



Planning Committee (North)

Tuesday, 9th January, 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 5 December 2017
(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)

3. **Declarations of Members' Interests**

To receive any declarations of interest from Members of the Committee

4. **Announcements**

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

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

- | | | |
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| 5. | Appeals | 15 - 16 |
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Applications for determination by Committee: | | |
| 6. | DC/17/2148 - Century House, 100 Station Road, Horsham
Ward: Horsham Park Applicant: Rathcoole Limited | 17 - 38 |
| 7. | DC/17/2379 - Unit 10, Swan Walk, Horsham
Ward: Denne Applicant: Aviva Life and Pensions UK Limited | 39 - 50 |
| 8. | DC/17/1827 - Stafford House, Bonnetts Lane, Ifield
Ward: Rusper and Colgate Applicant: Hasnain Mohsin | 51 - 62 |
| 9. | DC/17/2428 - Curtis Farm, Green Lane, Horsham
Ward: Rusper and Colgate Applicant: Mr David Turner | 63 - 74 |
| 10. | DC/17/2123 - Evolution Fitness, Gladstone Road, Horsham
Ward: Horsham Park Applicant: Mrs Sam Stocker | 75 - 82 |
| 11. | DC/17/2354 - Hermongers Farm, Hermongers, Rudgwick
Ward: Rudgwick Applicant: Edmund O'Reilly Hyland | 83 - 94 |
| 12. | DC/17/2409 - 129 Blakes Farm Road, Southwater
Ward: Southwater Applicant: Mr & Mrs Andrew and Michelle Simon | 95 - 100 |
| 13. | Urgent Business
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances | |

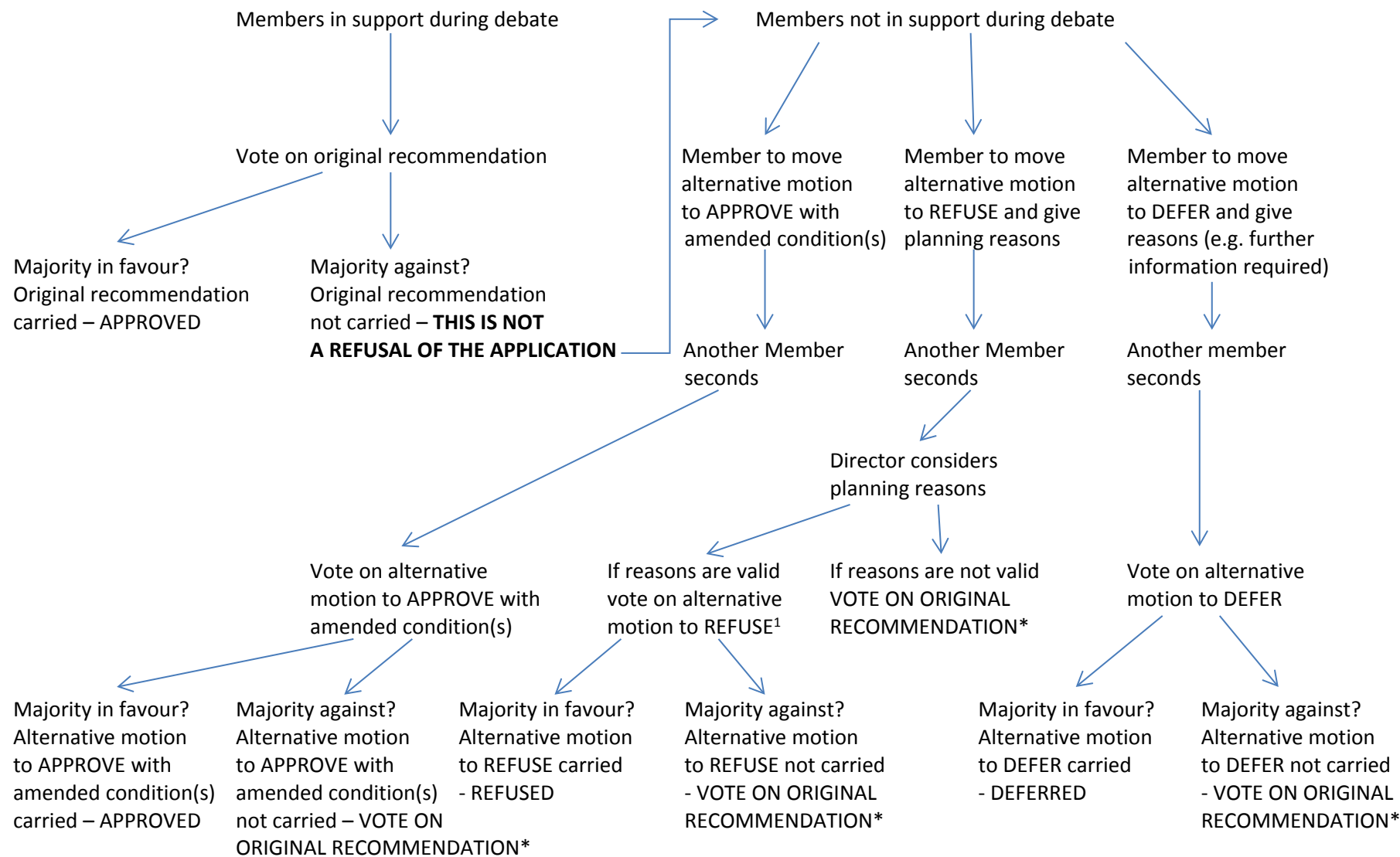
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

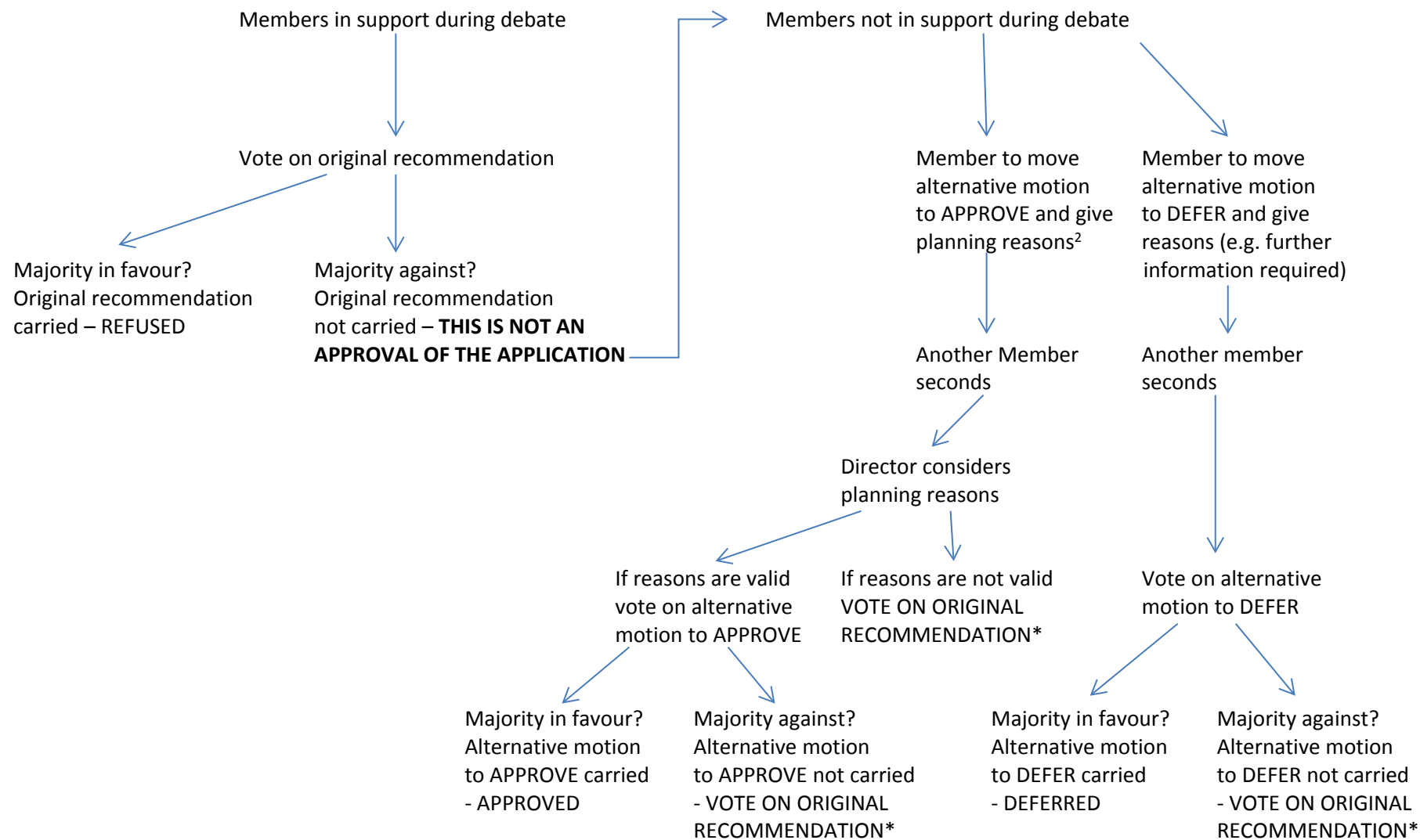
Original recommendation to APPROVE application



*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)
5 DECEMBER 2017

Present: Councillors: Liz Kitchen (Chairman), Karen Burgess (Vice-Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, Peter Burgess, Roy Cornell, Jonathan Dancer, Matthew French, Billy Greening, Tony Hogben, Christian Mitchell, Godfrey Newman, Stuart Ritchie, David Skipp, Claire Vickers and Tricia Youtan

Apologies: Councillors: John Chidlow, Christine Costin, Leonard Crosbie, Adrian Lee and Connor Relleen

Absent: Councillors: Josh Murphy, Brian O'Connell and Simon Torn

PCN/59 **MINUTES**

The minutes of the meeting of the Committee held on 7 November were approved as a correct record and signed by the Chairman.

PCN/60 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/17/1023 – Councillor Billy Greening declared a personal interest in this item because he knew one of the objectors.

PCN/61 **ANNOUNCEMENTS**

There were no announcements.

PCN/62 **APPEALS**

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

PCN/63 **DC/17/1704 - 41 PONDTAIL ROAD, HORSHAM**
(WARD: HOLBROOK WEST) APPLICANT: MR PAUL CLARKE

The Head of Development reported that this application sought permission for a change of use from public house to children's day nursery. The proposal included rear extensions, changes to elevations including windows, and surfacing the garden area predominantly with artificial grass. The car park would be rearranged to increase space for the garden whilst retaining the 17 parking spaces.

The application site was located in the built-up area of Horsham on the eastern side of Pondtail Road and was the site of the Rising Sun, which had ceased

trading in June 2017. There was an embankment leading up to the railway line along the western boundary, and detached dwelling along Pondtail Road.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

An addendum to the report had been circulated to Members with further detailed comments from the Highway Authority, which concluded that there was no objection subject to: a pedestrian barrier in the entrance off the footway; and parking restrictions, should these prove necessary following parking surveys before and three months after the opening of the nursery. A legal agreement would be required to secure funding for implementing parking restrictions and therefore a revised recommendation requiring the completion of a legal agreement was included in the addendum.

North Horsham Parish Council raised no objection to the application, and since publication of the report had provided additional comments regarding the need for the Highway Authority's and local residents' concerns to be addressed. Denne Neighbourhood Council raised no objection in principle but had concerns regarding pedestrian safety and access. The Local Member raised a number of concerns. Nineteen letters of objection from 15 households had been received, including one since publication of the report. Since publication of the report the applicant had contacted Members of the Committee setting out key points regarding the application.

Three members of the public spoke in objection to the application. The applicant and the applicant's transport consultant both spoke in support of the application, and the applicant's agent spoke, on behalf of the applicant's acoustic consultant, 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: loss of the public house; the need for a children's nursery; highway safety, transport and highway issues; impact on occupiers of neighbouring properties; and the character and appearance of the street scene.

