



Planning Committee (North)

Tuesday, 10th April, 2018 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	7 - 14
To approve as correct the minutes of the meeting held on 6 March 2018 (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** 15 - 16

Applications for determination by Committee:
6. **DC/18/0017 - 3rd Horsham Group, Peary Close, Horsham** 17 - 32
Ward: Holbrook West
Applicant: Horsham District Council
7. **DC/17/1704 - 41 Pondtail Road, Horsham** 33 - 74
Ward: Holbrook West
Applicant: Mr Paul Clarke
8. **DC/17/2364 - Gate Lodge, Stane Street, Slinfold** 75 - 92
Ward: Itchingfield, Slinfold & Warnham
Applicant: Sam Baker
9. **DC/17/2642 - Land South of Mole Cottage, Faygate Lane, Rusper** 93 - 100
Ward: Rusper & Colgate
Applicant: Ms Miranda Luck
10. **DC/17/2675 - Melbury, 34 Richmond Road, Horsham** 101 - 110
Ward: Horsham Park
Applicant: Mr G Bateman
11. **DC/17/2410 - Windacres Farm, Church Street, Rudgwick** 111 - 124
Ward: Rudgwick
Applicant: Mr John Bailey
12. **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

Agenda Annex

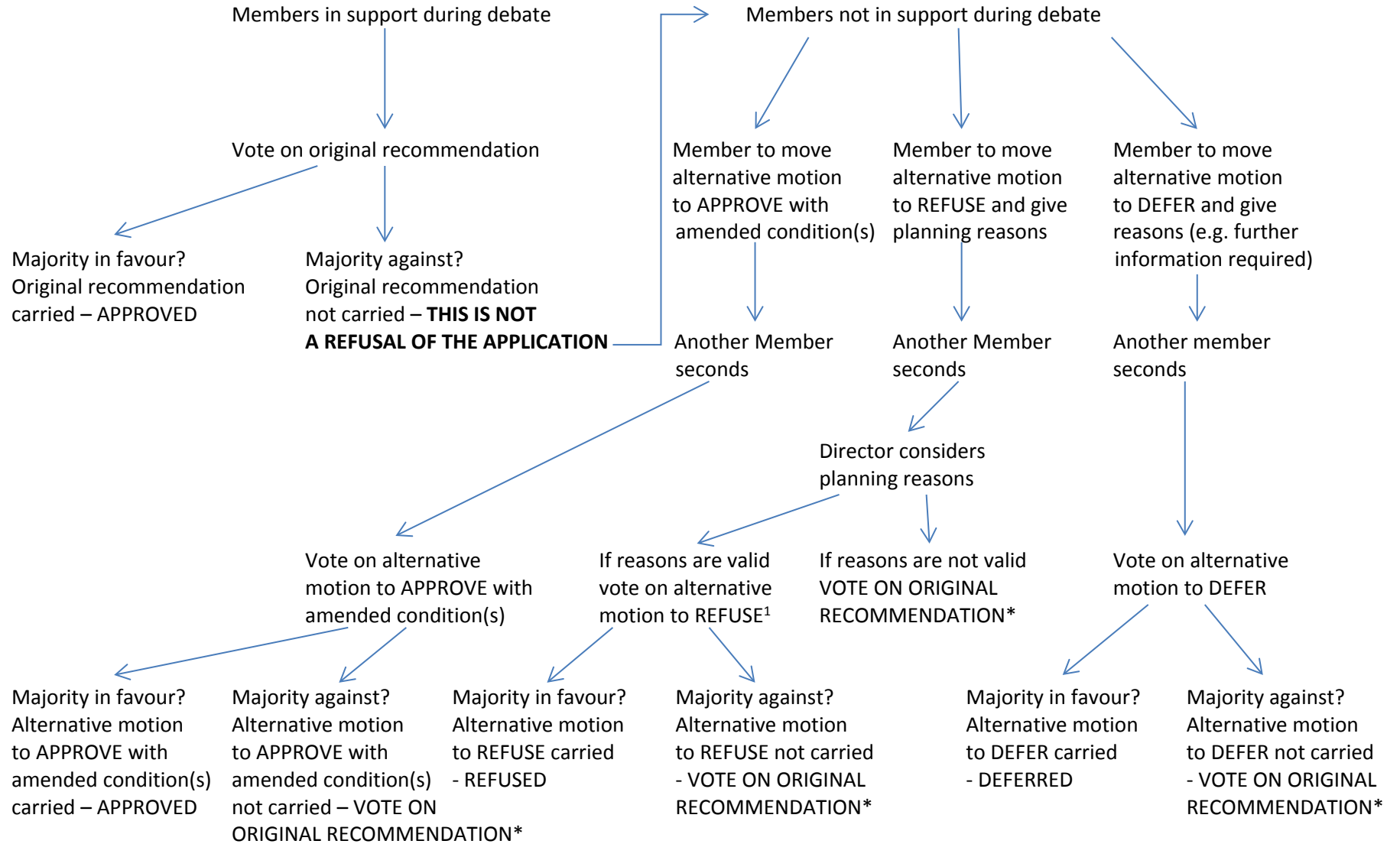
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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>

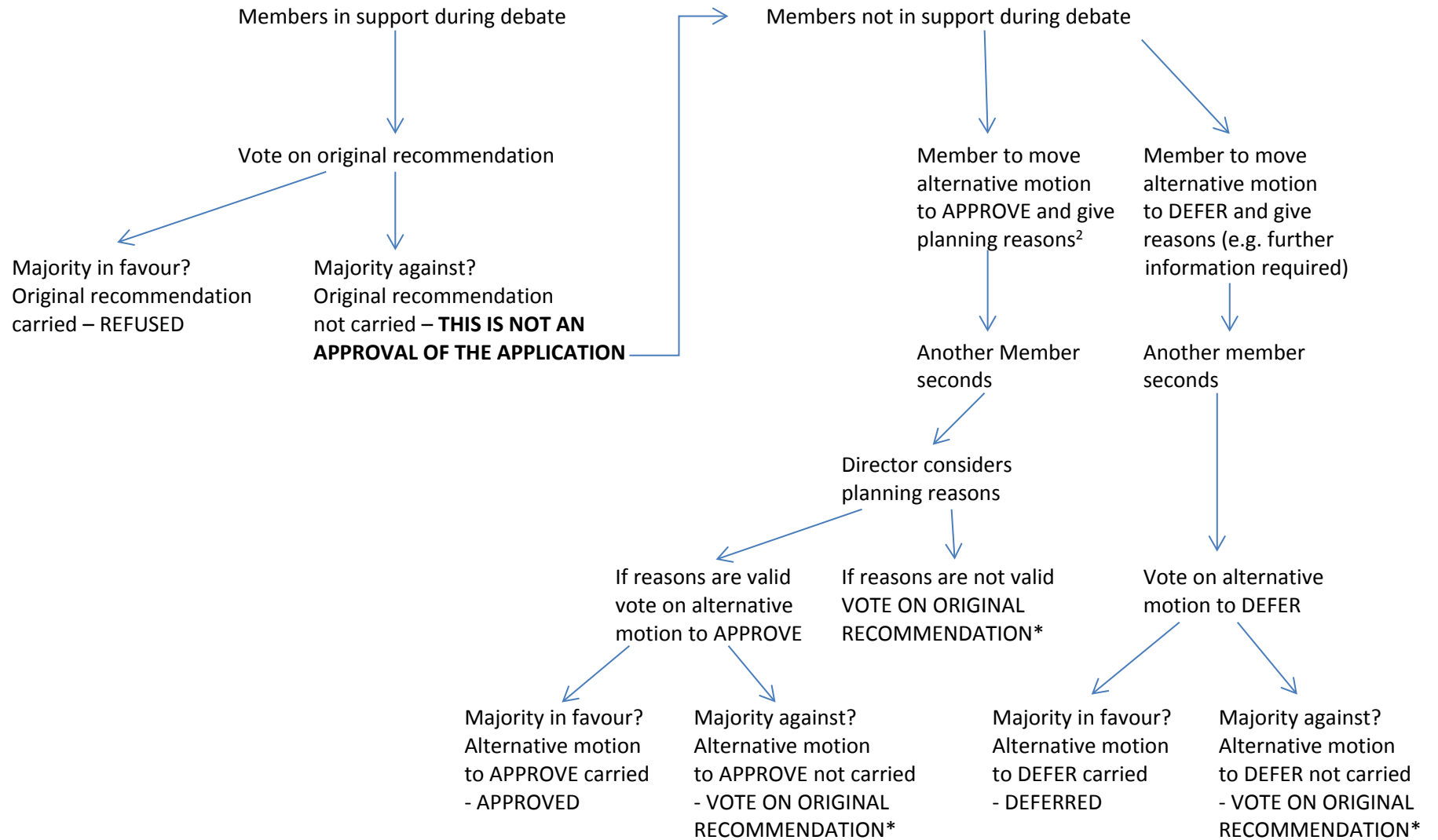
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ Subject to Director’s power to refer application to Full Council if cost implications are likely.

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

² Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

Planning Committee (North)
6 MARCH 2018

Present: Councillors: Karen Burgess (Vice-Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, Peter Burgess, John Chidlow, Roy Cornell, Leonard Crosbie, Matthew French, Billy Greening, Christian Mitchell, Godfrey Newman, Brian O'Connell, Stuart Ritchie, David Skipp, Simon Torn and Claire Vickers

Apologies: Councillors: Liz Kitchen, Christine Costin, Tony Hogben, Adrian Lee and Tricia Youtan

Absent: Councillors: Jonathan Dancer, Josh Murphy and Connor Relleen

PCN/94 **MINUTES**

The minutes of the meeting of the Committee held on 6 February were approved as a correct record, subject to the addition of the following sentence to the final paragraph before the resolution of Item PCN/90 (41Pondtail Rd – DC/17/1704):

“The Chairman confirmed that, in the event of non-agreement during determination in consultation with the relevant Members, the application would return to Committee for further consideration”.

The amended draft minutes were signed as a correct record by the Vice-Chairman.

PCN/95 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/17/2316 – Councillor Stuart Ritchie declared a personal interest in this item because he knows the person who he believes to own the land.

PCN/96 **ANNOUNCEMENTS**

There were no announcements.

PCN/97 **APPEALS**

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

PCN/98 **DC/17/2481 - LAND TO THE WEST OF PHASE 1, KILNWOOD VALE,
CRAWLEY RD, FAYGATE**

The Head of Development reported that this application sought permission for the development of between 204 and 250 dwellings, with 40% affordable housing, a pumping station and amenity space. Matters for consideration under this outline application were the principle of the development and a new access from Calvert Link, with all other matters reserved for future determination.

The application site was located north of the A264 adjacent to Phase 1 of the Kilnwood Vale development. It was currently grass pasture surrounded by hedges with fields to the west, and woodland to the north. The site formed part of the West of Bewbush strategic development site and had been reserved to accommodate a western relief road if required; the period of safeguarding the land for a relief road had expired in May 2014.

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.

In response to Wealden District Council's objection on the grounds of the potential impact on the Ashdown Forest Special Area of Conservation, it was reported at the meeting that to limit the impact of the proposal on adjacent Special Areas of Conservation, the applicants had proposed to enter into a legal agreement to cap the number of dwellings across the whole of the Kilnwood Vale development to 2,650. This cap would be lifted if and when the Council is satisfied that the additional units would not result in significant likely impacts on the Ashdown Forest SAC. As such the planning permission for up to 250 dwellings on the Reserve Land would simply enable residential development across the full extent of the established site area for Kilnwood Vale for up to 2,650 dwellings, which had been fully assessed under the EIA and Transport Assessment for the outline permission. On this basis, the proposed development on the Reserve Land would result in no additional AADT (annual average daily traffic) to the committed Kilnwood Vale development which had already been assessed through the outline approval.

Colgate Parish Council had commented on the application. Wealden District Council and Crawley Borough Council both objected to the proposal. A total of 57 letters of objection had been received. One member of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development in the context of the Kilnwood Vale development; impact on the character and visual amenity of the landscape and locality; the amenity of

neighbouring occupiers; access, highway and pedestrian safety; and its impact on nature conservation, flooding, land contamination and archaeology.

Members were concerned that West Sussex County Council's current strategy was not to build a western relief road, although it was noted that development of the site would not preclude the possibility of such a road being built in the future. The Head of Development agreed to write to the County Council requesting that they review their policy and explore alternative solutions for a potential future relief road.

It was also confirmed that discussions with the CCG regarding securing appropriate medical facilities in the locality were progressing.

RESOLVED

- (i) That a legal agreement be entered into to secure: 40% affordable housing; contributions towards open space provision, education, libraries, fire and rescue services, health improvements, community and sports facilities; and a cap the number of dwellings within the whole of the Kilnwood Vale site to 2,650 units. The legal agreement is to be agreed in consultation with the Local Member, who was also the Chairman of the Committee, and the Vice Chairman.
- (ii) In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Planning, Economic Development and Property be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.
- (iii) That on completion of (i) above, planning application DC/17/2481 be determined by the Head of Development with a view to approval.

PCN/99 **DC/17/2316 - NORTH EASTERN PARCEL OF SOLOMON'S SEAL, OLD GUILDFORD RD, BROADBRIDGE HEATH**

The Head of Development reported that this application sought permission for the erection of 28 dwellings with garaging, parking, hardstanding and landscaping. The application site was part of a wider development for 165 residential units. A reserved matters approval for 15 bungalows on this parcel of land had been granted as part of permission DC/16/1073.

The application site was located on the northern side of Old Guildford Rd, outside the built-up area of Broadbridge Heath. The wider development site comprised two fields, which shared a common border with the built-up area boundary.

The application site had mostly dense hedging on its north, east and west boundaries. A care home was being constructed to the south. A public footpath ran through the wider development site, dividing this parcel of land and the care home from the rest of the site to the west.

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. The Local Member also objected to the proposal. Three letters of objection had been received. The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; layout, scale and appearance; landscaping; housing mix; affordable housing; impact on neighbouring amenity; and highway safety.

Members discussed the proposal in the context of the previously approved proposal for 15 bungalows, and concluded that the proposed housing mix would lead to over intensification of the site.

RESOLVED

That planning application DC/17/2316 be refused for the following reason:

The proposed development would result in over intensification of development on the site that would lead to a detrimental impact on the character of the area, contrary to policies 32 and 33 of the Horsham District Planning Framework.

PCN/100 **DC/17/2524 - MICKLEPAGE, NUTHURST STREET, NUTHURST**

The Head of Development reported that this application sought permission for a variation of Condition 1 to permission DC/15/2493 for the erection of three two storey houses. The variation would allow amendments to the approved plans to reflect the development as built. The amendments increased the roof height and enlarged the footprint of the approved dwellings with some internal alterations. The extent of the alterations had altered the appearance and scale of the approved houses, and increased roof space to allow for an additional bedroom.

The Head of Development reported that that the Ministry of Housing, Communities and Local Government were considering a request to call in the application for determination by the Secretary of State. Therefore the recommendation was amended to read 'To grant planning permission subject to the application not being called in by the Secretary of State'.

The application site was located in the countryside and had been a paddock to the east of Nuthurst Street. A private access to adjoining development lay north of the site. There was linear residential development along Nuthurst Street in a rural setting.

Details of relevant government and council policies and relevant planning and enforcement history, as contained within the report, were noted by the Committee. The consultation responses from HDC Building Control and the Highway Authority, as contained within the report, were considered by the Committee.

The Parish Council objected to the application. A total of 190 letters of objection from 46 households had been received. Three members of the public spoke in objection to the application and a representative of the Parish Council also spoke in objection to the application. The applicant, applicant's agent and applicant's architect all spoke in support of the proposal.

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

Members noted the strong local opposition to the application and were particularly concerned that the development as built was considered contrary to policies within the Nuthurst Neighbourhood Plan.

Members concluded that, whilst the principle of development had been established, the extent and nature of the departure from the approved plans had changed the character of the development and were significant enough to have a detrimental impact on the character of the surrounding area.

RESOLVED

That planning application DC/17/2524 be refused for the following reasons:

The layout and increased form and massing of the amendments, creating four bedroom houses, represents an overdevelopment of the site that is harmful to the character of the area and fails to meet its housing needs, contrary to policies 7 and 10 of the Nuthurst Neighbourhood Plan and policies 16, 33 and 42 of the HDPF.

PCN/101 **DC/17/1579 - THE ROYAL OAK, FRIDAY STREET, RUSPER**

The Head of Development reported that this application sought permission for the conversion of a public house into a 4-bedroom dwelling with external alterations, including a single storey side and rear infill extension with roof lights and the demolition of toilet facilities on the east elevation. The proposal had

been amended during the application process to reduce the rear extension from two-storey to single storey.

The application site was located outside the built-up area over two miles from Rusper on a rural lane east of the A24. It comprised the pub The Royal Oak, a small detached building of traditional design, which was currently closed and vacant. There was a car parking area for approximately 15 cars associated with the pub, part of which would be used for private parking.

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. There had been 19 objections from 18 households received relating to the revised scheme. There had also been seven objections from six households to the original scheme. One member of the public 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 the change of use to a dwelling; impact on character and appearance of the area including heritage assets; neighbouring amenity; and highway issues.

In response to concerns regarding the impact on Howells Cottage, the neighbouring property, with regards to drainage, it was agreed that the existing drainage ditch along the south east of the site should be protected through an additional condition to secure drainage details.

Members noted concerns regarding overlooking and loss of amenity for Howells Cottage and it was agreed that an Informative would be included advising the applicant that the boundary treatment required under Condition 5 should include a solid fence of sufficient height to protect neighbouring amenity.

RESOLVED

That planning application DC/17/1579 be granted subject to the conditions as reported, with an additional condition to secure details of drainage to protect the drainage ditch along the south east boundary adjacent Howells Cottage.

PCN/102 **DC/17/2048 - BECKLEY STUD, REEDS LANE, SOUTHWATER**

The Head of Development reported that this application sought permission for the change of use of equestrian facilities to combined equestrian and charitable use by the HOPE Charity Project, which supported children with emotional and mental health difficulties. The application included the retention of a mobile home and the re-siting of a timber clad container. The proposed uses of the land included: the charity project; keeping donkeys, sheep and alpacas in

association with the charity; and the keeping, breeding and rearing of pedigree horses.

