



**Horsham  
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## **Development Control (South) Committee**

**TUESDAY 20<sup>th</sup> NOVEMBER 2012 AT 2.00p.m.**

**COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM**

**Councillors:** David Jenkins (Chairman)  
Sheila Matthews Vice-Chairman)  
Roger Arthur  
Adam Breacher  
Jonathan Chowen  
Philip Circus  
George Cockman  
David Coldwell  
Ray Dawe  
Brian Donnelly  
Andrew Dunlop  
Jim Goddard  
Ian Howard  
Liz Kitchen  
Gordon Lindsay  
Chris Mason  
Brian O'Connell  
Roger Paterson  
Sue Rogers  
Kate Rowbottom  
Jim Sanson

Tom Crowley  
Chief Executive

## **AGENDA**

1. Apologies for absence
2. To approve as correct the minutes of the meeting of the Committee held on 16<sup>th</sup> October 2012 (attached)
3. To receive any declarations of interest from Members of the Committee – *any clarification on whether a Member has an interest should be sought before attending the meeting.*
4. To receive any announcements from the Chairman of the Committee or the Chief Executive
5. To consider the following reports and to take such action thereon as may be necessary

Head of Planning & Environmental Services

Appeals

Applications for determination by Committee - Appendix A



INVESTOR IN PEOPLE

<b>Item No.</b>	<b>Ward</b>	<b>Reference Number</b>	<b>Site</b>
A1	<i>Steyning</i>	DC/12/1269	Sopers Farm Peppers Lane Ashurst
A2	<i>Chanctonbury</i>	DC/12/1489	Townhouse Farm Coolham Road Thakeham
A3	<i>Henfield</i>	DC/12/1298	Nettlecombe West End Lane Henfield
A4	<i>Billingshurst and Shipley</i>	DC/12/1707	Thornhill Farm Billingshurst Road Coolham
A5	<i>Chanctonbury</i>	DC/12/1584	Brambledown Monkmead Copse West Chiltonington
A6	<i>Steyning</i>	DC/12/1617	Bramber Brooks The Street Bramber
A7	<i>Chanctonbury</i>	DC/12/0885	Roundabout Hotel Monkmead Lane West Chiltonington

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

**DEVELOPMENT CONTROL (SOUTH) COMMITTEE**  
**16<sup>th</sup> October 2012**

Present: Councillors: David Jenkins (Chairman), Roger Arthur, Philip Circus, George Cockman, David Coldwell, Ray Dawe, Brian Donnelly, Jim Goddard, Ian Howard, Liz Kitchen, Gordon Lindsay, Chris Mason, Brian O'Connell, Sue Rogers, Kate Rowbottom, Jim Sanson

Apologies: Councillors: Adam Breacher, Jonathan Chowen, Andrew Dunlop, Sheila Matthews, Roger Paterson

DCS/65 **MINUTES**

The minutes of the meeting of the Committee held on 4<sup>th</sup> September 2012 were approved as a correct record and signed by the Chairman. The minutes of the Committee held on 18<sup>th</sup> September 2012 were approved as a correct record and signed by the Chairman.

DCS/66 **INTERESTS OF MEMBERS**

<u>Member</u>	<u>Item</u>	<u>Nature of Interest</u>
Councillor Roger Paterson	DC/12/1093	Personal – he was a governor of Chichester College
Councillor Chris Mason	DC/12/1489	Personal – he knew the applicant

DCS/67 **ANNOUNCEMENTS**

There were no announcements.

DCS/68 **APPEALS**

Appeals Lodged  
Written Representations/Household Appeals Service

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>
DC/12/0716	Glenholme, Stane Street, North Heath, Pulborough	Mr Paul Quickenden
DC/12/1227	Oaklea, Harborough Gorse, West Chiltington	Mr Clive Phelan

Appeal Decisions

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>	<u>Decision</u>
DC/12/0354	Timbers, Fir Tree Lane, West Chiltington	Mr and Mrs K and L Bennett	Allowed

DCS/68 Appeals (cont.)

DC/11/1855	Elm Stud, Thakeham Road, Coolham	Mr Graeme Tame	Allowed
DC/11/1711	Sawyards, Manleys Hill, Storrington	Mrs Jaye Ford	Allowed
DC/11/2209	Sawyards, Manleys Hill, Storrington	Mrs Jaye Ford	Allowed
DC/09/1704	Wabblegate Farm, Blackgate Lane, Pulborough	Mr J Scrase	Allowed
DC/12/0361	20 Blanches Road, Partridge Green	Mr Mark Edwards	Dismissed
DC/11/1539	The Barn Flat, Stable Cottage, Wheatsheaf Road, Henfield	Mr and Mrs B Stern	Dismissed
DC/11/2148	Hole in the Wall, High Street, Upper Beeding	Mr and Mrs S and V Stringer	Dismissed

DCS/69 **PLANNING APPLICATIONS: DC/12/0841: DEMOLITION OF EXISTING GROWING ROOMS AND SURROUNDING ANCILLARY BUILDINGS, REMOVAL OF COMPOST PRODUCTION ON SITE. ERECTION OF NEW GROWING ROOMS (FARMS) REQUIRED FOR THE CULTIVATION OF MUSHROOMS, A REPLACEMENT OFFICE BUILDING, STAFF CAFETERIA, PACK HOUSE BUILDING, ANCILLARY PLANT STRUCTURES AND PROVISION OF OPEN SPACE AND LANDSCAPED AREAS (INCLUDING RE-DIRECTED FOOTPATHS). REFURBISHMENT AND EXTENSION OF EXISTING PRODUCTION AND PACKAGE BUILDINGS INCLUDING ALTERATIONS TO ENTRANCE OF THE SITE**

**DC/10/1314: DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE ABINGWORTH NURSERY SITE FOR 146 DWELLINGS, COMPRISING OF OPEN MARKET DWELLINGS, 51 DWELLINGS FOR THE 55 PLUS AGE GROUP, 12 AFFORDABLE DWELLINGS, 20 KEY WORKER DWELLINGS, VILLAGE HALL BUILDING (INCLUDING SHOP AND DOCTOR'S SURGERY), PRE-SCHOOL FACILITY, COMMUNITY WORKSHOPS/STUDIO (957.5 SQ METRES), SPORTS PITCHES AND CHANGING ROOMS, CRICKET PITCH AND PAVILION, CHILDREN'S PLAY AREA, ACCESS ROADS, OPEN SPACE AND LANDSCAPED AREAS (INCLUDING FOOTPATHS)**

**SITE: DC/12/0841: FORMER SUSSEX MUSHROOMS SITE (NOW OPERATED BY MONAGHAN MUSHROOMS) (SITE B)**

**DC/10/1314: ABINGWORTH NURSERIES, STORRINGTON ROAD, THAKEHAM (SITE A)**

**APPLICANT: ABINGWORTH DEVELOPMENTS LTD**

The Head of Planning & Environmental Services reported that these applications had been considered at the Committee on 4<sup>th</sup> September 2012 when the preliminary view of the Committee had been that both applications should be granted, subject to the completion of the necessary planning agreement (minute no DCS/54 (04.9.12) refers).

DCS/69 Planning Application DC/12/0841 and DC/10/1314 (cont.)

The applications had been re-submitted to the Committee in the light of further clarification from the applicant on the sequence of building works and the inter-relationship between the proposals for the redevelopment of the former Sussex Mushrooms site (Site B) and the proposed residential development (Site A).

Relevant policies, planning history and responses from statutory internal and external consultees remained as previously reported to the Committee (minute no DCS/166 (19.4.11) refers). Three further objections had been received in addition to comments previously noted by the Committee. Two members of the public spoke in objection to the application and a representative of the Parish Council spoke in objection to the application. One member of the public spoke in support of the application and the applicant's agent addressed the Committee in support of the proposal.

The Head of Planning & Environmental Services reported that the proposed conditions as set out in the previous report remained unchanged with the exception of condition 34 regarding the proposed buffer zone within Site A, which had been reviewed in landscape and land management terms and reworded accordingly.

Members noted that the applicant had agreed to an additional contribution towards Storrington Air Quality Management Area measures, and that composting on Site B would end by June 2013, as reflected in the proposed planning agreement.

The proposed development of Site B would enable the existing jobs to be retained by Monaghan Mushrooms. The payment of £3.75m from the proceeds of development on Site A would be on the proviso that Monaghan Mushrooms ensured the economic viability of the mushroom production business, and removed the remaining mushroom production facilities from Site A. The applicant had proposed the demolition of the disused mushroom farm buildings on Site A at the earliest opportunity.

The freehold of Site B would be transferred to Monaghan Mushrooms on expiry of the period during which a Judicial Review of the Council's decision could be made. The £3.75m enabling contribution would be paid over a nine-month period following transfer of the freehold.

Members noted the additional information regarding the sequence of building works contained in the report and agreed that applications DC/12/0841 and DC/10/1314 should be supported, subject to the completion of the necessary planning agreement.

DCS/69 Planning Application DC/12/0841 and DC/10/1314 (cont.)

RESOLVED

(i) That a planning agreement be entered into to ensure that:

(a) The necessary linkages are created between the two proposals so that:

The delivery of the investment into the mushroom business set out in this sub-paragraph (a) below is ensured; and

With the exception of demolition of buildings and the improvement of vehicular access to Storrington Road so far as necessary to facilitate safe access and egress for demolition traffic, no development occurs on the Abingworth site until the following development forming part of application DC/12/0841 has been completed on the Chesswood site:

- The refurbishment of existing growing rooms – blocks A, B and C;
- Site wide restoration works;
- Refurbishment of existing pack house building;
- The conversion of existing pre-crop rooms into 24 new growing rooms; and
- The conversion of the existing spawning building into 6 new growing rooms);

(b) The scale and nature of residential development involved on the Abingworth Farm site is limited to that set out in the proposals and that any potential future expansion of development is precluded as far as is possible by the control/ownership of land (open space or landscaping fringes) on the edge of the proposed development area or by restrictions on access for agricultural purposes only;

(c) The intended community facilities are actually provided in the way indicated in the proposals and that they are maintained as such facilities for the benefit of the local community in perpetuity, or until other suitable facilities have been provided in the future;

(d) The appropriate commuted payments for the maintenance of open space/recreation facilities and community buildings are secured;

DCS/69 Planning Application DC/12/0841 and DC/10/1314 (cont.)

- (e) The provision of the intended affordable housing is made through an appropriate Registered Provider in the normal way, with the nomination rights giving the priority to local residents from within Thakeham Parish, or in the event of no such suitable occupants, from the immediately adjoining Parishes;
- (f) The local worker housing is aimed at defined groups of people living or working within the District and meeting the agreed definition of such 'local worker', including employees of Monaghan Mushrooms or any successor, operating from the Chesswood site rather than being purely 'open market' housing for purchase or rent;
- (g) The requirements from the County Council in respect of traffic calming works and a Travel Plan are met;
- (h) The necessary financial payments towards local recycling provision, education provision, library provision, fire and rescue service provision and fire hydrants are secured;
- (i) The planting and maintenance of the instant hedging (as referred to in the submitted drawings) on the sandstone ridge to a large size nursery stock of a minimum of 2m height at the time of planting is secured, planted minimum 3m width (thick hedge is needed to ensure winter screening) and of native species with any future removal prevented; and
- (j) Suitable mitigation measures to offset the net effect of the developments upon the Storrington Air Quality Management Area are secured;
- (k) The cessation of composting by June 2013;
- (l) The creation of the permissive footpaths shown on the submitted plans for the Abingworth site; and
- (m) The diversion of public footpath 2474 as shown on the submitted plans for the Chesswood site before the demolition of buildings to make way for the new growing rooms;

DCS/69 Planning Application DC/12/0841 and DC/10/1314 (cont.)

- (ii) That, upon completion of the agreement in (i) above, applications DC/12/0841 and DC/10/1314 be determined by the Head of Planning & Environmental Services, in consultation with the local Members, the Chairman and Vice-Chairman of the Committee and the Cabinet Member for Living & Working Communities. The preliminary view of the Committee was that the applications should be granted, subject to the conditions as reported.

REASON

Application DC/12/0841 (site B):

Having regard to the individual circumstances of this proposal, its form and location as a redevelopment of a site already in mushroom production, the potential benefits to the local economy and the environmental advantages of ceasing composting and of landscaping, the proposal is considered to represent an acceptable form of development in accordance with the development plan.

Application DC/10/1314 (site A):

It is considered that a decision not in accordance with the development plan is justified by material considerations of sufficient weight, namely that the proposals are in the long terms interests of the community and the District as a whole; by taking a proactive approach it is possible to seek to ensure that a significant local business modernises its operations with the anticipated reduction in odour, together with the protection of existing and future employment opportunities. In this way it is possible to support the local economy as well as to provide a form of residential development that enables these provisions to be made and also meets local requirements in respect of over-55s accommodation, affordable housing and key worker accommodation and ensures the provision of additional and enhanced community facilities.



DCS/70 **PLANNING APPLICATION: DC/12/1093 – 2-STOREY BUILDING, CAR PARKING AND ASSOCIATED INFRASTRUCTURE. THE BUILDING WILL ACCOMMODATE DOG GROOMING AREAS, VARIOUS ANIMAL CARE FACILITIES, PREPARATION ROOMS, TRAINING ROOMS, FLORISTRY CLASSROOMS, GENERAL CLASSROOMS, ANCILLARY ACCOMMODATION. THE DOG GROOMING PARLOUR AND FLORISTRY SHOP WILL BE OPEN TO THE PUBLIC FOR GENERAL USE**  
**SITE: BRINSBURY COLLEGE**  
**APPLICANT: CHICHESTER COLLEGE**  
*(Councillor Roger Paterson declared a personal interest in this application as he was a governor of Chichester College, although he was not present at the meeting.)*

The Head of Planning & Environmental Services reported that this application sought planning permission to construct a two storey building to provide; animal care, dog grooming parlour, floristry shop and teaching facility, a new entrance and reception area with associated external landscaping, dog kennels and exercise area and other animal care facilities.

The training dog grooming parlour and floristry shop would be available to the public as part of facilities offered by the College. An additional 20 parking spaces and a new vehicle access were also proposed.

The application site was located to the north east of the main Brinsbury campus, on the A29 between Billingshurst and Pulborough. The site was outside the built-up area as defined by the Local Development Framework and was mainly surrounded by agricultural land and small areas of woodland.

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policies CP1, CP3, CP11, CP13 and CP15; Local Development Framework General Development Control DC1, DC2, DC5, DC7, DC8, DC9, DC10 and DC40; Brinsbury Centre of Rural Excellence Supplementary Planning Document; and Site Specific Allocations of Land Document Policy AL15 were relevant to the determination of this application.

Relevant planning history included:

DC/12/0412	To form new access onto Stane Street and gates (A29) and close off existing field access	Granted
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DCS/70 Planning Application DC/12/1093 (cont.)

DC/11/1091	To amend wording of condition No. 6 of DC/05/1331 to 'The development hereby approved shall be used as a plant and tree production nursery and associated sales and for the furtherance of Horticultural Education in association with Brinsbury Campus' and the provision of additional conditions restricting the amount of the nursery to be used for the sale of horticultural goods other than trees and plants and the reduction in car parking spaces from 260 to 100 together with lorry car parking and turning areas	Granted
DC/11/0128	Erection of 1 No. service building for agricultural purposes, on land South of Adversane Caravan Park	Granted
DC/10/1447	Replacement of portacabin used as classrooms together with temporary toilets by a single modular building of 205 metres square to replace these facilities	Granted
DC/10/1692	Erection of building to form animal care facility, with associated landscaping	Withdrawn
DC/10/0284	Erection of a new winery and finishing building on the eastern side of the A29	Granted
DC/08/2598	Re-development of Brinsbury campus through demolition, re-furbishment and new build for education facilities with associated landscaping and parking. The consent has not yet been implemented.	Granted
DC/05/1331	A tree production nursery selling to the trade. The consent has not yet been implemented.	Granted
DC/06/0543	The demolition of two redundant mushroom tunnels, alterations to existing workshop and erection of horticultural workshop	Granted

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

DCS/70 Planning Application DC/12/1093 (cont.)

With regards to the comments of the Landscape Officer in respect of the need to conserve and enhance the landscape character, the applicant had provided a written commitment that an appropriate landscaping scheme would be submitted.

