



Planning Committee (North)

Tuesday, 5th December, 2017 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:	Liz Kitchen (Chairman)	
	Karen Burgess (Vice-Chairman)	
	John Bailey	Tony Hogben
	Andrew Baldwin	Adrian Lee
	Toni Bradnum	Christian Mitchell
	Alan Britten	Josh Murphy
	Peter Burgess	Godfrey Newman
	John Chidlow	Brian O'Connell
	Roy Cornell	Connor Relleen
	Christine Costin	Stuart Ritchie
	Leonard Crosbie	David Skipp
	Jonathan Dancer	Simon Torn
	Matthew French	Claire Vickers
	Billy Greening	Tricia Youtan

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

Agenda

Page No.

GUIDANCE ON PLANNING COMMITTEE PROCEDURE

1. **Apologies for absence**

2. **Minutes**

5 - 8

To approve as correct the minutes of the meeting held on 7 November 2017
(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)

3. **Declarations of Members' Interests**

To receive any declarations of interest from Members of the Committee

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

To consider the following reports of the Head of Development and to take such action thereon as may be necessary:

- | | | |
|-----|---|---------|
| 5. | Appeals | 9 - 10 |
| | Applications for determination by Committee: | |
| 6. | DC/17/1704 - 41 Pondtail Road, Horsham (Ward: Holbrook West)
Applicant: Mr Paul Clarke | 11 - 32 |
| 7. | DC/17/0168 - 80 Lambs Farm Road, Horsham (Ward: Roffey North)
Applicant: Mr Celebi | 33 - 40 |
| 8. | DC/17/2240 - 41 Gorings Mead, Horsham (Ward: Forest)
Applicant: Mr Andrew Watson | 41 - 48 |
| 9. | S106/17/0015 - The Holbrook Club, North Heath Lane, Horsham
(Ward: Holbrook East) Applicant: DMH Stallard | 49 - 58 |
| 10. | DC/17/1023 - Phase 4, Oakhurst Business Park, Wilberforce Way,
Southwater (Ward: Southwater) Applicant: Horsham District Council | 59 - 78 |
| 11. | DC/17/1971 - Land adjacent to 193 Tanbridge Park, Horsham
(Ward: Denne) Applicant: Horsham District Council | 79 - 84 |
| 12. | DC/17/2013 - Hills Cemetery, Guildford Road, Horsham (Ward: Denne)
Applicant: Horsham District Council | 85 - 90 |
| 13. | DC/17/2174 - Land rear of 21 Woodlands Walk, Mannings Heath
(Ward: Nuthurst) Applicant: Horsham District Council | 91 - 96 |
| 14. | Urgent Business | |
| | 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 | |

GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

Addressing the Committee	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only.
Quorum	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
Declarations of Interest	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
Announcements	These should be brief and to the point and are for information only – no debate/decisions .
Appeals	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
Agenda Items	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
Public Speaking on Agenda Items (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed 2 minutes each to make representations; members of the public who object to the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes; applicants and members of the public who support the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes. Any time limits may be changed at the discretion of the Chairman.
Rules of Debate	<p>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max 5 minutes or longer at the discretion of the Chairman) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment to a motion o To move a further amendment if the motion has been amended since he/she last spoke o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of original motion

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> ○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. ○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman's ruling on the admissibility of the personal explanation will be final. <ul style="list-style-type: none"> - Amendments to motions must be to: <ul style="list-style-type: none"> ○ Refer the matter to an appropriate body/individual for (re)consideration ○ Leave out and/or insert words or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
Alternative Motion to Approve	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer's recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
Alternative Motion to Refuse	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer's recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
Voting	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - Two Members request a recorded vote - A recorded vote is required by law. <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
Vice-Chairman	<p>In the Chairman's absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

Planning Committee (North)
7 NOVEMBER 2017

Present: Councillors: Liz Kitchen (Chairman), Karen Burgess (Vice-Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, Peter Burgess, John Chidlow, Roy Cornell, Leonard Crosbie, Matthew French, Billy Greening, Tony Hogben, Adrian Lee, Christian Mitchell, Godfrey Newman, Brian O'Connell, Connor Relleen, Stuart Ritchie, David Skipp, Claire Vickers and Tricia Youtan

Apologies: Councillors: Christine Costin, Jonathan Dancer, Josh Murphy and Simon Torn

PCN/52 **MINUTES**

The minutes of the meeting of the Committee held on 3 October were approved, with an amendment to the attendance section, as a correct record and signed by the Chairman.

PCN/53 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/54 **ANNOUNCEMENTS**

There were no announcements.

PCN/55 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated, was noted.

PCN/56 **DC/16/2608 - POND FARMHOUSE, WORTHING ROAD, SOUTHWATER**
(WARD: SOUTHWATER) APPLICANT: CHURCHLANDS LTD.

The Head of Development reported that this application sought permission for the erection of a detached dwelling within the residential curtilage of Pond Farmhouse.

The application site was located to the south of Pond Farmhouse and would utilise existing access off Worthing Road.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

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. Seven letters of objection and three of comment had been received. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; character and appearance; impact of neighbouring amenity; highways.

Members concluded that the application would have a negative impact on both the local wildlife, the nearby listed building and would result in overdevelopment if permitted.

RESOLVED

That Planning Application DC/16/2608 be refused.

PCN/57 **DC/17/1566 - TANIMOLA, 2 TESTERS CLOSE, SOUTHWATER (WARD: SOUTHWATER) APPLICANT: MRS YETUNDE QUARTERMAINE**

The Head of Development reported that this application sought permission for the conversion of an existing double garage into a residential annexe. The application specified that the occupation of the annexe would be by a family member in connection to the occupation of the main dwelling.

The application site was located in the North West corner of Testers Close within the built up area of Southwater.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

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. One letter of support had been received. Two members of the public spoke in objection to the application, the applicant and the applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered aspects of the proposal, in particular that the annexe could very easily be converted in to a separate dwelling in the future and may set a precedent for future applications.

Members concluded that the application should be refused due to overdevelopment and parking concerns.

RESOLVED

That Planning Application DC/17/1566 be refused.

PCN/58 **DC/17/1410 - THE PADDOCK, ST LEONARDS PARK, HAMPERS LANE, HORSHAM (WARD: FOREST) APPLICANT: MS L DAVIES**

The Development Manager reported that this application sought permission for the change of use of an existing paddock to allow use for animal assisted therapy as well as the erection of an associated cabin, fencing and increased hardstanding area.

The therapy sessions would take place between 10am and 2pm for three days per week.

The application site was situated within the High Weald Area of Outstanding Natural Beauty. St Leonards Park House was located to the north of the site.

The site was located to the north and west side of Hampers Lane.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

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

The Parish Council raised no objection to the application. Seven letters of objection had been received. The applicant and the applicant's agent addressed the Committee in support of the proposal.

Members concluded that as long as W/C facilities could be implemented the proposal was acceptable.

RESOLVED

That Planning Application DC/17/1410 be approved.

The meeting closed at 6.31 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee North

Date: 5th December 2017



Report on Appeals: 26/10/2017 to 23/11/2017

1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/17/1184	Kingfisher Farm West Chiltington Lane Billingshurst West Sussex	10 th November 2017	Not Determined	
DC/17/1185	Kingfisher Farm West Chiltington Lane Billingshurst West Sussex	10 th November 2017	Refuse	
DC/17/1961	44 Brook Road Horsham West Sussex RH12 5FY	16 th November 2017	Split Decision	
DC/17/0062	Clemsfold Farm Guildford Road Clemsfold West Sussex	17 th November 2017	Refuse	
DC/17/1694	2 Foxfield Cottages Southwater Horsham West Sussex RH13 9EP	20 th November 2017	Refuse	

2. Live Appeals

HDC have received notice from the Department of Communities and Local Government that the following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/17/1489	Land To The Rear of Appletrees & Sunnycroft Two Mile Ash Road Barns Green Horsham West Sussex RH13 0PX	Written Reps	20 th November 2017	Refuse	
DC/17/1707	Corner House Brighton Road Monks Gate Horsham West Sussex RH13 6JD	Written Reps	22 nd November 2017	Refuse	

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/16/2785	Hunters Oak Faygate Lane Faygate Horsham West Sussex RH12 4SJ	Written Reps	Allowed	Refuse	
DC/17/1366	64 Comptons Lane Horsham West Sussex RH13 6AT	Fast Track	Dismissed	Refuse	
DC/17/0940	55 Smithbarn Horsham West Sussex RH13 6DT	Fast Track	Dismissed	Refuse	



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 5 December 2017

DEVELOPMENT: Change of use from Public House (Class A4) to Children's Day Nursery (Class D1); Single storey and first floor rear extensions; changes to elevations including addition of 2x front and 1x rear dormer windows; car and cycle parking; siting of external plant on rear elevation; and surfacing of garden area

SITE: 41 Pondtail Road Horsham West Sussex RH12 5HP

WARD: Holbrook West

APPLICATION: DC/17/1704

APPLICANT: **Name:** Mr Paul Clarke **Address:** Oakridge House Wellington Road High Wycombe HP12 3PR

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received of a contrary view to the Officer recommendation and at the request of Councillor Peter Burgess

RECOMMENDATION: That the application be delegated for approval to the Head of Development to consider whether the requirement of WSCC highways to provide a parking survey if there is a problem with on street parking can be the subject of a condition or is required to be the subject of a legal agreement, and subject to appropriate conditions as suggested at paragraph 7.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application relates to the proposed change of use of the former Rising Sun Public House at 41 Pondtail Road, Horsham to use as a Children's Day Nursery.

1.3 The proposals incorporate two small single storey rear extensions, first floor rear extension, insertion of two dormer windows into the front elevation at first floor level, insertion of a dormer window into the rear roof slope at first floor level, removal of front chimney stack on front elevation and replacement of high level windows on the front elevation with full height glazing. The gross internal floor space will increase, as a result, from 252.88sqm to 356sqm.

1.4 The proposals also incorporate changes to the car park. A total of 17 spaces are provided – the same number as existing and maintaining the same vehicular access point. However

the car park is rearranged in order to free up space immediately adjacent to the building for that area to be used as part of the nursery garden. Four parking spaces will be allocated for members of staff. The remainder will be drop-off spaces for parents/carers bringing and collecting children. A cycle stand with capacity for six bicycles will be positioned at the front of the site.

- 1.5 The proposed garden will utilise all space at the rear of the building and between the building and the car park. It will primarily be resurfaced with artificial grass, with two small block paving tracks, two sand areas and two water features for supervised play. Six air conditioning units will be positioned on the rear elevation, away from any site boundary.

DESCRIPTION OF THE SITE

- 1.6 The application site is located on the eastern side of Pondtail Road. It has a street frontage of approximately 56.5m, a depth of approximately 21m along its northern boundary, a depth of approximately 16.5m along its southern boundary, and an overall site area of 1106.7sqm. The site contains a former Public House (The Rising Sun) which it is understood ceased trading on 16 June 2017.
- 1.7 The existing building is two storey with a large two storey extension (first floor accommodation within the roof space) on the northern side. When in use as a public house it is understood that tables and chairs were positioned in front of the building with there also being a rear garden with barbeque area for patrons. To the south of the building is the tarmacked pub car park, laid out to accommodate a total of 17 cars and with a single vehicular ingress/egress point. There are a few trees within the site along its perimeters – primarily at its northern and southern side boundaries - with two trees at the rear and one at the front.
- 1.8 To the west of the site (along its rear boundary) is a treed embankment leading up to a railway line (The Capel to Horsham line). The railway line is approximately 3m to 4m above site level. To the south of the site is a detached bungalow (39 Pondtail Road). Within the grounds of this and adjacent to the application site boundary is a single storey double garage building. To the north of the site is 43 Pondtail Road, this being a detached house with an attached garage. The garage is adjacent to the boundary with the application site. Other properties in the vicinity of the site are detached houses on both sides of the road; those on the eastern side being set back significantly from the road.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 **National Planning Policy Framework:**
 - NPPF1 - Building a strong, competitive economy
 - NPPF2 - Ensuring the vitality of town centres
 - NPPF4 - Promoting sustainable transport
 - NPPF7 - Requiring good design
 - NPPF14 - Presumption in favour of sustainable development
- 2.3 **Horsham District Planning Framework (HDPF 2015)**
 - HDPF1 - Strategic Policy: Sustainable Development
 - HDPF2 - Strategic Policy: Strategic Development
 - HDPF3 - Strategic Policy: Development Hierarchy

HDPF24 - Strategic Policy: Environmental Protection
HDPF32 - Strategic Policy: The Quality of New Development
HDPF33 - Development Principles
HDPF40 - Sustainable Transport
HDPF41 - Parking
HDPF43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The parish of North Horsham was designated as a Neighbourhood Development Plan Area on 12 June 2017.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 The below application is the most recent and relevant application relating to this site:

HR/164/64	Addition of new bars and new car park and access	Application Permitted on 15.01.1965
HR/81/52	New toilet accommodation and drainage	Application Permitted on 13.11.1952
HR/70/65	Car port, beer garden and living accommodation	Application Permitted on 03.06.1966
HR/183/67	Erection of a garage	Application Permitted on 08.12.1967
HR/121/83	Change of use from domestic accommodation to internal extension to saloon bar	Application Permitted on 04.08.1983
NH/102/90	Single storey extension, internal alterations, replacement storage building and extension to existing car park	Application Permitted on 15.08.1990
NH/46/93	Erection of illuminated & non-illuminated signs & lantern	Application Permitted on 09.06.1993
NH/169/03	Erection of 1 detached dwelling and garaging (outline)	Withdrawn Application on 09.12.2003
DC/10/1373	Fell 1 Silver Birch (T1)	Application Permitted on 15.10.2010

3. OUTCOME OF CONSULTATIONS

- 3.1 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

INTERNAL CONSULTATIONS

- 3.2 **Environmental Health** – No objection in principle. Conditions recommended in respect of removal of asbestos and waste from the site, controlling dust during construction works, limiting the hours of construction works, hours of operation of the facility, use of the premises as a children's day nursery only, external lighting and sufficient drainage.
- 3.3 **Economic Development** – It will become a useful amenity for the growing population.
- 3.4 **Arboricultural Officer** – No objection.

OUTSIDE AGENCIES

- 3.5 **WSSC Highways** – Following an initial objection to the proposal, verbal advice has been received advising that, following the submission of additional information, the change of use is acceptable subject to an additional condition/obligation relating to parking capacity monitoring. Members will be updated at the Committee meeting following the receipt of comments.
- 3.6 **WSSC Early Years team** – According to our sufficiency data there is a housing development West of Southwater with an estimated 600 dwellings that will require an estimated 30 childcare places, as well as a development on Land the North of Horsham of an estimated 2500 dwellings requiring an estimated 125 childcare places. However the preference is to have the childcare provision of the second development linked to the planned Primary Schools for this development.

PARISH COUNCIL

- 3.7 **North Horsham Parish Council** – No objection.
- 3.8 **Horsham Denne Neighbourhood Council** (HDNC) – No objection in principle however raises concerns in respect of the following issues:
- Pedestrian and vehicular access will increase including adults with young children walking from the HDNC area
 - Vehicles don't adhere to the maximum speed limit
 - Poor visibility when approaching the railway bridge
 - Footpath under the bridge and for some distance either side on opposite side of road to nursery
 - Footpath under the bridge is narrow and can be slippery
 - Adults with children will need to cross Pondtail Road to access the nursery and there is no safe crossing point
 - A pedestrian crossing and an off-road layby in close proximity to the proposed nursery are required

LOCAL MEMBER

- 3.9 **Councillor Burgess** – Summarised as follows:
- The public house was a public asset
 - It was the only public house in Holbrook West
 - It was popular in 'years gone past'
 - Local residents and the Parish Council have not been consulted
 - No survey of the need for another nursery has been undertaken
 - A nearby nursery has closed down
 - There has been no community involvement
 - No attempt to sell it as a going concern
 - No reason given as to loss of pub

PUBLIC CONSULTATIONS

3.10 18 letters/emails of objection have been received from 14 households which raise the following concerns:

- Unsuitable site for a nursery
- Intensification of the access
- Lack of pavement
- Overflow parking on pavement/verge
- Insufficient parking provision
- Highway safety concerns
- Loss of public house
- Reliance on vehicles to access the site
- Adverse impact on neighbours – noise from vehicles and children
- Introduction of a business into a residential area
- Inadequate facility for a nursery for 80 children

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 the consideration of the application are:-

- Loss of public house
- Need for a children's nursery
- Highway safety, transport and highway issues
- Impact on occupiers of neighbouring properties
- Impact of proposed works on the character and appearance of the streetscene
- Community Infrastructure Levy

Loss of public house

6.2 Policy 43 of the Horsham District Planning Framework (HDPF) relates to community facilities, leisure and recreation. The preamble to the policy details that the district has a good quality, quantity and accessibility to existing leisure and recreation sites, with a range of facilities including three swimming pools, leisure centres, playing fields and parks, allotments and children's' play areas and that there is also a theatre, cinema and a number of museums, libraries, restaurants and pubs across the district.

6.3 The policy details that proposals that would result in the loss of sites and premises currently or last used for the provision of community facilities or services, leisure or cultural activities for the community will be resisted unless equally usable facilities can be conveniently provided nearby. It will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as;

appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier. Where it cannot be demonstrated that such a loss is surplus to requirements, a loss may be considered acceptable provided that: a. an alternative facility of equivalent or better quality and scale to meet community needs is available, or will be provided at an equally accessible location within the vicinity; or b. a significant enhancement to the nature and quality of an existing facility will result from the redevelopment for alternative uses on an appropriate proportion of the site.