The application site was located in a countryside location and comprised a field used for grazing livestock and horses with mature trees along its boundaries. Colstable Lane lay to the north and west of the site. The site was accessed from Reeds Lane which ran alongside the eastern boundary. There were two listed buildings some distance from the site. Four stable blocks, an area of hard standing, a mobile home and the timber clad container were close to the eastern boundary of the site.

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. Members were advised of additional conditions that were recommended which would: restrict the number of horses stabled to 10; prevent external lighting without prior consent; restrict the playing of amplified music; and secure details of toilet facilities and animal waste management.

The Parish Council objected to the application. Eight letters of objection and 16 letters of support had been received. The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; the scale of the development and its impact on the character and visual amenities of the area, including the nearby listed building; the amenity of neighbouring occupiers; and parking and highway safety.

Members were supportive of the charity's objectives and concluded that the proposal was appropriate to its countryside location. Members welcomed the additional conditions which would further protect neighbouring amenity.

RESOLVED

That planning application DC/17/2048 be granted subject to the conditions as reported, with additional conditions to:

- restrict the number of horses stabled at the site to 10;
- prevent any external lighting being installed without prior consent;
- restrict the playing of amplified music;
- secure details of toilet facilities; and
- secure details of how animal waste is to be managed.

PCN/103 **DC/17/2675 - MELBURY, 34 RICHMOND RD, HORSHAM**

The Head of Development reported that this application sought permission for the erection of a single storey flat-roof rear extension, and a loft conversion featuring three dormer windows, a skylight and the removal of a chimney stack.

The application site was located within the built-up area of Horsham and was a semi-detached building on the south-eastern side of Richmond Road. The surrounding houses were predominantly post-Edwardian and the site was within the Horsham (Richmond Road) Conservation Area.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. The consultation response from the Heritage Consultant, who raised no objection, was noted by the Committee.

The Neighbourhood Council objected to the application. Twenty-one letters of objection, from ten households, had been received. One member of the public spoke in objection to the application and the applicant addressed the Committee in support of the proposal. A representative of Denne Neighbourhood 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 policy background; character and appearance; and its impact on neighbouring amenity.

Members considered the scale and design of the proposal in the context of the building's Edwardian design and the character of Richmond Rd and were concerned that the scale and extent of the changes, particularly with regard to the side dormer window, would have a detrimental impact on the character of the Conservation Area. Members concluded that the proposal should be deferred to allow for further discussion and reconsideration of details of the design.

RESOLVED

That planning application DC/17/2675 be deferred to allow for further discussion with the applicant to secure amendments to the design of the proposal, in consultation with the Local Members, the Chairman and Vice Chairman of the Committee.

The meeting closed at 8.20 pm having commenced at 5.30 pm

CHAIRMAN



Planning Committee North

Date: 10th April 2018

Report on Appeals: 22/02/2018 to 26/03/2018

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/17/2484	Trueloves Farm Marches Road Kingsfold Horsham West Sussex RH12 3SF	27/02/2018	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/17/1923	SL2 Signs 202 Crawley Road Horsham RH12 4EU	Written Representation	23/03/2018	Refuse	
DC/17/2484	Trueloves Farm Marches Road Kingsfold Horsham West Sussex RH12 3SF	Written Representation	23/03/2018	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/17/1599	Oak Cottage Stane Street Slinfold Horsham West Sussex RH13 0QX	Written Representation	Appeal Dismissed	Refused	
DC/17/1012	12 Hayes Lane Slinfold Horsham West Sussex RH13 0SQ	Written Representation	Appeal Dismissed	Refused	



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 10 April 2018

DEVELOPMENT: Demolition of existing former scout buildings and erection of 5 x 2 bed affordable dwellings and 3 x 1 bed affordable dwellings (including temporary accommodation) with associated car parking and landscaping.

SITE: 3rd Horsham Group Peary Close Horsham West Sussex RH12 5GD

WARD: Holbrook West

APPLICATION: DC/18/0017

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

REASON FOR INCLUSION ON THE AGENDA: The application has been made by Horsham District Council.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the construction of eight dwellings at the junction of Peary Close with Cook Road. The dwellings are to be provided as 100% affordable, including for use as temporary accommodation in a similar manner to that provided by the Council on the Bishopric site in Horsham (now known as Burstow Court – DC/15/0594).
- 1.3 The residential mix consists of a number of 1 and 2 bedroom homes; two 1-bed maisonettes, one 1-bed flat, two 2-bed maisonettes and three 2-bed flats. Land at the rear of the proposed building will provide private amenity space to ground floor units and a communal amenity space which can be used by all residents. In addition the site will be utilised to provide an area for secure storage for bins & bicycles.
- 1.4 Two separate parking courtyards are proposed, providing 8 allocated parking spaces and 2 visitor spaces. A total of 10 spaces are provided for the 8 dwellings resulting in a parking ratio of 1.25 spaces per unit. Cycle storage is provided to the rear of the site within a secure covered space. A total of 14 spaces are provided, 13 of which will be allocated and 1 space for visitors.

- 1.5 The building will extend over single, one and half and two storeys. The 2 storey central flat block element is adjoined by a series of 1.5 storey maisonettes. These maisonettes have their main living accommodation at ground floor with a bedroom in the roof space, lit by a series of roof lights.
- 1.6 A red brick is used as the principle material within the elevations with a complementary brown brick introduced to the maisonette units to provide a visual contrast and create interest along the street scene. A slate tile has been chosen as the roof covering with a series of feature Cedar timber panels being proposed to introduce a break in materiality and provide further visual interest.

DESCRIPTION OF THE SITE

- 1.7 The application site is located on Peary Close at its junction with Cook Road, which is accessed off North Heath Lane. A brick built, single storey building is currently located on the site, which is currently vacant but has most recently been used as a scout hut. To the rear of the scout hut is a pond however this rarely has water in it. The rest of the site is given over to rough/unmaintained grassland.
- 1.8 To the north east of the site (no's 1 – 7 Peary Close) lies a row of single storey properties, while to the east of the site lies a two storey block of flats (Fiennes Court). To the south and south west of the site lies two storey properties while to the east of the site (no's 41 and 43 Cook Road) are single storey properties. No. 31 Cook Road has been relatively recently extended to its side elevation and the boundary fence relocated.

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

Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 5 - Strategic Policy: Horsham Town
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

- 2.3 Planning Obligations and Affordable Housing Supplementary Planning Document (SPD)

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The un-parished part of “Horsham Town” (that being the Forest, Denne and Trafalgar Neighbourhood Council areas) were designated as a Neighbourhood Forum (Horsham Blueprint) on 5 June 2015. To date no neighbourhood plan has been developed for the area.

- 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

HR/136/80	Change of use from builders yard to scout headquarters	Application Permitted on 26.09.1980
DC/04/2743	Siting of cargo container for storage of scout group equipment	Application Permitted on 07.03.2005

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 Strategic Planning:** No Objection

- 3.3 **HDC Landscape Architect:** No Objection

Recommend conditions relating to hard and soft landscaping and fencing, and maintenance and management of the approved landscaping scheme

- 3.4 **HDC Environmental Health:** No Objection

Recommend conditions relating to land contamination, importation of soil, removal of waste and debris and requiring a construction management plan to be submitted

- 3.5 **HDC Drainage Engineer:** No Objection

Recommend a foul and surface water drainage condition.

OUTSIDE AGENCIES

- 3.6 **WSCC Highways:** No Objection

Recommends conditions in respect of access details and car parking spaces

- 3.7 **Ecology Consultant:** No Objection

Recommends condition relating to the development being carried out in accordance with the ecology assessment

- 3.8 **Southern Water:** No Objection

A formal application will be required for a connection to the public foul sewer.

PARISH COUNCIL

- 3.9 **North Horsham Council:** Object.

The Committee considered that eight residential dwellings on this site would constitute overdevelopment and be out of keeping with the area. The Committee drew attention to the volume of parked cars on Cook Road (the road leading to Peary Close) which had narrowed the road to such an extent that it has resulted in the number 51 bus being taken

out of service and the loss of a valuable community facility. Additional residential property would exacerbate this issue.

PUBLIC CONSULTATIONS

3.10 14 representations have been received, from 8 households, which raise the following objections:-

- Loss of privacy and amenity
- Over-development of the site
- Out of keeping with character of area
- Insufficient off-street parking provision
- Lack of on-street parking in the area
- Loss of green space
- Impact on biodiversity
- Disturbance during construction works
- Alternative uses for the Scout hut
- Flooding issues relating to the site

3.11 Any further representations will be reported verbally at Planning Committee.

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:-

- Principle of residential development
- Impact on the character and appearance of the streetscene
- Impact on the privacy and amenity of the occupiers of neighbouring properties
- Affordable housing
- Highway safety and car parking provision
- Ecology/biodiversity
- Flooding and drainage
- Community Infrastructure Levy (CIL)

Principle of residential development

6.2 The application seeks full planning permission for the construction of eight dwellings at the junction of Peary Close with Cook Road. The dwellings are to be provided as 100% affordable and used as temporary accommodation, similar to that provided by the Council on the Bishopric site in Horsham (now known as Burstow Court – DC/15/0594).

- 6.3 Policies within the HDPF seek to direct new development to the main settlements of the District to ensure that the countryside is protected from inappropriate development. The site is located within the built-up area boundary of Horsham, categorised as 'Main Town' in the HDPF and is therefore sited in a settlement that has *"...a large range of employment, services and facilities and leisure opportunities, including those providing a district function. Strong social networks, with good rail and bus accessibility. The settlement meets the majority of its own needs and many of those in smaller settlements."* The principle of providing additional residential accommodation in this location is therefore supported, subject to other material planning considerations.
- 6.4 Policy 41 of the HDPF (Community Facilities, Leisure and Recreation) seeks to avoid the loss of community, leisure and/or recreational facilities and sites. It however allows for the loss of facilities where it can be demonstrated that continued use of a community facility is no longer feasible and the facility is surplus to requirements. Information has been submitted which advises that the scout hut building is not being used for its previous purpose by the scouts and is currently vacant and this is predominantly due to the lack of suitable space for scouting activities. Subsequently the troop has relocated to the Holbrook Youth Club, a building in close proximity which is more suitable to their needs. The existing building is relatively small and needs investment to bring it back to a useable standard and lacks appropriate off-street parking. It is therefore considered that the requirements of Policy 41 have been met, with use of the building for community facilities no longer feasible.

Character and appearance

- 6.5 Policy 32 of the HDPF requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 relates to Development Principles and requires development, amongst other matters, to recognise any constraints that exist, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.6 The immediate area is characterised by single and two storey semi-detached, terraced and flats of brick construction with tile hanging to walls and tiled roofs. The application site lies at the junction of Peary Close with Cooks Road and the development of the site presents an opportunity to introduce a development which makes a feature of this corner site.
- 6.7 The structure will extend over single, one and half and two storeys and is therefore in keeping with the scale and character of surrounding properties. A red Birtley Olde English brick is used as the principle material within the elevations with a complementary brown brick introduced to the maisonette units to provide a visual contrast and create interest along the street scene. A slate tile has been chosen as the roof covering with a series of feature Cedar timber panels being proposed to introduce a break in materiality and provide further visual interest. Areas of car parking are provided to the east and west of the site.
- 6.8 The Council's Landscape Officer supports the proposal subject to conditions. It has been advised that the design proposals maintain the local characteristics of the street although it has been suggested that there is an opportunity for more trees to be planted on the west side of the site around the car park. The existing Poplar and Ash trees should be retained on the site boundary as these provide a valuable contribution to the streetscene, and other minor alterations to the landscaping scheme are also suggested. A tree report submitted with the application details that there are five trees on the site which range from under 25 years to circa 50 years of age with all of the trees located in the verges to the south and north east. It is proposed that safety works are required to three of these trees. These issues can be dealt with through a conditions requiring a landscaping scheme to be submitted to and agreed by the Local Planning Authority and protection of the trees whilst works are undertaken.

- 6.9 Having considered the overall scale, layout, design and form of the proposed buildings, it is considered that the proposal would draw on some of the design principles established through the nearby development. The NPPF paragraph 60 states 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
- 6.10 It is therefore considered that the scheme as submitted would preserve the character and appearance of the streetscene and the proposal is considered to comply with the requirements of policies 32 and 33 of the HDPF.

Impact on neighbouring amenity

- 6.11 Policy 33 of the HDPF requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise. The Council's design guidance on house extensions sets out that window to window distance between any habitable rooms should be no less than 21 metres and where a blank gable is proposed a minimum of 10.5 metres should be provided between the blank gable and any windows serving a habitable room in a neighbouring property. These distances usually apply to rear to rear elevations and in respect of habitable rooms (bedrooms, living rooms) only.
- 6.12 The structure will extend over single, one and a half and two storeys and is therefore in keeping with the character of the surrounding properties. The 2-storey central flat block element is adjoined by a series of 1 and a half storey maisonettes. These maisonettes have their main living accommodation at ground floor with a bedroom in the roofspace lit by a series of roof lights. The majority of the units are arranged to have their open plan kitchen/living/dining areas overlooking the gardens to the rear, with bedrooms overlooking Peary Close/Cook Road. The exceptions to this are the two corner units which look out onto the junction of Peary Close and Cook Road and one of the units at first floor level within the two storey block which will have its main outlook onto Peary Close.
- 6.13 In terms of the impact of the proposal on the terrace of single storey properties to the north, the proposal is sited broadly in line with the side elevation of 1 Peary Close at a separation of 4.6m. This is sufficient to ensure the building would not have a detrimental impact on light and outlook to 1 Peary Close, including a small side window that faces the site.
- 6.14 In respect of the impact of the proposal on the housing to the west of the site, 56 Cook Road, there is a single storey off-shoot to the side of the two storey building which extends to the boundary with the application site. This single storey structure has a number of windows however these are partially blocked from views from the site by a wooden boundary fence and mature planting. The proposal at its closest point will be some 10.8m from the building to the north of the site. It is proposed that the car parking area, bin and cycle stores and the garden areas associated with flats will be located between the proposed new building and no. 56 Cook Road. There will also be planting introduced along the boundary with no. 56 Cook Road. Given the orientation of the building and the layout of the proposal, it is considered that there will be no significant adverse impact on the privacy and amenity of the occupiers of 56 Cook Road.
- 6.15 In terms of the impact on properties on the opposite side of Cook Road and Peary Close, it is noted that there are a number of windows within the side elevation of 31 Cook Road and within the front elevation of Fiennes Close. Given the layout of the site, the orientation of the buildings are their relationship to each other, and the fact that there is a road between the application site and 31 Cook Road/Fiennes Court which has footpaths either side, it is not considered that the proposal will lead to direct overlooking of any private amenity space.

- 6.16 Having considered the distances set out above against the Council's guidance in respect of window to window distances, along with the fact that there is mature planting along the some of the site boundaries and additional planting is proposed, it is considered that the scheme would not result in significant harm to neighbouring amenity.

Affordable housing

- 6.17 Policy 16 of the HDPF states that on sites providing between 5 and 14 dwellings, the Council will require 20% of dwellings to be affordable, or, where on-site provision is not achievable a financial contribution equivalent to the cost of providing the units on site. On sites providing 15 or more dwellings, or on sites over 0.5 hectares, the Council will require 35% of dwellings to be affordable.
- 6.18 The scheme, as submitted, will provide 100% affordable and/or temporary accommodation. Affordable housing as set out in the NPPF is defined as "*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.*" The HDPF sets out that affordable housing is "*Housing provided with a subsidy to enable the sale price or rent to be substantially lower than the prevailing market prices or rents in the locality...*".
- 6.19 Whilst temporary accommodation does not fall within the definition of affordable as set out in the NPPF or the HDPF, the Council's Head of Housing Services is satisfied that the requirements of the relevant policies of the HDPF in respect of affordable housing can be met through the provision of temporary accommodation. The development as proposed would be similar to that recently acquired by the Council in the Bishopric (Burstow Court) and would provide a temporary housing solution for local people in priority housing need. The Council's Housing team have advised that there is a significant need for short term accommodation within the District.
- 6.20 The provision of affordable housing would usually be secured through a Section 106 Agreement, however, the Council cannot enter into an agreement with itself. It is therefore recommended that a condition be imposed requiring a detailed scheme for the provision of affordable housing and/or temporary accommodation to be submitted to and approved in writing by the Local Planning Authority, including detail of the type, tenure and location on the site of the affordable/temporary units and the arrangements to ensure that the units remain as affordable housing/temporary accommodation for both first and subsequent occupiers of the units. This approach is currently being discussed with the Council's legal team and any updates will be provided verbally at Committee.

Highway safety and car parking provision

- 6.21 Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.
- 6.22 West Sussex County Council as the Local Highway Authority have raised no concerns in respect of the proposal. They have advised that the existing access which is to be utilised is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity, and that sightlines along Peary Close from the existing point are considered acceptable. A new access onto Cook Road is also considered to be acceptable subject to works being completed under a licence agreement with WSCC.

- 6.23 In terms of trip generation and the capacity of the road network to accommodate additional vehicle movements associated with the proposal, WSCC have run their own assessment based on the proposed and existing uses and consider that there will be no material increase in traffic movements over the existing use of the site as a scout hut. They have further advised that there are no known capacity and congestion issues within the immediate vicinity of the site and therefore from a capacity perspective they are satisfied that the proposal will not have a severe residual impact.
- 6.24 In respect of car parking, this is also considered to be acceptable by WSCC, who considered that it is unlikely that there would be an increase in on-street parking as a result of this proposal. Whilst some local residents have raised this as a concern, the proposal will provide 10 spaces for the 8 units which equates to 1.25 spaces per unit. There are also opportunities in the locality for future occupiers to use alternative modes of public transport as Littlehaven train station is approximately a 15 minute walk away and Cook Road has footpaths that link to the nearby bus stops. The proposals are therefore considered to be in a sustainable location in terms of traffic movements to and from the site.
- 6.25 In conclusion, given that WSCC as the Local Highway Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, it is not considered that there are any transport grounds to resist the proposal.

Other considerations

Ecology

- 6.26 In terms of ecology and biodiversity, paragraph 109 of the National Planning Policy Framework (NPPF) states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Paragraph 118 expands on this stating that local planning authorities should aim to conserve and enhance biodiversity when determining planning applications and that opportunities to incorporate biodiversity in and around developments should be encouraged. A Preliminary Ecological Assessment has been submitted and considered by the Council's Ecology Consultant. The report confirms that the occasionally water-filled depression was not considered to "*qualify as a Habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006*" and therefore no concerns have been raised to the proposal.

