Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0213
Swallowfield , Brighton Road, Mannings Heath, West Sussex, RH13 6HY

DESCRIPTION:
Construction of an agricultural track around the perimeter of field and woodland.

RELEVANT PLANNING HISTORY:

DC/23/0447	Construction of an agricultural track around the perimeter of field and woodland	Permitted on 06/10/2023

SITE/SURROUNDS AND DESCRIPTION

The application site lies off the east of Brighton road and is outside of the built up area boundary. The application site consists of a detached dwellinghouse to the north with mature groups of trees as the site boundary treatments. It is noted that a number of trees on site are subject to TPOs.

The application seeks to install an access road from the main house and would go around the perimeter of the field. The width of the track would be approximately 3.2 metres. The uppermost layers of the track would be loose gravel and the external layer comprised of tar and chip.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 10 - Rural Economic Development
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 34 - Cultural and Heritage Assets

Neighbourhood Plan:
Policy 10- Housing Design
Policy 14- Green infrastructure & Biodiversity

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:

Natural England: Standing Advice:-
It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Aboricultural officer:
[Comment that the previous comments under DC/23/0447 are relevant, see below]
A high number of individuals and groups of trees at the site are protected by TPO/0340; the order was served on 03/07/1980. For the most part, the protected trees are Oaks located in a central location within the field around site boundaries.

A new access track has been partially constructed around the perimeter of a field to the southeast of the main dwelling at the site Swallowfield. Mechanical excavations to a depth of 300mm below the original ground levels have occurred, and a sub-base comprising of large-diameter chalk fragments has been placed within the excavated area. Excavations have occurred within the Root Protection Area (RPA) of 9 protected and 2 unprotected trees.

Under the current industry standard BS5837:2012, the default position is that development with the RPA of retained trees should be avoided. Several of the mature Oaks have suffered root damage due to the way the works have been undertaken with little to no consideration as to what impact this would have had on the trees in the area, which is regrettable.

Tree roots are primarily found in the top 1000mm to 1200mm of soil, and given the age, and the underdeveloped nature of the tree's location, in this instance, there is the capacity for roots to be found at greater depths. Due to the depth of the excavation and the level of root severance that has taken place, it is likely that over time the affected trees will begin to exhibit signs of decline in the form of crown dieback; however, it is unlikely that the damage sustained by the trees is extensive enough to warrant individual tree removal due to the risk of failure in high winds.

In terms of the amenity value of the trees at the site when viewed within the local landscape context, though of high amenity value when viewed from within the site. However, due to the extent of the tree coverage around the edge of the site, from beyond, in the wider public domain, they are not.

The proposed remedial measures and soil improvements, as set out in the submitted Retrospective Arboricultural Impact & Tree Protection Strategy, appear reasonable and should promote new root development and aid in the recovery of the affected trees.

In addition, to help mitigate the impact of the development on trees, 18 extra heavy standard-size trees with a trunk girth of 14-16cm at 1m above ground level and a total height of more than 3.5m are proposed to be planted. The level of proposed tree planting appears robust and commensurate with the number of trees that have been affected by the development activity at the site. As the replacement trees mature, I'm confident they will positively contribute to the verdant nature of the area.

Highways:

The proposed internal track will be used for vehicle access to forest, ponds and fence lines for maintenance purposes. The proposed track, including the siting of the proposed earth bunds, are all located within private land, and not anticipated to impact upon the maintained highway network.

In summary, 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:
The Parish Council has no further comments to make and recommends the planning application for approval by HDC.

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 current application follows on from previous application DC/23/0447 for 'Construction of an agricultural track around the perimeter of field and woodland'. This application was approved on 6th October 2023. The current application closely reflects in layout and design the previous application, differing in terms of the material proposed. No Arboricultural details approved under the previous application have changed, with the same survey and remediation methods submitted. The works are partly retrospective and the current application would seek to regularise the works and incorporate remedial work to the protected trees on site which were damaged prior to the initial permission for an agricultural track. Where the previous application proposed loose gravel as an external material, the current application proposes tar and chip over loose gravel.

The principle of development was established within the previous application and would still be considered to provide improved access and to assist with the maintenance of the site boundaries. The proposal would not amount to a material increase in activity within the countryside or result in a development contrary to policy 26 of the Horsham District local plan.

Design and Appearance:

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to

ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

Tar and chip over loose gravel would result in a change of appearance to the track from what has been previously approved but the alteration would be a modest alteration and not be considered to result in a change of character to the application site or views of the site from the surrounding area. The visual impact of the proposal is considered acceptable and in accordance with the above policy.

Trees and Landscaping:

The details of trees and planting have not been changed since the previous application, with remedial works still being required in response to the offence caused where the applicant had cut into the roots of protected trees on site. The Tree officer had requested the remedial measures and consequently an Arboricultural Impact Assessment and Tree protection strategy was submitted in May 2023 and found acceptable under the previous application. The remediation measures are still relevant in response to the offences to the protected trees on site and the Tree officer has similarly commented stating that the remediation measures required under a landscaping condition.

Amenity Impacts:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

There is no evidence that the change in materials would result in a greater conflict between the track users and neighbouring residential properties. No objection in regards to policy 33 of the HDPF.

Highways Impacts:

Policy 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

WSCC have commented during the course of the application and have no new objections to raise to the current application, with the proposal not giving rise to public safety concerns. No objection to the proposal in terms of policy 40 and 41 of the HDPF.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating 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.

Conclusions:

The development would not result in any unacceptable impacts on neighbouring amenity, highway safety and the visual impact of the proposal is considered in compliance with relevant local and national planning policies. The application is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Regulatory Condition**: The uppermost surface of the development hereby permitted shall comprise of loose gravel topped with tar and chip material as set out within the Planning Statement submitted 07/02/2024

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: The additional planting in paragraphs 5.3.9 through 5.3.11 of the 'Retrospective Arboricultural Impact Assessment and Tree Protection Report' (prepared by MDJ Arboricultural Consultancy Limited and dated May 2023).

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. Any additional planting which 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).

4 **Regulatory Condition:** The development shall be carried out in accordance with the Arboricultural Impact Assessment set out in the Retrospective Arboricultural Impact Assessment and Tree Protection Report' (prepared by MDJ Arboricultural Consultancy Limited and dated May 2023.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 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/24/0213

Schedule of plans/documents **approved**:

Plan Type	**Description**	**Drawing Number**	**Received Date**
Site plan		NONE	07.02.2024
Layout plan	Pathway and trees	NONE	07.02.2024
Layout plan		NONE	07.02.2024
Layout plan		NONE	07.02.2024
Layout plan		NONE	07.02.2024
Layout plan		NONE	07.02.2024
Layout plan		NONE	07.02.2024
Block plan		NONE	07.02.2024
Location plan		NONE	07.02.2024

Supporting Statement	Arboricultural impact assessment & Tree protection strategy	NONE	07.02.2024
Supporting Statement	Planning	NONE	07.02.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 02/04/2024

Authorising Officer sign/initial RHERMITAGE Date: 03.04.2024