Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1144
Development Site at Former Longfield House , East Street, Rusper, RH12 4RB, ,

DESCRIPTION:

Variation of Condition 'A' to DC/14/0413 and Condition 1 of previously approved applications DC/15/0834, DC/15/1712, DC/21/2359, DC/23/0069 Relating to the alignment and position of the access drive and refuse collection point. The access position remains unchanged.

RELEVANT PLANNING HISTORY:

DC/19/2203	Erection of six 3-bed dwellings (including 1 retirement property), with associated garages, creation of new access drive, and landscaping.	Application Refused on 04.08.2020
DC/20/2454	Erection of six 3-bed dwellings (including 1 retirement property), with associated garages, creation of new access drive, and landscaping.	Application Refused on 02.02.2021
DC/21/2172	Erection of 6 No. 3-bed dwellings (including 1 No. retirement property), creation of an access drive and landscaping works (Resubmission of DC/20/2454)	Application Permitted on 10.07.2024
DC/21/2359	Variation of condition A to previously approved application DC/14/0413 (Erection of two detached dwellings and garages (to the rear of the site) and revisions to approved dwelling (permitted under DC/12/0353 dated 16/04/2012) together with a new access road)) to allow for a revised site area to accommodate a separate access to serve the previously permitted 2no. dwellings at the rear of the former Longfield House site and additional minor amendments to Plot 1.	Application Permitted on 11.03.2022
DC/23/0069	Variation of condition A to previously approved application DC/14/0413 (Erection of two detached dwellings and garages (to the rear of the site) and revisions to approved dwelling (permitted under DC/12/0353 dated 16/04/2012) together with a new access road)) to allow for amendments include changes to the internal layout of the dwellings, resulting in Plot 2 becoming a 5-bed (previously 4-bed) property, with associated fenestration changes and the increase in size of the permitted garages serving both Plots 2 and 3 to include first floor home office space.	Application Permitted on 24.03.2023
DISC/23/0120	Approval of details reserved by condition 2 to approved application DC/14/0413	Withdrawn Application on 22.09.2023
DC/23/1191	Variation of condition 2 of previously approved application DC/23/0069 (Variation of condition A to previously approved application DC/14/0413 (Erection of two detached dwellings and garages (to the rear of the site) and revisions to approved dwelling (permitted under DC/12/0353 dated 16/04/2012) together with a new access road)) to allow for amendments include changes to the internal layout of the dwellings, resulting in Plot 2 becoming a 5-bed (previously 4-bed) property, with associated fenestration changes and the increase in size of the permitted garages serving both Plots 2 and 3 to include first floor home office space.) Variation sought to finished floor levels for Plot 2 and Plot 3.	Withdrawn Application on 22.09.2023

SITE AND SURROUNDS

The application site comprises the curtilage of the former Longfield House (now demolished). The northern part of the Application Site benefits from separate, extant planning permission for a block of 6 flats (application reference: DC/15/2552), however it is not the Applicant's intention to proceed with this. Instead they intend to continue to build out the 3 dwellings approved originally via application DC/14/0413 (and amended by DC/21/2359). The site is located to the south of East Street Rusper and is not located within any defined built up areas and is therefore considered to be located in the countryside. The site is bound by a combination of extensive mature soft landscaping and post and rail and close boarded fencing. It is noted that the site is set at a higher level that East Street owing to the verge along the northern boundary sloping up from north to south. The built up area of Rusper is locate to the west of the site. Moving to the east, the site and the surrounding area along East Street is considered to be rural in nature with only sporadic development present.

DETAILED DESCRIPTION

This application seeks to make minor amendments to the approved planning permission DC/21/2359, DC/14/0413, and DC/23/0069. These are extant permissions having been commenced

The current application seeks to alter the alignment and position of the access driveway, including the relocation of the refuse collection point. No alterations are proposed to the approved access at the entrance.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31- Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Rusper Neighbourhood Plan:
Policy RUS3: Design

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

OUTSIDE AGENCIES

WSCC Highways: Comment

WSCC in its role as Local Highway Authority (LHA) most recently provided consultation advice for this site for the preceding application DC/23/0069, of which no highway safety concerns were raised.

From inspection of the submitted application documents, the proposed amendments appear minor, relating to a change in realignment to the proposed access drive, and changes to the position of the refuse collection point and internal passing places. The position of the vehicular access point on East Street will remain unchanged from previously approved plans. The proposed amendments appear acceptable from a highway safety point of view.