Members were concerned that an overwhelming majority of pupils would arrive by car, given the wide catchment area of the nursery, and discussed the potential impact that additional traffic movements could have on Pondtail Road. They were concerned that the Road Safety Audit and conclusions of the Highway Authority had underestimated the level of traffic movements that would be generated, and that it was not robust enough, given the narrowness of Pondtail Road, the speed of existing traffic and the restricted nature of the site itself.

After detailed debate the Committee concluded that the application should be deferred to allow for further discussion with the Highway Authority so that the robustness of the Road Safety Audit could be tested. Members suggested that

during deferment of the application, Local Members should attend a site visit with officers.

RESOLVED

That planning application DC/17/1704 be deferred to allow for the Road Safety Audit to be reviewed through further discussions with the Highway Authority, in consultation with the Local Members.

PCN/64 **DC/17/0168 - 80 LAMBS FARM ROAD, HORSHAM**
(WARD: ROFFEY NORTH) APPLICANT: MR CELEBI

The Head of Development reported that this application sought permission to vary Condition 4 of previously approved permission DC/11/1660 (change of use from retail/office to a hot food takeaway) to extend the opening hours. They were currently 0900 - 2200 Monday to Saturday and at no time on Sundays. The variation would allow opening hours of 0900 – 2300 Monday to Saturday and 0900 – 2200 Sunday and Bank Holidays. No changes were proposed regarding the ventilation and extraction system.

The application site was located in the built-up area of Horsham on the southern side of Lambs Farm Road. The unit was in a small parade of shops with flats above. There were three delineated parking spaces serving the unit. The surrounding area was predominantly residential.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council raised no objection to the application, and requested that measures to control cooking odours be put in place. Twenty letters of objection, from 13 households, 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 neighbouring amenity and traffic. Objections to the current operating of the business were not a planning consideration and were being investigated by the Council's Environmental Health Department.

Members discussed the proposal in the context of its location within a residential area and considered the impact it would have on residential amenity.

RESOLVED

That planning application DC/17/0168 be refused for the following reason:

The proposal would cause unacceptable harm to the amenity of nearby residents and was therefore contrary to Policy 33 of the Horsham District Planning Framework.

PCN/65 **DC/17/2240 - 41 GORINGS MEAD, HORSHAM (WARD: FOREST)**
APPLICANT: MR ANDREW WATSON

The Head of Development reported that this application sought permission for alterations to a chalet bungalow to form a two storey dwelling. The ridge height would increase by approximately two metres. Alterations included a new hipped roof, new windows, alterations to rear extensions and to a rear bay window. A front entrance canopy was also proposed.

The application site was located within the built-up area of Horsham on the south side of Gorings Mead. There was a very large rear garden to the south. Nearby properties were predominantly detached of differing styles and sizes, with semi-detached dwellings on the other side of the road. A public footpath ran along the eastern boundary.

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 Neighbourhood Council raised no objection to the application. One letter of support had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the design and appearance of the proposal and its impact on the visual amenities of the street scene; and the amenities of neighbouring occupiers.

Members considered the increase in size of the property in the context of the variety of style and size of nearby properties and concluded that the proposal was acceptable.

RESOLVED

That planning application DC/17/2240 be granted subject to the conditions and reasons as reported.

PCN/66 **S106/17/0015 - THE HOLBROOK CLUB, NORTH HEATH LANE, HORSHAM**
(WARD: HOLBROOK EAST) APPLICANT: DMH STALLARD

The Head of Development reported that this application sought permission for an amendment to Schedule 4 of the legal agreement that covered permissions DC/16/2855 (58 dwellings on part of the playing fields of The Holbrook Club) and DC/16/2856 (new 3G football ground at Horsham Golf and Fitness). The amendment would facilitate commencement of works on the residential

development at The Holbrook Club site before the football pitches at Horsham Golf and Fitness Club were completed. To facilitate this amendment, the applicant proposed interim measures to accommodate the displaced football teams when the 2018 football season begins.

The application site was located in the built-up area of Horsham and comprised approximately one third of land at The Holbrook Club. The site was west of Jackdaw Lane, and east of the club, which was accessed from North Heath Lane 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.

An addendum to the report had been circulated to Members advising of a revised recommendation that included a further variation to the legal agreement attached to DC/16/2855 and DC/16/2856 to secure the three conditions set out in 6.13 of the report. The revised conditions were as follows:

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

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

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

The addendum also included a revised recommendation requiring the amendment to be secured through a deed of variation.

North Horsham Parish Council supported the application. Southwater Parish Council objected to it. A Member of the Committee, who had objected to the application, withdrew their objection prior to the meeting. The Holbrook Club supported the proposal. Since publication of the report the Horsham Society had objected to the proposal, as advised in the addendum to the report. The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issue for consideration in determining the proposal was whether the proposal had a significant impact on the displaced teams during the interim

period. It was noted that Sport England required the interim arrangements to be made clear and legally binding.

Members concluded that the interim arrangements were acceptable.

RESOLVED

- (i) That a modification, by way of a Deed of Variation, be made to the legal agreement attached to permissions DC/16/2855 and DC/16/2856, to secure the revised conditions as set out in the addendum to the report.
- (ii) That, subject to (i) above, a modification, by way of a Deed of Variation, be made to Schedule 4, Part 1 of the legal agreement attached to permissions DC/16/2855 and DC/16/2856, to allow commencement of the approved residential development at The Holbrook Club prior to the approved pitches for Horsham Golf and Fitness being ready for use.

PCN/67 **DC/17/1023 - PHASE 4, OAKHURST BUSINESS PARK, WILBERFORCE WAY, SOUTHWATER (WARD: SOUTHWATER) APPLICANT: HORSHAM DISTRICT COUNCIL**

The Head of Development reported that this application sought permission for the erection of eight business and storage units, arranged as two blocks opposite each other, on a vacant site within the business park. New access from Wilberforce Way, hardstanding and parking for 31 cars was also proposed. The appearance of the blocks would be consistent with others on the surrounding estate.

The application site was located within the built-up area of Southwater within the established business park, which was a Key Employment Area. A bund with dense vegetation surrounded the southwest and northwest boundaries and screened the site from the Worthing Road and nearby properties.

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 and had referred it to the Secretary of State. Five letters of objection, from three households, had been received. 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 development; its impact on the landscape and trees; ecology; design and layout; impact on the amenity of nearby occupiers; access; access, highways and parking; and drainage.

Amended plans had been submitted that sought to address concerns regarding the impact on the bund. In response to concerns from the Local Member that the proposal still compromised the integrity of the bund, Members were assured that the bund would be retained at 30 metres; it was currently over 30 metres wide at the point at which the development would impinge upon it, and covered in mature vegetation.

RESOLVED

That planning application DC/17/1023 be granted, subject to confirmation that the Secretary of State does not wish to call it in, and subject to the conditions and reasons as reported.

PCN/68 **DC/17/1971 - LAND ADJACENT TO 193 TANBRIDGE PARK, HORSHAM (WARD: DENNE) APPLICANT: HORSHAM DISTRICT COUNCIL**

The Head of Development reported that this application sought permission to carry out surgery to an oak tree, which was protected under Tree Preservation Order (TPO) 867.

The application site was in an open public space north of 193 Tanbridge Park, within the built-up area of Horsham.

Details of relevant government policies and good practice, as contained within the report, were noted by the Committee. It was noted that surgery to the tree had been approved on a number of occasions. The Neighbourhood Council raised no objection to the application.

Members considered the officer's planning assessment which outlined the amenity value and declining health of the tree, and advised that reducing the canopy by approximately 30% would minimise the likelihood of structural failure.

RESOLVED

That planning application DC/17/1971 be granted subject to the conditions and reasons as reported.

PCN/69 **DC/17/2013 - HILLS CEMETERY, GUILDFORD ROAD, HORSHAM (WARD: DENNE) APPLICANT: HORSHAM DISTRICT COUNCIL**

The Head of Development reported that this application sought permission to carry out surgery to seven trees. Six of the trees (five limes and one ash) were protected under Tree Preservation Order (TPO) 357, and were on either side of the cemetery access road that ran south from Guildford Road. The seventh, a larger lime tree protected under TPO 1312, was on the western boundary of the cemetery close to Somergate.

Details of relevant government policies and good practice, as contained within the report, were noted by the Committee. It was noted that surgery to the trees had been carried out over the years. The Neighbourhood Council raised no objection to the application.

Members considered the officer's planning assessment which outlined the benefits of surgery for the amenity value of the trees and, in the case of the larger lime, in reducing its potential impact on the nearby property in Somergate.

RESOLVED

That planning application DC/17/2013 be granted subject to the conditions and reasons as reported.

PCN/70 **DC/17/2174 - LAND REAR OF 21 WOODLANDS WALK, MANNINGS HEATH (WARD: NUTHURST) APPLICANT: HORSHAM DISTRICT COUNCIL**

The Development Manager reported that this application sought permission to carry out surgery to an oak tree, which was protected under Tree Preservation Order (TPO) 947.

The application site was within a council owned wooded strip that ran through Woodlands Walk estate in the built up area of Mannings Heath. Parts of the oak tree overhung two properties.

Details of relevant government policies and good practice, as contained within the report, were noted by the Committee. It was noted that the tree had been pruned a number of years ago. No consultation responses had been received.

Members considered the officer's planning assessment which outlined the reasons for the proposed surgery to a large cracked branch, and trimming of other overhanging limbs.

RESOLVED

That planning application DC/17/2174 be granted subject to the conditions and reasons as reported.

The meeting closed at 7.42 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee North

Date: 9th January 2018



Report on Appeals: 24/11/2017 to 19/12/2017

1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/17/2230	29 Roman Lane Southwater Horsham West Sussex RH13 9AF	29 th November 2017	Refuse	
DC/17/1566	Tanimola 2 Testers Close Southwater Horsham West Sussex RH13 9BF	6 th December 2017	Permit	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/17/1184	Kingfisher Farm West Chiltington Lane Billingshurst West Sussex	Public Inquiry	5 th December 2017	Non Determination	
DC/17/1185	Kingfisher Farm West Chiltington Lane Billingshurst West Sussex	Public Inquiry	5 th December 2017	Refuse	
DC/16/2754	2 Warnham Court Warnham Horsham West Sussex RH12 3QF	Written Reps	29 th November 2017	Refuse	
DC/17/1133	Bolters 15 Causeway Horsham West Sussex RH12 1HE	Written Reps	29 th November 2017	Refuse	
DC/17/1134	Bolters 15 Causeway Horsham West Sussex RH12 1HE	Written Reps	29 th November 2017	Refuse	

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/16/2423	Lyons Farm House Lyons Road Slinfold Horsham West Sussex RH13 0TD	Written Reps	Allowed	Refuse	
DC/17/0280	Little Pilfolds Tower Hill Horsham West Sussex RH13 0JZ	Written Reps	Dismissed	Refuse	



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 09 January 2018

DEVELOPMENT: Demolition of existing building and erection of replacement 5/6 storey building comprising 49 residential units and associated car parking, cycle parking and landscaping.

SITE: Century House 100 Station Road Horsham West Sussex RH13 5EU

WARD: Horsham Park

APPLICATION: DC/17/2148

APPLICANT: **Name:** Rathcoole Limited **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation received contrary to the Officer's recommendation

RECOMMENDATION: To permit the application subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application proposes the demolition of the existing 4-storey office building, and the erection of a 5/6 storey residential building, comprising 49 apartments, associated car parking, cycle parking, bin storage and landscaping. The building would comprise the following mix of units (all intended for market sale):

Studio	11 (22.5%)
1-Bed	26 (53%)
2-Bed	12 (24.5%)

- 1.2 The proposed building would be located in a similar location to the existing building, albeit it would cover a larger footprint and would be sited further to the north eastern portion of the site (closer to the roundabout) and further away from the south-western boundary. The proposed building would be staggered in height, with the highest part of the building (6-storeys) located towards the northern corner facing the Horsham Gates development. The highest part of the building would measure up to 19.5m, and the lower, 5-storey portion of the building would measure around 15.5m in height. The building would measure approximately 45m in length, and 17m in width.
- 1.3 Aside from 8 of the studio apartments located in the middle of the rear elevation which would have Juliette balconies, all upper floor units would have an external balcony and/or private roof terrace space, and all ground floor units would have external ground floor

amenity spaces. The materials proposed for the external elevations of the building comprise a mix of brickwork and render to the lower stories, and cladding and curtain walling to the upper stories. The use of glazing, particularly on the north (front) elevation will form an architectural feature of the proposed building.