- 6.4 The applicant has commissioned a viability study which has been the subject of review. The viability study carried out by Savills details that the property was originally put on the market in January 2017 at a sale price of £450,000. During the marketing period the agent received a total of 39 enquiries and undertook 11 internal viewings. No offers were received by the agent from public house operators and the majority of offers received were from residential developers. Two offers were however received from alternative commercial users – one from the applicant. The property was sold to the applicant in July 2017.
- 6.5 The report goes on to say that Public Houses such as The Rising Sun have suffered more than others since the economic downturn due to them not having the economies of scale to compete with the larger managed house operations and as the property has a small commercial kitchen and trade area, it would not attract 'destination' customers and it is clear from the barrelage information provided that the local population has not supported the business recently.
- 6.6 The report additionally says that The Rising Sun does not have any commercial kitchen equipment and existing equipment in situ has been removed. A new operator is therefore likely to scrap and replace with new or reconditioned units which have a guarantee which the author of the report details as being in the region of £40,650 excluding any general refurbishment works to the property.
- 6.7 As part of the viability report competing public houses located within a 1.5 mile radius of The Rising Sun have been detailed. These include Dog and Bacon Inn some 0.5 miles away, Smith & Western some 0.6 miles away, Sussex Barn some 0.6 miles away, the Malt Shovel some 1.1 miles away and the Kings arms some 1.2 miles away. There are then a number of public houses within the town centre some 1.4 miles away.
- 6.8 In terms of the future of The Rising Sun, the report details that the business that could be generated would still no longer provide a sufficient income for an operator in the medium term as the fundamental requirements of a successful modern Public House could not be provided.
- 6.9 The report concludes that during the 6 month marketing period, no interest or offers were made from pub operators, nor from community users and that the public house is commercially unviable in the long term.
- 6.10 The review of the viability study, commissioned by the applicant and carried out by Colyer Commercial, details that the viability assessment has been undertaken by Savills who are an international firm with a specialist leisure department and extensive experience in selling and marketing public houses. The review goes on to say that as there were no offers from pub operators, this would strongly suggest that the pub use is not viable.
- 6.11 The review details that there has been a growing trend in Horsham of the closure of the smaller tenanted properties, detailing the Tanners Arms on Brighton Road, The Queens Head on Queen Street, the Enterprise Inn on Brighton Road and the Fountain Inn on Rusper Road as examples. The review states that Horsham has a much improved town centre where most of the national restaurants are located, and where more restaurants will likely be attracted to as a result of the Piries Place redevelopment scheme.

- 6.12 In terms of the viability of the public house use at the Rising Sun, the review details that from the figures provided in the viability assessment, a low turnover with high running costs is not a very good formula for any business. The review concludes by saying that “...*Savills represent Hall & Woodhouse across their pub portfolio in the South East and they are clearly very knowledgeable of the local pub market and would conclude that their report is a true reflection of the non viability of the Rising Sun Public House in it’s current use.*”
- 6.13 Given the information outlined above, whilst the loss of the public house is regrettable it is not considered that its loss can be resisted. There are a number of public houses within the vicinity and the applicant, through viability assessments, has demonstrated that the use of the property as a public house is no longer viable as required by Policy 43 of the HDPF.

Proposed children’s nursery use

- 6.14 The applicant’s supporting statement advises that developments in the areas surrounding Horsham will increase the need for additional childcare in Horsham, as a number of families living there will travel into Horsham for work and to access the main train station and would prefer their child’s nursery to be closer to those facilities. Prior to submission of the application, the applicant has gained advice from WSCC on the provision of child care in Horsham. Similar advice was received as part of this application, with WSCC Early Years commenting that, “...*according to our sufficiency data there is a housing development West of Southwater with an estimated 600 dwellings that will require an estimated 30 childcare places, as well as a development on Land the North of Horsham of an estimated 2500 dwellings requiring an estimated 125 childcare places.*”
- 6.15 In addition, a report produced by WSCC (Securing Sufficient Childcare in West Sussex) and published in Summer 2016 details that the main focus of housing growth within the Horsham District Planning Framework is the delivery of homes in and around Horsham town and that increased housing development in the area is likely to see the need for childcare provision increase.
- 6.16 In terms of other childcare provision in the area, the applicant has advised that there are six full day care providers, open all-year round, who cater for children aged from babies to five years. Research undertaken by the applicant in June 2017 showed that three of these nurseries had limited or no spaces available and three had spaces. Of the three that had space, two could cater for in excess of 120 children, and the applicant advises it is not uncommon for such a large nursery to have some capacity at any moment in time.
- 6.17 The County Council has a statutory duty to ensure that there is access to a free high quality early education place for all eligible two, three and four year olds whose parents would like to take up a place for their child. Children can use up to 570 hours each year, or a maximum of 15 hours over 38 weeks (1140 hours for 3/4 year olds in certain circumstances from September 2017), from a pre-school, nursery or an accredited childminder who are registered to offer free places. Given the recent changes to free childcare places, it is understood that the need for places is likely to increase.
- 6.18 Given the information provided by the applicant and advice given by WSCC, it is considered that there is a need for a children’s nursery within Horsham to meet likely future childcare demands.

Highway safety, transport and parking issues

- 6.19 Policies 40 and 41 of the HDPF relate to sustainable transport and parking. Policy 40 seeks to manage the anticipated demand for travel by requiring development proposal to promote an improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities. The policy requires development to, amongst other criteria, be located in areas where there are, or will

be a choice in the modes of transport available and provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods. Policy 41 requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.

- 6.20 The proposals include changes to the car park to provide a total of 17 spaces – the same number as existing and maintaining the same vehicular access point. The car park will however be rearranged in order to free up space immediately adjacent to the building for that area to be used as part of the nursery garden. Four parking spaces will be allocated for members of staff. The remainder will be drop-off spaces for parents/carers bringing and collecting children.
- 6.21 WSCC Highways initially raised an objection on the grounds that the applicant had failed to demonstrate that safe and suitable access could be achieved, with a stage one road safety audit (RSA) requested due to the intensification in use of the existing access. A stage one RSA was subsequently undertaken by the applicant.
- 6.22 The audit raised a concern that the pedestrian access did not show any proposed measures to deter children from running out onto the footway or carriageway, and the likelihood that a number of users may walk to the property generating an increase in the pedestrian movement, including a younger element, to the location via this entrance. The RSA recommended that a pedestrian barrier be provided on the inside of the entrance off the footway. Additional information and plans were received in response to this issue, detailing a self-closing (private) gate at the access onto the footway. This arrangement is considered an acceptable solution to the concern identified in the RSA.
- 6.23 The final problem raised by the audit related to there being no 'No Waiting' parking restrictions on Pondtail Road, especially in the vicinity of proposed nursery. With the change of use from public house to nursery it is possible there would be an increase in vehicle movements and the usage of the existing car park and its 17 parking spaces. If the parking spaces are full then road users may park on the carriageway increasing the risk to all road users of obstructing the carriageway and leading to conflict. In response a recommendation was made that the applicant would liaise with the LHA with a view to assessing the need for implementing parking restrictions; assessments could include before and after parking surveys or assessments during nursery drop off and collection times following site occupation.
- 6.24 It is noted that Councillor Burgess, Horsham Denne Neighbourhood Council and a number of local residents have made suggestions in terms of highway safety. These relate to issues such as a limit on the number of children in attendance at any one time at a nursery on the opposite side of Pondtail Road and the requirement for an in-out access arrangement, and a pedestrian crossing being installed at or near the nursery. WSCC Highways have responded to these issues advising that the need for a crossing would be hard to justify as the RSA did not identify the requirement for a crossing as a concern. In terms of an in-out access arrangement into the car park, WSCC have advised that they are happy with the approach as outlined within the RSA, and in terms of a parking capacity survey being carried out post consent and if there were a significant demand then a traffic regulation order would be investigated. The method of securing this request, either via a condition or a section 106 agreement, is currently being considered and an update will be provided to Members at the Committee meeting.
- 6.26 Therefore, whilst the concerns of local residents, Councillor Burgess and Horsham Denne Neighbourhood Council have been fully considered, given the advice of WSCC Highways it is not considered that a reason for refusal on the grounds of highways safety or car parking provision could be substantiated. The proposal would not result in a significant adverse impact on the highway network and would accord with the relevant policies of the HDPF.

Impact on occupiers of neighbouring properties

- 6.27 To the south of the site is a detached bungalow (39 Pondtail Road). Within the grounds of this property and adjacent to the application site boundary is a single storey double garage building. To the north of the site is 43 Pondtail Road, this being a detached house with an attached garage. The garage is adjacent to the boundary with the application site. Other properties in the vicinity of the site are detached houses on both sides of the road; those on the eastern side being set back significantly from the road (approximately 12m beyond the 8m wide highway verge).
- 6.28 A number of local residents have raised concerns with regard to the impact that the change of use will have on their privacy and amenity in terms of noise from the use and overlooking from the proposed works. Residents have raised concerns that the proposal will introduce a business use into an otherwise residential location.
- 6.29 The proposals incorporate two small single storey rear extensions, first floor rear extension, insertion of two dormer windows into the front elevation at first floor level, insertion of a dormer window into the rear roof slope at first floor level, removal of front chimney stack on front elevation and replacement of high level windows on the front elevation with full height glazing. Given the distances to the neighbouring properties, it is not considered that the works proposed to facilitate the change of use will have an adverse impact on the privacy of the occupiers of the neighbouring residential properties.
- 6.30 In terms of noise from the proposed nursery use, local residents have noted that the use of the public house was relatively low key and did not cause an adverse impact of their amenity. It should be noted however that whilst the most recent use of the building as a public house may have been low key, the use of the building was as a public house and the planning authority would have had no control over the hours of use or its use more intensively. Although residents have raised concerns that the proposal will introduce a business use into an otherwise residential location, the fact that a public house has been operating from the site for a significant period of time means that the principle of a commercial use in this location has been established.
- 6.31 The Council's Environmental Health team has raised no objections to the change of use subject to conditions in order to mitigate any adverse environmental impacts. These conditions include issues such as control of waste, noise and dust during construction works, restricting the hours of opening and the use of the nursery and controlling external lighting. The applicant is proposing to operate between the hours of 07.30am to 6.30pm Monday to Friday and has advised that from experience elsewhere not all of the children will arrive and depart at the same times but with there being staggered arrivals and departures over a period of approximately 2½ hours during both the mornings and afternoons/evenings.
- 6.32 With the conditions as recommended by the Council's Environmental Health team, it is not considered that the change of use would have an adverse impact on the privacy and amenity of the occupiers of the neighbouring residential properties, and the proposal therefore complies with the requirements of policies 32 and 33 of the HDPF.

Impact of proposed works on the character and appearance of the streetscene

- 6.33 The proposals incorporate two small single storey rear extensions, first floor rear extension, insertion of two dormer windows into the front elevation at first floor level, insertion of a dormer window into the rear roof slope at first floor level, removal of front chimney stack on front elevation and replacement of high level windows on the front elevation with full height glazing.

- 6.34 The extensions and alterations would appear subservient to the existing building and are in keeping with the scale of the existing building and those adjoining the site. The proposed extensions are to the rear of the building and will be largely unseen from public vantage points. In terms of the dormer windows proposed to the front elevation, these will break up the large, unbroken expanse of pitched roof and add some interest to this elevation.
- 6.35 The proposals also incorporate changes to the car park. A total of 17 spaces are provided – the same number as existing and maintaining the same vehicular access point. However the car park is rearranged in order to free up space immediately adjacent to the building for that area to be used as part of the nursery garden. A cycle stand with capacity for six bicycles will be positioned at the front of the site and a self-closing gate will be installed within the existing wall to the front of the building.
- 6.36 In terms of the alterations to the car park area, the Council's Arboriculturalist has no objection to the application as submitted. There is one protected tree on the site, a silver birch, located in the far western corner. A number of the parking bays will be relocated close to this birch tree. The Council's Arboriculturalist has advised that the works proposed are acceptable and that the tree can be satisfactorily protected during the construction phase. In addition to works beneath the canopy of the birch tree, a large sycamore tree to the rear of the existing public house is to be removed. The Council's Arboricultural Officer has raised no objection to its removal.
- 6.37 Therefore, it is considered that the works to the building in order to facilitate its change of use to a children's nursery are acceptable and will not have a significant adverse impact on the character and appearance of the building or the wider streetscene. The proposal is therefore considered to comply with the requirements of policies 32 and 33 of the HDPF.

Other considerations

- 6.38 Concerns have been raised by a number of local residents about the appropriateness and suitability of the site to accommodate 80 children. The applicant has advised that they are required to work within the relevant legislation and regulations of Ofsted and that there are specific requirements in terms of running and operating a childcare facility. The relevant legislation and regulations relate to the structure of the day, the number of children within any one area and the ratios of staff to children at any one time.
- 6.39 The applicant has advised that the 'Statutory Framework for the Early Years Foundation Stage' published by the Department for Education details minimum indoor space requirements for nurseries. This document details that for children under 2 years old the space requirement is 3.5sqm per child, for two year olds the requirement is 2.5sqm per child and for children between three and five years old the requirement is 2.3sqm per child. The applicant has therefore advised that the property provides the opportunity to accommodate some 80 children. In terms of outdoor space, the document details that providers must provide access to an outdoor play area or if that is not possible ensure that outdoor activities are planned and taken on a daily basis. Whilst a limited level of space is to be provided, the applicant has advised that this is sufficient for their purposes and allows for small groups of children to take part in planned and regulated activities with activities set up in areas around the garden.

Conclusion

- 6.40 Whilst the loss of the public house is regrettable, it is not considered that its loss can be resisted. The property was marketed for approximately 6 months prior to being sold to the applicant and during this time there were no offers made by public house operators. There are a number of public houses within the vicinity and the applicant, through viability assessments, has demonstrated that the use of the property as a public house is no longer viable. The application proposes a nursery use, which is a community use in its own right,

therefore whilst the proposal results in the loss of a public house it would result in the re-provision of a different type of community use. Whilst the need for a nursery does not have to be demonstrated for the proposal to be acceptable in planning terms (it is primarily about the acceptability of the use) Officers are satisfied that there is a need. Furthermore officers are mindful that a public house can change to an alternative use (A1 – retail, A2 professional services and A3 – food and drink) without the need to planning permission and this would result in the loss of a community facility.

In terms of highway safety given the advice of WSCC Highways it is not considered that a reason for refusal on these grounds could be substantiated. The proposal would not result in any significant adverse harm to visual or neighbouring amenity. The proposal is therefore considered to accord with relevant planning policies, and is acceptable in planning terms.

7. RECOMMENDATIONS

- 7.1 It is recommended that the application be delegated for approval to the Head of Development to consider whether the requirement of WSCC highways to provide a parking survey if there is a problem with on street parking can be the subject of a condition or is required to be the subject of a legal agreement, and subject to appropriate conditions as suggested below:

1 List of plans

- 2 **Standard Time Condition:** 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.

- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. working hours
- ii. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. assessment to identify any asbestos contained within the building and controls put in place to ensure safe removal and disposal

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of occupiers of neighbouring residential properties during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental 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 33 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape 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. 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.

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).

- 7 **Pre-Occupation Condition:** The use of the building as a children's nursery permitted shall not commence unless and until provision for the storage of refuse/recycling has been made for the use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 8 **Pre-Occupation Condition:** The use of the building as a children's nursery shall not be commenced until the car parking spaces serving the use have been constructed and made available for use in accordance with approved drawing number SK-05d.

The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** The use of the building as a children's nursery shall not commence until cycle parking facilities have been constructed and made available for use in accordance with approved drawing number SK-05d. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** The use of the building as a children's nursery shall not commence until a self-closing gate has been installed in accordance with approved drawing nos. SK-05d and NK/SCG/1. The gate shall be retained as such thereafter.

Reason: To ensure that the development does not create a highway safety hazard in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting 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 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used as a children's day nursery only and for no other purposes whatsoever, (including those falling within Class D1 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

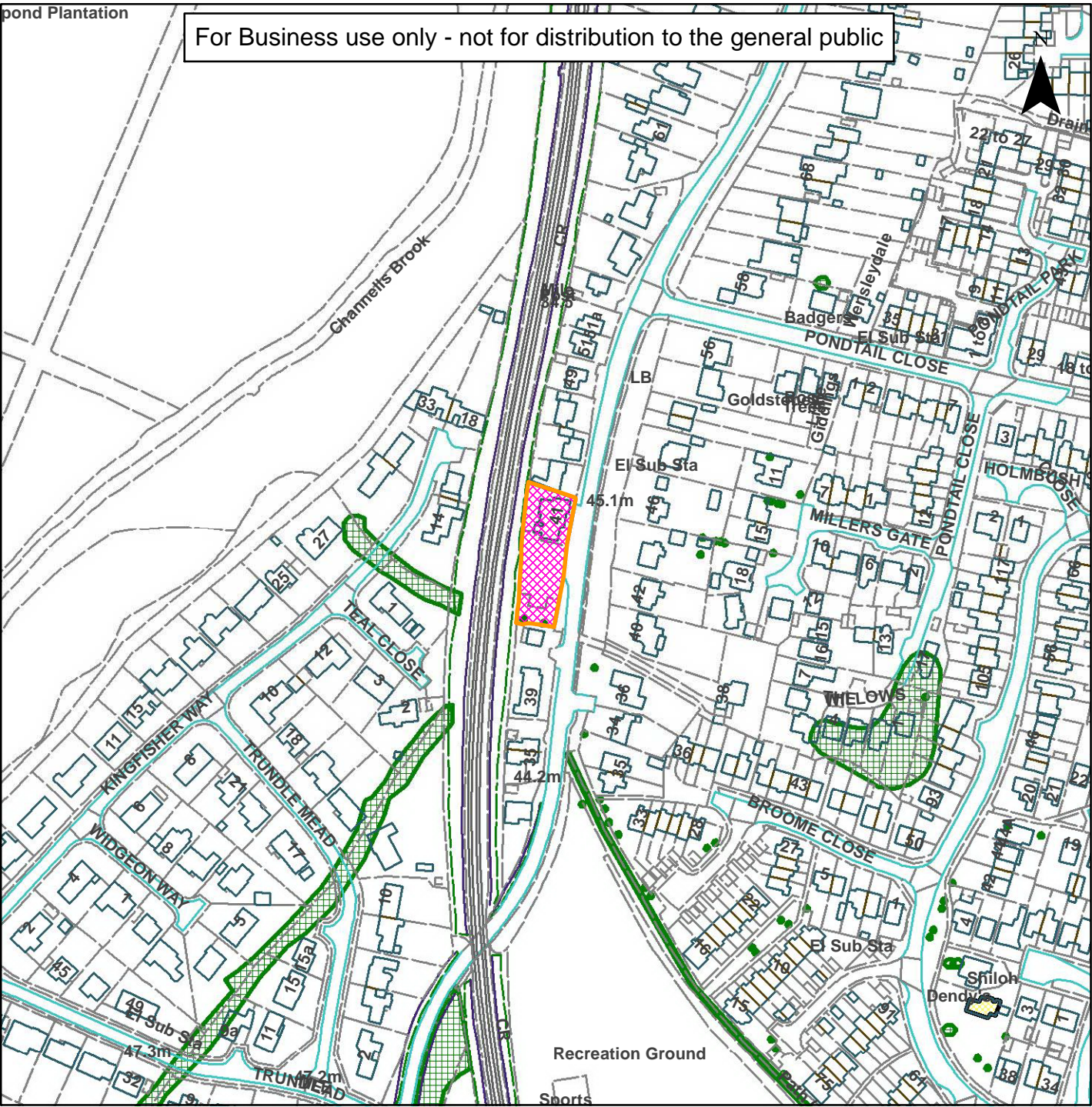
Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to (insert with reasons) under Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 0730 and 1830.