In summary, the Local Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Parish Comments:

None received

Representations:

None received

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

The development was permitted under the previous planning approval reference DC/14/0413. This permission remains extant due to the formal commencement being recorded in May 2017. A Minor Material Amendment application was approved under DC/21/2359 in March 2022 which sought to make amendments to the dwelling on plot 1 and the access to plots 2 and 3. An application under DC/23/0069 gained approval for additional minor material amendments to plots 2 and 3 to the internal layouts with associated fenestration changes and the increase in size of the permitted garages serving both Plots 2 and 3 to include first floor home office space. These are of significant weight to the consideration of the current application.

The current application seeks to alter the alignment and position of the access driveway, including the relocation of the refuse collection point. No alterations are proposed to the approved access at the entrance.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposals should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard of design and layout that relates sympathetically to the landscape and built surroundings.

The application seeks to make alterations to the access road to accommodate the refuse collection point closer to the highway and to the west of the track itself. While recognised that the proposed refuse collection point would be located in closer proximity to the public highway, it is not considered that this would result in such adverse harm to the visual amenity of the street scene to justify a reason for refusal. It is recognised that the proposed refuse collection point would result in some loss to the landscaped area to the front of the site, but this too would not detract from the character and visual amenity of the street scene and locality.

For these reasons, the proposed development is considered to relate sympathetically to the character and appearance of the site and wider surroundings, in accordance with the above policies.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

It is not anticipated that the proposed amendment would result in any greater amenity impact above the previously approved scheme.

Highways Impacts:

Policy 40 of the HDPF requires developments to provides safe and suitable access for all vehicles, pedestrians, cyclists, horses riders, public transport and the delivery of goods.

Policy 41 of the HDPF requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users. Consideration should be given to the needs of cycle parking, motorcycle parking, charging plug-in or other low emission vehicles and the mobility impaired.

The access entrance would remain the same as previously considered, with only minor changes to the layout of the track and location of the refuse collection point. Following consultation with WSCC Highways, no concerns have been raised and it is not anticipated that the proposal would have an unacceptable impact on highway safety.

For these reasons, the proposed amendment is considered to accord with the above policies.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a

Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

Given the nature of the proposed development, the proposal would not increase water consumption above the usage under the previous applications. There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The application relates to a s73 application which was approved prior to the relevant date in April 2024. The development is therefore exempt from the requirements of BNG.

Conclusions:

The proposed amendments to the approved scheme are considered acceptable and would not result in no adverse harm to the character and visual amenity of the site and wider surroundings, nor adverse impact on the amenities of neighbouring properties. The proposal would not result in harm to the function and safety of the public highway, and would result in no greater water consumption than the approved development. For this reason, the proposed development is considered to accord with all relevant local and national planning policies.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: The development hereby permitted shall take place in accordance with the finished floor levels and site sections as approved under application ref: DISC/16/0024.

Reason: To control the development in detail in the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: The development shall take place until a wheel-cleaning facility has been installed in accordance with the details approved under application ref: DISC/16/0024. The facility shall be retained in working order and operated throughout the period of work on the site.

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

4 **Regulatory Condition**: The development hereby permitted shall take place in accordance with the schedule of materials approved under application ref: DISC/16/0024, unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

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

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

Reason: To safeguard the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The development hereby permitted shall take place in strict accordance with the details of surface water drainage approved under application ref: DISC/16/0024.

Reason: To ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: The dwellings hereby permitted shall not be occupied until the parking, turning and access facilities have been provided in accordance with the approved plans, including the provision of visibility splays of 2.4 x 53.6 metres westbound and 2.4 x 54.3 metres eastbound at the site vehicular access onto East Street. The parking, turning and access facilities shall thereafter be retained solely for that purpose. The visibility splays shall be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

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

8 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes 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 that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until details of the proposed location of the required fire hydrant(s) have been submitted to and approved in writing by the Local Planning Authority. The approved fire hydrant(s) shall be installed and ready for use prior to the first use of the development hereby permitted and shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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 western elevation of the approved replacement dwelling without the prior permission of the Local Planning Authority, pursuant to an application for that purpose.

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

11 **Regulatory Condition**: The refuse and recycling facilities shall be implemented in accordance with the details approved under application ref: DISC/16/0024, unless detail of alternative facilities have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition**: Plots 2 and 3 hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1144
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Site plan	Site Plan	2120/05 C	26.07.2024
Site plan	Site Plan	2120/51 C	26.07.2024
Elevation & Floor plan	Garage details Plots 2 and 3	1412/52 A	12.01.2023
Elevation & Floor plan	Proposed Plot 2	1412/22 C	12.01.2023
Elevation & Floor plan	Proposed Plot 3	1412/32 B	12.01.2023

DELEGATED

Case Officer sign/initial Tamara Dale Date: 12.09.2024

Authorising Officer sign/initial RHERMITAGE Date: 19.09.2024