



**Horsham  
District  
Council**

serving our towns and villages

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## **Development Control (North) Committee**

**TUESDAY 4<sup>TH</sup> OCTOBER 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 6<sup>th</sup> September 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

Head of Planning & Environmental Services

Appeals

Decisions on Lawful Development Certificates

Applications for determination by Committee – Appendix A

<b>Item No.</b>	<b>Ward</b>	<b>Reference Number</b>	<b>Site</b>
A1	<i>Rudgwick</i>	DC/09/1623	WINDACRES FARM, CHURCH STREET, RUDGWICK
A2	<i>Southwater</i>	DC/11/1168	NEWBY, TOWER HILL, HORSHAM
A3	<i>Trafalgar</i>	DC/11/0704	6 BISHOPRIC, HORSHAM
A4	<i>Trafalgar</i>	DC/11/1757	3 VICTORY ROAD, HORSHAM
A5	<i>Holbrook East</i>	DC/11/1068	32 SLOUGHBROOK CLOSE, HORSHAM
A6	<i>Nuthurst</i>	DC/11/1338	THE ORCHARD, HOLME FARM, WINTERPIT LANE

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**  
**6<sup>th</sup> SEPTEMBER 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, Ian Howard, David Jenkins, Christian Mitchell, Josh Murphy, David Sheldon, David Skipp, Simon Torn, Claire Vickers, Tricia Youtan.

Apologies: Councillors: Christine Costin, Godfrey Newman, Robert Nye, Jim Rae.

DCN/48 **MINUTES**

The minutes of the meeting of the Committee held on 2<sup>nd</sup> August 2011 were approved as a correct record and signed by the Chairman.

DCN/49 **INTERESTS OF MEMBERS**

<u>Member</u>	<u>Item</u>	<u>Nature of Interest</u>
Councillor Peter Burgess	DC/11/1239 DC/11/1431 DC/11/0815	Personal – he is a member of North Horsham Parish Council
Councillor Helena Croft	DC/11/0815	Personal and prejudicial – she is the applicant's immediate neighbour

DCN/50 **ANNOUNCEMENTS**

There were no announcements.

DCN/51 **APPEALS**

Notice concerning the following appeals had been received:

Appeals Lodged

Written Representations/Household Appeals Service

<b>Ref No</b>	<b>Site</b>	<b>Appellant(s)</b>
DC/11/0606	1 Pinewood Close, Broadbridge Heath	Mr Philip Wilson
DC/11/0629	West Wing Forest Grange Manor, Forest Grange, Horsham	Mr Desmond Greener
DC/11/0742	28 Wimblehurst Road, Horsham	Mrs Zoe Harris

DCN/51 Appeals (cont.)

Informal Hearing/Public Inquiry

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>
DC/10/2043	Middle Gingers, Cox Green, Rudgwick	Mrs G.Hodson

Appeal Decisions:

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>	<u>Decision</u>
DC/11/0398	6 Rowan Way, Horsham	Mr Timothy Jenner	Dismissed
DC/11/0323	Home Barn, Tismans Common, Rudgwick	Mr Richard Fawcett	Allowed
DC/10/1386	Bonwycks Lodge Farm, Ifield Wood, Ifield	Mr John Arthur	Dismissed
DC/10/2637	Baldhorns Park Farm, Wimland Road, Rusper	Mrs A Armour	Dismissed

DCN/52 **DECISIONS ON LAWFUL DEVELOPMENT CERTIFICATES**

<u>Ref No</u>	<u>Site and Development</u>	<u>Decision</u>
DC/11/1358	Northlands Home Farm – for the development of a garage with first floor ancillary accommodation.	Granted
DC/11/1230	Fulfords Farm, Fulfords Hill, Itchingfield – for the erection of a dwelling which did not comply with the approved plans under I/50/01.	Granted

DCN/53 **PLANNING APPLICATION: DC/11/0809 - CONVERSION OF PART OF POULTRY BUILDING INTO A LIVE WORK UNIT AND DEMOLITION OF REMAINING AGRICULTURAL BUILDING**  
**SITE: LAND NORTH OF PRINGS FARMHOUSE, NEWELLS LANE, LOWER BEEDING**  
**APPLICANT: MR AND MRS R FOSTER**

The Head of Planning & Environmental Services reported that this application sought planning permission for the conversion of part of a poultry building into a live/work unit and the demolition of the remaining agricultural building.

DCN/53 Planning Application: DC/11/0809 (cont.)

The application site, situated on the eastern side of Newells Lane within the countryside and outside any defined built-up area boundary, comprised approximately 1.6 hectares of land with one disused agricultural building measuring approximately 45.7 metres x 15 metres x 3.68 metres.

Government policies PPS1, PPS4, PPS7 and PPG13; Local Development Framework Core Strategy policies CP1, CP2, CP3, CP5, CP10, CP11, CP15 and CP19; General Development Control policies DC1, DC2, DC5, DC8, DC9, DC24, DC26 and DC40; and South East Plan policies CC1 and CC4 were relevant to the determination of this application.

Relevant planning history, included:

DC/05/1414	Conversion of farm shop and part of barn to equestrian use.	Granted
DC/05/1415	Two-storey extension to farmhouse, conversion of farm shop to two dwellings and conversion of pole barn to four bay garage.	Refused
DC/10/2436	Conversion of part of poultry building into a live/work unit, demolition of remaining agricultural building.	Refused

The comments of Public Health & Licensing, Building Control, the County Council's Highways and Ecology Departments and Southern Water were noted.

The Parish Council had originally objected to the application but had since sent further comments raising no objections. Four letters of support to the proposal had been received. The applicant's agent spoke in support of the application.

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

The current application had been submitted in an attempt to overcome previous refusal reasons for application DC/10/2436. Concerns had been raised regarding the previous application over the proposed proportional split in the unit between the living and working area, with only 17% being provided for office and 83% for residential use. The revised proposal addressed this issue with an approximate 50/50 split between living areas and work area, with a central corridor proposed to separate the work and living areas.

DCN/53 Planning Application: DC/11/0809 (cont.)

The applicant had submitted a structural report with the current scheme which demonstrated that the building could be converted without the requirement for substantial reconstruction.

Details had been provided by the applicant regarding the lack of viable potential other uses for the building, including an agricultural use, which was considered not to be financially viable. It was noted that a live/work unit would result in fewer car movements to and from the site than most commercial uses for the building, which contributed favourably to the argument towards a more sustainable use for the building in this rural area.

The site plan indicated a formal area of garden and associated hardstanding and parking areas which would be well screened from the surrounding area by proposed landscaping, mainly in the form of hedging on the boundaries. Amended plans had also been received showing a reduction in the level of hardstanding to be provided along with parking for four cars.

In respect on impact of the proposal on residential amenity, it was considered that the proposal, given its isolated location and distance from any nearby property, would not result in any loss of outlook or loss of privacy.

The applicant had provided a survey with the application, satisfying the requirements of the County Ecologist who had no objection to the proposal on ecological grounds subject to a suitable condition to protect and maintain the conservation status of the barn owl.

The applicant had indicated a willingness to provide financial contributions towards open space, sport and recreation; community centres and hall and local recycling and would be prepared to enter into a suitable Section 106 planning agreement to ensure the land would not be further subdivided by the erection of fencing or other means of enclosure.

Members considered that the revised proposal would overcome their previous concerns and represented a more suitable live/work unit in this countryside location. It was considered that the proposal would have no material adverse impact on the visual amenities or rural character of the area or have any adverse impact on adjoining occupiers.

**RESOLVED**

- (i) That a planning agreement be entered into to secure the required infrastructure contributions and the removal of permitted development rights and control over any future sub-division of the land.

DCN/53 Planning Application: DC/11/0809 (cont.)

- (ii) That, upon completion of the agreement in (i) above and the receipt of amended plans showing amended roof and fenestration details and a reduction in the level of hardstanding, application DC/11/0809 be determined by the Head of Planning & Environmental Services. The preliminary view of the Committee was that the application should be granted.

DCN/54 **PLANNING APPLICATION: DC/11/1239 - RESUBMISSION OF PREVIOUSLY APPROVED APPLICATION DC/05/2340 TWO-STOREY SIDE; TWO-STOREY REAR AND TWO SINGLE STOREY REAR EXTENSIONS**

**SITE: 2 WINDMILL CLOSE HORSHAM WEST SUSSEX RH13 6BY**

**APPLICANT: MR AND MRS SMEE**

*(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 a previously approved but unimplemented application (DC/05/2340), which had now lapsed. The application proposed the erection of a two-storey side extension, with dormer window on the front roof slope of the side extension; a two-storey/single storey extension to the rear and the erection of a single storey extension to the rear of the existing garage to the south of the main house.

The application site comprised a two-storey gable ended detached house located in an angled plot on the west side of the road in the built up area of Horsham. The site had had previous extensions and alterations to the main dwelling. The road, a cul-de-sac, was made up of similar two storey detached dwellings and there had been other two storey extensions to properties within the road.

Local Development Framework Core Strategy policies CP1 and CP3 and General Development Control policy DC9 were relevant to the determination of this application.

Relevant planning history, included:

NH/8/89	Erection of garage and single storey lounge extension	Granted
NH/72/90	Single storey front extension	Granted

DCN/54 Planning Application: DC/11/1239 (cont.)

NH/135/92	First floor extension and alterations	Refused and dismissed at appeal
NH/108/93	Extend and convert garage to kitchen/living room	Granted
NH/100/94	Increase rear slope of roof	Granted
DC/04/2370	First floor and single storey rear extensions	Refused
DC/05/2340	First floor front extension and two-storey and single storey rear extension	Granted
DC/10/2193	Two-storey side and rear extension, with single storey extension to rear	Refused

The Parish Council objected to the proposal and one letter of objection had been received. The applicant's agent spoke in support of the application.

The main issues in the determination of this application were the impact on the visual amenities and character of the area and the impact on the residential amenities of adjoining occupants.

The application site had been the subject of previous applications to extend the north side of the house by the addition of first floor side and single/two storey rear extensions.

The current application included a side extension which would be set down from the main roof ridge with a dormer window on the resultant front roof slope, set back from the front wall of the original house. The proposed dormer window was small in scale and had a pitched roof. It was not considered that the provision of a dormer window would be materially harmful to the character of the main house or affect adversely the visual amenities of the streetscene in this location.

With regard to the impact of the proposal on the bedroom window of the neighbouring property to the north, the window was currently approximately 1.8 metres from the boundary and looked over the existing garage roof to the flank wall of the existing dwelling, with a separation distance between the window and the existing gable of approximately six metres.

Whilst the separation distance between the bedroom window in the adjacent property and the flank wall of the proposal would be reduced to approximately three metres, it was considered that the impact of the proposal on the window in question differed from the previously refused scheme in light of the set back from the front roof slope and the reduced amount of built form on the flank elevation at the front. It was also noted that the relationship had not changed from the application in 2005, when a similar scheme had been considered appropriate. In these circumstances, it was considered that there were insufficient grounds to refuse planning permission due to the impact on the adjacent window.



DCN/54 Planning Application: DC/11/1239 (cont.)

It was noted that the neighbouring property had an existing two-storey rear extension and the proposed two-storey rear extension would not project beyond this building line. Therefore, it was considered that there would be no material detrimental impact in terms of overshadowing in particular on the windows at first or ground floor levels to the rear elevation of the neighbouring property.

The tree located on the boundary to the rear of the application site was not a protected tree and therefore there was no planning control with regards to its removal. While the tree provided a degree of further screening between the two properties, its loss was not sufficient reason for refusal in terms of loss of privacy.

Therefore Members considered that, on balance, the proposal to grant a new planning permission essentially for a scheme that had been previously permitted but not implemented, was acceptable.

RESOLVED

That application DC/11/1239 be granted subject to the following conditions:

- 01 A2 Full permission
- 02 M4 Matching Materials
- 03 Any windows in the north and south side elevations above ground floor level of the building shall be obscure glazed and non-opening, unless, the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASONS

ICAB2 The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality.

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

DCN/55 **PLANNING APPLICATION: DC/11/1431– EXTENSION TO PROVIDE EN-SUITE TO BEDROOM, NEW KITCHEN AND DINING ROOM**

**SITE: 14 PEARY CLOSE HORSHAM WEST SUSSEX**

**APPLICANT: MS SHELLEY VICKERS**

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

DCN/55 Planning Application: DC/11/1431 (cont.)

The Head of Planning & Environmental Services reported that this application sought planning permission for an extension behind an existing extension, to provide an en-suite to the bedroom, a new kitchen and dining room.

The footprint and height of the application followed that of a single storey extension previously granted in June 2001 (NH/76/01) which had not been implemented and had since expired.

The application site comprised an end of terrace single storey bungalow which fronted onto Peary Close, with a single storey side extension, rear dormer window (an addition allowed by virtue of permitted development rights) and a single garage building and concrete driveway to the north off North Heath Lane. An Oak tree was located on the corner of the of the north eastern boundary line which was the subject of a Tree Preservation Order. The property was located within the built-up area of Horsham.

Government policies PPS1, PPS3 and PPG13; Local Development Framework Core Strategy policies CP1 and CP3; and Local Development Framework General Development Control policies DC9 and DC40 were relevant to the determination of this application.

Relevant planning history included:

NH/76/01	Single-Storey side Extension	Granted
DC/04/0773	Single-Storey Extension	Granted
DC/07/1093	Erection of 2-storey attached dwelling to provide a granny annexe	Withdrawn
DC/07/2268	Erection of 1 single storey 2-bed end of terrace dwelling with dormer window to provide living accommodation in the roof space facing North Heath Lane	Withdrawn
DC/08/0070	Erection of 1 end of terrace x 2-bed dwelling	Withdrawn
DC/08/1469	Demolish an extension and erection of an attached 3-bed dwelling, with off street parking and access from North Heath Lane	Refused and appeal dismissed
DC/10/1646	Part demolition of an existing extension and build a new two-bed dwelling end of terrace facing North Heath Lane. The proposed dwelling will have off street parking with own access from North Heath Lane and Garden via footpath along Northern boundary	Refused and appeal dismissed
DC/11/0673	Construction of a single storey end of terrace bungalow facing Peary Close, use of part of existing extension on northern boundary as part of new bungalow	Refused

DCN/55 Planning Application: DC/11/1431 (cont.)

The Parish Council objected to the application and two letters of objection had been received.

The current application differed from the previous refused applications, as it sought permission for an extension behind the existing extension to provide en-suite to bedroom, new kitchen and dining room and not the creation of an independent dwelling. The application reflected the scale and design of an earlier application submitted under NH/76/01 for a single storey side extension, which had been granted planning permission on the 13<sup>th</sup> June 2001. This application had never been implemented and had since expired.

The separation distance from the proposal and the rear gardens of residential properties in Primrose Copse, together with the overall size, scale and footprint of the proposed development, was considered to be acceptable.

It was considered that the increase in separation distance to between 1.9 – 2.5 metres from the northern boundary of the site to the proposed flank elevation was acceptable. It was also considered that the proposed extension would not result in an overbearing impact upon the properties in Primrose Copse and neither would it result in any loss of light. There were no windows proposed in the north elevation, facing the rear gardens of Primrose Copse, and so there would be no overlooking or loss of private amenity in this respect.

The current proposal for the extension was considered to relate sympathetically in terms of its footprint, design and scale within the context of the site and the street scene. Also the proposed extension would not impact the protected tree at the entrance to the rear access from North Heath Lane. Therefore, Members considered that the proposal was acceptable.

RESOLVED

That application DC/11/1431 be granted subject to the following conditions:

- 01 A2 Full Permission (3 years)
- 02 M4 Matching Materials
- 03 No external enlargements to the extension hereby permitted, including to its roof, or the insertion of windows above ground floor level, shall be undertaken unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

DCN/55 Planning Application: DC/11/1431 (cont.)

### REASONS

- ICAB 2 The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality.
- ICAB 3 The proposal does not have an adverse impact upon the character and appearance of the street scene or locality.
- IDP1 The proposal is consistent with the provisions of the development plan.

DCN/56 **PLANNING APPLICATION: DC/11/0815– EXTENSION TO GROUND FLOOR CLOAKROOM/PORCH**  
**SITE: 24 BEAVER CLOSE HORSHAM WEST SUSSEX RH12 5GB**  
**APPLICANT: MR J RAE**

*(Councillor Jim Rae, the applicant, was not present at the meeting. Councillor Peter Burgess declared a personal interest in this application as he was a member of the Parish Council. Councillor Helena Croft declared a personal and prejudicial interest as she was an immediate neighbour of the applicant. She withdrew from the meeting and took no part in the consideration of this item.)*

The Head of Planning & Environmental Services reported that this application sought planning permission for a single storey front extension to the main dwelling. The proposed extension would be to the existing porch to provide a shower/wet room.

The application site was located within the built up area of Horsham and contained a two-storey detached dwelling. There was currently an open porch covered by a lean-to tiled roof. The property was located in an angled plot on the north side of this part of Beaver Close, an estate in the open plan concept.

Local Development Framework Core Strategy policies CP1 and CP3 and Local Development Framework General Development Control policy DC9 were relevant to the determination of this application.

In 2004, planning permission had been granted for an extension to existing conservatory (DC/04/2004).

The main issues in the determination of this application were the proposal's effect on the visual amenities and character of the area, together with the impact on neighbouring occupiers' amenities. Additional plans had been received showing the front (south) and side (east) elevations.

DCN/56 Planning Application: DC/11/0815 (cont.)

It was considered that the proposed extension was small in scale and suitably designed so as not to appear out of character in the streetscene. It was noted that other properties in the area had been extended to the front at single storey level. Members, therefore, considered that the front extension would be acceptable in terms of its impact on the character of the area and the visual amenities of the streetscene.