- 1.4 Surface car parking for 38x vehicles (two of which would be disabled parking) has been proposed, located in the existing car parking area to the south-west of the site. Four of the spaces (20%) would have electric charging points. A secure bicycle store providing space for 32 bicycles would be located to the northern boundary of the site, and a bin storage facility would be located to the southern corner of the site adjacent to the car parking area.
- 1.5 A landscaping scheme has been proposed to include additional/enhanced planting on the south-west boundary (between the site and 98 Station Road), to include provision of pleached/espalier trees and shrubbery. There are four protected beech trees on the south-west boundary which are to be retained. Additional tree and shrub planting on the north-east boundary of the site is also proposed. A brown roof comprising 354m² is proposed on the top floor.
- 1.6 During the course of determination, the applicant responded to concerns raised by Officers and made the following amendments to the scheme:
 - Reduce the protrusion of the 6th floor canopy.
 - Remove 8 of the balconies from the south-west elevation (facing No 98 Station Road), and replace them with Juliette balconies.

DESCRIPTION OF THE SITE

- 1.7 The application site currently provides a partly occupied four storey office building located within the built-up area of Horsham, approximately 300m north east of Horsham railway station and about 1km from the town centre. The nearest convenience shop is located approximately 300m to the south-west of the site. A primary school and family centre/nursery is located around 230m to the east. The site is not located within a Key Employment Area or within any other restricted designation. The site comprises an area of around 1,900m² (approx. 0.5 acre) and sits adjacent to the Harwood Road/Kings Road roundabout which is one of the main roundabouts into and out of the town centre.
- 1.8 Adjoining the south-west boundary of the site is No 98 Station Road which is the first in a terrace of Victorian style semi-detached homes along Station Road which are set in typically long, narrow plots. No 98 Station Road is located approximately 17m to the west of the existing office building. To the south-east of the site is Booth Way, a quiet road leading from the roundabout to the site's existing vehicular entrance and onto the Salvation Army premises to the far south of the site. Beyond Booth Way is a cluster of detached and semi-detached bungalows (The Poplars) the nearest of which are located approximately 24m from the application site. To the north-west of the site is the Horsham Gates development which comprises 3 separate residential buildings of 3-5 storeys in height. The large and relatively busy Harwood Road roundabout dominates the site's setting to the north-east, with Kings Court beyond which is a small cluster of modest 2-storey office buildings. To the north of the site is the Foundry Lane industrial/commercial zone.
- 1.8 The existing site comprises an office building dating back to circa 1970s or earlier. The building is a dark brick built structure of 4 stories (including a mansard style roof space), with a modest landscaped strip (low-level bushes and shrubs and grass) to its eastern elevation and an area of hardstanding to its west which is used for car parking. A low level brick wall marks the boundary between the site, Station Road and No 98 Station Road. Several trees exist towards the northern end of the site as well as along the boundary between No 98 Station Road, including 4x protected beech trees. The main vehicular entrance is to the south of the building via Booth Way, and access by foot can be achieved from Station Road to the north of the site. The building is broadly rectangular and is fairly

prominent in its setting adjacent to a busy town centre roundabout. The site sits within a transitional location between a commercial/industrial zone to the north (Foundary Lane) and predominantly residential to the south and west.

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**

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

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 5 – Strategic Policy: Horsham Town

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 – Climate change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 – Sustainable Design and Construction

Policy 38 – Flooding

Policy 39 – Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

2.4 **Supplementary Planning Document:**

Planning Obligations and Affordable Housing SPD (2017)

2.5 **Community Infrastructure Levy (CIL) Charging Schedule**

April 2017 (Adopted 1st October 2017).

RELEVANT NEIGHBOURHOOD PLAN

- 2.6 Forest Neighbourhood Council forms part of the Horsham Blueprint Business Neighbourhood Forum which is the designated body of the un-parished area of Horsham Town. The Forum area was formally designated in June 2015 and comprises representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Forum have not reached Regulation 14 draft plan stage yet, therefore the weight that can be afforded to the Neighbourhood Planning process in this location at present is very limited.

2.7 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/2072 - Prior Notification for change of use from office accommodation to residential – PERMITTED 17/10/2016

DC/17/0872 - Prior approval for change of use from office use (Class B1) to 37 dwellings (Class C3) – PERMITTED 01/06/2017

3. OUTCOME OF CONSULTATIONS

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

3.2 INTERNAL CONSULTATIONS

HDC Economic Development: Objection

Comments Dated 03 October 2017 (summarised): *'The loss of office floor space will create further pressure on the already strained office space requirements within the town centre. From an economic perspective, losing additional office space that is already in use could be detrimental to the local economy. Economic Development is opposed to the proposed loss of this office space/conversion to housing'.*

HDC Drainage Engineer: No Objection – Conditions Suggested.

Comments Dated 09 October 2017: *'I have no overall objections to the drainage strategy proposed therefore until detailed design information has been submitted at the appropriate planning stage, suitable drainage conditions should be applied'.*

HDC Landscape Architect: No Objection – Improvements and Conditions Suggested

Comments Dated 18 October 2017 (summarised): *'Tree loss could be mitigated by the Brown Roof proposals which would add valuable habitat – thus ensuring a net biodiversity gain for the development despite the loss of trees and shrubs on the frontage. This form of biodiversity mitigation should be encouraged in addition to new tree planting wherever possible. It is noted that the Brown Roof is used in part to absorb rainwater and lessen the effects of runoff. It would be expected that permeable paving will be used in the parking areas – details of which would need to be submitted as part of the Hard and Soft Landscape plans. A greater area should be made available for tree planting and landscaping, currently taken up with parking spaces 1 – 17. Parking space 21 is not in an acceptable location'.*

Comments on the revised scheme Dated 18 December 2017 (summarised): No objection, subject to standard landscape conditions.

HDC Environmental Health: Objection

Comments Dated 07 November 2017 (summarised): *'Concerns relate principally to the noise exposure, particularly for the proposed amenity spaces (balconies). The External Noise Assessment has identified that the dwellings will need to be protected for road traffic noise although no specific measure are prescribed for this location the comments in the report make it clear that substantive measures, possibly even sealed facades, will be required. It is likely that the amenity spaces will not comply with the WHO guidance for noise in outdoor living areas and therefore will offer little or no real amenity value. I would prefer the balconies to be enclosed as winter gardens or to have a communal roof garden'.*

HDC Housing: Objection

Comments Dated 04 December 2017: *'The HDPF requires 35% of these units to be affordable however the applicant has proposed no affordable housing within the application. As such, the application is not supported by Housing Officers'.*

3.3 OUTSIDE AGENCIES**WSCC Highways:** No Objection – Conditions Suggested.

Comments Dated 11 October 2017 (summarised):

Access and Visibility

'Sightlines along Booth Way from the point of access are considered acceptable. WSCC would remind the applicant that the proposals would require a licence agreement from WSCC's Implementation Team for works on the highway to take place. A review of the access in this area indicates that there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that either access point and local highway network are operating unsafely'.

Capacity

'Within the TS the TRICS data shows that the existing office use would have 36 and 34 movements during the morning peak and the proposed residential use would result in 12 and 16 movements respectively. On that basis the proposals are not considered likely to result in a 'Severe' residual impact on the local highway network and be contrary to Paragraph 32 of the NPPF'.

Parking and Layout

'The access road will take the form of a 4.8 metre wide shared surface arrangement with 6 metre kerb radii. This is considered suitable as this will be a low speed, low traffic environment. Parking provision is in accordance with the demand from the Parking Demand Calculator. Based on the proposed mix and tenure of the units, the car parking provision is anticipated to satisfy the likely demands. We are aware that there is local concern relating to parking. Given the good visibility in both directions it is not considered that parking [in Booth Way] would be detrimental to highway safety'.

Sustainability and Accessibility

'The site is very well located with all areas of Horsham accessible within 2km of the application site. For pedestrians Station Road has footway links that lead to the town centre and Horsham train station is within a short (5 minutes) walking distance of the site. Horsham station has links with London Victoria and Brighton. It is considered the proposals offer residents a realistic option of being able travel sustainably'.

Conclusion and Suggested Conditions

'The LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal'.

Suggested Conditions: Vehicular Access, Construction Management Plan.

Comments on the revised scheme Dated 15 December 2017 (summarised):

'WSCC did raise any objections to these proposals in our consultation response of the 11th October 2017. The proposals have not changed significantly with this latest consultation; we would therefore advise that the previously advised comments are provided'.

Forest Neighbourhood Council: Objection

Comments Dated 16 October 2017 (summarised): *'Horsham does not need a huge tower block at one of its main entrances to the town, if it is to retain its "market town" appeal. Neither does it need any more 1bed apartments. Parking spaces are well outnumbered by*

the dwellings. We find it bizarre that properties should have balconies with a view of the traffic jam. The Air Quality Assessment and Low Emissions Management Plan was a work of pure comedy. Looking to the future, there should be more charging points for vehicles'.

Horsham and Mid Sussex Clinical Commissioning Group: No Objection

Comments Dated 18 October 2017 (summarised): 'We consider that a Section 106 application for a developer contribution towards healthcare capital infrastructure improvements to be entirely appropriate and this amounts to £17,767. [Officer Note: these community infrastructure needs are now fulfilled by the Council's CIL charging schedule].

Horsham District Cycling Forum: Objection

Comments Dated 18 October 2017 (summarised): *'The public consultation was poor, and the Cycling Forum were not invited to participate. The cycle storage should provide safe and secure storage preferably in lockable rooms with lighting. We note that they are separated from the rubbish bins but are not close to the building entrance. Cycle parking should be at least as convenient as car parking. The location of the storage facility near the street increases risk of theft. We recommend internal cycle storage. Condition suggested securing cycle storage prior to occupation. S106 and CIL monies should go towards improving cycling infrastructure in the area. Car parking in this area is already a major problem'.*

Southern Water: No Objection – Conditions Suggested

Comments Dated 19 October 2017 and 13 December 2017 (summarised): No objection subject to conditions requiring a drainage strategy to be submitted and approved prior to commencement, and details of proposed foul and surface water sewerage disposal. Several informative are also suggested advising the applicant to contact Southern Water in relation to connecting to the public sewerage system.

WSCC Flood Risk Management: No Objection – Conditions Suggested

Comments Dated 19 October 2017 (summarised):

'Mapping shows the proposed site is at low risk from surface water flooding although the carriageway to the north west of the site is shown to be at higher risk. The majority of the proposed development is shown to be at negligible risk from ground water flooding based on the current mapping. We do not have any records of historic surface water flooding within the confines of the proposed site or nearby. Current Ordnance Survey mapping shows no ordinary watercourse running near to or across the site.

Suggested Conditions: surface water designs, SUDS maintenance and management details.

