is considered appropriate.

Impact on Residential Amenities

- 6.18 It is considered that the combined use of the premises for both residential and community use in terms of the level of activity associated with it would remain relatively low key given that the weekly events would comprise Sunday school classes for children between 9am until 12noon one day per week and 2 weekday events for families between 6pm until 9pm on Tuesday and Thursday evenings, with an additional evening event which may occasionally occur during the evening between 6pm -9pm for a special occasion.
- 6.19 In addition to the above, the applicants supporting statement states that there are 2 one-day events and commemorative events during the Islamic months of Moharram (December 2010 – from 6pm until 9pm) and Ramadan (August 2010 – approximately 30 days from 6pm until 9pm). It is advised that the Islamic calendar is a lunar one and hence falls 10 days earlier every year and as such these events will gradually run around the calendar.
- 6.20 In view of the above, it is not considered that the number of people using the proposed community facility for the limited times as proposed above would result in such a significant level of activity that would result in any appreciable or demonstrable loss of residential amenity to occupiers of nearby residential

properties and as such the proposed use is considered acceptable when assessed against LDF policy DC9 Development Principles.

Traffic and Highway Safety

- 6.21 The applicants propose that seven car parking spaces including one disabled space will be provided, and advise that it is anticipated that it is likely that many people will car share, walk, or cycle or use public transport to the proposed community rooms.
- 6.22 The applicants have submitted a Green Travel Plan with the application which sets out the objectives to reduce the reliance on the car by the users of Stafford House and to encourage these same users to take an active part in formulating plans to further reduce this reliance through car share schemes, use of public transport, and healthier options such as walking and cycling.
- 6.23 There are a number of bus routes which serve the area, the service details are set out within the travel plan. The routes include Southdown Route 257, Metrobus No 2 route, and Gatwick DIRECT routes 200 and 300 providing regular links throughout weekdays and weekends. The travel plan is appended to this report for reference.
- 6.24 The applicants advise that a volunteer from the community would act as Plan Co-ordinator to encourage and co ordinate car shares. Full details which set out methods for achieving the objectives to achieve reduced car usage and the effective monitoring of the 'travel performance' by this community group are set out within the travel plan attached.

Consultation Responses

- 6.25 West Sussex County Council highways have raised no objections to the proposed development and confirm that the visibility splays indicated on plan number 1571.1/02 are considered acceptable.
- 6.26 Based on the applicant's submitted information, WSCC Highways do not anticipate that this proposal would see a material increase in traffic movements from that which currently exists and as associated with the existing residential use.
- 6.27 The works to widen the access from Bonnetts Lane will need to be agreed with the WSCC Local Engineer and would need to be carried out under licence. They advise that if the LPA are minded to approve this application a condition securing any modification to the existing access should be included.

Conclusion

- 6.28 The application proposals in this particular case are considered to accord with the Local Development Framework Core Strategy policies specifically CP14 Protection and Enhancement of Community Facilities and Services and CP16 Inclusive Communities and DC17 Change of Use of Dwellings to non residential use.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission be delegated for approval to the Head of Planning and Environmental Services, subject to the completion of a satisfactory S106 agreement to restrict the level of activity associated with the use of the community facility in the evenings and at weekends and subject to the following conditions:

1. A2 Full Permission

2. The primary uses hereby approved shall be as residential use (first floor) and community facility for use by the Shiah Community (ground floor) as set out within the approved documents and not for any other commercial use or community facility unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the local planning authority to control the use of the site and because the uses would be contrary to policy DC1 of the Horsham District Local Development Framework: General Development Control Policies (2007).

3. The activity associated with the use of the community facility by the Shiah Community (ground floor) shall only be open to visitors between the hours of 9am - 12 noon one day per week and 2 weekday events on Tuesday and Thursdays between 6pm and 9pm and as set out within the application details and at no other times unless otherwise agreed in writing by the Local Planning Authority together with a maximum of 2 one day events/ commemorative events during the Islamic months of 'Moharram' and 'Ramadam' as set out in the applicants supporting statement received 27th July 2011 in any one calendar year with the maximum number of attendees as set out in that document under the 'sustainability' section.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

4. The community facility hereby approved shall remain linked to the primary residential use of the property and shall at no time be used independent to the use hereby approved.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

5. N15 No public address systems.

6. All parking associated with the uses hereby approved shall be located within the area shown annotated as such on the plan 15712.1/02 received 27th July 2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

7. Within one month of the hereby approved use, a time frame shall be agreed with the Local Planning Authority for implementation of the measures and actions as set out within the agreed Travel Plan aimed at promoting sustainable travel choices and reducing reliance on the private car. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by, the Local Planning Authority at annual intervals as set out within the agreed time frame. Should the travel plan reviews indicate a need for additional wheelchair user parking to be provided on the site, this shall be implemented through the conversion of existing spaces, in agreement with the Local Planning Authority.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies DC40 of the Horsham District Local Development Framework: General Development Control Policies (200) and policy CP13 of the Horsham District Local Development Framework: Core Strategy (2007).

8. The use hereby permitted shall not be commenced unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of recycling facilities in accordance with policy CP2 of the Horsham District Local Development Framework: Core Strategy (2007).

9. Before development commences, details of the provision of facilities for the parking of cycles shall be submitted to and approved by the Local Planning Authority and the facilities so provided shall be thereafter retained solely for that purpose.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

10. The premises shall not be used for the production of food to be sold off the premises.

Reason: To enable the Local Planning Authority to control the use of the site and because other uses would be contrary to policy DC1 of the Horsham District Local Development Framework: General Development Control Policies (2007).

11. L1 *Hard and soft landscaping*

12. The land surrounding the dwelling edged in red on the approved Plan 15712.1/02 received 27th July 2011 shall remain as open space and shall not at any time be used for external celebration and no marquee or other means of accommodation shall be erected in this location associated with the use of the property as a community facility.

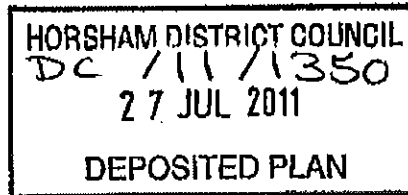
Reason: To ensure a satisfactory development and in the interests of amenity in accordance with policy DC9 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

8. REASONS FOR RECOMMENDATIONS

1. ICAB2 The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality.
2. ITHP4 The proposal includes satisfactory provision for parking that would be functionally and visually acceptable.
3. ITHP5 The use of the existing access would not affect the convenience and safety of other highway users.
4. IDP1 The proposal is consistent with the provisions of the development plan.