The Parish Council raised no objection to the application.

Whilst Members noted that the Council would not be able to prevent the implementation of DC/08/2598, the applicant had confirmed that there was no intention to implement any part of this previous permission which had been granted in June 2009.

It was considered that the proposals were in keeping with the guidance contained within the Brinsbury Centre of Rural Excellence Supplementary Document and had been required to aid the educational needs of the site by replacing the current animal care units.

Members noted that there had been a discrepancy on the submitted plans in respect of the proposed 20 additional car parking spaces and that an additional condition regarding these details would be required.

Members considered that the potential benefits of the proposal would be significant to both the College itself and the wider area and therefore agreed that the proposal was acceptable.

RESOLVED

That application DC/12/1093 be granted, subject to the following conditions:

- 01      **A2**    Full Permission (3 Years)
- 02      **M1**    .....used for external walling, roofing
- 03      No development shall be carried out on the land until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological works in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.
- 04      The building hereby permitted shall only be used for (dog grooming areas, various animal care facilities, preparation rooms, training rooms, floristry classrooms, general classrooms, ancillary accommodation).

DCS/70 Planning Application DC/12/1093 (cont.)

05 Notwithstanding the submitted Design and Access Statement which includes the following drawings- Design Proposals, Layout and Landscape Masterplan Strategy and submitted drawings no LLD424/04 and 022A and the Landscape Strategy and Outline Specification doc, prior to the commencement of development a comprehensive hard and soft landscape scheme for the whole site, including provision for reinforced hedgerow and hedgerow tree planting and other structural planting to the northern and southern boundaries of the sites shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall comprise the following details which shall be submitted concurrently as a complete scheme, unless otherwise agreed with the Local Planning Authority, and shall comprise:

- (a) A detailed plan and specification for topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice
- (b) Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- (c) Tree pit and staking/underground guying details
- (d) A written hard and soft specification (National Building Specification compliant) of planting (including ground preparation, cultivation and other operations associated with plant and grass establishment)
- (e) Existing and proposed levels, contours and cross / long sections for all earthworks
- (f) Hard surfacing materials: layout, colour, size, texture, coursing and levels
- (g) Walls, fencing and railings: location, type, heights and materials
- (h) Minor artefacts and structures – location, size and colour and type of lighting columns and lanterns

The approved scheme shall be implemented in full accordance with these details. Planting shall be carried out according to a timetable to be agreed in writing with the Local Planning Authority prior to commencement of the development.

Any plants which within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

DCS/70 Planning Application DC/12/1093 (cont.)

- 06 Landscape Management and Maintenance plan (Major Development). Prior to the commencement of development a detailed long term Landscape Management and Maintenance Plan for all landscape areas shall be submitted to and approved by the Local Planning Authority in writing. The plan shall include:
- (a) Aims and Objectives
  - (b) A description of Landscape Components
  - (c) Management Prescriptions
  - (d) Details of maintenance operations and their timing
  - (e) Details of the parties/organisations who will be maintain and manage the site, to include a plan delineating the areas that they will be responsible for

The plan shall demonstrate full integration of landscape, biodiversity and arboricultural considerations. The areas of planting shall thereafter be retained and maintained in perpetuity in accordance with the approved Landscape Management and Maintenance Plan, unless any variation is approved in writing by the LPA.

- 07 **V5** *No Extensions*  
08 **O1** *Hours of Working*  
09 **O2** *Burning of Materials*  
10 **D10** *Floodlighting*

- 11 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall included details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

- 12 Before commencement of the development hereby agreed a plan showing the required car parking layout shall be submitted and agreed in writing by the Local Planning Authority.

### REASONS

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

DCS/70 Planning Application DC/12/1093 (cont.)

ICTN2 The proposed development would make a positive contribution to the local environment and community.

DCS/71 **PLANNING APPLICATIONS: DC/12/1489 - VARIATION OF CONDITION 1 (NUMBER OF TRAILERS STORED ON SITE) OF PLANNING PERMISSION DC/08/1423 (CONTINUATION OF USE OF HARD STANDING FOR TRAILER STORAGE) TO INCREASE NUMBER OF TRAILERS TO BE STORED FROM THREE TO SIX**

**SITE: TOWNHOUSE FARM, COOLHAM ROAD, THAKENHAM**

**APPLICANT: MR NEIL WHITE**

*(Councillor Chris Mason declared a personal interest in this application as he knew the applicant.)*

The Head of Planning & Environmental Services reported that this application sought to vary Condition One of Planning permission DC/08/1423 which stated, "No more than 3 trailers shall be stored at any one time on the land edged red and situated to the west of the barn shown on plan number 093 PD101". The proposal was to vary the condition so that up to six trailers could be stored at any one time on the land to the west of the barn.

The application site was located to the south west corner of Townhouse Farm farmyard which was located to the west of Coolham Road and included a livery yard and various agricultural buildings which had permission to be used for storage purposes.

The site was within a countryside location and the lorries associated with this application were subject to a planning condition that limited them to the use of the northern access point only.

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policies CP1 and CP15; and Local Development Framework General Development Control Policies DC1, DC2, DC9 and DC25 were relevant to the determination of this application.

Relevant planning history included:

T/72/00	Change of use of existing farm building to form 10 livery stables & covered sand school and creation of new vehicular access	Granted
T/104/02	Continued use of the farm buildings for storage	Granted
DC/04/1478	Conversion of farm buildings to form office suite, demolition of former pig arks and replacement with double garage	Granted

DCS/71 Planning Application DC/12/1489 (cont.)

DC/06/0003	Change of use of existing farm building to ancillary storage	Granted
DC/08/1423	Continuation of use of hard standing for trailer storage	Granted

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

The Applicant's business, Focused Events, had been operating for 12 years and employed eight full time and one part time members of staff. The Applicant sought additional trailer storage to accommodate a change in the company's strengthening relationships with major manufacturers and the increasing growth of their European track days. Approximately 45 bikes could be parked within the trailers and taken to Europe for track days. The applicant stated that from mid June to September the trailers sat dormant in the storage area.

The trailers were well screened by trees and vegetation to the south and west and by the existing farm buildings to the north and east of the site. It was considered that the visual impact of six trailers would not be materially different to that of three trailers.

Whilst the West Sussex County Council Highway Authority had raised no objection, Members were concerned that, in addition to trailer movements, the proposal would lead to an increase in traffic generated by customers bringing their bikes to the application site where they were stored prior to being loaded onto the lorry trailers.

Members therefore considered that further clarification should be sought by the highway authority regarding the potential intensification of use of the site.

**RESOLVED**

That application DC/12/1489 be deferred for 1 committee cycle pending further consultation with West Sussex County Council Highway Authority, to include a site visit by the highway authority, regarding the highway impact of the application.

DCS/72 **PLANNING APPLICATION: DC/12/0885 - EXTENSION TO LOWER GROUND FLOOR TO FORM CONFERENCE ROOM WITH ROOF TERRACE AND BALUSTRADE OVER**  
**SITE: ROUNDABOUT HOTEL, MONKMEAD LANE, WEST CHILTINGTON**  
**APPLICANT: CHAPMAN GROUP LTD**

The Head of Planning & Environmental Services reported that this proposal had been deferred by the Committee in August 2012 (Minute No DCS/47 (21.08.12) refers) to allow clarification to be sought in respect of the increased capacity to be provided by the proposed extension and for a site visit to be undertaken to further assess the adequacy of on-site parking facilities.

The application site was located along Monkmead Lane within the defined built up area boundary of West Chiltington. The application site had 26 en-suite bedrooms, bar area, restaurant and additional reception and meeting rooms.

The applicant had provided a letter of intent that confirmed that the proposal would not increase the number of guests currently accommodated.

A site meeting had been undertaken between the Planning Officer, Local Members and an Officer from West Sussex County Council's Highways department and it had been considered that the site had adequate on-site parking, given the nature of the proposal. The applicant had attended a Parish Council meeting to discuss the proposals and, given the amount of local objection, it had been agreed that a forum be set up between local residents and the hotel management.

Members were referred to the previous report which contained details of relevant policies, planning history, the outcome of consultations and a planning assessment of the proposal.

The Parish Council, who had previously objected to the application, raised no objection. Two further letters of objection had been received. Three members of the public spoke in objection to the application. A representative of the Parish Council spoke in support of the application.

Members were encouraged by the progress that had been made regarding the applicant's communications with local residents and the Parish Council, but considered that continued engagement between the applicant and Parish Council was required to ensure concerns regarding potential intensification of use of the hotel facilities and parking in Monkmead Lane were addressed. It was agreed that clarification should be sought regarding the jurisdiction of the District Council's Licensing Regime in relation to licensing concerns regarding this application.

Members therefore agreed that clarification was required regarding proposals for ongoing liaison between the applicant and the Parish Council, and the District Council's licensing powers in respect of the application site.



DCS/72 Planning Application DC/12/0885 (cont.)

RESOLVED

That application DC/12/0885 be deferred pending confirmation of the applicant's proposals for ongoing liaison with the Parish Council and the local community, and clarification of the Council's powers under the Licensing Regime in respect of the licensing concerns of this application.

DCS/73 **PLANNING APPLICATION: DC/12/1600 – RETENTION OF A SIX METRE HIGH FLAG POLE TO FLY NATIONAL FLAGS**  
**SITE: LAND NORTH OF 1 TO 4 MEYERS WOOD, PARTRIDGE GREEN**  
**APPLICANT: MRS HELEN DAYNESWOOD**

The Head of Planning & Environmental Services reported that this retrospective application sought planning permission for the retention of a six metre white flag pole, which had been constructed from lightweight aluminium with a rotating arm, flag weight and ground socket.

The application site was located at the western end of Partridge Green on a patch of grass on the corner of the High Street and Meyers Wood. It was located 1.6 metres from the pavement and was visible from the B2135. Residential properties were located to the north, east and south of the site and the Partridge Public House was located to the North West.

The National Planning Policy Framework 2012; Local Development Framework Core Strategy Policies CP1 and CP3; and Local Development Framework General Development Control Policies DC9 and DC40 were relevant to the determination of this application.

There was no relevant planning history for this site.

No comments had been received from members of the public. The Parish Council had not commented because it was a Parish Council application.

West Sussex County Council Highway Authority had objected to the proposal because the flagpole appeared to be located on land that was maintained by the highway authority. It had been requested that the proposal be modified so that it was located on land that was not maintained by the highway authority.

It was therefore considered that the flag pole should be relocated onto the open space owned by Horsham District Council to the east of the current location. However, Members were advised that further discussions had taken place between the Parish Council and the Highway Authority and if the Parish Council were happy to sign a license agreement under Section 115 of the Highway Act 1980 then the Highway Authority would withdraw their objection to the current location of the flagpole. Therefore, the original location of the flagpole would be pursued.

DCS/73 Planning Application DC/12/1600 (cont.)

Members considered that the application was acceptable in principle, subject to the Parish Council signing a licence agreement with West Sussex Highway Authority for the siting of the flag pole on land maintained by the highway authority, serving notice on West Sussex County Council and re-consulting WSCC on the proposal.

**RESOLVED**

That application DC/12/1600 be determined by the Head of Planning & Environmental Services with a view to permitting the application subject to the Parish Council signing a licence agreement with West Sussex Highway Authority for the siting of the flag pole on land maintained by the highway authority, serving notice on West Sussex County Council and re-consulting WSCC on the proposal. The preliminary view of the Committee was that the application should be granted.

*The meeting closed at 4.20pm having commenced at 2.00pm.*

CHAIRMAN

**DEVELOPMENT CONTROL (SOUTH) COMMITTEE**  
**20<sup>TH</sup> NOVEMBER 2012**  
**REPORT BY THE HEAD OF PLANNING AND ENVIRONMENTAL SERVICES**

**APPEALS**

1. **Appeals Lodged**

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

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

DC/12/1463    Fell 1 x Oak Tree (T16)  
61 Dell Lane, Billingshurst, West Sussex, RH14 9QE.  
For: Piers Faulkner

3. **Informal Hearings**

DC/12/0551    The change of use of land to a dual pitch local gypsy site including the stationing of two mobile homes.  
The Caravan, Littleworth Lane, Partridge Green, West Sussex  
For: Mr Billy Bath

4. **Public Inquiry**

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

5. **Appeal Decisions**

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

DC/11/1962    Development of the site for up to 102 residential dwellings together with associated landscaping, open space and access (Outline Permission).  
Land East of Manor Close, Henfield, West Sussex  
For: Welbeck Strategic Land LLP  
Appeal: **ALLOWED** (Officers Recommendation Overturned at Committee)

DC/11/2490    Demolition of existing buildings (47-55 High Street) (Conservation Area Consent).  
47 High Street, Billingshurst, West Sussex, RH14 9PP  
For: Weald Estates Limited  
Appeal: **DISMISSED** (Delegated)

- DC/11/2489 Demolition of existing buildings and erection of building comprising retail units and eight (5 x 1 bed and 3 x 2 bed) flats (47-55 High Street) (Full Planning).  
47 High Street, Billingshurst, West Sussex, RH14 9PP.  
For: Weald Estates Limited  
Appeal: **DISMISSED** (Delegated)
- DC/12/0463 Retrospective permission to erect an open fronted shed.  
Plot 1, Bramblefield, Crays Lane, Thakeham, West Sussex  
For: Mr Ian Hollerin  
Appeal: **DISMISSED** (Delegated)
- DC/12/0168 Roof extension to provide an additional 1 bed flat.  
Merrywood House, Merrywood Lane, Thakeham, West Sussex  
For: Pentagon Homes (Southern) Ltd  
Appeal: **DISMISSED** (Delegated)
- DC/11/2518 Development of unused site, to include the erection of a detached chalet-bungalow style dwelling with associated off-street parking.  
Land South of Dukes Row, Pulborough Road, Cootham, West Sussex  
For: Mr Kenneth McCrone  
Appeal: **DISMISSED** (Delegated)
- DC/11/0467 Partial relocation of existing private drive.  
Lydford Farmhouse, Kings Lane, Cowfold, Horsham, RH13 8BD.  
For: Mr Luke Halestrad  
Appeal: **DISMISSED** (Committee)
- DC/12/0327 Internal alterations to non-listed building to provide mezzanine floors to workshop and storage areas, internal partitions and decoration, electric lights and switches, WC, basin and other washing facilities, radiators connecting to existing heating system for office and tack room, guard rails around internal stairs and storage platforms and other internal works.  
The Barn, Stable Cottage, Wheatsheaf Road, Henfield, BN5 9AU.  
For: Mr and Mrs B Stern  
Appeal: **DISMISSED** (Delegated)
- DC/12/0326 Insertion of windows, a new door and replacement rooflights to north and south elevations of the existing barn.  
The Barn, Stable Cottage, , Wheatsheaf Road, Henfield, BN5 9AU.  
For: Mr and Mrs B Stern  
Appeal: **DISMISSED** (Delegated)

- DC/12/0325 Change of use from agricultural storage and workshop in area B and personal storage in area C to residential use.  
The Barn, Stable Cottage, Wheatsheaf Road, Henfield, BN5 9AU.  
For: Mr and Mrs B Stern  
Appeal: **DISMISSED** (Delegated)
- DC/12/0716 Extension to side and rear of existing dwelling and lift roof to accommodate 1st floor to include 2 bedrooms and bathroom in upper floor and new sewage treatment plant (already installed).  
Glenholme, Stane Street, North Heath, Pulborough, RH20 1DN.  
For: Mr Paul Quickenden  
Appeal: **DISMISSED** (Delegated)



**Horsham  
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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South

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

**DATE:** 20<sup>th</sup> November 2012

**DEVELOPMENT:** Proposed alterations to existing wildlife pond permitted under DC/06/2073 and re contouring of existing acoustic earth bund around perimeter of site

**SITE:** Sopers Farm Peppers Lane Ashurst Steyning

**WARD:** Steyning

**APPLICATION:** DC/12/1269

**APPLICANT:** Mr Guy Harrison

**REASON FOR INCLUSION ON THE AGENDA:** Category of Development

**RECOMMENDATION:** To Refuse Planning Permission

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks alterations to a wildlife pond that has been created but which was not built in accordance with application DC/06/2073 (Creation of a Wildlife Pond) and re contouring of an unauthorised acoustic earth bund around the perimeter of the site.
- 1.2 The wildlife pond proposed under this application now seeks to incorporate land which currently separates the existing main lake on site from the application lake to create one large lake. It is proposed to create a shallower gradient to the edges of the lake and plant phragmites/bulrushes to the corner of the lake. It is also proposed that a marginal aquatic seed mix would be introduced to half of the lakes banks. The applicant also seeks to provide a floating island of approximately 3m x 3m.
- 1.3 The bunds were erected on site in 2011 without the benefit of planning permission. An Enforcement Notice was served on 5<sup>th</sup> October 2011 which was due to take effect on 5<sup>th</sup> November 2011 with a 2 month compliance period. The applicant appealed the Enforcement Notice on 27<sup>th</sup> October 2011 so the Enforcement Notice went on hold. However, the applicant withdrew the appeal on 22<sup>nd</sup> March 2012 therefore the Enforcement Notice became effective on this date with a 2 month compliance period. The bunds measure 2.08 – 2.81 metres in height. This application seeks to re-profile the bunds to reduce their height. The agent has proposed bunds with a shallow gradient facing the field and a steep sided edge facing towards the lane. The bunds would be reduced in height to 1.5m in height then the earth would be sloped down from the full height of the bund into the

site. The earth bunds would be pulled back by 5m from trees with a trunk diameter greater than 40cm and 3m from trees with a trunk diameter greater than 20cm.