Contamination

- 6.27 Policy 24 of the HDPF states that the high quality of the district's environment will be protected through the planning process. Developments are expected to minimise exposure to and the emission of pollutants. This includes addressing land contamination and making sure sites are appropriate for development taking into account ground conditions. A desk study has been submitted with the application which sets out that a number of potential sources of contamination associated with the sites former use have been identified including fuel storage and made ground from redevelopment. The Council's Environmental Health Team have advised that conditions should be imposed in respect of contamination, the submission of a construction management plan and the safe removal of waste.

Flooding and drainage

- 6.28 HDPF Policy 38 Flooding advises that development proposals will follow a sequential approach to flood risk management, giving priority to development sites with the lowest risk of flooding and making required development safe without increasing flood risk elsewhere in accordance with policy criteria. The site is located within Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. Southern Water and the Council's Drainage Engineer have all raised no objection to this proposal, subject to the use of a condition requiring the submission and

approval of details relating to the proposed means of foul and surface water drainage for the site. To ensure that water drains from the site and does not increase flooding on the site or cause impact harmfully on the wider drainage network conditions are recommended to secure an appropriate drainage strategy.

Community Infrastructure Levy (CIL)

6.29 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

6.30 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	575.46	76.73	498.73
	Total Gain		575.46
	Total Demolition		76.73

6.31 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

6.32 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Conclusion

6.33 Taking all matters into account, the proposal is considered an acceptable form of development. The scheme would result in an appropriate development in accordance with the requirements of the strategic and locational strategy policies of the HDPF. Whilst it is acknowledged that the development would alter the character of the site and some views from surrounding areas, it is considered that the provision of affordable homes/temporary accommodation would constitute significant benefits in favour of the development. The scheme is considered to be in accordance with the requirements of the HDPF and NPPF and would result in a sustainable form of development. The proposal is also considered appropriate with respect to its impact on demand for travel and highway considerations, trees, sustainability, ecology and flooding.

7. RECOMMENDATIONS

7.1 That planning permission be 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-Commencement Condition:** The proposed development shall not commence until a detailed scheme for the provision of affordable housing and / or temporary accommodation has been submitted to and approved in writing by the Local Planning Authority. The affordable housing and/or temporary accommodation shall be provided in accordance with the approved scheme which shall include:

- i. details of the type, tenure and location on the site of the affordable/temporary units;
- ii. the arrangements to ensure that the units remain as affordable housing/temporary accommodation for both first and subsequent occupiers of the units; and
- iii. the occupancy criteria to be used for determining the identity of the occupiers of the units and the means by which such occupancy criteria shall be enforced.

Any alterations to the approved scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with Policy 16 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall have follow the guidance given in BS5228:2009 and shall be adhered to throughout the construction period. The Plan shall provide for:

- a. An indicative programme for carrying out of the works
- b. The arrangements for public consultation and liaison during the construction works
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- e. the parking of vehicles of site operatives and visitors
- f. loading and unloading of plant and materials
- g. storage of plant and materials used in constructing the development
- h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- i. wheel washing facilities
- 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

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

- 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, 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).

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

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).

8 **Pre-Commencement Condition:** No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

9 **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).

10 **Pre-Commencement (slab level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each

dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

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

- 11 **Pre-Occupation Condition:** Prior to the first occupation 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).

- 12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling or use in accordance with drawing numbers 014 Rev P4 and 003 Rev P4. 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).

- 13 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the boundary treatments have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 14 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 15 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing numbers 014 Rev P4 and 003 Rev P4. 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).

- 16 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.
- Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).
- 17 **Regulatory Condition:** All works, including site clearance and demolition, shall take place in accordance with the recommendations made within the Preliminary Ecological Assessment by Calyx Environmental Ltd, dated June 2017, unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To provide ecological protection and enhancement in accordance with Policy 31 of the Horsham District Planning Framework.
- 18 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).
- 19 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, B, E and F of Part 1 or Class A of Part 2 of Schedule of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.
- Reason: In the interest of visual amenity and character of the area in accordance with Policy 33 of the Horsham District Planning Framework (2015).

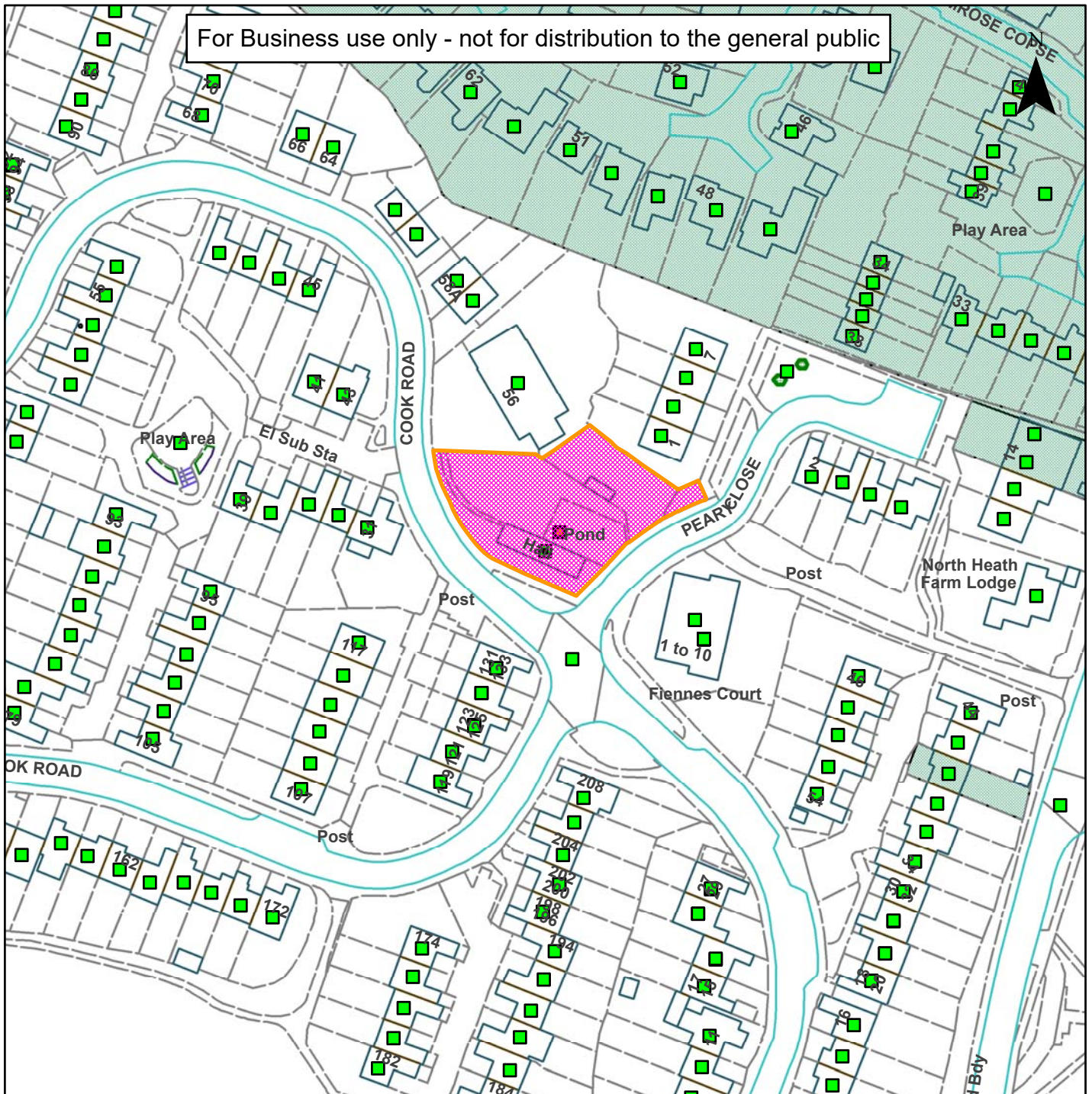
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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	27/03/2018
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

- TO:** Planning Committee North
- BY:** Head of Development
- DATE:** 10 April 2018
- 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:** To update Members following the resolution of the Committee at its meeting on 6 February 2018
- RECOMMENDATION:** That the application be approved subject to the conditions set out in the Officer's report of 6 February 2018

1. INTRODUCTION

1.1 To summarise the history of the application to date:

- Application originally reported to Committee on 5 December 2017 with a 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;
- Members deferred consideration of the application to allow for further consultation/consideration of highway impacts with the Local Highway Authority ;
- Site meeting took place with HDC Officers, a representative of WSCC Highways, Councillor Burgess and the applicant, agent and their transport consultant (11.01.2018);
- Application referred back to Committee on 6 February 2018 with a recommendation for approval subject to conditions which would require the submission of revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit which would include the provision of a widened access, double yellow lines, school signage and potentially speed signage subject to it being demonstrated that it is required;

- Members resolved that the application be determined by the Head of Development with a view to approval in consultation with the Local Members, Chairman and Vice-Chairman and Cabinet Member for Planning & Development in order to address outstanding road safety concerns;
- Meeting held with Members as detailed above, the Case Officer and the Principal Planner to discuss highway safety concerns (15.02.2018);
- Meeting held with Members (as detailed above), the Head of Planning and the Director of Planning, Economic Development & Property (08.03.2018);
- Meeting between a number of local residents, the Head of Development and the Case Officer (20.03.2018);
- Comments sought and received from the County Highways (Development Management) Team Manager in respect of concerns raised by local residents.

2. PLANNING ASSESSMENTS

- 2.1 At Planning Committee North on 6 February 2018 Members resolved that the application should be 'determined by the Head of Development with a view to approval in consultation with the Local Members, Chairman and Vice-Chairman and Cabinet Member for Planning & Development in order to address outstanding road safety concerns.' A copy of the previous committee reports are attached at Appendix 1 and Appendix 2.
- 2.2 A meeting took place on 15 February 2018 with Officers, Councillor Peter Burgess, Councillor Mitchel, Councillor Kitchen, Councillor Karen Burgess and Councillor Vickers. At this meeting various highway related issues were discussed and possible resolutions to the concerns raised considered. A further meeting between Members, the Head of Development and the Director of Planning, Economic Development and Property took place on 8 March 2018.
- 2.3 Members were advised at the meetings that WSCC Highways have verbally discussed with both the Applicant and the Case Officer their position in terms of signage. Whilst the Applicant has indicated that they would agree to the installation of both school and speed activated signs as the District Council have requested, WSCC Highways have advised that they need to be satisfied that both types of signs are necessary, as school signs are normally only installed where there may be unaccompanied children walking to the school and the speed activated signs would only usually be installed where there is a proven speed problem. As advised at the meeting of the Planning Committee (North) on 6 February 2018, WSCC Highways advised that it would need to be demonstrated that the proposed signage is needed and, for the speed activated sign, a 7 days speed survey would need to be undertaken first to assess average speed before they would agree to this.
- 2.4 A speed survey was undertaken on behalf of the Applicant on 22 February 2018, with a report providing the results submitted to the Council on 26 February 2018. The report sets out that the speed survey was undertaken along a stretch of Pondtail Road close to the site (opposite no. 44 Pondtail Road and close to the existing car park entrance) between 12.35pm and 2.20pm. A total of 100 free flow traffic movements each way were recorded, which WSCC Highways have advised conforms to the required methodology. The report details that of the 100 vehicles recorded travelling southbound, some 96 were travelling between 0-37mph and 4 were travelling over 37mph. Of the 100 travelling northbound, some 95 were travelling between 0-37mph and 5 were travelling over 37mph. The results show that the mean speed of Pondtail Road between 29.9mph (southbound) and 30.5mph (northbound), whilst the 85th percentile speed of 33mph (southbound) and 35mph (northbound) were recorded, throughout the survey period.
- 2.5 WSCC Highways, having considered the results of the speed survey, have advised that *"The speeds recorded for the mean (average) speed along Pondtail Road are under the requirements for the LHA to insist on any signage. As you were aware previously we had*

advised that the signs were not required, however we welcomed the data provided in the form of a speed survey to give a more technical view. The difference is around 3-4 mph where the requirement for the signs would be justified.”

- 2.6 Given that a speed survey has now been undertaken and taking into account the view of WSCC Highways, it continues to be Officer’s view that the application cannot be refused on highways safety grounds. Whilst the Applicant has previously confirmed their willingness to fund the installation and maintenance of a speed sign, given the speed survey results, WSCC will not agree to its installation.
- 2.7 Since the last Committee meeting on 6 February 2018 and at the time of writing this report, a further 59 letters/emails of objection have been received by the Council (now totally 80 letters/emails from 57 properties) along with a further email of objection from Horsham Denne Neighbourhood Council. Most of these additional objections relate primarily to highway safety concerns with the proposed change of use of and the use of the surrounding residential roads for staff parking. The Applicant advises that 16 full-time and 2 part-time staff will be employed at the nursery, with 4 parking spaces being available on-site for members of staff. If every member of staff travelled to the site by car rather than walking, cycling or car-sharing, this would mean that there was a shortage of 14 parking spaces. The neighbouring residential streets have no parking restrictions. A survey undertaken by the Applicant was carried out on two separate weekdays between the hours of 6am and 11am which is likely to be when staff would be travelling to the nursery and indicated that there was sufficient on-street parking within the local area; on average 21 spaces were available on Pondtail Close and additional spaces in the wider area. WSCC Highways have advised that the methodology used was appropriate and that the proposed development would not have a significant parking impact in the local area.
- 2.8 A number of further concerns have been raised by local residents, in particular with the speed survey undertaken, vehicle movements and deliveries to/from the site, safety of children and manoeuvrability within the car park.
- 2.9 Residents are concerned that the vehicle movements associated with the existing pub use are not representative of the use that took place as the majority of people walked to The Rising Sun. WSCC Highways have advised that the applicants approach to forecast the trip generation associated with the existing pub use is a general accepted method of forecasting trip generation and whilst they appreciate the residents’ concerns that the forecast may be higher than what occurred at the Rising Sun, they have advised that applications have to be assessed using standard accepted methodologies. They have concluded that irrespective of this the proposed change in impact in highway terms from a pub to a nursery would not warrant a reason for refusal purely on traffic impact.
- 2.10 Concerns have also been raised in respect of the times that the speed survey was undertaken. WSCC have re-iterated that they have no concerns with the survey being undertaken outside of the peak hours during a lunchtime and surveys should be undertaken in free flow conditions where a higher and more representative speed are far more likely outside of the AM and PM peak periods. This approach is confirmed with the Design Manual for Roads and Bridges (DMRB) TA 22/81 Vehicle speed measurement on all purpose roads.
- 2.11 In respect of concerns raised about deliveries and bin collections from the site not being properly considered, the submitted transport statement sets out that servicing will take place from within the site. WSCC have advised that it is important to remember that the existing permitted use of the public house would have had more regular deliveries and likely larger vehicles such as a beer dray when compared to the proposed use and therefore the refusal of this application for lack of information on servicing arrangements would not be supportable at appeal.

- 2.12 Local residents have also raised concerns about children crossing the road to access the nursery. The application has been subject to an independent Stage 1 Road Safety Audit and this issue was not identified as a concern within this. WSCC have advised that the road is subject to a 30mph speed limit, is lit and whilst there are no formal pedestrian crossing points there are informal crossing points along Pondtail Road. It is also important to remember that given the nature of the nursery the trips associated with it will be supervised by parents/guardians and there will not be independent travel by children.
- 2.13 Concern has also been raised about the ability to manoeuvre within the existing carpark. WSCC have advised that as a general rule 6m clear space should be provided behind each parking space to allow vehicles to easily exit a parking space and that in this instance excess of 6m is provided. The vehicle access is approximately 6m in width which will enable two way vehicular access into the site. No concerns about vehicles being able to manoeuvre within the car park and access and leave the site in a forward gear are therefore raised by WSCC.
- 2.14 The original report to Committee in December 2017 stated that there were no highway safety concerns associated with the development, and that monitoring could ensure any mitigation was put in place if a problem occurred. The proposed amendments (as set out in the report to Committee in February 2018) have revisited this position and the application now includes a number of measures which would be put in place prior to the use commencing. The widening of the existing access would provide improved access and egress to / from the site with the double yellow lines along the frontage of the property deterring on-street parking and the resulting potential safety hazards. These are considered to be positive measures which directly respond to the concerns raised during the previous Planning Committee North meetings.

3. CONCLUSION

- 3.1 As set out in the Officer's reports of 5 December 2017 and 6 February 2018, 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 for planning permission and this would result in the loss of a community facility.
- 3.2 In terms of highway safety, improvements have been made to the scheme since the application was first considered by Members. These improvements include:
- The provision of a widened access to the site with tactile paving either side of the access;
 - Double yellow lines being provided pre-occupation along the frontage of Pondtail Road;
 - 16 demarcated off-street parking spaces will be provided within the site;
 - The proposed car parking layout will be subject to a Stage 2 Road Safety Audit and Technical Check prior to the commencement of development.
- 3.3 It remains the view of Officers that the proposal, taking into account the advice of the Highway Authority, that the development would not have an adverse impact on the highway network and refusal on these grounds would not therefore be warranted.

Notwithstanding this position Officers acknowledge the concerns which have been raised by Members. Officers have worked with the Applicant to bring to committee an improved scheme in terms of highways related matters. Officers are of the view that these amendments address the concerns which have been raised by Members and can be controlled through conditions suggested within this report and a Section 278 Agreement of the 1980 Highways Act.

- 3.4 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.

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**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

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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

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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

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- 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;

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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.

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- 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

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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.

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- 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:

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- 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.

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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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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 6 February 2018

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: To update Members following the resolution of the Committee at its meeting on 5 December 2017

RECOMMENDATION: That the application be approved subject to the conditions set out in 2.3 of this report.