Background Papers: DC/11/1350
Contact Officer: Amanda Wilkes

Green Travel Plan for Stafford House, Bonnets Lane, Ifield, RH11 0NX



Introduction

Government planning guidance is summarised in **PPG 13**.

PPG 13

Key objectives of **PPG13** are to:

- *Promote more sustainable transport choices for both people and for moving freight;*
- *Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and*
- *Reduce the need to travel, especially by car.*

Notwithstanding this last objective, PPG13 recognises that:

"The car will continue to have an important part to play and for some journeys, particularly in rural areas, it will remain the only real option for travel."

PPG13 advises local authorities that in order to deliver these objectives they should, among other things:

"ensure that development comprising jobs, shopping leisure and services offers a realistic choice of access by public transport, walking, and cycling, recognising that this may be less achievable in some rural areas."

PPG13 in relation to rural areas

Paragraph 35 states, among other things:

"Where there is a clearly established need for [such] development and it cannot be accommodate in or on the edge of existing centres, it may be appropriate to combined the proposal with existing out of centre developments, provided that improvements to public transport can be negotiated."

Stafford House is on the edge of of Crawley's built up area. Although technically in a rural area, in reality, it is situated on the outskirts of a large town. The majority of the Shiah community live within a short distance of Stafford House, mainly in Langley Green.

Green Travel Plan

Objectives

1. To reduce reliance on the car by the users of Stafford House and to encourage these same users to take an active part in formulating plans to further reduce this reliance.
2. To encourage greater use of the existing bus services which will benefit other service users as well as the Shiah community.
3. To encourage car share schemes to further reduce the number of cars required to get members to and from Stafford House.
4. To encourage healthy alternatives to the car for travelling, such as cycling and walking.

Public Transport

Immediately outside Stafford House is a bus stop served by Southdown PSV's no 257 route which provides an hourly service Monday to Friday from 0716 to 1844 and a Saturday service operating mainly every 90 minutes from 0829 to 1703 linking Crawley, Three Bridges, Tinsley Lane, Gatwick Road, Shipley Bridge, Copthorne, Burstow, Smallfield, Horley, Hookwood, Charlwood, Ifield, West Green and links with route 424 Reigate to Horley route.

50m southeast of Stafford House is a bus stop on the Metrobus No 2 route, which, Monday to Friday, provides a half hourly service from 0551 to 0723 then a service every 12 minutes until 1803 then a quarter-hourly service until 1906. A similar service is provided on Saturdays and on Sundays half hourly between 0713 and 1014, a service every twenty minutes between 1034 and 1719. The Metrobus No 2 route serves Tilgate, Furncae Green, Crawley, West Green, Ifield, Shopping Parade, Ifield West (Yewlands Walk) and Ifield West (Hyde Drive Shops)

The bus stop at Graffham Close Ifield is about 400m from Stafford House this stop is also served by the Metrobus No 2 service and also the Gatwick DIRECT routes 200 and 300 which run to this stop from 0430 until 2309 Mondays to Fridays approximately half-hourly between 0430 and 0525, then quarter-hourly until 0757 then approximately half-hourly until 2309. Saturdays the service is half-hourly from 0430 until 2309 and a half hourly Sunday service from 0430 until 2309. This Route serves Gatwick, City Place, Gatwick Road, and Langley Green before stopping at Ifield.

Car-share Schemes

These schemes have proved successful all over the world and in a small tight-knit community such as the Shiah congregation in Crawley such a scheme would be easy to organise. Information will be provided as to the cost benefits of car sharing as well as the benefits of only having to drive for a percentage of the time, which will be determined by how many share a car, plus the social aspect of travelling together.

Priority could be given to the parking of shared cars at Stafford House over cars driven by lone drivers.

Cycling and Walking

The health benefits of cycling and walking are clear and well publicised. Publicity material promoting cycling and walking is freely available and will be displayed on the notice board in Stafford House. Community members will be encouraged to take up these methods of travel, promoting the benefits to health and fitness as well as green travel. Since, as stated above, the majority of the Shiah community live in nearby Langley Green, the take-up for walking and cycling is expected to be high. The plans accompanying this application identify cycle parking.

Plan Management

Simple actions can lead to significant results and often begin with raising awareness and providing simple channels through which simple schemes can be implemented.

Plan Coordinators

A volunteer from community will act as Plan Coordinator who will inform and encourage other members in the Travel Plan and arrange car shares.

Publicising the Plan

The community leaders will publicise the plan through appropriate literature, posters etc. and can aid the implementation of a travel plan in a number of ways including publicising the various alternatives to travel by car and educating members as to the personal and economic benefits of alternative travel methods.

Creating the conditions in which community members can easily take part

Take-up of the plan by members can be made easier in a number of ways: by time-tabling meetings so that bus services can be utilised without members having to stand at bus stops for a long time or having to arrive too early; by providing facilities

for cyclists to change and store cycling clothes, and by putting new members in contact with car-sharers and the Plan Coordinator.

Plan Monitoring

Setting Targets and Publicising Outcomes

The initial target of the plan is to minimise the impact that the change of use of the ground floor of Stafford House will have on travel to the site by car. Regular surveys to show how habits have changed would be published on site to encourage further participation. Updates on "travel performance" would be circulated.

All measures need to be ongoing and reinforced by feedback and positive action to reduce travel by car not just as a temporary fad but as a culture change that will be permanent.

Conclusion

The main objective of the Stafford House Travel Plan will be to reduce journeys to and fro by car and promote more sustainable and often healthier ways to get to and from Stafford House.

The scheme will be promoted by community leaders and by individuals and monitored by the Plan Coordinator and results published to provide feedback and encouragement to all members.

The Plan will be a permanent feature of the Shiah community using Stafford House.

The Shiah community in Crawley is small, so it is expected that on any of the three event days numbers at the Imam's house will be small. This coupled with this plan will result in very small number of traffic movements.

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DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 6th December 2011

DEVELOPMENT: Erection of one 2-bed dwelling

SITE: Land to the rear of Rossbank, Worthing Road, Horsham

WARD: Southwater

APPLICATION: DC/11/2097

APPLICANT: Mr John Isbister

REASON FOR INCLUSION ON AGENDA: Agent request to speak

RECOMMENDATION: To refuse planning permission

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 one 2 bed dwelling on land to the rear of Rossbank.