RESOLVED

That application DC/11/0815 be granted subject to the following conditions:

- 01 Full Permission
- 02 M4 Matching Materials
- 03 Notwithstanding the submitted details no development shall commence until full elevational details of the proposal at a recognised scale have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

REASONS

- ICAB2 The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality.
- IDP The proposal is consistent with the provisions of the development plan.

*The meeting closed at 6.06pm having commenced at 5.35pm.*

CHAIRMAN

**DEVELOPMENT CONTROL (NORTH) COMMITTEE**  
**4<sup>TH</sup> OCTOBER 2011**  
**REPORT BY THE HEAD OF PLANNING & ENVIRONMENTAL SERVICES**

**APPEALS**

1. **Appeals Lodged**

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

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

DC/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

DC/10/2589 Proposed two-bedroom dwelling.  
22 Coleridge Close, Horsham, RH12 5PB.  
For: Mr G Weekes

DC/11/0703 Surgery to 1 x Beech tree.  
5 Beedingwood Drive, Colgate, Horsham, RH12 4TE.  
For: Mr Max Ferretti

DC/10/2495 Demolition of existing house and erection of five dwellings with associated access.  
27 Millfield, Southwater, Horsham, RH13 9HT.  
For: Thakeham Homes

DC/11/0397 Proposed change of use of existing equestrian establishment including conversion of existing buildings to a place of worship with associated gardens and car parking plus demolition of 2 buildings.  
Bridge House Riding Stables, Five Oaks Road, Slinfold, Horsham, RH13 0QW.  
For: Dr E Umerah

3. **Informal Hearings**

DC/10/2205 Conversion of former barn and stable building to 2-bed dwelling..  
Furzefield, Broadwater Lane, Copsale, Horsham, RH13 6QW.  
For: Mrs K Mathers  
**DISMISSED**

4. **Appeal Decisions**

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

DC/11/0492 2 Storey front and rear extensions and single storey side extension.  
18 Pollards Drive, Horsham, RH13 5HH.  
For: Mr and Mrs M Howell  
Appeal: **DISMISSED** (Delegated)

- DC/11/0606      Erection of first floor extension over existing ground floor garage and accommodation.  
1 Pinewood Close, Broadbridge Heath, Horsham, RH12 3TP.  
For: Mr Philip Wilson.  
Appeal: **DISMISSED** (Delegated)
- DC/11/0485      Single storey extension to rear of building to provide six additional bedrooms with en-suite facilities together with communal dayroom and internal alterations to kitchen area to improve facilities.  
Ashton Grange Nursing Home, 3 Richmond Road, Horsham, RH12 2EG.  
For: Mr and Mrs G Rangunathan  
Appeal: **ALLOWED** (Delegated)
- DC/10/2118      Upgrade and repair of existing barn and stables, conversion of part of first floor of barn to accommodation for groom.  
Ivy Cottage, The Haven, Billingshurst, RH14 9BS.  
For: Mrs Jane Knights  
Appeal: **ALLOWED** (Delegated)



**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee North

**BY:** Head of Planning and Environmental Services

**DATE:** 4<sup>th</sup> October 2011

**DEVELOPMENT:** 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.

**SITE:** Windacres Farm, Rudgwick

**WARD:** Rudgwick

**APPLICATION:** DC/09/1623

**APPLICANT:** Cllr John Bailey

**REASON FOR INCLUSION ON AGENDA:** Category of development/Applicant is a Council Member. Committee requirement from its meeting on the 2<sup>nd</sup> November 2010 that the application be reported back to Committee following consideration of the matters arising from the committee's previous consideration of the application.

**RECOMMENDATION:** That the application be delegated with a view to approval to the Head of Planning and Environmental Services, subject to the submission of satisfactory details regarding an engineering solution to control use of the existing access from the proposed access road, and the completion of a S106 legal agreement securing amongst other matters necessary infrastructure contributions, an appropriate mechanism for provision and retention of 7 affordable housing units of appropriate tenure and mix, appropriate control and management of the sheltered housing units, appropriate footpath link(s) adjacent to Church Street from the site and matters relating to the appropriate development of the site.

### 1. **CURRENT POSITION**

One further letter of support has been received following the Committees previous consideration of the application, together with various items of correspondence seeking clarification on various issues from interested parties.



- 1.1 The application was previously considered by the committee at its meeting on the 2<sup>nd</sup> November 2010 and the relevant report is attached. The meeting resolved that:
- "That application DC/09/1623 be determined by the Head of Planning and Environmental Services, in consultation with the Chairman, Vice-Chairman and Councillor Jenkins, to enable negotiations regarding a suitable legal agreement; further clarification on issues identified in the report, particularly with regard to advising the Rudgwick Preservation Society of progress during the delegation period; the submission of a business plan indicating that the community interest company is viable in the long term; further consideration of phasing and the length of time it will take to complete the development; the provision of three rented affordable units; clarification on the pedestrian route to Highcroft Drive and to Rudgwick village centre; issues to be addressed regarding the feeling that there had been a lack of local involvement, particularly by involving the Parish Council in delegation; and to ensure that the community interest company is set up before the development commences and is fully funded prior to the start of development. The application would be reported back to the Committee once the delegation period had ended, to enable the Committee to endorse decisions made during the delegation period. The preliminary view of the Committee was that the application should be granted."*
- 1.2 The "further clarification on issues identified in the report" referred to in the above minute, related in particular to the following matters:
- 1.3 **The Council's Tree Officer** requested information to be provided on tree protective fencing; information to be provided on the use of special surfaces where required within the root protection areas of trees; and the rerouting of a foul drain along the access roadway to the south, to avoid the roots of adjacent trees.
- 1.4 **The Parish Council** requested clarification and further investigation to ensure satisfactory foul and surface water drainage, the adequacy of the water supply and also required further information with regard to the community interest company to ensure greater transparency, the maintenance of green space along the access road, further information on the viability and sustainability of the "community" facilities, consideration of the three storey building and noting that the Rudgwick Biodiversity Project Team wishes to be involved in the biodiversity of the site.
- 1.5 **Sussex Police** noted with disappointment that the Design and Access Statement did not make specific reference to crime prevention measures and would be pleased to offer advice to the applicant/agent on addressing this omission.
- 1.6 **Southern Water** require the applicant/developer to enter into a formal agreement to provide necessary sewerage infrastructure and that if a sustainable urban drainage system is used, arrangements provided for the long term maintenance of the system.
- 1.7 West Sussex County Council required further information on ecological mitigation measures, in particular with regard to Great Crested Newts recorded in ponds adjacent to the site. It also noted contributions of £190,398 would be required for education, fire and transport infrastructure generated by the development.

- 1.8 Furthermore, following receipt of the safety audit with regard to the access, the County Council noted most issues can be addressed at the detailed design stage but two problems would benefit from further discussion, firstly the possibility of parking along Church Street resulting in conflict between parked vehicles attempting to enter the site and therefore the possible requirement for waiting restrictions if a problem arises via an obligation in the legal agreement, and secondly the issue of improvements to the pedestrian footway in Church Street.
- 1.9 Further consideration also needed to be given to the planning merits of the proposed seven affordable housing units proposed to be located at the front of the site in terms of their precise location and detailed design considerations in light of the various options provided.
- 1.10 Detailed consideration of the relationship between the proposed development and the adjacent dwelling Windacres, in terms of ensuring acceptable relationship is obtained with regard to issues such as overlooking etc.
- 1.11 It was also noted that it was important to ensure that the development, including the formation of the access, preserves or enhances the character of the Conservation Area.
- 1.12 Further detailed consideration of the three storey sheltered housing flat element in light of the revised plans submitted prior to the Committee's original consideration of the application was also requested.
- 1.13 District infrastructure requirements amounting to £63,732 would normally be required in respect of the development.
- 1.14 Consideration to be given as to how the existing right of way from the site to the existing access can be maintained for those that have a right to use it, whilst appropriately discouraging/precluding use of the original access by occupiers and visitors to the proposed development.
- 1.15 Your officers wrote to the applicant's agent following the Committee meeting setting out the matters required to be addressed. A meeting with the applicant and his agent/advisor was held in January 2011. Subsequent to this meeting further information and consideration has been given to various matters referred to above as and when the required details have been received.
- 1.16 Further clarification has also been obtained on how the applicant intends to develop the site should planning permission be granted, and the role of the Community Interest Company referred to by the applicant.
- 1.17 Discussions with the applicant have indicated that the Community interest Company (CIC) is unlikely to be set up before development commences on the site and as such it is not possible for officers to obtain information for members on the funding arrangements or any future viability of such accompany since it is not yet in existence.

## **2 Affordable Housing and Community Interest Company**

- 2.1 The applicant advises that it is not intended for a Community Interest Company to develop the site. It is the applicants intention that a CIC would be given and own the freehold of the 7 affordable housing units and the 'community facilities' building. The applicant intends that a CIC would then manage and maintain the development, charging a 'management charge' from the occupiers of the development as a whole. Your officers note however that the precise way in which this will work is however dependant on decisions to be taken by an as yet non existent company.
- 2.2 As a CIC for the site has not been set up it is not possible to incorporate the CIC into the requirements of the Section 106 Legal Agreement, or provide reliable information on the sustainability of such a future body. However it should be noted that there is no planning policy requirement for a CIC to be involved in the development at all and that the future existence of a CIC is dependant on the applicants wishes for the future development of the site. In these circumstances, at this stage, your officers consider that the Section 106 legal agreement associated with the development needs to be entered into and the obligations and covenants given by, the persons who currently have a legal interest in the land. The obligations contained within the agreement will then pass to future owners of the land. It is considered that the agreement should be drafted on the basis of the Councils usual requirements in terms of provision and retention of the 7 affordable housing units in that they are transferred to an Affordable Housing Provider registered with the Homes And Communities Agency (together with clauses and provisions for nomination etc by the Council) and the sheltered housing element is managed by the owner etc. In the event that a CIC is subsequently set up, the applicant could at that time ask the Council to vary the legal agreement to enable the CIC to undertake such a role, subject to the Council being satisfied with the information provided by the CIC at that time, on the appropriateness and sustainability of the variation of the agreement being requested. Your officers consider this approach to represent an appropriate solution in principle to the current position where a CIC has not been set up.
- 2.3 The Council's Housing and Development officer comments that he is satisfied in principle with this approach with regard to the provision of the 7 affordable housing units commenting in detail as follows:
- 2.4 The report presented at the Committee Meeting on 2 November 2010 stated that the development would be managed and run by a Community Interest Company (CIC). This would extend to the new commercial units, sheltered accommodation, affordable homes, community facilities as well as communal areas and unadopted access within the development.
- 2.5 The applicant now confirms that a CIC will own the freehold of the affordable housing and community facilities, and manage the remainder of the development.

- 2.6 The November report also pointed out that managing affordable housing through a CIC rather than a social landlord (Registered Provider/Housing Association) would be a departure from normal practice, and although CICs have been set up to manage various community activities and businesses, the use of a CIC to manage affordable housing is less common.
- 2.7 The case officer wrote to the applicant's agent on 15 December 2010 setting out further work that needed to be done on the application before it could be brought back to Committee.
- 2.8 The applicant was advised of the committee's previous comments that a Community Interest Company should be set up and fully funded prior to commencement of development, and to provide a business plan indicating that the Community Interest Company was viable in the long term.
- 2.9 It is the stated intention of the applicant to set up a CIC to provide and manage the affordable homes. and to provide 7 affordable housing units for local people, for rent and equity sales to those that it considers to be in housing need. (together with managing the remainder of the development.
- 2.10 However, as the Community Interest Company has not yet been formed, the applicant has been unable to provide the information required by the committee.
- 2.11 As the CIC does not yet exist it cannot be a party to the proposed agreement pursuant to Section 106 which members considered would be necessary to address matters arising from the development, (including Affordable Housing but also a number of other matters) when the Committee previously considered the matter in November 2010.
- 2.12 It is the view of your officers that the obligations on the Owners (and any future owners to provide allocate and manage affordable housing should reflect the definitions and clauses that the Council usually expects when affordable homes are delivered by a Registered Provider – that is, a housing association registered with the Homes and Communities Agency. These clauses set out how and when the homes will be delivered, the type, mix and tenure of the homes, and safeguards should the provider fail. If ownership of the application site is transferred to a Community Interest Company then any obligations under a Section 106 Agreement on the current owner of the application site will pass to that company.
- 2.13 The Community Interest Company may indeed conclude at some point in the future that its aims in providing the seven homes for local need is best served by transferring those homes to a specialist rural Registered Provider.
- 2.14 However, should the CIC wish to assume responsibility itself for provision management and letting /sale etc then, it will be necessary for it to apply to the Council for a Deed of Variation to the Legal Agreement. To facilitate that at that stage your officers will be able to assess whether the CICs proposals are satisfactory with regard to the obligations under the agreement to secure the availability of the Affordable Housing Units for persons in housing need in

perpetuity, and make an appropriate recommendation to Committee under any request to vary the legal agreement.

### **3 Other Issues**

- 3.1 Following the meeting in January between officers the applicant/agent and the Member Panel, an action list was drawn up by your officers seeking to further clarify the matters required to be considered following the Committees previous consideration of the application as follows:
- 3.2 Action points for the Local Planning Authority
- 3.3 Further detailed consideration of the relationship between the proposed development and the adjacent dwelling Windacres, in terms of ensuring an acceptable relationship is obtained with regard to issues such as overlooking etc; Members also noted that it was important to ensure that the development, including the formation of the access, preserves or enhances the character of the Conservation Area.
- 3.4 Further detailed consideration to be given to the three storey sheltered housing flatted element in light of the revised plans submitted prior to the Committee's original consideration of the application.
- 3.5 Action points for applicant/agent:
- 3.6 Further information (business plan) to be submitted indicating that the community interest company is viable in the longer term;
- 3.7 To ensure the community interest company is set up before the development commences and is fully funded prior to the start of the development;
- 3.8 Further information on Community Interest Company to ensure greater transparency;
- 3.9 Viability and sustainability of community facilities;
- 3.10 Further consideration of the phasing and length of time it will take to complete the development;
- 3.11 Provision of 3 rented affordable units;
- 3.12 Clarification on a pedestrian route to Highcroft Drive and to Rudgwick village centre;
- 3.13 Issues to be addressed regarding the feeling that there had been a lack of local involvement;
- 3.14 The Council's Tree Officer requests information to be provided on tree protective fencing;

- 3.15 Information to be provided on the use of special surfaces where required within the root protection areas of trees;
- 3.16 The routing of a foul drain along the access roadway to avoid roots of adjacent trees;
- 3.17 Further investigation to ensure satisfactory foul and surface water drainage;
- 3.18 Adequacy of water supply;
- 3.19 Maintenance of green space along the road;
- 3.20 Involvement of Rudgwick Biodiversity project Team.
- 3.21 Sussex Police noted with disappointment that the Design and Access Statement did not make specific reference to crime prevention measures and would be pleased to offer advice to the applicant/agent on addressing this omission.
- 3.22 Southern Water require the applicant/developer to enter into a formal agreement to provide necessary sewerage infrastructure and that if a sustainable urban drainage system is used, arrangements provided for the long term maintenance of the system.
- 3.23 West Sussex County Council required further information on ecological mitigation measures, in particular with regard to Great Crested Newts recorded in ponds adjacent to the site.
- 3.24 Contributions of £190,398 would be required for education, fire and transport infrastructure generated by the development.
- 3.25 Following receipt of the safety audit with regard to the access, the County Council noted most issues can be addressed at the detailed design stage but two problems would benefit from further discussion, firstly the possibility of parking along Church Street resulting in conflict between parked vehicles attempting to enter the site and therefore the possible requirement for waiting restrictions if a problem arises via an obligation in the legal agreement; and secondly the issue of improvements to the pedestrian footway in Church Street.
- 3.26 District infrastructure requirements amounting to £63,732 would normally be required in respect of the development.  
  
Consider how the existing right of way from the site to the existing access can be maintained for those that have a right to use it, whilst appropriately discouraging/precluding use of the original access by occupiers and visitors to the proposed development.

4 Taking each of the above issues in turn, the current position is as follows:

- Further detailed consideration of the relationship between the proposed development and the adjacent dwelling Windacres, in terms of ensuring an acceptable relationship is obtained with regard to issues such as overlooking etc.

4.1 The original report with regard to this issue stated:

*The existing dwelling Windacres is in relatively close proximity to the south western corner of the residential part of the site. This property currently retains a relatively rural position and outlook, the proposal would result in residential development adjacent to its common boundary with the site. The common boundary contains a number of deciduous trees in this location. It is considered that the relative orientations of the relevant properties together with positioning of windows etc would protect the residential amenities of the occupiers, whilst it is acknowledged changing the context within which the dwelling is currently sited.*

4.2 Further consideration has been given to this issue and it is considered that the relationship of the proposed development in relation to the existing dwelling Windacres is appropriate.

- Members also noted that it was important to ensure that the development, including the formation of the access, preserves or enhances the character of the Conservation Area.

4.3 It is noted that the principle of a new access is referred to in Policy AL9 and that the proposed access at 7m wide meets standards set out for an access serving a development of the type proposed, including the ability for two articulated lorries to pass, in light of the commercial element of the scheme and that the access could also serve agricultural purposes. A 7m wide access road at this point would be a prominent feature in the street scene, wider than Church Street itself at this location. However in light of the potential type of vehicular traffic that could use the access it is considered that a 7m access width at its junction with Church Street is appropriate in terms of highway engineering terms. The access junction has been the subject of a safety audit and is in principle considered appropriate. There is however the potential to reduce the width of the access road after its junction with Church Street.