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

Background Papers: DC/17/1704

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Organisation	Horsham District Council
Department	
Comments	
Date	23/11/2017
MSA Number	100023865

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AGENDA ITEM 6 DC/17/1704
41 Pondtail Road, Horsham, RH12 5HP

Revised recommendation:

That the application be delegated for approval to the Head of Development subject to the completion of a legal agreement and appropriate conditions as suggested at paragraph 3 of this report.

1. WSCC HIGHWAYS COMMENTS

- 1.1 As set out at paragraph 3.5 of the previous committee report, verbal advice has been received from WSCC Highways advising that, following the submission of additional information, the change of use is acceptable subject to an additional condition/obligation relating to parking capacity monitoring. The report advised that an update would be provided to Members following the receipt of WSCC highway's comments.
- 1.2 Policies 40 and 41 of the HDPF relate to sustainable transport and parking. Policy 40 seeks to manage the anticipated demand for travel by requiring development proposal to promote an improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities. The policy requires development to, amongst other criteria, be located in areas where there are, or will be a choice in the modes of transport available and provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods. Policy 41 requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.
- 1.3 The Local Highway Authority's (LHA) response from the 26 August 2017 requested that a Stage 1 Road Safety Audit (RSA) was submitted in support of the proposed change of use of the Rising Sun to a children's nursery. The RSA has been completed in accordance with HD19/15 and has identified two problems with the access arrangements. A 'Designers Response' has been provided on the two problems and following on from the LHA's response from the 13 October 2017, the applicant has provided additional information in relation to these two points.
- 1.4 The first of these problems relates to there being concern that the pedestrian access does not show any proposed measures to deter children from running out onto the footway or carriageway. WSCC's Audit Team consider that as it is proposed to change the property to a children's nursery/pre-school there is the likelihood that a number of users may walk to the property generating an increase in the pedestrian movement, including a younger element, to the location via this entrance. It is recommended that a pedestrian barrier i.e. a gate or guardrail be provided on the inside of the entrance off the footway. The self-closing gate proposed is considered by WSCC to be sufficient to overcome the RSA comment. Many sites seek to lock the perimeter gates at night for security however this is a matter for the applicant to consider as children will have access to this area and the degree of supervision they can be expected to have. The clear opening width has been labelled and

there is a 1m minimum to allow dismounted cyclists and bike trailers through which WSCC consider to be acceptable.

- 1.5 The second of the concerns raised relates to there being no 'No Waiting' parking restrictions on Pondtail Road, especially in the vicinity of proposed nursery. With the change of use from public house to nursery it is possible that there may be an increase in vehicle movement and usage of the existing car park and its 17 parking spaces. WSCC's Audit Team note the contents of Section 5 of the Transport Statement in relation to the traffic generation however, if the parking spaces are full then road users may park on the carriageway increasing the risk to all road users of obstructing the carriageway and leading to conflict. This is a concern that has been raised by local residents, Councillor Burgess and Horsham Denne Neighbourhood Council. WSCC have asked that the Applicant's Design Team liaise with the LHA with a view to assessing the need for implementing parking restrictions; assessments could include before and after parking surveys or assessments during nursery drop off and collection times following site occupation. Full details of any proposed parking measures should be provided at the detailed design stage of the proposals for the Stage 2 Road Safety Audit. The Applicant's design team has suggested that a condition could be attached to any permission granted requiring surveys (in accordance with the Road Safety Officer's suggestions) to be undertaken prior to opening and 3 months after opening. Should it be deemed necessary the developer will pay for the implementation of appropriate lining. The LHA are satisfied with this response as it is line with the Auditors comments.
- 1.6 Whilst WSCC has suggested that the above could be the subject of a condition, upon discussion, it is considered that as the LHA could potentially require a sum of money to be used to implement a TRO to implement parking restrictions, that this will be required to be secured through a s106 agreement. The sum would most likely be held for 5 years after the last occupied dwelling on the development. If there are no concerns then this sum would be returned to the developer after this period. This approach has been agreed by WSCC highways.
- 1.7 In respect of the access onto Pondtail Road, WSCC has advised that this is an existing access that serves the public house and has previously been used to serve traffic associated with the A4 usage to a comparable level. Evidence has been sought by the LHA to determine whether the junction has been cited as a causation factor in any accidents at this location. The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents at either the junction with the public highway. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern. Therefore no concerns have been raised by WSCC in respect of the access on to the highway.
- 1.8 In relation to trip generation and its impact, a trip analysis has been undertaken for the nursery use. A copy of this report is found within the submitted Transport Statement. This establishes that there would be two defined peak hours, one at 0800-0900 and another at 1700-1800 with 21 and 18 movements respectively. The LHA have advised that they would anticipate that there would also be in excess of 10 movements between the hours of 0900-1000, 1600-1700 and 1800-1900, giving an overall vehicular trip rate of 178 daily movements. It is likely that some of these trips will already be on the wider network, i.e. as part of a diverted commuting trip where a child is dropped off at the care provision and an onward journey is made to a place of employment and given the sites location in close proximity to higher order roads, the LHA has advised that the chances of this occurring are greater. Information supplied by the Applicant from the previous operators of the site indicated that the public house was open for business from approximately midday onwards. Typically outside the peak network time the A4 usage operation was most intensive between 1800 and 2100. It has been set out that the number of trips generated by the A4 usage was approximately 252 vehicle movements per day depending on the day of the

week, this is obviously more intense than the proposed usage. It is accepted that not all of these trips would have been by car and that some visitors would have walked to the site. WSCC has advised that although it is acknowledged there will be an increase in traffic movements during the peak hours, the proposals will see a reduction in overall vehicular movements over the existing A4 usage. On that basis the LHA have not raised an objection to the proposals from a capacity perspective.

- 1.9 With regards to the way in which parents travel, WSCC has advised that the applicant would be required to enter into a full Travel Plan should consent be granted. This is a package of actions designed by the organisation to encourage safe, healthy and sustainable travel options. By reducing car travel, travel plans can improve health and wellbeing, free up car parking space, and make a positive contribution to the community and the environment. The LHA will advise a condition to secure this and should planning consent be obtained the TP will need to be agreed with the LHA prior to any use commencing.
- 1.10 In conclusion, WSCC has advised that they do not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

2. OTHER UPDATES

- 2.1 It is also brought to Members attention that since the drafting of the Committee report, North Horsham Parish Council has provided additional comments stating "*No objection in principle however, request that the applicant address the objections from WSCC Highways and local residents.*"
- 2.2 The applicant, Perfect Start Children's Day Nursery & Pre-School, contacted Members directly by email of 1 December 2017 setting out "*...key points regarding the planning application*".
- 2.3 A further letter/email of objection has been received from a local resident. This however does not raise any issues not considered within the previous committee report.

3. RECOMMENDATIONS

- 3.1 It is recommended that the application be delegated for approval to the Head of Development subject to the completion of a legal agreement and appropriate conditions as suggested below:

1 List of plans

- 2 **Standard Time Condition:** 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.

- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- a. working hours
- b. the parking of vehicles of site operatives and visitors
- c. the method of access and routing of vehicles during construction

- d. the anticipated number, frequency and types of vehicles used during construction
- e. loading and unloading of plant, materials and waste
- f. storage of plant and materials used in constructing the development
- g. the erection and maintenance of security hoarding, where appropriate
- h. the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- i. details of public engagement both prior to and during construction works.
- j. measures to control the emission of dust and dirt during construction
- k. a scheme for recycling/disposing of waste resulting from demolition and construction works
- l. assessment to identify any asbestos contained within the building and controls put in place to ensure safe removal and disposal

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of occupiers of neighbouring residential properties during construction and in the interests of highway safety in accordance with policies 33 and 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local

Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental 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 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape 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. 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.

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).

- 8 **Pre-Occupation Condition:** The use of the building as a children's nursery permitted shall not commence unless and until provision for the storage of refuse/recycling has been made for the use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 9 **Pre-Occupation Condition:** No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Pondtail Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 11 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting 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 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used as a children's day nursery only and for no other purposes whatsoever, (including those falling within Class D1 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to (insert with reasons) under Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 0730 and 1830.

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

Background Papers: DC/17/1704
WSCC Highways response dated 28 November 2017



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 5 December 2017

DEVELOPMENT: Variation of Condition 4 to previously approved application DC/11/1660 to extend permitted opening hours between the hours of 0900 - 2200 hours Monday to Saturday inclusive and at no time on Sundays.

SITE: 80 Lambs Farm Road Horsham West Sussex RH12 4JH

WARD: Roffey North

APPLICATION: DC/17/0168

APPLICANT: **Name:** Mr Celebi **Address:** 80A Lambs Farm Road Horsham West Sussex RH12 4JH

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received of a contrary view to the Officer recommendation.

RECOMMENDATION: Approve subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks a variation of condition 4 of planning permission DC/11/1660, this condition states:-

The premises shall not be open for trade or business except between the hours of 0900 - 2200 hours Monday to Saturday inclusive and at no time on Sundays.

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).

1.3 The proposed variation would allow the following opening hours:-

*Monday - Saturday - 0900 – 2300 hours;
Sunday and Bank Holidays- 0900 - 2200 hours;*

1.4 The application relates solely to the hours of opening. No changes are proposed to the previously approved ventilation and extraction details.

DESCRIPTION OF THE SITE

- 1.5 The application site is located in Lambs Farm Road within the Built up Area of Horsham. The commercial unit is not identified as falling within any defined Primary or Secondary shopping frontages. The unit is positioned on the southern side of Lambs Farm Road within a small parade of shops, with the other units in the parade currently occupied by a sports shop and a 'one-stop' convenience store with residential flats above. A forecourt area exists to the front of the parade of shops with 3 delineated parking spaces serving the application site. The surrounding area is predominantly residential with a mix of semi detached and detached dwellings in Lambs Farm Road and the immediate vicinity.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 **National Planning Policy Framework:**
NPPF1 - Building a strong, competitive economy
NPPF14 - Presumption in favour of sustainable development

- 2.3 **Horsham District Planning Framework (HDPF 2015)**
HDPF1 - Strategic Policy: Sustainable Development
HDPF 12 – Vitality and Viability of Existing Retail Centres
HDPF13 – Town Centre Uses
HDPF33 - Development Principles

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 An application for the designation of the Parish of North Horsham as a neighbourhood area for the purpose of producing a neighbourhood development plan was received from North Horsham Parish Council on 4 January 2017. There is currently no Made plan for the Parish.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/11/1660	Change of use from retail/office (Use Class A1/B1) to a hot food takeaway (Use Class A5) and erection of associated chimney to side elevation to service extract duct	Application Permitted on 03.05.2012
DC/15/1398	New position for ducting and the construction of a chimney to match the existing wall; a gate aligned with the west elevation of the building is to be removed	Application Permitted on 08.09.2015
DC/15/1402	Variation of Condition 10 (DC/11/1660) to install the counter in a different position to accommodate the cooking appliances with extraction, ventilation and acoustic jacket and easy access to disabled WC	Application Permitted on 08.09.2015

3. OUTCOME OF CONSULTATIONS

- 3.1 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

INTERNAL CONSULTATIONS

- 3.2 **Environmental Health**: No objection, subject to imposition of condition

OUTSIDE AGENCIES

- 3.3 **WSCC Highways**: No objection.

- 3.4 **North Horsham Parish Council**: Do not wish to make any observations on this application on planning grounds. However, it was noted that when the original planning application was approved there was significant emphasis on having adequate extraction facilities to disperse the fumes from the property and cause as little loss of amenity as possible to neighbouring properties. The Parish Council recommends that this condition is rigorously enforced and that consideration is given to ways of controlling the smell of cooking odours coming from open doors at the property.

PUBLIC CONSULTATIONS

- 3.5 20 Neighbour letters have been received (including 5 from 1 household, 3 from 1 household and 2 from 1 household) objecting to the proposals to extend the opening hours for the following reasons:

- Impact on private amenities of neighbouring properties
- Excessive noise after closing time
- Odours
- Traffic and parking issues
- Litter
- Eating on premises

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

Background

- 6.1 Planning permission was originally granted for the change of use from a retail /office (use A1/B1) to a hot food takeaway (use Class A5) with the erection of a chimney to the side elevation to provide extract and ventilation in May 2012, ref: DC/11/1660. The application

was granted subject to conditions in respect of opening hours (as set out in paragraph 1.2) and adequate ventilation and extraction equipment.

- 6.2 This application relates solely to the extension of the previously permitted opening hours, and does not relate or propose any changes to the ventilation and extraction equipment at the premises. The representations received in respect of existing operational noise from the premises, including from deliveries and refuse arrangements, fall outside the scope of this planning application. These complaints are instead being investigated and pursued through separate Environmental Health legislation, and this is considered to be the most appropriate route to address any statutory disturbances.

Impact on neighbouring amenity

- 6.3 It is noted that there are residential flats immediately above the application premises and that the application premises is one of several other ground floor retail / commercial premises within the parade. Policy 33 of the HDPF seeks, amongst other criteria, to ensure development avoids unacceptable harm to the amenity of occupiers / users of nearby property / land. This is the key consideration raised by this application.
- 6.4 The proposed increase in opening hours would result in the takeaway being open for 1 additional hour each night Monday to Saturday inclusive, and between the hours of 09:00 and 22:00 on Sundays and Bank holidays, when currently it remains closed during these periods. The applicants have cited opening hours of other similar A5 establishments with longer opening hours and wish to amend their opening hours in order to compete with these businesses.
- 6.5 In planning terms it is considered that an additional hour opening Monday through Saturday would not be of such magnitude as to result in significant additional harm for occupants of adjoining properties. Similarly, it is considered reasonable and appropriate for a commercial premise to open on Sundays and Bank Holidays. The proposed opening hours would not encroach into what is accepted as being the night-time (which the World Health Organisation defines as between 23:00 and 07:00 hours). It is considered that opening during the proposed hours would not be excessive in this location and would not be expected to generate such harm as to warrant a refusal of planning permission.
- 6.6 The Council's Environmental Health Team has advised that should the application be approved appropriate conditions should be imposed to restrict the extended opening hours, and to secure a Noise Management Plan, which would identify and control noise breakout during the extended hours. This would primarily be to control operational noise from the business such as (but not limited to) deliveries and ensuring doors are shut during noisy operations.
- 6.5 A number of representations have been received raising concerns in respect of noise, odour, traffic and parking nuisances; these are issues which have been created by the existing (and lawful) opening hours of the premises. The Council's Environmental Health Team are currently in discussion with the applicants to assess the ventilation equipment that has been installed at the premises and to establish whether the system installed is as originally agreed and whether it is being maintained appropriately. Their role is to assess any alleged nuisances (including those relating to noise and odour) and take separate action under Environmental Health legislation if they consider that the complaints raised constitute a statutory nuisance. This is a separate matter from the planning process which serves to determine the land use considerations which can be controlled through the imposition of appropriate conditions as considered appropriate and necessary. The investigations of the Council's Environmental Health Department are on-going and would not be affected or compromised by the granting of this planning application.

WSSC Highways

- 6.6 The application relates solely to opening hours and proposes no changes to access or parking arrangements. The Local Highways Authority (LHA) has advised that the change in hours is unlikely to attract any extra vehicular trips on the network that could be considered to have a severe impact. There are enforceable parking restrictions in place to restrict parking in unsafe locations along Lambs Farm Road and any limitations associated with the site are as existing, and would not be exacerbated or materially worsened as a result of this application (to extend opening hours). It is not therefore considered that the extension of the opening hours would result in a significant increase in the movement of traffic sufficient to warrant a refusal of this application.

Conclusion

- 6.7 It is not considered that the increase in the hours of opening would result in a level of harm to neighbouring amenity which would warrant refusal of the application, and no implications for surrounding highways have been identified. The proposal is therefore considered to accord with relevant local and national planning policies.

7. RECOMMENDATIONS

- 7.1 Grant planning permission subject to conditions

1. A list of the approved plans.
2. **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 09:00 and 23:00 on Monday to Saturday, and the hours of 09:00 and 22:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties and to accord with Policy 33 of the Horsham District Planning Framework (2015).

3. **Regulatory Condition:** With 3 months from the date of this permission a Noise Management Plan to identify and control noise breakout after 22:00pm Monday to Saturday inclusive and at any time the premises are open on Sundays or bank holidays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

4. **Regulatory Condition:** Noise from the extraction system shall not exceed 49dB(A) at 3m as measured in a free field condition and should not emit any tonal noise as defined by BS 7445 :part 2 :1991 ISO 1996-2 1987.