1. INTRODUCTION

- 1.1 At Planning Committee North on 5 December 2017 Members resolved to defer consideration of the application to allow for further consultation / consideration of highway impacts with the Local Highway Authority. A copy of the previous committee report is attached at Appendix A.
- 1.2 A site meeting took place on 11 January 2018 by HDC Officers, a representative of WSCC Highways, Councillor Burgess and the applicant, agent and their transport consultant. At this meeting various highway related issues were discussed and possible resolutions to the concerns raised considered.
- 1.3 Following this meeting additional plans and information have been submitted which reflect the discussions which took place on site. The additional plans and supporting information make the following amendments to the scheme previously considered by Planning Committee North:-
 - The existing access from Pondtail Road will be widened to 6m with a 3m radii;
 - A kerbed car park access with tactile paving linking each side of the access will be provided;
 - 16 demarcated off-street parking spaces (a reduction of 1 space because of the amended access arrangement) will be provided within the site;

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- The proposed car parking layout will be subject to a Stage 2 Road Safety Audit and Technical Check prior to the commencement of development;
 - Double yellow lines will be provided (pre-occupation) along the frontage of Pondtail Road. These will be provided as part of a S278 process;
 - The applicant will continue discussions with WSCC Highways in respect of the provision of school pedestrian warning signs.
- 1.4 The previous report stated that there were no highway safety concerns associated with the development, and that monitoring could ensure any mitigation was put in place if a problem occurred.. The proposed amendments (as set out above) have revisited this position and the application now includes a number of measures which would be put in place prior to the use commencing. The widening of the existing access would provide improved access and egress to / from the site with the double yellow lines along the frontage of the property deterring on-street parking and the resulting potential safety hazards. These are considered to be positive measures which directly respond to the concerns raised during the previous Planning Committee North meeting.
- 1.5 It was discussed during the site meeting whether school warning signs, and speed indicators, could also be provided in the immediate vicinity of the application site. The Highway Authority does not consider that such signs are required, maintaining their view that the proposed development would not result in an adverse impact on the highway network. Notwithstanding this position the applicant is exploring the potential for such signs to be erected, although noting that the Traffic Signs Manual advises that these signs are only supposed to be used for schools or playgrounds, not nurseries. The applicant is therefore continuing discussion with the Highway Authority on this matter and an update will be provided at the Committee meeting.
- 1.6 Since the previous Planning Committee meeting two further letters of objection have been received from local residents, these do not though raise any additional comments beyond those considered in the previous report. North Horsham Parish Council also submitted comments advising that they have no objections to the application subject to the applicant addressing the concerns raised by WSCC Highways and local residents.
- 1.7 Councillor Burgess has also provided additional comments, which are summarised as follows:
- Highway safety concerns with the proposal;
 - Considers the following are essential:
 - Double yellow lines covering the frontage and beyond;
 - Increasing the width of the car park entrance;
 - Traffic warning signs noting the presence of a nursery either side of the road and before the railway bridge;
 - Speed indicator unit on the Horsham side of the railway bridge;
 - Increase in traffic using Pondtail Road;
 - Extensive car journeys for potential clientele;
 - Intention of staff to use local roads for parking;
 - Insufficient space for 80 children within the building;
 - Insufficient space for 50 children within the small play area to the rear.

2. CONCLUSION

- 2.1 As set out in the Officer's report of 5 December 2017, 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 for planning permission and this would result in the loss of a community facility.

- 2.2 In terms of highway safety, improvements have been made to the scheme since the application was last considered by Members. It remains the view of Officers that the proposal, taking into account the advice of the Highway Authority, that the development would not have an adverse impact on the highway network and refusal on these grounds would not therefore be warranted. Notwithstanding this position officers acknowledge the concerns which were raised by members at the time of the committee deferral. Officers have worked with the applicant and the local member to bring to committee a significantly improved scheme in terms of highways related matters. Officers are of the view that these amendments address the concerns which have been raised by members and can be controlled through conditions suggested within this report and a Section 278 Agreement of the 1980 Highways Act.
- 2.3 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.
- 2.4 It is therefore recommended that the application is approved subject to the conditions as set out 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:

- working hours
- the parking of vehicles by site operatives and visitors
- loading and unloading of plant, materials and waste
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding, where appropriate
- 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),
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- assessment to identify any asbestos contained within the building and controls put in place to ensure safe removal and disposal
- details of public engagement both prior to and during construction works
- the method of access and routing of vehicles during construction

- the anticipated number, frequency and types of vehicles used during construction

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of occupiers of neighbouring residential properties during construction, in the interests of highway safety and the amenities of the area and 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 the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: As this matter is fundamental in the interests of road safety in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 6 **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. The development shall thereafter take place in accordance with the plans and details and shall be retained as such thereafter.

Reason: As this matter is fundamental in the interests of road safety in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 7 **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).

- 8 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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:** 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).

- 10 **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).

- 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.

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

Note to applicant: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works and proposed double yellow lines. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Background Papers: DC/17/1704

APPENDIX 1



Horsham **PLANNING COMMITTEE** District **REPORT FROM** Council **05.12.2017**

- TO:** Planning Committee North
- BY:** Development Manager
- 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.

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- 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

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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

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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 **WSCC 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 **WSCC 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

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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

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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

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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.

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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).

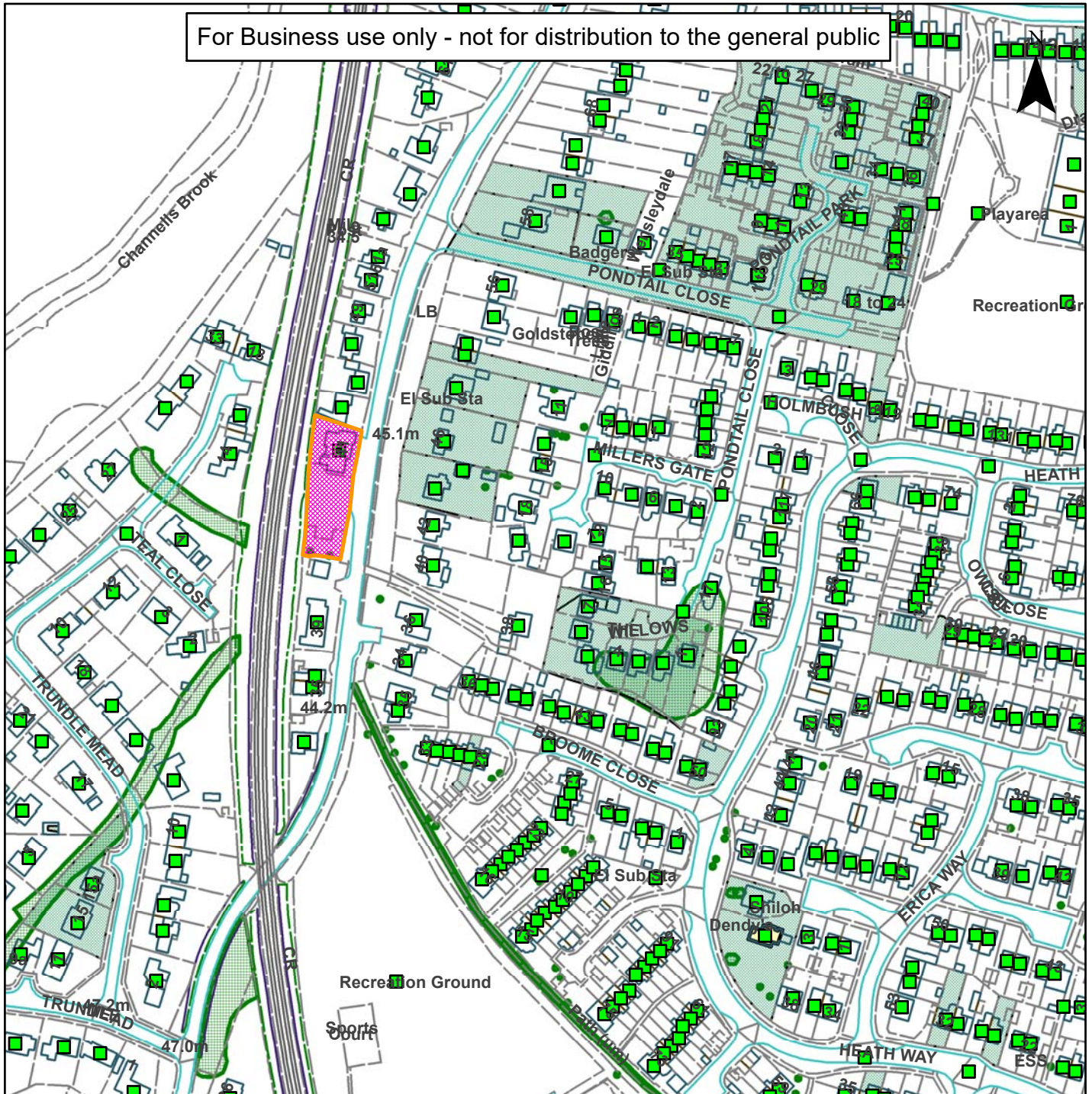
Background Papers: DC/17/1704

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	27/03/2018
BSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 10 April 2018

DEVELOPMENT: Erection of one new 4 bed house and associated garage

SITE: Gate Lodge Stane Street Slinfold Horsham West Sussex RH13 0RE

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/17/2364

APPLICANT: **Name:** Sam Baker **Address:** Ryebrook Studios Woodcote Side Epsom
KT18 7HD UK

REASON FOR INCLUSION ON THE AGENDA: As the application is a Departure from the
Development Plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the construction of one detached, four bedroom dwelling with garaging and landscaping. The dwelling will provide a kitchen with a dining room, living room, utility room, WC and integral double garage on the ground floor and four bedrooms (one ensuite) and a bathroom on the first floor. The accommodation will be arranged in an 'L' shape with a single storey double garage measuring 5.6 metres to its ridge sited at a right angle to the main accommodation which is some 7.5 metres in height. The dwelling at its longest and widest point is some 15 metres by 13 metres.

1.3 The existing access and driveway off the A29 are to be retained and utilised, and extended to provide access to the property. A total of four car parking spaces are to be provided for the dwelling; two in the garage and two on the driveway, with space within the garage also being provided for the storage of bicycles and bins.

DESCRIPTION OF THE SITE

1.4 The application site lies to the west of the A29, approximately 860m (as the crow flies) from the built-up area boundary of Slinfold. Walking into the village of Slinfold would involve walking along the A24 to join the Downs Link; a walk of approximately 1.2km to the edge of the village.

- 1.5 The site measures approximately 0.24 hectares and slopes slightly uphill from the A29. The site is well hidden from public view due to the mature planting that exists around its boundary. A number of buildings and structures exist on the site, including a single storey timber building being used as a shed and office with associated car parking area and a large shed and car port with an associated hard surface. There is an existing internal road which runs east to west through the site given access to these buildings.

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

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion Policy

15 - Strategic Policy: Housing Provision

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

- 2.4 The Slinfold Parish Design Statement has the status of an interim planning document.

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Council has received the Examiners report on the Slinfold Neighbourhood Plan and is currently undertaking consultation on the associated modifications. The Plan is of some weight in the consideration of this application, with policies 5 (Biodiversity), 6 (Development Principles) and 7 (Housing Mix) of relevance.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/0911	Cessation of commercial uses, removal of associated commercial buildings and the erection of three small bungalows on land to the north of Gate Lodge	Application Permitted on 01.10.2015
DC/16/2200	Cessation of commercial uses, removal of associated commercial buildings and the erection of three 4 bedroom houses together with garages and landscaping	Application Refused on 08.12.2016 – Allowed on appeal 04.07.2017
DC/16/2201	Construction of 1 no. 4 bedroom house together with garage and landscaping	Application Refused on 09.12.2016

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 **WSCC Highways:** No Objection.
The proposal is for additional 4-bedroom dwelling and double garage on the site. The dwelling would result in 5 x properties total being served from the existing vehicle access point to Stane Street. On balance, and considering the previous commercial use at the site and vehicle movements that could occur, the LHA would not raise a capacity concern for an additional dwelling in this location.
- 3.3 **Southern Water:** No Objection
An informative was requested if the application is minded for approval.
- 3.4 **Parish Council:** Objection
Object due to the size and scale of the development which will result in overdevelopment.

PUBLIC CONSULTATIONS

- 3.5 None Received.

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 granted at Planning Committee in October 2015 for the cessation and removal of commercial activities and for the erection of three 2 and 3 bedroom bungalows on the northern section of the site (ref: DC/15/0911). As part of this application Members considered that the local housing need and presence of alternative commercial sites within the locality outweighed any conflict with policy arising from the countryside location.
- 6.2 A subsequent application was received in September 2016 for a revised scheme on a larger site area comprising three 4 bedroom houses (ref: DC/16/2200). This application was refused at Planning Committee due to concerns relating to the countryside location of the site, the size and scale of the proposed dwellings, and the potential impact on protected species.
- 6.3 This decision was subject of an appeal which was allowed in June 2017, a copy of this decision is appended to this report. In allowing the appeal the Inspector concluded:-

“The development would not comply with the Council’s policy objectives in terms of location but would still be within a short distance of Slinfold and adjacent to a bus route. The design would be a distinct improvement over the existing permission for 3 bungalows. I give only limited weight to the increase in accommodation provided despite the preference in the draft neighbourhood plan for smaller dwellings. The difference between 2/3 bedroom dwellings and the proposed modest 4 bedroom units is outweighed by the improvements in appearance. Moreover there is support for the development from the local community.”

- 6.4 A further application for a four bedroom house on the site (DC/16/2201) was submitted at the same time and refused at the same Planning Committee meeting for largely the same reasons. This decision was not appealed.
- 6.4 This current application proposes a fourth dwelling on the site in a similar manner to the scheme refused planning permission under DC/16/2201. The dwelling would sit on land between the existing Gate Lodge building and a previously approved building. The key issues of consideration raised by the proposal relate to:-
- The principle of development;
 - The impact on character and appearance;
 - Impact on neighbouring amenity;
 - Impact on transport;
 - Impact on ecology.

Principle of development

- 6.5 Policy 2 of the HDPF seeks to maintain the District’s unique rural character, whilst ensuring that the needs of the community are met through sustainable development that has suitable access to services and local employment. The spatial strategy to 2031 is to focus development in and around the key settlement of Horsham and allow for growth in the rest of the District in accordance with the identified settlement hierarchy, with Policy 3 of the HDPF stating that development will be permitted within towns and villages which have a defined built-up area.
- 6.6 The application site is outside any settlement boundary and for the purposes of planning policy is within a countryside location. The development would therefore be contrary to the approach set out in policies 2 and 3 of the HDPF. In addition, there is no evidence to suggest that the proposed dwelling would be essential to its countryside location, and the proposal would also therefore conflict with policy 26. The existing planning permission and subsequent appeal decisions are though material to the consideration of this application.
- 6.7 The existing planning permission establishes the principle of residential development on the site. While this would not automatically render future applications for increased housing on the site acceptable, the proposal would inevitably be viewed alongside and in the context of this adjoining residential development. The appeal decision noted that the site was within reasonable walking and cycling distance of Slinfold and close to significant employment sites, and as such was not completely remote. The proposed development would not extend beyond the existing site boundaries with a degree of separation from the wider countryside surroundings, the character of which is mixed with a number of substantial business parks in close proximity.
- 6.8 It is considered, in this instance and taking into account the planning history of the site, that while the proposal is contrary to policies 2 and 3 this would not necessarily equate to harm given the extant permission for three dwellings on the site. The additional dwelling proposed would sit in close proximity to these three dwellings and as such would not appreciably intensify the use of the site or appreciably harm its appearance in the wider

countryside. The proposal would not be an isolated dwellinghouse in the countryside and would be within reasonable distance of Slinfold, which is identified as a 'medium village' in policy 3. In this respect the proposal could make a small contribution to maintaining the vitality of the rural community, in accordance with paragraph 55 of the NPPF. It is therefore considered that this particular site in these particular circumstances is a suitable location for a dwellinghouse, subject to all other considerations.

Character and appearance

- 6.9 The proposed dwelling would reflect the scale, form and design of the already approved development on the site (ref: DC/16/2200). As part of this permission, granted on appeal, it was held that the design would be appropriate to the countryside location, with the spacing between houses generous and reflective of the wider landscape. It was also noted that the dwellings would be hard to perceive from any public viewpoint, and that a landscaping scheme would assist in helping the development merge into the landscape.
- 6.10 There are considered to be no reasons to take a different view as part of the current application, which would accord with Policies 25, 32 and 33 of the HDPF.

Impact on neighbouring amenity

- 6.11 Policy 33 of the HDPF requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers.
- 6.12 The proposed dwelling would be sited a sufficient distance from Gate Lodge to prevent any harm to window openings, with the screening provided by existing and proposed landscaping sufficient to prevent any significant impact on the adjoining garden area. The presence of an additional dwelling on the site, in the context of movements along the adjoining A29, would not be expected to result in significant levels of noise or disturbance. The siting and relationship between the proposed and already approved dwellings would not compromise light, outlook or privacy for future occupants, with the resulting standard of accommodation therefore considered acceptable. The proposal is therefore considered to accord with the above policy.

Impact on transport

- 6.13 The proposal would result in 5 residential properties using the existing vehicular access point onto Stane Street. As part of existing permissions adequate visibility splays have been demonstrated and this application would not change this arrangement. The Highway Authority has advised that considered the previous commercial use at the site the vehicular movements which could result, advising that the proposal would not raise a capacity concern or have an adverse impact.
- 6.14 Internally, the access road is not wide enough to allow two cars to pass in opposing directions in some locations, there is though opportunity for passing places and as such there are no concerns in this regard. A condition is though recommended to ensure the crossover width is sufficient for two cars to pass, and this will prevent any potential impact on the adjoining highway. Subject to this condition, and the previously approved visibility splays, there are considered to be no highway grounds to resist the application, which accords with policies 40 and 41 of the HDPF.

Impact on ecology

- 6.15 As part of the existing planning permissions on the site it was found that any ecological concerns associated with the inclusion of small area of residential garden should not impede residential development, which was likely to have ecological benefits if bat and bird boxes were provided as part of the scheme. In this instance the additional dwelling would

not give rise to any further ecological concerns given its proximity and relationship with the approved development. Conditions are recommended to ensure an ecological improvement to the site is secured and this would ensure the development would not conflict with the ecological protection aims of policy 31 of the HDPF.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

6.16 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

6.17 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	174	0	174
		Total Gain	174
		Total Demolition	0

6.18 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

6.19 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

7.1 That planning permission be 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-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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).

4. **Pre-Commencement Condition:** No development shall take place until the recommendations in the Preliminary Ecological Appraisal dated September 2016 by EAS Ltd have been carried out including a further survey and a detailed strategy for habitat protection and mitigation including bat and bird boxes, and a timetable, which is to be submitted and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved strategy and timetable.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 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 confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

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

6. **Pre-Occupation Condition:** Prior to the first occupation 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:** Prior to the first occupation of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the boundary treatments associated with that dwelling have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

8. **Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4m by 128m to the south and 2.4m by 132m to the north have been provided at the existing site vehicular access onto Stane Street. Once provided the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 1 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).