3.4 PUBLIC CONSULTATIONS

In total, 15 letters of objection (from 11 different households) have been received. All representations expressed an objection to the application citing the following summarised planning concerns:

- Overlooking (balconies/terraces)
- Height and scale (overbearing)
- Lack of parking provision
- Overdevelopment
- Impact on The Poplars
- Impact on 98 Station Road
- Increase in traffic
- Loss of office accommodation
- Disruption during construction
- Footpath safety concerns

- Location of cycle storage
- Loss of landscaping
- Visual impact (washing hanging on balconies)
- No visitor parking
- Poor internet connection

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
- Affordable housing provision
- Scale, design and neighbouring amenity
- Highways, cycle and car parking and access

The Principle of the Development

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development (paragraph 14). Paragraphs 2 and 12 of the NPPF state that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. 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. Forest Neighbourhood Council forms part of the Horsham Blueprint Business Neighbourhood Forum which was designated in June 2015. There is no 'made' Neighbourhood Development Plan (NDP) for this area at present.
- 6.3 Policy 2 of the HDPF sets out the Council's main strategy for the location of development across the District and aims to concentrate development in and around the District's most sustainable settlements. Policy 3 of the HDPF sets out the settlement hierarchy and classifies Horsham at the top of the hierarchy as the town's 'Main Settlement' which means it has the largest range of employment, services and leisure opportunities. The site is located close to the town centre and within the defined Built Up Area Boundary (BUAB), meaning that the general principle of development in this location is acceptable.
- 6.4 The existing building on site is currently used as office accommodation, and was built originally for this purpose. The building therefore currently carries a B1 (office) Use Class. It is understood that the building is currently occupied on two of its four floors. Chapter 5 of the HDPF focuses on the economic development potential of the District, and seeks to build a strong, resilient and diverse economy. It identifies that there is a general lack of employment floorspace in the District and where stock does exist, it is outdated and does not meet the needs of business demands today. Policy 9 of the HDPF seeks to ensure the protection of valued employment sites, whilst enabling sites that are not economically

viable to be considered for alternative uses. Within designated Key Employment Areas (KEAs) a sequential approach should be applied for any redevelopment proposals. This site is not located within a KEA therefore part 2 of Policy 9 is relevant which seeks that when redevelopment of employment sites outside KEAs is proposed, it must be demonstrated that the site is no longer needed or viable for employment use. It has not explicitly been demonstrated as part of this application that the site is not viable as office accommodation. For this reason, redevelopment of this site to residential accommodation is not considered to be acceptable in Policy terms, and does not therefore strictly accord with the development plan as per the requirements of the NPPF.

- 6.5 However, despite the above, a material consideration of significant weight relevant to this application is the benefit the site has of a Prior Approval application which permits the conversion of the existing B1 office building to C3 residential accommodation (under 'Class O' of the General Permitted Development Order 2015). A Prior Approval allows the change of use of an office building without the benefit of planning permission and therefore the loss of employment could not be considered. Application reference DC/17/0872 was granted in June 2017 and permits the change of use of the office building to 37 residential dwelling units. Given this fall back position (which was permitted relatively recently) can be implemented at any time, it is considered that the principle of residential development on this site is accepted. Whilst it is recognised that the proposed development does not strictly accord with development plan policy (HDPF Policy 9), it is considered that the recently approved Prior Approval is a material consideration of such significant weight that it overrides the development plan provisions. The relatively recent nature of the Prior Approval (granted within the last 6 months) also adds weight to its significance as it shows a genuine will to seek to convert the building.
- 6.6 In summary, it is considered that the Prior Approval granted in June 2017 which permits conversion of the existing office building to up to 37 residential units is a material consideration of significant weight. Given this fall-back position, it is considered by Officers that the principle to develop this employment site to residential (C3 Use Class) is acceptable, despite its conflict with HDPF Policy 9. In addition to this, the site is located in a central part of the District's most sustainable settlement, where the general principle of development is considered to be acceptable. Policy 5 of the HDPF seeks to promote the prosperity of Horsham Town by delivering a mix of residential properties which meet the needs of the population and contributes to quality modern living that is compatible with a town centre setting. It is considered that the proposed development achieves this aim. Whilst the Council can demonstrate a 5-year housing land supply of 109%, sites are still required through Policy 15 of the HDPF to come from windfall developments. It is considered that this site would be an example of a windfall development that will help to boost significantly the supply of housing in the District in a suitable and sustainable location. The principle of development in this location is therefore acceptable.

Affordable Housing Provision

- 6.7 Policy 16 of the HDPF requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable. A policy compliant scheme in this case would therefore require 17 affordable units to be provided on site, or if on-site provision is not possible, a financial contribution calculated in accordance with the Planning Obligations and Affordable Housing SPD (2017) may be acceptable.
- 6.8 Due to viability constraints, the Applicant has not offered any contribution to affordable housing. The Council's Planning Obligations and Affordable Housing SPD allows for flexibility in seeking planning obligations where viability constraints are identified, in accordance with the NPPF and HDPF Policy 16. As a result, a viability assessment was submitted to the Council by the applicant explaining the reasons for this. The study details the associated costs including build costs, remediation works, demolition costs, professional fees, marketing costs and CIL payments etc, as well as calculated land values

and projected revenues from sales. The study shows that even at 0% affordable housing the scheme generates a residual land value well below the applicant's stated benchmark land value (BLV). The scheme as presented by the applicant (based on their BLV) is therefore in deficit and is non-viable.

- 6.9 The Council instructed the District Valuer (DV) to independently assess the Applicant's viability assessment. The DV's assessment highlights several differences in opinion and some limited evidence provided to justify some of the costs quoted. The main conflicting figure used is the BLV quoted by the applicant, which the DV considers to be too high, and a lower figure has been adopted by the DV as the BLV instead.
- 6.10 The DV has scrutinised the Applicant's study and the conclusion drawn from the independent review is that based on the information provided by the applicant, it is unlikely that the scheme can make a contribution to affordable housing. The DV has modelled the viability of the scheme using his assumed lower BLV and has concluded that based on this reduced figure and with a profit considered to be industry standard the scheme could be delivered, but would be unable to afford a contribution to affordable housing.
- 6.11 Given the conclusions drawn from the District Valuer's independent review, and an understanding of the site circumstances (including a high land value based on the partial occupation of a four storey office building located close to the town centre and public transport infrastructure); whilst disappointing, it is accepted by Officers that the viability of the development scheme proposed is unlikely to allow for a contribution towards affordable housing without rendering the scheme unviable and undeliverable. In accordance with the Council's Planning Obligations SPD (2017), and provisions within the NPPF and NPPG, it is accepted that a 0% affordable housing offer on this site is acceptable. Officers also note if the extant Prior Approval was implemented for the conversion of the existing building this would not have generated any affordable housing either. Despite this disappointing position Officers consider that the mix of units proposed (studios, 1-bed and 2-bed flats) would be placed on the more affordable end of the open market, and would help to meet an element of local housing needs which Policy 16 seeks to address, and which is identified in the Council's Market Housing Mix study (November 2016).

Scale and Design

- 6.12 Policy 33 of the HDPF seeks to ensure that development makes efficient use of the land, and avoids unacceptable harm to the amenity of occupiers of nearby properties. The policy also requires any new development to have a high design standard in terms of scale, massing and appearance; and to relate sympathetically to its build surroundings.
- 6.13 The building comprises 5/6 storeys and is arranged in a mainly rectangular but articulated form, with the 6th storey (top floor) set back to create less of a sense of height and bulk. All elevations demonstrate elements of articulation which helps to create depth and interest to the building. The most sensitive parts of the building are the sections in closest proximity to the boundary of No 98 Station Road (the south-west elevation) and the rear of the building facing The Poplars (the south-east elevation). In this location, the overall height drops to 5 storeys. The highest part of the building would be at the front elevation, which is the least sensitive part of the building in terms of amenity impact, and which showcases the architectural features of the building from the main public viewpoint.
- 6.14 It is considered that in context with other built form to the north and east of the building (i.e. surrounding the roundabout) the scale and mass of the proposed building is appropriate. Whilst the proposed building would be taller than all other surrounding buildings, when viewed from Foundry Lane, Kings Road or Harwood Road the proposed building is not thought to be at significant odds with the character of the location. The Horsham Gates development opposite is similar in scale and design to the proposed building (albeit not as

high at only 4/5 storeys), and it is considered that from this viewpoint, the buildings would complement one another and would create a high quality gateway into the town centre.

- 6.15 It is considered that the materials proposed would be suitable for the nature of the building. It is considered that the combination of brickwork, white render and glazing compliments, but does not copy, the Horsham Gates development opposite, and the materials work to create a modern and bright residential building suitable for its town centre location. It is appreciated that the materials and general design does not replicate the Victorian dwellings along Station Road, but these dwellings are of a different architectural style and character and to try to replicate these features would sit at odds with a modern structure such as the building proposed.
- 6.16 During the course of determination, the applicant responded to concerns raised by Officers and altered the design of the building to reduce the protrusion of the 6th floor canopy. This is considered to result in an improved and less bulky appearance of the building from the main (north) elevation, whilst still complementing the character of the building opposite, and retaining a distinctive architectural feature. In addition to this alteration, the design was amended to remove 8 of the balconies from the south-west elevation (facing No 98 Station Road), and replace them with Juliette balconies. This is considered to have the dual-benefit of reducing the bulk of the building on this elevation, and reducing the sense of overlooking towards residential properties on Station Road.

Impact on Neighbouring Amenity

- 6.17 The impact of this proposed building on neighbouring amenity has been a concern of Officers throughout the pre-application and application process. These concerns have also been highlighted by neighbouring residents via representations received during the consultation process. Of particular concern is the height and overall scale of the building and the impact this would have on residents along Station Road to the west and in The Poplars to the south-east of the site.
- 6.18 Given the permitted Prior Approval, the scheme must be considered in the context of this fall-back position. If the Prior Approval scheme was to be implemented, conversion of the existing building would create residential accommodation to 4 storeys. This is considered to be the benchmark of what would be considered acceptable on this site. The proposed building obviously proposes a larger scale building than the Prior Approval scheme (5/6 storeys) and includes the provision of balconies and terraces. The acceptability of this in terms of impact on nearby amenity needs to be carefully considered.
- 6.19 The existing building is positioned approximately 15m from the boundary of No 98 Station Road, and around 24m from the nearest dwelling in Booth Way. The proposed building will occupy a slightly different footprint, which involves the separation distance between the building and the boundary of No 98 Station Road increasing to approximately 17m. Due to an increase in length of the building, the separation distance to the dwellings in The Poplars would reduce to approximately 19m. Due to the increase in height and scale of the proposed building to 5/6 storeys, and the change in nature of the building from office to residential accommodation, it is acknowledged that there will be a level of impact upon existing residents along Station Road (particularly No 98) and properties in The Poplars (particularly Nos 33 and 35). This impact mainly relates to the impact on privacy and overlooking, and the general effect of the scale and height of the building in terms of light levels, shadowing and other associated amenity impacts.
- 6.20 Given the adjustment in footprint which increases the separation distance from the boundary of No 98 Station Road, this is considered to help reduce the impact on this property and properties beyond. The amendments to the design to remove 8 of the balconies from the south-west elevation would help to reduce the likeliness of future residents overlooking into the private garden of properties in Station Road. Whilst there will

still be windows and Juliette balconies along this elevation, residents will not be able to sit outside, which will reduce the perception of overlooking. The four balconies that feature towards the southern end of this elevation are located in the least sensitive part of the building, furthest away from the main dwelling at No 98 Station Road. These balconies have also been designed to direct views away from sensitive neighbouring buildings by positioning the vertical railings diagonally so the eye is directed away from direct views. It is acknowledged that by virtue of the increased height, scale and nature of the proposed building, there will be some level of impact on the existing residents of Station Road. However, given the conversion that can already take place under the Prior Approval, a level of overlooking must be accepted. By removing balconies and positioning the building further away from the boundary, it is considered that this elevation of the building has been designed to reduce as much as possible the sense of overlooking. In addition, an enhanced landscaping scheme along the south-west balcony incorporating pleached trees in conjunction with the existing brick boundary wall is considered to assist with screening views between the new building and residents occupying No 98 Station Road. The applicant has submitted a daylight and sunlight report which compares the shadowing impact resulting from the existing building and the proposed building. Given the highest part of the building is located towards the northern corner, it is considered that any overshadowing impact will be limited, with the greatest effect upon the Horsham Gates development opposite in the morning hours.