## DESCRIPTION OF THE SITE

- 1.4 The site lies in a countryside location and is accessed via Peppers Lane or Honeybridge Lane which run along the southern and western boundaries of the site. Sopers Farm House is sited to the north east of the application site and is accessed via two different entrance points from the lane. The site lies in a predominantly pastoral landscape, characterised by small scale arable field patterns, woodlands and fragmented hedgerows. The earth bunds stretch for approximately 1000 metres along the periphery of the site and block a public footpath to the north west corner. There are numerous mature oak trees around the periphery of the site where there is also native hedging.
- 1.5 There are currently two lakes on the site, one being the application site. This lake is fairly square in shape and has fairly steep sides. There are three large oak trees to the north west of the application lake. The rest of the fields are down to pasture land.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework 2012

Paragraph 109 states: "The planning system should contribute to and enhance the natural and local environment by:

Protecting and enhancing valued landscapes, geological conservation interests and soils;  
Recognising the wider benefits of ecosystem services;  
Minimising impacts on biodiversity and promoting net gains in biodiversity where possible;"

Paragraph 192 states: "The right information is crucial to good decision-taking, particularly where formal assessments are required."

### RELEVANT COUNCIL POLICY

- 2.3 The following policies of the Local Development Framework Core Strategy (2007) are relevant in the assessment of this application:  
CP1 – Landscape and Townscape Character, CP2 – Environmental Quality, CP3 – Improving the Quality of New Development & CP15 – Rural Strategy.
- 2.4 The following policies of the Local Development Framework, General Development Control Policies Document (December 2007) are relevant in the assessment of this application:  
DC1 – Countryside Protection and Enhancement, DC2 – Landscape Character, DC5 – Biodiversity & Geology, DC9 – Development Principles & DC40 (Transport & Access).

### PLANNING HISTORY

- 2.5 AH/9/00 Change of use to children's farm, Withdrawn October 2000
- AH/1/03 Extension to pond, Permitted October 2003

DC/04/0923 Extension to pond and construction of bund, Refused July 2004

DC/05/2556 Creation of pond, Withdrawn January 2006

DC/06/2073 Creation of Wildlife Pond, Permitted January 2008

An Enforcement Notice was served on 5<sup>th</sup> October 2011 with regard to the erection of the earth bunds and a lake not built in accordance with planning reference DC/06/2073.

An Appeal was received on 27<sup>th</sup> October 2011 against the Enforcement Notice. The appeal was withdrawn by the applicant on 22<sup>nd</sup> March 2012.

There is no other relevant planning history on the site.

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

#### INTERNAL CONSULTATIONS

3.1 The Arboricultural Officer has raised an objection stating "I have previously given advice on the likely effects of the bunding around the perimeter of the site. I have now examined the existing proposals for re-contouring, and note the following:

- It has long been known that placing infill material around trees, within their respective root protection areas (RPA's), is likely to cause harm. As far back as 1963 Yelenosky found that "*oxygen was severely depleted from soil air beneath 0.3-1.0m of clay fill*". Further research has refined this, suggesting that "*up to 150mm (max) of well-aggregated fill soil may be spread over the root zone of a tree without adverse effects on most species*" (Harris, 1999). But spoil levels in excess of this are now proven to cause restriction to the supply of oxygen to roots, which is required for aerobic respiration (*Tree Roots in the Built Environment, DCLG, 2006*).
- Recent recommendations as to best practice therefore advise strongly against the deposition of material within the RPA's of trees, BS 3998 'Recommendations for Tree Work' [2010] noting at para. 6.1 that "*adverse changes in the soil and damage to a tree's roots can lead to decline or, in extreme cases, instability or death, and should therefore be minimized*".
- Around the perimeter of the site, between the bund and the road, is a traditional hedge and ditch, the hedge containing a relatively large number of substantial trees, principally of oak. Though not protected specimens, these trees nevertheless contribute strongly to the character of this highly rural location, and demarcate the old field boundaries at the edges of the country lanes. Policy DC9 of the General Development Control Policies Framework Document (*December 2007*) requires at sub-section (d) that development "*respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors)*". Sub-section (f) presumes "*in favour of the retention of existing important landscaping and natural features, for example trees, hedges, banks and watercourses*". While the trees within the hedgerows are not of individual especial or particular merit, the contribution they make collectively to the character and amenities of the locality cannot be doubted.
- The placing of a clay-based bund of 1.5m height within the RPA's of these trees is thereby contrary to the recommendations and guidance noted, and, as it is likely that the death of the trees may be the long-term result, contrary also to the relevant sections of policy DC9.
- As part of the 're-contouring' of the existing bunding, I note the proposal within the Design and Access Statement that "*around mature oak trees it is recommended that the bund is peeled back to at least 5m from the trunk of each tree with a trunk diameter greater than 40cm. The earth should be pulled back at least 3m from all other trees with a trunk diameter greater than 20cm*". However, though this 'cover-all' might represent some improvement on the position of the existing bund, it provides no comfort that the matter is



being dealt with in accordance with BS 5837. Whilst as luck has it a tree with a trunk diameter of 40cm would have an RPA with a radius of 4.8m, there are clearly trees with trunk diameters greater than this, and for compliance with the BS these would require to be individually measured, and the RPA's calculated respectively. Despite my previous advice, this has clearly not been carried out. The scheme remains, therefore, in conflict with BS 5837.

- A further unintended consequence of the positioning of the bunding is an alteration of the hydrology of the area. Although it cannot be known precisely how the presence of the bund will alter this, it is clearly likely to do so, as run-off including leachate from the imported material makes subtle changes to the soil composition, ambient moisture content, and possibly the soil acidity/alkalinity. Trees establish and thrive within settled conditions and when more mature will often decline when their rooting environments are altered in this way. I do not see any evidence in the submission that any account of this has been taken. Clearly the premier method of minimising any unintended consequence is to keep any bunding and soil level raising completely outside the RPA's of trees, as recommended as best practice. This has not been adhered to.

I therefore find that, despite the details given regarding tree and hedgerow protection within the Design and Access Statement, this scheme does not comply with the recommendations at BS 5837 and BS 3998, and fails the test at policy DC9 of the General Development Control Policies Framework document (*December 2007*). I therefore raise an OBJECTION to the proposals. To ensure that the trees and hedgerows are not further damaged, I recommend that the bunding be wholly removed from the individually calculated RPA's of all of the trees along the site peripheries.”

- 3.2 The Landscape Officer has objected to the application stating “I object to the application proposals. Although it might be possible for the applicant to address my concerns by submission of adequate additional information and amendments to the design of regrading proposals and lake , the applicant has already chosen to ignore some of the advice given at a site meeting and in pre-application comments . I therefore do not have confidence this will be adequately resolved.

#### Information Submitted

Despite previous advice to the applicant the information submitted is still inadequate

1. The existing survey plan by Medlams does not show the full extent of the existing bund. It is a partial 1:1250 plan covering only approx half the length of the bund, nor is there an accurate survey position of the existing trees and hedgerows adjacent to the bund. Furthermore there is no calculation of the required root protection areas in accordance with the 2012 British Standard
2. No AOD levels have been given for the top of the bund, only for the bottom of the bund either side of it. The cross sections A, B and C for the southern part of the bund only give average heights and height ranges. The Medlams survey information has not been integrated with the survey previously undertaken by HDC for enforcement purposes (all be it this information has been included in the submitted application docs). It should be noted that the applicant would not allow the completion of this survey)
3. Whilst we do have some existing AOD levels for the rough pasture field which contains the lake and the southern most section of the bund ( all be it in a previous application) we do not have any for the two fields north of here ( which nonetheless include a long section of the existing bund ) This is important if material is to be regraded across these two fields as well.
4. Existing cross sections of the bund and proposed regraded cross sections at min of 50m intervals as recommended have not been provided to ensure a fuller understanding of the profile of the bund and the volume of fill material can be more accurately calculated.
5. No existing and proposed contour plans have been submitted

6. There are no existing levels provided for the lake other than for the bank and the water level which is likely to fluctuate
7. There are no proposed levels for the regraded land or for the lake
8. There are no existing and proposed cross sections for the bund north of the field with the lake in.

The inadequate information gives rise to uncertainty whether the volume of material in the current bund can be regraded across the southern field in the way that is shown, without there being surplus material that then could create further enforcement issues if it is not carted away from site

Furthermore it is not clear from the plans, or the Design and Access Statement, or the submitted cross sections that it is proposed that any regrading of the existing bund will take place in the two fields to the north. If its not substantially regraded in a sensitive manner the existing bund will continue due to its present height, scale, shape to be contrary to landscape character policy which is to conserve and enhance the landscape character of the area. I would strongly recommend against any planning permission being granted based upon uncertain and ambiguous information submitted. The position of the existing bund is also very close to an existing public footpath in the northernmost field which has an adverse impact on the visual amenity of users of this public footpath

### Application Proposals

1. The proposals to set back the bund 5m from oak trees of greater than 40cm trunk diameter and 3m from other trees of greater than 20cm appears arbitrary and it is unclear whether this has any basis in terms of the British Standard. Will Jones will need to consider.

2. I object to the proposed continuous 1.5m height and steep sided bund on the lane side . The scale of the bund with a lack variation of height will make it appear as a very artificial feature in the landscape ie it would not in policy terms conserve and enhance landscape character. Unless there is an overriding need for bunds (eg for noise attenuation purposes ) which is not the case here and any such need is can be satisfactorily demonstrated to outweigh the degree of landscape harm then I would generally strongly advise against permitting bunds, especially taking into account the difficulties of satisfactorily integrating such features in the landscape. It is also important to bear in mind in this case the adverse impact of the proposed bund (and potentially legitimised section of existing bund-see comments above) would not be limited in extent. The applicant has advised there have and will be security benefits from the bund. I am doubtful about this, but even if this were the case I would have thought there are other ways of improving security without the need to introduce a bund which will have considerable adverse landscape impact.

The applicant has suggested the steep side of the bund will appear to be like a historic hedge bank. However hedge banks are more typically less than 500- 750mm above the general level of the surrounding land, are usually of variable height rather than a continuous height over several field boundaries, so they appear as more natural landscape features, unlike the applicants proposal. Furthermore it is not proposed to plant the proposed bund with hedgerow shrubs and trees, and it will not appear as satisfactorily integrated with the existing hedgerow.

Whilst from the road side the proposed bund will appear relatively well screened in summer by the existing wide hedgerow and hedgerow trees , and will be seeded it is likely particularly in winter to be much more visible and perceived as an artificial feature.

3. Furthermore, in respect of the field side of the bund the applicant was previously recommended to blend in any regraded material imperceptibly with the naturally very gently

sloping/gently undulating contours of the landscape. The cross sections submitted demonstrate because the land area for regrading has been restricted this will not be achieved. Thus a visually awkward juxtaposition between the new slope and existing slopes is likely to result

4. With regard to the lake in the absence of accurate information on existing and proposed levels and slopes below the water line there is no certainty that the proposed marginal planting will be achievable. What has been illustrated on prescription 3 still does not show a naturalistic design with irregular margins that could be better integrated in the landscape and provide wildlife benefits. Whilst a curved edge has been shown it is still regular in shape.

With regard to all of the above the applicant and agent were given very clear pre-application advice that it would be in their interest to engage a Landscape Architect who is capable of submitting proper earthworks plans and ensuring the design is sympathetic to local landscape character. In the event they have ignored this.”

- 3.3 The Drainage Officer has commented “current evidence suggests that the creation of the earth bund and unauthorised culverting of the adjoining land drainage network is causing the adjacent road ‘Peppers Lane’ to flood during storm conditions.” “There has been insufficient information submitted to make any valued observation or comment on the drainage aspects of this application.

It is clear that previous works on this site i.e. earthworks bunding have affected the local land drainage network as well as the nature overland surface water flow. Current evidence suggests that the creation of the earthbund and unauthorised culverting of the adjoining land drainage network is causing the adjacent road ‘Peppers Lane’ to flood during storm conditions

Under Section 23 of the Land Drainage Act 1991 there is a requirement to seek a consent when culverting or obstructing a watercourse, whether permanent or temporary.

N.B - Legislative changes;

The amended Land Drainage Act 1991 defines what requires “*consent*”:

- The erection of any mill, dam, weir or other like obstruction to the flow of any ordinary watercourse or the raising or otherwise alteration of any such obstruction, or;
- The erection of a culvert in an ordinary watercourse, or;
- The alteration of a culvert in a manner that would be likely to affect the flow of an ordinary watercourse

The Flood and Water Management Act 2010 (FWMA) (Sections 32 & 33 of Schedule 2) amended the Land Drainage Act 1991 and transferred ordinary watercourse regulation (consenting) powers, other than within Internal Drainage Districts, from the Environment Agency to Lead Local Flood Authorities (LLFA) - i.e. West Sussex County Council. This section of the Act commenced on 6<sup>th</sup> April 2012.”

#### OUTSIDE AGENCIES

- 3.4 Natural England has commented “We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

- Protected Species;

- Local Wildlife Sites;
- Biodiversity Enhancements;
- Local Landscape

3.5 The Environment Agency has advised that they “have no objection in principle to the proposal as submitted but would, however, wish the following advice to be taken into consideration:

#### Enhancements

To enhance the value of the pond for wildlife and as an attractive landscape feature, and to minimise its impact on the existing local environment, the following points should be incorporated:

- i) Sides should be gently sloping, rather than steep. Ideal range is 1:5 to 1:10, with 1:3 maximum
- ii) Angle of slope on sides should vary around the pond to produce a more natural, irregular shoreline and to enable a range of vegetation types to establish.
- iii) Maximum recommended depth is 2.5 metres. A range of depths will allow colonisation by a range of flora and fauna.
- iv) A high, visually obtrusive bund should not be created around the edge of the pond.
- v) No spoil should be tipped within 8 metres of any watercourse, floodplain or area with natural vegetation.
- vi) Pond vegetation should be allowed to colonise naturally, in its own time, from nearby sites. We do not normally encourage planting because it can result in transfer of non-native species.
- vii) If vegetative cover is needed quickly, only native species should be planted.

#### Profile

The most productive zone of a pond is within the first 30cm of water depth. In order to maximise the area of this productive zone we would usually recommend that a pond should be created with large areas of very shallow depths to form a marginal shelf upon which aquatic vegetation such as reeds can establish (preferably much less than 30 cm deep). The creation of broad, shallow marginal areas will promote the growth of aquatic plant species and facilitate the development of good marginal habitat, providing an important refuge and food source for a range of aquatic species. This will provide a more diverse range of habitats than only open water with some marginal vegetation.

#### Fish

To maximise the ecological value of the pond we recommend that it is not stocked with fish. In the absence of fish predation, a more diverse aquatic invertebrate community would develop and the water feature would provide more suitable conditions for amphibians.

Should fish introduction to the ponds occur, under Section 30 of the Salmon and Freshwater Fisheries Act (1975) our written consent may be required. It is possible that there would be restrictions on the species of fish deemed suitable for introduction. It may also be necessary to carry out health checks on any introduced fish, in case of fish

movements into surrounding watercourses during flooding incidents.