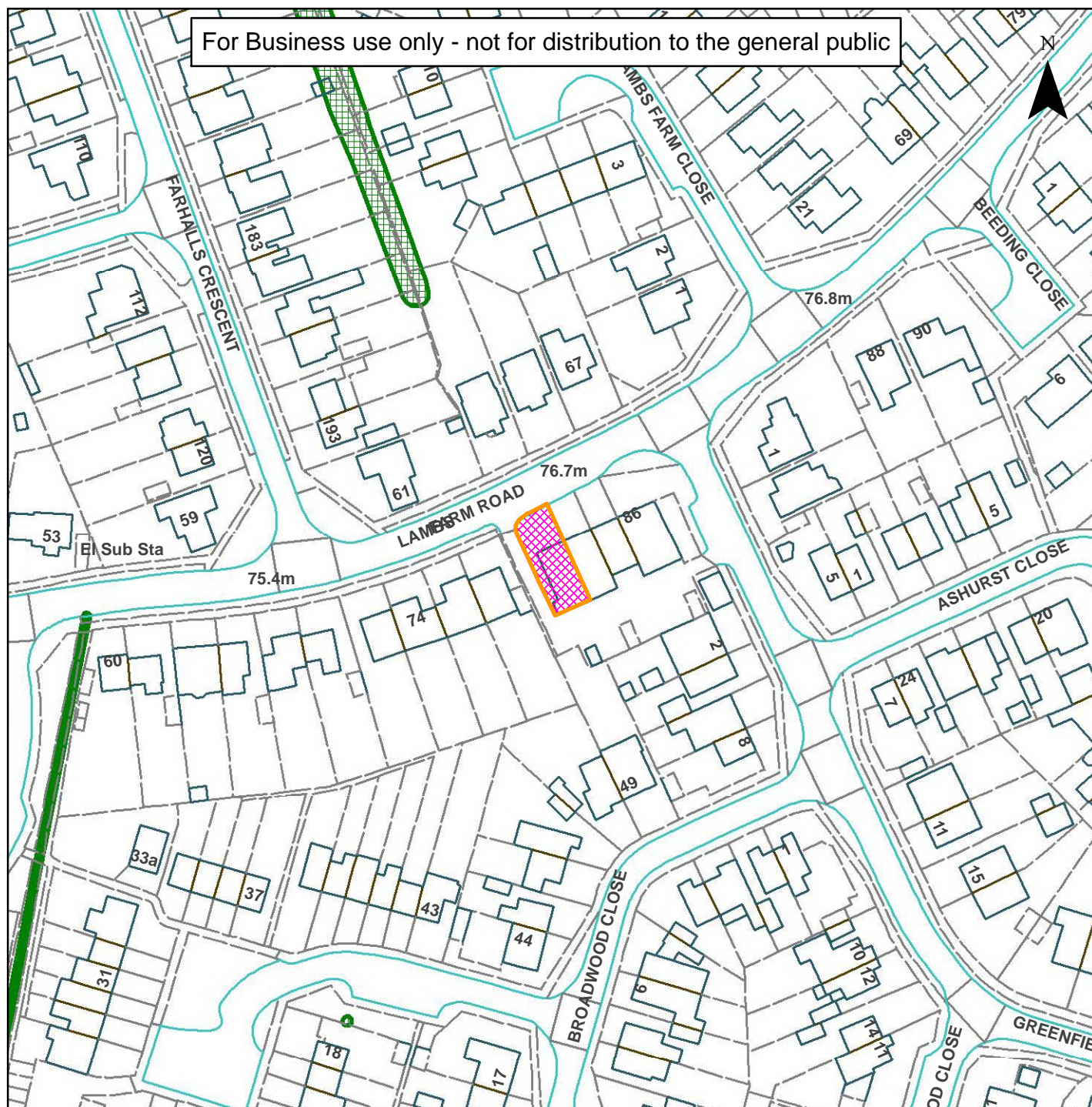
Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/0168
DC/11/1660

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80 Lambs Farm Road, Horsham, RH12 4JH



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Organisation	Horsham District Council
Department	
Comments	
Date	23/11/2017
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 5 December 2017

DEVELOPMENT: Alterations to existing rear extensions and existing rear bay window.
Construction of first floor above existing ground floor and increase of overall roof height.

SITE: 41 Gorings Mead Horsham West Sussex RH13 5BS

WARD: Forest

APPLICATION: DC/17/2240

APPLICANT: **Name:** Mr Andrew Watson **Address:** 41 Gorings Mead Horsham West Sussex RH13 5BS

REASON FOR INCLUSION ON THE AGENDA: The application has been made by a Member or an officer or a member of their immediate family.

RECOMMENDATION: Approval

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission for the removal of the existing main roof to the chalet bungalow and the erection of a first floor with a hipped roof over to create a two storey dwellinghouse. Also proposed is the erection of a single storey extension to an existing rear projection, fenestration changes, the creation of a front entrance canopy and other alterations as part of the overall development of the property.
- 1.2 The existing bungalow currently measures approximately 5.85m in height from ground level to the ridge. The first floor extension works would facilitate an increase in height to the host building by approximately 2m to 7.9m with an eaves height of approximately 4.7m.
- 1.3 As part of the proposal it is also proposed to extend an existing single storey rear projection, positioned to the eastern side of the rear elevation. The proposed extension would project 1.3m from the southern rear wall of the existing projection and would have a flat roof to match the existing addition. The proposed extension would predominantly consist of glass creating a glass wall feature to the rear of the property.

- 1.4 In addition to the rear extension, an existing bay window serving another rear projection positioned to the western side of the rear elevation of the host building would be removed and replacement with a window which would be flush with the rear south facing wall of the existing extension. A rear chimney stack would also be removed as part of these alterations to the rear of the property.
- 1.5 To the front of the property, a corten (weathering) steel canopy is proposed over the existing main entrance to the property and the ground floor window to the eastern side of the front elevation and would incorporate the creation of a planter. Corten steel cladding would also be added to part of the front and rear elevations of the proposed resulting dwellinghouse. Fenestration changes are proposed throughout the property, with aluminium framed windows and doors proposed as well as a wooden main front entrance door. The external walls would consist of stock brick at ground floor level and hanging tiles at first floor level with a clay tiled roof.

DESCRIPTION OF THE SITE

- 1.6 The application site relates to a detached chalet bungalow located on the southern side of Gorings Mead within the built up area of Horsham. The existing chalet bungalow consists of stock brick making up the external walls, UPVC and timber framed fenestration and a clay tiled roof. Overall, the design of the existing property is not considered to be of any architectural merit. The application site benefits from very large rear garden space to the south and the host building has previously been extended with 2no single storey rear extensions and a roof conversion with front and rear dormers. The application site also benefits from an outbuilding within the rear garden.
- 1.7 Looking at the surrounding area, the southern side of Gorings Mead consists predominantly of detached properties which also benefit from large garden space and large extensions, however, they differ in terms of style, built form, size and materials. The northern side of Gorings Mead consists of semi-detached dwellings and there is a public footpath to the east of the site which runs parallel the eastern boundary. This boundary consists of tall hedging and fencing. Overall, the surrounding area consists of a mixture of two-storey dwellings and bungalows.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

2.2 **National Planning Policy Framework**

NPPF7 - Requiring good design

NPPF14 - Presumption in favour of sustainable development

2.3 **Horsham District Planning Framework (HDPF 2015)**

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Status – Horsham District Council has approved the designation of Horsham Blueprint as a Neighbourhood Forum as of June 2015.

Supplementary Planning Guidance:

- 2.5 Horsham Town Design Statement

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/162/56	Lean to garage. (From old Planning History)	Application Permitted on 10.07.1956
HU/78/89	Single storey rear extension. (From old Planning History)	Application Permitted on 27.04.1989
HU/156/95	Loft conversion with dormer windows Site: 41 Gorings Mead Horsham	Application Permitted on 08.08.1995
HU/93/99	Single-storey rear extension Site: 41 Gorings Mead Horsham	Application Permitted on 07.05.1999

3. OUTCOME OF CONSULTATIONS

- 3.1 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

- 3.2 **Forest NC Parish Council** – No objection.

PUBLIC CONSULTATIONS

- 3.3 1no letter of support was received for the 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 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 are the principle of the development in the location and the effect of the development on;

- The character of the dwelling and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties

- 6.2 Policy 33 of the Horsham District Planning Framework relates to improving the quality of new development. It confirms that high quality and inclusive design will be required for all development across the district. Policy 33 also seeks to ensure that development proposals make efficient use of land, cause no harm to amenity, integrate effectively with the

character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

Design and Appearance

- 6.3 The application proposes extensive alterations to the existing chalet bungalow, which would involve the removal of the existing roof and addition of a second floor with hipped roof over to facilitate the creation of two-storey dwellinghouse. A single storey extension is also proposed to the rear of an existing rear projection as well as fenestration changes throughout, the removal of a rear bay window and the installation of corten (weathering) steel cladding to the front and rear elevations. The proposed works would allow for internal reconfiguration works at ground floor level with an enlarged dining room as a result of the rear extension, and 3no bedrooms with 1no en-suite and 1no family bathroom at first floor level.
- 6.4 The current building is a bungalow with a previous loft conversion allowing for additional habitable space within the roof. There are a number of larger two storey properties within the street particularly to the east and north as well as other chalet bungalows immediately to the west, which all differ in terms of aesthetic appearance. The proposed enlarged property would take its cues from neighbouring two storey dwellings in terms of its size, as well as utilising the four sided hipped roof design of the existing property.
- 6.5 The proposed first floor extension and roof above would add approximately 2m in height from ground level to the ridge of the enlarged property. The resulting ridge and eaves heights would be similar to other two storey dwellings within the street. Given the varying nature of the properties within the street scene, both in terms of size and design, it is considered that the enlarged property would not appear out of keeping. Despite the increase in height, taking into account the distances preserved to the boundaries and neighbouring properties and the fact that the footprint of the building would not increase from the front, public perspective, it is considered that the resultant dwellinghouse would not result in any harmful loss to the character and appearance of this section of Gorings Mead and is acceptable in this regard.
- 6.6 The proposed single storey rear extension attached to an existing single storey rear projection, positioned to the eastern side of the rear elevation, would predominantly consist of glass, projecting to a depth of 1.3m. This addition would be seen as a modest extension to the rear and would be set back from the larger rear extension on the western side of the rear elevation. This addition is considered to be acceptable and would not be clearly visible from a public vantage point given its position to the rear of the property. The removal of the bay window to the existing rear projection to the western side of the rear elevation is also considered to be a modest alteration and is acceptable.
- 6.7 The proposed first floor addition and modest extension in footprint are considered, despite the increase in size of the property, to be acceptable and would not be out of character in terms of the resultant dwellings' relationship with the street scene. The height of the ridge is considered to be acceptable, due to the precedent of a mix of properties of different heights within the street, leading to no established building line. It is considered that the resulting property would be of a modest height, 7.9m, for a two-storey dwellinghouse. As there would only be a small increase in footprint and given the size of the application site in terms of curtilage, it is considered that the resultant dwellinghouse would be well accommodated within the plot and would maintain an acceptable relationship with the adjoining properties to the east and west. Ordinarily house extensions would be preferred to be visually subservient to the original building which they serve, however in this case, given the varying nature of the surrounding area, it is considered that the increase in size would not warrant a refusal for this application as there would be no demonstrable harm.

- 6.8 The proposed corten (weathering) steel front canopy and planter and front and rear cladding detail is designed to weather naturally to allow for a rusted appearance. The proposed canopy over the main entrance and ground floor window and the front planter would be modest in terms of depth, projecting 0.9m from the front elevation of the host property. The front cladding would be positioned centrally occupying only a small surface area of the enlarged front elevation. The rear cladding would run along the sides of the altered rear projections forming a fascia. This detailing to the rear would not be clearly visible from a public vantage point. Taking into account the varying nature of the properties along this section of Gorings Mead and the different materials used in their external make-up, on balance, the proposed corten steel material is considered to be acceptable.
- 6.9 The proposed fenestrations changes, introducing aluminium units throughout the property are considered to be acceptable. Additional windows are proposed to the western side facing elevation at first floor level as well as a skylight to the existing single storey rear projection to be extended to the eastern side of the rear elevation. Again, taking into account the varying nature of the street and the use of different materials to neighbouring properties, these changes and additions are considered to be acceptable.

Impact on Neighbouring Amenity

- 6.10 Policy 33 of the Horsham District Planning Framework 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. As there would only be a modest increase in footprint to the property, and taking into account the size of the plot and the distances preserved to the boundaries, no issues of overlooking, overshadowing and overbearing is envisaged to the adjoining and neighbouring properties. It is noted that there are 2 no windows proposed to the western side facing elevation at first floor level which would serve the proposed family and en-suite bathrooms. The proposed drawings indicate that these windows would be obscure glazed and a condition will be added to the permission to ensure that they remain as proposed following completion of works and occupation.

It is also noted that the neighbouring property to the west, 43 Gorings Mead is set back from the principal elevation of the host building within the application site, owing to the stepped nature of the properties within the wider street scene on the southern side of Gorings Mead. Indeed, the existing property within the application site is set back from the principal elevation of the neighbouring property to the eastern side, 39 Gorings Mead. As a result of this, the existing property does not currently and the resulting dwellinghouse would not adhere to the 45 degree rule when measured from the centre point of the nearest window at 43 Gorings Mead. However, given that the proposal does not include extending beyond the front principal building line of the existing building, the fact that the front of 43 Gorings Mead is north facing and taking into account the existing configuration and pattern of development within the street scene, on balance, it is considered that the proposal would not have an adverse impact on the amenity of this property. Overall, the proposal is considered to be acceptable on amenity grounds.

- 6.11 As the application would involve particularly extensive work within a quiet residential area, a condition will also be added restricting the hours of construction at the site.

Conclusion

- 6.12 Overall, it is considered that whilst the proposal would introduce a very substantial increase in size at the property, the design as proposed would not be out of character within the street. The proposed first floor addition, modest rear extension and general alterations and additions are not considered to be overly dominant and are in keeping with the overall design proposed. The materials and forms proposed are considered to be acceptable and in line with the varying nature of the street scene.
- 6.13 Restrictions will be put in place regarding first floor side windows and construction hours to protect the amenity of neighbours and overall, the proposal is acceptable and in accordance with Policies 32 and 33 of the Horsham District Planning Framework.

7. RECOMMENDATIONS

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

- 1 A list of the approved plans.
- 2 **Standard Time Condition:** 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.

- 3 **Pre-Occupation Condition:** The building/extension hereby permitted shall not be occupied until the window(s) at first floor level to the western side facing elevation on Plan number - PP_04 have been fitted with obscured glazing. No part of that/those window(s) that are/is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

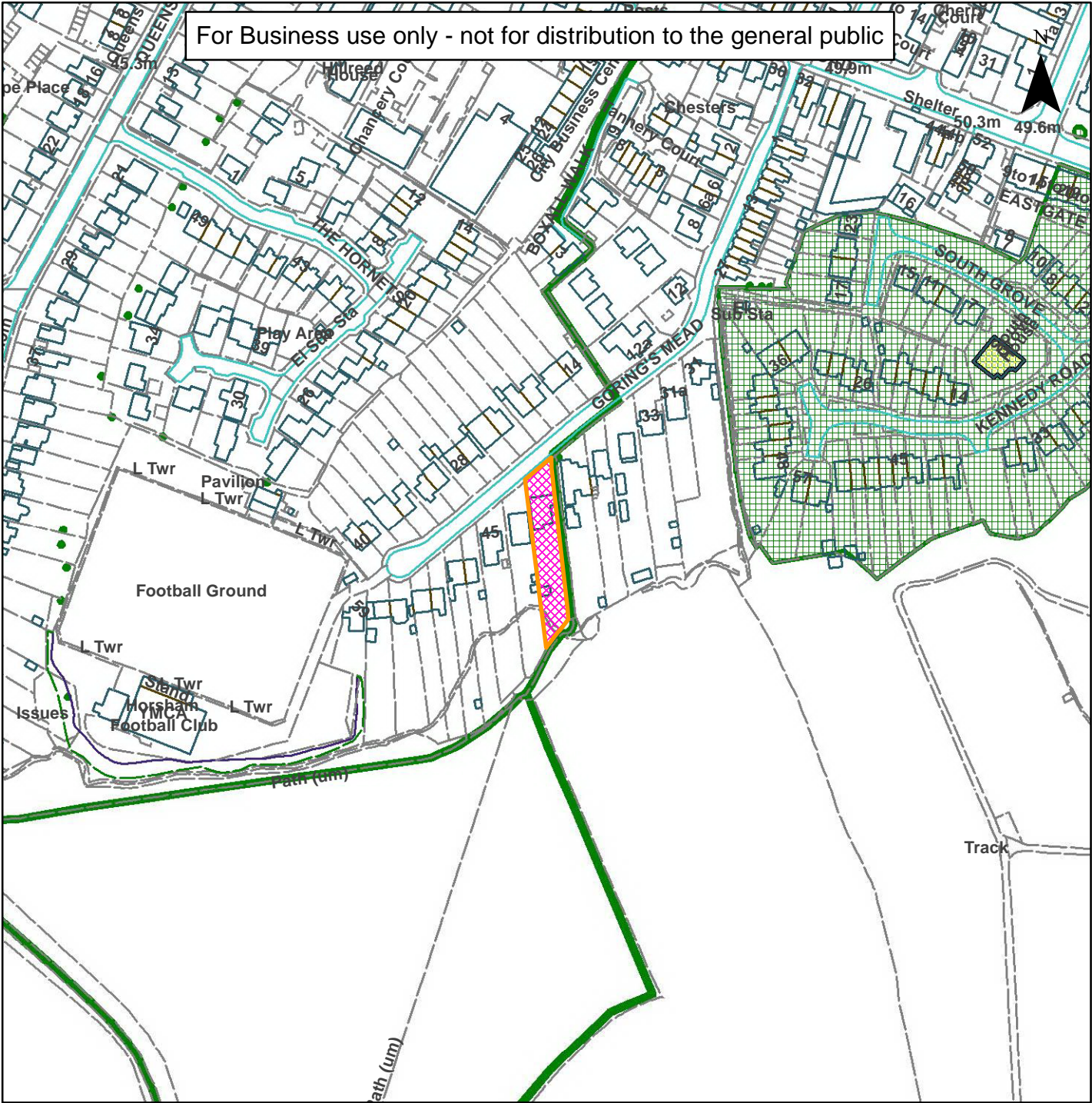
Reason: To protect the privacy of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved drawings, drawing number - PP_04.

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).

- 5 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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



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Organisation	Horsham District Council
Department	
Comments	
Date	23/11/2017
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 5th December 2017

DEVELOPMENT: Amendment to Schedule 4 of Section 106 agreement for approved applications DC/16/2855 and DC/16/2856 to facilitate commencement of works on residential development at the Holbrook Club site prior to completion of football pitches at Horsham Golf and Fitness Club

SITE: The Holbrook Club North Heath Lane Horsham West Sussex RH12 5PJ

WARD: Holbrook East

APPLICATION: S106/17/0015

APPLICANT: **Name:** DMH Stallard
Address: Gainsborough House Pegler Way Crawley RH11 7FZ

REASON FOR INCLUSION ON THE AGENDA: Cllr Chidlow has requested this proposal be considered by Planning Committee.

RECOMMENDATION: Permit the modification to Schedule 4, Part 1 of the S106 agreement (legal ref: PAG 1244/1247) to allow commencement of the approved residential development at the Holbrook Club prior to the approved pitches for Horsham Golf and Fitness being ready for use, subject to restrictions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Following Members resolution to grant permission at the meeting of 21st March 2017, in August 2017, permission was granted for the residential development of part of the playing fields of the Holbrook Club at North Heath Lane, Horsham for 58 new dwellings including a new access from Jackdaw Lane (ref: DC/16/2855). This application is linked to the provision of a new 3G football ground at Horsham Golf and Fitness, Worthing Road, Southwater (ref: DC/16/2856).
- 1.2 The applications were granted with a joint S106 agreement covering both approvals. To compensate for the loss of playing fields at the Holbrook Club, the S106 agreement states that the residential development at the Holbrook Club shall not commence until the new pitches at the HFC facility are available for use (see page 37, paragraph 1 of Schedule 4 of the s106).
- 1.3 The applicant is now seeking to amend this requirement to allow the commencement of the residential development at the Holbrook Club prior to the new pitches at the HFC facility

being available. To facilitate this amendment, the applicant has proposed an interim solution and timeframe for development.