DESCRIPTION OF THE SITE

- 1.2 The application site is part of a rectangular block of garden land located to the rear of the properties known as Rossbank and Cherry Trees which front onto Worthing Road. This land forms part of the rear gardens of 2 detached dwellings recently granted permission under references DC/09/0646 (Outline Planning Permission) and DC/10/0727 (Approval of Reserved Matters). These applications have yet to be implemented.
- 1.3 The application site has dimensions of approximately 30.8metres long by 16.7metres deep. The bulk of the site is currently laid to lawn and there is a mature hedge and partial tree screen along its southern boundary. A number of trees along this boundary have been removed since the determination of DC/09/0646. There is a mix of trees and hedge along the western boundary.

- 1.4 The site lies at the north end of the settlement of Southwater with the donor property known as Rossbank forming a detached property on the west side of Worthing Road. To the north of the application site there is a disused nursery (Land to the rear of Trollslund and The Rest) which lies outside the built up area boundary of the settlement and which has recently received planning permission for the erection of 11 residential dwellings (DC/09/1923 & DC/10/2664) and which is currently under development. To the west of the site lies the bungalow property known as Lorna Doone. This bungalow is accessed via a narrow private drive running down the side of Rossbank and along the northern boundary of the site. The track is bounded by a hedge on both sides.
- 1.5 The front elevation of Lorna Doone faces towards the application site. The south of the application site backs on to the substantial garden curtilage attached to the property known as Sunny Side, this being another detached property fronting onto Worthing Road. The site is within the built up area boundary of Southwater as identified within the Horsham District LDF Proposals Map 2007.

PLANNING HISTORY

- 1.6 The site has a relatively extensive planning history, with the most relevant of applications being as follows:

HR/53/87 Erection of 2 detached bungalows (outline) – Refused

SQ/29/87 Erection of 2 bungalows, and garages (outline) – Refused

SQ/15/91 Erection of 2 detached bungalows, double garages, alteration to access & closure of existing access – Refused

SQ/39/92 Erection of 1 bungalow & garage (outline) – Refused

DC/08/0892 Erection of 2 x semi-detached 3-bed chalet dwellings and 2 x 3-bed semi-detached houses with access road and garages and replacement garage for Rossbank (Land to the rear of Rossbank) – Refused. Appeal Withdrawn

DC/09/0646 Erection of 2 detached dwellings (outline) to the rear of Rossbank – Permitted

DC/10/0727 Erection of a detached dwelling (4-bed) on land to the rear of Rossbank (Approval of Reserved Matters) – Permitted

DC/10/1397 Erection of a detached dwelling (4-bed) on land to the rear of Rossbank – Refused

DC/10/2087 Erection of a two-bedroom chalet bungalow on land to the rear of Rossbank – Refused

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 PPS1, PPS4, PPS7, PPG13 and PPG24

RELEVANT COUNCIL POLICY

- 2.3 The relevant policies of the Local Development Framework Core Strategy are CP1, CP2, CP3, CP13 and CP19.
- 2.4 The relevant policies of the Local Development Framework General Development Control Policies Document are DC2, DC8, DC9 and DC40.
- 2.5 The relevant policies of the South East Plan are CC1 and CC4.

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 None received

OUTSIDE AGENCIES

- 3.2 Southwater Parish Council – *“Object, on the grounds of over intensification of the site, and concerns that access onto Worthing Rd is poor, and would not be suitable for access for cars for five houses.”*
- 3.3 West Sussex County Council Highways – *“The erection of a new dwelling would not be anticipated to have a negative impact on highway safety in this location.*

WSCC would recommend, however, that a condition is attached to any consent securing the provision of a plan detailing the location of all parking bays at this site to ensure that the demand at the site can be accommodated.”

PUBLIC CONSULTATIONS

- 3.4 4 letters have been received from neighbouring residential properties objecting to the proposal on the following grounds:
- The proposed development is out of keeping with the surrounding area – many of the properties in the area are large 4 or 5 bedroom houses with large gardens
 - Highway Safety - Access to the Worthing Road is very narrow and emerges adjacent to a bus stop
 - No material difference between the previously refused application DC/10/2087
 - Overdevelopment of the site
 - Concerns over the future development of the site

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 there are any implications for crime and disorder arising from this application.

6. PLANNING ASSESSMENT

- 6.1 The main issues in the determination of this application are considered to be the principle of the residential development in this location, whether the proposal is in character with the pattern of residential development in the locality, its impact on trees, the affect upon neighbouring residential amenity and highway/traffic issues.

Background:

- 6.2 The site has a relatively extensive planning history, with a number of applications that your officers consider particularly pertinent. Under DC/08/0892, 2 pairs of semi detached properties (2 houses and 2 chalet bungalows each with attached single garage) were proposed with one pair on a north-south axis and one pair sited on an east-west axis. The height of the dwellings closest to the adjoining property to the west 'Lorna Doone' measured 7.1m to the ridge and would be sited 16.6m from this property. The proposal was considered to be cramped within its site boundaries and out of character with its surroundings. The number, size, scale and position of the dwellings in relation to the site boundaries and neighbouring properties were considered to represent overdevelopment of the site.
- 6.3 Two detached dwellings were granted outline planning permission on the site under DC/09/0646 with the Reserved Matters approved under DC/10/0727. The units were considered to retain an acceptable distance to adjoining boundaries and properties with a distance of approximately 33m from Lorna Doone and 31m from Rossbank. An adequate level of private amenity area was also provided as part of the proposal.
- 6.4 An application for one dwelling was refused under DC/10/1397 which proposed a 4 bedroom property on a similar siting to the current application. The property was proposed to be positioned 13.1m from Lorna Doone with a ridge height of 7.1m and would occupy land allocated as rear garden area which was previously determined appropriate for two dwellings (under DC/09/0646 & DC/10/0727) and was considered to further encroach on the outlook of the occupiers of Lorna Doone. The reason for refusal in relation to this proposal was, *"the proposed dwelling by reason of position in relation to the site boundaries and proximity to adjacent residential properties, including those yet to be built (granted under planning reference DC/09/0646 and DC/100727) would represent overdevelopment of the*

site out of keeping with the area and would result in an undesirable form of development and loss of outlook to adjacent properties, in particular Lorna Doone to the west.”

- 6.5 A two bedroom chalet bungalow was proposed under DC/10/2087. This had a similar siting to the application currently being considered with a distance of 13.1m being retained to Lorna Doone and a proposed ridge height of 6.8m. Your officers had similar concerns over the development (as with DC/10/1397) regarding the removal of garden area for the two previously permitted dwellings and impact on the outlook of Lorna Doone. The reason for refusal was, *“The proposed dwelling by reason of position in relation to the site boundaries and proximity to adjacent residential properties, including those yet to be built (granted under planning reference DC/09/0646 and DC/10/0727) would represent overdevelopment of the site out of keeping with the area and would result in an undesirable form of development and loss of outlook to adjacent properties, in particular Lorna Doone to the west.”*
- 6.6 The current proposal would be sited approximately 15m from ‘Lorna Doone’ and would incorporate a proposed ridge height of 7.4m, an increase in ridge height from the most recently refused application.