4.4 The impact of the access on the Conservation Area can be reduced by detailed consideration of such issues as surface treatment, kerbing and road markings.

4.5 The other main impact of the proposal on the Conservation Area are the 7 proposed units of affordable housing at the front of the site adjacent to the access. The applicant has provided four alternative elevational treatments for the four units fronting onto Church Street. On balance your officers consider the frontage elevational treatment shown on the drawing submitted on the 03/09/2010 to be the most appropriate, although as stated above other elevational treatments suggested could also be considered appropriate.

4.6 In the above circumstances it is considered the development and the access in particular would have an acceptable impact on the Conservation Area.

- Further detailed consideration to be given to the three storey sheltered housing flatted element in light of the revised plans submitted prior to the Committee's original consideration of the application.

4.7 The original report with regard to this issue stated:

*One particular aspect of the design of the scheme that has aroused comment is that of the 3 storey sheltered housing flat element. In particular comment has been made that a 3 storey building is contrary to the Rudgwick Parish Design Statement. This document is one of a number of material considerations, it is noted the three storey building is towards the centre of the site and would be viewed in the context of the larger existing commercial buildings and the proposed commercial and community buildings, and as such seeks to provide a transition between these buildings and the more domestic scale of the remaining dwellings proposed on the site. In these circumstances a 3 storey building in this location is not considered to be unacceptable in principle by your officers. In this regard the design of this building has been amended to change from a full 3 storey structure with parapet walls, to a mansard style roof incorporating dormer windows, in order to reduce the eaves height and apparent impact of the building within the development.*

4.8 Further consideration has been given to the amended plans received prior to the committees previous consideration of the application, your officers remain of the view that the revised plans have reduced the potential impact of this 3 storey flatted element of the scheme in the centre of the development. Having regard to its relationship with the larger scale commercial and community buildings your officers remain satisfied that this aspect of the proposal is acceptable in its proposed context.

4.9 Action points for applicant/agent

- Further information (business plan) to be submitted indicating that the community interest company is viable in the longer term;
- To ensure the community interest company is set up before the development commences and is fully funded prior to the start of the development;
- Further information on Community Interest Company to ensure greater transparency.

4.10 As stated above the proposed Community Interest Company has not yet been set up although the applicant has submitted information with regard to the principals of the proposed Community Interest Company.



- 4.11 As the CIC has not been set up the applicant is unable to provide any further reliable information regarding the viability of the future CIC at this time, or a detailed business plan etc. The manner in which it is proposed to deal with this situation is referred to above in more detail. Namely that the application and associated legal agreement are dealt with at the present time on the basis of a standard application, with a legal agreement containing standard requirements for such a development. In the future, should planning permission for the development be granted and a CIC set up, the applicant could if necessary apply to the Council to vary the legal agreement with regard to a CIC, and at that time would be in a position to provide further information on the viability of any CIC in the longer term and its transparency etc.
- 4.12 As it is not the intention for the CIC to develop the site and in the above circumstances, it is not considered necessary by your officers for the CIC to be set up or to be fully funded prior to the start of the development.
- Further consideration of the phasing and length of time it will take to complete the development
- 4.13 The applicant has advised that it would be the intention that the development would take between three and four years to build out from implementation of development, and that phasing would be in accordance with the phasing plan originally submitted with the application.
- Provision of 3 rented affordable units
- 4.14 The applicant has confirmed that of the 7 affordable housing units proposed 3 rented affordable units would be provided, to be secured through the legal agreement.
- Clarification on a pedestrian route to Highcroft Drive and to Rudgwick village centre:
- 4.15 The applicant has advised that he is unable to provide a pedestrian route to/from Highcroft Drive. Preliminary plans for pedestrian links alongside Church Street have been prepared by the applicant, which have been discussed with the Parish Council and West Sussex County Council as the Highway Authority. Subject to the formal comments of the Highway Authority and further consultation with relevant parties, formal costed proposals can be drawn up, the provision of this aspect of the proposal is a matter that can be controlled and secured through the legal agreement.
- Issues to be addressed regarding the feeling that there had been a lack of local involvement:
- 4.16 The applicant is of the view that there has been appropriate local involvement having undertaken exhibitions in the village etc.
- The Council's Tree Officer requests information to be provided on tree protective fencing; Information to be provided on the use of special surfaces where required

within the root protection areas of trees; The routing of a foul drain along the access roadway to avoid roots of adjacent trees:

- 4.17 These details have recently been submitted and the submitted information is considered to be acceptable.
- Further investigation to ensure satisfactory foul and surface water drainage:
- 4.18 Your officers are satisfied this is a matter that can be satisfactorily controlled through conditions and that a satisfactory technical solution can be provided by the applicant should the development reach the detailed construction design stage.
- Adequacy of water supply:
- 4.19 Southern Water have informally advised that in its view an appropriate water supply can be provided without undue impact on other users in the locality and your officers are seeking its formal response in this regard.
- Maintenance of green space along the road:
- 4.20 Maintenance of open spaces within the development can be secured through the legal agreement.
- Involvement of Rudgwick Biodiversity project Team.
  - Sussex Police noted with disappointment that the Design and Access Statement did not make specific reference to crime prevention measures and would be pleased to offer advice to the applicant/agent on addressing this omission:
- 4.21 The applicants agent has been in contact with Sussex Police and whilst an amendment to the Design and Access Statement has not been provided Sussex Police make a number of detailed comments, draw the attention of the applicant to Secured by Design accreditation and look forward to continued contact with the applicant as the project develops.
- Southern Water require the applicant/developer to enter into a formal agreement to provide necessary sewerage infrastructure and that if a sustainable urban drainage system is used, arrangements provided for the long term maintenance of the system:
- 4.22 It is appropriate for the developer to enter into a formal agreement with Southern Water to provide necessary sewerage infrastructure following any grant of planning permission. Arrangements to provide for the long term maintenance of any sustainable urban drainage system, or other means of surface water drainage can be achieved through the legal agreement.

- West Sussex County Council required further information on ecological mitigation measures, in particular with regard to Great Crested Newts recorded in ponds adjacent to the site:
- 4.23 Whilst a corrected application form has not been received with regard to the issue of the presence of protected species in the vicinity of the site as originally requested by the County Ecologist, further ecological reports have been received with regard to bat and newt mitigation measures. The County Ecologist has confirmed the submitted information is acceptable and has withdrawn the County Councils Strategic previous ecological objection to the proposal.
- County contributions of £190,398 would be required for education, fire and transport infrastructure generated by the development:
- 4.24 Appropriate County infrastructure contributions will be negotiated through the legal agreement.
- 4.25 Following receipt of the safety audit with regard to the access, the County Council noted most issues can be addressed at the detailed design stage but two problems would benefit from further discussion, firstly the possibility of parking along Church Street resulting in conflict between parked vehicles attempting to enter the site and therefore the possible requirement for waiting restrictions if a problem arises via an obligation in the legal agreement; and secondly the issue of improvements to the pedestrian footway in Church Street.
- 4.26 It is understood that the County Council safety audit team remain of the view that possible requirement for waiting restrictions along Church Street should be addressed by an obligation in the legal agreement. The applicant wished to resolve the matter as to whether such waiting restrictions were required or not at this stage but has been unable to achieve this. It is therefore considered this matter is best dealt with as suggested by the Highway Authority, through the legal agreement; as stated above the issue of improvements to the pedestrian footway along Church Street is the subject of ongoing work by the applicant.
- District infrastructure requirements amounting to £63,732 would normally be required in respect of the development for off site recreational facilities, off site community facilities and refuse and recycling. :
- 4.27 Appropriate District infrastructure contributions will be negotiated through the legal agreement process
- Consider how the existing right of way from the site to the existing access can be maintained for those that have a right to use it, whilst appropriately discouraging/precluding use of the original access by occupiers and visitors to the proposed development:
- 4.28 The applicant has recently submitted a plan illustrating four removable bollards seeking to address this issue. Your officers have been advised that the current proposal is unlikely to provide a robust solution to this issue and the applicant has been requested to reconsider the matter and provide alternative

suggestions, potentially including removable bollards and over- runable build outs within the carriageway to an appropriate design

## 5. RECOMMENDATION

- 5.1 It is recommended that the application be delegated with a view to approval to the Head of Planning and Environmental Services subject to:  
the submission of further details seeking to control the use of the existing access from the proposed access,  
the completion of a S106 legal agreement relating to amongst other matters the provision of appropriate County and District Council infrastructure contributions generated by the development, the provision of sheltered and affordable housing, the mechanism for the management and delivery of the sheltered and affordable housing, landscaped areas, on site community facilities, surface water drainage, ecology, necessary access bollards etc, the ability to impose waiting restrictions on Church Street if required, improved footpath links adjacent to Church Street, together with the following conditions:
- 01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
**Reason:** *To comply with Section 91 of the Town and Country Planning Act 1990 (As Amended).*
- 02 Before development commences accurate details of the finished floor levels of the buildings in relation to nearby datum points shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.  
**Reason:** *To control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 03 No development shall take place until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected. Thereafter the screen walls and/or fences shall be retained as approved and maintained in accordance with the approved details.  
**Reason:** *In the interests of amenity in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 04 Each building hereby approved shall not be occupied until the parking turning and access facilities associated with that building together with access to the highway within the site have been provided in accordance with the plans hereby approved (or in accordance with plans submitted to and approved in writing by the Local Planning Authority) and the parking turning and access facilities shall thereafter be retained solely for that purpose.  
**Reason:** *To ensure adequate parking, turning and access facilities are available to serve the development in accordance with policy DC40 of the*

*Horsham District Local Development Framework: General Development Control Policies (2007).*

- 05 No individual building, hereby approved, shall be occupied until details of the car parking for that building has been submitted to and agreed in writing by the Local Planning Authority. The car parking shall be constructed in accordance with the approved details. These spaces shall thereafter be retained at all times for its designated use.  
**Reason:** *To provide car-parking space for the dwelling and in accordance with policy DC40 of the Local Development Framework: General Development Control Policies (2007).*
- 06 H1 Access  
**Reason:** *In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 07 No individual dwelling or building hereby permitted shall be occupied unless and until provision for the storage of refuse/recycling bins for that dwelling 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).*
- 08 No work shall be carried out on site unless there is available within the site provision for the parking, loading and unloading of vehicles and the storage of materials and equipment associated with the building works; all in accordance with details to be approved by the Local Planning Authority in writing before development commences. The approved facilities shall be retained and available for use throughout the period of work required to implement the development hereby permitted unless alternative details are agreed in writing by the Local Planning Authority.  
**Reason:** *In the interests of road safety and/or in the interests of amenity and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 09 No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority in writing and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth, mud or other materials on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.  
**Reason:** *In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

- 10 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).*

- 11 No works or development shall take place until full details of all hard and soft landscaping works, including the surface treatment of the access, parking and turning areas, have been approved in writing by the Local Planning Authority. All such works shall be carried out in accordance with the approved details. Any plants which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 12 No development, including works of any description, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:

All required arboricultural works, including permitted tree felling and surgery operations and above ground vegetative clearance within such areas set out for development as indicated on the approved site layout drawing to be completed and cleared away.

As appropriate according to the phasing of the development and in accordance with details to be submitted to the Local Planning Authority for approval all trees on the site targeted for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 9 of BS 5837 'Trees in Relation to Construction' (2005). Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

**Reason:** *To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with policy DC9 of the*

*Horsham District Local Development Framework: General Development Control Policies (2007).*

- 13 Before development commences an ecological and landscape management plan, including long term design objectives, management responsibility and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.  
**Reason:** *To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 14 No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed buildings(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.  
**Reason:** *To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 15 The dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measures of sustainability for house design that replaces that scheme). No dwellings shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.  
**Reason:** *To ensure the dwelling makes the most efficient use of renewable energy and to comply with policy DC8 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 16 No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** *To safeguard the amenities of nearby residents in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 17 Prior to commencement of any works which may affect reptiles or bats, a detailed reptile/bat mitigation strategy shall be undertaken. All works shall proceed in accordance with the approved strategy with any amendments agreed in writing.  
**Reason:** *To safeguard the ecology and biodiversity of the area in accordance with policy DC5 of the Horsham District Local Development*

*Framework: General Development Control Policies (2007), and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000, to ensure that a habitat remains for them during and after development.*

- 18 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.  
**Reason:** *In accordance with the principles of Planning Policy Statement 25 - "Development and Flood Risk" (PPS25), PPS23 - "Planning and Pollution Control", PPS1 - "Delivering Sustainable Development" and PPS9 - "Biodiversity and Geological Conservation". To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these and to accord with policies DC7 and DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 19 No dwelling shall be occupied until works for the disposal of sewage for the dwelling has been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
**Reason:** *To ensure that the development is properly drained and to comply with DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 20 Prior to the commencement of development, the approved site access junction onto Church Street shall be constructed in accordance with the approved drawings plan unless any variation to the approved details is agreed in writing by the Local Planning Authority.  
**Reason:** *In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 21 No street lighting shall be installed on the site without the prior written approval of the Local Planning Authority by way of an application on that behalf.  
**Reason:** *In the interests of the amenities of the area and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forwardmost part of any proposed building which front or face onto a highway or vehicular access



serving the site unless planning permission has been granted by the Local Planning Authority on an application in that respect.

**Reason:** *In order to safeguard the character and visual amenities of the locality and in accordance with policy DC9 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).*

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or Orders amending or revoking and re-enacting the same, the building(s) shall not be extended on any elevation which front or face onto a highway or vehicular access serving the site, unless planning permission has been granted by the Local Planning Authority on application in that respect.
- Reason:** *To maintain control over the development in the interests of amenity and in accordance with policy DC9 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).*
- 24 No development or preparatory works shall begin until a suitably licensed ecological clerk of works has been engaged to oversee the great crested newt mitigation, supervising the erection of a great crested newt exclusion fence, creation of a receptor site, translocation of newts and the destructive search. Development shall only proceed in accordance with the great crested newt mitigation statement (S5 & 6) submitted to support the application and a method statement to be agreed by Natural England.
- Reason:** *To maintain the conservation status of European protected species in accordance with The Conservation (Natural Habitats, &c.) Regulations (1994/2010); Gov't Circ. 06/2005, PPS9 and HDC policy DC5.*
- 25 No development or preparatory works shall begin until a suitably licensed ecological clerk of works has been engaged to oversee the bat mitigation plan, provision of temporary roosts, and undertake a final check for bats. Demolition will not occur between November start and February end in any year and will be undertaken by hand as appropriate and under the direction of a suitably licensed bat worker. No development or preparatory works shall begin until a plan showing new permanent roosting areas detailing roost types, numbers and locations and the locations of any external lighting provision is provided. Development shall only proceed in accordance with the outline bat mitigation statement (S3) submitted to support the application and a method statement to be agreed by Natural England.
- Reason:** *To maintain the conservation status of European protected species in accordance with The Conservation (Natural Habitats, &c.) Regulations (1994/2010); Gov't Circ. 06/2005, PPS9 and HDC policy DC5.*
- 26 No ground excavations landscaping works or infrastructure works pursuant to the planning permission will commence on the site until the implementation of a programme of archaeological work in accordance with

a Written Scheme of Archaeological Investigation which has been submitted to the Local Planning Authority and agreed in writing.

***Reason*** : *To ensure appropriate investigation and recording of archaeological Heritage Assets on the site prior to commencement of new building works.*

- 27 A proposed pond shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and retained thereafter.

***Reasons***: *There is scope within this development to incorporate habitat creation in order to enhance and increase the biodiversity of this site. Given the results from the Great Crested Newt survey an opportunity to improve the network of ponds is presented and allowing the extension of available habitat for this species.*

- 28 L3 Trenches

- 29 L8 Foundation details - Special construction method for access road within root protection areas of trees

Together with additional conditions relating to the commercial units and any other appropriate conditions recommended by consultees.

**Informative:**

The applicant is advised that in respect of both great crested newts and bats a European Protected Species licence will be required before works can commence.

Background Papers: DC/09/1623  
Contact Officer: Steve Booth

Slb1pink/wk4/jlt



**Horsham  
District  
Council**

## **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee North

**BY:** Head of Planning and Environmental Services

**DATE:** 2<sup>nd</sup> November 2010

**DEVELOPMENT:** 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.

**SITE:** Windacres Farm, Rudgwick

**WARD:** Rudgwick

**APPLICATION:** DC/09/1623

**APPLICANT:** Cllr John Bailey

**REASON FOR INCLUSION ON AGENDA:** Category of development/Applicant is a Council Member

**RECOMMENDATION:** That the application be delegated with a view to approval to the Head of Planning and Environmental Services subject to further negotiation and clarification on the issues identified in the report, and the completion of a S106 legal agreement relating to the development of the site.

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning applications.

#### **DESCRIPTION OF THE APPLICATIONS**

- 1.1 The application proposes 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 (possible Parish Council office, small museum/library, coffee shop) and extension to existing industrial building and new access.