- 1.4 It is proposed that works will commence at the Holbrook Club in April 2018 and that the HFC facility will be available in September 2018. This results in a gap of four months when the new pitches won't be available. In this period, the applicant has proposed interim measures to accommodate the displaced teams until the new HFC facility is available. This comprises the use of pitches at Horsham Park, Forest School and the College of Richard Collyer.

DESCRIPTION OF THE SITE

- 1.5 The Holbrook Club application site comprises of rectangular parcel of land measuring 1.61ha. The site is presently used as playing fields for sports associated with The Holbrook Club, situated in the north of Horsham town. The area of playing fields is to the east of the Holbrook Club adjacent to Jackdaw Lane. The site forms approximately one third of the land at the Holbrook Club.
- 1.6 The club currently has four full sized playing pitches and is a well-established sport facility offering a wide range of sport and community activities. Access to the Holbrook Club is from North Heath Lane to the west.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 1 & 8.

RELEVANT COUNCIL POLICY

- 2.3 The following policies in the HDPF are considered to be relevant:

Policy 1: Strategic Policy: Sustainable Development
Policy 32: Strategic Policy: The Quality of New Development
Policy 33: Development Principles
Policy 43: Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The site is within the Parish of North Horsham. Currently, the Parish does not have a Neighbourhood Plan Designation.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/2855	Residential development of playing fields providing for 58 new dwellings including a new access from Jackdaw Lane.	Application Permitted on 23.08.2017
DC/16/2856	Proposed 3G Football Ground (including main pitch and training pitch), clubhouse, stands, access, parking and landscaping (to serve as the home ground for Horsham Football Club). 20m high netting and posts to adjacent golf driving range	Application Permitted on 23.08.2017

3. OUTCOME OF CONSULTATIONS

- 3.1 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

INTERNAL CONSULTATIONS

- 3.2 **HDC Leisure Services**: Support. The amendment unlocks and fully protects the HFC development.

OUTSIDE AGENCIES

- 3.3 **Sport England**: Comment. Should this amendment be granted, Sport England would require it to be a legal requirement that the interim arrangements are available for use and it to be explicitly clear who will provide the alternative football pitch use.

PUBLIC CONSULTATIONS

- 3.4 **North Horsham Parish**: Support.
- 3.5 **Southwater Parish**: Object. The Parish have concerns around the financial viability of the project and the representation of affordable housing built into the project.
- 3.6 **Councillor Chidlow**: Object. The requirement that works on the residential development on this site would not commence until the new football facility was completed and ready for use was agreed by the planning committee and by the applicant. There is no reason or justification to delete this condition.
- 3.7 **Councillor Greening**: Support. The 'displaced teams' are getting a good deal with the new pitches and the use of better and newer facilities than they currently have.
- 3.8 **The Holbrook Club**: Support.

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 considerations in this proposal is the delivery of the HFC site and whether the proposed amendment to the S106 agreement would result in a significant impact on the displaced teams at the Holbrook Club during the interim period when the new HFC facility is not available.
- 6.2 The permissions for the residential development at the Holbrook Club and the new HFC facility at Horsham Golf and Fitness were granted under separate applications. However, whilst each application was determined separately the applications are related and formally

linked by provisions within a single s106 Legal Agreement. One of the ways the applications have an interrelationship is that the Holbrook Club residential development is reliant on the provision of the new 3G pitches at Horsham Golf and Fitness to compensate for the loss of playing fields proposed under DC/16/2855.

- 6.3 The re-provision of the pitches is in accordance with Policy 43 of the HDPF. This policy states that proposals that result in the loss of sites and premises currently used for leisure activities will be resisted unless equally usable facilities can be conveniently provided nearby.
- 6.3 To this end, Schedule 4 of the S106 of the agreement secures the following:
- ‘The Residential Site Owner covenants with the District Council (unless otherwise agreed in writing with the District Council), not to commence the residential development until the pitches are ready for use.’
- 6.4 The above restriction ensures that there is no loss of playing fields and that the displaced teams at the Holbrook Club are accounted for. The residential development at the Holbrook Club was also granted on the basis that it funded the provision of the new HFC facility. However, the funding for the residential development at The Holbrook Club is being obstructed due to reliance on the delivery of the new pitches at the HFC Ground (which is in the ownership and control of a third party).
- 6.5 The legal purchase for the residential development at the Holbrook Club is to be completed in December 2017. As part of requirements for the purchase, the funders require the residential development at the Holbrook Club to commence no later than April 2018. Without this requirement, the applicants have stated that the residential development at the Holbrook Club would be put in jeopardy. Works are due to start at the HFC site in January 2018 and are due to be completed in September 2018. As the pitches at the HFC site will not be available until September 2018, this results in a four month period when the new pitches won't be available for the displaced teams at the Holbrook Club. As the sale of land at The Holbrook Club fully funds the new pitches at the HFC Ground, an interim measure is necessary to ensure that both schemes can be delivered and that there is no loss of pitch provision for the displaced teams.
- 6.6 The residential development at the Holbrook Club results in the displacement of Holbrook Club football teams as well as Chesworth Rovers football teams, who also use these facilities. There are 6 teams affected by the proposals: Holbrook 3rd and 4th teams and Chesworth Rovers U10s, U12s and 2 No. U16s. The interim proposals are only applicable to the Holbrook 3rd team (currently disbanded) and the Chesworth Rovers 2 no. U16s teams. The Holbrook Club 4th teams are moving to Horsham Park from the 2018/19 season onwards, and the Chesworth Rovers U10s and U12s will join other Chesworth Rovers youth teams at the Forest School (also secured from the 2018/19 season onwards).
- 6.7 It should be noted that none of the teams affected will require a pitch between the end of the football season in April 2017 and the beginning of the new season in August 2018. The provision proposed is to provide pitches in August and September 2018 when the new football season commences.
- 6.8 For the two Chesworth Rovers Under 16s teams affected, The College of Richard Collyer has agreed to provide their playing fields and facilities for the interim period. For the Holbrook Club 4th team and for a potential 3rd team, these teams will play at Horsham Park. These facilities will be available for the affected teams until the new pitches are ready at the new HFC facility in September 2018. Provision has also been made to allow the continued use of the facilities if there is delay. Letters have been provided from Chesworth Rovers and the Holbrook Club in support of the proposal. The Council's Leisure Services

and Sport and Liaison Officer also support the proposal and confirm the use of Horsham Park for the displaced Holbrook Club teams. The College of Richard Collyer has also confirmed in writing that they support the proposal and agree to the use of their pitches by the displaced Chesworth Rovers team.

- 6.9 Sport England has commented that, should this amendment be granted, they would require it to be a legal requirement that the interim arrangements are available for use and it to be explicitly clear who will provide the alternative football pitch use. As outlined below, it is proposed to amend the agreement so the applicants would be bound to provide the interim measures as proposed.
- 6.10 The considerations in this proposal are whether the amendment results in a detrimental impact on the displaced teams and the delivery of the new HFC facility. In terms of the displaced teams, the applicant has secured appropriate interim measures to accommodate the three displaced teams during the interim period between April and September 2018. In reality, the clubs only require facilities in August and September 2018 when the new football starts.
- 6.11 Both the Holbrook Club and Chesworth Rovers have no objection to these measures which will provide appropriate facilities until the new pitches at the HFC club are available. When the new HFC is open, the clubs will have access to new 3G pitches and facilities which allow them to play throughout the year. It is considered that the interim measures are appropriate to accommodate the displaced teams, for what is a relatively short period, and the proposal is in accordance with Policy 43 of the HDPF.
- 6.12 In terms of the delivery of the HFC facility, the applicants have stated that works will start on the HFC site in January 2018. Therefore, by April 2018, the Council will have a clear indication on site and through the applicant how works are progressing. It is also proposed that, through this proposed amendment, an additional restriction is included which states that the works at the Holbrook Club shall not commence until works at the new HFC have commenced on site.
- 6.13 Officers have considered the proposal and are of the view that the amendment to the S106 is acceptable, subject to the interim measures proposed and the timetable for delivery of the HFC facility. It is therefore proposed to amend Schedule 4 to reflect the following:

- The Residential Development shall not commence until the 2017/18 football season has ended on 3rd April 2018 and works have commenced on site for the Football Ground Application.
- The Residential Site Owner will provide alternative football pitch use in the local area for the teams listed below for the 2018/19 football season from April 2018.

Team	Provision
Holbrook 3 rd Team (if applicable)	Horsham Park
Holbrook 4 th Team	Horsham Park
Chesworth Rovers U10s	Forest School
Chesworth Rovers U11s	Forest School
Chesworth Rovers U16s x 2	College of Richard Collyer

- The Residential Site Owner covenants with the District Council (unless otherwise agreed in writing with the District Council), that the pitches at the HFC facility will be available for use no later than 30 September 2018.
- 6.14 The above restrictions limit the commencement of works at the Holbrook site to April 2018 and secure the interim measures proposed. In the event that works are delayed at the HFC site, the applicant has secured the interim measures for a longer period. However, the recommendation under this proposal is for the pitches to be available for the affected

teams by the end of September 2018. If there is a delay and the pitches are not available by the end of September 2018, the applicant will again have to formally apply to the Council to agree a further amendment.

- 6.15 Subject to the above restrictions, the amendment to Schedule 4 of the S106 is considered appropriate. The measures proposed will secure appropriate interim facilities for the affected football teams until the new 3G pitches at the HFC ground are ready. Additionally, this amendment secures the delivery of both approvals for the residential development and the new football club facility.

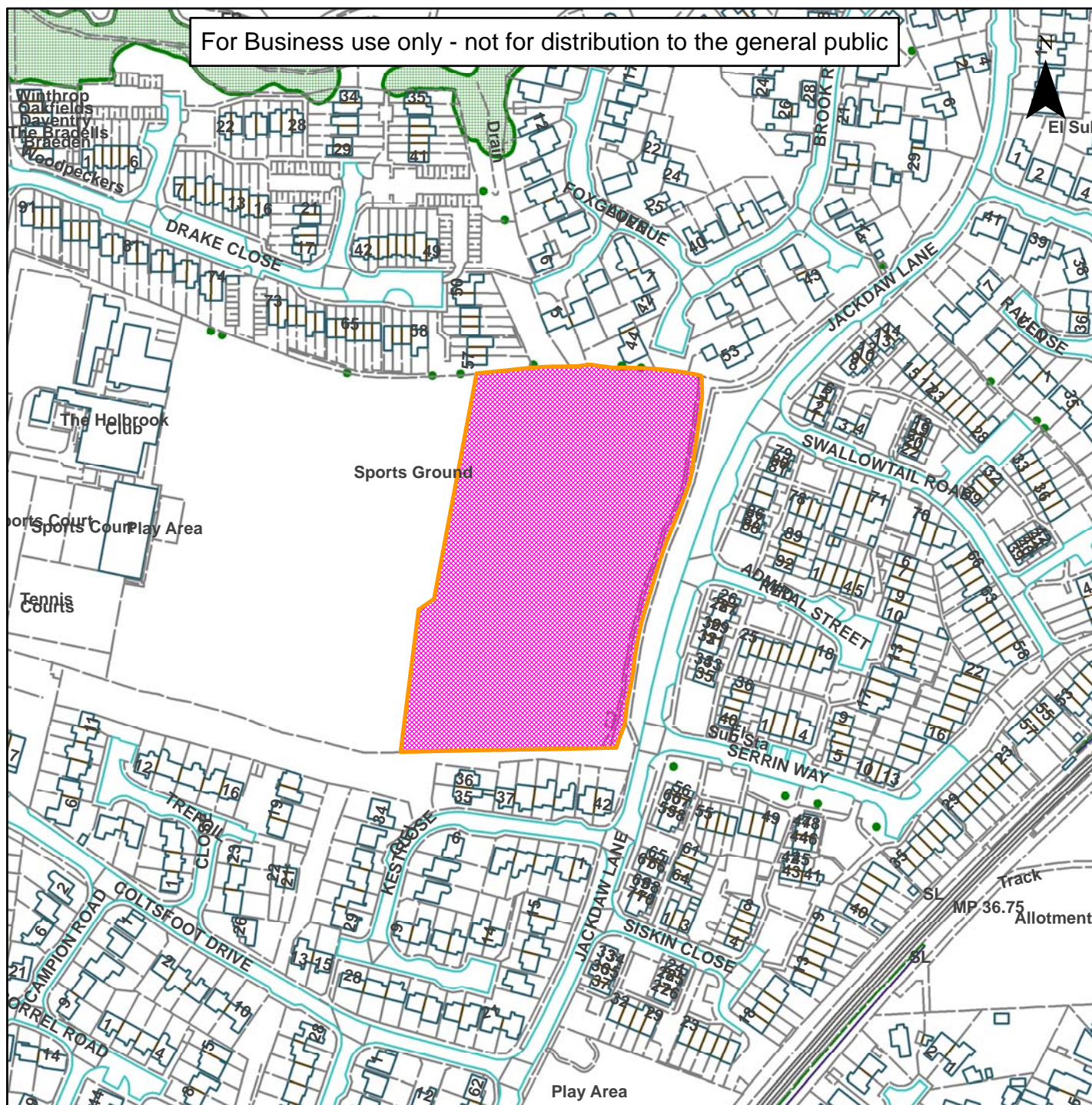
7. RECOMMENDATIONS

- 7.1 Permit the modification subject to the restrictions outlined above in paragraph 6.13.

Background Papers: DC/16/2855 and DC/16/2856



The Holbrook Club, North Heath Lane, Horsham, RH12 5PJ



Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	27/11/2017
MSA Number	100023865

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AGENDA ITEM 9 S106/17/0015

The Holbrook Club North Heath Lane Horsham

Revised recommendation:

Permit the modification to Schedule 4, Part 1 of the S106 agreement (legal ref: PAG 1244/1247) to allow commencement of the approved residential development at the Holbrook Club prior to the approved pitches for Horsham Golf and Fitness being ready for use, subject to a deed of variation being completed to secure the conditions set out in paragraph 6.13 of this report.

Revised paragraph 6.13

6.13 Officers have considered the proposal and are of the view that the amendment to the S106 is acceptable, subject to the interim measures proposed. It is therefore proposed to amend Schedule 4 of the agreement, through a deed of variation, to cover the following points. Whilst the intention of HFC to make the pitches at their new Hop Oast facility available in September 2018, (subject to the approval of the current application) is not in doubt, it will be important to put in place a restriction on the residential development to ensure that the Council has a lever to compel the residential developer to step in and complete the HFC facility should that prove necessary. Point 3 below will cover that requirement.

1. The Residential Development shall not commence until the 2017/18 football season has ended on 3rd April 2018 and works have commenced on site for the Football Ground Application.
2. The Residential Site Owner will provide alternative football pitch use in the local area for the teams listed below for the 2018/19 football season from April 2018.

Team	Provision
Holbrook 3 rd Team (if applicable)	Horsham Park
Holbrook 4 th Team	Horsham Park
Chesworth Rovers U10s	Forest School
Chesworth Rovers U11s	Forest School
Chesworth Rovers U16s x 2	College of Richard Collyer

3. The Residential Site Owner covenants with the District Council not to allow more than 50% of the open market units on the residential site to be occupied until the pitches at the HFC facility are available for use.

Continued/....

Additional Comment:

The Horsham Society has objected to the proposal on the grounds that the original proposal and dates should be maintained.

Contact Officer: Jason Hawkes

Tel: 01403 215162



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 5 December 2017

DEVELOPMENT: Proposed erection of 8 No. business units (B1/B8) arranged in 2 groups with associated hardstanding and parking.

SITE: Phase 4 Oakhurst Business Park Wilberforce Way Southwater West Sussex RH13 9RT

WARD: Southwater

APPLICATION: DC/17/1023

APPLICANT: **Name:** Horsham District Council **Address:** Parkside Chart Way Horsham RH12 1RL

REASON FOR INCLUSION ON THE AGENDA: Planning application made on behalf of the Council and on land owned by the Council.

RECOMMENDATION: To approve the application subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning approval for the erection of 8x Use Class B1 (business) /B8 (storage/distribution) business units on a vacant site within Oakhurst Business Park in Southwater. The proposal also includes the provision of a new access onto Wilberforce Way, hardstanding, parking and bin storage. The 8x business units would be laid out in 2 separate terraces of 4x units each. The terraces would be arranged opposite one-another with a block-paved service area in the centre comprising 31x car parking spaces and 3x motorcycle spaces. The vehicular entrance to the site would be on the eastern boundary which is accessed directly from within the existing business estate.
- 1.2 During the course of determination, discussion between the applicant and Officer resulted in the submission of amended plans which proposed a revised site layout. The revised layout included a reduction in size to units 28 and 29 and enlargement of unit 27. This report assesses the scheme as amended.
- 1.3 The terrace sited on the north-east boundary of the site (units 22-25) would comprise 4x smaller units (2x 72m² and 2x 73m²), and each of the units would have a disabled WC facility in the rear corner. There would be a loading bay door and pedestrian entrance door at the front of these units, and a further emergency escape door to the rear of each. The block of 4x units on the south-west boundary of the site (units 26-29) would be larger units (1x 137m², 2x 139m², and 1x 322m²). These units would each have a small upper floor

(mezzanine) space, accessed by internal staircases. As with the smaller units, these units would have a loading bay door and pedestrian entrance door to the front, and further emergency escape doors to the rear of each. A small WC facility and a separate disabled WC facility would feature on the ground floor of each of these larger units.

- 1.4 The proposed blocks would have a uniform appearance, consistent with other existing units in the surrounding estate. Units 26-29 on the south elevation would have shallow dual-pitched roofs measuring measure 8.7m to ridge, and approximately 18.4m in width. The 4 units together would measure 42.5m in length. The smaller units on the north elevation would have shallow single-pitched roofs measuring 8.1m to pitch, and would be 9m in width. The 4 smaller units (units 22-25) together would measure 34.5m in length. The units would be built on a brick base plinth, and would be clad in 'Metallic Silver' metal euro-panels. The gable ends would be clad in vertical 'Slate Grey' euro-panels. The windows and main entrances doors would have dark grey powder coated metal frames. The loading bay doors would be electrically operated and would be dark grey to match the window and door frames. The roofing would be insulated metal roof decking, colour 'albatross'. Photovoltaic panels would be located on the roofs of both blocks, and would protrude above the roof line by approximately 5cm. Triple-glazed roof lights would also feature on the roof pitches of both blocks. The proposed bin store would be located to the left of the site entrance and would measure 4.8m x 3.8m and 2.2m in height.