9. **Pre-Occupation Condition:** No part of the development shall be first occupied until details of the vehicular access onto Stane Street have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the access is of sufficient width for two vehicles to pass. The vehicular access shall thereafter be implemented in accordance with the agreed details prior to the occupation of the dwelling, and shall be retained as such thereafter.

Reason: In the interests of road safety 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 the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

11. **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

12. **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).

13. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C or E of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilages of the dwellings hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwellings.

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

Background Papers: DC/17/2364
DC/16/2200
DC/15/0911

Appeal Decision

Site visit made on 13 June 2017

by **Paul Jackson B Arch (Hons) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 July 2017

Appeal Ref: APP/Z3825/W/17/3167923
Gate Lodge, Stane Street, Slinfold RH13 0RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Havensilver Investments Ltd against the decision of Horsham District Council.
 - The application Ref DC/16/2200, dated 28 September 2016, was refused by notice dated 8 December 2016.
 - The development proposed is removal of associated commercial buildings and the erection of three 4 bedroom houses together with garages and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for removal of associated commercial buildings and the erection of three 4 bedroom houses together with garages and landscaping at Gate Lodge, Stane Street, Slinfold RH13 0RE in accordance with the terms of the application Ref DC/16/2200, dated 28 September 2016, and the plans submitted with it, subject to the conditions at the end of this Decision.

Main Issues

2. The main issues are as follows:
 - The sustainability of the development, having regard to its location in the countryside outside any built-up area boundary or settlement;
 - the effect of the proposed development on the character and appearance of the area; and
 - The effect on biodiversity and wildlife.

Reasons

3. Gate Lodge is a former estate lodge on the A29 about 6 kilometres west of Horsham. The appeal site consists of an area of land behind the house which since separation of the lodge from the estate, has mostly been used for various commercial purposes including a copper works. It also includes part of the large rear garden of the lodge. After about 1996 when the current owner bought it, the land has been used amongst other things as a builder's yard, for steel fabrication and for vehicle maintenance. Planning permission was granted in 2015 for three 2 and 3 bedroom bungalows¹ on a smaller site area excluding the garden.

¹ Horsham ref DC/15/0911

4. The development plan for the area includes the Horsham District Planning Framework (excluding South Downs National Park) of November 2015 (HDPF). Policy 1 seeks a positive approach to development that reflects the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Policy 2 sets out the spatial strategy which focuses development around Horsham and allows for growth in the rest of the district in accordance with a hierarchy, outlined in policies 3 and 4, which includes managing development around the edges of settlements to prevent them merging, and to protect rural character. The reuse of previously developed land is encouraged and the focus is to be on such land within built up areas. Policy 26 seeks to protect the countryside- any proposal must be essential to its countryside location. Policies 32 and 33 aim for a high quality of design and layout for development that prioritises the use of previously developed land and complements locally distinctive character. Policy 31 requires new development to contribute to the enhancement of existing biodiversity.
5. The Slinfold Neighbourhood Plan is in the course of preparation but at the time of writing, had not been publicly examined. It may yet change and attracts only limited weight.
6. Council Officers acknowledged the commercial use of most of the site in the course of the previously approved application for 3 bungalows and I have no reason to doubt that it could be reactivated as a builders yard or similar without any new permission. Parts of the site display remnants of the previous commercial activities including hardstandings and buildings. Most of the site area is therefore previously developed or 'brownfield' land.
7. The character of the area, which is near the edge of the village of Slinfold, is mixed. Amongst agricultural fields, a large area immediately to the west is in use as a golf course and country club. Two significant industrial estates lie a short distance away and these are important sites for employment. The access to the industrial park in Maydwell Avenue lies opposite the site and another exists at Spring Copse Business Park about 400 metres (m) to the north. The site itself is dominated by the traffic on the A29. The village of Slinfold, where a basic range of facilities is available including a school, shop, part time post office, pub and church is just over 1.5 kilometres away.
8. The development would be within reasonable walking and cycling distance of Slinfold and close to 2 of the main employment sites. There is no footway along the A29 for the approximately 390 metres to reach the bridleway. Maydwell Avenue, which also provides access to the bridleway, is not a public highway (though it is free of any obstruction). For most purposes and employment elsewhere and for main shopping trips, future occupiers will need to use a motor vehicle. The site would not be completely remote, but for this reason, the development would be contrary to the locational strategy aims of policies 2, 3 and 4 of the HDPF.
9. The proposed development would consist of brick and weatherboard-clad 1.5 storey dwellings with attached garages set in an informal layout. The spaces between the houses are more generous than the approved scheme, reflecting the greater site area but also a more imaginative approach to design. The design would also be more appropriate in this countryside location than the bungalow scheme, which is of a suburban style with no particular sense of place. Even taking the host dwelling into account, the plan arrangement would

appear significantly more spacious. The dwellings would be hard to perceive from any public viewpoint. A landscaping scheme would further assist in helping the development merge into the landscape and this could be ensured by imposing a condition. The existing commercial use is not essential to a countryside location and if reactivated, would be likely to lead to a locally high level of activity and noise. I conclude on character and appearance that the removal of the existing commercial activity and development of the new housing scheme would provide positive benefits and would not conflict with the objectives of policies 25, 26, 32 and 33 of the HDPF.

10. Turning to biodiversity, the appeal site includes about 80 square metres of land currently in garden use associated with Gate Lodge, the remainder being previously developed land. It is maintained as a garden by the occupier. The brownfield part of the site is in relatively poor condition but as acknowledged in the appellant's updated Preliminary Ecological Appraisal, could provide roosts for bats. The appraisal also notes that the whole site is within an area where great crested newts, reptiles and hedgehogs may be present.
11. The likely habitat for bats consists of the trees around the perimeter and the remaining commercial buildings. The trees are mostly staying in place and further survey work on the buildings would reveal the presence of bats or otherwise. This, and any remedial action necessary, could be the subject of a planning condition. Other protected species can be surveyed and their presence/remedial action addressed in the same way and I note that the Council suggests such a condition and indeed imposed one with the same aim on the existing permission for bungalows. In light of this, the ecological concerns related to the inclusion of a small area of residential garden should not impede this proposal for residential development of the site which is likely to have ecological benefits if contamination is removed and if bat and bird boxes are provided as part of the scheme. I conclude that with appropriate conditions, the development would not conflict with the ecological protection aims of policy 31 of the HDPF.

Other matters

12. I have taken account of appeal decisions which are put forward in support of the Council and the appellant. Each application has to be decided on its own merits and the particular circumstances that apply to this site are unique. I appreciate that the approval for 3 bungalows was granted against officer advice when the Council was unsure whether it had a 5 year supply of housing land but the fact remains that that scheme could be built. However it has distinct disadvantages in terms of design and the effect on character and appearance.

Conclusion

13. The development would not comply with the Council's policy objectives in terms of location but would still be within a short distance of Slinfold and adjacent to a bus route. The design would be a distinct improvement over the existing permission for 3 bungalows. I give only limited weight to the increase in accommodation provided despite the preference in the draft neighbourhood plan for smaller dwellings. The difference between 2/3 bedroom dwellings and the proposed modest 4 bedroom units is outweighed by the improvements in appearance. Moreover there is support for the development from the local community.

14. The existing brownfield site is in poor condition and could be utilised for commercial purposes with a concomitant further detrimental impact on the countryside, which in this area is already compromised by traffic on the A29 and other nearby activities. The additional garden land incorporated into the site is not significant in terms of appearance and any ecological impacts can be dealt with by imposing a planning condition. On balance, the proposal represents sustainable development which complies with policy 1 of the HDPF and the aims of the NPPF and which should be granted planning permission.

Conditions

15. I have imposed conditions to control the external materials of the dwellings and landscaping and boundary treatment in the interests of the character and appearance of the area. The existing structures are to be removed for the same reason. A construction management plan is necessary in the interests of highway safety and the amenity of the adjoining property. A methodology to deal with contamination on the site and any unexpected contamination during the works is necessary in view of previous uses. Floor slab levels need to be approved in view of the sloping site. Details of drainage, imported topsoil and fill materials are necessary in the interests of the ground water supplies. Details of refuse and recycling facilities, car and cycle parking, and external lighting are necessary to promote sustainable transport and in the interests of the character and appearance of the scheme. Visibility splays are necessary in the interests of highway safety. A condition requiring further surveys with respect to protected species and appropriate remedial action including integral bat and bird boxes is necessary in the interests of ecological diversity. A restriction on permitted development is necessary in the interests of retaining the rural character of the area. Finally, the development should be constructed in accordance with the approved drawings, in the interests of good planning and for the avoidance of doubt.
16. No planning conditions are necessary to ensure the use of a licensed waste disposal contractor or the identification and removal of asbestos, which are the subject of other legislation.
17. I conclude that the appeal should be allowed.

Paul Jackson

INSPECTOR

Schedule of 19 conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of development details of the finished floor levels of the development in relation to a fixed datum point located outside of the application site shall be submitted in writing and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- hours of demolition and construction activities (including deliveries and dispatch)
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- 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),
- measures to control the emission of dust and dirt during demolition and construction,
- lighting for construction and security,
- details of public engagement both prior to and during construction works.

The approved measures shall thereafter be adhered to for the duration of the construction works.

4. Prior to the commencement of development hereby permitted, full details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be thereafter constructed prior to the occupation of the development in accordance with the approved details, and thereafter retained and maintained as approved.

5. Prior to the commencement of any construction work on the site, the existing and former commercial buildings on the site and shown on drawing number CM/14958/E shall be demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.

6. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The site investigation results and the detailed risk assessment (c) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to

demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

7. If contamination, including presence of asbestos containing materials, not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

8. No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials, finishes and colours to be used for external walls and roofs of the proposed buildings shall be submitted to and approved by the Local Planning Authority in writing. The development shall be constructed in accordance with the approved details.

9. Prior to the first occupation of any part of the development hereby permitted, full details of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

10. Prior to the first occupation (or use) of any part of the development hereby permitted, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such boundary treatment associated with them has been completed. Thereafter the boundary treatment shall be retained as approved and maintained in accordance with the approved details and no additional screen walls or fences over and above those approved shall be erected at any time.

11. Prior to the first occupation of any part of the development hereby permitted, details for the provision for the storage of refuse and recycling bins shall be made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

12. Prior to the first occupation of any part of the development hereby permitted, details of secure car and cycle parking facilities for the occupants of, and visitors to, the development in accordance with drawing no. L2417/04C shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved car and cycle parking facilities associated with that dwelling have been fully implemented and made available for use. The provision for car and cycle parking shall thereafter be retained for use at all times.

13. No external lighting or floodlighting shall be installed at the site or affixed to any dwelling within the development without the prior written approval of the Local Planning Authority. Any external lighting that is installed with the permission of the Local Planning Authority shall be retained and maintained in accordance with the approved details.

14. There should be no importation of soil and other fill materials onto the development site unless the soil/fill has been certified as fit for purpose by a competent person and has been subject to analysis by an accredited laboratory to ensure that it is free from contamination.

15. No part of the development shall be first occupied until visibility splays of 2.4m by 128m to the south and 2.4m by 132m to the north have been provided at the existing site vehicular access onto Stane Street in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 1 metre above adjoining carriageway level or as otherwise agreed.

16. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

17. No development shall take place until the recommendations in the Preliminary Ecological Appraisal dated September 2016 by EAS Ltd have been carried out including a further survey and a detailed strategy for habitat protection and mitigation including bat and bird boxes, and a timetable, which is to be submitted and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved strategy and timetable.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C or E of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilages of the dwellings hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwellings.

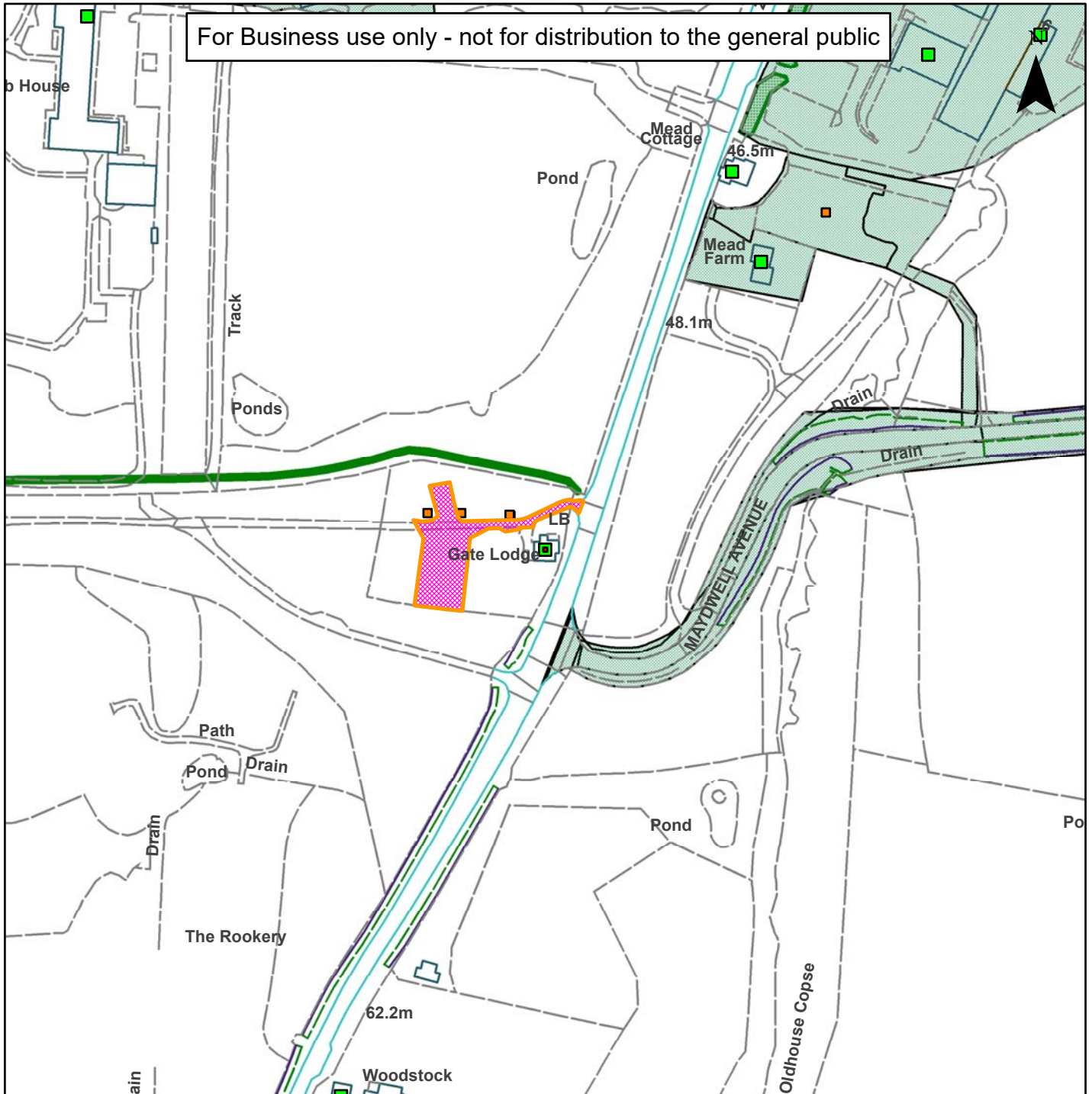
19. The development hereby permitted shall be carried out in accordance with the following approved plans: L2417/03A, L2417/04C, L2417/05D, L2417/LPD.

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Organisation	Horsham District Council
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Comments	Not Set
Date	27/03/2018
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 10 April 2018

DEVELOPMENT: Change of use from unused field to recreational area for dog owners/carers.

SITE: Land South of Mole Cottage Faygate Lane Rusper Horsham West Sussex RH12 4RF

WARD: Rusper and Colgate

APPLICATION: DC/17/2642

APPLICANT: **Name:** Ms Miranda Luck **Address:** Hale Cottage Cricketers Close OCKLEY RH5 5BA

REASON FOR INCLUSION ON THE AGENDA: More than eight letters of representation contrary to the officer recommendation

RECOMMENDATION: To grant planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks a change of use from land formerly in equestrian use to provide a recreational area for dog owners and carers. The application is retrospective and is currently in operation. The application includes a small shed building to the northern end of the site and the erection of 2 metre high wire stock fencing around the perimeter. The applicant has advised that the field is used by owners and dogs who may not want to mix with others; but also for owners who are disabled, elderly or have injuries and cannot walk very far.

DESCRIPTION OF THE SITE

- 1.2 The application site comprises a field of approximately 0.44 hectares is situated on the Western side of Faygate Lane, almost directly adjacent Lambs Green Road. The field is fully enclosed by hedging and trees, and contains a very small shed which is used to store dog toys, a guest book, a first-aid kit, dog waste bags and information notices for the field users. On the outside of the shed is a water tap and a bowl which provides fresh water for the dogs; as well as a rubber mat to prevent the grass being eroded by footfall in a potentially damp area (due to the nearby tap). Furthermore there is a small black bin next to this shed for disposal of dog waste.

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**

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

Policy 10 - Rural Economic Development

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 41 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Rusper has been designated as a Neighbourhood Development Plan Area. There is currently no 'Made Plan' for the Parish.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

None relevant to this application.

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 Environmental Health:** No objection

Recommend conditions relating to operating hours and external lighting.

OUTSIDE AGENCIES

- 3.3 **Environment Agency:** No comments received.

- 3.4 **Highways:** Comments awaited, will be reported at Planning Committee.

- 3.4 **Rusper Parish Council:** Objection

Objection on the basis of the objections raised by the neighbours.