### Bund

The proposal states that work on the bund will be using material excavated from the pond. As no waste is to be imported onto the site an environmental permit is not required."

- 3.6 The County Ecologist has no objection but states "I have not visited this site. My comments and recommendations are based on desktop research and information submitted with the application. The site is not afforded any nature conservation designation.

All ponds are of some value to wildlife. I note that this pond is labelled as a "wildlife pond". However, its straight-edged rectangular shape and steep margins are not what one would normally associate with a wildlife pond. Usually wildlife ponds have an irregular shape, maximising the edge effect and gently sloping margins which will be colonised by a diversity of marginal and emergent vegetation types.

Should permission be granted as a "wildlife pond", it would seem appropriate to impose the following conditions:

1. The edges of the pond should be made irregular to increase its naturalness and the margins re-graded to provide areas of shallow water.
2. The pond must not be stocked with fish since fish would reduce its wildlife value."

- 3.7 WSCC Rights of Way Officer has commented that "I did raise my concerns with this bund when it was a potential enforcement case but I didn't know what the outcome was.

With regards to the bund (and fencing), the owner of Sopers Farm has not applied for a diversion under Section 119 of Highways Act 1980 and are therefore obstructing the publicly maintainable highway. In doing this they have created the possibility that an additional footpath may be created along the current diversion as well as the existing, obstructed footpath should someone be interested in making a claim through the County Council. This has not happened yet but nonetheless, a possibility.

As a result of this unofficial diversion, the landowner is wilfully obstructing the highway (an offence under s137 of Highways Act 1980) and has deposited, without lawful authority, material on the highway to interrupt the user (an offence under s148 of Highways Act 1980).

The owner has also installed fencing along the entire length of the footpath and although this is not a requirement, we encourage landowners to make an application to erect fencing adjacent to a public right of way to protect the accessibility for the public. Within the conditions of consent for a field edged path, I would request that the path is kept to a minimum width of 1.5m, although I would encourage the landowner to go above and beyond the minimum requested. It would also be the landowners ongoing responsibility to maintain and repair the fencing whenever necessary and ensure that any side or overhanging vegetation that may obstruct a users is cut back promptly. At present, we have had no correspondence or application made to erect fencing adjacent to the footpath nor has permission been granted. The current fencing in place is less than 1.5m and is therefore partially obstruction the public highway. Any retrospective application made would not have the consent of the highway authority and the land owner will be encouraged to make improvements to the usable width.

It is a requirement of the Highway Authority for reinstatement of the legal line and usable width of the path as per the definitive map and statement. If an application is to be made for the current diversion, it will not be considered until the legal line is fully restored and

accessible for the public.”

## PUBLIC CONSULTATIONS

3.8 Ashurst Parish Council has objected stating “The Parish Council are not happy with the proposed height of the bund of 1.5 metres, they feel that a bund of no more than 1 metre high moved back from the hedge row by 5 metres and contoured out more would be acceptable and would like this added as a condition if the application is permitted. They are concerned that the water course in Honeybridge Lane has been altered due to the culvert being too high and too small, they would like a condition added to the permission that the culvert be removed and the ditches dug out to allow a natural water course again to prevent Honeybridge Lane from flooding as it has in the last few years. The alterations to the pond should be in line with the advice of the Environment agency and Wildlife consultants. Due to historic problems with previous planning conditions being ignored, hence the reason for this planning application, the Parish Council have no confidence in the applicant’s determination to comply with the conditions and therefore would like very strict monitoring of every aspect of this application to be carried out.

3.9 4 letters of objection has been received on the grounds of:

- On page 9 of Paul Whitby’s Azur Ecology Plan it states under ‘The Lake’ “I was unable to complete my records as the Planning Agent refused my request to continue surveying. Depth of lake unknown (depth greater than 2.48m).....”
- Why did the applicant not permit Azur Ecology to take proper sounding to confirm depth of the lake? Was a greater depth excavated to have material to make up the bund?
- A properly constructed wildlife pond should have a maximum depth of around 60 – 80 cm and should not exceed 1m in depth. This shallower depth should be a priority together with the re-contouring of the pond even if the pond has to be drained to achieve it.
- The hedgerow oaks have now been damaged by having their root systems starved of oxygen.
- If this application is to be allowed, we request that the proposed height of the bund of 1.5 metres should be reduced to an absolute maximum of 1 metre (in line with the Council’s professional advice) and moved back from the hedge row by 5 metres min. The current application does nothing to ameliorate the serious flooding which occurred last winter, just short of the Peppers Lane junction with Honeybridge Lane.
- At present there is simply nowhere for the water running off Peppers Farm to go and the ditch and water run-off must be restored.
- The bund has made the entrance to this footpath more like a tunnel than an open country footpath.
- Even at the height of 1.5 metres, the bund would still have a major visual impact behind the hedge bordering Honeybridge Lane - particularly so in winter when the hedge tends to lose most of its foliage.
- The bund should be no more than 1m in height if the bund is accepted in principle;
- The bund, if allowed, should be moved back from the hedge row by 5 metres;
- The application does not mention the part of the bund that borders the footpath to the North of Sopers Farm. In it’s present form the bund has made the entrance to this footpath more like a tunnel than an open country footpath. The bund certainly hasn’t matured to a soft natural look;

3.10 1 letter of support has been received stating:

- The bund is now looking soft, natural and slots into its surroundings as if it had been at that height for many years;

- It offers the Harrison's great security for the horses and farm machinery, fills the gaps in the hedging and offers flood storage;
- The flooding along Peppers Lane leading into Honeybridge Lane is considerably better since the lake has been dug to take the excess water;

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

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

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### 6. PLANNING ASSESSMENTS

6.1 The main issues in determination of this application are considered to be the principle of the development, the effect of the development on the visual amenities and character of the area and on the existing trees/hedges around the periphery of the site.

6.2 The site was granted planning permission under reference AH/1/03 for an extension to a pond (which is the main lake on site) in 2003. Planning permission was subsequently granted in 2006 under reference DC/06/2073 for the creation of an additional wildlife pond in January 2008. This pond was to be sited adjacent to the main lake but not connected to it. An existing hedgerow was to be retained between the two lakes. However, in 2011 the applicant created a lake in the approximate position of DC/06/2073 but the lake created is square in shape rather than like a figure of '8' shape as approved. The lake has steep sides and not gradual slopes as required by the Environment Agency. All the spoil from the lake was meant to be graded off the land around the proposed pond/lake as shown on the approved plan for DC/06/2073 and this was covered by condition too. However, the applicant decided to create a bund of 2 – 3 metres in height running approximately 1000 metres in length around two sides of his farm. An Enforcement Notice was served on 5<sup>th</sup> October 2011 with regard to the erection of the earth bunds and the lake not built in accordance with planning reference DC/06/2073 & breach of conditions on DC/06/2073. An Appeal was lodged on 27<sup>th</sup> October 2011 against the Enforcement Notices. However, the appeal was withdrawn by the applicant on 22<sup>nd</sup> March 2012 and this current planning application was submitted on 13<sup>th</sup> August 2012.

6.3 The Local Planning Authority (Planning Officers, Landscape Officer, Arboricultural Officer & Enforcement Officer's) had various meetings on site (April 2012) with the agent to give advice on how to resolve the issue and this application is the result.

6.4 With regard to the impact of the development on the trees and hedging, it is noted that the Arboricultural Officer has objected to the application as it is considered that this scheme does not comply with the recommendations at BS 5837 and BS 3998, and fails the test at policy DC9 of the General Development Control Policies Framework document (December 2007). As part of the 're-contouring' of the existing bunding, it is proposed within the Design and Access Statement that "around mature oak trees it is recommended that the bund is peeled back to at least 5m from the trunk of each tree with a trunk diameter greater

than 40cm. The earth should be pulled back at least 3m from all other trees with a trunk diameter greater than 20cm". However, though this 'cover-all' might represent some improvement on the position of the existing bund, it provides no comfort that the matter is being dealt with in accordance with BS 5837. Whilst a trunk diameter of 40cm would have an RPA with a radius of 4.8m, there are clearly trees with trunk diameters greater than this, and for compliance with the BS these would require to be individually measured, and the RPA's calculated respectively. Despite the Arboricultural Officer's advice to the agent, this has not been carried out. The scheme remains in conflict with BS 5837.

- 6.5 It is considered that the bunding should be wholly removed from the individually calculated RPA's of all of the trees along the site peripheries to ensure that the trees and hedgerows are not further damaged. Around the perimeter of the site, between the bund and the road, is a traditional hedge and ditch, the hedge containing a relatively large number of substantial trees, principally of oak. Though not protected specimens, these trees nevertheless contribute strongly to the character of this highly rural location, and demarcate the old field boundaries at the edges of the country lanes. Policy DC9 of the General Development Control Policies Framework Document (December 2007) requires at sub-section (d) that development "respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors)". Sub-section (f) presumes "in favour of the retention of existing important landscaping and natural features, for example trees, hedges, banks and watercourses". While the trees within the hedgerows are not of individual especial or particular merit, the contribution they make collectively to the character and amenities of the locality cannot be doubted. The placing of a clay-based bund of 1.5m height within the RPA's of these trees is likely to result in the death of the trees contrary to policy DC9.
- 6.6 The Landscape Officer has also objected to the application and raises numerous concerns (please see Paragraph 3.2 of the report). It is considered that the information submitted is inadequate as only details of the southern section of the bund have been submitted. No information has been submitted for the most northerly 400 metre section of the bund. There is also uncertainty whether the volume of material in the bund could be regraded across the southern field as proposed. It is not clear from the submitted information if any regrading of the existing bunds will take place in the two fields to the north as no plans have been submitted showing the northern extent of the bund. Therefore, it has not been demonstrated to the satisfaction of the Local Planning Authority that the regrading of the bunds will not continue to adversely affect the landscape character of the area. The bunds due to their height, scale and shape would fail to conserve and enhance the landscape character of this rural area.
- 6.7 With regard to the proposed lake, the plans fail to show a naturalistic design with irregular margins that could be integrated into the landscape and provide wildlife benefits. Additionally, in the absence of accurate information on the existing and proposed levels and slopes of the lake below the water line, there is no certainty that the proposed marginal planting will be achievable. Although the Environment Agency has raised no objection, they have provided comments with regard to how the pond should be designed in order to maximise biodiversity. The pond details submitted under this application fails to demonstrate that it has been designed in accordance with these requirements.
- 6.8 It is considered that the position of the bund in the most northerly field also has an adverse impact on the visual amenity of users of the public footpath. It appears that the applicant has diverted the public footpath further northwards along the western side of the bund as the bund currently prevents walkers walking directly eastwards due to a fence and the bund. The Rights of Way Officer has been consulted and states "With regards to the bund (and fencing), the owner of Sopers Farm has not applied for a diversion under Section 119 of Highways Act 1980 and are therefore obstructing the publicly maintainable highway. As a result of this unofficial diversion, the landowner is wilfully obstructing the highway (an



offence under s137 of Highways Act 1980) and has deposited, without lawful authority, material on the highway to interrupt the user (an offence under s148 of Highways Act 1980)." It is a requirement of the Highway Authority for the reinstatement of the legal line and usable width of the path as per the definitive map and statement. If an application is to be made for the current diversion, it will not be considered until the legal line is fully restored and accessible for the public."

- 6.9 It is your officers view that a continuous 1000 metre long, 1.5m high steep bank on the road side with no variation in height will appear artificial within the landscape. Naturally hedge banks and wood banks vary in height and shape and are commonly less than 1m in height. The applicant only proposes to seed the earth banks rather than plant them with woodland or hedgerow trees which would help to integrate such a feature. It is considered that the earth bunds will be more prominent in the winter months when the trees and hedgerow lose their leaves. It is considered that Section AA fails to demonstrate that the regrading of the bund will naturally blend in with the undulating contours of the landscape. It shows that the regrading will create an awkward juxta position between the new slope and existing slopes.
- 6.10 Therefore, it is considered that the bund would adversely affect the landscape character of the area and due to its height, scale and shape would fail to conserve and enhance the landscape character of this rural area. It is considered that the position of the bund in the most northerly field also has an adverse impact on the visual amenity of users of the public footpath. It is also considered that the design and shape of the lake fails to integrate into the landscape and provide wildlife benefits.
- 6.11 Several concerns have been raised with regard to flooding in Peppers Lane. Having consulted the Council's Drainage Officer he states "It is clear that previous works on this site i.e. earthworks bunding have affected the local land drainage network as well as the nature overland surface water flow. Current evidence suggests that the creation of the earthbound and unauthorised culverting of the adjoining land drainage network is causing the adjacent road 'Peppers Lane' to flood during storm conditions. Under Section 23 of the Land Drainage Act 1991 there is a requirement to seek a consent when culverting or obstructing a watercourse, whether permanent or temporary."
- 6.12 Therefore in conclusion the applicant has failed to demonstrate that the bund, by reason of its height, scale and shape would conserve and enhance the landscape character of this rural area and would not be an incongruous feature in the landscape or that the lake would integrate into the landscape and provide wildlife benefits due to its shape, slopes and levels.

## **7. RECOMMENDATIONS**

It is recommended that planning permission be refused on the following grounds:

- 1) It has not been demonstrated to the satisfaction of the Local Planning Authority through the information submitted that the bund, by reason of its height, scale and shape would conserve and enhance the landscape character of this rural area and would not be an incongruous feature in the landscape contrary to Policies DC1, DC2 and DC9 of the Development Control Policies 2007 and Policies CP1 and CP15 of the Core Strategy 2007.
- 2) It has not been demonstrated to the satisfaction of the Local Planning Authority through the information submitted that the lake would integrate into the landscape and provide wildlife benefits due to its shape, slopes and levels contrary to Policies DC1, DC2 and DC9 of the Development Control Policies 2007 and Policies CP1 and CP15 of the Core Strategy 2007.

Background Papers: DC/12/1269

Case Officer: Kathryn Sadler



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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South

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

**DATE:** 20<sup>th</sup> November 2012

**DEVELOPMENT:** Variation of Condition 1 (Number of trailers stored on site) of planning permission DC/08/1423 (Continuation of use of hard standing for trailer storage) to increase number of trailers to be stored from 3 to 6

**SITE:** Townhouse Farm Coolham Road Thakeham West Sussex

**WARD:** Chanctonbury

**APPLICATION:** DC/12/1489

**APPLICANT:** Mr Neil White

**REASON FOR INCLUSION ON THE AGENDA:** Deferred for one committee cycle to seek further advice from WSCC highways regarding highway impact and to request they visit the site.

**RECOMMENDATION:** To Grant Planning Permission

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application was heard at committee on 16<sup>th</sup> October 2012 where it was deferred for one committee cycle to seek further advice from WSCC Highways regarding highway impact and to request the Highway Officer visits the site. A copy of the Committee Report is attached at Appendix A.
- 1.2 The application seeks to vary Condition 1 on planning permission DC/08/1423 which states: "No more than 3 trailers shall be stored at any one time on the land edged red and situated to the west of the barn shown on plan number 093 PD101." The applicant wishes to vary the condition so that up to 6 trailers can be stored at any one time on the land edged red and situated to the west of the barn.

### DESCRIPTION OF THE SITE

- 1.3 Townhouse Farm is situated in Thakeham to the west of Coolham Road and within a countryside location. Townhouse Farm consists of various agricultural buildings which have permission to be used for storage purposes and a livery yard. The application site is located to the south west corner of the farm yard and is screened by trees/vegetation to the southern side of the site.

- 1.4 The site can be accessed via two entrances/exits but the northern entrance is used by Focused Events. The lorries associated with this business currently park on a hard surfaced area to the south west corner of the site and store equipment in the farm buildings prior to it being loaded into the trailers.