DESCRIPTION OF THE SITE

- 1.5 The site is located in the village of Southwater which is approximately 4km to the south of Horsham, and is classified as a Small Town/Larger Village in Policy 3 of the Horsham District Planning Framework (HDPF) which means it is a *'settlement with a good range of services and facilities, strong community networks and local employment provision'*. The site is located in Oakhurst Business Park which is an established business facility in Southwater and is within the defined Built-Up Area Boundary of the village. The site is also located within a designated Key Employment Area as described in Policy 9 of the HDPF.
- 1.6 The existing business park is a well-established site comprising several large business units, including the RSPCA headquarters. The site and its immediate vicinity is owned by Horsham District Council and comprises 13 commercial units (use class B1 business /B2 general industrial /B8 storage and distribution) arranged in 3 large terraced blocks around an area of hardstanding used primarily for parking and deliveries. The existing units are of a similar appearance and scale to those proposed – with shallow pitched roofs, measuring up to 9m to ridge height. Beyond the immediate vicinity there are other commercial buildings comprising use classes B1 and B8.
- 1.7 An existing bund/landscaping buffer zone surrounds the site's south-west and north-west boundary which largely screens it from view from Worthing Road which is approximately 40m to the west of the site. The existing bund and landscaping separates Oakhurst Business Park and nearby residential dwellings and was originally required to be 30m wide by the legal agreement associated with the original Outline permission for the Business Park and residential development in the early 1990s. Since its creation, the bund and associated vegetation has matured significantly, and provides effective, dense screening between the Business Park, Worthing Road and nearby properties. The bund/buffer zone in this location currently varies in width between 32 and 40m wide.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework (2012)

Horsham District Planning Framework (2015)

Policy 1 – Sustainable Development
Policy 3 – Development Hierarchy
Policy 7 – Economic Growth
Policy 9 – Employment Development
Policy 24 – Environmental Protection
Policy 31 – Green Infrastructure and Biodiversity
Policy 32 – The Quality of New Development
Policy 33 – Design Principles
Policy 37 – Sustainable Design and Construction
Policy 40 – Sustainable Transport
Policy 41 – Parking

Site Specific Allocations of Land Development Plan Document (2007)

Policy - AL17

RELEVANT NEIGHBOURHOOD PLAN

- 2.3 In February 2014, Southwater Parish Council was designated as a Neighbourhood Development Plan Area. In May 2016 the boundary was amended and the designation was reconfirmed. The Parish are yet to produce a pre-submission plan (Regulation 14) therefore no weight can currently be afforded to the Neighbourhood Planning process in Southwater.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

SQ/91/92	350 dwellings, 5 acres social housing, 350,000 sq. ft. commercial dev. public open space, land for primary sch. est. roads & access (outline)	Application Permitted on 23.02.1993
SQ/70/94	Buffer zone landscaping (reserved matters)	Application Permitted on 31.10.1994
SQ/11/03	Erection of b1,b2 and b8 business units	Application Permitted on 06.03.2003

3. OUTCOME OF CONSULTATIONS

- 3.1 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.

3.2 INTERNAL CONSULTATIONS

HDC Economic Development

Response: 22 May 2017 - Support

‘The low level of commercial vacancies demonstrates the demand for commercial floorspace, with an increasing number of enquiries from businesses looking to relocate and expand. From an economic point of view, this type of proposal should be strongly supported as it provides floorspace suitable for start-up or small businesses’.

Response: 02 August 2017 – Support

'The revised layout appears to be a reasonable compromise and will still provide much needed commercial floorspace'.

HDC Planning Policy (08 June 2017) – Support

'The principle of employment development has been established at Oakhurst Business Park. The development is located within the Built Up Area Boundary and would accord, in principle, with the development hierarchy identified in Policy 3. It is also considered that the proposed development would accord with Policies 7 (5) and 9 (1) and (4) of the HDPF in particular, especially given the current shortfall in employment land in Horsham District'.

HDC Access Forum (23 May 2017) – No Objection

HDC Arboricultural Officer (22 September 2017) – No Objection

'I believe there to be a sufficient measure of foliage on the retained part of the bund to provide an adequate and satisfactory breadth of screening of the industrial site from the residential properties in Worthing Road'.

HDC Environmental Health

Response: 24 May 2017 – No Objection, Conditions Suggested

Suggested conditions include: CEMP, control on construction/demolition hours, no burning of waste, restriction on hours of operation, no external floodlighting, noise impact assessment for any externally located plant or machinery.

Response: 12 June 2017 – No Objection

EH were re-consulted specifically regarding the impact of the development on the existing bund. Their response was as follows:

'I have looked at the plans again and whilst it is clear that the proposal will move the building line closer to Field Cottage and will require some excavation of the earth bund, I do not consider there will be adverse noise impact because the height of the bund will be retained (albeit that the bund's width will reduce) and the buildings are orientated in the best way to minimise noise impact as the buildings themselves will act as a noise barrier'.

Response: 31 July 2017 – No Objection

No objections to the amendment. From a noise impact perspective, moving the building line further from the residential boundaries will be beneficial.

HDC Drainage Engineer

Response: 26 May 2017 – No Objection, Conditions Suggested

'No detailed drainage information has been submitted to make any appropriate comment or observations. Therefore drainage conditions should be applied before any works commence on site, which show full details of the measures to dispose of both foul and surface water'.

Response: 14 August 2017 – No Objection, Conditions Suggested

Ecology Consultant

Response: 11 July 2017 – Holding Objection

Up to date ecology information is required to fully inform the current application. Great crested newts are understood to be present in the wider area, with the potential for impacts during the proposed works. Baseline information regarding the site, and mitigation / compensation measures are required to fully inform the planning decision.

Response: 31 July 2017 – Holding Objection

We have now received the *Preliminary Ecological Appraisal (PEA)* and *Protected Species Survey Reports* by the Ecology Consultancy (2016). At the time the reports were written (2016), no plans for the development were available. The ecology reports provide a good

baseline understanding of the species with potential to be impacted on the site. However, the levels of impact of the submitted scheme have not been assessed, and incorporation of avoidance, mitigation and enhancement measures into the proposals is lacking.

Response: 07 August 2017 – Holding Objection

We have reviewed the amended proposals, together with the *Preliminary Ecological Appraisal (PEA)* and *Protected Species Survey* Reports by the Ecology Consultancy (2016). We welcome the retention of mature trees in the southwest of the site. However, as per the previous response, further assessment of the impacts of the proposals is still required.

Response: 23 October 2017 – No Objection, Conditions Suggested

The updated PEA (dated 18.09.2017), and updated PSS (dated 04.10.2017) have been reviewed. We have discussed the mitigation proposals with the applicant's ecologist, and the updated reports contain detailed information for avoidance, mitigation and enhancement measures. Hazel dormice and great crested newts are known to be present on site and in the wider area, with the potential for impacts during the proposed works. Avoidance, mitigation and compensation measures have been provided within the updated reports that seek to ensure that the action authorised will not be detrimental to the species. As such, we have no objection to the proposals. Mitigation proposals have been provided for the low population of common lizard and avoidance measures with regards to nesting birds have been recommended in the PEA. There is potential for badgers to use the site in the future, although they were considered likely to be absent at the time of the surveys. Conditions suggested include the submission of an Ecological Mitigation and Management Plan prior to site clearance, and no external lighting without consent.

HDC Landscape Architect

Response: 14 July 2017 – Further Information Required

'The request for further information on tree survey and a better understanding of the proposals including relationship with the existing bund is supported. This is now a significant landscape feature and its loss of partial loss should be resisted. An alternative layout should be provided either to show the 8 units rearranged to avoid ingress to the bund or the reduction on the number of units if possible'.

Response: 14 August 2017 - Further Information Required

'I see that they have altered the boundary to allow a 30m clearance between the site and nearest dwelling. However they are still cutting into the bund and when I had a look at the 'landscape proposals' (and can see from an aerial) - they are taking out what would appear to be an area of shrubs and replacing the leftover area, post development, with a wildflower meadow. It really should be a like for like replacement – if they take out shrubs they should put back shrubs. The species, size and spacings should be given. Similarly if the leftover area was meadow, they should replace that part with meadow. There are no plans which show the existing shrub line and meadow and what will be lost and therefore replaced'.

3.3 OUTSIDE AGENCIES

WSCC Highways

Response: 22 May 2017 – No Objection

No highway objections

Response: 03 August 2017 – No Objection

No highway objections

Southern Water

Response: 09 June 2017 – Comment

A desk top study indicates that Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The following condition should be added: *'Development shall not commence until a drainage strategy has been submitted to and approved in writing to the LPA in consultation with the sewerage undertaker'*.

Response: 11 August 2017 – Comment

A desk top study indicates that Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The following condition should be added: *'Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water'*.

Southwater Parish Council

Response: 09 June 2017 – Objection

'Objection based on the significant erosion of the bund and loss of habitat in an environmentally sensitive area and the potential increase in noise in the area'.

Response: 12 September 2017 – Objection

In addition to their original comments, the PC planning committee also indicated concerns about insufficient main line drainage for the area to cope with the proposed plans and the failure of HDC to take reports submitted from various organisations into account. With regards to drainage you should be aware that there is drainage underneath a section of the land on which you propose to build and this is linked to two storage tanks based underground and adjacent to the Volvo garage which is situated further on the main site. This drainage and storage tank system were put in originally to take off any excess water flowing from the river which enters Southwater at The Nook, New Road, Southwater and travels underground under the Worthing Road to the area in question. It would not be appropriate therefore unless suitable drainage systems were in place to interfere with a system which has effectively seen this area free of flooding since installed.

3.4 PUBLIC CONSULTATIONS

Five (5) letters from 3 different addresses were received in response to this application, all objecting to the proposal. The main grounds for objection include:

- Removal of earth bund and screening
- Removal of trees, impact of RPA's
- Encroachment into bund
- Loss of the 30m buffer required as part of the landscaping scheme of the Outline planning permission from 1993.
- Conflict with the original Design Brief and s106 from 1993.
- Proposal for B8 usage in this location conflicts with original Design Brief.
- Previous appeal decisions dismissed with focus from the Inspector on the importance of a landscape buffer of at least 30m
- Existing units in the business park already create noise nuisance (the proposed units will be even closer)
- HDC are not addressing existing tenant's requirements
- The development will raise revenue for the Council with no regard to existing tenants who cannot expand and already have parking issues.
- Existing lorry parking issues, blocking accesses when loading.
- Units operate outside their licenced hours
- This land should be for additional parking to serve existing businesses.
- More units will add to the current parking pressures.

- Overbearing impact
- Visual/noise impact
- The units will be visible in winter when trees are bare
- Overdevelopment
- Air pollution impact from additional commercial traffic
- Not in line with original plan for a fire station
- Failure to accord with planning policies
- Negative impact on house prices.

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

Application Amendments

- 6.1 During the course of determination, discussion between the applicant and Officer resulted in the submission of amended plans which proposed a revised site layout. The revisions were in response to concern raised regarding the originally proposed layout and the impact this was considered to have on the adjacent landscape buffer zone and existing bund. The revised plans were submitted on 26 July 2017 and supersede the originally submitted plans. The following assessment is based on the proposal within the amended plans which were subject to a full public and statutory re-consultation period.

Principle of the Development

- 6.2 Section 1 of the National Planning Policy Framework (NPPF) seeks to achieve sustainable economic growth by proactively encouraging employment development in suitably allocated locations; and by ensuring that there are sufficient local employment opportunities to meet the needs of the District. Through the NPPF, the Government affords significant weight to the aim of achieving sustainable economic development, and this forms the first of 12 'core planning principles' which underpin the planning system in England.
- 6.3 Policy 7 (Economic Growth) of the Horsham District Planning Framework (HDPF) seeks to achieve sustainable economic growth for the Horsham District to 2031. There is currently a shortfall of employment floorspace needed to meet the needs of the District over the plan period, and the aim of this policy is to ensure that a sufficient supply and choice in employment floorspace is provided. Policy 7 seeks to ensure that existing Key Employment Areas are retained for employment use, and enable the intensification and smart-growth of existing sites.
- 6.4 Policy 9 (Employment Development) of the HDPF is also relevant. This policy seeks to protect existing employment and commercial sites to ensure sufficient local employment opportunities are maximised, whilst allowing sites that are no longer economically viable to

be redeveloped for other uses. Policy 9 requires that sites identified in the KEAs should favour employment based redevelopment in the first instance, and that redevelopment in these areas does not result in the overall loss of employment floorspace.

- 6.5 The site is located within the wider Oakhurst Business Park development in Southwater, and is a designated Key Employment Area (KEA) as defined within the HDPF as *'commercial land / premises to be retained for employment use'*. In addition to this allocation, the saved policy allocations within the Site Specific Allocations of Land Development Plan Document (2007) remains part of the Development Plan. Policy reference 'AL17' covers the application site, which is allocated for a fire station in Southwater. Policy AL17 states that if the need for a fire station ceases to exist in the plan period, the allocated land will be made available for business use. Since the 2007 Site Allocations Document was published, it has become apparent that the need for a fire station in this location has ceased. On-going strategic development on sites to the West of Horsham and future large-scale strategic development at North Horsham has resulted in a requirement for a fire station to be located closer to Horsham town. As a result, land for a fire station has been reserved within the Highwood Development (land east of A24) as part of Outline approval reference DC/09/2138. It is therefore considered that allocation AL17 is no longer required for a fire station, and as per the wording of policy AL17, the allocated land can be made available for alternative business use.
- 6.6 By virtue of the nature of the proposed development, and its proposed location within an allocated KEA, the principle of the development of B1/B8 commercial premises is acceptable, and would provide a valuable addition to the existing business park, as well as to economic floorspace and employment opportunities within the District as a whole. The development is considered to accord with the aims of Policies 7 and 9 of the HDPF, and Section 1 of the NPPF, and is considered to be acceptable in principle subject to all other material considerations as discussed below.

Landscape / Tree Impact

- 6.7 As part of the original outline planning permission for the business park (reference SQ/91/92 – permitted February 1993) a landscaping scheme was required to be implemented in accordance with the Design Brief approved as part of the legal agreement in February 1993. The Design Brief sets out the design principles to be applied to the site. Section 3 of the Design Brief refers to the commercial estate development, and paragraphs 3.14 – 3.16 describe the requirements relating to the buffer zones to be provided around the site. This required a buffer zone of 30m in width to be provided, including earth mounding and landscaping to create *'additional visual interest and [to] reinforce the separation of existing housing from the proposed new housing'*.
- 6.8 Notwithstanding the past importance of the Design Brief and the planning purpose it served when the original site was being planned and developed; nearly 25 years have now passed since this was drawn up, and the vast majority of the wider site has long been built out. Since 1993, both local and national planning policies and priorities have changed, and it is the view of Officers that whilst the spirit of the Design Brief in this location is still important, the weight that can be afforded to it in terms of guiding development at the present time is limited.
- 6.9 The importance and purpose of the buffer zone is appreciated, but the encroachment that the proposed development results in does not erode the buffer to a large extent, and enables the retention of the required 30m width in accordance with the Legal Agreement. It is therefore considered that the impact on the buffer zone associated with the current application would not result in significant harm.
- 6.10 As per the Design Brief requirements, and as part of the original construction of the business park and associated housing, the buffer zones and earth mounds were

accordingly installed, and have since matured with the growth of very dense shrubbery and a variety of tree species ranging from around 5-10m in height. There is no formal pedestrian or vehicular access through this landscape/buffer zone, and due to the dense nature of the vegetation it is extremely difficult to access on foot. The buffer zone between the application site and the nearest residential dwelling on Worthing Road (Field Cottage located to the south-west of the site) currently varies in width between around 35-40m, and the buffer zone between the northern corner of the site and Worthing Road is slightly narrower at around 32m. The full stretch of buffer zone in this area is currently wider than the originally required 30m. The highest point of the earth bund is located at the centre of the buffer zone (at a point around 16-18m east of the boundary of Field Cottage). At this point, the 3.25m high earth bund and 5-10m dense tree coverage on the bund top results in a landscape buffer of up to 13m in height.

- 6.11 As can be seen from the submitted site plan (ref 288-PL101.P4) the red line demarcating the boundary of the proposed development site encroaches into the existing landscape buffer zone by approximately 12-16m. The proposed units however, encroach into this zone to a lesser extent (by around 8-12m), with the remaining area to the south-west of the site proposed for replacement planting. The result is that the 30m buffer zone between existing residential dwellings and the commercial buildings (as required by the 1993 Design Code) remains largely intact. It is the view of Officers that whilst a portion of the existing landscape buffer zone will be eroded in order to accommodate the proposed development, the originally required 30m zone in this area would still largely remain. Visually, by virtue of the retention of the 3.25m high earth bund coupled with the density and height of the vegetation (up to 13m in height), means that it is unlikely that the proposed commercial units will be visible from Worthing Road or Field Cottage and its neighbours.
- 6.12 It is acknowledged that as a result of the development there would be some loss of the tree stock to the north of the bund top. The southern flank of the bund will not be affected and would continue to provide coverage of around 22m in length from the boundary of Field Cottage. The Council's Arboricultural Officer was consulted and, having undertaken an extensive site visit, is of the view that the root protection areas (RPAs) of the specimens retained are so small that they will not be adversely affected, and these trees can be successfully retained. As such, it is considered that the overall height of the tree stock on the bund top will be largely unchanged, and that this would be sufficient to screen the proposed industrial building from Field Cottage. It is also noted that 2 fairly large trees (Oak and Hawthorn) within the boundary of Field Cottage would serve to add to the breadth and density of foliage between the residential property and the proposed industrial unit.
- 6.13 The Arboricultural Officer also noted that almost all of the ash trees in the area appear to be infected by Ash Dieback disease (*Chalara fraxinea*), and are already nearly all dead. It is acknowledged that the landowner may accordingly consider action to remove these dead trees, thereby removing the tallest specimens from the area. However, even if this was to take place, it is the view of the Arboricultural Officer that the remaining foliage will soon infill, and the various Oaks, Field Maples and Wild Cherry trees will very quickly outgrow the other species in the area.

Ecology Impact

- 6.14 The applicant submitted a *Preliminary Ecological Appraisal (PEA)* and *Protected Species Survey* to support the application. These reports confirmed that hazel dormice are present on site and in connected habitat in the wider area; great crested newts are present in the wider area; and a low population of common lizard is present on site. Hazel dormice and great crested newts are European Protected Species protected under EU law by the Habitats Directive. It is considered that there is potential for impacts to both species during the proposed works.