PUBLIC CONSULTATIONS

- 3.5 14 representations supporting the application for the following reasons:-

- Safe environment for dog walkers
- Prevents dog thefts and attacks
- It is secluded and totally off the highway
- Cars would be one at a time, and most households with children have more than that amount of activity
- Allows disabled, elderly and injured people to exercise their dogs in a secure place

- Will not cause bother to neighbours
- Allows dogs to naturally explore the countryside
- Provides a training environment for dogs with behavioural issues and those who don't respond to recall
- There is currently a need for this business, which is insufficiently met in the area.
- The dogs have no need to bark in the peaceful environment of this field
- This use is a very quiet activity
- The objectors have a poor understanding of the use and value of secure dog walking fields
- The type of dogs that use these fields are termed "reactive", meaning that may not get on with other dogs, and so are generally walked alone – therefore it is very rare for a crowd of people or dogs to use a secure dog walking field.
- Prevents farmers/landowners being harassed by loose dogs causing havoc to livestock and crops
- There are currently public footpaths nearby which allow people to walk their dogs off the lead in an uncontained environment
- No building work is necessary

3.6 11 representations objecting to the application for the following reasons:-

- Intrusive noise generated by numerous dogs, shouting and whistles
- Increase of traffic movements entering and exiting the gated access and parking on the land
- Outlook onto people and dogs will be a disturbance
- The field could potentially be used for dog shows and training
- The proposal has already taken place without planning permission
- This proposal could lead to further development on the land
- Mud will be deposited all over the road
- Invasion of privacy
- Virtually no screening
- Question why the land owner is not applying for permission
- The peaceful setting of the rural location will be ruined
- There is a danger of dogs escaping onto the highway or into neighbouring fields which host sheep and horses
- The application states that the stables are disused, but this is untrue
- The application is in the same field as a second hand car business and a further application is applying for demolition of a stables and the building of a bungalow
- The application states the proposal will "benefit the community", but none of the letters of support are from local people
- The application states that parking onsite is already available, however this was put in just before the application
- Cars are parking on the verge of the road while waiting to access the field, which is causing visibility issues
- The shelter will lead to further development
- The access gate should be moved into the field, so that vehicles can pull off the highway whilst the gate is being unlocked
- The highway has a speed limit of 40mph, which is often exceeded; and the Design and Access Statement is wrong in stating that the highway is a 30mph zone; the access is dangerous
- People are using a private driveway to turn around and damaging the lawn
- It will set a precedent for conversion of a green field site in a rural area by converting it to a non-agricultural business use
- Hazard to recreational horse riders
- The application states that there will be a maximum of 4 dogs per field, however there have been two occasions where the user has 6 dogs

- There has been field use on Saturday afternoons and Sundays
- It is very stressful to live near
- The dogs which will use these fields will be vicious and dangerous
- There is a flood risk
- The proposal will bring strangers to the area who will be able to observe vulnerabilities in neighbouring properties, which is a security risk
- Professional dog walking companies are using the field which is generating an exceptionally high level of noise and dogs

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

Principle

- 6.1 As a matter of principle, the proposed development is considered to be a sui generis use with no specific development plan policy directing its siting to a particular location. The proposed use is self-evidently a non-urban use, the intention being to create a facility for dogs away from heavily populated areas and / or other dogs. The application site comprises a countryside location where Policy 26 of the HDPF is of relevance.
- 6.2 Policy 26 of the HDPF is a Strategic Policy relating to Countryside Protection. It states, *“Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:*
- 1. Support the needs of agriculture or forestry;*
 - 2. Enable the extraction of minerals or the disposal of waste;*
 - 3. Provide for quiet informal recreational use; or*
 - 4. Enable the sustainable development or rural areas”.*
- 6.3 It further continues to state, *“In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.*
- 6.4 It is considered that a countryside location can be justified for the proposed use and as a semi-public recreational facility available for hire, the development would potentially provide for quiet informal recreational use while enabling the sustainable development of the rural area. The proposal would not therefore harmfully conflict with the above policy and is considered acceptable in principle, subject to detailed considerations.

Character and appearance

- 6.5 The permanent changes to the field as a result of this proposal include the 2m high wire fencing to secure the field and a shed. Policy 32 of the HDPF confirms that high quality and inclusive design will be required for all development across the district, with policy 33 stating that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design.
- 6.6 The fencing, although taller than is typical, is of an 'agricultural' nature and allows a reasonable degree of visual permeability to avoid the undue urbanisation of the area that a solid timber fence would provide. It is noted that the fencing has been installed and is located as close to the curtilage border as possible, immediately abutting the existing boundary hedging and trees. This will mean that the hedging and boundary vegetation will grow through the fencing, reducing its prominence, and as such reducing its impact upon the surrounding area. As such the fencing as installed does not unduly intrude into or otherwise harm the appearance of this field or the wider countryside
- 6.7 The shed is of modest dimensions built from wood and felt. The shed has been sited away from the main entrance gate and cannot be easily seen from the road. It is considered that the size, scale, materials and situation of the shed are acceptable and are considerate to the surrounding countryside.

Impact on neighbouring amenity

- 6.8 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.9 The supporting statement advises that the site would only be used by individuals with a maximum of 4 dogs with time frames of approximately 1 hour, with the expectation that there would not be multiple vehicles entering or leaving the site at the same time. It is considered that this intensity of use would not generate a significant increase in the level of activity in this countryside location. A condition is recommended to prevent the installation of any lighting at the site and to limit the number of dogs to 4 at any one time. These measures would limit any potential disturbance, with use of the site otherwise self-limited to daylight hours. In terms of the management of dog mess, suitable disposal facilities are provided on site and it is not considered that a more robust form of control is warranted in this case.
- 6.10 It is considered that the nature of the proposed use coupled with the recommended conditions would prevent any unacceptable harm to neighbouring amenity. The proposal would therefore accord with the above policy.

Highways

- 6.11 There is an existing access in the southeast corner of the site and sufficient space adjacent within the field for parking and manoeuvring. The low intensity nature of the use would not generate significant numbers of trips to or from the site resulting in undue pressure on local infrastructure or highway safety issues. A condition is recommended to secure a layout plan for parking / manoeuvring and this would ensure adequate and appropriate arrangements are put in place.

Conclusion

- 6.12 It is considered that the change of use does not result harm to landscape character or visual amenity, neighbouring amenity or highway safety, and therefore complies with relevant local and national planning policies.

7. RECOMMENDATIONS

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

1 **List of approved plans**

- 2 **Pre-Occupation Condition:** Within 2 months of the date of this permission, details of the parking, turning and access arrangements for users of the field shall be submitted to the Local Planning Authority for approval in writing. The approved parking, turning and access facilities shall be fully implemented within 2 months of the date of approval and be retained as such thereafter.

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).

- 3 **Regulatory Condition:** The application site shall only be used for the purposes of a dog exercise field and associated vehicle parking and for no other purpose.

Reason: The proposed use is acceptable but the Local Planning Authority wish to retain control over future changes of use due to the countryside location of the site and to accord with policy 26 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The field shall only be used by a maximum of four dogs at any one time.

Reason: In the interest of ensuring noise is kept to a minimum, to protect neighbouring amenity as highlighted by Policy 33 of the Horsham District Planning Framework.

- 6 **Regulatory Condition:** No external lighting shall be installed on the site at any time.

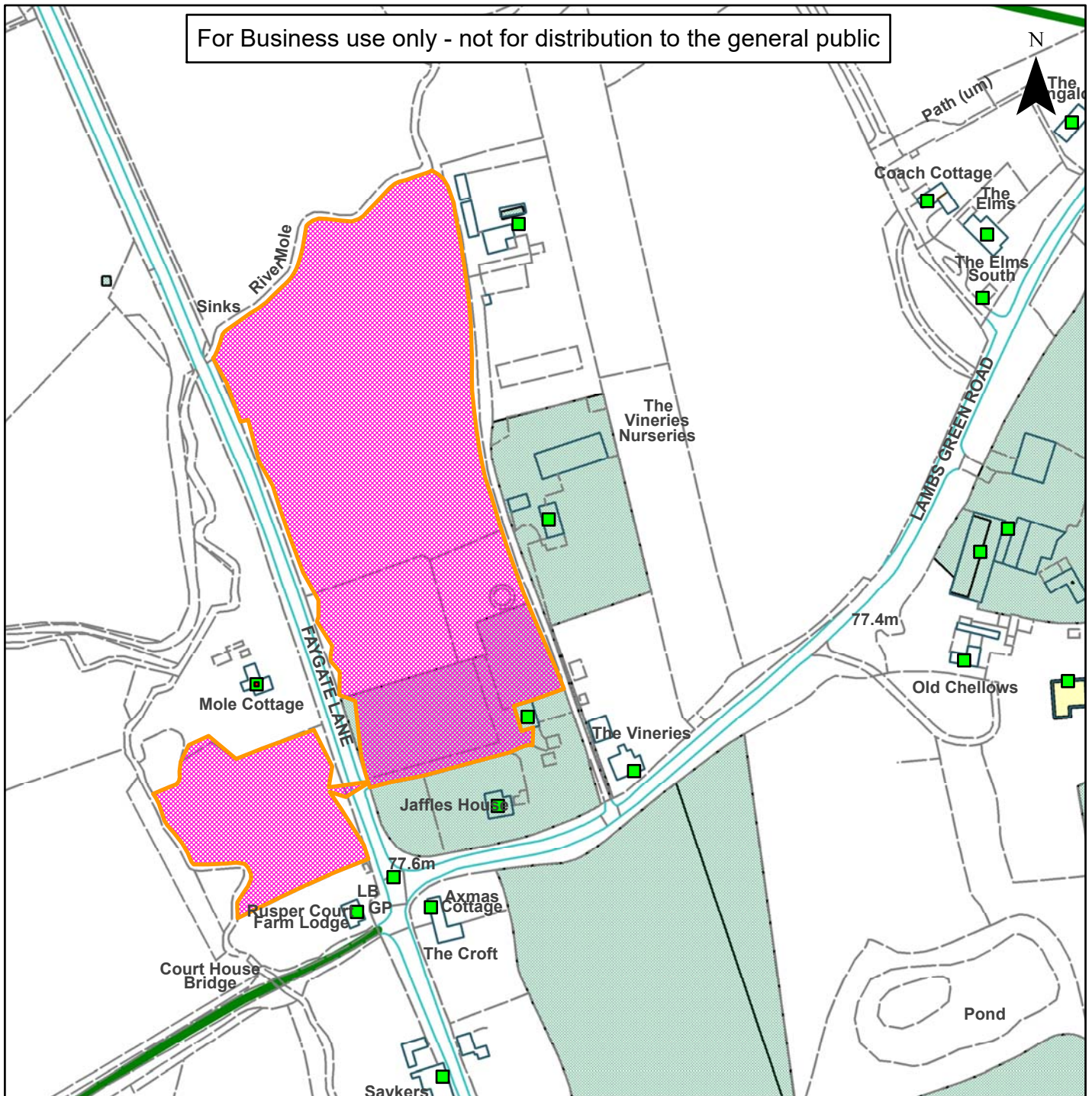
Reason: In the interest of visual and neighbouring amenity and to accord with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/2642



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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	27/03/2018
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 10 April 2018

DEVELOPMENT: Erection of single storey rear extension. Installation of 1x dormer window to rear elevation at first floor level, 1x dormer windows to rear elevation at second floor level, 1x dormer window to side at second floor level and 1x skylight to front elevation at second floor level.

SITE: Melbury 34 Richmond Road Horsham West Sussex RH12 2EG

WARD: Horsham Park

APPLICATION: DC/17/2675

APPLICANT: **Name:** Mr G Bateman **Address:** Melbury 34 Richmond Road Horsham West Sussex RH12 2EG

REASON FOR INCLUSION ON THE AGENDA: To update Members following the resolution of the Committee at its meeting on 6 March 2018

RECOMMENDATION: To approve planning permission

1. INTRODUCTION

- 1.1 At Planning Committee North on 6 March 2018 Members considered the scale and design of the proposal in the context of the building's Edwardian design and the character of Richmond Rd, and were concerned that the scale and extent of the changes, particularly with regard to the side dormer window, would have a detrimental impact on the character of the Conservation Area. The application was therefore deferred to allow for further discussion and re-consideration of details of the design.
- 1.2 Discussions have taken place, with the agent advising that it is not possible to amend the side dormer as it is necessary to provide headroom over the staircase which leads to the loft conversion. On this basis it has not been possible to secure any amendments to the application, with the applicant confirming that the application should be determined on the basis of the current plans.

2. CONCLUSION

- 2.1 It is considered, as set out in the previous committee report (attached), that the proposed development would not harm the character of the existing dwelling or of the street scene, and would preserve the character and appearance of the Conservation Area, in compliance with policies 32, 33 and 34 of the HDPF.

- 2.2 This view takes into account comments provided by the Council's Conservation Consultant, who noted that:-

“The character and significance of the Conservation Area is primarily formed of a formal grain of development constructed in stock brick, with red brick detailing. Buildings commonly comprise stand-alone structures within generous gardens.

The rear elevation of neighbouring buildings of No 34 Richmond Road both have dormer windows which incorporate stained timber cladding and hanging tile in response to the established palette of materials found within the area. The amendments to the original proposal at No. 34 sees the introduction of 3 dormer windows and the removal of a secondary chimney stack at the rear of the property. The chimney stack appears to have been inappropriately repaired or rebuilt. While the proposed dormer at the side elevation is a little uncomfortable, it will remain relatively unappreciable. The proposals will see the principal elevation remain unaffected and incorporation of dormer windows which will have no impact upon the rear elevation of the street or this grouping of buildings, where dormer windows are found to be relatively common place. As such, the proposals will have no impact upon the overall character and significance of the Conservation Area.”

- 2.3 It is acknowledged that the proposal would result in some loss of symmetry within the semi-detached pair of dwellings. The side dormer would though be contained within the existing side hipped profile, and in long views along Richmond Road the dormer would either be viewed against the backdrop of the main building / roof form, or would be largely obscured / screened by surrounding development. To the rear there has already been a loss of symmetry due to extensions at ground and first floor level and the proposed rear extensions would be viewed in this context. The principle elevation would remain unaffected by the proposal. It is therefore considered that the visual impact of the proposal would not be of such significance as to materially harm the prevailing character or appearance of the Conservation Area, which would therefore be preserved.

- 2.4 It is therefore recommended that the application is approved subject to the conditions set out in section 7 of the original committee report, as set out below:-

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 loft conversion hereby permitted shall not be occupied until the second floor dormer window on the northern (side) elevation, as detailed by plan 1087-02 C, has been fitted with obscured glazing. Once installed the obscured glazing shall be retained permanently thereafter.

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

- 4 Regulatory Condition:** The materials and finishes of all external brickwork, windows and tiling of the development hereby permitted shall match in type, colour and texture those of the existing building.

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



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development

DATE: 6th March 2018

DEVELOPMENT: Erection of single storey rear extension. Installation of 1x dormer window to rear elevation at first floor level, 1x dormer windows to rear elevation at second floor level, 1x dormer window to side at second floor level and 1x skylight to front elevation at second floor level.

SITE: Melbury 34 Richmond Road Horsham West Sussex RH12 2EG

WARD: Horsham Park

APPLICATION: DC/17/2675

APPLICANT: **Name:** Mr G Bateman **Address:** Melbury 34 Richmond Road Horsham West Sussex RH12 2EG

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

RECOMMENDATION: To approve planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks permission for the erection of a single storey rear extension and a loft conversion featuring the installation of three dormer windows, a front rooflight and removal of an existing chimneystack.
- 1.2 The single storey rear extension would project beyond the existing rear elevation of the dwelling by a length of 2.14 metres and project from the side of an existing rear projection by 3.32 metres. The extension would have a consistent overall height of 2.64 metres owing to its flat roof construction.
- 1.3 All three dormers are of the same main dimensions. These measure at 2.22 metres in width and 2.42 metres in height. The two rear dormers would project beyond the rear roof slope by 1.85 metres and the side dormer would project beyond the side roof slope by 1.08 metres. The first floor rear dormer would be installed within the roofslope of an existing catslide roof. The dormer would be installed 20 centimetres above the existing eave height and 3.66 metres above ground level.

DESCRIPTION OF THE SITE

- 1.4 Melbury is semi-detached two storey dwelling in a row of fifteen dwellings on the south-eastern side of Richmond Road. The property is set within a consistent south west to north east building line and a distance of 8.6 metres separates the dwelling from the public highway. Surrounding properties vary in terms of size and design, but are mostly of a similar post-Edwardian character. It is noted that Melbury forms part of a series of four adjacent semi-detached dwellings originally constructed to the same design. The full extent of the application site falls within the Horsham (Richmond Road) Conservation Area.

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**

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 No neighbourhood plan has yet been designated or made for the combined Horsham Blueprint Neighbour Forum as comprised by the unparished Horsham Denne, Forest and Trafalgar neighbourhoods.

- 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

No previous or relevant planning history

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

PUBLIC CONSULTATIONS

- 3.2 Twenty-one letters of representation were received, from ten different addresses, objecting to the proposal for the following reasons:-

- The loss of symmetry with adjoining semi-detached properties
- The impact of the proposed works on the street scene
- The fear of setting a precedent for similar development elsewhere in the conservation area
- Loss of privacy
- Harm to the character of the conservation area
- Loss of light
- Loss of individual character
- The quality of design

Appendix – DC/17/2675 – report of 6th March 2018

PARISH CONSULTATION

3.3 Denne Neighbourhood Council object to the proposal due to the impact on the character of the conservation area, loss of privacy and non-compliance with local planning policy.

3.4 **Heritage Consultant:** No objection

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

Policy Background:

6.1 Policies 32 and 33 of the Horsham District Planning Framework (2015) stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials, space between buildings and has regard to the amenities of nearby property and land

6.2 Policy 34 of the Horsham District Planning Framework (2015) regulates new development within a conservation area. This policy requires proposals to be of a design and/or scale which preserves or enhances the special character and appearance of the area, uses building materials and techniques that are appropriate within the local context, does not harm significant views within the area and restores or retains traditional features.

Character and appearance:

6.3 The application originally sought permission for the erection of a single storey rear extension, installation of two large flat roof dormers to the rear roof slope and change of side roof composition from hipped to gable end. As part of the application process concerns were raised regarding the suitability of the extended gable end. In response to these concerns amended plans were received to replacing the gable (and retain the existing side hip) with a single side dormer, the amendments also reduced the size of the rear dormer windows and included a pitched roof design. This recommendation is based on these amended plans.

6.4 The single storey rear extension is an 'infill' extension between an existing rear projection and a common 1.8 metre high boundary wall. The extension does not project beyond the furthest part of the existing rear elevation and would appear a subservient addition viewed primarily against the backdrop of the main building. As such it would not harm the appearance of the building or the character and appearance of the wider Conservation Area.

6.5 The proposed rear dormers would be set within the existing catslide roof and would be viewed primarily against the backdrop of the main roof form. The lower dormer is in a comparable position, with a similar pitched roof, as an existing dormer to the adjoining

Appendix – DC/17/2675 – report of 6th March 2018

semi-detached property; this element would therefore add a semblance of symmetry to the pair. The higher rear dormer window would be sited above an existing first floor window and would be of the same dimensions and design as the lower dormer. It is acknowledged that the two rear dormer windows, when viewed together from the side elevations, would create additional bulk and mass to the building. It is though considered that this effect would not be unduly prominent when viewed from the rear, and as the dormers would be well contained within the existing roof form they would not appear unduly dominant or create a top heavy appearance to the building.