## **2. PLANNING ASSESSMENTS**

- 2.1 A site meeting was carried out on Tuesday 30<sup>th</sup> October 2012 with the applicant, the site owner, Ian Gledhill (Highway Authority) and your officer. The Highway Authority have since provided the following comments: "I'd confirm that no highway objection would continue to be raised to this proposal. As discussed, the above application is seeking to vary only a condition permitting the number of trailers to be stored on-site. As I understand it there are no controls on the number of motorcycles that may be stored on-site in preparation to being transported nor are there any controls on the number of movements the site may generate through the existing permission. As such whilst the variation would allow more trailers to be parked on the site, this in turn should not result in any material intensification of use of the site beyond that which has already been occurring for a number of years and which in any case could result from the already permitted use. If the variation of condition is not permitted, the consequences of this may be that the trailers need to be stored off-site and brought to and taken away from the site each day, which would in turn generate more movements from the trailers but would itself generate no more movements from customers and these would continue regardless of the outcome of this application. Based on this, in highway safety terms there would be no justification to seek to resist this variation of condition."
- 2.2 Therefore, it is considered that a highway safety refusal reason could not be justified given that the Highway Authority has no objection. It is considered that the variation of Condition 1 on DC/08/1423 to read: "No more than 6 trailers shall be stored at any one time on the land edged red and situated to the west of the barn shown on plan number 093 PD101 received on 14<sup>th</sup> August 2012" is considered acceptable and would be in accordance with policies DC1, DC9 and DC40 of the General Development Control Policies 2007.

## **3. RECOMMENDATIONS**

It is recommended that the application is approved subject to the following condition:

- 1) "No more than 6 trailers shall be stored at any one time on the land edged red and situated to the west of the barn shown on plan number 093 PD101 received on 14<sup>th</sup> August 2012."

Reason - A more intensive use of the land would adversely affect the visual character of the area contrary to policies DC1 and DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

## **4. REASONS FOR RECOMMENDATIONS**

ICAB2 The proposal does not materially affect the amenities of neighbouring occupiers or the character of the area.

Background Papers: DC/12/1489 & DC/08/1423



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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South

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

**DATE:** 16<sup>th</sup> October 2012

**DEVELOPMENT:** Variation of Condition 1 (Number of trailers stored on site) of planning permission DC/08/1423 (Continuation of use of hard standing for trailer storage) to increase number of trailers to be stored from 3 to 6

**SITE:** Townhouse Farm Coolham Road Thakeham West Sussex

**WARD:** Chanctonbury

**APPLICATION:** DC/12/1489

**APPLICANT:** Mr Neil White

**REASON FOR INCLUSION ON THE AGENDA:** Parish 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 to vary Condition 1 on planning permission DC/08/1423 which states: "No more than 3 trailers shall be stored at any one time on the land edged red and situated to the west of the barn shown on plan number 093 PD101." The applicant wishes to vary the condition so that up to 6 trailers can be stored at any one time on the land edged red and situated to the west of the barn.

### DESCRIPTION OF THE SITE

- 1.2 Townhouse Farm is situated in Thakeham to the west of Coolham Road and within a countryside location. Townhouse Farm consists of various agricultural buildings which have permission to be used for storage purposes and a livery yard. The application site is located to the south west corner of the farm yard and is screened by trees/vegetation to the southern side of the site.
- 1.3 The site can be accessed via two entrances/exits but the northern entrance is used by Focused Events. The lorries associated with this business currently park on a hard surfaced area to the south west corner of the site and store equipment in the farm buildings prior to it being loaded into the trailers.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework was adopted in March 2012

### RELEVANT COUNCIL POLICY

- 2.3 The following policies of the Local Development Framework Core Strategy (adopted February 2007) are relevant in the assessment of this application:

CP1 – Landscape and Townscape Character & CP15 – Rural Strategy.

- 2.4 The following policies of the Local Development Framework, General Development Control Policies Document (December 2007) are relevant in the assessment of this application: DC1 – Countryside Protection & Enhancement, DC2 – Landscape Character, DC9 – Development Principles & DC25 – Rural Economic Development and the Expansion of Existing Rural Commercial Sites / Intensification of Uses.

### PLANNING HISTORY

- 2.5 T/72/00 permitted the change of use of existing farm building to form 10 livery stables & covered sand school and creation of new vehicular access in May 2001.

T/104/02 permitted the continued use of the farm buildings for storage in April 2004

DC/04/1478 permitted the conversion of farm buildings to form office suite, demolition of former pig arks and replacement with double garage in September 2004.

DC/06/0003 permitted the change of use of existing farm building to ancillary storage in April 2006.

DC/08/1423 permitted the continuation of use of hard standing for trailer storage in August 2008.

## **3. OUTCOME OF CONSULTATIONS**

### INTERNAL CONSULTATIONS

- 3.1 Public Health & Licensing have no objections to the application.

### OUTSIDE AGENCIES

- 3.2 West Sussex Highway Authority has no highway objections and state: "The restriction included as part of the earlier consent was not a requirement of the Highway Authority, although it is noted that restrictions upon access were secured through condition 4 of DC/08/1423. As such, those access restrictions would continue to be applicable and it's suggested that these should be applied to the current application too. In terms of the increase of trailers though, this increase is not anticipated to result in any material intensification of use of the site and there is evidently sufficient room for these to be parked without encroaching upon other turning and manoeuvring space. No highway objection would be raised."

## PUBLIC CONSULTATIONS

- 3.3 2 letters of objection have been received on the grounds of:
- To allow an increase of trailers stored will increase traffic movements past 3 Townhouse Farm Cottage;
  - The lorries currently leave the site at all times of the day and night which disturb neighbouring occupiers;
  - Commercialisation of the site;
  - – 6 trailers on occasion have been parked on site already;
  - The entrance/exit is dangerous;
  - The size of the trailer is inappropriate for country lanes (Highway Safety concerns);
- 3.4 Thakeham Parish Council has objected to the application “due to the additional traffic movements that would be generated on a dangerous section of a busy road and the resultant increase in noise pollution for neighbouring residents. It should also be noted that the Parish Council regularly receives complaints from residents, which have been reported to HDC Planning Compliance, that Focus Events do not adhere to existing conditions as regards the number of trailers that can be stored, the hours of operation and the restricted access.”
- 3.5 No other representations have been received to public notification on the application at the time of writing this report. Any further comments received will be reported verbally at the committee meeting.

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

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## **6. PLANNING ASSESSMENTS**

- 6.1 The main issues in determination of this application are considered to be the effect of the increase in trailers on the amenity of nearby occupiers and the visual amenities and character of the area.
- 6.2 Focused Events have been operating for 12 years and employ 8 full time and 1 part time members of staff. The company offers bike and car track days as a type of holiday. The applicant has stated that although times are challenging in the current financial climate, the company is growing due to strengthening relationships with major manufacturers and the increasing growth of their European track days. The company are doing fewer UK track days and more European track days as customers see the guarantee of better weather more appealing. The change in the company’s business profile has led to the requirement for more trailer storage on site.
- 6.3 The company operates by customers bringing their bikes to the application site where they are stored prior to their loading into the lorry trailers. Approximately 45 bikes can be parked within the trailers and taken to Europe for track days. The applicant states that from

mid June to September they do not run track days in Europe therefore the trailers sit dormant in the storage area. For the rest of the year they operate 18 European Events and the trailers are loaded up and driven out of the site and then arrive back once the track day holiday is undertaken perhaps a week later when the trailers are unloaded.

- 6.4 This application has to assess the amendments sought which is to increase the numbers of trailers stored at the site from 3 trailers up to 6 trailers. The main assessment is the visual impact, the impact of these trailers on neighbouring occupiers amenities and on highway safety at the entrance/exit to the site.
- 6.5 It is acknowledged that two letters of objection and an objection from Thakeham Parish Council have been received mainly on the grounds of additional traffic movements that would be generated on a dangerous section of a busy road and the resultant increase in noise pollution for neighbouring residents. The Highway Authority have raised no objection to the application and states "In terms of the increase of trailers though, this increase is not anticipated to result in any material intensification of use of the site and there is evidently sufficient room for these to be parked without encroaching upon other turning and manoeuvring space." Therefore, it is considered that a highway safety refusal reason could not be justified given that the Highway Authority has no objection.
- 6.6 With regard to noise and disturbance associated with the trailer movements, it is advised that Focused Events have permission to park and store 3 large trailers already on the site. Therefore, we can only assess the impact that 3 additional trailers will have on nearby residents. Having consulted Public Health & Licensing on this proposal they have raised no objections to the scheme. Therefore, it would be very difficult to justify a refusal reason on noise and disturbance when they have no objection.
- 6.7 With regard to the visual impact of the trailers, it is considered that the visual impact of six trailers would not be materially different to that of three trailers. The trailers are well screened by trees and vegetation to the south and west and by the existing farm buildings to the north and east of the site.
- 6.8 Therefore, it is considered that the variation of Condition 1 on DC/08/1423 to read: "No more than 6 trailers shall be stored at any one time on the land edged red and situated to the west of the barn shown on plan number 093 PD101 received on 14<sup>th</sup> August 2012." Is considered acceptable and would be in accordance with policies DC1, DC9 and DC40 of the General Development Control Policies 2007.

## **7. RECOMMENDATIONS**

It is recommended that the application is approved subject to the following condition:

- 1) "No more than 6 trailers shall be stored at any one time on the land edged red and situated to the west of the barn shown on plan number 093 PD101 received on 14<sup>th</sup> August 2012."

Reason - A more intensive use of the land would adversely affect the visual character of the area contrary to policies DC1 and DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

## **8. REASONS FOR RECOMMENDATIONS**

ICAB2 The proposal does not materially affect the amenities of neighbouring occupiers or the character of the area.



Background Papers: DC/12/1489 & DC/08/1423



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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South  
**BY:** Head of Planning and Environmental Services  
**DATE:** 20 November 2012  
**DEVELOPMENT:** New dwelling as replacement for existing sub standard dwelling  
**SITE:** Nettlecombe West End Lane Henfield West Sussex  
**WARD:** Henfield  
**APPLICATION:** DC/12/1298  
**APPLICANT:** Mr J Irvine

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

**RECOMMENDATION:** That planning permission is granted

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks permission for a replacement dwelling. The existing dwelling on the site measures approximately 17.5metres by 7.3metres including the kitchen and conservatory extension. The property has a maximum ridge height of approximately 5.1metres and a total floor area of approximately 105.3sqm
- 1.2 The proposal seeks to replace the existing dwelling with a 1.5storey property which would measure approximately 13.8metres by 10.5metres with a maximum ridge height of 7metres. The proposed dwelling would contain a kitchen/ dining room, lounge, utility room and study area on the ground floor and three bedrooms and two bathrooms on the first floor and would have a floor space of approximately 187.77sqm.
- 1.3 The proposed dwelling would be set on a brick plinth with grey/ green weatherboarding and a slate roof. The application states that the windows would be oak. There would be two dormers on the front elevation and a porch projecting forward of the front elevation with dormer above, to the rear of the property there would be two dormers and a large balcony area.
- 1.4 The proposed dwelling would have a similar orientation to the existing dwelling although it would be set forward of the existing dwelling. The driveway and outbuildings would remain as it is currently.

## DESCRIPTION OF THE SITE

- 1.5 The application site is located outside of the Built up Area, and therefore in a countryside location.
- 1.6 The application site is located in a rural location, off West End Lane in Henfield. The existing property is approached by an unmade track which serves a handful of properties. The site itself sits at a slightly higher level to the track. The application site itself is relatively flat with the existing dwelling sitting relatively central on the site with the front facing North West and the rear facing south east.
- 1.7 The dwelling house itself is single storey with cedar shingle tiling on the walls and roof. There is a small flat roof kitchen extension and conservatory on the north east elevation. To the north east of the main dwelling house are an existing garage and stable with parking area to the front of the property. The garden is predominantly laid to grass with mature hedging and trees on the boundary.
- 1.8 Neighbouring properties lies to the south and west of the application site with trees to the north and east with open fields beyond.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework 2012: Achieving Sustainable Development, Section 6 (Delivering a wide choice of high quality homes), and Section 7 (Requiring good design)

### RELEVANT COUNCIL POLICY

- 2.3 Horsham District Local Development Framework Core Strategy (2007): Policies CP1 (Landscape and Townscape Character), and CP3 (Improving the Quality of New Development)
- 2.4 Horsham District Local Development Framework General Development Control Policies (2007): Policies DC1 (Countryside Protection and Enhancement), DC2 (Landscape Character), DC8 (Renewable Energy and Climate Change), DC9 (Development Principles) and DC28 (House Extensions, Replacement Dwellings and Ancillary Accommodation).

### PLANNING HISTORY

- 2.5 No relevant planning history

## 3. OUTCOME OF CONSULTATIONS

### PUBLIC CONSULTATIONS

- 3.1 Henfield Parish Council raised no objection to all consultations
- 3.2 **First Consultation:** 8 Letters of objection from 4 addresses, 5 letters of support from 4 addresses

- 3.2.1 Downlands, West End Lane: Objection: Concerns over the siting of the two storey house as it will overlook the adjacent bungalows, especially the proposed balcony which overlooks Brookside. There is no mention of height, the resiting also creates further concerns over changes to the access drive and further removal of longstanding trees. If it was sited on the same footprint as the existing bungalow it would not overlook or infringe on the neighbouring properties.

Second letter commenting on the location of letters of support in relation to the proposed dwelling and reiterating concerns of the repositioning of the proposed dwelling.

Third Letter objection to the position of the proposed replacement dwelling and the as the present bungalow does not overlook neighbouring properties.

Fourth letter objection to the positioning, increased height and balcony. Concerns that it will detract from the present rural setting of these properties and at present Nettlecombe has generous turning space enabling vehicles to enter and leave in forward gear.

- 3.2.2 Brookside, West End Lane: Objection: Concerns over construction traffic entering the site through the narrow lane and maintaining access to other properties in the lane. Concerns that the proposal would overlook the neighbouring properties especially the balcony area, whilst the footprint is smaller the repositioning of the footprint is adverse and the proposed new dwelling is out of keeping and not sympathetic to the area.

Second letter commenting on the location of letters of support in relation to the proposed dwelling.

- 3.2.3 Riverside, West End Lane: Objection: Surprised at the complete realignment from SW/NW to E/W. it is very difficult to ascertain how this new building relates to the old in terms of height etc. Key concern is in regard to access for builders and deliveries with little parking and it is asked that the council controls the size of vehicle and houses of working to minimise disturbance to neighbours.

- 3.2.4 Fox Cottage, Church Lane: Support: House can be adequately accommodated in large garden with many mature trees and hedgerows on boundary. It is in keeping with the rural location and will be a big improvement on the house that is there at present.

- 3.2.5 40 Fabians Way: Support: House is a similar footprint and is a design which would benefit the area

- 3.2.6 17 Hollands Road: Two letters of Support: New plans are in keeping with other chalet type homes in the area, and as the house is at the end of the land I do not see how many other properties would be affected

- 3.2.7 Knutsford, Blackgate Lane: Support: Proposed new build would be far superior in appearance and construction whilst still being in keeping with other similar houses in the area.

- 3.2.8 Holmstead, Upper Station Road: Objection: Concerns over the repositioning with its heightened roofline and first floor balcony would create overlooking and overshadowing. This would detract from the neighbours privacy and current rural aspect.

- 3.3 **Second Consultation**: 7 letters of objection from 3 addresses

- 3.3.1 Downlands, West End Lane: Objection: Appreciate the revised plan to move the first floor balcony and large gallery window. The revised plan does not address the issue of height or repositioning of the proposed dwelling. Proposed house is disproportionate to the size of

the existing dwelling and is not in sympathy to the scale and character. The revised position allows overlooking of the adjacent bungalows

Second letter, commenting that the amended site and roof plan in a different position and querying the orientation shown on the elevation plans. Still object to the height, scale and character of the proposed and upstairs bedroom windows which will allow overlooking of the neighbouring bungalows. And asking if there are any changes to the access of the site. If the driveway were to be extensively widened this would change the rural character of the area.

Third letter commenting on inaccuracies on the plans, positioning of windows in relation to overlooking. If the bungalow is sited as proposed, there is unlikely to be enough room for vehicles to access and turn around within the property boundaries. Development does not relate sympathetically and will have an adverse impact on the rural character of the area.

- 3.3.2 Brookside, West End Lane: Objection: Concerns over revised plan to move the first floor balcony to the rear and position a large gallery window. Revised plan does not consider the height and repositioning which will overlook neighbouring bungalows. It is unsympathetic to the rural area

Second letter commenting on the amended site and roof plan. Concerns remain over overlooking and re-iterate that I have no objection to the replacement of the existing bungalow on the original footprint.