- 1.2 Two existing dwellings are proposed to be demolished in order to facilitate the construction of a new access to serve the proposed development. The access would run from Church Road, through the curtilage of the existing dwelling and then divide into two main branches, one to provide access to the existing and proposed commercial units and the other to serve the main residential elements of the scheme.
- 1.3 Adjacent to the access and close to the site frontage with Church Street, 7 two bed affordable housing units are proposed with parking, located in the relatively narrow area of land between the proposed access to serve the site and the southern site boundary, which is adjacent to the existing access that currently serves Windacres Farm and a number of other dwellings (this existing access is outside the current application site and is not in the ownership of the applicant).
- 1.4 The 2 existing dwellings proposed to be demolished are shown to be replaced with 2 four bed units.
- 1.5 In addition to the 7 affordable housing units and the 2 replacement dwellings referred to above, the proposal includes 26 two bed sheltered dwellings. It has recently been confirmed that these units will meet the normal definition of sheltered accommodation in terms of their use and management etc.
- 1.6 The final residential element of the proposal comprises 8 three bed residential units. In support of the application the applicant advises these units could provide flexibility in providing accommodation to meet the needs of Rudgwick within the scheme, it has also recently been clarified that in considering the proposal these units should be considered as open market units.
- 1.7 The commercial elements of the scheme comprise an extension to the existing Rudgwick Metals business on the site together with 3 B1 office units adjacent to the part western boundary of the site and 3 B1 'shed' units.
- 1.8 In addition the proposal incorporates a community facility building comprising an office area (stated to be a possible Parish Council office and facility for the Community Interest Company, proposed to manage and run the development) together with a small museum/library and coffee shop area (stated to principally be intended to serve the sheltered housing on the development although also open to other customers).
- 1.9 The proposal also incorporates a number of 'car barns' together with open parking areas, internal access ways and open areas.
- 1.10 It is proposed that the development would be managed and run by a community interest company (CIC). It is proposed the CIC would manage the development, including the ongoing management and running of the completed development, including the new commercial units, the sheltered accommodation, the affordable units at the front of the site, the community facilities together with the communal areas and areas of unadopted accesses within the development. The management of affordable housing in particular by a community interest company rather than a

social housing landlord is a departure from normal practise and the mechanism by which the aims could be achieved would need to be carefully considered and included within any S106 legal agreement before any permission for the development could be granted.

- 1.11 It is understood that Community Interest Trusts have previously been used to manage various forms of community developments/ businesses in the country, however it is understood that the use of a Community Interest Company to manage a development of this nature is less common.

**Further information has been requested and submitted with regard to the aims and principles of operation of the proposed Community Interest Company and this is attached to the report.**

## DESCRIPTION OF THE SITE

- 1.12 The site lies on the north side of Rudgwick to the east of Church Street and currently contains 2 dwellings, the Rudgwick Metals business contained within portal frame, corrugated clad industrial buildings, a number of substantial open fronted and enclosed agricultural barns together with a farm office building. The remainder of the site is mainly open rough land.
- 1.13 The site contains a number of trees, in particular on the boundaries, which are also marked by hedges.
- 1.14 The front of the site is adjacent to the Rudgwick Conservation Area and also lies within the Defined Built up Area of Rudgwick (defined as Category 2 settlement in the LDF). The majority of the site, is outside the Defined Built Up Area.
- 1.15 To the South of the site lies residential development accessed off Summerfold and Windacres Drive. To the north and west of the irregularly shaped site lies further residential development accessed from Church Street and Highcroft Drive. Land to the east is predominantly agricultural, with the exception of the dwelling Windacres that is located in relatively close proximity to the south eastern corner of the site.

## PLANNING HISTORY

- 1.16 A number of applications have been submitted relating to the existing commercial, residential and agricultural uses on the site, but none are considered directly relevant in the consideration of the current proposal.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 Town and Country Planning Act 1990.

## RELEVANT GOVERNMENT POLICY

- 2.2 PPS1 - Delivering Sustainable Development; PPS3- Housing; PPS5 - Planning for the Historic Environment; PPS7 - Sustainable Development in Rural Areas; PPS9 Biodiversity and Geological Conservation; PPG13 - Transport; PPS23 - Planning and Pollution Control, together with PPS 25 – Development and flood risk .

## RELEVANT COUNCIL POLICY

- 2.3 Local Development Framework Core Strategy Policy CP1 - Landscape and Townscape Character; CP2 - Environmental Quality; CP3 - Improving the Quality of New Development; CP5-Built Up Areas and Previously Developed Land; CP8 - Small Scale 'Greenfield' Sites; CP10 Employment Provision; CP12 Meeting Housing Needs; CP11 - Employment Sites and Premises; CP13 - Infrastructure Requirements; CP14- Protection and Enhancement of Community Facilities and Services; CP15 - Rural Strategy CP16-Inclusive Communities; and CP19 - Management Travel Demand and Widening Choice of Transport.

General Development Control Policies DC1 - Countryside Protection and Enhancement; DC2 - Landscape Character; DC5-Biodiversity and Geology; DC7-Flooding; DC8 - Renewable Energy and Climate Change; DC9 - Development Principles; DC12-Conservation Areas; DC18 - Smaller Homes/Housing Mix; DC25 Rural Economic Development; DC28 House extensions and replacement Dwellings; DC40 - Transport and Access.

Site Specific Allocations of Land (2007) policy AL9 Land at Windacres Farm Rudgwick which states.

**Land amounting to 2.5 hectares is allocated for residential development and employment use. At a density of 30 dwellings per hectare, this site is expected to accommodate around 30 dwellings as described below.**

Development will be subject to the following:

- a. retention of existing business on the site;
- b. the provision of sheltered accommodation for the elderly;
- c. contribution to local employment in the form of new small employment units (B1);
- d. retention and enhancement of the existing mature hedgerows;
- e. access to be from Windacres Farm, south of Windacres Lodge onto Church Street;
- f. the careful siting, design and separation of employment uses and housing;
- g. improvements to cycle and pedestrian links to the village from the site;
- h. the provision of replacement dwellings if demolition is necessary to achieve access to the site; and
- i. contributions will be required towards the improvement of infrastructure, including the provision of more sustainable transport choices, services and community facilities unless it is demonstrated that the site or local

circumstances do not justify such a provision, in accordance with Core Policies CP13 and CP20.

Local Development Framework Planning Obligations Supplementary Planning Document.

Rudgwick Parish Design Statement 2009.

### 3. OUTCOME OF CONSULTATIONS

#### INTERNAL CONSULTATIONS

Access Forum: If possible it would be good to remove any ramps/steps internally in communal buildings.

The Councils Strategic and Community Planning Section comments

The application needs to be considered against policies in the Local Development Framework, in particular the *Core Strategy (2007)*, the *Site Specific Allocations of Land (2007) Development Plan Document (DPD)*, the *General Development Control Policies (2007) DPD*, and the *Planning Obligations SPD*. National and regional policies are also relevant to the consideration of the application, in particular those within *PPS3: Housing*, *PPG13: Transport* and *PPS1: Delivering Sustainable Development*.

**Policy AL9** of the *Site Specific Allocations of Land DPD* is the key policy in considering this application, as it sets out the criteria against which the application should be considered and I shall go through each point in turn. As a starting point you should also be aware of the Inspectors Report (published September 2007) into the *SSAL DPD* which gives the background to the proposals. It states:

*This allocation for a mixed employment and residential use stems from a study by the local community, endorsed by the Parish Council. The 2006 Rudgwick Parish Plan, which included a questionnaire survey, identified a need for smaller homes and for sheltered housing. There was also considerable support for local employment within the Parish.*

*We accept that local needs have been identified and there is community support for this project. We also accept that this is perhaps one of the more relatively remote localities in the District and Rudgwick acts as a minor service centre. We recognise that sheltered housing requires a 'critical mass' in terms of the number of units necessary to achieve viability. Thus in all the circumstances here we find this allocation sound under Test 7. That said, we find no justification for 'normal' single persons/couples/family market housing in this Category 2 Settlement and it is important that this scheme should meet the identified local needs. If meeting these needs is not deliverable, we firmly believe the scheme should not progress for the reasons explained in the second part of 4.25 above.*

Paragraph 4.25 relates to Meiros Farm the second part reads:

*Nonetheless it is a finely balanced judgement as the consequence is the location of some 20 market homes in a village which is likely to result in travel – predominantly by private car – to other areas for work, main shopping, secondary education and entertainment. The aim of reducing the need to travel will not be met and schemes such as this should not be seen as any sort of precedent for future negotiations elsewhere.*

**“Land amounting to 2.5 hectares is allocated for residential development and employment use. At a density of 30 dwellings per hectare, this site is expected to accommodate around 30 dwellings.”**

The policy states that the site is expected to accommodate around 30 dwellings. This allows for flexibility. From a policy perspective, it is acceptable to agree with a higher number of dwellings where circumstances allow. It is noted here that the government has removed minimum requirements for housing density. On the allocated site itself 36 dwellings are proposed (two replacement dwellings for those demolished elsewhere to form the access road), with a further seven one bed units on the Church Road frontage; these lie outside of the allocated area as shown on the proposals map and this area was not considered for development at the Site Specific Allocations of Land hearings. In principle, there is no objection to the number of units proposed, and as the units outside of the allocation would fulfil a local need there is no objection in principle to them. It is, of course, a matter for your judgement as to whether this number of units will sit comfortably on this site, as well as reflecting the character of the area.

**A retention of existing business on the site:**

Rudgwick Metals will remain on the site and their premises will be improved as part of the development. This, then, accords with the adopted policy.

**B the provision of sheltered accommodation for the elderly:**

I understand that the proposed sheltered housing meets the definition of sheltered housing required to comply with the policy. In order to secure the sheltered housing on the site a planning obligation under Section 106 should be sought.

**C contribution to local employment in the form of new small employment units (B1):**

The proposal includes new small employment units. These are welcomed and appear to fulfill the policy requirement.

**D retention and enhancement of the existing mature hedgerows:**

The scheme indicates the retention of the existing hedgerows. The advice of the Council's Arboricultural officer and the Landscape Officer should be sought to ensure that there would be no harmful impact from the proposed layout.

**E access to be from Windacres Farm, south of Windacres Lodge on to Church Street:**

The access is shown in this location; in accordance with the policy. I understand that the advice of the Highway Authority has been sought in respect of the detail.

**F the careful siting, design and separation of employment uses and housing:**

The employment uses and housing are shown to be physically separated, with the employment uses on the western side and the housing on the eastern side. The issues of the layout and design are matters for you following a site visit and in light of the advice of the Design and Conservation Officer. The development principles in Policy DC9 should be applied.



**G improvements to cycle and pedestrian links to the village from the site:**

Other than the main pavement there is currently little evidence of this forming part of the proposals; however, I note that contributions are to be made in respect enhancements southwards from the scheme and this may fulfill the policy requirement. I would recommend that further details from the agent should be sought. Appropriate conditions and an appropriate planning obligation clause should ensure that these improvements take place.

**H the provision of replacement dwellings if demolition is necessary to achieve access to the site:**

Replacement dwellings are shown as part of the proposal in accordance with the policy. Again, the issues of the layout and design are matters for you following a site visit and in light of the advice of the Design and Conservation Officer. The development principles in Policy DC9 should be applied.

Contributions will be required towards the improvement of infrastructure, including the provision of more sustainable transport choices, services and community facilities unless it is demonstrated that the site or local circumstances do not justify such a provision, in accordance with Core Policies CP13 and CP20.

A Section 106 legal agreement will be required in this respect. The agents indicate they are aware of the need for such contributions.

**Other Policy Issues****Policy CP12**

The policy, AL9, does not require the sheltered units to be affordable. It was considered at the time of the SSAL hearings that private sheltered accommodation met a local need.

With regard to the other housing proposed, this needs to be considered in light of Policy CP12, which requires that in settlements with a population of less than 3000, permission will only be granted for schemes providing 100% affordable housing, unless it is demonstrated that market housing is required under Policies CP5 or CP8. In such cases the target of 40% affordable housing provision will apply to developments of five dwellings or more.

In this case, excluding the sheltered provision, there are 2 replacement dwellings, 7 affordable units (on the Church Street frontage within the built up area boundary of Rudgwick where housing for local need can be acceptable in principle), and 8 open market houses. If we were considering the open market housing alone, this would clearly be contrary to the Council's policy; however, put forward as part of a wider package which is considered to offer benefits to the community, it could be considered acceptable within the policy framework. If the overall scheme was considered to fulfil the aims of policies CP5 and CP8, in terms of local needs and the gradual evolution of the community, and accepting that without the open market housing the overall scheme would be unlikely to go ahead, of the 15, not sheltered or replacement, units, 7 would be affordable, that is over 40%, and therefore within the overall remit of the Council's policies.

As it is also the case that the Inspectors' report, referred to earlier, states there is community support for the project now embodied in Policy AL9, there is an argument for supporting the proposals under the government's new localism agenda providing that significant community support continues, despite the element of open market housing.

### **Rudgwick Parish Design Statement**

I would also draw your attention to the Rudgwick Parish Design Statement SPD, which was adopted on the 18<sup>th</sup> September 2009. It is important that any proposal is considered in light of this.

**Other issues:** Such as the impact and acceptability of the access, impact on the Conservation Area and landscape, trees, and ecology, are better judged by the Case Officer following a site visit and in light of General Development Control Policies (2007). Moreover, in terms of detail, the proposals should also accord with other General Development Control Policies, including DC5 Biodiversity and Geology, DC8 Renewable Energy and Climate Change, DC9 Development Principles, DC12 Conservation Areas, and DC18 Smaller Homes/ Housing Mix. I would be happy to offer further advice on these issues if necessary.

**Overall:** The principle of development is supported on this allocated site. It is considered that the proposals before us now largely meet the strategic objectives of the policy in the *SSAL DPD*. There are a number of issues that you will need to be satisfied can be achieved and there will need to be appropriate conditions and a Section 106 agreement to ensure the proposals are delivered to meet the policy criteria. Overall, though, I am now satisfied that an acceptable scheme can be achieved.

The Council's tree officer comments as follows:

- I am pleased to see that this application has been accompanied by a full tree survey, as well as drawings indicating the routes of underground services. This information is required at this stage under our recently adopted Validation Requirements List and makes assessment of the arboricultural implications straightforward. However, I have not found any details submitted showing the provision for tree protective fencing in accordance with BS 5837 'Trees in Relation to Construction' (2005); this information should be requested prior to determination.
- The great majority of the trees on this site are on its peripheries and represent old field boundaries; exceptions are the garden trees within the existing properties Windacres Lodge and Windacres Barn. A number of these will require removal to facilitate development, 24 in total. However, a close analysis of this number indicates that 13 of these are rightly classified (using the model within the BS) as category R, that is, trees which should be removed for reasons "of sound arboricultural management" whether the site is developed or not. Clearly, this is acceptable. Of the remaining 11, 8 are classified as category C (those of low quality and value), rightly in my view, leaving only three trees within category B and none of category A. Given the size of the development proposal, this appears reasonable and confirms that, in general terms, the trees on the site have been paid due regard.
- The three category B trees to be removed include the two oaks to the west of the existing access driveway into the site (T35, T36) and the Scots pine in the north-western corner of the garden to Windacres Lodge (T3). Although all three of these trees are in reasonable condition, I do not assess that they are of particular or especial merit, and though T3 has some external public amenity value, I do not feel on balance that its worth is such that it

should be retained, given that this would require the shifting of the proposed access driveway into the site by around 9m to the south, thereby sterilising this area for residential development. I thereby record no objection to the removal of these three trees.

- In terms of the proximity of the proposed buildings to existing trees, again it appears that suitable consideration has been given to this. The only two locations where buildings foul the root protection areas (RPA's) of trees are in the cases of specimens T13 and T86. However, in both cases, the degree of ingress accords with the recommendations at BS 5837 [2005] and is therefore acceptable.
- In some areas, hard surfaces will ingress within the RPA's of certain trees. In some cases, where ingress is limited given the sizes of the RPA's of adjacent specimens, such as along the proposed access driveway, this is a very limited concern only and is acceptable. However, in the cases of trees T33, T38, T39, T40, T41, T42, T47, T53, T54 and T86 ingress is considerable and in these cases hard surfaces will only be acceptable using a 'no-dig' above ground installation process using a three-dimensional Cellular Confinement system such as that indicated in the publication Arboricultural Practice Note APN12, 'Through the Trees to Development' (Patch & Holding, 2007) published by the Arboricultural Advisory and Information Service. Details of this surfacing should be requested from the developers and assessed for suitability.
- I have examined the below ground foul drainage plan (drawing 2009288/EXT02) and note that the system is at an acceptable distance from the trees within the main of the site. However, where it sited beneath the proposed access road, it is shown in fairly close proximity to the northern boundary and fouls, in places, the RPA's of a number of the trees to be retained along this boundary (trees T7, T20). Although not catastrophic, it would represent better practice to shift the position of this underground service slightly to the south, still within the roadway, by around 2m.

In summary, this proposal appears acceptable save for the requirements noted above to:

- Provide information on tree protective fencing;
- Provide information on the use of special surfaces where required within the RPA's of trees;
- Shift the siting of the foul drain along the access roadway slightly to the south.

Subject to these refinements, I feel that the scheme respects the existing tree stock overall, and is moreover unlikely to lead to post development pressure for tree removal. I therefore record NO OBJECTION to the scheme.

## OUTSIDE AGENCIES

The Parish Council on the 19 January stated that it accepted the principle of development and welcomed the business units and formation of a village trust to manage the development. However it objected to the proposal due to concerns of the housing mix with too many sheltered units, more rented accommodation needed, the affordable housing units at the front of the site are outside the AL9 policy area, the 3 storey building would be contrary to the Rudgwick Parish Design Statement policy 11, lack of storage for houses with no garages a concern, concerns relating to surface/foul water drainage, increased pressure on village water supply which is prone to loss of supply in summer, community building may not be sustainable and may impact on existing facilities in the village, lack of discussion with the Parish Council, pedestrian access poor and footpath should be provided, access opposite

Chapel which generates on street parking. The Parish would welcome greater involvement given the importance of the allocated site to the village.