Principle of Development:

- 6.7 The application site is located within the built-up area of Southwater, a Category 1 settlement, in a relatively sustainable location within walking and particularly cycling distance of local amenities and is also easily accessible to the village centre.
- 6.8 Government guidance advises of amendments to PPS3, which has removed at Annex B, private residential gardens from the definition of previously developed land. Furthermore, the national indicative minimum density of 30 dwellings per hectare has also been deleted from PPS3. The Government have advised that this is to prevent the overdevelopment of neighbourhoods and ‘garden grabbing’.
- 6.9 The site is considered to be in a sustainable location, and therefore the principle of residential development on the site is acceptable and does not conflict with the overarching principles of PPS3 and meets the objectives of the policies within the LDF, subject to a thorough assessment against all other development management criteria. In this respect, the planning history of the site, especially the permitted applications that granted 2 dwellings on the site (DC/09/0646 - Outline and DC/10/0727 – Approval of Reserved Matters) and particularly the two recently refused applications for an additional dwelling on the site (DC/10/1397 & DC/10/2087) are considered relevant considerations. However, this proposal needs to be considered and assessed on its individual merits.
- 6.10 The application site, formed part of a larger site which was subject to an application for the erection of 4 dwellings (DC/08/0892) which was refused. Therefore the current application would in effect be the ‘third’ dwelling on this larger site. The current proposal needs to be assessed against the usual development management criteria.
- 6.11 The applicant makes reference to the adjacent site, Land rear of Trollslund and The Rest, and the development which was granted for 11 dwellings under planning

reference DC/09/1923. Whilst this is a consideration in assessing the proposed development subject to the current application, there are a number of distinctions between the adjacent site and the application site.

- 6.12 A distinction between the application site and the adjacent site is the adjacent site was identified within the Reserved Housing Sites Preferred Options DPD (2008) as potentially appropriate for development for 14 dwellings and secondly the subsequently approved proposal was assessed against the requirements of the FAD SPD which arose because the Council realised the need to adopt a more 'flexible' approach to housing land allocation to ensure that sufficient housing supply can be provided during the life of the Core Strategy (2007), particularly to deal with changing circumstances. The application at the adjacent site was assessed on the basis of the FAD SPD and was considered to comply with the criteria therein. The current application site is located within the defined Built Up Area Boundary. Furthermore, the adjoining site is larger and of different dimensional proportions. It is therefore concluded the two sites although adjoining have different characteristics in terms of shape and size and are therefore not directly comparable in this regard.

Design and siting

- 6.13 In terms of acceptability of provision of a dwelling on the site, it is necessary to consider the character of the surrounding area including house type and plot sizes. The northern end of Worthing Road is characterised predominately by detached properties set within generous sized plots. New Road, accessed from Worthing Road is characterised also by detached properties which are set within smaller plots at the eastern end of the road graduating to larger plots at the western end of the road, more commensurate with those within Worthing Road.
- 6.14 The size of plot for the recently approved dwellings (DC/09/0646 & DC/10/0727) forming part of the current application site was considered appropriate having regard to the pattern of development within the area together with the amenities of the occupiers of adjacent properties.
- 6.15 Application DC/08/0892 was for the erection of 4 dwellings on a site comprising the land between Rossbank and Lorna Doone bound by the curtilage of the northern boundary of the residential dwelling known as Sunny Side (part of this area forms the current application site). This aforementioned application was refused on the grounds on the number, size, scale and position of the dwellings in relation to the site boundaries and neighbouring properties, representing an overdevelopment of the site.
- 6.16 Subsequent applications DC/09/ 0646 and DC/10/0727 for the erection of two dwellings on this site were considered acceptable, retaining the pattern of development and adequately respecting the relationship between adjacent dwellings.
- 6.17 It is considered that the current scheme, which proposes a dwelling which is of a design that includes an increase in ridge height from the most recent refusal (DC/10/2087), albeit a slightly smaller footprint, would occupy land allocated as rear garden for the two recently approved dwellings under DC/09/0646 and DC/10/0727.

This, it is considered would result in the loss of garden area previously determined to be appropriate for two dwellings.

- 6.18 Your officers are of the view that the current scheme represents overdevelopment of the site and results in a cramped and contrived appearance to the detriment of the character of the area. The reduction of the private amenity areas for the two recently approved dwellings would have a negative impact on the quality of the residential environment for the future occupiers of these properties. It is therefore considered that the design, siting and layout of the current scheme is unacceptable in its present form.

Amenity

- 6.19 The proposed dwelling would be approximately 15m from the property known as Lorna Doone. This adjacent property fronts toward the application site. It is considered that the proposed dwelling, being of a two-storey construction, with its increased ridge height from the previously refused application (DC/10/2087) albeit sited 2m further away from Lorna Doone, would encroach onto the outlook from this property resulting in an overbearing appearance. It is considered that the proximity of the two approved dwellings granted under references DC/09/0646 and DC/10/0727 represented an acceptable distance between Lorna Doone to the rear and Rossbank and Cherry Trees to the front.
- 6.20 The siting of the current proposal is considered to have a harmful impact on the outlook of the occupiers of Lorna Doone and an unacceptable impact on the amenities of adjoining occupiers of the currently unimplemented adjoining scheme by way of a reduction in the level of private amenity area provided to these properties.

Highway safety and parking

- 6.21 West Sussex County Council Highways Department have confirmed that the erection of a new dwelling on the site would not be anticipated to have a negative impact on highway safety in this location. It would be considered necessary however to ensure that adequate parking on site could be provided should planning permission be granted.

Sustainability

- 6.22 Any new dwelling should also have regard to its impact on the environment. Policy DC8 of the Development Plan expects dwellings be designed to take account of their impact on the environment, by way of reducing unnecessary draw on water and energy resources and reduce the amount of waste created from the development during its lifetime. The Council would expect any new dwelling to meet a minimum standard of Level 3 of the Code for Sustainable Homes. The applicant has confirmed the proposed dwelling would meet this expectation. In the event that planning permission were recommended, the requirement to meet Code Level 3 could be secured by condition.

Infrastructure Contributions

- 6.23 The application would trigger the requirement to provide infrastructure contributions. The level of County contributions required are £1,800 comprising £90 towards Fire & Rescue and a TAD contribution of £1,710. District Council infrastructure contributions generated by the proposal comprise open space and recreation (£1467), community centres and halls (£324), local recycling (£162). The applicant has confirmed that they are willing to enter into an agreement if planning permission is granted, however there has been no submission of an appropriately signed and dated legal agreement at the time of writing this report.