- 3.3.3 West End House, West End Lane: Objection: Height would overlook neighbouring properties, and the siting of the veranda, questioning the need to build a two storey property given the size of the existing bungalow

Second letter received objecting to the resiting of the proposed development away from the original footprint and height and size on such a small plot. The window and balcony placements invade the privacy of all three neighbours and one complete hedge has disappeared.

- 3.4 **Third Consultation:** 4 letters of objection from 3 addresses

- 3.4.1 West End House, West End Lane: Objection: Design has moved further from the original footprint and in the past this has required a new application to be submitted, why not now? Object to a two storey building as this is overdevelopment of the plot and the high windows and balcony invade the privacy. We do not object to a single storey on the same footprint.

- 3.4.2 Brookside, West End Lane: Objection: Revised plans still do not address the previous objections, the height and scale does not reflect the scale of the existing bungalow. A replacement should remain at the same height and on the same footprint in order not to overlook neighbouring bungalows

- 3.4.3 Downlands, West End Lane: Objection: Noted the amended plans but still object to the application. Moving the proposed dwelling off its original footprint along with its proposed height and bulk is not in sympathy to the scale and character of the existing bungalow and goes against DC28 therefore still creating lack of privacy for adjacent neighbours.

Second Letter: The amended plan does not take into account the continuing objections to a) the bulk and height of the proposed dwelling which is not in sympathy with the existing bungalow and b) the repositioning of the proposed dwelling from the original footprint which will enable it to overlook and overshadow adjacent properties. Also in moving the dwelling from its original footprint I would query whether there will be adequate vehicular turning space in front of the proposed house. I object to this application.

#### **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 below.

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

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

- 6.1 The application seeks planning permission for a replacement dwelling. The key considerations in the determination of this application are whether the proposed replacement dwelling is considered proportionate to the size of the existing dwelling, whether the proposal would have an adverse impact on the amenity of the occupiers of neighbouring properties and whether the proposal is considered in keeping with the rural location.
- 6.2 In terms of the design and size of the proposed dwelling, the existing dwelling on the site measures approximately 17.5metres by 7.3metres including the kitchen and conservatory extension. The property has a maximum ridge height of approximately 5.1metres and a floor area of approximately 105.3sqm. The proposal seeks to replace the existing dwelling with a 1.5storey property which would measure approximately 13.8metres by 10.5metres with a maximum ridge height of 7metres. The proposed dwelling would contain a kitchen/ dining room, lounge, utility room and study area on the ground floor and three bedrooms and two bathrooms on the first floor with a floor space of approximately 187.77sqm.
- 6.3 Whilst it is acknowledged that the proposed dwelling would result in a relatively large increase in floor space, the overall footprint would not be significantly larger. In terms of the design of the proposed dwelling, amendments have been received during the course of the application to reduce the bulk of the central porch area, and the re-location of the balcony from the front to the rear elevation. The proposed dwelling would have weather boarding coloured green/ grey with a slate roof, whilst these materials would be a contrast from the properties close to the application site, it is considered acceptable subject to the approval of materials and stain colour. The overall design of the dwelling is considered acceptable, whilst it is acknowledged that it will be larger and taller than the existing dwelling house it is not considered overly large for the plot.
- 6.4 The second area of consideration is the impact of the proposal on the amenity of the occupiers of neighbouring properties. It is acknowledged that the proposal has a first floor which may give rise to overlooking. The proposed dwelling house would rotated slightly so the front elevation would sit slightly further to the west than is existing although it would still be located approximately 20metres from the neighbouring property to the west (Brookside). It is not considered that the windows on the front elevation would give rise to an unacceptable level of overlooking as they would predominantly face towards the trees and fields to the north west of the application site and whilst it is acknowledged that there may be a small impact on 'Brookside' to the west, this is not considered significant enough to justify a refusal. There were some concerns regarding overlooking from the first floor windows on the south west elevation and as these were secondary windows they have been amended so that they are high level only.
- 6.5 The final consideration is the impact of the balcony on West End House to the south of the application site. The proposed balcony would face to the south east with significant

screening between itself and West End House which sits approximately 55metres to the south of Nettlecombe. Given the orientation of the proposed replacement dwelling in relation to West End House, it is not considered that the proposed balcony would give rise to an unacceptable level of overlooking.

- 6.6 Whilst it is acknowledged that the proposed dwelling will be taller than what is existing, given the separation distances between the neighbouring properties and orientation of neighbouring properties it is not considered that the proposal would result in an unacceptable level of overlooking. As a result it is considered acceptable in terms of the impact on the amenity of the occupiers of neighbouring properties.
- 6.7 The final area of consideration is the impact of the proposed dwelling on its countryside location. Concerns were raised initially over the relocation of the car parking area to the western boundary which would have involved the removal of part of the hedgerow and it was considered that this would suburbanise the area. Amended plans have since been submitted which have shown the parking remaining as existing and it is considered that if conditions are attached retaining the existing hedgerow, then the impact of the proposed development on the countryside location would be limited.
- 6.8 Overall, whilst it is acknowledged that the proposed replacement dwelling would be larger than what is presently on the site in terms of height and bulk, it is considered that with appropriate conditions the proposal is acceptable. As a result it is considered that the proposal meets the aims of planning policy and it is recommended that planning permission is granted.

## **7. RECOMMENDATIONS**

7.1 That planning permission is granted:

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. 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).*
3. The dwelling hereby approved shall be painted/ stained in accordance with details to be first submitted to and approved by the Local Planning Authority in writing and thereafter maintained in accordance with such approved details.  
**Reason:** *In the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
4. 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).*

5. No burning of materials in connection with the implementation of the development shall take place on the site  
**Reason:** *In the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
6. 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 windows or other openings (other than those shown on the plans hereby approved) shall be formed in the development without the prior permission of the Local Planning Authority pursuant to an application for the purpose.  
**Reason:** *To protect the amenities of adjoining residential properties and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A B C and D of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage(s) of the dwelling(s) hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling(s) unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.  
**Reason:** *In the interest of visual amenity and in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
8. Prior to the commencement of development, details of the height of the first floor windows on the south west elevation in relation to the finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.  
**Reason:** *In the interest of amenity and in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
9. No works or development shall take place until full details of all hard and soft landscaping works 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).*
10. The existing trees and boundary hedging shall be retained and maintained at all times, with the boundary hedging to be retained at a minimum height of 2 metres. 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).*



11. No work shall be carried out on site unless there is available within the site provision for the storage of materials and equipment associated with the building works; all in accordance with precise 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 DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

12. The dwelling(s) 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 dwelling(s) 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).*

## **8. REASONS FOR RECOMMENDATIONS**

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

Background Papers: DC/12/1298



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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South  
**BY:** Head of Planning and Environmental Services  
**DATE:** 20 November 2012  
**DEVELOPMENT:** Erection of a timber lambing/stock shed  
**SITE:** Thornhill Farm Billingshurst Road Coolham Horsham  
**WARD:** Billingshurst and Shipley  
**APPLICATION:** DC/12/1707  
**APPLICANT:** Ms Lin Adams

**REASON FOR INCLUSION ON THE AGENDA:** Category of development

**RECOMMENDATION:** To Refuse Planning Permission

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks permission for the erection of an agricultural building for lambing and stock. The proposed barn would measure approximately 20metres by 8metres with a ridge height of 6.3metres and eaves height of 3.5metres. The south elevation of the building would be constructed with redwood shiplap cladding on the walls with onduline black corrugated fibre sheets to the roof. The south, east and west elevations would be enclosed although there would be two sets of double doors on the south elevation. The north elevation would have three open bays. Part of the proposed barn would be enclosed. The southern roof slope of the proposed barn would have 18 solar panels on it arranged in a horizontal position.
- 1.2 Amended plans have been submitted showing an additional hardstanding area which would extend the full length of the barn and project approximately 5metres in depth joining up with the existing hardstanding for the American barn. The site is accessed through the garden area of the dwelling house.

### DESCRIPTION OF THE SITE

- 1.3 The application site is located outside of the built up area and is therefore in a countryside location.

- 1.4 The application site is a field which is located to the east of the dwelling house, which it is associated with (Thornhill Farm). The field boundary to the north, east and west is marked by trees and hedging; to the south of the application site are a number of former agricultural buildings which now form part of a small business park. The site itself has been subdivided into a number of smaller fields and a number of field shelters and pigsties have been erected on the site. In addition to this planning permission was granted for the erection of an American Barn (DC/11/1494) on the western elevation of the site. The site is currently used for grazing of a number of sheep and pigs.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework 2012: Achieving Sustainable Development, and Section 11 (Conserving and Enhancing the Natural Environment)

### RELEVANT COUNCIL POLICY

- 2.3 Horsham District Local Development Framework Core Strategy (2007): Policies CP1 (Landscape and Townscape Character), CP3 (Improving the Quality of New Development), and CP15 (Rural Strategy)
- 2.4 Horsham District Local Development Framework General Development Control Policies (2007): DC1 (Countryside Protection and Enhancement), DC2 (Landscape Character), DC5 (Biodiversity and Ecology), and DC9 (Development Principles)

### PLANNING HISTORY

SP/14/64	Proposed managers bungalow or staff bungalow (From old Planning History)	REFUSED
SP/29/64	Proposed managers bungalow bldg regs p. 26/08/64 Comment: Agricultural occupancy condition (From old Planning History)	PERMITTED
SP/52/01	Replacement dwelling Site: Thornhill Farmhouse Coolham	WITHDRAWN
SP/8/01	Change of use of part of one poultry house to b1/b8 use Site: Thornhill Farm Coolham	PERMITTED
SP/15/02	Erection of single and 2-storey extensions balcony and alterations Site: Thornhill Farm Coolham	REFUSED
SP/56/02	Single-storey side extension Site: Thornhill Farm Bungalow Coolham	PERMITTED
DC/10/2083	Breach of an existing occupancy condition (Lawful Development Certificate - Existing)	PERMITTED
DC/11/1494	Erection of timber American style barn	PERMITTED
DC/12/0960	Demolition of existing garages/store and construction of new	PERMITTED

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

#### INTERNAL CONSULTATIONS

- 3.1 **Environmental Health** has no objection subject to the following conditions  
No external lighting or floodlighting shall be installed without the prior written Approval of the Local Planning Authority. Any that is installed with the permission of the LPA shall be maintained in accordance with the Approved details.

All slurry, manure and any other waste arising from the use of the Application shall be disposed of at regular intervals and in such a manner so as not to cause nuisance. Waste shall not be stored within 30metres of neighbouring boundaries.

Hours of demolition, clearance, construction, deliveries, loading and unloading on site shall be restricted to between 08.00-18.00 hours Monday-Friday, 08.00–13.00 hours Saturdays and no work on Sundays and Bank Holidays.

#### PUBLIC CONSULTATIONS

- 3.2 **Shipleigh Parish Council** has no objections to this application but would expect a condition be attached for agricultural use only.

### **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 below.

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

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

### **6. PLANNING ASSESSMENTS**

- 6.1 The application seeks permission for the erection of a lambing / stock shed. The key considerations in the determination of this application are the design of the proposed barn, whether there is sufficient justification for the barn and the impact of the proposed barn on the countryside location.

- 6.2 In terms of the design of the proposed extension, whilst the general materials proposed are considered to be relatively typical for a livestock barn, the height of the barn appears overly tall for a livestock barn which would generally have a relatively shallow pitch roof. The pitch of the roof appears to have been specifically chosen to enable the addition of solar panels as it would be almost double the height of the American barn on the site (that was permitted in September 2011). No justification has been submitted regarding the height of the building. It is considered that the design appears overly high compared to the existing buildings on the site and the industrial buildings located to the south.

- 6.3 There has been no justification submitted relating to the reasoning behind the size and design of the proposed barn. The appendix submitted with the application form suggests that the number of cattle will only increase from 2 to 4, the number of ewes would increase from 10 to 12 and number of sheep would increase from 8 to 10. At the time of the site visit it was observed that the poultry are currently kept within the garden area of the property

and the pigs are kept within pigsties in the field. As a result there appears to be little justification for the proposed barn given the minimal proposed increase in animal numbers. It has therefore not been demonstrated to the satisfaction of the Local Planning Authority that the proposed barn is essential to its countryside location. It is considered that these animal numbers would not warrant a building of the size and height proposed especially as an American Barn of 7.2metres by 9.5metres was permitted last year.

- 6.4 At the time of the site visit it was noted that the American Barn which was granted permission under DC/11/1494 had been constructed and was currently being used for storage. There had also been 5 mobile stables/ field shelters erected on the site with half of these shelters being used for animals in the field to shelter and the other half being used for the storage of hay.
- 6.5 Given the recently permitted barn on the site and other temporary structures that have been erected on the site it is considered that the proposed development would represent over development of the site and the cumulative impact of these structures would lead to a cluttered appearance of the site which would ultimately have an adverse impact on the character of the rural area.
- 6.6 Overall it is considered that the proposed barn by virtue of its scale, height and design coupled with the cumulative impact of additional built form on the site would have an adverse impact on the character of the rural area. Furthermore it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development is justified in terms of animal numbers and that it is essential to its countryside location. As a result it is considered that the proposal does not meet the aims of planning policy and it is recommended that planning permission is refused.

## **7. RECOMMENDATIONS**

- 7.1 That planning permission is refused

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 The proposed barn by virtue of its scale, height and design would represent an unacceptable form of development which would have a detrimental impact on the rural character and visual amenities of this countryside location. Furthermore the proposed barn coupled with the structures already erected on the site would result in an unacceptable level of sporadic development in the countryside. The proposal is therefore contrary to Policies CP1, CP3 and CP15 of the Horsham District Local Development Framework Core Strategy (2007) and Policies DC1, DC2 and DC9 of the Horsham District Local Development Framework General Development Control Policies (2007).

Background Papers: DC/12/1707



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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South  
**BY:** Head of Planning and Environmental Services  
**DATE:** 20 November 2012  
**DEVELOPMENT:** First floor rear/side extension  
**SITE:** Brambledown Monkmead Copse West Chiltington Pulborough  
**WARD:** Chanctonbury  
**APPLICATION:** DC/12/1584  
**APPLICANT:** Mr and Mrs J Crook

**REASON FOR INCLUSION ON THE AGENDA:** Request by Agent

**RECOMMENDATION:** To refuse planning permission

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks permission for a first floor extension to provide further living accommodation with increased roof space.

### DESCRIPTION OF THE SITE

- 1.2 The site consists of a detached bungalow with a detached garage to the front of the dwelling. The property is located within a quiet residential cul-de-sac with neighbouring dwellings to the north and south of the site. The close consists of 7 dwellings of which 5 are single storey buildings, similar in design and layout of Brambledown. The site is located within the built up area of West Chiltington.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework – Section 7, Requiring Good Design

## RELEVANT COUNCIL POLICY

- 2.3 The relevant Local Plan Policies are DC9 & DC15 in Local Development Framework General Development Control Policies (2007) and CP2, CP3 in the Core Strategy (2007).

## PLANNING HISTORY

- 2.4
- |            |   |                  |
|------------|---|------------------|
| DC/08/0048 | Conversion of garage, single storey side extension and to erect a detached garage | PER              |
| DC/10/2573 | Part first floor extension to existing bungalow                                   | REF              |
| DC/11/2552 | Part first floor extension to existing bungalow                                   | REF              |
| DC/11/2552 | Part first floor extension to existing bungalow                                   | APPEAL DISMISSED |

## 3. OUTCOME OF CONSULTATIONS

### INTERNAL CONSULTATIONS

- 3.1 No internal consultation

### OUTSIDE AGENCIES

- 3.2 West Chiltoning Parish Council has no objection to the application:

“The revised plan shows the mass of the proposed extension has been considerably reduced from the previous plan and feel this is more in keeping with the street scene.”

### PUBLIC CONSULTATIONS

- 3.3 5 letters of representation have been received consisting of 4 objections and 1 in support, following amended plans 2 letters of objection were received.

- Out of keeping with style of the close
- Detrimental impact upon neighbouring dwellings
- Property has been significantly developed
- Would set a precedent

## 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 is an integral part of the planning assessment set out below.

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

It is not considered that the proposal would have a material impact on crime and disorder.

## 6. PLANNING ASSESSMENTS

- 6.1 The principal issue is the effect of the development on the character of the surrounding area and the occupants of the neighbouring dwellings.