On the 20 October the Parish Council provided further comments following submission of additional details. It stated an overwhelming majority of members have no objection to the proposed development, subject to clarification of issues below and consultation with the Parish Council in the delegation period should Committee resolve to grant planning permission. Further investigation to ensure satisfactory foul and surface water drainage, investigation into adequacy of water supply, further information required with regard to Community Interest Company to ensure greater transparency, green space to be maintained between 4 bed houses and units on site frontage, access of vehicles and pedestrians, further information needed on viability and sustainability of community buildings, possibility of provision of some rented accommodation, notes 3 storey building is contrary to Rudgwick Parish Design Statement whilst understanding the reasons for its design. Rudgwick biodiversity project team wishes to be involved in the biodiversity of the site.

Sussex Police note the site is in a low crime area and raises no major concerns. However notes disappointment that the design and access statement does not make a reference to crime prevention measures contrary to the advice in PPS1. They would be pleased to offer advice to the applicant/agent on addressing this omission.

Environment Agency recommends that the Local Planning Authorities Drainage engineers need to be satisfied with the surface water drainage of the site, in particular the small area in the south of the site, no objections subject to conditions.

Southern Water state if planning permission granted please include the following informative "The applicant/developer should enter into a formal agreement with Southern Water to provide necessary sewerage infrastructure required to service the development". There are no surface water sewers in the area, drainage to watercourse may be required, soakaways may not be appropriate due to the sub soil. If Sustainable Urban Drainage System is used, arrangements for the long term maintenance should be established. Condition should be imposed on foul and surface water drainage matters.

West Sussex County Council note the site is an Allocated site, commenting that a safety audit is required for access, drawings are required for proposed footway improvements. The proposal has 59 parking spaces for the B1 and B2 uses and 82 spaces for the residential which is considered to be within the required standards. It recommends a condition relating to archaeological investigation, and that further information is required on ecological issues, as great crested newts are recorded within ponds adjacent to the site. Mitigation must be resolved for newts use of the site, and a method statement for mitigation of bats is also required, the surveys and mitigation must be resolved before any approval is granted. Contributions of £196,398 are required for Education, Fire and Transport infrastructure requirements generated by the development.

Following the receipt of a safety audit on the access, the following comments were received from the County Council. In response to the safety audit most issues can

be addressed at the detailed design stage. Two problems would benefit from further discussions at this stage; firstly the possibility of parking along Church Street resulting in conflict between parked vehicles attempting to enter the site, waiting restrictions could therefore be appropriate if the problem arises, via an obligation in a legal agreement. Secondly the issue of improvements to the pedestrian footway in Church Street.

## PUBLIC CONSULTATIONS

28 letters of objection were received on the basis of the application as originally submitted and a further 15 letters of objection were received following reconsultation, from 29 addresses, on the following grounds:

- Removal of trees unacceptable
- Surface and foul water drainage issues
- Drift from LDF provision
- Length of proposed implementation
- Limited pre application consultation
- Excessive amount of building for the site
- Increase in traffic, noise, light and disturbance
- Highway Safety
- Cost and viability of community facilities
- Change in character of village
- Impact on conservation area
- Conflict with Rudgwick Design Statement
- Long Term Management unclear
- No need for community facilities
- Three storey building inappropriate
- Increase in housing over LDF Policy
- New road
- Lack of pre application consultation
- Affordable housing isolated from main scheme
- Only 2 bed affordable units provided, lack of mix
- Rented affordable housing needed
- 40% affordable housing should be provided under policy CP5
- Over development
- Small developments of affordable housing for local people required
- Does not comply with Policy AL9
- Original consultation undertaken by Parish Council was flawed
- No accommodation schedule with unit sizes
- Proposal does not meet local need requirements identified by housing need survey
- No one bed units despite demand
- No viability information provided to support affordable housing provision
- 100% affordable housing should be provided as population of Rudgwick is under 3000 persons and such a scheme would be viable.
- Control of continuation of agricultural and commercial uses required
- Access should be amended to remove direct access to agricultural land
- Not compliant with LDF for meeting local need
- Category 2 settlement and development should therefore meet local need

Urbanised form of development  
No mention in policy AL9 of restaurant, museum, Parish Council office  
Roundabout at access should be provided  
Wall around business area required  
Layout and design inappropriate  
Community facilities could be deleted to aid viability and allow affordable housing within AL9 site and compliance with policy  
What happens if Community Interest Company fails  
Amendments do not overcome objections  
Local Councillor is applicant  
Represents missed opportunity if community views are not taken into account

10 letters of comment have been received from 9 addresses commenting as follows

Lack of traffic calming  
Ensure privacy is retained  
Relocation of bin storage  
Control over use of existing access by traffic from development  
Design vernacular and not stimulating  
Use of existing access inappropriate  
Existing access outside site boundary  
Surface water drainage needs resolving  
Should involve wider Rudgwick Community  
Provision of bus stops  
Control over commercial uses  
Not set president  
Site plan needs clarifying  
Protection of trees  
Controls over lighting  
Further landscaping needed  
B1 use only adj to residential  
Security of electricity supply  
Can school cope with extra demand  
Who is funding development  
Who are trustees  
Who is builder  
Proposal fait accompli  
Each element of scheme should be considered individually to assess acceptability

20 letters in support of the proposal have been received from 17 addresses.

#### 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 application needs to be considered against policies in the Local Development Framework, in particular the Core Strategy (2007), the Site Specific Allocations of Land (2007) Development Plan Document (DPD), the General Development Control Policies (2007) DPD, and the Planning Obligations SPD. Also of relevance is the Rudgwick Parish Design Statement. Relevant National planning guidance is also a material consideration.
- 6.2 The access, sheltered housing, B1 uses and retention of Rudgwick metals are all within the objectives of Policy AL9 of the LDF, their specific merits in the form put forward in this application therefore need to be considered.
- 6.3 Consideration needs to be given to the planning merits of the proposed 7 affordable housing units proposed in this application at the front of the site, located within the Built Up Area of Rudgwick, and adjacent to the boundary of the Rudgwick Conservation Area
- 6.4 The justification for the community facility elements of the current scheme and the 8 three bed 'open market' units, proposed to be located on the site outside the Defined Built up Area of Rudgwick also needs to be considered, together with their merits in terms of relevant policy requirements.
- 6.5 With regard to the affordable housing units to the front of the site, these dwellings being within the Defined Built up Area can be considered in the context on normal Development Management policies, and being affordable units can be considered to meet a local need.
- 6.6 The community facilities proposed, the applicant maintains, constituting an office and meeting place/café/ small library, would be required in connection with the sheltered housing element of the scheme to meet the reasonable needs of the occupiers. The small museum represents, it is maintained, a further modest community facility, as does the potential office accommodation for the Parish Council. However the applicant advises that should the Parish Council for example not choose to utilise the space this would not prejudice the overall scheme. As such seen in the context of the development of the sheltered accommodation in particular and the development as a whole, it is not considered there is an objection in principal to these elements, subject to the proposal as a whole representing an appropriate package of development.
- 6.7 The remaining element of the current application that falls outside the criteria of policy AL9 are the 8 three bed 'open market' units. These units proposed to be built outside the Defined Built Up Area, in the countryside, as noted in the comments of the Councils Strategic Planning Teams comments would, if considered alone,

clearly be contrary to the Council's policy; however, their comments continue, put forward as part of a wider package which is considered to offer benefits to the community, it could be considered acceptable within the policy framework. If the overall scheme was considered to fulfil the aims of policies CP5 and CP8, in terms of local needs and the gradual evolution of the community, and accepting that without the open market housing the overall scheme would be unlikely to go ahead, and taking into account that of the 15, not sheltered or replacement, units, 7 would be affordable, that is over 40%, and therefore within the overall remit of the Council's policies. If members were satisfied that the overall scheme fulfilled the aims of CP 5 and CP8 this aspect of the proposal in itself would not represent a conflict with policy such to warrant refusal.

- 6.8 With regard to the scheme as a whole and the sheltered housing units in particular, a number of representations received relate to the level of affordable housing provision, questioning if the development should provide 100% affordable housing in this Category 2 settlement, 40% affordable housing in accordance with the level of affordable housing normally sought by this Council in relation to such development, and why only 7 units of affordable housing are proposed in a scheme of 43 dwellings.
- 6.9 In this regard it is considered appropriate to turn to the requirement of Policy AL9 in the first instance. Policy AL9 b states development will be subject to the provision of sheltered accommodation for the elderly. In the explanatory text for the policy, it is stated "In terms of residential development this should be for a scheme for private sheltered housing to meet identified local need". Other allocation policies in the plan specify the level of affordable housing needed to meet identified local needs. In this case the policy, based on evidence put forward to the Inspector, identifies the need for 'private sheltered housing' which this aspect of the current proposal seeks to meet. In these circumstances and in light of the specific wording of the policy applicable to this site and its explanatory text it, is considered that the private sheltered housing proposed meets the specific policy requirements of Policy AL9 as set out, and that in these circumstances the policy does not require affordable housing to be provided, requiring instead "private sheltered Housing" as proposed.
- 6.10 The scheme as currently put forward also proposes 8 three bed open market dwellings and 7 two bed affordable dwellings. This represents 46% of the non sheltered units constituting affordable housing (excluding the 2 dwellings proposed to replace 2 units demolished to construct the access).
- 6.11 In these circumstances the principal of the overall level of provision of affordable housing associated with the scheme is considered appropriate. It would however be necessary for the applicant to demonstrate that the method of securing affordable housing on the site, through a Community Interest Company, provided a satisfactory mechanism to achieve the delivery and retention of affordable housing, meeting the relevant definitions, and that this could be satisfactorily achieved through a S106 legal agreement. The form of affordable housing proposed is shared ownership, and the parish Council in its comments requests further consideration is also given to providing an element of rented affordable housing.



- 6.12 The comments of the Councils strategic and community planning Team in section 3 above set out detailed consideration with regard to the proposals compliance with the individual policy aspects of AL9. Consideration of development management criteria with regard to the proposal are set out below.
- 6.13 It is necessary to consider the impact of the proposal on the residential amenities of surrounding occupiers. It is noted that the B1 commercial units adjacent to the western boundary share the common boundary with adjacent residential development. However along parts of this boundary are agricultural barns, and with boundary vegetation, together with the design of the B1 units and associated windows it is considered the development could be accommodated in an acceptable manner in this regard.
- 6.14 The existing dwelling Windacres is in relatively close proximity to the south western corner of the residential part of the site. This property currently retains a relatively rural position and outlook, the proposal would result in residential development adjacent to its common boundary with the site. The common boundary contains a number of deciduous trees in this location. It is considered that the relative orientations of the relevant properties together with positioning of windows etc would protect the residential amenities of the occupiers, whilst it is acknowledged changing the context within which the dwelling is currently sited.
- 6.15 In the context of the development as a whole the nature of the 2 proposed replacement dwellings is considered appropriate.
- 6.16 The amenities of the occupiers of the proposed dwellings must also be considered. In this regard it is considered the relationship of the proposed dwellings with the commercial units and community facilities is acceptable. It is also considered the relationship of the proposed dwellings within the site is appropriate.
- 6.17 It is noted that the proposed affordable units to the front of the site, and in particular those facing onto the proposed access drive, are located between the proposed access and the existing access to Windacres. There is relatively little separation between the front of these dwellings and the proposed access, and the rear of the units and the existing access. This offers relatively little usable amenity space for 2 of the units and the potential for disturbance due to the proximity of vehicle movements to the front and rear of these 3 units. However, having regard to the levels of traffic likely to be using the accesses, particularly the one to the rear of the dwellings, this relationship is, on balance considered acceptable.
- 6.18 Having regard to the design of the various elements of the proposal, it is considered that it is generally appropriate. A number of alternative designs for the 4 units fronting onto Church Street have been suggested and it will be necessary to give careful consideration to this aspect of the proposal in particular having regard to its relationship with the boundary of the Rudgwick Conservation Area.
- 6.19 It will be important to ensure that the development, including the formation of the access, preserves or enhances the character of the Conservation Area.

- 6.20 One particular aspect of the design of the scheme that has aroused comment is that of the 3 storey sheltered housing flat element. In particular comment has been made that a 3 storey building is contrary to the Rudgwick Parish Design Statement. This document is one of a number of material considerations, it is noted the three storey building is towards the centre of the site and would be viewed in the context of the larger existing commercial buildings and the proposed commercial and community buildings, and as such seeks to provide a transition between these buildings and the more domestic scale of the remaining dwellings proposed on the site. In these circumstances a 3 storey building in this location is not considered to be unacceptable in principle by your officers. In this regard the design of this building has been amended to change from a full 3 storey structure with parapet walls, to a mansard style roof incorporating dormer windows, in order to reduce the eaves height and apparent impact of the building within the development.
- 6.21 The Council's Tree Officer has confirmed that he has no objection to the scheme, having regard to its impact on the trees on and adjacent to the site.
- 6.22 The County Surveyor raises no objection to the access proposals from a highway safety point of view, subject to a mechanism to secure waiting restrictions on Church Street if required and further consideration of footway improvements from the site into Rudgwick.
- 6.23 In addition to the County Infrastructure requirements amounting to £196398, District Infrastructure requirements amounting to £63732 would normally be required in respect of the development.
- 6.24 Issues relating to water supply, surface and foul water drainage can be discussed further with the infrastructure providers.
- 6.25 Mitigation etc measures relating to ecology can be assessed during a period of delegation.
- 6.26 The applicant can discuss crime prevention measures directly with Sussex Police.

## 7. RECOMMENDATION

- 7.1 It is recommended that the application be delegated with a view to approval to the Head of Planning and Environmental Services in consultation with the Chair and Vice Chair of the Committee and the Parish Council, subject to further negotiation and satisfactory clarification on the issues identified within the report, the completion of a S106 legal agreement relating to amongst other matters the provision of County and District Council infrastructure contributions generated by the development, the provision of sheltered and affordable housing, the mechanism for the management and delivery of the proposal through the proposed Community Interest Company, ability to impose waiting restrictions on Church Street if required together with formulation of appropriate conditions and reasons for approval.

Background Papers: DC/09/1623  
Contact Officer: Steve Booth

*Slb1pink/wk4/jlt*



**Horsham  
District  
Council**

# **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee North

**BY:** Head of Planning and Environmental Services

**DATE:** 4<sup>th</sup> October 2011

**DEVELOPMENT:** Removal of an existing dwelling and construction of 4 X four-bed houses

**SITE:** Newby Tower Hill Horsham West Sussex RH13 0AE

**WARD:** Southwater

**APPLICATION:** DC/11/1168

**APPLICANT:** Mr Martin Ferguson

**REASON FOR INCLUSION ON THE 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 proposes to demolish an existing single storey bungalow and to replace with 4 No. two-storey four-bed dwellings. The proposal would also involve the construction of a new entrance at the north-eastern end of the site.

### **DESCRIPTION OF THE SITE**

- 1.2 The subject site, which lies outside any defined built-up area in a location where countryside policies apply, comprises a single storey bungalow, detached garage and garden, set within a .315ha site. The site is sloped from south to north, significantly above the level of the adjoining Tower Hill road.

- 1.3 There are a large number of trees on all boundaries, in particular on the north boundary, which act as a significant screening barrier from the adjoining public road.
- 1.4 Adjoining lands comprise residential properties, which are typically characterised by moderately sized houses with large garden areas. There is no uniform dwelling design in use in the area, with both urban styled two-storey dwellings and more rural, traditionally designed dwellings in evidence in the area.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town & Country Planning Act 1990

### RELEVANT GOVERNMENT POLICY

- 2.2 PPS1, PPS3, PPS7, PPG13

### RELEVANT COUNCIL POLICY

- 2.3 The most relevant policies of the Local Development Framework General Development Control Policies Document 2007 are: DC1, DC3, DC9.
- 2.4 The most relevant policies of the Core Strategy are: CP1, CP3.

### PLANNING HISTORY

HR/24/53      Proposed bungalow      Permit

## **3. OUTCOME OF CONSULTATIONS**

### INTERNAL CONSULTATIONS

- 3.1 West Sussex County Council Highways Department – On the basis of a desktop exercise, express no objections, subject to conditions. Also request contributions totalling £7223, including £5895 Total Access Demand (TAD) contribution, £405 Fire and Rescue contribution and £923 libraries contribution.
- 3.2 Southwater Parish Council – Strong objection on the following grounds;
  - Site is outside built-up area of Southwater
  - Site is within the Strategic Gap
  - Proposal is out of character for the area, which is predominantly detached houses on large plots

- Four houses on the site would give a cramped feel, and would be over intensification of the site
- Strong concerns over access - road is narrow at this point with no pavements, and is positioned on a slight bend. Proposed driveway is steeply sloped, which would add to problems negotiating access and egress from the site.
- The proposed site slopes steeply, so does not lend itself to intensive development of this kind
- The lack of pavements means a lack of pedestrian access, so site is unsustainable

3.3 Public Health and Licensing – No objections subject to conditions

3.4 Arboricultural Officer – No objections

#### OUTSIDE AGENCIES

3.5 Southern Water – No objections, subject to conditions.

#### PUBLIC CONSULTATIONS

3.6 A total of 13 letters of objection have been received, on the following grounds;

- The proposal comprises development in the countryside
- The proposal would have implications for highway safety
- The proposal comprises overdevelopment of the site
- Loss of privacy for existing dwellings surrounding the site
- Overshadowing from unit No. 2 on an adjoining property
- The proposal, if permitted, would set a precedent for future development in the area
- Absence of a footpath on Tower Hill
- Impact on character of the area which is typically large and mature gardens and rich in wildlife
- The proposal would overlook adjoining properties
- Existing constraints on the site mean it is not 'developable'
- The proposal would involve the removal of trees
- Construction of 4 No. dwellings would have adverse impacts in terms of additional noise
- The proposal comprises development in the strategic gap between Horsham and Southwater
- Landscaping proposals will alter the appearance of the area
- Displacement of deer who use Newby
- The proposal is against adopted policy

**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 principle of the proposed development in this location, its effect on the character of the rural area and the visual amenities of the locality, the amenities of the occupiers of adjoining properties, traffic conditions in the area, infrastructure requirements and wider sustainability considerations.
- 6.2 The site lies outside any defined built-up area, in an area where countryside policies apply. It is also situated within the strategic gap between Horsham and Southwater.
- 6.3 The application proposes the demolition of the existing bungalow, to be replaced with 4 No. four-bed dwellings. The dwellings would be two-storey with additional space provided within the roof.
- 6.4 In terms of the principle of the proposed development, the site is situated on Tower Hill, a country lane off the Worthing Road in a location where countryside policies apply. The site forms part of the designated 'Strategic Gap' between Horsham and Southwater, as set out within the Horsham District Local Development Framework, and as such is subject to policies DC1 and DC3 of the Horsham District Local Development Framework: General Development Control Policies (2007). In this regard there are concerns in respect of the scheme.
- 6.5 Policy DC1 states in the countryside 'development will not be permitted unless it is considered essential to its countryside location'. It continues 'development in the countryside must be of a scale appropriate to its countryside location and must not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside'. The replacement of 1 bungalow with 4 two-storey dwellings is considered to conflict with the overarching objective of policy DC1. In addition, given the character of the surrounding area, which typically comprises medium / large residential properties, coupled with the relatively intensive scale and design of the proposed scheme, it is considered the proposed development would lead to a significant increase in the level of activity in the area and have an urbanising impact on the rural character of the area, to the detriment of visual amenities of the area.