- 6.21 It is acknowledged that the increased length of the proposed building results in a reduced separation distance towards properties in The Poplars (by approximately 5m) compared to the existing building. Despite this, a separation distance of around 19m would still exist, and a road (Booth Way) bisects the two which increases the sense of separation. The overall height of the proposed building at the southern end would be 4 storeys, with a set-back fifth storey with a private terrace facing The Poplars. The balustrade of the fifth storey terrace would be 1500mm obscured glazing which is considered to help reduce the sense of overlooking from this level. There are no balconies proposed on this elevation. In a similar vein to paragraph 6.20 above, the fall-back position of the Prior Approval must be taken into account here. In terms of overlooking, the building as converted would permit residential accommodation over 4 storeys, with windows facing towards The Poplars. An additional (set-back) fifth storey with an obscure glazed balustrade is not thought to result in significant additional harm over and above the impact of the consented Prior Approval scheme.
- 6.22 In summary, whilst the appearance of the building when viewed from the front elevations is considered to be modern, attractive and of high quality design, it is acknowledged that the overall height and scale of the development will have some impact on the amenity of neighbouring residents to the south and west. Given the consented Prior Approval, a conversion of the existing building to residential accommodation could be implemented at any time, which would result in overlooking up to 4 storeys. As the site is located in the town centre, it is not uncommon for some level of overlooking between properties to occur, and indeed, there is currently an element of overlooking from the existing office building, albeit this would be restricted to working hours. On balance, and with amendments to the scheme secured, it is considered in the case of the proposed 5/6 storey building that the sense of overlooking towards the south and west would not be significantly detrimental to the amenities of neighbouring residents, particularly given the absence of balconies on sensitive elevations and the incorporation of obscured glass balustrades and landscaping to assist with boundary screening.

Access, Highways and Parking

- 6.23 One of the 12 core planning principles set out in the NPPF states that the planning system should *'manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'*. Section 4 of the NPPF is dedicated to this theme, and seeks to actively

promote sustainable transport, stating in paragraph 29 *'the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel'*. The use of sustainable transport modes is high on the agenda in the NPPF, and is reflected in Policy 40 of the HDPF which has been written to seek a commitment to developing an integrated community connected by a sustainable transport system. Policy 40 supports development if (amongst other things): *'it is appropriate in scale to existing transport infrastructure, including public transport'*; *'it is located in areas where there are, or will be a choice in the modes of transport available'*; and *'it minimises the distances people need to travel'*. Policy 5 of the HDPF compliments this aim and seeks to *'promote high quality transport infrastructure which enables excellent pedestrian, cycling, bus and rail and vehicle accessibility for residents, visitors and business employees'*.

- 6.24 Vehicular access to the site would be via the existing access from Booth Way. No modifications appear to be proposed to this access, but as existing the vehicular access point measures 4m in width, and the applicant states in their submitted Transport Statement that the access would be 6m wide. In order to clarify this point, a condition is suggested to require details to be submitted prior to commencement of the detailed access proposals. WSCC Highways have confirmed that there have been no recorded accidents at this access point within the last 3 years and there is no evidence to suggest that either the access point or the local highways network in the location are operating unsafely. Swept path diagrams have been provided within the Transport Statement to demonstrate the ability of larger refuse collection vehicles accessing the site. These diagrams appear to be sufficient but as no consultation response was received from the Council's Waste Collections Supervisor to confirm, a condition has been suggested to have these details submitted and approved prior to commencement of development.
- 6.25 In order to demonstrate the potential impact of the development on the local highways network, the applicant has supplied comparative trip generation information for both the existing office use and the proposed residential use. Trip Rate Information Computer System (TRICS) data was used to demonstrate the movements to and from the site throughout the day, and also at peak morning and evening periods. Within the Transport Statement, the TRICS data shows that the existing office use would have 36 and 34 vehicular movements respectively during the peak morning and evening periods, and the proposed residential use would result in 12 and 16 vehicular movements respectively. WSCC Highways have verified this information and confirm that these movements would equate to around one movement every 4-5 minutes during the peak periods. This reduction in vehicular movements resulting from the proposed residential building is considered to be a positive impact on the local highways network and is not thought to result in a 'Severe' residual impact in accordance with paragraph 32 of the NPPF.
- 6.26 WSCC Highways have assessed the application in terms of its proposed car parking provision, and have confirmed that the proposed number of parking spaces (38, spaces, equivalent to 0.77 spaces per dwelling) is in accordance with the Parking Demand Calculator. WSCC Highways state in their consultation response dated 11th October 2017: *'based on the proposed mix and tenure of units, the car parking provision is anticipated to satisfy the likely demands'*. Policy 41 (parking) of the HDPF seeks to ensure that *'adequate parking must be provided within developments to meet the needs of anticipated users'*. Given the proposed level of parking meets the WSCC parking standards, it is considered that the requirements of Policy 41 are satisfied. WSCC have stated that if parking were to occur on Booth Way (a non-restricted area), given the good visibility in both directions it is not considered that parking in this location would be detrimental to highways safety. They also consider the carriageway (at 5.6m in width) to be of a sufficient width to allow space for a vehicle to pass a parked vehicle. 4x electric parking spaces have also been proposed to encourage electric car usage and to provide infrastructure for this growing technology.
- 6.27 In conclusion, WSCC Highways do not consider that the proposed development would have a 'severe' residual impact on the operation of the highways network, therefore the

proposal would not conflict with paragraph 32 of the NPPF. The Highways Authority does not therefore have an objection to the development and do not consider that there are any transport grounds to resist the proposal. Whilst it is acknowledged that there may be some pressure on parking at this site given the 0.77 spaces per dwelling ratio, the site is located in an extremely sustainable location with the main railway station only 5 minutes away, a number of busses and pedestrian/cycle routes available, and the town centre shopping and employment opportunities a 10 minute walk. Further, the mix and tenure of the proposed units (studio flats, 1-bed and 2-bed units) are of a low-occupancy nature that is less likely to attract car-dependent occupants requiring the constant use of a car. Government agenda and local planning policy seek to promote development that contributes to sustainable transport modes, and it is considered that this proposed development is of a nature and location that meets these aims by discouraging car ownership and promoting the use of more sustainable modes of transport. It is considered therefore that the proposed development accords with Section 4 of the NPPF and Policies 5 and 40 of the HDPF.

- 6.28 Secure and covered cycle parking has been proposed as part of the development which provides for 32 bicycles. WSCC cycle parking standards require 0.5 cycle spaces per every 1-2 bed flat. This would require a minimum of 26 cycle spaces, therefore a provision of 32 (at a ratio of 0.65 spaces per flat) is considered to be sufficient. The location and basic elevations of the proposed cycle storage facility have been provided, but in order to properly assess the acceptability of the proposed storage facility (in terms of security and accessibility) a condition has been suggested to require full details to be submitted and approved prior to occupation.

Other Matters

- 6.29 The propose scheme includes communal bin storage provision. The provision in principle looks acceptable, but in the absence of a consultation response from the Council's Waste Collections supervisor, a condition has been suggested to require full details of the bin storage area to be submitted and approved prior to occupation. The Council's Environmental Health department have confirmed that the bin storage facility in the location proposed would not cause any detrimental harm to the occupiers of the new building.
- 6.30 The Council's Drainage Engineer was consulted with regard to this application and the submitted Floor Risk Assessment. The Drainage Engineer has confirmed that there is no overall objection to the drainage strategy proposed and has suggested that suitable drainage conditions are applied to ensure detailed drainage information is agreed prior to commencement of development, and that full details of the maintenance and management of the SUDs system are set out. These comments and suggested conditions are supported by WSCC Lead Local Flood Authority and by Southern Water.
- 6.31 The Council's Landscape Architect initially expressed several concerns with regard to the loss of existing trees and low level landscaping to the north and east elevations of the site as a result of the reposition of the buildings footprint closer to the roundabout. Concern was also expressed with regard to the landscaping proposed along the south-west boundary (the boundary between the site and No 98 Station Road). Revised plans submitted sought to address these concerns by proposing an enhanced landscaping scheme along the south-west boundary including a line of pleached trees, and other planting to the front of the building (adjacent to the roundabout). Subject to conditions to require details of specific hard and soft landscaping details (including proposed species to be planted), the Landscape Architect is content with the revised landscaping scheme. In addition, the Landscape Architect and is content with the proposal to retain the low-level brick wall to the front of the site (opposite Horsham Gates) which is considered to retain the open sense of the building's surrounding curtilage. The proposed brown roof is considered to be beneficial to the scheme and to the wider biodiversity enhancement aims of the Council (in accordance with Policy 31 of the HDPF).

- 6.32 The 3x protected beech trees on the south-west elevation are not proposed to be affected by this application, and their retention is considered to be beneficial both to the protection of the trees for their own sake, and for enhancing screening between the application site and neighbouring properties. Given the existing parking arrangement on site, it is not thought that the parking layout proposed will be detrimental to the longevity of the protected beech trees. A condition has been suggested to protect the trees during construction by erecting tree protective fencing and a construction exclusion zone around the trees.
- 6.33 The submitted External Noise Assessment has identified that the dwellings will need to be protected for road traffic noise, although no specific measure are prescribed. Given the need to mitigate the proposed dwellings from the impact of road traffic noise, the Council's Environmental Health Officer has questioned whether the external amenity spaces proposed (the balconies and terraces) would comply with recommended noise standards. Whilst it is appreciated that the external amenity areas may not meet recommended noise standards, given the town centre location of the development and the desire to provide a level of external amenity space to residents, this is considered on balance to be acceptable. Despite this, noise impact for the internal living areas is more sensitive, and it is considered important to ensure that any relevant mitigation to protect internal spaces from harmful noise impacts should be sought. Conditions have therefore been suggested to require the submission of detailed information prior to the commencement of development of the specific mitigation methods proposed to protect internal spaces (i.e. mechanical ventilation, acoustic glazing etc).
- 6.34 The proposed development is CIL liable, and given the net additional floorspace proposed, would generate a CIL payment of approximately £240,000.

Summary

- 6.35 Given the benefit of Prior Approval for the conversion of the existing office building to residential, the principle of the loss of the employment floorspace and its replacement with a new building comprising 49 residential units and associated parking and landscaping is considered to be acceptable. Officers consider it disappointing that a contribution to affordable housing is not possible in this instance; however the proposed tenure mix of studio, 1-bed and 2-bed units is considered to provide much needed small-scale accommodation which sits on the more affordable end of the open market.
- 6.36 The overall design and scale of the building, whilst larger than existing, is considered to sit appropriately in its context, particularly when viewed from the main public viewpoints at Foundry Lane, Kings Road and Harwood Road. The building is considered to be of a high quality design incorporating quality materials that compliment a modern building of its nature, and the Horsham Gates development opposite. The building would create an impressive 'gateway' at one of the town's main entrance points which is thought to showcase the town as a modern and desirable place to live and work.
- 6.37 The impact on neighbouring amenity is acknowledged, and it is accepted that some impact will result due to the overall increase in scale and height of the proposed building. As explained in the preceding paragraphs the impact on the closest residential properties (No 98 Station road and properties in The Poplars) is not considered to be significantly harmful above and beyond the impact that otherwise would be caused by the Prior Approval scheme. The building has been positioned further from the boundary of No 98 Station Road, and only 4 balconies feature, which are positioned to the southern-most part of the elevation. Revised boundary landscaping has been proposed along this elevation to enhance privacy and reduce overlooking. The overall height of the building opposite The Poplars is the lower level (5-storeys) and no balconies feature on this elevation. Balconies that do feature as part of the building have been designed to avert sightlines from direct views of neighbouring residents.

- 6.38 Parking on site is acknowledged as low, but considered to be acceptable and in accordance with WSCC parking standards and Policy 41 of the HDPF. The extremely sustainable location of the site and the nature of low-occupancy units is considered to result in a lower likelihood of the need for consistent car usage, and the provision of ample cycle storage will allow future residents to choose to use bicycles as an alternative mode of transport.
- 6.39 Overall, the proposed development is considered in planning terms to be acceptable. It will provide much needed housing in an extremely sustainable location. The design of the building is considered to be an improvement on the existing building, and will complement the surrounding built environment without causing significantly unacceptable harm to the amenities of neighbouring residents. The proposed development is considered to accord with Policies 3, 5, 9, 16, 33 and 40 of the HDPF, and subject to conditions, is recommended to Members for approval.