- 6.2 The existing dwelling is a single storey building, which has had two previous applications refused for schemes to provide first floor living accommodation with the latter being dismissed at appeal. The Planning Inspector in his decision stated “the resultant eastern and western elevation would be visually stark, awkward in appearance and incongruous in this setting” whilst going on to say “Brambledown would take on the character of a two-storey dwelling, unrelated in scale and form to the remaining building”. The Inspector also stated that the proposal would be “visually damaging” amongst the surrounding dwellings. Whilst the Inspector did not clearly state that any first floor development would not be acceptable, it was clear that development above the existing ridge height would impact upon the character of the surrounding area, aside from the impact upon the dwelling itself. It is therefore considered that given the complexity of the layout of the dwelling, there is no scope to increase the ridge height without having a detrimental impact upon the street scene or neighbouring dwellings.
- 6.3 The application originally submitted sought to increase the ridge height along the eastern side of the dwelling in line with previously refused proposals albeit decreased in height. This would provide a further bedroom with ensuite and would have dormer windows to the front and rear plus a Juliet balcony on the side (southern) elevation. However the previous concerns still remain in respect of the size and bulk, as well as having a detrimental impact upon the character and appearance of the street scene and surrounding area.
- 6.4 Amended plans have been received during the consideration of the application, which has moved the proposed extension to the longer northern aspect of the existing dwelling, thus creating a new entrance area and providing a further bedroom with ensuite within the increased roof space. The proposed extension would raise the ridge height by 1.2m.
- 6.4 The cul-de sac of Monkmead Copse consists of 7 dwellings, 5 being single storey buildings, similar to Brambledown. The 5 bungalows contribute to form the character of the close and therefore any increase in height to the dwelling would have an impact upon the overall character. Policy DC9 of General Development Control Policies (2007) states that any proposed development would need to relate sympathetically with its built surroundings and ensure that the scale, massing and appearance is of a high standard of design and layout. Policy DC15 relates to the West Chiltington Character Area and states permission will only be granted for proposals that retain the unique semi-rural character, presently created by low density development set in large plots. The current proposal still includes part of the existing dwelling being increased in height and bulk. Whilst unlike previous schemes the proposed extension does not give the appearance of a two storey dwelling, nevertheless it would provide an awkward addition to the existing dwelling in which the additional massing is considered to be unsympathetic. The proposal is also considered to be incongruous with its surroundings, which would as a consequence have an adverse affect upon the street scene.
- 6.5 For the reasons given above it is therefore considered that the proposed extension would not be in keeping with the scale and character of the existing dwelling and would have a detrimental impact upon the street scene and surrounding area. Accordingly it is considered that the proposal is unacceptable in terms of the relevant policies of the Horsham District Local Development Framework General Development Control Policies Document (2007).

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that permission be refused.



7.2 Permission should be refused for the following reason:

The proposed extension, by virtue of its scale, massing and appearance is considered to be unsympathetic towards the design of the existing dwelling and would thereby adversely affect the character and appearance of the street scene and surrounding area. The development is therefore contrary to policy CP3 of the Horsham District Local Development Framework Core Strategy (2007) and policies DC9 and DC15 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

Background Papers: DC/10/2573, DC/11/2552, DC/12/1584



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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South

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

**DATE:** 20<sup>th</sup> November 2012

**DEVELOPMENT:** Proposed erection of 4 private horse stables and change of use of cattle pen for the keeping of 4 horses

**SITE:** Bramber Brooks, The Street, Bramber

**WARD:** Steyning

**APPLICATION:** DC/12/1617

**APPLICANT:** Mr George Marshall

**REASON FOR INCLUSION ON THE AGENDA:** Members request– Councillor Rogers & Councillor Cockman.

**RECOMMENDATION:** To GRANT planning permission.

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks planning permission for the erection of a detached single storey stable building which will internally comprise a hay store, tack room and four stables. The proposed building will incorporate an 'L' shaped layout and be traditionally clad in timber. The proposed building would incorporate a total floor area of 105.47 square metres.
- 1.2 The proposed stable building will be accessed via an existing crossover to the south of the site through a five bar gate onto The Street. The proposal would involve the construction of an access track which would run alongside the existing public footpath to the east of the site from The Street to the proposed stables. A gate is also proposed at the northerly end of the proposed access track adjacent to the stable building to the east.

### DESCRIPTION OF THE SITE

- 1.3 The site of the proposed stables is located within the Parish of Steyning, yet this area also lies adjacent to the ward boundary of Bramber which is situated directly adjacent to the west of the proposed stable building. The application site is not located within the South Downs National Park boundary but it is located approximately 100 metres from the proposed site of the stables on the opposite side of The Street and to the east of St Mary's House and Downland Caravan Park.

- 1.4 The application site is located outside the built up area and comprises a grassed expanse of land situated behind a number of residential properties lining the northerly side of The Street. To the north and west of the proposed site is a watercourse and surrounding planting. To the east, lies a footpath which leads from The Street to the south to the River Adur to the north.
- 1.5 To the south of the site of the proposed stables lies some remains of a former cattle pen, these are however mostly obscured by a dense tree screen which is situated adjacent to the northerly rear boundaries of the neighbouring dwellings lining The Street.
- 1.6 The area of land to the west of the proposed stable building incorporates a Scheduled Ancient Monument comprising a group of Salterns and a moat which was formerly located within the grounds of Bramber Castle.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.3 The National Planning Policy Framework 2012  
Section 1 Building a strong, competitive economy, Section 7 Requiring good design, Section 10 Meeting the challenge of climate change and flooding, Section 11 Conserving and enhancing the natural environment and Section 12 Conserving and enhancing the historic environment.

### RELEVANT COUNCIL POLICY

- 2.4 Horsham District Council Local Development Framework, Core Strategy (2007) – CP1 & CP3 & CP15.
- 2.5 Horsham District Council Local Development Framework, General Development Control Policies (2007) – DC1, DC2, DC7, DC9, DC10, DC29 & DC40.

### PLANNING HISTORY

- 2.6 DC/11/1746 – In 2011 Planning permission was withdrawn for the erection of horse stables to replace existing cattle pen.

BM/6/91 – In 1991 Planning permission was refused for the erection of grooms quarters omitted from BM/11/90.

BM/11/90 – In 1990 Planning permission was refused for stable buildings, equestrian storage and accommodation for groom and family. This application was subsequently dismissed at appeal.

## **3. OUTCOME OF CONSULTATIONS**

### INTERNAL CONSULTATIONS

- 3.1 The Council's Public Health Officer has raised no objection to this application subject to the following conditions being attached to any recommendation for approval:

- Construction/demolition activities to be restricted to 0800-1800 Monday – Friday, 0800-1300 Saturday and no work Sundays and Bank Holidays
- No open burning of waste on site.
- A scheme for management of stable waste to be submitted, approved, implemented and maintained. This will include details of methods and frequency of stable cleaning and storage, collection and disposal of the stable waste. Within the management plan it would be expected that storage of stable wastes (muck heaps) be located no closer than 30m from any residential boundary. Burning of stable waste is not an appropriate or acceptable disposal method.
- No livery.
- No exterior floodlighting without prior written approval.

## OUTSIDE AGENCIES

- 3.2 The Environment Agency has advised that they have no comments to make on this application.
- 3.3 West Sussex County Council have made the following comments in relation to this application:

### Highways

As the application is a re-submission of application DC/11/1746, the WSCC Highways Officer has advised that his comments would be the same as those made on the 11<sup>th</sup> November 2011 under DC/11/146. The previous comments received from the Highways Officer are shown below for ease of reference.

#### Access:

*“The access on to ‘The Street’ is constrained by the adjacent bridge parapet (Bramber Bridge), which is to the left on exiting, and by the fence to the right and the width of the concrete slab over the stream. However, the low bridge parapet does not obstruct visibility to the left on leaving, while to the right it is possible to pull forward enough to see as far as the bend to the right. Leaving the highway if towing a horsebox or trailer for example, could mean that vehicles on ‘The Street’, travelling from west to east particularly, via the bend noted above, may be unexpectedly obstructed. Nonetheless ‘The Street’ either side of the access point is traffic calmed with humps and subject to a 20 mph speed limit. There have been no accidents in the area over the last three years. ‘The Street’ is also subject to a weight limit although it is used by several bus services. Bus speed appears to be well controlled by the traffic calming measures.*

*Use of the access will be light, and less than the use made of it when a herd of cows was kept in the pen accessed from the same point.”*

#### Access during construction:

*“If using the same access and using larger vehicles then manoeuvring may cause some obstruction to traffic. Vehicles will need to be able to pull off the highway without obstructing it. Those delivering should be made aware of this so that they can avoid any risk of collision. The 20mph limit and humps will help minimise this issue. Mud and debris should not be left on the highway.”*

#### Overall highways view:

*“Due to the presence of existing ‘traffic calming’ measures and no local accident history there is no objection to this proposal on highways grounds.”*

### **Public Rights of Way**

The County Council Highways Officer has advised that this proposal should not adversely impact upon the nearby adjacent Public Footpath 2779. The proposed hedgerow screening is noted to be in close proximity to the footpath at certain points, the Highways Authority have therefore asked that the applicant ensures the legal width of the path is maintained and that there is no unlawful encroachment.

### **Archaeology**

The County Council's Senior Archaeologist has confirmed that he raises no objection to this application on archaeological grounds and advises that no archaeological mitigation works would be required.

The County Council's Archaeologist has commented that the current proposals should have no visual impact upon the adjacent Bramber Salterns Scheduled Ancient Monument, nor any significant impact upon known locally or nationally important archaeological remains. The ground excavations for construction of the new stables are in his view expected to be minor and mostly shallow, not requiring archaeological involvement.

- 3.4 English Heritage has referred Officers to their most recent comments made on application DC/11/1746 and have confirmed that the location of the light stable construction outside the constraint boundaries of the monument would inflict limited harm on any archaeological features associated with it.

### **PUBLIC CONSULTATIONS**

- 3.5 Steyning Parish Council has raised no objection to this application.
- 3.6 Bramber Parish Council has raised no objection to this application but would like to point out that an opinion should be sought from a suitably qualified horse expert as to the suitability of this land for the keeping of horses.
- 3.7 Three letters of objection have been received from neighbouring occupiers of Monksgate, St Mary's House and Brookmead Cottage who have raised the following concerns:
- The loss of privacy, noise disturbance, smell and health hazards that will be caused by the close proximity of the proposed stable building to neighbouring properties.
  - Use of the access would cause further disturbance, delay and a hazard to an already congested road and junction.
  - The future use of the stable building and land as a commercial livery yard.
  - The site is part of the historic wetlands adjacent to an Archaeological site and should be preserved.
  - The area of land is on a flood plain and is not suitable for any new structures or an associated access track.
  - Increase in levels of activity within the countryside
  - The further use of the access would affect the access to St Mary's car park

### **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 below.

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

- 5.1 It is not considered that the proposal would have a material impact on crime and disorder.

**6. PLANNING ASSESSMENTS**

- 6.1 It is considered that the principal issues in the determination of this application are i) whether the principle of development is acceptable within this location, ii) the effect of the development on the countryside setting and the amenities of the occupiers of neighbouring properties.
- 6.2 This application has been submitted following the submission of a similar application DC/11/1746 for a proposed stable building and associated access track. The application was recommended for approval by Officers and went before the Planning Committee on the 20<sup>th</sup> December 2011. The Planning Committee overturned the application on the grounds that the proposal represented sporadic development in the countryside; the site was unsuitable to keep horses and the proximity of the access to neighbouring properties. Prior to the reasons for refusal being discussed in consultation with the Local Members as per the Committee resolution, the Applicant confirmed in writing that he wanted to withdraw the application.
- 6.3 This application seeks consent for the erection of a stable building within the easterly section of the field, to the west of an existing footpath and to the east of a watercourse. The application site comprises a large grassed area of agricultural land which can be used without the benefit of planning permission for the grazing of horses or other animals. The assessment will therefore seek to examine the impact that the proposed stable building and associated access track would have on the rural locality of the area, any impact to neighbouring occupiers and any affects upon highway safety.
- 6.4 The proposed stables incorporate an 'L' shaped single storey building comprising a hay store, tack room and four stables. When assessing the visual impact of the proposed stables on the countryside area, it is considered that the building's traditional timber façade with the overhanging corrugated roof would remain in keeping with similar equestrian structures which are often visible within the countryside. The proposed stable building is also not considered to constitute sporadic development in the countryside given its close proximity to the former cattle pen to the south and proximity to the adjacent footpath. Given that the site is intrinsically dark in character, the Local Authority would not however be supportive of any external lighting on the stable building. The materials and design of the proposed track and gate would also need to be submitted for approval to the Local Authority to ensure that these features remain sympathetic to the rural appearance of the area.
- 6.5 The stable building would be located approximately 47 metres from the rear boundary of Monksgate and 25 metres from the boundary of Little St Mary's. On the submitted block plan, the manure store is shown to be located to the north of the stable building and would therefore be further distanced from the nearest neighbouring properties. As the associated horse manure would be situated more than 30 metres from neighbouring properties as recommended by the Council's Public Health Officer, it is not anticipated that this would cause any environmental impact on the closest neighbouring occupiers at Monksgate and Little St Marys. Whilst it is anticipated that there would be some associated use of the access track in conjunction with the stables which would be situated approximately 3 metres from the western site boundary of Monksgate, it is noted that this is an existing agricultural piece of land and that the private use of equestrian stabling would not normally generate a level of activity that would be considered unacceptable within a countryside location. As the stabling will not be used for commercial livery purposes and the use of the

access is also likely to be light, it is considered that the proposal would not cause any further noise or disturbance to the neighbouring occupiers.

- 6.6 A number of concerns have been raised within the letters of representation received, in relation to the flooding on the site. The site is within an area of flood risk, however it should be noted that the building itself would comprise a relatively light weight timber structure and the excavations to construct the new stables would be shallow in nature. An access track would also be provided to the east of the stables and adjacent to the public footpath to the west. The Environment Agency have been consulted on this proposal and have decided to make no comment. In light of the relatively small scale nature of the development, it is considered that the proposal is unlikely to give rise to any further flooding within the area.
- 6.7 The proposed stable building would be accessed via an existing five bar gate exiting onto The Street and situated to the south of the application site. Part of the existing access is paved and would appear to have been previously used for agricultural vehicles in connection with the use of the land. Given the 20 mph limit and traffic calming measures within The Street, the WSCC Highways Officer has come to the conclusion that the light use of the existing access associated with the private use of the proposed stables would not cause any highway safety concerns.
- 6.8 In conclusion, it is considered that the private use of the proposed stable building and associated access track on this agricultural land would not cause a significant increase in the level of activity that would be harmful to its countryside location or cause any adverse impact on the amenity of neighbouring occupiers.

## **7. RECOMMENDATIONS**

7.1 That planning permission be granted subject to the following conditions:

01. A2 Full permission  
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.*
02. M6 Prescribed materials (stables)  
The materials to be used on the stable building hereby permitted shall strictly accord with those indicated on the approved details associated with the application.  
*Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local development Framework: General Development Control Policies (2007).*
03. M1 Approval of materials (access track and gates)  
No development shall be commenced unless and until a schedule of the materials and samples of such materials and finishes and colours to be used for access track and gates 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).*
04. J7a Stables  
The stables hereby permitted shall not be used for commercial purposes or in connection with any form of riding establishment.

*Reason: In the interests of amenity, to enable the Local Planning Authority to regulate and control the development and in accordance with policy DC29 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

05. J7b Stables  
No stable waste shall be burnt on the land.  
*Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007)*
06. O1 Hours of working  
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).*
07. O2 Burning of Materials  
No burning of materials shall take place on the site  
*Reason: In the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
08. Prior to the commencement of works a scheme for the management of stable waste is to be submitted to and approved by the Local Planning Authority. This statement should include details of the methods and frequency of stable cleaning and storage, collection and disposal of the stable waste. The proposed development shall thereafter be implemented in accordance with the approved scheme.  
Reason: *To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
09. D10 Floodlighting  
No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be 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).*
10. No gate, fence, wall or other means of enclosure shall be erected in conjunction with the development hereby permitted unless prior written permission has been granted by the Local Planning Authority (pursuant to an application for the purpose).  
*Reason: In order to safeguard the character and visual amenities of the locality and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*



11. L1 Hard and soft landscaping  
No works or development shall take place until full details of all hard and soft landscaping works 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).*

7.2 Notes to applicant:

1. The storage of stable waste (muck heaps) should not be located within 30m from any residential boundary.
2. Vehicles will need to be able to pull off the highway without obstructing it and those making deliveries should be made aware of this so that they can avoid any risk of collision. Vehicles using the access should not leave any mud or debris on the highway.
3. The hedgerow shown on the submitted block plan should not encroach on the adjacent public footpath which should be maintained to its legal width.