- 6.6 As stated above, given the site's location, within a strategic gap, the provisions of policy DC3 of the Local Development Framework apply, which seeks to prevent settlement coalescence between Southwater and Horsham. Given the scale of the proposed development, in terms of the density of the housing and the design and scale of proposed new entrance, it is considered the proposed development would have the material adverse impact of intruding on and significantly urbanising the street scene, thus eroding the rural character of the area, in conflict with policy DC3.
- 6.7 Arising from the foregoing, it is considered the proposed development would be contrary to policies DC1 and DC3.
- 6.8 It is also considered the siting of 4 houses, as proposed, presents a number of issues in respect of both impacts on adjoining occupiers and impacts on prospective occupiers
- 6.9 The application site slopes from south to north, in particular towards the north end, in the vicinity of the existing entrance, where the slope falls steeply toward the adjoining Tower Hill road. The design of the scheme has attempted to take account of this constraint, proposing to construct 3 dwellings towards the 'higher' (south) end of the site, with 1 dwelling, sited below the levels of the others, and the newly constructed entrance would be sited at the 'lower' (north) end.
- 6.10 The single dwelling at the north end, by reason of its position, approximately 2.5m below the level of the other dwellings, would have significantly reduced privacy levels, arising from overlooking by both ground and first floor windows in units. 2 and 3.
- 6.11 The design of the 3 units towards the south of the site, is such that the span of the development would be within approximately 1.25m of the east and west boundaries, also offering similar distances to each respective party boundary. Given the already outlined established pattern of development in the area, it is considered the density of development would be significantly at odds with the surrounding area, presenting a cramped form of development, out of character with, and to the detriment of, the visual amenities of the rural area.
- 6.12 In terms of the wider streetscene, measuring approximately 5.5m in width, it is considered the proposed entrance will present a significant urbanising feature into the surrounding landscape. While the gradient rise of 1:12 is considered acceptable to the Highways Department, it is considered the configuration of the avenue would be significantly at odds with the established character of development in the area, particularly in relation to the exposed nature of the proposed entrance.
- 6.13 As such, arising from issues relating to the nature, scale and configuration of the scheme, it is considered the proposed development would be contrary to the requirements of policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 6.14 In respect of traffic conditions and wider highway safety, although a number of the objections received highlight significant concerns, it is noted that West Sussex Highways Department is satisfied the proposed entrance would be acceptable, subject to the attachment of a condition to keep the sightlines free of impediment at all times.
- 6.15 In terms of sustainability, it is considered there are also issues in respect of the proposal. The submitted Design and Access Statement indicates the subject site would be served by a bus route, which is situated some 3 minutes walk away. In this regard, it was noted on inspection that although there is a narrow path to the north of the site, access to which is only available via a 60m walk along Tower Hill, in the direction of The Boar's Head. Furthermore, the nearest train station, at Christ's Hospital, while 1.5 miles from the site, is not accessible via a public footpath. Allied to the countryside location of the subject site, it is considered the proposals would not be in general conformity with the aims of Planning Policy Statements 3, 4 and 7 in relation to housing and sustainable development in rural areas.
- 6.16 With regard to infrastructure requirements, the proposal would generate County and District contributions towards infrastructure development as follows; West Sussex County Council has requested £7,223, comprising £5895 Total Access Demand (TAD) contribution, £405 Fire and Rescue contribution and £923 libraries contribution, while District Council contributions would amount to £11,718, comprising £8802 towards open space, sport and recreation, £1944 towards community facilities and £972 towards local recycling,. At the time of writing a satisfactorily completed legal agreement securing such contributions has not been received.

## **7. RECOMMENDATIONS**

It is recommended that permission be refused for the following reasons

1. The proposed development by reason of its scale and design in a countryside location, would have an urbanising effect on the established character of the rural area, would result in a significant increase in the level of activity in the area, and would contribute to the erosion of the strategic gap between Horsham and Southwater, to the detriment of the visual amenity and rural character of the locality. As such, the proposal is contrary in particular to policies DC1 and DC3 of the Horsham District Local Development Framework: General Development Control Policies (2007) and policies CP1 and CP3 of the Horsham District Local Development Framework: Core Strategy (2007).
2. The proposed development by reason of its design, scale and composition, would have the effect of providing a cramped, urbanised form of development, which would be significantly at odds with the established pattern of development in the countryside location to the detriment of the visual amenities and rural character of the area. As such, the proposal is contrary in particular to policies DC3 and DC9 of the Horsham District Local Development Framework: General Development



Control Policies (2007) and CP3 of the Horsham District Local Development Framework: Core Strategy (2007)..

3. The proposed development makes no provision for contributions towards improvements to transport and community facilities infrastructure and is thereby contrary to policy CP13 of the Core Strategy as it has not been demonstrated how the infrastructure needs for the development would be met.

Background Papers: DC/11/1168  
Contact Officer: Barry O'Donnell



**Horsham  
District  
Council**

# **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee North  
**BY:** Head of Planning and Environmental Services  
**DATE:** 4<sup>th</sup> October 2011  
**DEVELOPMENT:** Change of use from (A1) retail to restaurant (A3)  
**SITE:** 6, 8, 10 Bishopric Horsham West Sussex RH12 1QR  
**WARD:** Trafalgar  
**APPLICATION:** DC/11/0704  
**APPLICANT:** Aube Properties Ltd

**REASON FOR INCLUSION ON THE AGENDA:** Officer referral

**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 a change of use of Nos. 6, 8, 10 Bishopric, which are currently disused shop (A1) units, to a restaurant (A3) at ground and first floor levels.

### **DESCRIPTION OF THE SITE**

- 1.2 The application site, which is situated in Horsham Town Centre, is situated in the Bishopric, between West Street and Albion Way. The subject site, a two-storey building, is within the defined secondary shopping frontage, as set out under LDF policy DC34 and lies between 2 No. public houses.

- 1.3 The site is surrounded by a variety of uses, including public houses, retail units, fast food outlets and a hotel. There are also a number of ecclesiastical buildings to the north of the site, which abut the delivery yard to the rear.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town & Country Planning Act 1990

### RELEVANT GOVERNMENT POLICY

- 2.2 PPS1, PPS4, PPS24

### RELEVANT COUNCIL POLICY

- 2.3 The most relevant policies of the General Development Control Policies Document 2007 are: DC9, DC34, DC36.
- 2.4 The most relevant policies of the Core Strategy are: CP2, CP17.

### PLANNING HISTORY

HU/50/95	Change of use of ground and 1st floors from existing a1 to a3 use (Units 2-10 Bishopric)	Refused
HU/203/98	Change of use to amusement centre	Refused
HU/312/98	Change of use to an amusement centre	Refused
HU/344/98	Change of use from a1 to a3 (with no takeaway)	Refused
HU/228/99	Change of use from a1 to a3 (with no takeaway)	Refused

## 3. OUTCOME OF CONSULTATIONS

### INTERNAL CONSULTATIONS

- 3.1 Access Officer - The Design and Access statement does not offer much information on how accessible the venue will be for disabled people, such as is there level, access, an accessible toilet and how will access (lift perhaps) to the first floor be provided? If there are unique facilities on the upper floor which are not present on the ground floor this will need to be considered.
- 3.2 Public Health and Licensing – No objections subject to conditions.
- 3.3 Trafalgar Neighbourhood Council – No comments received.
- 3.4 Town Centres Manager –Comments as follows; As Town Centres Manager for Horsham District Council I support DC/11/0704 - the proposed amalgamation and change of use of the units to a single A3 use;

### **Location weakness for retail**

1. The specific area has notoriously poor footfall given it being at a pedestrian 'dead-end' and separated from what passing footfall this part of Bishopric has by our landscaping 'stream'.
2. The site is already flanked by A3/A4 use and as such there are no other retail drivers of footfall from which the site benefits by virtue of halo effect.
3. The town is substantially let and there is a healthy pipeline of retail demand which results in most 'viable' units re-letting in a reasonably short space of time
4. Horsham's shopfront voids have consistently run through the recession at about half the national rate.
5. The fact that these units are 'sticking' and have experienced multiple retail closures in the past is evidence of their locational weakness
6. As a consequence this location may have been proven to be unviable and unsustainable for small scale retail units such as these.

### **Loss of units already balanced out**

1. The loss of retail units (4 in number) maybe contrary to current planning policy but in mitigation, the town centre has gained in the last few months from the creation of three small additional A1 retail units in better trading locations:
  - a. Under Travelodge Hotel adjacent to the bus station
  - b. The expansion and split of the ex Swan Walk British Bookshops unit into two units (Carfax)
  - c. The split of Goodacres Toymaster into two retail units (Carfax)
  - d. The split of the ex Batemans Opticians unit in the (Carfax)

### **Future planning policy will support this**

1. A new SPD is being drafted based on the Future Prosperity of Horsham Report by Urban Practitioners
2. This report confirms the need for more planning flexibility in fostering the town centre to develop in line with emerging town centre usage trends (to keep it economically vibrant)
3. The report supports the ongoing need and value of small viable retail units, suitable for independent business use, which will enable Horsham to maintain its interest differential and prevent it becoming a clone town.
4. However, the report and forthcoming policy also highlight the need for some additional larger scale retail units within Horsham's Town Centre to meet the needs of the more popular retail chains which have the ability to be prime generators of footfall that will benefit the town as a whole and help defend the town's appeal in the face of Internet and Out of Town Shopping.
5. These units can only be created by strategically thought through development and the consolidation of existing units in appropriate areas.
6. The essential future characteristic for success is that the town must be easily shopped as a whole with particular respect to location vs footfall and pedestrian accessibility between areas
7. This area is, and will continue to be, 'off pitch' for prime retail use

## OUTSIDE AGENCIES

- 3.5 None consulted

## PUBLIC CONSULTATIONS

- 3.6 No comments received.

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

- 4.1 Article 8 (right to respect of a private and family life) and Article 1 of The First Protocol (protection of property) of the Human Rights Act 1998 are relevant to 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 principle of the proposed development in this location, the loss of 3 No. retail units and its impact on the character and visual amenities of the locality and its impact on the amenities of the occupiers of adjoining properties.
- 6.2 The application proposes a change of use of Nos. 6, 8, 10 Bishopric, which are currently disused shop (A1) units, to a café / restaurant (A3) at ground and first floor levels.
- 6.3 In terms of the principle of the development, the proposed development is subject to the provisions of Policy DC36 of the General Development Control Policies Document 2007 which deals with changes of use within defined shopping frontages, including defined secondary shopping frontages, within which this site lies. The policy states proposals for change of use from A1 (Shops) to other A-class uses at ground floor level within the defined secondary shopping frontages will be permitted provided that the proposal will not result in more than 4 out of 10 units within the Secondary Retail Frontage being in non-retail use or result in more than 3 permitted non-retail uses operating adjacent to each other'. Furthermore, the proposal should not result in the loss of local amenity particularly in terms of noise, litter, smell, parking and traffic creation and trading hours and for applications where an A3 use is proposed, the application is accompanied by a

statement giving full details of means of control of emission of fumes, storage and disposal of refuse and means of insulation.

- 6.4 In light of the foregoing, the proposal would not comply with the requirements of policy DC36. If permitted, the entire northern frontage of this section of the Bishopric would be in non-retail use, given the existing A4 uses adjoining the site at The Olive Branch and The Lynd Cross. Previous applications in the mid to late 1990's, which proposed similar changes of use, were refused. In this regard, the applicant has submitted occupancy and marketing data indicating since that time the units have not had long term lets for retail use, seeking to demonstrate the site is not viable for A1 uses. This view is shared by the Council's Town Centres Manager. It is therefore considered the proposal may be an acceptable change of use in light of the lengthy history of unviable A1 use in this particular location.
- 6.5 In addition, it is noted the applicant has not submitted additional information relating to noise, litter, smell, parking etc as required under part d of Policy DC36. Rather, it is stated within the supporting statement, these matters will be attended to once the use of the premises as A3 is permitted. In this regard, taking into consideration the location of the site, in an area relatively removed from residential uses, adjoined on both the east and west sides by existing public houses, it is considered that in this instance it would be appropriate to allow the applicants to deal with these issues relating to the proposed should the principle of A3 use be agreed.
- 6.6 With regard to impacts on the character and visual amenities of the locality, it is noted the submitted supporting statement indicates the proposal would involve only internal works, to remove internal subdivisions in order to make the individual units as one. As such it is considered there would be no material impacts on the character and visual amenities of the locality.
- 6.7 It is, however, noted the submitted elevation plans indicate the installation of a replacement sign, which is not discussed or proposed in any part of the application. The applicant should be informed that any prospective signage could require advertising consent prior to installation.
- 6.8 With regard to impacts on adjoining occupiers, it is noted A3 use is well established within the area immediately surrounding the site. There are a number of public houses and fast food restaurants already in the area, whose operation would closely resemble that of the current proposal. As such, it is considered the provision of an additional A3 (restaurant / café) use within the Bishopric area will have no material adverse impacts on adjoining occupiers, subject to appropriate conditions.
- 6.9 The Access Officer's comments on the absence of accessibility information for disabled persons are noted and the applicant has been requested to address this issue.
- 6.10 In conclusion, while the proposed change of use would not comply with the requirements of policy DC36, in respect of the concentration of non retail uses on a secondary retail frontage, it is considered the applicant has satisfactorily demonstrated that use of the property for retail purposes is unviable having failed to attract successful retail uses over a number of years. In the circumstances, and

given the established pattern of development in the area, it is considered the proposed change of use would not cause material harm to the viability of the town centre, the visual amenities or character of the locality or have any material adverse impact on adjoining occupiers and would therefore be acceptable.

## 7. RECOMMENDATIONS

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** *To comply with Section 91 of the Town and Country Planning Act 1990.*

2 The development hereby approved shall be used for A1 or A3 (restaurant and Café Use) only and for no other purpose (including any other purpose in any class in the schedule to the Town and Country Planning (Use Classes) Order 1987.

**Reason:** *Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order 1995 are not considered appropriate in this case under policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

3. The hours of operation shall be restricted to 09.30-23.00 hours Monday – Saturday and 12.00-22.30 on Sunday.

**Reason:** *To protect the amenities of the occupants of neighbouring properties and in accordance with policy DC9 of the General Development Control Policies Document 2007.*

4. Deliveries to or from the premises shall be restricted to 08.00-18.00 hours Monday-Friday, 08.00-13.00 Saturday and at no time on Sunday or Bank Holidays.

**Reason:** *To protect the amenities of the occupants of neighbouring properties and in accordance with policy DC9 of the General Development Control Policies Document 2007.*

5. The playing of live or recorded music or generation of other amplified sound shall be so restricted as to be inaudible within nearby residential premises.

**Reason:** *To protect the amenities of the occupants of neighbouring properties and in accordance with policy DC9 of the General Development Control Policies Document 2007.*

6. Before the development hereby permitted commences full details of the provision of facilities for storage of waste arising from the operation of the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved by the Local Planning Authority shall be fully installed before the use commences and shall be retained in use thereafter.

**Reason:** *To protect the amenities of the occupants of neighbouring properties and in accordance with policy DC9 of the General Development Control Policies Document 2007.*

7. The use hereby permitted shall not be commenced until full details of the means of ventilation for the extraction and disposal of cooking odours have been provided and approved by the Local Planning Authority in writing. These details shall include times of operation of the ventilation system and the proposed maintenance programme. Thereafter, the ventilation system shall be installed, operated and maintained in accordance with the approved details.

**Reason:** *In the interests of the amenities of the locality and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

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

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

9. Before the development hereby permitted commences an assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be undertaken in accordance with BS 4142:1997. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to mitigate any adverse impacts identified and shall be approved by the Local Planning Authority in writing and shall be fully installed before commencement of the use and retained in use thereafter.