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	3305	1508	1797
		Total Gain	1797
		Total Demolition	

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

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

To permit the application subject to the conditions listed below.

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

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

- 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

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

- 4 **Pre-Commencement Condition:** No development shall commence until 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).

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

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

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

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

- 7 **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 on approved drawing number [700 Rev A located within the Arboricultural Impact Assessment], 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).

- 8 **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).

- 9 **Pre-Commencement (slab level) Condition:** No development shall commence above ground floor slab level until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The approved sound attenuation works shall be completed before the units are occupied and be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the building hereby approved and 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-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the measures to facilitate the provision of high speed broadband internet connections to the development have been submitted to and approved in writing by the local planning authority, details shall include a timetable and method of delivery for high speed broadband of each dwelling/unit. The delivery of high speed broadband infrastructure shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental 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 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a landscape management plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, full details (including elevations, materials and internal configuration) of the refuse/recycling bin storage facility indicated on plan reference [P_01 Rev P2] shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the first occupation (or use) of any part of the development, and thereafter retained for use at all times.

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

- 15 **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, full details (including elevations, materials and internal configuration) of the cycle parking facility indicated on plan reference [P_01 Rev P2] shall have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facility shall be provided prior to the first occupation (or use) of any part of the development, and thereafter retained for use at all times.

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

- 16 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

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

- 17 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of the parking turning and access facilities shall have been submitted to and approved by the Local Planning Authority in writing. The building/dwelling shall not be first occupied until the approved parking, turning and access facilities have been fully implemented. The parking turning and access facilities shall thereafter be retained as such.

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

- 18 **Pre-Occupation Condition:** The building hereby permitted shall not be occupied until all windows associated with a bathroom, en-suite or water closet have been fitted with obscured glazing. Once installed the obscured glazing shall be retained permanently thereafter.

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

- 19 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until the car parking spaces serving it have been constructed and made available for use in accordance with approved drawing number [P_01 Rev P2]. 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 41 of the Horsham District Planning Framework (2015).

Informatives:

DISCH Conditions to be Discharged

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms

INF08 Highways Informative

The applicant is advised to contact West Sussex County Council Highways, tel no: 01243 642105 or to visit <https://www.westsussex.gov.uk/> for information on how to obtain formal approval from the highway authority to carry out works to the public highway. All necessary costs, the appropriate license and application fees for any works and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed.

INF09 Southern Water

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

INF10 Surface Water Drainage Statements

A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link

<https://www.horsham.gov.uk/planning/development-management>.

INF11 Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

INF12 Landscape Details

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

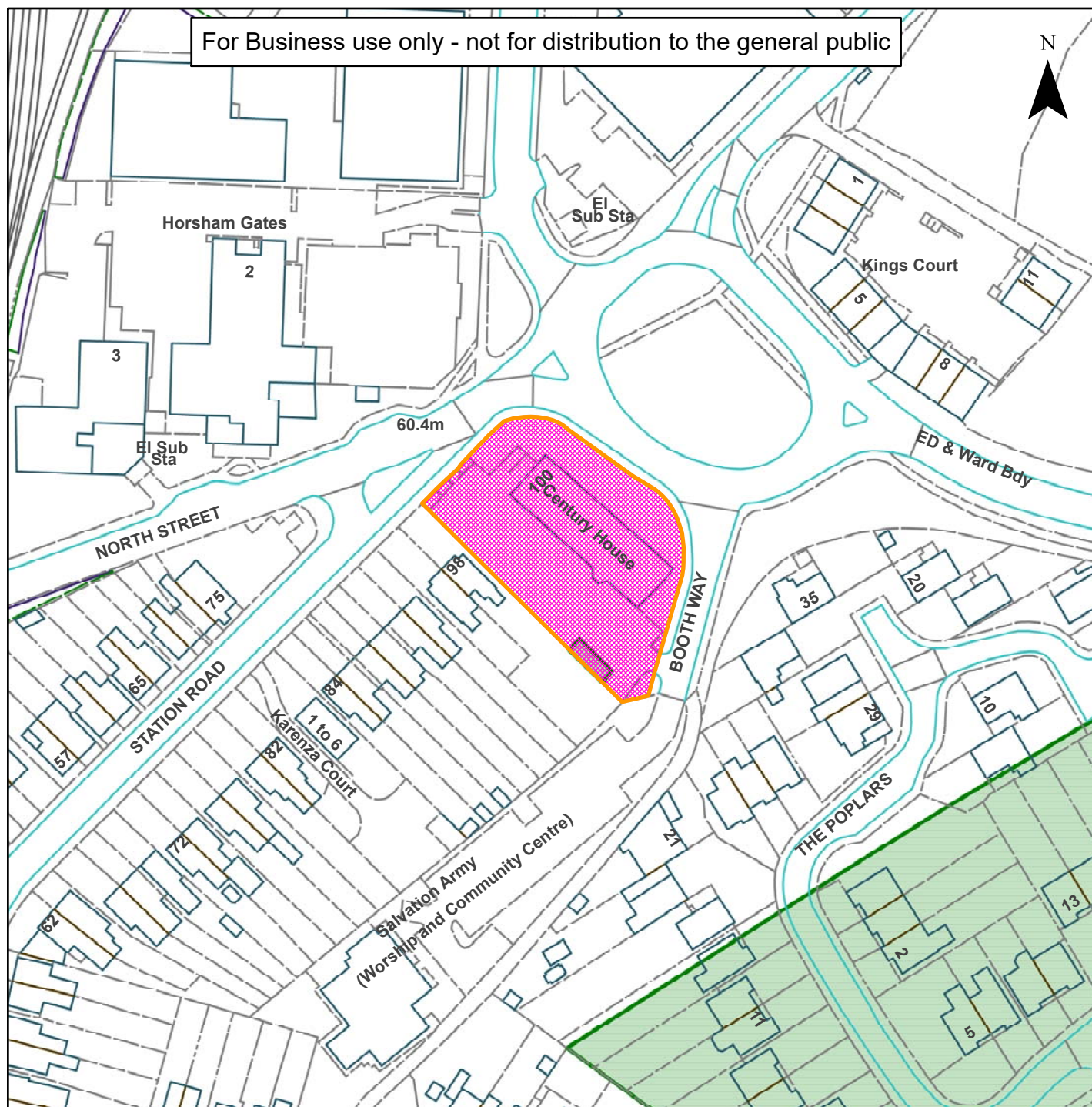
- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details
- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- Hard surfacing materials - layout, colour, size, texture, coursing, levels
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

Background Papers:
DC/17/2148



Century House, 100 Station Road

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	20/12/2017
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 9th January 2018

DEVELOPMENT: Partial-change of use of Unit 10 to facilitate the creation of 3 new retail units (Use Class A1) and a gym (Use Class D2) as well as enlargement of existing toilet facilities and mall space (sui generis) at ground and first floor level. Creation of new floorspace at first floor level (Use Class A1 and D2) and associated external works including new skylights, service risers, staircase to roof and installation of windows

SITE: Unit 10 Swan Walk Horsham West Sussex RH12 1HQ

WARD: Denne

APPLICATION: DC/17/2379

APPLICANT: **Name:** Aviva Life and Pensions UK Limited **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: The Council has an interest in the land

RECOMMENDATION: Permit subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The proposed scheme seeks to reconfigure the existing retail footprint of Unit 10 and the neighbouring toilet facilities and lift area at ground floor level and provide additional floor space at first floor as well as reconfiguring the orientation of the first floor children's play area.
- 1.3 The proposal would include splitting the existing Unit 10 into 3 x A1 retail units and 1 x D2 gym. Unit 10A is proposed as the largest retail unit and would span both ground floor and first floor level. To facilitate the creation of the units at first floor level, external alterations are required which would involve an infill extension of 361sq.m in an existing void between two rooflines at first floor level.
- 1.4 Shop display windows would be created at the first floor level by providing a glazed infill extension on the western side of the existing sloped atrium roof above Swan Square and replacing it with a flat roof. The shop front of the Unit 10A would be set back to maintain the line of the existing West Street Mall shopfronts and increasing the walkway mall space in front of this retail unit.

- 1.5 Unit 10B would be a smaller ground floor level only unit whilst Unit 10D is proposed adjacent as a retail kiosk. Unit 10C is proposed as a two storey 24 hour gym to the rear of the unit. Access to the gym would be via Swan Walk and a new external door formed on the northern side of the building which will provide out of hours access. Enhancement works to the external entrance would include a new canopy over part of the entrance recess, resurfacing of the existing brick walls to a light rendered finish, new external lighting and new floor finish and levelling of the current uneven walkway surface.
- 1.6 The proposal would also involve the enlargement and re-configuration of the WC facilities and changing areas, formation of a new entrance corridor to the WC facilities, and new back of house space.
- 1.7 The first floor children's soft play facility would be re-configured to allow for the new first floor floorspace to Unit 10C and be retained at the same size as the existing with the same access point.
- 1.8 Other associated external works include the installation of new skylights on the flat roof of the first floor roof infill extension, service risers and the formation of a new staircase providing roof access for the installation and maintenance of plant and fire escape.

DESCRIPTION OF THE SITE

- 1.9 Unit 10 is accessed off Swan Square which is an important space within Swan Walk with a café culture, seating and public art. Unit 10 comprises an existing vacant retail unit which was previously occupied by BHS and has been vacant for approximately a year. The former BHS store used the ground floor as retail sales area with the first floor used for associated storage and staff rooms. There is a side service loading dock with two bays and goods lift, located to the north under the Swan Walk car park. A children's soft play facility is also located on the first floor with offices comprising the Swan Walk Management Suite located on the second floor above.

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 (NPPF 2012)**

NPPF 1 – Building a strong, competitive economy
 NPPF 2 – Ensuring the vitality of town centres
 NPPF 7 – Requiring good design
 NPPF 8 – Promoting healthy communities
 NPPF 14- Presumption in favour of sustainable development

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

Policy 1 - Strategic Policy: Sustainable Development
 Policy 3 - Strategic Policy: Development Hierarchy
 Policy 5: Strategic Policy: Horsham Town
 Policy 7 - Strategic Policy: Economic Growth
 Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
 Policy 13 - Town Centre Uses

Policy 14 - Shop Fronts and Advertisements
 Policy 32 - Strategic Policy: The Quality of New Development
 Policy 33 - Development Principles
 Policy 37 - Sustainable Construction
 Policy 41 - Parking
 Policy 43 - Community Facilities, Leisure and Recreation

NEIGHBOURHOOD PLAN

- 2.4 The Horsham Blueprint Business Forum is the designated body of the un-parished area of Horsham Town. The Forum comprises representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Horsham Blueprint Business Forum is in the early stages of producing a Neighbourhood Plan. As such, there is currently no Neighbourhood Plan in place in this area and no relevant draft Neighbourhood Plan Policies to consider in the determination of this application.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5
- | | | |
|------------|---|-------------------------|
| DC/14/0297 | Change of use from childrens pre-school (D1) to childrens indoor play area with ancillary cafe (D2) | Permitted
16.04.2014 |
| DC/12/1818 | Change of use for the current business (B1 use) to children's pre-school (D1 use) | Permitted
04.01.2013 |

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
 Conditions recommended in relation to approval of a noise assessment relating to the proposed gym and plant equipment, waste/asbestos removal, control of dust, no burning of materials and hours of construction.

HDC Strategic Planning: No Objection.

Proposal considered to be in accordance with policies 12 and 13 of the HDPF.

OUTSIDE AGENCIES

WSCC Highways: No Objection

Condition recommended requiring a Construction Management Plan to be submitted and approved.

Sussex Police: No Objection

Subject to following recommendations:

- The out of hours access corridor should be illuminated with vandal resistant lighting and viewed by CCTV.
- No unauthorised access to the roof from the new staircase and Management Suite windows should also be capable of being locked, to prevent access via the roof from the car park levels.

- Roof sky lights should meet relevant security specifications with any automatic window venting systems designed so they do not pose a security risk.
- Each individual retail unit and the gymnasium should be independently fitted with remotely monitored intruder alarms with police response or linked to the centres security management system.