**8. REASONS FOR RECOMMENDATIONS**

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

Background Papers: DC/12/1617 & DC/11/1746



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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South

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

**DATE:** 20 November 2012

**DEVELOPMENT:** Extension to lower ground floor to form conference room with roof terrace and balustrade over

**SITE:** Roundabout Hotel Monkmead Lane West Chiltington Pulborough

**WARD:** Chanctonbury

**APPLICATION:** DC/12/0885

**APPLICANT:** Chapman Group Ltd.

**REASON FOR INCLUSION ON THE AGENDA:** Member request (Councillor Circus)/ Application deferred at the October meeting for further information.

**RECOMMENDATION:** To grant approval

## 1. THE PURPOSE OF THIS REPORT

To consider the current position on this planning application

### CURRENT SITUATION

- 1.1 The application was deferred for the second time at the October meeting to consult with the Licensing Officer to clarify his powers under the licensing regime in respect of the licensing concerns raised by this application. It was requested that a statement be provided from the applicant regarding proposals for the on going liaison with the Parish Council and the community. A copy of the two previous committee reports are attached at Appendix A.
- 1.2 The licensing officer for Horsham District Council confirmed that the hotel's premises licence currently allows for the selling of alcohol 24 hours per day for residents of the hotel and from 09:00hrs until midnight for non-residents every day of the week. These hours correspond with the opening hours of the hotel.
- 1.3 The Live Music Act 2012, which is an amendment to the Licensing Act 2003 and overrides any existing premise license in respect of live music, allows for licensed premises to have amplified and unamplified music from 8am till 11pm for an audience of fewer than 200, low level music is then allowed until midnight under their premise license.
- 1.4 The applicant has provided details of the proposals to ensure the management of the premises will minimise the impact upon the surrounding residential area. Details include a noise management plan, tighter control over car parking and the continuation of residents meetings at the hotel.

## **2. OUTCOME OF CONSULTATIONS**

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

### **OUTSIDE AGENCIES**

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

### **PUBLIC CONSULTATIONS**

- 2.3 1 further letter of objection has been received, which reiterates previous concerns.

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

## **3. PLANNING ASSESSMENTS**

- 3.1 Whilst additional information and meetings have been sought and taken place, the concerns of the residents, as stated in the previous committee report, still remain regarding the increase in traffic, parking and noise. The hotel has since put into place a management plan to ensure these concerns are overcome and activity at the hotel would have a minimal impact upon the local residents. As previously stated parking along Monkmead Lane is not appropriate for visitors to the hotel and whilst this cannot be controlled by the Local Planning Authority by way of a condition, provisions have been put in place to ensure onsite parking is sufficient and tightly managed by the hotel during busy periods.
- 3.2 The hotel's opening hours and sale of alcohol is controlled by its premises license and is considered to be adequate, given the premises is long established plus its size and location. According to the Council's Public Health & Licensing department there have been no reported noise complaints since the recent opening of the hotel or for a number of years previously. The playing of any music is controlled by the Live Music Act 2012 and allows for music till 11pm with low level music till midnight (under the premises license), this is considered appropriate and falls in line with the hotel's opening hours.
- 3.3 The proposed extension seeks to increase the size of its existing function facilities with no additional capacity or change of use proposed. The Department of the Environment's Circular 11/95: *The Use of Conditions in Planning Permissions*: states any planning conditions should meet a number of tests, which include the requirement to be necessary and enforceable. It is therefore considered that due to existing measures in place as previously mentioned and the nature of the application, that further controls would not be enforceable.
- 3.4 Concern has been expressed in relation to the 'saturation' of the site, however it should be noted that any further applications received for the hotel, will be assessed on their own merits, taking into account the history of the site as well as the surrounding area. It would also be assessed against national and local planning policy.
- 3.5 In conclusion, the proposed extension, which is modest in size, would enable an improved layout for the holding of functions, such as weddings. Whilst the concerns of local residents may not be totally overcome, it is now considered that the measures that have been put in place would result in a minimal impact to the surrounding area. It is therefore considered that the additional information provided by the applicant and the processes put into place following various resident meetings, have on the whole overcome residents concerns over parking and noise and it would therefore be difficult to justify a reason for refusal on these grounds.

#### **4. RECOMMENDATIONS**

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

01. A2 Full Permission
02. M4 Matching Materials
03. The development hereby approved shall not be occupied until the parking facilities have been provided in accordance with unnumbered location plan received on 3 August 2012. The parking facilities shall be implemented and thereafter retained and maintained for that purpose only.

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).

#### **5. REASONS FOR RECOMMENDATIONS**

- ICAB1 The proposal does not materially affect the amenities of neighbouring occupiers.
- ICAB3 The proposal does not have an adverse impact upon the character and appearance of the street scene or locality.

Background Papers: DC/12/0885



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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South

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

**DATE:** 21 August 2012

**DEVELOPMENT:** Extension to lower ground floor to form conference room with roof terrace and balustrade over

**SITE:** Roundabout Hotel Monkmead Lane West Chiltington Pulborough

**WARD:** Chanctonbury

**APPLICATION:** DC/12/0885

**APPLICANT:** Chapman Group Ltd.

**REASON FOR INCLUSION ON THE AGENDA:** Member request (Councillor Circus)

**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 permission for a single storey extension to the rear of main section of the hotel to provide additional function facilities. The proposal would include a terrace area above the proposed extension with associated balustrade and steps to the existing main ground level terrace area.

### DESCRIPTION OF THE SITE

- 1.2 The site consists of a 4 star country house hotel, located along Monkmead Lane in West Chiltington. The hotel has 26 en-suite bedrooms with bar area as well as a restaurant and additional reception and meeting rooms. There is also an outside terrace and garden area.
- 1.3 The hotel is located along Monkmead Lane, a busy thoroughfare of the village with residential properties along either side of the road. The hotel is also located to the north of Sunset Lane. The property is therefore located within the defined built up area boundary of West Chiltington.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

2.2 National Planning Policy Framework – Section 1, Building a Strong Competitive Economy; Section 7, Requiring Good Design

### RELEVANT COUNCIL POLICY

2.3 The relevant Local Plan Policies are DC9, DC15 & DC39 in Local Development Framework General Development Control Policies (2007) and CP2, CP3 in the Core Strategy (2007).

### PLANNING HISTORY

2.4

WC/91/96	2-storey extension for dining room & additional bedroom	PER
WC/30/98	Extension to the car park to give 3 extra spaces	PER
WC/6/98	Extension to car park	PER
DC/06/2151	Erection of hotel managers dwelling	REF

## **3. OUTCOME OF CONSULTATIONS**

### INTERNAL CONSULTATIONS

3.1 Public Health & Licensing had no adverse comments to make.

### OUTSIDE AGENCIES

3.2 West Sussex County Council, Highways department made the following comments:

“Whilst it is appreciated that the purpose of the proposal is to improve the wedding service currently offered, it remains that there is an extension to the floor area which increases the number of guests which could be catered for.

WSSC Parking Standards require 1 parking space per 5 seats. The extension will provide seating for an additional 20 guests, which equates to an additional 4 parking spaces in total.

No information in plan format has been submitted by the applicant with regards to parking. However, looking at the red lined area on the location plan, there appears to be scope to increase the parking provision. This may require a rationalisation of the existing parking arrangements or the creation of an additional area, the applicant will need to demonstrate that some additional parking can be accommodated within the site boundary.

No objection subject to the submission of a plan showing the increased parking provision.”

## **PUBLIC CONSULTATIONS**

3.3 33 letters of representation have been received from 26 households with 8 having general comment and the remaining being objections. The following is a summary of the main reasons for objection.

- Applicants not being honest about their proposals
- The proposed extension would increase the number of guests
- Increase noise due to larger numbers at weddings and other functions
- Increase traffic along Monkmead Lane
- Parking congestion along Monkmead Lane and outside residential properties

## **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 is an integral part of the planning assessment set out below.

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

It is not considered that the proposal would have a material impact on crime and disorder.

## **6. PLANNING ASSESSMENTS**

6.1 The principal issue is the effect of the development on the semi rural character of the surrounding area and the occupants of the neighbouring dwellings.

6.2 The Roundabout Hotel has recently reopened under new management and forms part of the RelaxInnz chain, which has 24 hotels across the South of England. The hotel had been closed for a period of time following ownership under the Best Western hotel chain.

6.3 The hotel has a number of function rooms used for a variety of events with weddings being the main undertaking. The current facilities are located on the lower ground floor with the layout consisting of a bar area, leading onto two rooms of varying size. Each room has access to the outside terrace and garden area to the rear of the hotel. The proposed extension would run adjacent to the smaller of the function rooms, which is 7.6m in length with a proposed width of 3.8m. The proposed extension is smaller than the existing adjacent room, which has a greater width of 5m for most of the room with a narrower section at the entrance point of the room at 3.5m for a length of 2m. This aspect of the room would remain, thereby separating this section of two rooms with the remaining part using partition doors with options for the room sizes or screening. Therefore whilst increasing the floor space capacity, there would be a limit to the layout of the room and does not double in size the existing room, as has been suggested.

6.3 The application shows the proposed extension would increase the potential capacity of a function by approx 20 persons, when seated at a round table. However further capacity may be allowable for a non-seating function or the evening reception of a wedding. West Sussex County Council, Highways department have no objection to the proposed extension, however would require an additional 4 parking spaces to be provided on top of the 38 already in place. Therefore a reconfiguration of the existing parking area would be required to satisfy WSCC. A further location plan has been submitted, which shows the provision of 43 parking spaces, an increase of 5 from the existing 38 spaces. This therefore meets the requirements of the WSCC Highways department.

- 6.4 The hotel is located along Monkmead Lane amongst many residential dwellings within, large spacious plots. The properties all have off-road parking with roadside grass verges, forming part of their private land. There are no pedestrian pavements along this part of Monkmead Lane, as well as no street lighting. It is therefore considered that parking alongside or over the verges would not be appropriate, given the lack of suitable access on foot and street lighting. However providing the parking doesn't intrude private verges or restrict access to and from residential dwellings, there could be little control over parking along the lane.
- 6.5 A large proportion of the objections to the proposed extension, consider the additional capacity would increase the noise levels of functions at the venue and thereby having a detrimental impact upon what is considered a semi- rural or country setting as well as the amenities of the surrounding residential properties. The hotel currently holds a variety of functions within its existing facilities and has done so for a number of years. Whilst the proposed additional guests gives potential to an increase in noise levels, it is considered that this number in comparison to the existing capacity would not attribute to a vast increase in noise that may arise from current functions. The issue of noise has not concerned the Council's Public Health & Licensing department. It should also be noted that whilst the proposed extension would allow for an increase in guest numbers, its occupation may be subject to a change in the hotel's current premises licence.
- 6.6 In conclusion, the proposed extension, which modest in size and given the existing facilities, would not be considered to have an adverse effect upon the residential amenities of neighbouring dwelling. In terms of its proposed use, any additional noise levels would be considered minimal against the existing arrangements. Parking facilities within the site of the hotel are considered to be lacking, however the further provision of spaces would overcome any issues. It is therefore considered for the reasons given above that the proposed building is acceptable in terms of the relevant policies of the Horsham District Local Development Framework General Development Control Policies Document (2007).

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that permission be granted subject to the following conditions:

01. A2 Full Permission
02. M4 Matching Materials

## **8. REASONS FOR RECOMMENDATIONS**

- ICAB1 The proposal does not materially affect the amenities of neighbouring occupiers.
- ICAB3 The proposal does not have an adverse impact upon the character and appearance of the street scene or locality.

Background Papers: DC/12/0885





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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee South

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

**DATE:** 16 October 2012

**DEVELOPMENT:** Extension to lower ground floor to form conference room with roof terrace and balustrade over

**SITE:** Roundabout Hotel Monkmead Lane West Chiltington Pulborough

**WARD:** Chanctonbury

**APPLICATION:** DC/12/0885

**APPLICANT:** Chapman Group Ltd.

**REASON FOR INCLUSION ON THE AGENDA:** Member request (Councillor Circus)/ Application deferred at the August meeting for further information.

**RECOMMENDATION:** To grant approval

## 1. THE PURPOSE OF THIS REPORT

To consider the current position on this planning application

### CURRENT SITUATION

- 1.1 This application was deferred at the August meeting for a site meeting with the County Surveyor and Local Members and to seek a letter of intent from the applicant regarding the proposed number of visitors. A copy of the previous committee report is attached at Appendix A.
- 1.2 The applicant provided a letter of intent, which provided details of the proposed use of the existing function room along with the proposed extension. It is stated that their weddings would accommodate 50 guests using round tables plus a top table of 6 persons. The letter also explains that previously the wedding breakfast was split between two rooms and the proposal would enable a better layout. It is also confirmed that the proposal does not increase the number of guests currently accommodated.
- 1.3 A site meeting was undertaken between the Planning Officer, Local Members and an Officer from West Sussex County Council's Highways department. It was discussed that the site had adequate on site parking, given the nature of the proposal. It was also noted following further investigation that many of the residential dwellings which have large front grass verges, that the verges are in fact 'publicly maintained land' and whilst private the land does form part of the highway.

- 1.4 During the course of the site meeting, discussions were held with the hotel owner and agent and it was suggested they attend a Parish Council meeting to discuss their proposals, given the large local objection. At the meeting it was agreed that a forum be set up between local residents and the hotel management.

## **2. OUTCOME OF CONSULTATIONS**

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

### OUTSIDE AGENCIES

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

### PUBLIC CONSULTATIONS

- 2.3 2 further letters of objection have been received, which reiterate previous concerns.

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

## **3. PLANNING ASSESSMENTS**

- 3.1 The main concern of local residents, was that the proposal would result in an increase in the number of guests and the resulting impact this would have on the surrounding area, in terms of the increase in traffic, parking and noise. The applicant has however confirmed that there would be no increase in numbers for a seated function than the current capacity. In addition to the current car parking layout, 4 parking spaces have already been requested by West Sussex County Council to take into account the number of guests, which has been provided by the applicant in plan form. Whilst parking along Monkmead Lane is not appropriate, given its lack of footpaths and street lighting, it is a public highway and therefore cannot be controlled by the Local Planning Authority, however adequate provision can be made available on site.

- 3.2 Following the site meeting, it was agreed that the agent and applicant would attend the Parish Council meeting to discuss the proposal. It would appear this was a successful process, resulting in subsequent meetings at the hotel with local residents, which would form part of an ongoing resident's forum. It has been raised by local residents that during the course of previous planning applications the Council stated that the hotel site had reached its limit of development. Upon studying the planning history of the site, there is no written evidence of this.

- 3.3 In conclusion, the proposed extension, which is modest in size, would enable an improved layout for the holding of functions, such as weddings. Concerns of local residents over the number of guests, has been alleviated by the confirmation from the hotel that there would be no increase in numbers, should this change in the future, the current premise licence and parking facilities may need to be increased, which would entail the submission of a further planning application. It is therefore considered that the additional information provided by the applicant and processes put into place following various resident meetings, have on the whole overcome residents concerns over parking and noise.

## **4. RECOMMENDATIONS**

- 4.1 It is recommended that permission be granted subject to the following conditions:

- |     |    |                    |
|-----|----|--------------------|
| 01. | A2 | Full Permission    |
| 02. | M4 | Matching Materials |

03. The development hereby approved shall not be occupied until the parking facilities have been provided in accordance with unnumbered location plan received on 3 August 2012. The parking facilities shall be implemented and thereafter retained and maintained.

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).

## **5. REASONS FOR RECOMMENDATIONS**

- ICAB1 The proposal does not materially affect the amenities of neighbouring occupiers.
- ICAB3 The proposal does not have an adverse impact upon the character and appearance of the street scene or locality.

Background Papers: DC/12/0885