**Reason:** *In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007)*

10. Before the development hereby permitted is commenced, detailed plans of access and parking facilities for the disabled shall be submitted to and approved by the Local Planning Authority in writing. The use hereby permitted shall not commence until these facilities have been provided in accordance with the approved plans.

**Reason:** *To ensure adequate access provision for disabled persons in accordance with policy CP16 of the Horsham District Local Development Framework: Core Strategy (2007).*

**Note to applicant:** The development hereby permitted relates solely to the change of use of Nos. 6, 8, 10 Bishopric and does not relate to any signage to be erected on the site.

**Note to applicant:** You are advised to consult with the Council's Public Health and Licensing Department concerning kitchen design and layout and compliance with relevant food safety legislation prior to any development taking place.





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# **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee North  
**BY:** Head of Planning and Environmental Services  
**DATE:** 4<sup>th</sup> October 2011  
**DEVELOPMENT:** Single storey extension to and an increase in the height of the roof of the existing vehicle workshop and use as MOT testing.  
**SITE:** 3 Victory Road Horsham West Sussex RH12 2JF  
**WARD:** Trafalgar  
**APPLICATION:** DC/11/1757  
**APPLICANT:** Mr Tony Kneale

**REASON FOR INCLUSION ON THE AGENDA:**

**RECOMMENDATION:** To Refuse Planning Permission

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 During the consideration of the application, an amended block plan was received to show the extent of the works proposed, together with an amendment to the description from the original description which was for "Single storey extension to existing vehicle workshop to accommodate MOT test equipment"
- 1.2 The application, is a revision to a previous scheme (DC/11/0670) that was withdrawn on the day of the 5<sup>th</sup> July 2011 Development Management North Committee. It proposes the erection of a single storey pitch roofed extension to an existing vehicle workshop and an increase in the height of the roof the existing vehicle workshop, also incorporating a change from a flat roof to a pitched roof. The proposed extension would have a 'wedge' shaped footprint measuring 7.2metres wide where it attaches to the front of the existing workshop reducing to 4.5metres as it projects forward, where it would be connected to the existing office, with a depth of 6.9metres. It would have a maximum ridge height of 5.2metres and a maximum eaves height of 2.7metres at the front and 4metres at the rear. The application also includes the use of the premises as an MOT testing station.
- 1.3 The proposed extension would have a floor area approximately 40sq.m. The extension would have two openings fitted with roller shutters, one at the front to

allow cars to drive into the proposed building from the road, and a second to provide vehicular access into the yard area to the side of the workshop building. It would, as a result, enclose a significant proportion of the existing yard.

- 1.4 The reason for the increased roof height of the vehicular workshop and the extension is to facilitate the installation of M.O.T testing equipment in the building. Elevation drawings and floor plans of the internal yard area and remaining workshop have been submitted with the current application, which were omitted from the original scheme.

#### DESCRIPTION OF THE SITE

- 1.5 The application site is located on the western side of Victory Road close to the junction with Rushams Road within the built up area of Horsham. A car servicing/repair business currently operates from the site. MOT testing is currently not undertaken at the premises, but vehicles are taken off site for this purpose. Workshops and storage associated with the business are situated at the rear of the property.
- 1.6 Entrance to the workshops is gained to the south of a two-story semi-detached building on the site, which is part of the business and which has retail/office at ground floor level and a residential unit at first floor level, which has its kitchen located on the ground floor.
- 1.7 The application site has limited off road parking and the road itself has on-street parking which is not controlled. The area is predominantly characterised by older style residential properties with front gardens bounded by brick walls up to 1metre in height. No3 (the application site) has a hard-surfaced area between the front of the property and the pavement.

## **2. INTRODUCTION**

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY PPS1 (Delivering Sustainable Development), PPG4 (Industrial and Commercial Development and Small firms) and PPG24 (Planning and Noise)

#### RELEVANT COUNCIL POLICY

- 2.2 The relevant policies of the Local Development Framework Core Strategy are CP1, CP3, CP10 and CP11
- 2.3 The relevant policies of the Local Development Framework: General Development Control Policies are DC9 , DC19 and DC40

## RELEVANT PLANNING HISTORY

HU/363/63 - Erection of building for tool making and precision engineering - Refused

HU/244/80 – Greenhouse – Permitted

HU/211/84 - C/u to light industrial, ancillary to existing shop – Refused – Appeal allowed 06/03/85

HU/61/86 - Garage and workshop - Permitted

HU/234/89 - Pitched roof with dormer over existing workshop – Refused

HU/373/89 - Pitched roof with dormer over existing workshop – Permitted

HU/91/90 – External staircase – Permitted

HU/210/90 - Change of use of ground floor room from domestic to shop – Refused

HU/259/02 - Conversion of ground floor to 1 self contained flat - Refused

### 3. OUTCOME OF CONSULTATIONS

#### INTERNAL CONSULTATIONS

##### **Public Health and Licensing**

- 3.1 The Environmental Health Officer comments: There are some concerns relating to the potential for noise and disturbance arising from the activities associated with the proposed use. The application suggests an intensification of use through the possible increase in workers from the sole operator to 3 or 4 fitters. This potential quadrupling of work will lead to a commensurate increase in noise from the site and the associated traffic movements. Whilst the proposed structure will offer some sound attenuation, there is the potential for noise generated by the activities and equipment associated with proposed change of use to cause significant disturbance to neighbouring residents. The proximity of residential dwellings to the proposed site indicates that complaints of noise may arise.

In order to properly determine the application additional information is required on the following points:

- Proposed hours of use
- Type of plant or equipment to be used
- Number of vehicles to be stored awaiting work
- Whether vehicle refinishing will be undertaken
- An assessment of noise from the proposed use.

In the absence of a formal submission of the additional information suggested above, I would suggest the draft conditions as set out below would be appropriate:

##### **General**

Adequate provision shall be made for surface water drainage.

##### **Construction Phase**

Hours of work, to include deliveries, loading and unloading, should be limited as follows:

0800-1800 Monday to Friday

0800-1300 Saturdays  
No work on Sundays Bank or Public Holidays

No burning of materials or waste on site. A licensed waste removal contractor shall remove clearance debris from site.

### **Operational Phase**

1. No vehicles, plant or machinery shall be operated, no process carried out and no deliveries taken or dispatched from the site outside the following times:-  
0800 hours and 1800 hours on Mondays to Fridays inclusive,  
and not on Saturdays, Sundays, Bank and Public Holidays.
2. No works requiring the use of hand or power tools shall take place in the open air.
3. The doors to the unit shall be kept closed while power tools or hand tools are in use.
4. No vehicle refinishing to take place without prior approval of the Local Planning Authority.
5. No more than three vehicles shall be kept at the premises. This shall include all vehicles including those being stored or undergoing work

An email from the EHO received on the 21/09/11- Further to my conversation with the agent Mr D Algar, I can confirm that my request for a condition restricting the number of vehicles kept at the premises is now superfluous

### **OUTSIDE AGENCIES**

- 3.2 **Trafalgar Neighbourhood Council** – No comments received
- 3.3 It is anticipated the comments of **West Sussex County Council** will be reported verbally at the meeting

### **PUBLIC CONSULTATIONS**

- 3.4 Two letters of objection have been received from **1 Victory Road** in response to the application on grounds of;
  - Loss of Light
  - Noise disturbance
  - Loss of outlook
  - Parking and access difficulties
  - Exhaust emissions
  - Hours of work
  - Out of character
  - Residential Area

- 3.5 12 Letters of support have been received from several addresses in the vicinity from:
- 16 Victory Road
  - 18, 18a and 18c Rushams Road (a flatted development)
  - And No's 6, 23, 27, 35 and 93 Rushams Road
  - Also 51, Holy Trinity House and 9 Blunts Way

A précis of the comments received in the supporting letters are; this is a small business which should be encouraged. It has operated for a number of years on the site as a car repair business and the addition of the MOT testing equipment would be of benefit to the local community.

#### **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 to consider, in the determination of this proposal are; the appearance and impact of the development on the character of the area and the visual amenities of the streetscene; the impact on traffic and parking in the locality and the impact on the amenities of the neighbouring occupiers, in terms of the physical impact of the building and the impact associated with the use

##### Character and Appearance

- 6.2 The revised proposal seeks permission to construct a single storey extension to the workshop and to increase the height of two thirds of the existing vehicular workshop with a pitch roof that would have a ridge height of 5.2metres (which is a difference of 0.7metres higher than the original application) in connection with the proposed use as an MOT testing station. The development elevations are shown as brickwork with tile hanging, and interlocking slate roof, with two roller shutter doors, one to the front (east) and one to the side (north) of the new extension
- 6.3 Development Control Policies, in particular DC9 state that new development should make efficient use of land respecting any existing constraints; not cause unacceptable harm to the amenities of nearby occupiers in particular loss of outlook and noise disturbance and is sensitive to the surrounding development; ensures that the scale, massing and appearance is of a high standard of design and relates sympathetically with the built surroundings; is locally distinctive in character and respects the character of the surrounding area.

- 6.4 The proposed extension is positioned to the side/rear of 3 Victory Road. The application does not propose to alter the appearance of the original frontage building, which is a pair of semi-detached buildings, probably originally built as residential units. Whilst the ground floor of No3 has existing commercial use and has done so for a number of years, the first floor and the adjoining building to the north, No5, are residential units. To the south are residential properties, No1 Victoria Road and a flatted property at No18 Rushams Road; to the west are residential properties in Shelley Road.
- 6.5 Whilst it is acknowledged that there has been a change in the design of the roof of the proposed extension from the previously submitted scheme, it is now higher than the original scheme at the ridge. In view of the overall increase in height, it is still considered, that it would not be in keeping with the character of the area and would sit as a bulky and uncomfortable addition to the property when viewed from the street. The proposed extension would be built up to the side boundary with an existing single storey flat roof garage belonging to No1 Victory Road to the south. The roof of the proposed extension slopes down as it extends forward to the road. The structure would be 0.4m taller than the adjacent domestic garage at eaves level at the front, increasing to 1.8metres higher adjacent to the rear courtyard garden of No1 Victory Road, creating an incongruous and alien feature. Furthermore, this would be accentuated by the increase in roof height of two-thirds of the existing workshop building adjacent to the rear gardens of No's 2 and 4 Shelley Road resulting in increased impact on the occupiers of these properties.
- 6.6 The structure in terms of its size, appearance and character would be unlike any other established in the area. The proposal would substantially increase the built form on site and the impact upon the host building and neighbouring dwellings, is such that your officers consider it would appear inconsistent with surrounding development to the detriment of the streetscape and the visual amenities of the locality. It is therefore considered that the size and design of the structure, up to eaves height at the side of the existing 2-storey building in this predominantly residential street would be unacceptable

#### Residential Amenities

- 6.7 It is also necessary to consider the potential impact on neighbouring properties including; impact on outlook, potential disturbance from the MOT use and increase in traffic.
- 6.8 In this regard the dwellings at 1 Victory Road and 18 Rushams Road are closest to the proposed development. They have small gardens/yards bounded by walls and wooden fences. It is considered that the side elevation of the MOT building together with the increased height of the roof of the existing workshop now shown to be 5.2m in height abutting the boundaries of No1 and No18, would result in an increased overbearing form of development, detracting unacceptably from the residential amenities of the adjacent occupiers.

- 6.9 Similarly the wider impact in built form across the site is also considered to have an unacceptable impact on outlook when viewed from the surrounding residential properties of No20 Rushams Road and in particular the properties 2, 4, and 6 Shelley Road to the west, which would now look out onto a 5.2metre high building which is currently 2.7metres high.
- 6.10 With regard to the proposed MOT use of the premises, given the close proximity to adjoining residential properties. Previously, it had not been successfully demonstrated that the use could operate successfully alongside the adjoining residential properties without unreasonably harming the existing living conditions of the occupiers of those properties. Rather, it was considered at the time of the original application, that the intensification of use (currently cars are taken off site for MOT testing) could have significant implications for the living conditions of the adjoining residents in terms of increased disturbance.
- 6.11 In the original application (DC/11/0670) the applicant submitted in the Design and Access Statement (DAS) and additional information, that the proposal would not lead to significant changes in activity level, or affect adversely the residential amenities of the neighbouring properties.
- 6.12 The current Design and Access Statement, submitted with the application states that; *“Although this proposal is to enable the installation of equipment to allow the MOT test to be carried out and therefore must meet the dimensional criteria laid down by VOSA, it is not intended for use as an ‘MOT centre’ but simply to allow the existing business to be able to perform the official test on site as part of the vehicle annual service”*. However, the applicant has further stated in the DAS, that there is potential for 3 or 4 fitters to be employed full time with space for 7/8 cars on the site.
- 6.13 Whilst the new building would be insulated, it is not considered that it has been demonstrated acoustic insulation could adequately mitigate potential harm from noise intrusion as the proposal would also bring an increased level of intensity to the open yard area of the site, and it has not been adequately demonstrated that the workshop could easily or practically operate with the doors closed at all times. In addition, no information has been submitted regarding the impact of any disturbance arising from the use of the two large roller shutter doors. On the basis of the information submitted your officers are not convinced these issues can be addressed by the use of conditions.
- 6.14 A response from the applicant to the Public Health and Licensing Officers comments was received on the 21/09/11. Whilst, this is intended to address the concerns raised by the EHO in respect of the operation of the site, it has also demonstrated that a more intensified use of the site is proposed. This correspondence is attached to the file

### Parking

- 6.15 It is noted that there are double yellow lines on either side of this end of Victory Road that finish in line with the access into the site. It is further noted that whilst there is potential for off street parking for one vehicle on the hard-surfaced area in front of the main building of No3, the rest of Victory Road is heavily congested and parking in the road is at a premium.
- 6.16 A layout of the site has been submitted with the current application, however, it only serves to illustrate that there is limited space within the site and it remains difficult to understand how parking and manoeuvring could be easily undertaken in the limited space that would be left as a result of the erection of the extension. This would also be exacerbated by the MOT equipment in the new extension limiting the ability for cars to easily access the internal yard area created. No parking/turning plans have been submitted with the application to illustrate these manoeuvring arrangements and the applicant has failed to demonstrate whether the impact of the proposal would be acceptable in this regard. In the absence of such information it is considered that the proposal would result in inconvenience for existing highway users.

### Conclusion

- 6.17 It is considered that the disproportionate size, height and scale of the proposed extension would still sit as an incongruous feature when viewed from the wider area and would not be in-keeping with the character and visual amenities of the locality and would have an overbearing impact for adjacent residential occupiers. Further, it has not been clearly or successfully demonstrated that the proposed extension in this location, to facilitate MOT testing, could operate successfully alongside the adjoining residential properties, without unreasonably harming the living conditions of the neighbouring occupiers. It is further considered that there would be significant implications with parking in an already heavily congested area. It is recognised that the business on the site wishes to develop, however, these requirements need to be balanced against the impacts of the proposal, in particular on the residential amenities of those adjacent to the site, in terms of the physical impact of the building as extended and the potential for increased disturbance arising from the development, having regard to the nature of use and the nature of proximity of adjacent residential units. Your officers are not satisfied these issues have been satisfactorily addressed and have concluded on the information available, the proposal would cause harm to the residential amenities of immediate adjacent occupiers to an unacceptable degree.

### **Recommendation**

- 7. It is recommended that planning permission be refused for the following reason**

The proposed scheme, by reason of its size, design and appearance, would result in an obtrusive and un-neighbourly feature that would be an unsympathetic addition to and be out of character with the local area. The bulk and design would also adversely affect the outlook and living conditions of neighbouring properties



in particular the adjacent occupiers of No1 Victory Road and No18 Rushams Road. Further, it has not been demonstrated to the satisfaction of use on the Local Planning Authority that the proposal as a result of the intensification of the site would not result in an unacceptable increase in the levels of disturbance to adjoining residential properties, or inconvenience to other highway users. The proposal is therefore contrary to the aims of policies within the Development Plan, in particular policy DC9 of the Local Development Framework: General Development Control Policies 2007.

Background Papers: DC/11/1757  
Contact Officer: Pauline Ollive



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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee North  
**BY:** Head of Planning and Environmental Services  
**DATE:** 4<sup>th</sup> October 2011  
**DEVELOPMENT:** Garage conversion to 'Annexe'  
**SITE:** 32 Sloughbrook Close, Horsham, West Sussex RH12 5JD  
**WARD:** Holbrook East  
**APPLICATION:** DC/11/1068  
**APPLICANT:** Mr Iain Jones

**REASON FOR INCLUSION ON THE AGENDA:** Deferred from 2<sup>nd</sup> August 2011 meeting.

**RECOMMENDATION:** That permission be refused

## 1. BACKGROUND

1.1 This application for the conversion of the existing garage to a 'annexe' (previous report attached), involving the construction of a dormer window to the rear (South-West) elevation, change from barn-hip to gable on the side (South-East) elevation and the removal of the existing garage doors and the insertion of a window, sliding doors together with a roof light to the front (North-East) elevation was deferred from the meeting on 2<sup>nd</sup> August 2011 to enable the following issues to be clarified:

- i) Investigation of the examples of other similar developments mentioned by the applicant:
  - 1 Sloughbrook Close
  - 34 Greenfinch Way
  - Fiddlers Rest - Nuthurst
- ii) Clarification of the internal layout, the level of accommodation and the degree of dependence on the main dwelling and the proposed use of shared facilities.
- iii) Investigation of whether a physical link to the host dwelling could be achieved.

## 2. Current Position

2.1. Since the last meeting, the applicants have submitted revised plan (1376 SA 8334 received 16<sup>th</sup> August 2011).