Conclusions:

- 6.24 In conclusion, it is your officers view that the proposed development is considered to represent overdevelopment of the site and would have an unacceptable impact on the character of the area and amenities of the area and would have a material adverse impact on the amenities of adjoining residential occupiers. It is considered that the addition of one residential unit above the previously approved two dwellings would have a materially adverse impact on the character of the area and is therefore considered to be unacceptable.

7. RECOMMENDATION

- 7.1 It is recommended that Planning Permission be refused for the following reasons:

- 01 The proposed dwelling by reason of position in relation to the site boundaries and proximity to adjacent residential properties, including those yet to be built (granted under planning reference DC/09/0646 and DC/100727) would represent overdevelopment of the site out of keeping with the area and would result in an undesirable form of development and loss of outlook to adjacent properties, in particular Lorna Doone to the west. As such the development is contrary to policies CP3 and CP5 of the Horsham District Local Development Framework Core Strategy (2007) and policies DC2 and DC9 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).
- 02 The proposed development makes no provision for contributions towards improvements to transport, fire service infrastructure or community facilities and is thereby contrary to policy CP13 of the Horsham District Local Development Framework Core Strategy (2007) and policy DC40 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

Background Papers:

DC/11/2097

Contact Officer:

David Taylor



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DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North
BY: Head of Planning and Environmental Services
DATE: 6th December 2011
DEVELOPMENT: Proposed two-storey side extension
SITE: 17 The Copse Southwater
WARD: Southwater
APPLICATION: DC/11/1961
APPLICANT: Mr Robert Upton

REASON FOR INCLUSION ON THE AGENDA: Officer Referral

RECOMMENDATION: To refuse planning permission

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 a two-storey side extension. This application follows the withdrawal of a previous similar scheme under DC/11/0970. The ground floor part of the extension would extend the full depth of the house and would have a small mono pitch roof detail at the front and the first floor element would be set back from the front wall of the house by 2metres and the ridge would be set down from the main roof of the house by 0.5metres.

DESCRIPTION OF THE SITE

- 1.2 The site comprises a two-storey end of terraced property that lies on the north side of a cul-de-sac accessed on the north side of Cedar Drive in the built up area of Southwater.
- 1.3 The cul-de-sac is made up of similar building types set in groups of terraced, detached and flatted dwellings with staggered building lines and characteristic gaps between the groups of buildings. The cul-de-sac is also in the open plan concept. .
- 1.4 The application site is located at the head of the cul-de-sac and opposite the vehicular access into the road.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

2.2 PPS1

RELEVANT COUNCIL POLICY

2.3 The relevant policies of the LDF Core Strategy are CP1 & CP3.

2.4 The relevant policies of the Local Development Framework General Development Control Policies policy DC9

2.5 The relevant policy of the South East Plan 2009 is policy CC6 Sustainable Communities and Character of the Environment

PLANNING HISTORY

2.6 SQ/155/03 – Single storey side extension – Permitted. unimplemented and now lapsed
DC/11/0970 – Two-storey side extension – Withdrawn

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

3.1 A letter of objection has been received from No18 The Copse in respect of;

- Loss of light to a landing window which also provides borrowed light to a dining room
- Proximity to the side boundary and perception of 'terraced' effect

A letter of support has been received from No16 The Copse

3.2 Southwater Parish Council – No objection

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 proposal gives rise to any crime and disorder implications.

6. PLANNING ASSESSMENTS

- 6.1 The main issues include the impact of the proposal on the visual amenities and character of the area and the impact on the residential amenities of adjoining occupants.
- 6.2 The site lies within the built up area of Southwater and is located on the northern side of a cul-de-sac, accessed from the north side of Cedar Drive. The properties within this part of the development are mainly terraced with a staggered building line amongst the terraced blocks that are, at intervals, interspersed with detached and some flatted properties. The development is in the open plan concept, with small back gardens bounded by wooden fences.
- 6.3 DC9 states that; planning permission will be granted for developments which make efficient use of land, do not cause unacceptable harm to the amenities of neighbouring occupiers, ensures that the scale, massing and appearance is of a high standard of design and is locally distinctive in character.
- 6.4 The proposed extension would be clearly visible on the approach into the Close from Cedar drive; and given its position within the Close, it is considered, would harm the spacious feel of the development resulting in a development that would close this gap at the head of the cul-de-sac to the detriment of the character and visual amenities of the streetscape.
- 6.5 It should be noted that the current application is a resubmission of the original, DC/11/0970 application and there are no changes to the current proposed scheme. The proposal is not set back from the side boundary at first floor level to avoid the appearance of a "cramped" form of development with adjoining properties.
- 6.6 The applicant has sought to justify the proposal and its impact on the character and visual amenities of the streetscene referring to, other extensions on properties within the Cedar Drive area, in particular, at No25 'The Copse' which is located on the opposite side of the road from the application property to the southeast. This property, while it has been extended to the side and is built up to the side boundary, the extension is a single storey attached garage extension. It is acknowledged that it is built up to the boundary but it abuts the adjacent footpath that links 'The Copse' with the neighbouring road 'The Oaks'. Furthermore, given its location within the road, it is not readily visible in the streetscene likewise, with regards to the other properties mentioned it is not considered they are directly comparable to the current proposal.
- 6.7 The adjacent property, No18, is a detached property the lies to the east of the application site. The main house is set back from the side boundary by 1.0metres. The occupier has written in response to the application and raises concerns regarding the impact of the proposal on a window in the flank wall that faces the

application site. The window referred to serves primarily to light a landing which is a non-habitable room. However, the occupiers say that as a result of the open plan layout it also provides 'borrowed' light to the dining room at ground floor level.

- 6.8 Whilst the main house of No18 is set further back from the road than the application site, and the window in question is situated closer to the front elevation. In view of the fact that the proposed first floor extension is set back from the front elevation of No17. It is unlikely, given its position, that this window would suffer any material impact as a result. It is considered therefore that there would be no material adverse affects on the amenities of the neighbouring occupiers of No18 as a result of the relationship and the nature of the window in question.
- 6.9 In conclusion, It is considered that it is important to ensure that any alterations or additional buildings should respect the character of the area. It is considered that the proposal would thus be harmful to the spatial qualities of the cul-de-sac in this respect. The two-storey side extension proposed would it is contended unduly erode the already limited spacing between the flank wall of the application property and the adjacent property No18 to the east and is therefore considered unacceptable and the detrimental to the character and visual amenities of the streetscape in this locale.