- 6.15 The Council's Consultant Ecologist was consulted with regard to this application. Upon review of the submitted ecology studies the Ecologist has confirmed that the reports contain information for avoidance, mitigation and enhancement measures that seek to ensure that the development will not be detrimental to the maintenance of the population of the species concerned. As such, the Ecologist has no objection to the proposals, but recommends a condition requiring an Ecological Mitigation and Enhancement Plan to be submitted prior to commencement of development to demonstrate details of habitat protection, avoidance measures (with regards to protected and notable species); and enhancement measures for biodiversity – both on and off site as per the measures identified in the submitted ecology reports.

Design and Layout

- 6.16 As per the description of the application in section 1 above, the site is laid out with two adjacent terraces containing 4 units each. During the consideration of the application, the size and arrangement of units 26 to 29 were amended in order to reduce their encroachment into the 30m landscape buffer zone. This resulted in smaller sized units 28 and 29, and a larger unit 27. The internal layout of each unit is simple but functional, and each includes disabled WC facilities. Each unit has a loading bay door to the front with associated vehicular loading space, and rear emergency access doors leading to perimeter pathways/escape routes. The central parking and turning 'courtyard' would contain all associated vehicular traffic within the site and would not result in the need for parking or manoeuvring outside of the site boundary. Overall, it is considered that the layout of the site would function appropriately for the intended use (B1/8), and would be in general accordance with the character and layout of other parts of the business park, and with the general development principles contained within Policy 33 of the HDPF.
- 6.17 The units have been designed to be substantially similar in scale and design to those in the wider vicinity. The units range in height from around 7.9m to 8.7m to ridge height which is slightly lower than the ridge height of the adjacent existing buildings which are up to 9m. The roof pitches are shallow and the materials proposed are similar in appearance to those used within the wider site. Block paving is proposed in the central 'courtyard' which matches the paving in other parts of the site. Overall, it is considered that the scale and design of the development is in accordance with the character of the surrounding built environment, and as per the requirements of HDPF Policy 33, therefore would be acceptable.

Impact on Amenity

- 6.19 The nearest residential properties are located to the south-west of the site, along Worthing Road. Field Cottage is the closest dwelling to the application site, the rear boundary of which is located approximately 25m from the red-line boundary of the site (the dwellinghouse itself is located approximately 50m from the proposed development).
- 6.20 The nature of the proposed development as a B1 (offices/ research and development/ light industry) and B8 (wholesale warehouse/ distribution centre/ repository) commercial premises means that some noise is likely to be generated from the site during hours of operation. Paragraph 3.1.2 of the original Design Brief (from 1993) states that the areas of the business park closest to existing residential development should be limited to Use Class B1 only, in order to protect the amenities of adjoining properties.
- 6.20 The wider Oakhurst Business Park site has largely been built-out now, and comprises a variety of commercial businesses operating within use classes B1, B2 and B8, with mature landscaped bunds along the southern and part western boundaries – installed as per the requirements of the original legal agreement (as discussed in paragraphs 6.7-6.13 above). As such the physical attributes of the site and its immediate surrounds have changed considerably since the 1993 Design Brief was approved. With this in mind, although this

site is in slightly closer proximity to residential properties along Worthing Road than the remainder of the existing business park, consideration must be given to whether an unacceptable level of harm to the amenity of neighbouring residents would arise in connection with the proposed use, which includes B8, as well as B1.

- 6.21 The Council's Environmental Health Officer (EHO) has assessed the proposed development and considers that given the orientation of the buildings and the height and width of the retained bund and vegetation, any noise emanating from the site towards nearby residential properties will be minimised. The EHO considers that the positioning of the buildings would act as noise barriers themselves – buffering noise from turning/reversing vehicles in the central courtyard. The only concern the EHO has is if noise producing plant was to be fixed to the external western elevation as this could adversely affected residents in Field Cottage. The plans do not propose this, but notwithstanding the fact that any additional external plant would require separate planning permission in its own right; a condition has been included which would control the future installation of noise producing plant in this location.
- 6.22 To ensure the satisfactory protection of neighbouring amenity, conditions have also been included to control works during construction through the submission of a Construction Management Plan; to control the use or installation of any external lighting; and to prevent B2 (general industrial) use on the site. In order to prevent any unacceptable noise emanating from the site during unsociable hours, a condition is also necessary to restrict the hours of use on the site during the operational phase. This would restrict vehicular movements, operation of plant/machinery, and deliveries taken or dispatched from the site in the evenings, overnight and at weekends.
- 6.23 Overall, despite the guidance in the original Design Brief that sought premises closest to residential dwellings to be B1 use only; given the distance and landscape buffering that would separate the site from the nearest residential dwelling, it is considered that a mixture of B1 and B8 uses on this site would not cause significant harm in terms of residential amenity and would not be incongruous with the established uses within the wider Business Park. Given the site is located within an established KEA, the type of commercial development proposed is considered to be acceptable in principle, and as long as relevant conditions to mitigate any adverse amenity impacts as set out below are imposed, the development is considered to be acceptable in terms of the impact on the amenity of nearby residential properties.

Highways, Access, Parking

- 6.24 The site is considered to be in a sustainable location within the Built-Up Area of Southwater where there is good access to local bus routes and services. Access to the site is already established via the wider road network that connects the wider Oakhurst Business Park site and the internal network that leads to the application site and surrounding areas. The site entrance is appropriately located, and connected to an existing turning head which is wide enough to accommodate the required vehicular access. The County Council were consulted with regard to this application and they have no objection to the proposal. Parking within the site is considered to be sufficient (28 cars, plus 3 disabled spaces) and in general accordance with the WSCC parking standards which requires a maximum of 34 spaces. In addition to car parking, parking for 3 motorcycles and 16 bicycles is provided which is appropriate provision. It is considered that the access and parking arrangement for all modes of transport proposed are in general accordance with the provisions and requirements set out in Policy 41 of the HDPF.

Other Matters

- 6.25 It is acknowledged that historic drainage issues have been identified in and around the development site. The Council's Drainage Engineer was consulted with regard to this

application, and is aware of both the Parish Council's concerns and the associated drainage issues in this location. Despite no detailed drainage information submitted in support of the planning application, the Drainage Engineer has no objection in principle to the proposed development, and suggests that suitable drainage conditions should be applied to any permission granted. Approval of drainage details to be submitted by condition will be required before any works commence on site. Details required must include appropriate measures to dispose both foul and surface water.

- 6.26 Whilst the location of the proposed bin store and cycle shelter have been identified on the proposed site plan, full details of these ancillary facilities (including elevations and materials) are secured to be agreed by condition.

Summary

- 6.27 The principle of additional commercial development within this designated KEA is considered to be acceptable and in accordance with the development hierarchy outlined in Policy 3 of the HDPF, as well as the provisions of Policies 7 and 9 which seek to achieve sustainable economic growth and employment opportunities within the Horsham District. It is acknowledged that the proposed development would encroach into the existing landscape buffer zone/bund which was required by the Design Brief as part of the original outline planning permission in 1993. As confirmed by the Council's Arboricultural Officer the impact of this encroachment in terms of tree/vegetation loss is considered to be minimal, as an extensive stretch of tree cover and vegetation on the southern flank of the bund will remain. The presence of protected species on site and the subsequent impact on ecology is acknowledged, and mitigation measures have been proposed within the submitted ecology reports which have been confirmed by the Council's Ecology Consultant as appropriate and can be secured by condition. Whilst there will be encroachment into the existing buffer zone, the proposed buildings have been positioned to ensure that a 30m separation distance is still intact, and is sufficient to provide a buffer to residential properties as per its original intended purpose.
- 6.28 The design and layout of the proposed development in terms of appearance, scale, character, access, and parking is considered to accord with the overall character and appearance of the wider business park site, and would result in an acceptable development. It is acknowledged that a B1/B8 commercial use on this site is likely to generate some levels of noise, but the Council's EHO has confirmed that the layout of the site and the orientation of the buildings assist in mitigating noise impacts to an acceptable level. Conditions have been suggested by the EHO to ensure the amenity of nearby residents is not adversely affected, including conditions to restrict hours of operation/deliveries.
- 6.29 Overall, it is acknowledged that there would be some minor impacts resulting from this development, but it is considered that these impacts can be satisfactorily mitigated and addressed by condition to result in an acceptable development. The development is considered to be in a suitable location for its purpose (i.e. within a designated KEA), and with the identified need for additional employment floorspace in the district at present, this proposal is considered on balance to be acceptable and in accordance with Policies 3, 7 and 9 of the HDPF and the overarching aims for sustainable economic growth within the NPPF. It is therefore recommended that Members approve the application subject to the suggested conditions listed below.

7. RECOMMENDATIONS

To approve the application subject to the conditions listed below.

- 1 **Plans Condition:** The development hereby permitted shall be carried out in accordance with the approved plans listed.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 **Standard Time Condition:** 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.

- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. a site plan indicating the location of relevant features listed above.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby businesses and residents during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until an Ecological Mitigation and Enhancement Plan (EMEP) indicating how provision will be made for identified protected species and their habitats has been submitted to and approved by the Local Planning Authority in writing. The EMEP shall incorporate all measures proposed within the updated ecology reports (October 2017) and shall include details of habitat protection for retained and adjacent habitats, avoidance measures with regards to protected and notable species (such as great crested newts, dormice, reptiles, badgers and nesting birds), and enhancement measures for biodiversity – both on and off site. The approved provisions shall be implemented before development commences and shall thereafter be retained and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with the Conservation of Habitats & Species Regulations 2010, NPPF and Policy 31 of the Horsham District Planning Framework.

- 5 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

- 7 **Pre-Commencement Condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in general accordance with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, full details (including elevations, materials and internal configuration) of the refuse/recycling bin storage facility indicated on plan reference [288-PL-101.P4] shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the first occupation (or use) of any part of the development, and thereafter retained for use at all times.

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

- 9 **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, full details (including elevations, materials and internal configuration) of the cycle parking facility indicated on plan reference [288-PL-101.P4] shall have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facility shall be provided prior to the first occupation (or use) of any part of the development, and thereafter retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved landscape 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. 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.

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).

- 11 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking turning and access facilities shall have been implemented in accordance with the approved details as shown on plan [288-PL-101.P4], unless details of alternative facilities have been submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The approved facilities shall be fully implemented prior to first occupation of the development and thereafter retained as such.

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).

- 12 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those detailed on the Proposed Elevations Plan [reference 288-PL-400.P3], unless alternative materials have been submitted to and been approved in writing by the Local Planning Authority prior to the commencement of development above ground floor slab level.

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).

- 13 **Regulatory Condition:** No external lighting or floodlighting shall be installed unless approved in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with Policy 31 of the Horsham District Planning Framework; and to protect local amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall only be used for uses falling within Classes B1 and B8, and for no other purposes (including those falling within Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the unknown and potentially harmful impacts on local amenity under Policy 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** The premises hereby permitted shall not be open for trade or business (including the receipt and/or dispatch of deliveries, and/or the operation of plant/machinery) except between the hours of 07:00 to 18:00 Mondays to Fridays; 07:00 to 13:00 on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

- 15 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place except between the hours of 07:00 to 18:00 hours Mondays to

Fridays and 07:00 to 13:00 hours on Saturdays, and at no time on Sundays, Bank or Public Holidays.

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

- 16 **Regulatory Condition:** All vehicular access to/from the site shall be by Wilberforce Way only.

Reason: For the avoidance of doubt and in the interest of highway safety to accord with Policy 40 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

Noise Producing Plant: Please be advised that the development hereby permitted does not relate to any external plant machinery that may be required as part of the development. To safeguard the amenities of nearby residents and occupiers, any plant or machinery that is proposed to be located outside any of the buildings hereby permitted will require an application for planning permission to be submitted to the Local Planning Authority.

Wildlife Protection: The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

Under the Conservation of Habitats and Species Regulations 2010 (as amended), it is an offence to harm or disturb great crested newts and dormice. Planning permission does not provide a defence against prosecution under this legislation. The applicant is advised that it is the opinion of the Local Planning Authority that a Natural England European Protected Species (EPS) licence will be required before any site clearance work is undertaken to implement this planning permission. Other works outside this planning permission (such as vegetation clearance) could also breach this legislation and advice should be obtained from a licensed ecologist before proceeding with any work of this nature.

Southern Water: Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk.

Surface Water Drainage Statements: A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link <https://www.horsham.gov.uk/planning/development-management>.

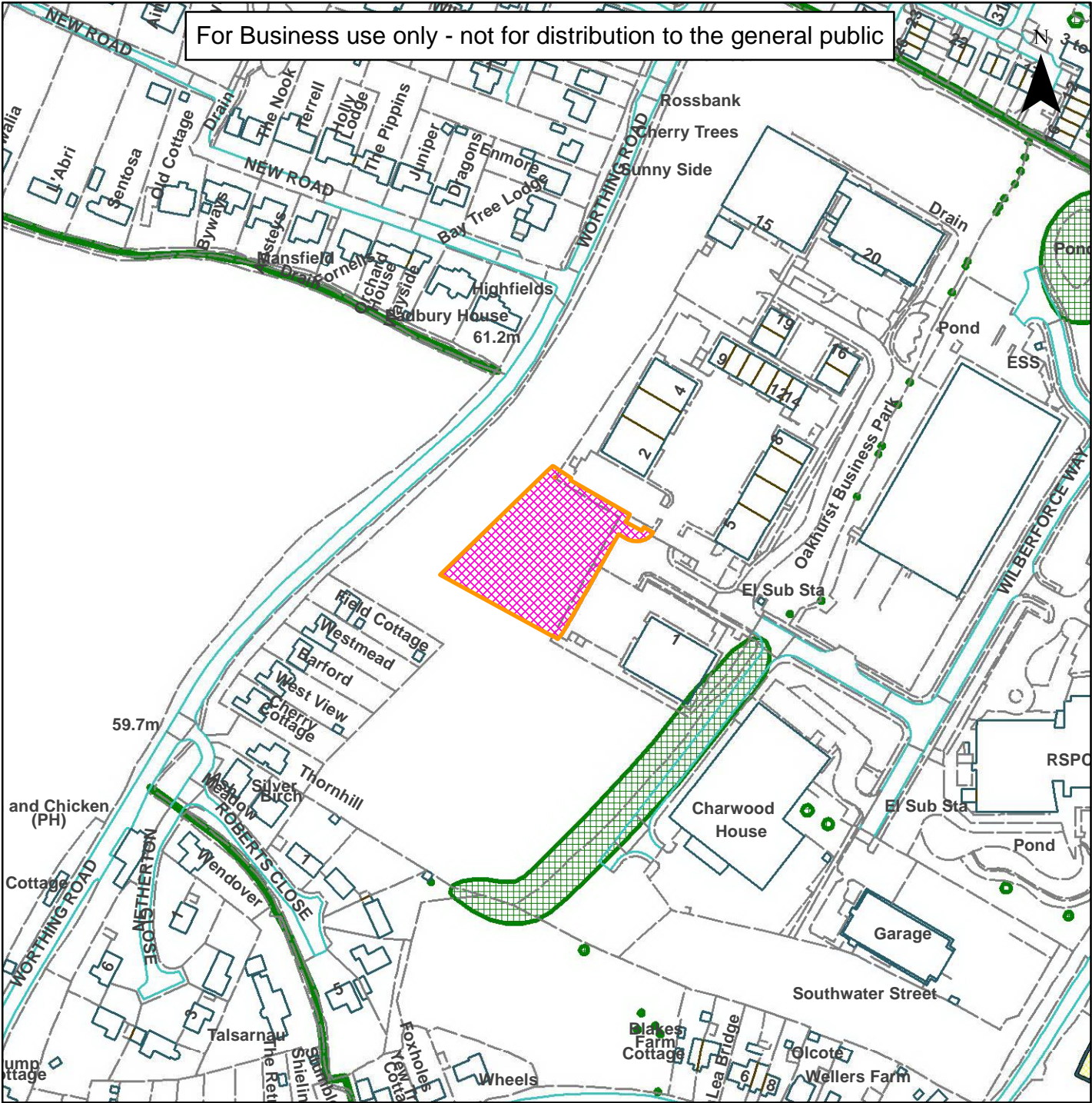
Landscape Details: The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details

- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- Hard surfacing materials - layout, colour, size, texture, coursing, levels
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

Background Papers: DC/17/1023

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	23/11/2017
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North
BY: Head of Development
DATE: 5 December 2017
DEVELOPMENT: Surgery x 1 Oak Tree
SITE: Land Adjacent To 193 Tanbridge Park Horsham West Sussex
WARD: Denne
APPLICATION: DC/17/1971
APPLICANT: **Name:** Horsham District Council **Address:** Second Floor Parkside
Chart Way Horsham West Sussex RH12 1RL

REASON FOR INCLUSION ON AGENDA: Application from Horsham District Council.

RECOMMENDATION – Approval subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application proposes surgery to a large old oak tree.

DESCRIPTION OF THE SITE

- 1.2 The tree is sited within an area of public open space to the north of the property 193 Tanbridge Park.

PLANNING HISTORY

- 1.3 The tree is protected under individual Tree Preservation Order (TPO) No. 867, confirmed on 7th January 1997. It is designated as T1.
- 1.4 Previous applications for surgery have been approved at *DC/12/2203*, *DC/11/1859*, *DC/07/2093*, *DC/05/2500*, and *HU/217/02*.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 As a tree subject to a TPO, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under the **Town & Country Planning (Tree Preservation) (England) Regulations 2012**.

RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the on-line publication **Tree Preservation Orders and trees in conservation areas** (<http://planningguidance.planningportal.gov.uk/>, dated 06 03 2014).

3. OUTCOME OF CONSULTATIONS

- 3.1 Denne Neighbourhood Council has stated no objection to the proposal.

4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

6. PLANNING ASSESSMENT

- 6.1 The tree in question is a very large old specimen long pre-dating the surrounding residential development. It has very high amenity value in the landscape.
- 6.2 For many years the tree has been in slow decline. In health terms, its condition has been attended to by the various applications for surgery carried out since 2002. It has also been suspected that its internal structural condition is compromised, and evidence recorded by the use of internal decay detection equipment in August 2012 and subsequently in August 2015 indeed showed a considerable degree of internal tissue degradation.
- 6.3 A similar internal test was carried out in August 2017, and this records the presence of "*a significant irregular area of decay and hollowing present along the north-south axis*".
- 6.4 In regard to the very high amenity value of this tree, it is considered that a commensurately high degree of effort should be put into prolonging its retention, ensuring, so far as is possible, its safety in regard to its open access to the public.

