Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0610
Estate Wall, Springfield Park, North Parade, Horsham, West Sussex,

DESCRIPTION:
Partial rebuild of stone estate wall on North Parade which partially collapsed.

RELEVANT PLANNING HISTORY:
None directly relevant to the wall subject of this application.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (2015):
Policy 34- Cultural and Heritage Assets

Horsham Blueprint Business Neighbourhood Plan 2019-2036
Policy HB3: Character of Development

Supplementary Planning Documents
The Horsham Town Design Statement SPD (2008)

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:
Arboriculture: *(Updated Comments - 25/06/2024)*: -

It has regrettably not been possible to find an engineering solution that would ensure the successful and satisfactory retention of the mature Horse chestnut protected by TPO/0091. It is accepted that in this instance the wall needs to be repaired to an acceptable standard, which is not available with the tree in situ. Subject to a suitably sized replacement being planted in as close a position as possible to the tree in question there is no objection to this proposal.

Arboriculture: *(Original Comments - 16/05/2024): -*

The area to the west of the wall is heavily treed, with the older specimens in the area benefiting from formal protection on the TP0049, served on the 16th of the 4th 1956.

From the submitted drawing 62600 retaining wall section, is apparent that part of the footings for the new retaining wall may need to be located within the existing bank. Due to the proximity of the trees in the area in relation to the edge of the bank (400 mm in places), the action of cutting back into the bank to install the footings would result in a high degree of root severance, which in turn would likely affect the stability and physiological condition of the affected trees. One tree, in particular, is the mature

Horse chestnut located roughly in the centre of the wall 400mm form the edge of the bank. Given the high target nature of the area where the trees are located, and the safety concerns associated with this due to the pedestrian footway directly adjacent to the wall and North Parade to the west. The proposed works must not affect the overall structural condition of the trees in the area.

Confirmation should be sought whether any excavations into the bank are needed to install the footings for the new wall, if so by how much, and if any tree roots need to be cut to initiate this.

Additionally, due to the protected status of some of the trees in the area should any roots need to be cut to rebuild the wall as proposed, the application would need to be amended and provide this information in detail so that the works could be completed under the planning application; if the deem to be satisfactory. If this information is not provided as part of the application a separate works to protected tree (TPO) application would be needed to undertake any root cutting works, as the TPO covers every part every part of the trees including the roots.

Local Highway Authority: This application seeks to partially rebuild a stone estate wall which has partially collapsed. From inspection of the plans, the proposed rebuild appears not too dissimilar from what was in place previously. These proposals are not anticipated to give rise to an adverse highway safety impact.

The LHA 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:
Horsham Denne Neighbourhood Council: No objection.

Horsham Trafalgar Neighbourhood Council: No further action.

Representations
Two representations were received in support of the application.

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
Paragraph 205 of the NPPF states that "when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)." Paragraph 206 continues to state that "any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or for of development within its setting), should require clear and convincing justification."

Policy 34 of the Horsham District Planning Framework states that Development should reinforce the special character of the district's historic environment through appropriate siting, scale, form, and design, and should make a positive contribution to the character and distinctiveness of the area. In addition, development should preserve and ensure clear legibility of locally distinctive vernacular building forms and their setting, features, fabric and materials, and should seek to secure the viable and sustainable

use of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset.

The boundary wall is Grade II Listed with the list description stating: -

"*Section of wall along North Parade, probably contemporary with the house. 5 to 6 ft high, stepped up to approximately 10 ft in the middle. Stone with projecting round-topped coping and plain flat pilasters. Also the north gate piers with flat tops surmounted by stone pineapples. Springfield Park, the stables to south, The Cottage and the estate wall form a group*."

The proposal seeks the re-building of the listed boundary wall, part of which collapsed with further controlled removal then taking place to limit future risk, together with the formation of a new structural retaining wall in sections where a raised bank is present. The visible section of the wall would be built to match the original, with the use of matching stone and a condition recommended to ensure appropriate detailing to the mortar. It is considered that subject to the above the proposal would have no adverse impacts on the significance or historic interest of the heritage asset, in accordance with relevant planning policy.

The application seeks listed building consent for the rebuilding of the boundary wall and it is noted the relationship between the works and adjoining protected trees would result in some impact, including the felling of a protected horse chestnut tree. The Listed Building Act allows conditions to be imposed with respect to the preservation of particular features of the building, the making good of any damage caused to the building by the works, and / or the reconstruction of the building following the execution of any works, with the use of original materials so far as practicable. It is not possible to impose conditions relation to the protection / replacement of surrounding planting which does not form part of the (listed) building. Any works to the TPO which require consent in their own right would therefore need to be pursued separately to this application.

It is though noted that consent has been granted for the felling of a protected Horse Chestnut tree in the vicinity of the wall, ref: DC/23/2247, with this consent included conditions requiring replanting of a suitable replacement tree. A note to applicant is recommended to advise that a separate works to protected tree (TPO) application may be required for any related works, such as undertaking root cutting.

Recommendation: Application Permitted

Conditions:

1 **Standard Time Condition**: The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 **Pre-Commencement Condition:** Before any work begins on site, the person(s) responsible for supervising the works must meet the conservation officer of the Local Planning Authority, on site or as otherwise agreed, to confirm that all the conditions attached to the listed building consent are understood and can be fully complied with.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

3 **Pre-Commencement (Ground Level) Condition**: No works above ground floor level shall commence until the specification of mortar and jointing, including a full description of the rebuilding of the listed stone wall, the components of the mortar, and the joint profile, have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with the approved details.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
The applicant is advised that this consent relates solely to the rebuilding of the boundary wall as shown in the approved plans. Further consent may be needed to carry out works to protected trees (TPO) in the vicinity of the site, particularly in respect of undertaking any root cutting works. Further details can be found through https://www.horsham.gov.uk/planning/protected-trees/apply-for-works-to-a-protected-tree.

Plans list for: DC/24/0610
(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
Details plan	Reinforced Retaining Wall	01	24.04.2024
Location plan		N112PC/LB/01	19.04.2024
Block plan		N112PC/LB/02	19.04.2024
Elevation plan	Proposed	N112PC/LB/04	19.04.2024
Section plan	Proposed	N112PC/LB/05	19.04.2024

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 09.07.2024