- 6.6 The proposed side dormer would be partly visible from the public highway however it is considered that the modest size and proportions of the dormer would preserve the key hipped roof form of the building (and semi-detached pair) and as such the dormer would not stand out as visually intrusive or unsightly within the streetscene or wider conservation area.
- 6.7 The proposed front rooflight is modest in size and would be partly obscured by an existing front hipped roof projection. As such its visual impact on the wider streetscene and conservation area would be limited. It is noted that a rooflight could be installed to the building as 'permitted development' without the need for planning permission.
- 6.8 It is noted that a number of representations have been received regarding the loss of the existing rear chimneystack. It is accepted that chimneystacks have the potential to contribute to the character of conservation area, however, this particular example is considered to make a limited contribution to the character of the building or conservation area given its position to the rear, scale and unattractive cement render material finish which does not complement the brick built chimneystacks typical of the surrounding area and as found on neighbouring properties.
- 6.9 The Council's Heritage Consultant has raised no objection to the proposed extensions and alterations.
- 6.10 For these reasons the proposed development would not harm the character of the existing dwelling or of the street scene, and would preserve the character and appearance of the Conservation Area, in compliance with policies 32, 33 and 34 of the HDPF.

Neighbouring Amenity

- 6.11 The 2.1m deep single storey extension would be constructed up to the common boundary with the adjoining neighbour (32 Richmond Road) and in close proximity to their neighbouring rear conservatory, which has a brick flank wall of a similar height and depth to the proposed extension. Given this arrangement it is not considered that the extension would result in an appreciable loss of light, privacy or outlook to 32 Richmond Road, or result in an overbearing impact.
- 6.12 The scale and siting of the dormers would not result in any loss of light or outlook for adjoining properties, the key issue is therefore the potential for loss of privacy.
- 6.13 It is considered that views created by the rear dormer windows would primarily be over the rear of the application site. While oblique views may be possible over adjoining properties it is considered there is no greater potential for overlooking above that created by existing first floor window openings. The resulting arrangement would not create a level of overlooking beyond that which would be expected in an established residential location such as this. It is therefore considered that any overlooking would create a harmful loss of privacy, and not to the extent that would warrant a refusal of planning permission.
- 6.14 The second floor side dormer is positioned in close proximity (3 meters) to the neighbouring property (Kanata) which has obscurely glazed at first and second floor level.

Appendix – DC/17/2675 – report of 6th March 2018

Notwithstanding these obscurely glazed windows it is considered expedient to require that the side dormer window be obscurely glazed to further minimise any overlooking potential. This is secured by condition.

- 6.15 It is noted that a distance of approximately 50 metres separates the application property from the southern neighbouring property of 'Lansdowne'. It was further observed that a variety of mature trees and vegetation, some in excess of 3 metres in height, are currently located on the neighbouring side of the boundary. This arrangement is sufficient to prevent any significant harm to occupants of this property.
- 6.16 For the above reasons the proposed works are of an appropriate scale and siting to prevent any substantial detriment to the amenities of neighbouring occupiers in compliance with HDPF policy 33.

Conclusion:

- 6.17 The proposed development falls within the built up area boundary of Horsham and the scale, design and material finish of the proposed extensions and alterations would not have an adverse impact on the appearance of the building or the character of the wider Conservation Area, and would not result in appreciable harm to the amenities of adjacent occupiers. The proposal is therefore deemed compliant with relevant provisions of the HDPF and is recommended for approval subject to the below conditions.

7. RECOMMENDATIONS

- 7.1 That permission be 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 loft conversion hereby permitted shall not be occupied until the second floor dormer window on the northern (side) elevation, as detailed by plan 1087-02 C, has been fitted with obscured glazing. Once installed the obscured glazing shall be retained permanently thereafter.

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

- 4 **Regulatory Condition:** The materials and finishes of all external brickwork, windows and tiling of the development hereby permitted shall match in type, colour and texture those of the existing building.

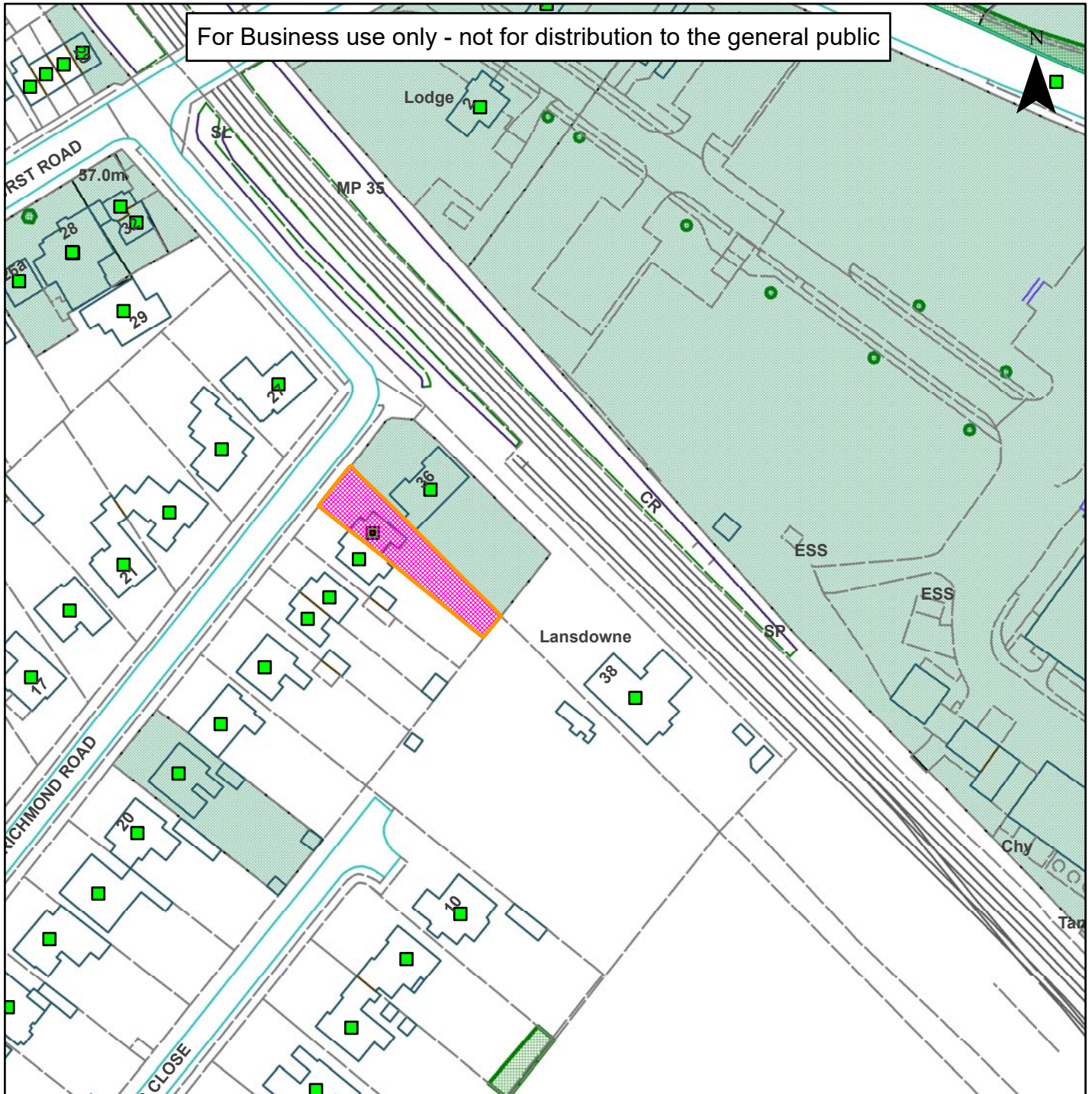
Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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Department	
Comments	Not Set
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development

DATE: 10 April 2018

DEVELOPMENT: Retrospective application for the erection of an agricultural storage building

SITE: Windacres Farm Church Street Rudgwick West Sussex

WARD: Rudgwick

APPLICATION: DC/17/2410

APPLICANT: **Name:** Mr John Bailey **Address:** Windacres Farm, Church Street Rudgwick RH12 3EG

REASON FOR INCLUSION ON THE AGENDA: Applicant is a Councillor

RECOMMENDATION: To refuse the application

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application is made in retrospect, and is for the erection of an agricultural storage building measuring 31.1m x 28.3m (880.1m²), comprising a lean-to building with 5no. bays to the south elevation (2no. secure, fully clad bays, and 3no. open fronted bays). The building reaches a maximum height of 7.9m to ridge and 5.9m to eaves. The building is of typical design and construction for its proposed agricultural location and use, comprising a shallow pitched roof, steel framing, concrete internal flooring (split level), and clad in olive green corrugated steel sheeting. Sliding doors on the western elevation access the main part of the building and a further pair of sliding doors access the enclosed part of the lean-to section. There are 20no. roof lights serving the main section of the barn, and 4no. roof lights serving the enclosed two bays of the lean-to.
- 1.2 A mains electricity and water supply has already been connected. A single WC units is proposed in the enclosed lean-to section, but has not been implemented yet. No details of access or areas of hardstanding are proposed as part of this application.
- 1.3 The applicant states that the building will be used for agricultural storage associated with the arable agricultural activities on site. Grain crop harvested from the land, farm machinery and agricultural commodities (fertilizers etc) would be stored within the building, as well as space within the open bays for the storage of hay/straw bales and equipment. It is proposed that the building would accommodate a farm office and workshop area with staff toilet facilities and rest room.

DESCRIPTION OF THE SITE

- 1.4 Windacres Farm comprises a total of 33ha of land, and is located to the north east of Rudgwick village. The application site is located approximately 400m to the east of Church Street and the Rudgwick Conservation Area. The land between the site and Church Street comprises open fields, beyond which are the commercial premises of Rudgwick Metals (a metal cutting and storage business) located approximately 170m to the west of the application site, as well as several residential dwellings set in large plots along Church Street and Highcroft Drive. The site is accessed from Church Street via an existing access to the south of Windacres Lodge and Windacres Barn.
- 1.5 The application site is located 100m to the east of the defined Built-Up Area Boundary of Rudgwick and therefore, is located in the countryside. The site is located to the northern end of an open field which is sited south of an existing vehicular access track linking the Rudgwick Metals site to Godleys Lane to the east. The site is located within a quiet area of undulating open field which slopes gently in a southerly direction towards Godleys (a residential property approximately 400m to the south of the application site). The field boundary to the west of the site contains a line of semi-mature oak trees and hedging which partially screens the proposed building from views to/from the West. The surrounding vegetation on the North, East and South does not afford much screening, leaving the barn quite visible, to varying degrees, from the surrounding PROWs and dwellings. At the time of the Officer site visits, there was no evidence of livestock on the holding, and it has been confirmed by the applicant that the holding is arable only.
- 1.6 The building subject to this retrospective planning application is already erected on site. In terms of location, scale and materials, the building largely reflects the plans accompanying the application submission, albeit the openings on the western elevation of the lean-to part of the building are not reflective of the plans (i.e. the plans propose sliding double doors, but the building on site has 3x additional window openings and a pedestrian access door which are not shown on the proposed plans). At the time of the first site visit (14/11/17) the building appeared to be recently completed, and was empty. At the second site visit (11/01/2018) access into the main storage building was not possible, therefore it was unclear as to what was being stored inside. At the third site visit (20/02/2018) access into the barn showed that the building contained a tractor, a classic car, building materials (bricks etc), and a variety of household goods. It was noted that around 100 wrapped bales of hay were being stored in the open bays of the lean-to section, as well as an old combine harvester and a tractor/trailer parked on the adjacent hardstanding. On the surrounding land was non-agricultural detritus such as building materials and unused household goods.
- 1.7 An area of concrete hardstanding has been laid around the western and southern elevations which is not proposed as part of this planning application. A large oil tank was also present on site, but at the time of the site visits appeared to be unconnected. To the west of the storage building is a shipping container unit which appears to be in residential use. A separate planning application for this unit is currently pending consideration by the Council (DC/17/2605).
- 1.8 Preliminary works (including ecology mitigation measures) have started on the Rudgwick Metals site, which has the benefit of planning permission for 55no. residential units and B1 commercial units (DC/16/2917). This redevelopment includes the demolition of Windacres Lodge and Windacres Barn in order to construct a new vehicular access from Church Street to the wider site, as well as to properties adjacent including; Windacres House, Windacres Cottage and Windacres Bungalow.

APPLICATION BACKGROUND

- 1.9 In September 2009, Prior Approval was granted (with conditions) for the demolition of an existing 458m² agricultural storage building on the Rudgwick Metals site (as part of plans to

redevelop the site), and the erection of a replacement 457.5m² agricultural storage building further to the east on the current application site. The storage building approved was a very similar size and scale to the existing building but was to be located approximately 170m to the east. Conditions attached to this Prior Approval included approval of details relating to materials and finished floor levels; and a requirement to demolish the existing agricultural storage building on site within 6 months of the completion of the new building. The replacement storage building approved under this application was not constructed, nor were the details reserved by condition approved.

- 1.10 In September 2012, another Prior Approval application was granted for the erection of a 463.6m² agricultural storage building on the same site as the 2009 Prior Approval, albeit the building was proposed to be re-orientated and repositioned slightly further to the north. Again, this building was proposed as a replacement of the existing 458m² agricultural storage building which was earmarked for demolition as part of site redevelopment of the Rudgwick Metals site. The same conditions were attached to this permission as for the 2009 permission (materials, levels, and requirement to demolish existing building). As per the conditions of agricultural Prior Approval in Part 6 (class A) of the General Permitted Development Order, the development was required to be completed within 5 years of the Local Planning Authority granting permission (on 19 September 2012). In the summer of 2017, construction of the agricultural storage building began, and in September 2017 the building was largely complete (as verified by an Officer Site visit on 18 September 2017). However, at 880m², the building was not built in accordance with the approved plans, and the details reserved by condition were not approved. The Prior Approval is therefore considered to have expired and the building on site is currently unlawful (hence the current planning application to regularise the development).
- 1.11 In August 2013, permission was granted for the redevelopment of the Rudgwick Metals site including demolition of 2 existing dwellings, derelict farm buildings and workshops; and the erection of 36 dwellings, B1 office space and a community building (DC/09/1623). This scheme was not constructed and permission has now expired.
- 1.12 In April 2017 a revised scheme was permitted on the same site which permitted the erection of 55 dwellings and B1/B2 commercial floorspace (DC/16/2917). In order to accommodate this development, the demolition of 2x existing dwellinghouses and various industrial/agricultural outbuildings was also permitted. Construction of this scheme has very recently commenced.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF, 2012)

Horsham District Planning Framework (HDPF, 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 10 - Rural Economic Development

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles
Policy 37 - Sustainable Construction

Community Infrastructure Levy (CIL) Charging Schedule April 2017 (Adopted 1st October 2017).

2.3 RELEVANT NEIGHBOURHOOD PLAN

Rudgwick Parish Council is designated as a Neighbourhood Development Plan area (June 2016). The Parish Council are at the early stages of preparing a plan (pre-Reg 14 evidence gathering stage). The Parish Council are assessing sites but a draft plan has not yet been prepared. Very limited weight can therefore be given to the Plan.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/2917	Demolition of 2 x existing dwellings, industrial and agricultural outbuildings and erection of 55 dwellings, 3 x offices (B1 Use Class) and industrial building extension (B2 Use Class) with associated access, drainage and landscape works	Application Permitted on 05.04.2017
DC/12/1339	Demolition of existing building and erection of replacement agricultural building	Prior Approval Permitted With Conditions on 19.09.2012
DC/09/1623	Redevelopment of site with mixed use scheme including demolition of existing 2 dwellings, derelict farm buildings and workshops and erection of 36 dwellings, parking barns, 3 x B1 office units and 3 x B1 shed units, a community facility (meeting rooms, coffee shop) and extension to existing industrial unit	Application Permitted on 08.08.2013
DC/09/1231	Relocation of Agricultural Building and demolition of existing building - Prior Notification	Prior Approval Permitted With Conditions on 22.09.2009

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 Strategic Planning: No objection

HDC Landscape Architect: Holding Objection

'The barn, by virtue of its size and location, has introduced a large obtrusive feature in a sensitive location which has resulted in some harm to both the character and the visual amenity of the landscape.'

3.3 OUTSIDE AGENCIES

Rudgwick Parish Council: No Objection

No objection, with the following conditions:

- evidence to be provided that there is an agricultural need for a building of this size
- building to be used for agricultural storage only.

Reading Agricultural Consultants: Objection

Initial Comments Received 17 January 2018 (summarised)

'No agricultural justification for the building, or details of the agricultural trade or business have been submitted as part of the application. There was no evidence of livestock on the holding. 33ha will be able to produce approximately 165 tonnes of hay. Therefore requiring 990m³ of storage. Assuming storage to the eaves at 3.5m, the hay storage area will require a floor area of approximately 283m². If the applicant was storing 165 tonnes of hay, approximately 3.5 bays of the lean-to would be required for hay produced on the holding. If the remaining bays of the lean-to were not enclosed, they could provide storage for the combine harvester and tractor which appeared to be the only agricultural machinery on the site.

This would leave one side of the building redundant and as a result the building is too large for its intended use as an agricultural building for the storage of hay and agricultural machinery as stated in the application. As such, the size of the barn has not been justified for the stated needs and cannot therefore be reasonably required as supporting the needs of agriculture on the holding'.

Subsequent Comments Received 09 March 2018 (summarised)

'It is RAC's understanding that the applicant intends to bring the land back in to arable rotation and would have to meet the three crop rule to continue being eligible for the Basic Payment Scheme (BPS). RAC note that in order to convert permanent pasture back into arable production, a Screening Decision by Natural England is required, as part of the EIA Regulations before any conversion can take place.

Whilst RAC would accept that the barn is a like for like replacement of the existing grain store in the main yard area which has to be demolished, it was confirmed that the barn had not been used to store grain for over 15 years, and it is RAC's view that there is no guarantee that any limited agricultural activities currently taking place on the site will change and that grain storage will indeed be required.

RAC would consider the existing farm office building as excessive for farm of this size. The enclosed area of the lean-to in the new building would provide an area for a farm office and workshop. RAC considers through better planning this area (workshop and farm office) could have been contained within the remaining area of the grain store.