- 6.5 Given the results of the latest internal decay test, consent is sought to reduce the south-western canopy of the tree (towards the closest adjacent private residence) by approximately 30% to reduce canopy weight and minimise the likelihood of structural failure.
- 6.6 This action is consistent with best practice as set out within **BS 3998 'Tree Work - Recommendations'** (2010) and will not harm the overall look of the tree or its aesthetic appearance.

7. **RECOMMENDATIONS**

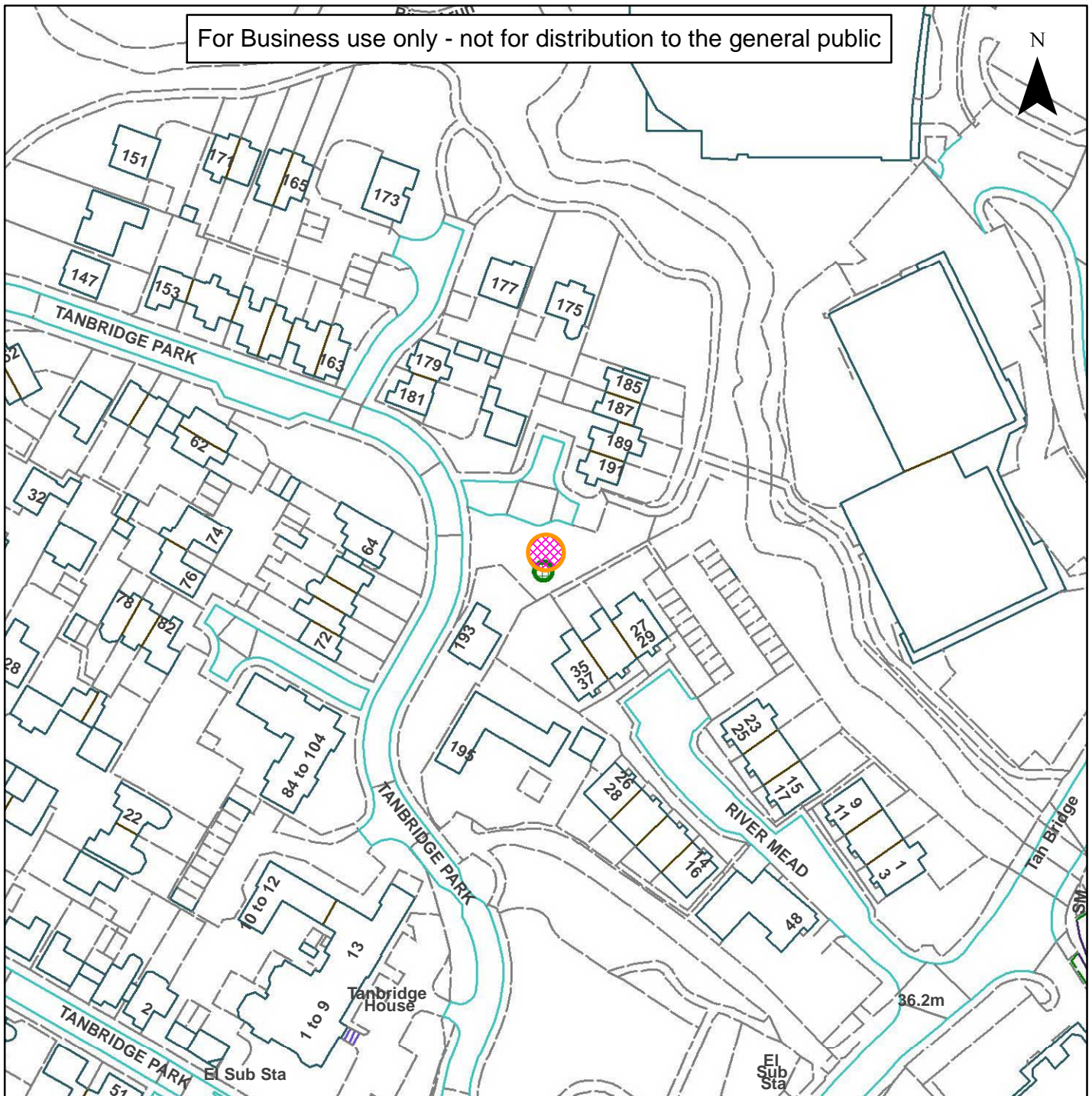
It is recommended that the application be granted, subject to the following conditions:

- | | |
|--------|---------------------|
| 1. TR2 | Time limit |
| 2. TR3 | Treeworks limit |
| 3. TR4 | Surgery standards |
| TINF1 | Works limitations |
| TINF2 | Wildlife protection |

Background Papers: DC/17/1971

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North
BY: Head of Development
DATE: 5 December 2017
DEVELOPMENT: Surgery to 7 x Trees
SITE: Hills Cemetery Guildford Road Horsham West Sussex
WARD: Denne
APPLICATION: DC/17/2013
APPLICANT: **Name:** Horsham District Council

REASON FOR INCLUSION ON AGENDA: Application from Horsham District Council.

RECOMMENDATION - To permit subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application proposes surgery to 6 x limes and 1 x ash tree within the cemetery.

DESCRIPTION OF THE SITE

- 1.2 Six of the trees are sited either side of the cemetery access road leading south from Guildford Road. The seventh tree, lime tree T0377, is sited on the western boundary of the cemetery adjacent to the off-site residential property 24 Somergate.

PLANNING HISTORY

- 1.3 The six trees on the access road are protected individually under tree preservation order TPO/0357, an order confirmed on 18th February 1980. Tree T0377 is protected under TPO/1312, this order being confirmed on 9th November 2006.
- 1.4 A number of applications for surgery works to these trees have been approved over the years.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 As trees subject to a TPO, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under the **Town & Country Planning (Tree Preservation) (England) Regulations 2012**.

RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the on-line publication **Tree Preservation Orders and trees in conservation areas** (<http://planningguidance.planningportal.gov.uk/>, dated 06 03 2014).

3. OUTCOME OF CONSULTATIONS

- 3.1 Denne Neighbourhood Council has stated no objection to the proposal.

4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

6. PLANNING ASSESSMENT

- 6.1 The six trees along the access drive are generally modest in size, though in recent times have grown vigorously. This has formed what could be described as an 'arbour' along the driveway, and is a highly attractive feature in the locality.
- 6.2 However, in the circumstances, there is a limited amount of space for these trees to grow into, and in recent times they have started to over-dominate the area. It is accordingly considered prudent to reduce their size by surgery. A specific management option is proposed for each individual specimen, as befits their particular needs; at the same time, consideration is to be given to their collective value to the landscape. As an overview, the lime trees (5 specimens) are to be crown reduced by approximately 30%, in line with best practice as set out within **BS 3998 'Tree Work - Recommendations' (2010)**. The larger ash tree (T0112) has an asymmetric crown, and it is proposed to correct this by removing one single low limb to the east.
- 6.3 Tree T0377, a lime tree of much greater proportions than the tree along the access drive, is sited in very close proximity to the neighbouring private dwelling, 24 Somergate (2.5m). At this distance, it has clear potential to affect this property's

foundations via the abstraction of moisture in the surrounding soils by indirect root action.

6.4 Failure to consider, and act upon, what is commonly held as a 'foreseeable' potential nuisance, could leave the Council exposed to a claim in regard to subsidence, should this be shown to have been contributed to by the actions of this tree.

6.5 It is accordingly proposed to crown reduce this tree, again by up to 30%, controlling its size and reducing the likelihood of it causing a nuisance, at least to some degree. The surgery proposed is in line with best practice as set out within **BS 3998 'Tree Work - Recommendations'** (2010), and will not harm the tree nor adversely affect its amenity value in the landscape.

7. **RECOMMENDATIONS**

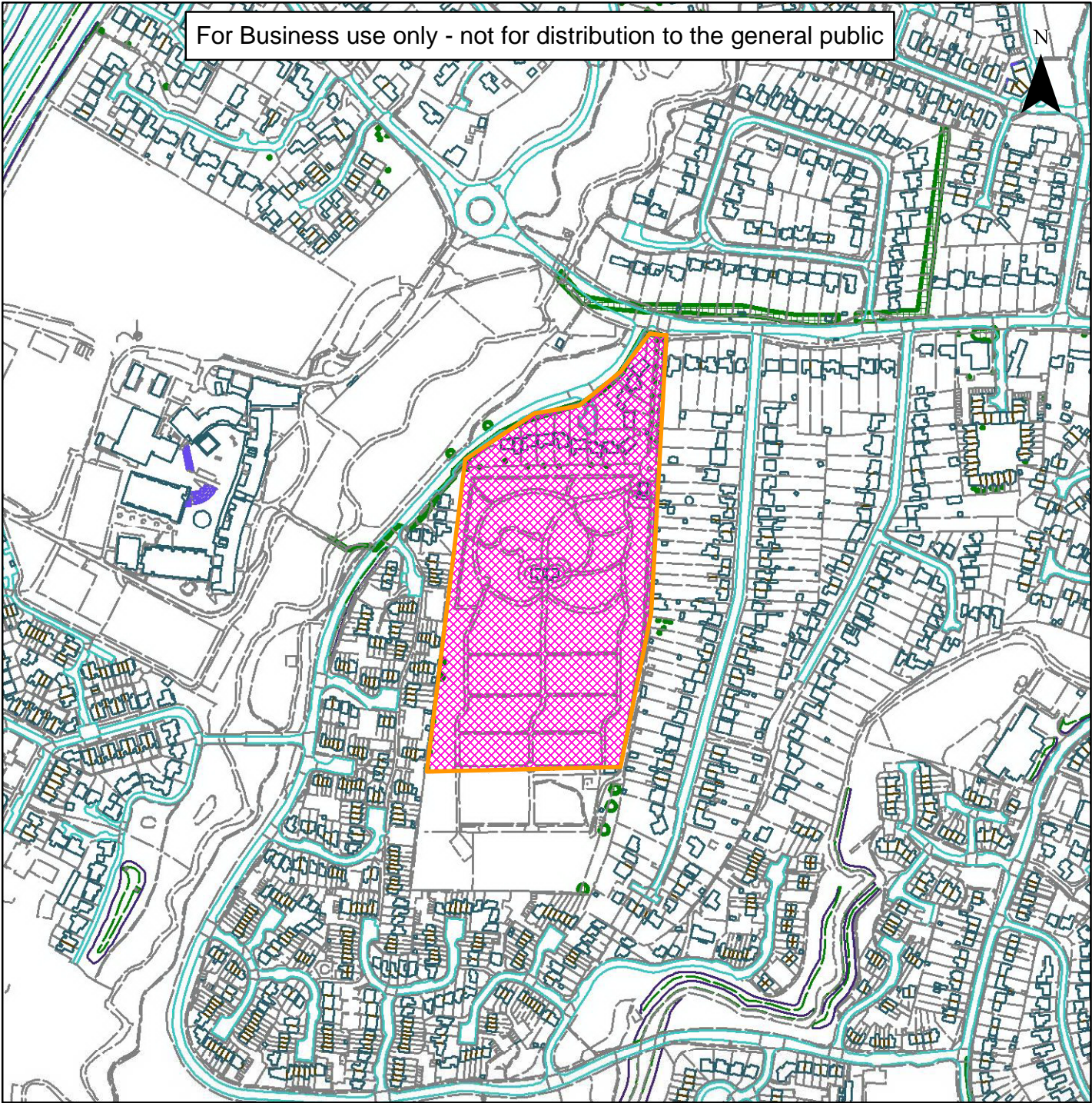
It is recommended that the application be granted, subject to the following conditions:

- | | |
|--------|---------------------|
| 1. TR2 | Time limit |
| 2. TR3 | Treeworks limit |
| 3. TR4 | Surgery standards |
| TINF1 | Works limitations |
| TINF2 | Wildlife protection |

Background Papers: DC/17/2013

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Hills Cemetery, Guildford Road, Horsham



Scale: 1:5,000

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 5 December 2017

DEVELOPMENT: Surgery to 1 x Oak

SITE: Land Rear of 21 Woodlands Walk Mannings Heath West Sussex

WARD: Nuthurst

APPLICATION: DC/17/2174

APPLICANT: **Name:** Horsham District Council **Address:** Parkside Chart Way
Horsham West Sussex RH12 1RL

REASON FOR INCLUSION ON AGENDA: Application from Horsham District Council.

RECOMMENDATION - To permit subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application proposes surgery to 1 x oak tree.

DESCRIPTION OF THE SITE

- 1.2 The tree in question (T501) is sited within part of the Council-owned woodland strip registered as 'Land rear of 21 Woodlands Walk' in Mannings Heath. This strip runs roughly east/west, and divides the two parts of the Woodlands Walk estate. Tree T501 is sited at the eastern end of the strip, within the woodland separating the estate from the open field to the east, land also owned by the Council. Parts of the tree overhang the two adjacent residential properties, 11 and 23 Woodlands Walk.

PLANNING HISTORY

- 1.3 A number of the individual trees within this wooded strip, including tree T501, are protected under tree preservation order TPO/0947, an order confirmed on 24th August 1998. The tree in question is designated under the TPO as T22.
- 1.4 The tree has previously been pruned under application *DC/05/2628*.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 As a tree subject to a TPO, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under the **Town & Country Planning (Tree Preservation) (England) Regulations 2012**.

RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the on-line publication **Tree Preservation Orders and trees in conservation areas** (<http://planningguidance.planningportal.gov.uk/>, dated 06 03 2014).

3. OUTCOME OF CONSULTATIONS

- 3.1 No representations have been received in respect of this application.

4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

6. PLANNING ASSESSMENT

- 6.1 The tree in question is a large specimen, but one with fairly low amenity value to the public, given its position in woodland to the rear of the two adjacent private residencies.
- 6.2 Sited close to 11 Woodlands Walk, the tree has a number of long high limbs overhanging the property, and it is proposed to trim these back to allow more light below. This work appears reasonable, minor, and justified, and will not cause any harm to the tree.
- 6.3 On its south-east side, over the garden of 23 Woodlands Walk, a large cracked branch has been found at approximately 8m above ground level. Emanating from the point of attachment and extending approximately 1.2m along the length of the branch, this longitudinal crack represents a clear hazard, and it is considered that action to deal with this is essential for safety reasons. It is accordingly proposed to reduce the length of this limb by 3m, thereby reducing its tip weight.
- 6.4 Both parts of the proposed works are consistent with best practice as set out within **BS 3998 'Tree Work - Recommendations' (2010)**, are reasonable and justified, and will not result in any harm to the tree or to its amenity value.

7. RECOMMENDATIONS

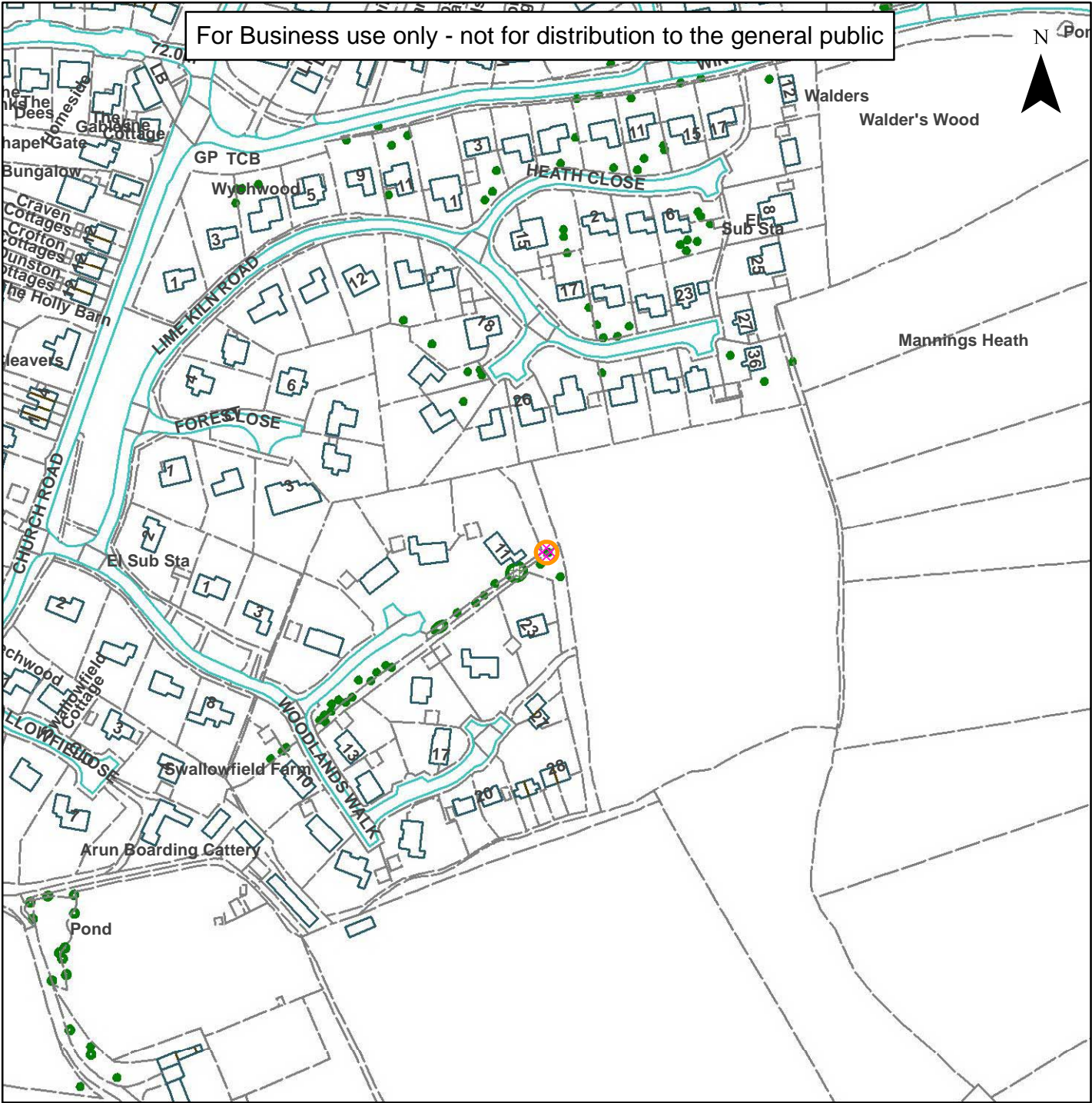
It is recommended that the application be granted, subject to the following conditions:

- 1. TR2 Time limit
- 2. TR3 Treeworks limit
- 3. TR4 Surgery standards
- TINF1 Works limitations
- TINF2 Wildlife protection

Background Papers: DC/17/2174

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Land Rear of 21 Woodlands Walk, Mannings Heath



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