- 2.2 The revised plan shows that the main access to the proposed accommodation is to the rear of the 'garage' building and is set behind the fence line that is positioned from the north west corner of the dwelling to the north east corner of the proposed application building.
- 2.3 The plan also shows a 'paved' link from the main dwelling to the application building as well as an independent gated entrance and paved access route from the frontage of the application building to the rear of the application building (effectively providing independent access).
- 2.4 Internally the accommodation is proposed on 2 floors comprising a kitchenette and lounge on the ground floor with new stairs leading to the first floor which comprises 1 bedroom and an en-suite bathroom. It is considered that the accommodation provides necessary features and facilities for independent accommodation.
- 2.5 The applicants advise that the proposed accommodation is for use by their daughter and her fiancé. The supporting statement submitted with the application states that:
- 'The owners who have a family, have indicated a need for increased space in the form of conversion of the existing double garage to a house for their daughter and fiancé and it is proposed to increase the floor area to 37sqm by inclusion of a first floor and re design part of the structure of the roof to include a small dormer and small gable end with the level entrance from the main house and garden'.*
- 2.6 In this respect, on the basis of the information submitted, it is noted that the applicant's requirements are for independent living accommodation which effectively creates a new unit of independent occupation and thus does not realistically represent 'ancillary accommodation'.
- 2.7 Your officers have investigated the examples of the other annexe accommodation as put forward by the applicants in support of their application, and have received further information from the applicant by way of an email dated the 19<sup>th</sup> August 2011 regarding the dependence of the main dwelling and the proposed use of shared facilities.
- 2.8 In view of the above, your officers are now in a position to report back to members of the committee.

### **3. PLANNING ASSESSMENTS**

#### **(i) Similar Developments Identified By the Applicant**

- 3.1 **1 Sloughbrook Close** - The Council do not hold any planning records that specifically relate to the conversion of the garage associated with this property. It is evident from visual inspection that the associated 'ancillary building' (garage) is not used for primary residential accommodation. However, planning permission is not necessarily required for minor alterations such as the insertion of windows in place of the garage doors provided that no additional floor space is created, in order for the unit to be used for ancillary purposes associated with the incidental enjoyment of the main dwelling house (such as a play or games room, or a home gym) and provided that there are no restrictive planning conditions which remove permitted development rights imposed on the original consent that would prevent this.

- 3.2 It appears in this case, and from discussions with the owner of 1 Sloughbrook Close, that the 'garage' associated with the main dwelling was originally used for showroom purposes in connection with the new development built under planning ref: NH/21/87 and NH/112/90 for 39 houses and has had the benefit of the glazed front elevation from this time. The existing owners confirm that the unit is used for ancillary purposes only and is not used in any way as separate living accommodation. As such this case is not directly comparable to the current proposal.
- 3.3 **34 Greenfinch Way** – There are no planning records relating to the conversion of this single storey garage, however Building Control records establish that Building Regulation approval was given for the conversion of the garage to living accommodation under BC/08/1863 on the 1<sup>st</sup> October 2008. Building Control records also show that a 'new consumer unit' has been installed at the property and that the building shares supply with the main dwelling.
- 3.4 The alterations to the original garage were made by the previous owners of the site. It has been confirmed that the unit is set out as living accommodation with bedroom, shower room and kitchen area.
- 3.5 However the 'annexe' is currently used for ancillary purposes by the current owners who confirm that mostly it is used by the family for 'low key' ancillary purposes incidental to the enjoyment of the dwelling house and is not occupied as a separate 'unit' by anyone and is also used for very occasional 'sleepovers' by family members/friends. The owners have been advised that should they wish to use the accommodation as independent and separate living accommodation they will need to apply for planning permission prior to its use for such purposes. However, given its current ancillary use in connection with the main dwelling house it is considered that there is no breach of planning legislation. In this respect it is concluded that his provision is also not directly comparable to the current proposal.
- 3.6 With both of the examples put forward by the applicant for investigation, it is important to recognise that firstly neither are being occupied as separate living accommodation and that secondly there is no increase in floor space involved that would have required planning permission.
- 3.7 As such, in respect of the physical changes to the garages identified above, in these particular cases planning permission would not have been required. Permission would have been required and will still be required however, if they were to be used and occupied separately and independently from the main dwelling.
- 3.8 In this respect, Class E of the Town and Country Planning (General Permitted Development) Order 2008 sets out the rules on permitted development for buildings etc. within the area of land surrounding a house (i.e. within its residential curtilage). It provides that permitted development rights within the area surrounding a house ('the curtilage') exist for amongst other things the 'improvement or alteration' of such a building or enclosure for purposes incidental to the enjoyment of the dwelling. However, for clarification a purpose incidental to the dwelling house would not cover normal residential use such as separate self contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen for which planning permission would be required should the necessary conversion works constitute development.
- 3.9 **Fiddlers Rest, Nuthurst** – This example has been raised by the applicants because it relates to the conversion of a garage to form a self contained annexe and was granted planning permission subject to a legal agreement.

- 3.10 Permission was granted subject to a S106 legal agreement on the 25<sup>th</sup> July 2011 for the conversion of an existing garage to form a self contained annexe accommodation. However, it is considered that this site is not comparable with the application currently under consideration for the following reasons:
- 3.11 Fiddlers Rest provides residential care facilities for people with various degrees of learning disabilities. The main dwelling is occupied by 5 people and the annexe accommodation which provides self contained accommodation was granted permission for occupation by 1 further resident to allow a greater independence than the other members of the household. The S106 agreement limits the annexe accommodation only as ancillary residential accommodation to the main dwelling and restricts its disposal separately from the main dwelling through sale or lease or other means of disposal separately from the main dwelling house.
- 3.12 This site is a relatively isolated dwelling in the countryside and not a dwelling on an estate characterised by dwellings within detached garages.
- 3.13 In addition to the Horsham District Council - Local Development Framework policy DC28 Ancillary Accommodation in the Countryside, the application relating to Fiddlers Rest was assessed with regard to the LDF Core Strategy policies, specifically CP16 Inclusive Communities which states that:
- ‘Positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and uses to meet their long term needs will be encouraged and supported. Particular account will be taken to address the requirements stemming from:**
- (a) people with special needs, including the disabled or those with learning disabilities.
- 3.14 Fiddlers Rest is a bungalow set within a generous plot within the countryside, comparatively the application currently under consideration (DC/11/1068) at 32 Sloughbrook Close forms part of a large homogeneous housing estate which is characterised by detached houses interspersed with double garages located tightly adjacent to and between them.
- 3.15 With regards to the impact of the conversion of the garage at Fiddlers Rest, it was considered that the alterations and intensification of the use would not result in any significant detrimental impact on the character of the buildings or the wider rural character of the area.
- 3.16 Conversely, it is considered that in respect of the conversion of the garage to residential accommodation at 32 Sloughbrook Close, such a proposal would result in a significant and detrimental impact upon the character of the area given that it would effectively create the addition of a new ‘small’ dwelling between the existing houses, interrupting the existing street pattern and the defining character of the immediate area.
- 3.17 Furthermore, your officers consider that to allow this application and would lead to an unwelcome precedent which is likely to result in pressures for other similar garages in the area being converted to small dwellings. Whilst all applications are treated on their individual merits, it is your officer’s opinion that should permission be granted in this instance your officers would find it difficult to resist similar proposals for conversion.
- 3.18 In this respect it is considered that there are no very special circumstances that have been put forward by the applicant that would justify inappropriate development, nor are there other considerations that that would outweigh the harm caused by the development or that would warrant deviation from the council’s adopted policies.

(ii) Clarification of the internal layout, the level of accommodation and the degree of dependence on the main dwelling and the proposed use of shared facilities.

- 3.19 Although a revised plan has been submitted by the applicant (received 16<sup>th</sup> Aug 2011), the internal layout remains as previously sought with the provision of a kitchenette and lounge at the ground floor, and bedroom and en-suite bathroom at first floor, accessed through the insertion of an internal stair case. Additionally external alterations in the form of a dormer window and the alteration of the roof hip to gable end wall are proposed.
- 3.19 In this respect your officers are still of the opinion that the 'accommodation' is capable of independent use from the main dwelling house and as such is considered to effectively represent the provision of an independent dwelling. Although the applicant's intention is for use of the 'accommodation' for their daughter and future son in law, due to the level of facilities provided and lack of a direct link to the existing dwelling and because of its layout together with its separate kitchen and bathroom facilities etc, concern is expressed that the facilities proposed to be provided in the extended building could effectively be used as a separate dwelling. In addition at a later date, when the individual circumstances of the applicant change, e.g. when no longer required by the intended occupants for accommodation, could effectively be occupied as an independent unit.
- 3.20 Personal circumstances are rarely decisive in planning considerations as the development would outlast the individual personal circumstances.
- 3.21 Whilst it is noted that the applicants have confirmed in their email dated the 19<sup>th</sup> August 2011 that all services and utilities remain linked to the house, this is not considered to be a determining factor in the consideration of such an application and as such would not alter the recommendation of your planning officers.

iii) Investigation of whether a physical link to the host dwelling could be achieved.

- 3.22 Whilst it would appear possible from an inspection of the dwelling and the juxtaposition of the garage that a physical link of some description would be possible to incorporate into the proposal, the applicants have chosen to continue with the design and layout as originally submitted. The revised plan clearly shows a footpath from the dwelling to the proposed 'annexe' and also from the frontage of the property to the rear of the proposed 'annexe' through a gated entrance, which at this point in time is shared with the main dwelling. Such a tentative link would not ensure that any 'annexe' is physically attached to the dwelling or be reliant on some of its functions i.e. such as shared kitchen /bathroom facilities.

**Conclusion**

- 3.23 It is your officer opinion that in determining an application for an annexe, the proposed annexe should reasonably relate to the principal dwelling in terms of its location, proximity and functionality. Annexe accommodation should remain subordinate and subservient to the principal dwelling. It is your officer's view that in this case, given the lack of the physical relationship and interdependence on common facilities between the two units (such as kitchen facilities) that in effect the unit resembles a 'new unit of independent occupation'.

- 3.24 In view of the above, your officers are still of the opinion that the detached garage forward of the main dwelling with 'separate access' together with the level and nature of accommodation proposed would effectively result in the establishment of new unit capable of independent occupation. In this respect it is thus considered that the relationship of the proposed accommodation with the main dwelling would result in a cramped form of development with limited amenity space. It is not considered the imposition of conditions could overcome these concerns.
- 3.25 This, in your officer's opinion, would significantly harm and erode the defining characteristics of Sloughbrook Close which is predominantly dwellings with associated garages on individual plots. Whilst all applications are treated on their individual merits, it is your officers opinion that should permission be granted in this instance, your officers would also find it difficult to resist similar proposals for conversions of this nature in the future to the detriment of the amenities and character of the area.

#### **4. RECOMMENDATIONS**

- 4.1 It is recommended that planning permission be refused for the following reason:
1. Having regard to the level and nature of accommodation illustrated, together with its relationship forward of the existing dwelling with separate access, the conversion of the building to residential use as proposed has the facilities to represent an independent unit of accommodation, capable of separate residential use thus resulting in the significant harm and erosion of the defining characteristic of Sloughbrook Close. The Local Planning Authority is not satisfied by the information submitted that the nature of accommodation proposed represents ancillary accommodation. As such the proposed development is contrary to policies CP1 and 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)

Background Papers: DC/11/1068  
Contact Officer: Amanda Wilkes



**Horsham  
District  
Council**

# **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee North

**BY:** Head of Planning and Environmental Services

**DATE:** 4 October 2011

**DEVELOPMENT:** Erection of a garage incorporating log and garden machinery and tool, cycle and wheelie bin store

**SITE:** The Orchard Holme Farm Winterpit Lane Mannings Heath West Sussex

**WARD:** Nuthurst

**APPLICATION:** DC/11/1338

**APPLICANT:** Mr Wayne Bayley

**REASON FOR INCLUSION ON THE AGENDA:** Objector request to speak

**RECOMMENDATION:** To grant Planning Permission

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 The application seeks planning permission for the erection of a garage incorporating log and garden machinery and tool, cycle and wheelie bin store
- 1.2 The garage would be approximately 4.75m in height and would have a floor area of approximately 57sq.m.

### **DESCRIPTION OF THE SITE**

- 1.3 The application site is located in a rural area on the southern side of Winterpit Lane. The site forms part of an existing landholding known as Holme Farm. The application site is located some distance to the north of the existing farmhouse and is accessed from a private access, which is also a public bridleway.



- 1.4 Immediately to the rear of the application site (south west) there is a pond, with The Barn and The Cottage (Holme Farm) situated approximately 200m away.
- 1.5 Adjacent to the proposed garage is a building previously converted to office use, which has been granted planning permission for used as a live / work unit

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town & Country Planning Act 1990

### RELEVANT GOVERNMENT POLICY

- 2.2 PPS4 and PPS 7

### RELEVANT COUNCIL POLICY

- 2.3 The most relevant policies of the General Development Control Policies Document 2007 are: DC1, DC9, DC19, DC24, DC25.
- 2.4 The most relevant policies of the Core Strategy are: CP1, CP3, CP11, CP13, CP15.

### PLANNING HISTORY

LB/5/02	Tiling and cladding of barn previously granted Permission for B1 use	Permitted
LB/41/02	Erection of entrance walls	Refused
LB/24/01	Change of use and conversion of barn to business	Permitted
DC/08/1762	Conversion of existing offices to a mixed residential/ office 1-bed live work unit. (Permitted on appeal)	Refused
DC/09/1069	Alterations to fenestration, incorporation of store into Living space and provision of cycle/recycling/refuse store for the live work unit approved under DC/08/1762.	Permitted
DC/10/0331	Replacement of live/work unit with new live/2-bed Work unit.	Refused
DC/10/1006	Installation of new roof	Permitted
DC/10/1691	Covered entrance and amendments to replacement roof in conjunction with internal alterations to live/work unit at the Orchard.	Permitted
DC/11/1435	Non-material amendment following grant of permission DC/10/1691 (Covered entrance and amendments to replacement roof in conjunction with internal alterations to live/work unit at The Orchard) including finishing southern elevation of the porch in multi-stock bricks in order to break up the timber cladding and to help enhance	Permitted

the rustic appearance of the building and the re-positioning of the rear double patio doors in the residential element of the live/work unit and inserting glazing panels either side of them

### **3. OUTCOME OF CONSULTATIONS**

#### **PUBLIC CONSULTATIONS**

- 3.1 Lower Beeding Parish Council consultation response – No objection.
- 3.2 2 letters of objection have been received, from a property to the north of the site, on the grounds that the proposed development constitutes unnecessary development in the countryside of a converted barn with live/work use in contravention of DC1 and DC24. Also on grounds that Question Nos. 15 and 24 of the application form have been completed incorrectly, in respect of trees on the site, and these trees should be retained as they provide screening for the site from the adjoining bridleway. Furthermore, the proposal fails to clarify if the space provided by the double garage should be treated as residential or business for the purposes of condition No. 3 of application DC/10/1006.

### **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 It is considered that the central issue in the determination of the application is the effect of the development on: (1) The character and visual amenities of the rural area
- 6.2 It is noted the application site is adjacent to the building which has been approved for use as a live / work unit.

- 6.3 The application proposes the erection of a garage, which would incorporate a log and garden machinery and tool, cycle and wheelie bin store. The building would have a ridge height of 4.7m and an area of approximately 57sq.m.
- 6.4 With regard to the visual impact of the development on the surrounding countryside, the site is not visible from the adjoining road (Winterpit Lane), but is clearly visible from an adjoining bridleway which passes to the east. With a ridge height of 4.7m, the proposal would impact upon the view from the east-adjoining bridleway. However, given the approx. 7.8m ridge height of the approved live / work unit, and the proposals relationship to the existing building, it is considered the design and scale of the proposed garage would not be overly prominent in the wider landscape.
- 6.5 An objection has been received on the grounds that the proposed development would constitute unnecessary development in the countryside, contrary to policies DC1 and DC24 of the Horsham District Local Development Framework: General Development Control Policies (2007). However, as stated above, it is considered the proposal would not be overly prominent in the wider landscape and would provide facilities ancillary to the adjacent live / work unit.
- 6.6 With further regard to the objection received, it is also noted there is an issue relating to the removal of 2 No. Leylandii trees on the site of the proposed garage. It was noted on inspection there are 2 No. Leylandii trees currently situated in the area of the proposed garage, which are not referred to on the submitted application forms or plans. However, on the landscaping plan submitted for approval as part of application Ref DC/10/1691, the applicant has clearly proposed the removal of these 2 No. Leylandii. It is also noted the proposed landscaping scheme is considered to be acceptable.
- 6.6 In relation to the third point of objection, non-compliance with condition No. 3 of DC/10/1006, which required the business floorspace of the live/work unit to comprise at least 50% of the gross external floorspace of the building, it is not considered to be determinative in the consideration of this application, as the accommodation could be used for purposes ancillary to the live / work unit as a whole.
- 6.7 In conclusion, given the form, nature and scale of both the proposal and the existing building with permission for use as a live / work unit, it is considered the proposal would not unduly impact upon the character and visual amenities of the area and represents an appropriate form of development in this location.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that permission be granted, subject to the following conditions
1. A2 Full permission
  2. M6 Materials

3. The building hereby permitted shall be used solely for the purposes parking and storage uses, ancillary to the occupation of the adjacent live / work unit approved on appeal under application Ref. DC/08/1762.

***Reason:*** *In the interests of the rural character of the area and to maintain control over the development in accordance with policy DC1 of the Horsham District Local Development Framework: General Development Control Policies (2007)*

## 8. REASONS

**ICAB2B**      The proposal does not materially affect the amenities or character of the locality

Background Papers: DC/11/1338  
Contact Officer: Barry O'Donnell