PUBLIC CONSULTATIONS

3.3 **Denne Neighbourhood Council:** No Objection

3.4 No letters of representation have been 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

Principle of Development

6.1 The site is located within the primary centre of Horsham town as set out in the hierarchy of retail centres within policy 12 of the HDPF. Policy 12 supports positive measures to improve Horsham town centre as the primary centre of the district. In supporting this, Policy 13 recognises that there is a need for adjustment, diversification and innovation in the range of uses in town centres, as opposed to just a traditional retail use. Policy 13 requires proposals for main town centre uses to be of an appropriate scale, to complement the vitality and viability of the centre, be accessible, relate well to the defined primary shopping areas and frontages and improve the character, quality and function of the centre as a whole.

6.2 In addition, Policy 5 of the HDPF seeks to promote the prosperity of Horsham town and maintain and strengthen its role as the primary economic and cultural centre in the District. Development will normally be permitted within the built up area of Horsham where it retains the towns key position as the main settlement within the District whilst protecting the characteristics of the town; contributes to the provision of a range of services and facilities including those in leisure which make the town self-sustaining; and contributes to the economy of the town to support a vibrant high street and town centre that meets local and business demands.

6.3 Policy 13 promotes the retention of class A uses within the town centre, it is however also supportive of proposals which complement the vitality and viability of the centre as a whole. In terms of the proposed Gym which is a D2 use, the Horsham Town Retail and Leisure Study (2017) states that:

“the health and fitness sector continues to perform strongly as the social trend involving the maintenance of personal health and fitness shows no sign of abating. The health and fitness market is currently being expanded through investment by value and budget operators such as Easy Gym, Gymbox and Pure Gym (none of which currently have a

facility within Horsham District). This new breed of venues aims to appeal to a wider market with flexible, low cost monthly or 'pay as you go' subscriptions. These facilities are usually located in high footfall, in or edge of centre locations, often as part of a wider leisure offer" (Horsham Town Retail and Leisure Study 2017).

- 6.4 It is considered that the proposed D2 gym use would be acceptable in principle, given that it is located in a high footfall area and would strengthen the leisure offer available for the local community. Its central location may also provide a basis for linked trips and help to improve the length of stay within the town centre, which cumulatively would contribute to the vitality and viability of the town centre. The introduction of the gym would not compromise the retail offer within Swan Walk, with the three proposed retail units both retaining and enhancing the primary retail frontage of Swan Square. The proposed shop frontage has been sympathetically designed to retain the primary retail façade within Swan Square, whilst allowing for the reconfiguration of floor space to the rear and northernmost corner of Swan Walk for the gym and improved toilet facilities to serve Swan Walk.
- 6.5 The proposed children's play area at first floor level is another D2 use and is an almost like for like replacement of that which already exists and was granted planning permission by the Council in 2014, although the unit would be re-orientated at first floor level. The retention of this facility would continue to provide a children's indoor play area for use by the local community.
- 6.6 The proposal would include the enlargement of the existing WC facilities to provide a more spacious design. This represents a considerable improvement on the existing facilities which have a cramped layout. The proposal includes the installation of a new high specification Changing Places facility and parent room providing separate facilities for families. This is a positive measure which would significantly benefit people with additional needs, including the disabled or those with learning disabilities and help create a socially inclusive and adaptable environment in accordance with Policy 42. The proposed introduction of a new Means of Escape corridor and back of house activities is considered acceptable given the limited extent of this area and when considered in terms of the broader context of the proposed scheme.

Visual Impact & Appearance

- 6.7 To facilitate the creation of Unit 10A at first floor level, external alterations and an infill extension of the existing void between two rooflines at first floor level are proposed. In the context of the existing townscape, the proposed infill extension and external alterations would have relatively limited impact on the visual amenity of the surrounding area. The adjacent car park is already higher than the proposed infill extension to the north and east. To the south and west the existing shopping centre would also be level or above the extension proposed. The proposed works would be within an enclosed setting and would not be considered to have a detrimental impact on the character of the building or harmful to the visual appearance of the area as a whole.
- 6.8 The proposal includes infilling a section of the existing sloping glazed atrium roof with a section of flat roof which would facilitate the introduction of first floor display windows above the entrance and to the southern side of Unit 10A. This will enable the modernisation and improvement of the existing shop façade and provision of a dual 2 storey shop front display for the larger retail unit. The submitted drawings show a contemporary design which incorporates decorative roofing panels to prevent the flat roof from becoming an incongruous feature within this setting. The integration of the flat roof and new display windows area appear to be of a high quality and seamless design. A condition is recommended to ensure the use of suitable materials, in order to achieve a suitably high quality appearance for both extensions.

Residential Amenity

- 6.9 The proposed uses would remain in keeping with the commercial nature of the town centre location and would be well distanced to residential properties. The retail uses and soft play unit would not result in unacceptable harm to the occupiers or users of nearby property or land.
- 6.10 The greatest potential impact would be from the new 24 hour gym unit which could create higher levels of noise and vibration nuisance from the use of free weights and playing of music or other amplified sound. In order to mitigate the impact of noise and vibration from the gym, sound insulation is proposed to the gym party walls. The Council's Environmental Health Officer considers that this acoustic wall insulation should be capable of controlling noise and vibration during all operating hours to mitigate impact onto the adjacent commercial units. A condition requiring the submission and approval of a noise impact assessment of the gym equipment and plant will be required within 3 months from the first opening of the gym. This will be necessary to confirm that the noise and vibration does not have any harmful impacts on the adjacent commercial units. Any additional steps required to mitigate noise will be expected to be detailed in the noise assessment and subsequently implemented.

Access and Safety

- 6.11 Day-time access to the 24 hour gym would be through the main shopping centre and night time access would be through a recessed set of double doors on the north-westerly side of the building. This raises some concerns in relation to security for gym users as it is adjacent to the loading bay area which is shielded from public view and does not provide opportunities for natural surveillance.
- 6.12 The Agent has undertaken early discussions with HDC and Sussex Police in this regard and in response has incorporated a series of proposed enhancement features detailed in the supporting Planning Statement. These will include the installation of a new canopy over the entrance area with associated new lighting arrangements to ensure the area is appropriately lit outside the shopping centre's standard opening hours. The loading bay area to the north west of the centre is covered by the existing centre's CCTV and it is intended that this CCTV coverage will be extended to cover the ground floor staircase to improve the safety and security of those using the access route out of hours. Sussex Police have confirmed acceptance of these features that would incorporate the Principles of 'Secured By Design'. In addition, the existing external brick wall adjacent to the out of hours gym entrance will be finished in a lighter render colour and the car park staircase and lift lobby will benefit from new finishes to enhance this entrance area environment. A condition is recommended to secure the retention of the CCTV, external lighting and canopy at the external gym entrance to ensure the safety of users of the gym and reduce any actual or perceived opportunities for crime or anti-social behaviour.
- 6.13 Subject to these measures the scheme is considered to meet the requirements of Policy 33 which states that where relevant proposals should incorporate measures to reduce any actual or perceived opportunities for crime or anti-social behaviour.

Parking Provision

- 6.14 The site is located in a sustainable town location which is well served by means of sustainable transportation. The Swan Walk car park is open 24 hours a day and would provide customers using the gym with cycle storage facilities as well as motorcycle parking, charging plug-in or other low emission vehicles. There are no proposed changes to access from the highway or parking arrangements. The units would be served by the existing service road and loading bays to the north of the building which would provide adequate delivery facilities for the additional units proposed. West Sussex County Council Highways have confirmed that the proposal would not significantly alter vehicle movements on the local network.

Conclusion

- 6.15 In conclusion it is considered that the proposed subdivision and extension of the existing retail unit to provide 3 x A1 retail units and 1 x D2 unit (the 24 hour gym), along with improved W.C facilities and the re-configuration of the soft play unit, would maintain an attractive and high quality retail offer and primary retail frontage within Horsham Town Centre. The proposed D2 gym use would strengthen the leisure offer available for the local community and provide a basis for linked trips to improve the length of stay within the town centre, which cumulatively would contribute to the vitality and viability of the town centre. The proposed enlargement of the existing WC facilities would provide considerable improvement to the existing facilities serving Swan Walk and the town centre, in particular with the addition of a full Changing Places disabled toilet facility. These proposals would help create a socially inclusive and adaptable environment, in particular with regard to families with young children and people with additional needs, including the disabled or those with learning disabilities. It is therefore considered that the proposed development would serve to enhance the facilities within Swan Walk to the benefit of the vitality and viability of Horsham Town as the primary retail centre of the District, without harm to the appearance of the area or amenities of nearby occupiers.

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	353	4272	0
		Total Gain	0
		Total Demolition	0

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

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 To permit subject to the following conditions:

1. List of approved plans and documents.
2. 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:** Construction Method Statement

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
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding, where appropriate
- vi. the provision of wheel washing facilities if necessary
- vii. measures to control the emission of dust and dirt during construction
- viii. 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 during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-commencement Condition: Approval of Materials**

No development shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, doors and roofs of the development hereby approved have 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).

5. **Pre-occupation Condition: Refuse & Recycling (details required)**

No unit hereby permitted shall be first occupied until provision for the storage of refuse/recycling has been made for that unit in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The approved 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).

6. **Pre-occupation Condition: Entrance Canopy Lighting (details required)**

The use of the gym hereby permitted (Unit 10C) shall not be commenced until details of the proposed external entrance canopy and associated vandal resistant lighting have been submitted to and approved in writing by the Local Planning Authority. The approved canopy and lighting details shall be installed and made operational prior to first use of the gym, shall be maintained in accordance with the approved details at all times, and no additional external lighting or floodlighting shall be installed except without the written approval of the Local Planning Authority.

Reason: To ensure that the external entrance to the gym is well-lit for customer safety and to reduce any actual or perceived opportunities for crime or anti-social behaviour in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Regulatory Condition: CCTV - external gym entrance**

The use of the gym hereby permitted (Unit 10C) shall not be commenced unless and until the external gym entrance is monitored by functioning CCTV equipment. The CCTV monitoring the external gym entrance shall be operational at all times in conjunction with the use of the gym hereby permitted.

Reason: To ensure customer safety and reduce any actual or perceived opportunities for crime or anti-social behaviour in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Post Occupation Condition: Noise Assessment**

Within 3 months from the date of first use of the gym (Unit 10C), a noise assessment shall have been carried out and submitted to the Local Planning Authority for approval in writing. The noise assessment shall confirm that noise and vibration from its operation and associated plant does not have a detrimental impact on adjacent commercial units for both day and night time operation. Any additional measures required by the noise assessment to mitigate noise and vibration shall be detailed and implemented in accordance with an agreed timetable, as necessary, and shall be retained as such thereafter.