7. RECOMMENDATIONS

Refuse

The proposed two storey side extension by reason of its size, siting, design and relationship with the eastern boundary would result in the loss of the gap between this property and its boundary in particular at first floor level, causing a cramped form of development resulting in material harm to the visual amenities and character of the area. The proposal is therefore contrary to the aims of policies within the Development Plan, in particular Policy CP3 of the Local Development Framework: The Core Strategy 2007 and policy DC9 of the Local Development Framework: General Development Control Policies 2007.

Background Papers: DC/11/1961
Contact Officer: Pauline Ollive



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DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 6th December 2011

DEVELOPMENT: Installation of 86 No. photovoltaic panels to roof of commercial premises

SITE: Rudgwick Metals Ltd Church Street Rudgwick

WARD: Rudgwick

APPLICATION: DC/11/2289

APPLICANT: Mr John Bailey

REASON FOR INCLUSION ON THE AGENDA: Applicant is a Council member

RECOMMENDATION: To grant planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application proposes the installation of 86 No. photovoltaic panels on the south facing slope of the existing Rudgwick Metals workshop roof.
- 1.2 Of the 10 kW total power generated by the proposed system, around 50% will be used to power the existing factory and offices, and 50 % will be exported (fed back) to the grid.

DESCRIPTION OF THE SITE

- 1.3 The site lies on the north side of Rudgwick, to the east of Church Street, within the built-up area boundary. At present, the site comprises the primary Rudgwick Metals business which is contained within a portal frame unit, adjoined to the west by corrugated clad industrial buildings and to the south by a number of substantial open fronted and enclosed agricultural barns.

- 1.4 The site is part of the site of application DC/09/1623, proposing a redevelopment of the site with a mixed use scheme comprising residential, business and community facilities.
- 1.5 To the South of Windacres Farm lies residential development accessed off Summerfold and Windacres Drive. To the north and west of the irregularly shaped complex of Windacres Farm lies further residential development accessed from Church Street and Highcroft Drive. Land to the east is predominantly agricultural.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town & Country Planning Act 1990

RELEVANT GOVERNMENT POLICY

- 2.2 PPS1, PPS7 and PPS22.

RELEVANT COUNCIL POLICY

- 2.3 The relevant policies of the Core Strategy are: CP1, CP2 and CP3.

- 2.4 The relevant policies of the General Development Control Policies Document 2007 are: DC2, DC7, DC8 and DC9.

PLANNING HISTORY

RW/72/93	Certificate of existing lawful use relating to use of building for the distribution of metals & plastics for engineering operations & storage of up to three 7.5 tonne vehicles.	Permitted
RW/72/00	Extension to workshop/warehouse and relocation of office within building.	Permitted
DC/09/1623	Redevelopment of site with mixed use scheme including demolition of existing 2 dwellings, derelict farm buildings and workshops and erection of 43 dwellings (comprising 33 x 2-bed; 8 x 3-bed and 2 x 4-bed residential units), parking barns, 3 x B1 office units and 3 x B1 shed units, a community facility (Parish Council office, small museum/library, coffee shop) and extension to existing industrial unit.	Pending determination

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 Any responses 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 the application. Consideration of human rights is an integral part of the planning assessment set out in Section 6 below.

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

- 5.1 It is not considered that the proposed development would have any material impact on safety and security issues.

6. PLANNING ASSESSMENT

- 6.1 The main issues for consideration are the impact of the proposed development in this location, its effect on the amenities of the occupiers of adjoining properties and wider sustainability considerations.
- 6.2 The site lies inside the Rudgwick built-up area boundary, and comprises an existing industrial building.
- 6.3 In terms of principle, being a renewable energy project, the proposal is subject to policy DC8, which states *the Council will permit schemes for renewable energy where they do not have a significant adverse impact on landscape character, wildlife, areas of historical significance or amenity value*. In the circumstances it is considered, given the site of the proposal is situated atop an existing industrial building and is not situated within an area of historical significance, the primary areas for assessment are impacts on the character of the area and on amenity value.
- 6.4 In respect of area character implications, the proposed development would involve no additional land uptake and would be situated on the roof of the existing unit. Given the industrial nature and appearance of the application site, it is considered the proposed development would not materially impact upon the wider character of the area and, as such, would comply with policies CP1 and DC2 of the Local Development Framework and more generally with the overarching aims of Planning Policy Statement 22.
- 6.5 In terms of impacts on amenities, the unit is situated approximately 140m from the south adjoining properties. The south facing slope of this unit would be part visible from these residential properties, where sparse tree coverage on the property boundaries provides only minor visibility screening. However, notwithstanding the foregoing, given the existing nature and appearance of the application site, it is considered the installation of 86 photovoltaic panels would not have a material impact on the amenities of the neighbouring properties over and above the existing. In addition, a further material consideration is the likely impact of the proposal on the amenities of occupiers of those dwellings to be approved pursuant to application DC/09/1623, whom would reside adjacent to the application site. As is considered the case with existing neighbouring properties, given the nature and appearance of the existing site, the installation of photovoltaic panels on the south

facing roof slope would not materially impact on the amenities of neighbours. As such, given the absence of material impacts of the panels on adjoining properties, it is considered the proposal would accord with policy DC9.

- 6.6 In terms of sustainability, the applicant has indicated the proposal would provide 10kW total power, of which 50% would be used to power the existing premises and 50% would be exported back to the grid. Given the inherently renewable nature of the energy source, and its positive impacts in terms of reducing climate change, it is considered the proposal would accord policy DC8 together with the overarching aims of Planning Policy Statement 22.

7. **RECOMMENDATIONS**

It is recommended that permission be granted, subject to the following conditions

1. A2 - Full permission
2. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).
3. The system hereby permitted shall be retained in accordance with the approved details. In the event of the solar photovoltaic system hereby permitted ceasing to be used, the equipment together with all debris shall be removed from the site and the site cleared as soon as is reasonably practicable and by no later than six months after the cessation of such use.
Reason: In the absence of demonstrable need there is no justification for the retention of the equipment and in accordance with policy DC9 of the General Development Control Policies Document 2007.

Background Papers: DC/11/2289
Contact Officer: Barry O'Donnell



DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 6th December, 2011

DEVELOPMENT: Fell one ash tree.

SITE: Land rear of 1 Fern Way, Horsham.

WARD: Holbrook West.

APPLICATION: DC/11/1459

APPLICANT: Horsham District Council.

REASON FOR INCLUSION ON AGENDA: Application by Horsham District Council.

RECOMMENDATION - To grant consent.