RAC considers it feasible that the owned and operable machinery that would be necessary for the small agricultural enterprise could be stored within the grain store.

The three open bays of the lean-to section are proposed to store straw bales which will be sold to the local equestrian market. However, the land at Windacres is not currently in arable production and therefore not producing any straw bales. Whilst it is accepted this may do in the future, this is not the current situation and there is no definite time line or evidence of any date when this will happen.

RAC would consider that the building as a whole, grain store and lean-to, is not reasonably justified in terms of the current agricultural activities at Windacres Farm, or any proposed increase in activities. RAC accepts the like for like replacement of the grain store and considers that with better planning a workshop and office area could be incorporated within the building including any agricultural machinery'.

8x letters have been received, all objecting to the planning application. The main (summarised) reasons for objection include:

- the building has been constructed unlawfully
- conditions of previous approval have not been discharged
- lack of agricultural justification (no extensive farming occurs on site)
- it is out of scale with the character of the surrounding countryside
- alters the natural beauty of the countryside setting
- unsightly views form nearby footpaths / bridleways
- may lead to alternative undesirable uses
- may turn into a motor repair business
- the metallic finish causes reflection

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 key issues for consideration in relation to this proposal are:

- The principle of the development
- Justification for need and scale
- Landscape impact

The Principle of the Development

6.2 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development, and paragraphs 2 and 12 state that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF states that proposed development that conflicts with an up-to-date Local Plan should be refused unless there are other relevant material considerations that would indicate that the development would otherwise be acceptable. The Horsham District Planning Framework (HDPF) was adopted by the Council in November 2015 and forms the up-to-date development plan for the District. Rudgwick Parish Council was designated as a Neighbourhood Plan Area in 2016, but there is no 'made' Neighbourhood Development Plan (NDP) for this area at present.

6.3 The application site is not within a defined Built up Area Boundary (BUAB) and is therefore considered to form part of the District's countryside. HDPF Policy 26 (Countryside Protection) is therefore of key importance when determining this application. This policy makes provision for development in the countryside where certain criteria are complied with. In addition, Policy 10 (Rural Economic Development) is also relevant when considering the acceptability of development in the countryside that is proposed to contribute to sustainable rural economic development and rural employment opportunities.

6.4 Policy 26 aims to protect the countryside from inappropriate development and states that development in these locations would only be considered acceptable if it is essential to the

countryside location and meets one of four criteria. In accordance with the first criteria of Policy 26, development in countryside locations is considered acceptable in principle if it supports the needs of agriculture or forestry. In addition to this, in order to be acceptable under Policy 26, any proposal in the countryside must be of a scale appropriate to its countryside character and location. Acceptable development would not lead to a significant increase in the overall level of activity in the countryside, and would protect, conserve and enhance the key features of the landscape in which it is located.

- 6.5 Policy 10 aims to support rural economic development in order to generate economic, social and environmental benefits for local communities. The principle of rural economic development proposed in the countryside will be supported by the Council if it maintains the quality and character of the area, and contributes to the sustainable farming enterprises within the district.
- 6.6 The proposed development is for an agricultural storage building within a countryside location; therefore, provided that the use of the building is strictly to support the needs of agricultural activities on the associated holding, and that is of an appropriate location, scale and design to accommodate these needs, it would be considered an acceptable development.
- 6.7 It is acknowledged that on two separate occasions (2009 and 2012), the site has benefitted from approval of an agricultural storage building under Prior Approval (GDPO, Part 6). This is a material consideration in the determining the principle of this type of development on this site, but the weight afforded to it is relatively limited given the difference in quantum of development previously approved (around 460m²) compared to the structure proposed now (880m²). In addition, the timeframes imposed on the Prior Approvals from both 2009 and 2012 have now expired.

Justification for Need and Scale

- 6.8 Within the planning statement and additional supporting statements subsequently submitted with this planning application, it is stated that the proposed agricultural storage building is a replacement for an existing 465m² agricultural storage building on the Rudgwick Metals site ('the existing building'). The existing building (as well as several other agricultural buildings on site) are located within the Built-Up Area Boundary and are earmarked for demolition as part of the consented mixed-use redevelopment of the Rudgwick Metals site which will provide for 55 dwellings and commercial floorspace. The existing building forms part of the redevelopment site which has been sold, and is not now under the ownership of the applicant as shown on the submitted location plan (JL07/2012/01/Rev A). The agent states that the demolition of the existing agricultural buildings will leave the remainder of the 33ha agricultural holding bereft of any buildings suitable for agricultural uses.
- 6.9 In a confidential letter submitted to the Council on 5th March 2018, an inventory of agricultural machinery owned by the applicant was provided, and it is stated that this equipment is to be stored in the building when the current storage buildings are demolished. Fertilizers, hay, straw and other cereal crops grown on the holding will also be stored within the proposed building. In addition, it is proposed that a replacement farm office and workshop is also located within the proposed agricultural building (the existing farm office and workshop is earmarked for demolition as part of the redevelopment). This will include staff rest rooms, and toilet facilities. The WC facility is indicated on the submitted floor plan (8242/1A), but the detailed arrangement of the proposed farm office and workshop space (including staff rest room) has not been provided. At present, the building has temporary services connected (electricity and water), with the view of making these permanent 'later this year'. The agent states that the proposed agricultural storage building, including office, and workshop is necessary for the continuation and longer-term use of the land for arable and pasture agricultural uses.

- 6.10 In order for the agricultural building to be considered acceptable in planning terms, it needs (firstly) to be established that its intended use will be for agricultural uses relating to the associated holding; and (secondly) that the proposed scale and design is considered to be acceptable. The Council's specialist agricultural advisors (Reading Agricultural Consultants - RAC) and Landscape Architect were consulted and have advised Officers of their views on the above matters. RAC undertook two site visits – the first on 11th January 2018 (the first site visit) and the second on 20th February 2018 (the second site visit). RAC have made their assessments based on the site visits as well as the information and supporting statements submitted with the planning application.

RAC Initial Assessment:

- 6.11 In their initial assessment (based on the first site visit), RAC note that specific and up-to-date details of the agricultural trade or business on site were not submitted as part of the application. Whilst the supporting statements suggest that hay and cereal crops have been harvested on the holding, the absence of detailed information has made the projected calculation of harvested crops difficult as it is unknown exactly what, and how much, is being harvested from the 33ha holding. It was noted from the site visit that around 100 large bales of wrapped hay were stored in the open lean-to section of the building, therefore RAC have based their calculations on standard figures for the storage of hay.
- 6.12 It was calculated that the 33ha holding would be able to produce around 165 tonnes of hay which would require a storage floor area of around 283m². The majority of this (in addition to the agricultural machinery seen on site) could therefore be stored within the lean-to section of the barn (416m²); leaving the remaining section of 464m² largely surplus to requirements. RAC concluded that the building is too large for its intended use as an agricultural building for the storage of hay and agricultural machinery as stated in the application. As such the size of the barn has not been justified for the stated needs and cannot therefore be reasonably required as supporting the needs of agriculture on the holding.

RAC Subsequent Assessment:

- 6.13 Following the first site visit and the submission of the initial assessment, a second site visit was arranged. The second site visit was more comprehensive, and was attended by the Planning Case Officer, RAC, the applicant and the applicant's agent and agricultural advisor. All relevant buildings and land at Windacres Farm were inspected at this site meeting; and the requirement for further supporting information from the applicant was discussed. Subsequent to the site meeting, additional supporting information (some commercially sensitive, and marked as confidential) was received by the Council, and consultation was undertaken with RAC.
- 6.14 The additional supporting information notes the applicant's intention to return the land back to arable production (after several decades of permanent pasture required for the annual Rudgwick Steam Rally, which has now ceased). RAC note that an EIA Screening Decision from Natural England would be required before conversion to arable can take place (which can take up to 3 months). This has not been applied for yet.
- 6.15 The applicant is in receipt of the Basic Payment Scheme (BPS) from the Rural Payments Agency which requires the holding to grow and harvest at least 3 crops (no details of the 3 proposed crops have been provided). The applicant's intention is to use the main part of the proposed building for grain storage harvested from the 33ha holding. Given the existing grain store building on site (due for demolition) has not been used for over 15 years for the storage of grain, it is RAC's view that there is no certainty or guarantee that the holding will require grain storage in the near future.

- 6.16 Commercially sensitive and confidential information was submitted explaining the applicant's intention to expand the farm business in the near future thereby increasing the amount of crop grown and harvested on the holding. Whilst RAC note that the expansion of the holding could be feasible, no substantive evidence has been submitted to actively support this intention. Notwithstanding this, if the holding is expanded, a potential crop yield requiring 332m² of storage space within the grain store area of the building (71% of the grain store, based on a generous yield) could be achieved. In support of the application, the applicant details a crop yield requiring 270m² of storage space (58% of the grain store); and the existing 33ha holding is considered by RAC to be able to produce a yield requiring only 82m² of storage space (18% of the grain store). Therefore, even at the greatest yield (based on an expanded holding) the amount of crop harvested would not require the full extent of storage capacity that the building offers (i.e. a minimum of around 29% of the grain store area would be redundant).
- 6.17 However, it is appreciated that it would not just be crops that would require storage within the building, but associated agricultural machinery and an appropriately sized office space. A (confidential) list of machinery owned by the applicant was supplied, some seen and some not seen on site. The applicant states the intention to use contractors for the majority of the arable work, so RAC question why the amount of machinery owned by the applicant is reasonably required. RAC consider that machinery necessary for the small agricultural enterprise could also be stored within the proposed grain store.
- 6.18 An existing office building on site of 135m² is due for demolition as part of the redevelopment. At the site visit, this appeared redundant and not in use for a number of years. RAC consider this to be an excessive office space for a farm of this size. The proposed building includes an enclosed area of the lean-to (163m²) which is proposed as a farm office and workshop. The upper window suggest that a mezzanine level may be constructed, but this was not in-situ or detailed on the submitted plans. RAC appreciate the need for a farm office, and consider that through better planning and design, a suitably sized farm office and workshop area could be contained within the remaining area of the proposed grain store.
- 6.19 The 3 open bays of the lean-to section are proposed to store straw bales to be sold to the local equestrian market. RAC note that the land at Windacres is not currently in arable production and therefore not producing any straw bales. RAC accept that it may do in the future, but this is not the current situation and no evidence to suggest when this will happen.
- 6.20 RAC consider that the 880m² building as a whole, including the grain store and lean-to, is not reasonable justified in terms of the current agricultural activities at Windacres Farm, nor any proposed increase in activities. RAC accepts the like-for-like replacement of the old grain store (i.e. a 465m² building) in this location, and considers that with better planning, a workshop and farm office area could be incorporated within a building of this size, including any agricultural machinery necessary for the farming operations.

Landscape Impact

- 6.21 The Council's Landscape Architect visited the site in December 2017, and has expressed concern about the scale and location of the building, and its impact on the surrounding countryside. The Landscape Architect notes that the building has '*introduced a large, obtrusive feature in a sensitive location*', which is considered to result in some harm to the character and visual amenity of the landscape. It has been noted that no Landscape Visual Impact Assessment (LVIA) has been submitted with the application which would have been useful in identifying the full impact of the development on the landscape from important viewpoints, which would help to inform mitigation options.

- 6.22 Due to the location of the building on an area of high ground in an open field, the sparse and distant surrounding vegetation on the north, east and south does not afford much screening, and leaves the barn visible from the surrounding public rights of way and dwellings. The Landscape Architect describes the landscape character condition as good, with only small areas of decline caused by the intrusion of some modern housing. The sensitivity to change in this landscape is high, with one of the key sensitivities being the impact of cumulative change.
- 6.23 The Landscape Architect acknowledges that the design and appearance of the building is generally in keeping with agricultural buildings in the area, and the sloping edge of the lean-to points downwards onto the undulating fields to the south. Despite this, it is considered that the building dominates the northern skyline as there are no trees or other screening to act as a backdrop, nor any effective screening to the other elevations to soften the visual impact. Without any proposed landscaping to screen the building, it is considered that the size and location of the structure has a negative effect on both the visual amenity and character of the landscape, and therefore does not accord with the requirements of Policies 25 and 26 of the HDPF.

Other Matters

- 6.24 Given the location and proposed use of the building (which would be for agricultural storage), it is not considered that it would have an adverse impact on the local highways network or highways safety, as limited vehicular movements would be required to and from the building.
- 6.25 Whilst the building is considered to be a visible and obtrusive feature in a countryside location; the impact it has on neighbouring amenity is considered to be minimal. The distance of well over 100m between the site and the nearest dwellings (Windacres to the south, and High Croft to the north-west) means that the building, whilst visible, would not cause any direct amenity harm.

Conclusion and Planning Balance

- 6.26 Whilst the general principle of development of an agricultural storage building in the countryside is supported by the Council; in order to be acceptable in planning terms, it must be satisfactorily demonstrated that the building is reasonably required to serve the agricultural activities on the associated holding, and that its size of the building is justified by the associated need.
- 6.27 It is stated that the proposed agricultural storage building is required as a replacement for an existing building on land that is to be redeveloped for a mixed-use housing scheme. Based on the information submitted in support of the planning application, and with the benefit of a comprehensive site visit where all relevant buildings and land were inspected; the advice from the Council's specialist agricultural advisors (RAC) outlines that the quantum of crops to be harvested on the holding (based on the existing 33ha site, or as a result of an expanded holding), in conjunction with the agricultural equipment and farm office reasonably required to operate the business, would not require a storage building of this size.
- 6.28 In addition, without an appropriate scheme of landscaping and planting to soften the impact of the building, it is considered that the location and size of the proposed building would be harmful to the character of the surrounding countryside by virtue of its scale (880m²) and relatively exposed location on high ground.
- 6.29 In summary, it is considered that the need for an agricultural storage building on this site and of the scale proposed has not been justified to the satisfaction of the local planning authority. This, in combination with the harmful impact upon the character of the

countryside caused by the building's size and location leads to the conclusion that the application should be refused.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development, but given the nature of the proposal (an agricultural building) this is not a CIL chargeable development.

At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	158.39	0	158.39

7. RECOMMENDATIONS

Reason(s) for Refusal:

1. The agricultural storage building, by reason of its overall scale, footprint and location, has introduced a large, obtrusive feature into a sensitive countryside location, to the detriment of the character and visual amenity of the surrounding landscape. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that an agricultural storage building of this scale and impact is required to support the agricultural needs of the wider holding at Windacres Farm, therefore the development does not accord with the requirements of Policies 10, 25 and 26 of the Horsham District Planning Framework.

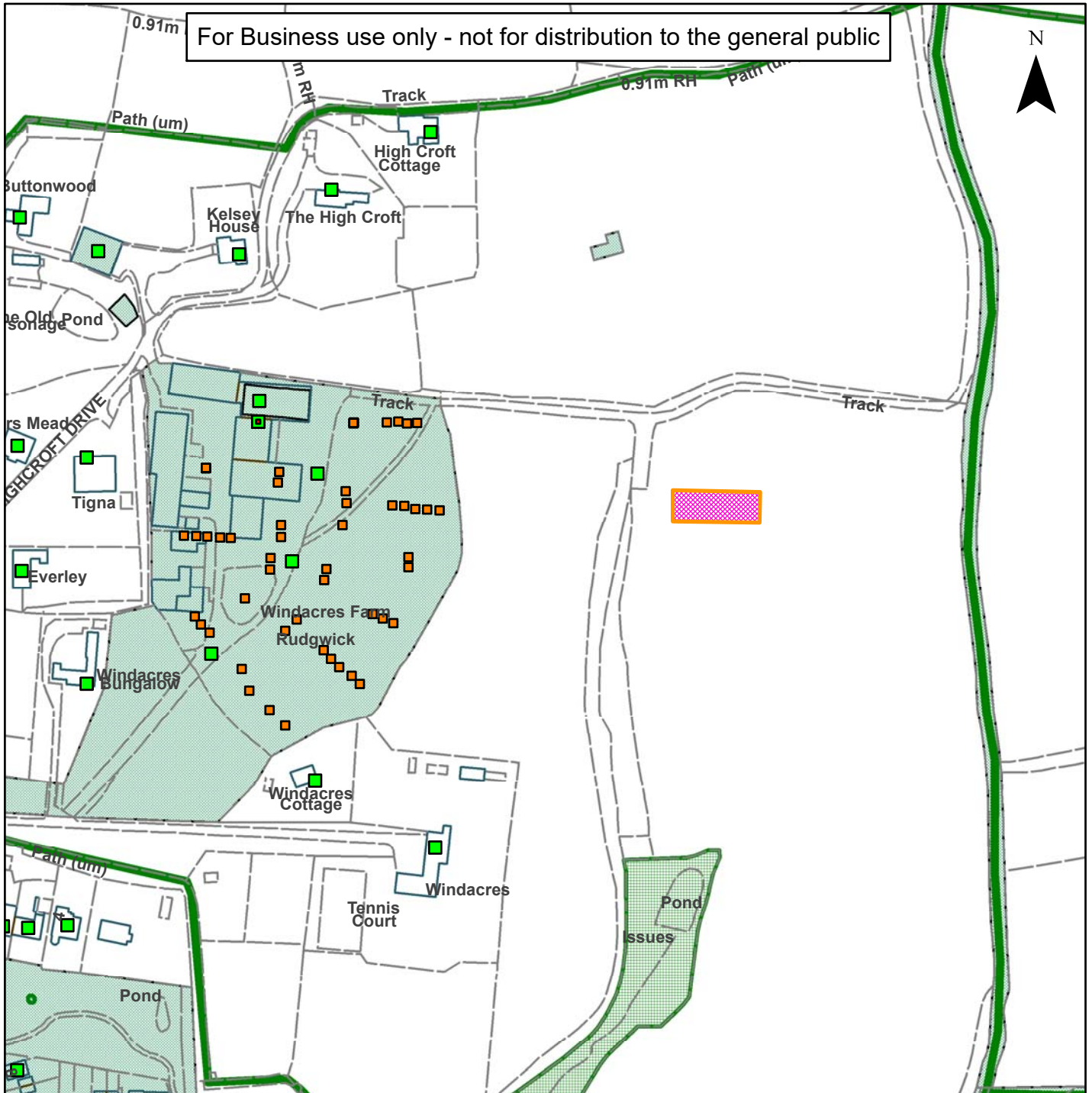
Background Papers:
DC/17/2410

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	27/03/2018
MA Number	100023865

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