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

1.1 The application proposes the felling of an ash tree.

DESCRIPTION OF THE SITE

1.2 The tree is sited to the immediate east of the boundary to 1 Fern Way, on public open space adjacent to a public footpath.

PLANNING HISTORY

- 1.3 The tree is protected under Tree Preservation Order (TPO) No. 22, confirmed on 15th June 1970, and designated as T37.
- 1.4 The land on which the tree is growing is owned and managed by Horsham District Council Leisure Services.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 As a tree subject to a TPO, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under the **Town & Country Planning (Trees) Regulations 1999**.

RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the publication **TPO's - A guide to the Law and Good Practice** (DETR, March 2000).

3. OUTCOME OF CONSULTATIONS

- 3.1 North Horsham Parish Council has stated no objection to this proposal.

4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

6. PLANNING ASSESSMENT

- 6.1 The tree in question is a prominent specimen of considerable merit, being sited on public open space and adjacent to a footpath. It has high amenity value.
- 6.2 Although fully crowned, the basal area exhibits the presence of the invasive decay fungus *Ganoderma applanatum*, known to cause a white rot by delignification of the internal tissues of the host. Generally, the resulting decayed wood is known to retain considerable tensile strength for a period; however, it is clear that the fungus in this case is very well established, and therefore the likelihood of the tree suffering from catastrophic basal mechanical failure is significantly increased.
- 6.3 Given the proximity of residential dwellings, public open space and a well-used footpath, it is considered that the risk of failure outweighs the tree's amenity value, and that accordingly it should be removed.
- 6.4 A standard condition shall be used to ensure the planting of a replacement.

7. RECOMMENDATIONS

It is recommended that the application be granted, subject to the following conditions:

1. TR2 Time limit
2. L7a Replanting
- INF8 Wildlife protection.

8. REASONS

ITRE2 The proposal may have an adverse impact on the character and amenities of the local area, but is justified on safety grounds.

Background Papers: DC/11/1459

Contact Officer: Will Jones.



DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 6th December, 2011

DEVELOPMENT: Surgery to one lime tree.

SITE: Amberley House, Kennedy Road, Horsham.

WARD: Forest

APPLICATION: DC/11/1529

APPLICANT: West Sussex County Council.

REASON FOR INCLUSION ON AGENDA: Application by West Sussex County Council.

RECOMMENDATION - To grant consent.

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

1.1 The application proposes surgery to a lime tree.

DESCRIPTION OF THE SITE

1.2 The tree is situated on the south side of Kennedy Road, close to the building.

PLANNING HISTORY

1.3 The tree in question is protected by area Tree Preservation Order number 82, designation A1, protecting the several trees of varying types within the designated area present at the date of serving. This order was confirmed on 7th January 1964.

1.4 The tree was trimmed to a height of around 12m under *DC/07/0613*.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 As a tree subject to a Tree Preservation Order, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under Part VIII of the **Town and Country Planning Act 1990** and the **Town & Country Planning (Trees) Regulations 1999**.

RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the publication **TPO's - A guide to the Law and Good Practice** (DETR, March 2000).

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 No representations have been received in respect of this application.

4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

6. PLANNING ASSESSMENT

- 6.1 The lime tree in question is a prominent roadside tree of high amenity value. It is bifurcated at around 1.5m above ground level, and in consequence has quite a wide spreading form.
- 6.2 Previously crown reduced in 2007, it has grown vigorously since then, and now has some low growth fouling the highway, branch tips within 1m of the first floor windows to the property, and has extended apically by around 4m in height. The roots have also caused some as yet light damage to an adjacent brick wall, and there is some evidence of root ingress into the local sewer. It is therefore considered prudent to trim the tree to its previous size in order to control its growth.
- 6.3 The proposal to trim the tree once again appears prudent, necessary, and in line with best arboricultural practice as set out within **BS 3998 'Recommendations for Tree Work'** (2010). Little amenity loss shall result, and it is likely that the tree will recover very quickly.

7. RECOMMENDATIONS

It is recommended that the application be granted, subject to the following conditions:

1. TR2 Time limit
2. TR3 Treeworks limit:
 - Undertake surgery exactly as set out in works schedule appended to the application as submitted.
3. TR4 Surgery standards
- INF7 Works limitations.
- INF8 Wildlife protection.

8. REASONS

- ITRE1(a) The proposal is unlikely to have an adverse impact either on the health of the tree or the character and amenities of the local area.

Background Papers: DC/11/1529

Contact Officer: Will Jones.



DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 6th December, 2011

DEVELOPMENT: Fell one oak; surgery to 17 oaks and 1 yew.

SITE: 1 – 56 Six Acres, Slinfold.

WARD: Itchingfield, Slinfold & Warnham.

APPLICATION: DC/11/1622

APPLICANT: Slinfold Parish Council.

REASON FOR INCLUSION ON AGENDA: Application by Slinfold Parish Council.

RECOMMENDATION - To grant consent.

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application proposes the felling of an oak tree, and surgery to 17 other oaks and a yew tree.

DESCRIPTION OF THE SITE

- 1.2 The trees are situated along the northern and eastern boundaries of the Six Acres estate, and are mainly part of the natural hedgerows in the locality.

PLANNING HISTORY

- 1.3 The trees on the site are protected by Tree Preservation Order number 1094, confirmed on 27th July 2001.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 As trees subject to a Tree Preservation Order, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under Part VIII of the **Town and Country Planning Act 1990** and the **Town & Country Planning (Trees) Regulations 1999**.

RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the publication **TPO's - A guide to the Law and Good Practice** (DETR, March 2000).

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 Slinfold Parish Council has indicated it has no objection to this application.

4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

6. PLANNING ASSESSMENT

- 6.1 The trees the subject of this application are principally the large field oaks present around the perimeter of the Six Acres field prior to its development. As they are now contained within what is a residential estate, they have moderate to high amenity value.
- 6.2 The tree to be felled, T8, is sited along the eastern field boundary, has been badly damaged in the past, and has a very high potential for collapse. A poor specimen, it will not be missed.
- 6.3 The yew tree within group G1 is a compact yet prominent specimen, on the south side of the access road into the site. Its branches are fouling the footway, and require lifting to the statutory height (2.5m above ground level). This will not cause it any harm or misshape.
- 6.4 The remaining oaks are to be also crown lifted slightly, again to 2.5m above ground level, to keep them clear of the footpath running beside them.

- 6.5 Other works, including the removal of damaged limbs and dead or hanging branches, are to be undertaken in accordance with good arboricultural husbandry.
- 6.6 It is assessed that these minor works to each tree, and the felling of T8, are justified and prudent, and in line with best arboricultural practice as set out within **BS 3998 'Recommendations for Tree Work'** (2010). No amenity loss shall result.

7. **RECOMMENDATIONS**

It is recommended that the application be granted, subject to the following conditions:

1. TR2 Time limit
 2. L7a Replanting (refers to tree T8 only)
 3. TR3 Treeworks limit:
 - Undertake surgery exactly as set out in works schedule appended to the application as submitted.
 4. TR4 Surgery standards
- INF7 Works limitations.
INF8 Wildlife protection.

8. **REASONS**

- ITRE1(b) The proposal is unlikely to have an adverse impact either on the health of the retained trees or the character and amenities of the local area.



DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 6th December, 2011

DEVELOPMENT: Surgery to one lime tree.

SITE: Hills cemetery, Guildford Road, Horsham.

WARD: Denne.

APPLICATION: DC/11/1762

APPLICANT: Horsham District Council.

REASON FOR INCLUSION ON AGENDA: Application by Horsham District Council.

RECOMMENDATION - To grant consent.

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

1.1 The application proposes surgery works to a lime tree.

DESCRIPTION OF THE SITE

1.2 The tree is sited on the western boundary of the cemetery, adjacent to the private residence 24 Somergate.

PLANNING HISTORY

1.3 The tree is protected under Tree Preservation Order (TPO) No. 1312, confirmed on 9th November 2006, and is designated as T3.

1.4 Minor thinning works were carried out to the tree under *DC/08/2124*.

1.5 The land on which the tree is growing is owned and managed by Horsham District Council Leisure Services.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 As a tree subject to a TPO, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under the **Town & Country Planning (Trees) Regulations 1999**.

RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the publication **TPO's - A guide to the Law and Good Practice** (DETR, March 2000).

3. OUTCOME OF CONSULTATIONS

- 3.1 No representations have been received in respect of this application.

4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

6. PLANNING ASSESSMENT

- 6.1 The tree in question is a prominent specimen of considerable merit, having high amenity value. It is one of a line of semi-mature trees gracing the western boundary of the cemetery.
- 6.2 It is sited within 4m of the closest residential dwelling, 24 Somergate, to the west beyond the cemetery boundary, and hence the overall safety of the tree is paramount. Structurally, it has four co-dominant stems from around 4m above ground level, each tall and relatively slender as they have competed with each other. Although evidence of compression fork formation is absent, the ratio of the height of each stem to its breadth is high, giving rise to the concern that a strong gale could result in catastrophic failure. Given the proximity of the tree to the residential dwelling to the west, it is considered prudent to take action to lessen the likelihood of this occurring.
- 6.3 It is therefore proposed to reduce the height of the tree overall, by around 20%, in line with best practice set out within **BS 3998 'Recommendations for Tree Work'** (2010). This will increase the ratio of stem breadth to height, and reduce wind resistance. Some minor crown raising will also be undertaken, as well as the removal of deadwood.

6.4 Given the proximity of the tree to the dwelling to the west, the works are considered justified and prudent. No loss of amenity shall result.

7. **RECOMMENDATIONS**

It is recommended that the application be granted, subject to the following conditions:

1. TR2 Time limit
 2. TR3 Treeworks limit:
 - Undertake works exactly as set out in works schedule appended to the application as submitted.
- INF7 Works limitations
INF8 Wildlife protection.

8. **REASONS**

ITRE1(a) The proposal is unlikely to have an adverse impact either on the health of the tree or the character and amenities of the local area.

Background Papers: DC/11/1762

Contact Officer: Will Jones.



DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 6th December, 2011

DEVELOPMENT: Surgery to one oak tree.

SITE: Land adjacent to 193 Tanbridge Park, Horsham.

WARD: Denne.

APPLICATION: DC/11/1859

APPLICANT: Horsham District Council.

REASON FOR INCLUSION ON AGENDA: Application by Horsham District Council.

RECOMMENDATION - To grant consent.

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

1.1 The application proposes surgery works to an oak tree.

DESCRIPTION OF THE SITE

1.2 The tree is sited on an area of public open space directly to the north of 193 Tanbridge Park.

PLANNING HISTORY

1.3 The tree is protected under Tree Preservation Order (TPO) No. 867, confirmed on 7th January 1997, and is designated as T1.

1.4 Minor surgery works have been carried out to the tree under *HU/217/02*, *DC/05/2500*, and *DC/07/2093*.

1.5 The land on which the tree is growing is owned and managed by Horsham District Council Leisure Services.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 As a tree subject to a TPO, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under the **Town & Country Planning (Trees) Regulations 1999**.

RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the publication **TPO's - A guide to the Law and Good Practice** (DETR, March 2000).

3. OUTCOME OF CONSULTATIONS

- 3.1 No representations have been received in respect of this application.

4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

6. PLANNING ASSESSMENT

- 6.1 The tree in question is a very large and prominent specimen of very high merit and amenity value. It is visible from a wide area; the top portion of the tree can readily be seen from Enterprise House, on the south side of Worthing Road past the Tan Bridge.
- 6.2 A mature specimen, this tree has been in slight decline over the last decade or so. Historically, several brackets of the invasive decay fungus *Fistulina hepatica*, commonly known as 'Beefsteak fungus' have been found on old pruning wounds within the canopy. Though *F .hepatica* can exist in trees (especially oaks) for many decades before necessarily causing structural collapse, the brown cubical rot it causes is of concern as the parts of the tree affected can exhibit significant degradation, leading to a loss of strength.
- 6.3 In the recent high winds a large limb was lost from the western side of the canopy. This has left the canopy unbalanced, and also highlighted the risk of further failure of the longest over-extended limbs. It is therefore proposed to crown reduce the tree overall, by around 20%, in line with best practice set out within **BS 3998 'Recommendations for Tree Work'** (2010). This will increase the ratio of stem breadth to height, and reduce wind resistance. At the same time, it is also intended to improve the tree's profile, leaving a balanced, natural looking, form.

6.4 Given the age of the tree, its position within public open space, and the presence of the fungus, the works are considered justified and prudent. No loss of amenity shall result.

7. **RECOMMENDATIONS**

It is recommended that the application be granted, subject to the following conditions:

1. TR2 Time limit
 2. TR3 Treeworks limit:
 - Undertake works exactly as set out in works schedule appended to the application as submitted.
- INF7 Works limitations
INF8 Wildlife protection.

8. **REASONS**

ITRE1(a) The proposal is unlikely to have an adverse impact either on the health of the tree or the character and amenities of the local area.

Background Papers: DC/11/1859

Contact Officer: Will Jones.