Reason: As this matter is fundamental in ensuring an acceptable noise level for the occupants of neighbouring units and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

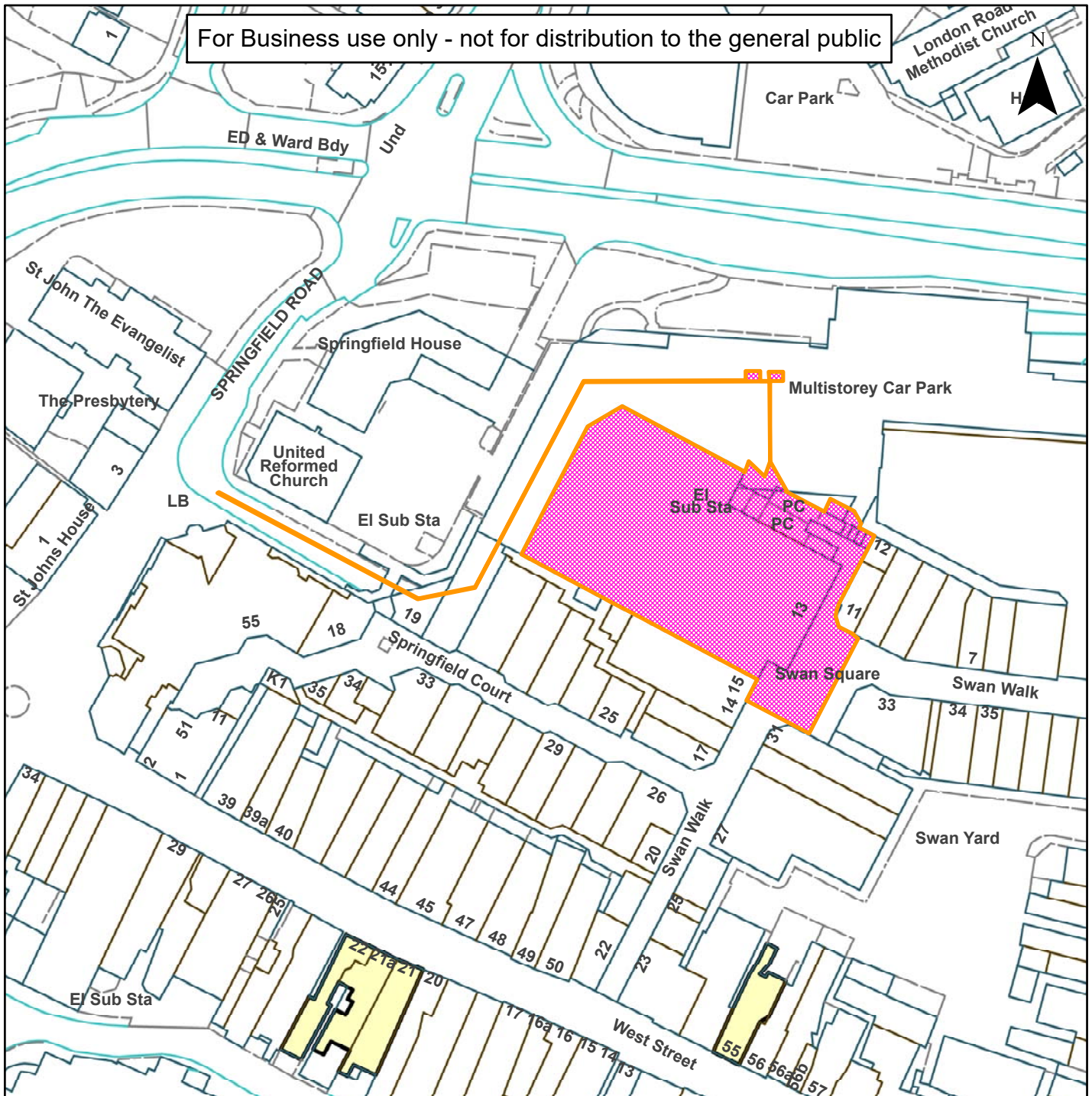
Notes to Applicant

1. The applicant is advised to consult with Environmental Health concerning the design and layout of the retail units and kiosk to help ensure compliance with relevant food safety legislation prior to any development taking place. Rooms containing toilets must not open directly into a room where food is handled and prepared. Arrangements must be made to install a lobby between the toilet and the food room.

Background Papers: DC/14/0297

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Organisation	Horsham District Council
Department	
Comments	
Date	20/12/2017
NSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 9 January 2018

DEVELOPMENT: Change of use from residential dwelling to mixed use residential unit, religious meeting hall and place of worship. Erection of part single storey part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed landscaping.

SITE: Stafford House Bonnetts Lane Ifield Crawley West Sussex RH11 0NX

WARD: Rusper and Colgate

APPLICATION: DC/17/1827

APPLICANT: **Name:** Hasnain Mohsin **Address:** C/o Agent

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

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks the change of use and alteration of Stafford House to provide a mixed use residential unit and meeting/prayer facilities for the local Shia Muslim community.

1.3 The first floor of the property will be used as an Imam's flat which will have a bedroom, kitchen/diner, lounge and bathroom. An extension to the property will provide ladies bathrooms and a storage room. At ground floor level, the extension will provide a communal kitchen, disabled WC and a preparation room where bodies will be ceremonially washed and prepared prior to burial away from the site. The ground floor of the existing property will be reconfigured to provide an area where children will be taught religious teachings.

1.4 Along with a two storey extension to the main building, a new detached structure will be constructed within the grounds, linked by a single storey extension to the new two storey extension. Main prayers will be held on the ground floor of this detached structure, with

male toilets and a meeting room within the roofspace. This area will also be used to teach children. The floorspace of the building will increase by some 277%; from 176m² to 488m².

- 1.5 This current application follows an application submitted in July 2011 for the change of use of the property to a mixed use comprising residential unit and meeting rooms to serve the needs of the local Shia Muslim community (DC/11/1350). No extensions to the property were proposed. The application was considered by the Development Management Committee North in December 2011 where it was resolved to delegate authority to the Head of Planning to approve the application subject to a Section 106 Agreement to restrict the level of activity associated with the use of the community facility in the evenings and at weekends and conditions including restricting the number of days that the building can be used for community use purposes. The number of days was detailed as being one day per week between 9am and 12pm, Tuesday and Thursdays between 6pm and 9pm and a maximum of 2 one day events during the Islamic months of 'Moharram' and 'Ramadam' in any one calendar year. The applicant advised at the time that the maximum number of people anticipated using the community facility would be no more than 30 at a time. It would appear that, whilst a draft legal agreement was issued, negotiations did not progress and the application was treated as deemed withdrawn in August 2014. The agent has advised that it would appear that the legal agreement did not progress to be completed as a result of conditions that would be attached to the permission restricting the use of the building and the days/times that it could be used for community use purposes.

DESCRIPTION OF THE SITE

- 1.6 The application relates to Stafford House; a two storey, detached property located within the open countryside at the junction of Bonnetts Lane with Charlwood Road. The property lies on the southern side of Bonnetts Lane and is accessed off Charlwood Road. There is a single storey dwelling (Daisy Cottage) to the rear and a number of dwellings on the opposite side of Charlwood Road. The site, whilst within Horsham district, is some 170m from the boundary with Crawley Borough and residential properties within the neighbourhoods of Langley Green and Ifield. The site has been the subject of a number of enforcement notices in the past for use as a bed and breakfast and for airport car parking. The site lies within the 60dB_{L_AEQ} aircraft noise contour relating to Gatwick Airport.
- 1.7 Since the deemed withdrawal of the previous application, the property has been used for residential purposes with occasional community uses. More recently, a marquee was erected in the grounds of the property to accommodate prayer meetings. A recent site visit revealed that the ground floor of the building is being used to provide two prayer and meeting rooms for the local Shia Muslim community. There is a small kitchen area to the rear, with a lean-to type structure to the rear of the property being used as an over-flow kitchen/storage area and providing access to WC facilities. The four rooms at first floor level are being used as bedrooms for friends and family of members of the Shia Muslim community.

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 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.3 The Parish of Rusper was designated as a Neighbourhood Development Plan Area on 18 February 2016.

PLANNING HISTORY AND RELEVANT APPLICATIONS

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

DC/05/0689	Change of use to HMO (used for rent to low income persons who rent a single room with ensuite facilities together with communal kitchen and eating facilities) and 2-storey extension.	Application Refused on 18.05.2005
DC/05/1429	Change of use of land to airport parking for 55 cars	Application Refused on 01.09.2005
DC/05/2353	Change of use from residential dwelling to bed and breakfast	Application Refused on 02.12.2005
DC/11/1350	Change of use to a mixed use comprising residential unit and meeting rooms	Withdrawn Application on 27.08.2014

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:** Objection

The application site is located outside of the District's built up area boundaries in an unclassified settlement, where countryside policies are relevant and the application is therefore considered to be contrary to both policy 4 and policy 26 of the HDPF.

- 3.3 **HDC Environmental Health:** Objection

Without further information regarding the times of operation proposed and the likely impact of activities on future residents and neighbouring residential dwellings it is not possible to fully assess this application.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No objection
Following the submission of further information in respect of expected trip rates, a car parking strategy, and a travel plan setting out targets to reduce lone car use and encourage sustainable travel, no objection raised.
- 3.5 **Southern Water:** No objection
Requires formal application for connection and on-site mains to be made.
- 3.6 **Crawley Borough Council (Strategic Planning):** Comment
The proposal could provide significant religious and social benefits to Crawley residents. There is some potential for impact to be caused at certain times by increased traffic movements along Ifield Avenue and onwards through Crawley.

PARISH COUNCIL

- 3.8 **Rusper Parish Council:** Objection
Strongly objects on the grounds of highway safety and suitability of the site for the use proposed.

PUBLIC CONSULTATIONS

- 3.9 19 letters/emails of objection have been received from 10 households which raise the following concerns:
- Area not suitable for a further place of worship
 - Unacceptable noise levels at events held at the site
 - Disturbance from the Swaminarayan Hindu Mandir Temple on Bonnetts Lane
 - Disturbance to residents from comings and goings to the site
 - Potential noise nuisance cannot be mitigated against
 - Unacceptable cooking smells
 - Highway safety concerns
 - Over-spilling of vehicles onto Ifield Avenue
 - Insufficient car parking provision
 - Damage to verges as a result of parking
 - Unsightly extensions erected on site
 - Proposed extension not in keeping with rural setting
 - Demand for residential properties in the area
 - Flooding issues with land/car parking area
 - Potential for large residential property in the future
 - Better sites available
 - Concerns about the preparation of bodies at the premises
 - Potential for the loss of the trees within the site
- 3.10 11 letters/emails of support have been received from 11 households which raise the following issues:
- Excellent community based structure
 - Integral part of their own and the wider community
 - Langley Green mosque has had a massive transformation
 - The Shia Muslims of Crawley should have their own place of worship and family communal functions
 - Required to meet the demanding needs of the growing community
 - In the past have had to use alternate mosques and premises
 - The current facilities cannot cater to the needs of the community

- The community has struggled to secure the regular services of an Imam because of the lack of facilities
- Unsuccessful in getting planning permission for change of use for other buildings
- Other facilities are becoming too small

1 of the above letters of support includes a letter from the Crawley Borough Council Prevent Co-ordinator supporting the proposed development on the grounds that the centre is very important to the Shia community of Crawley and that the community needs the extra facilities to meet their growing needs

3.11 1 letter of comment has been received from Crawley Rugby Club which raises the following issues:

- There is no agreement that the club car park can be used for overflow parking
- The Rugby Club is owned by Crawley Borough Council and no such agreement can be made by a member of the club

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 development
- Highway safety, transport and highway issues
- Impact on occupiers of neighbouring properties
- Impact of proposed works on the character and appearance of the streetscene

Principle of development

6.2 The site is located outside of any defined built up area boundary and as such is located within the countryside. The site is located close to the administrative boundaries of Crawley but is still within the jurisdiction of Horsham. The immediate area surrounding the application site is characterised by a mix of residential, commercial and hotel guest houses. However, the surrounding area is predominantly rural with some sporadic development, and as such the relevant countryside policies apply.

6.3 Whilst the application site is not considered to be located within a sustainable area in relation to the facilities within the Horsham District which are remote from the site, its geographical location is however in close proximity to the built up area of Crawley to the south and east and as such the site is appropriately placed close to services and public transport within the adjoining Borough of Crawley. The applicants also advise that the site is within sustainable walking and cycling distance of the main built up area boundary of Crawley and that it is closer to the Shia community than other mosques in the built up area of Crawley.

- 6.4 Policy 26 of the HDPF sets out that outside of built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development and that any proposal must be essential to its countryside location, and either support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas. The policy goes on to say that proposals must be of a scale appropriate to the countryside location and should not lead to a significant increase in the overall level of activity in the countryside.
- 6.5 Policy 42 of the HDPF relates to inclusive communities and requires the needs of, amongst other requirements, the specific needs of faith and other community groups to be considered. Policy 43 goes on to state that the provision of new or improved community facilities will be supported however the policy requires that, outside of built-up area boundaries, sites will only be supported where this is the only practicable option and where a suitable site is well located to an existing settlement.
- 6.6 The Design and Access Statement submitted with the application sets out that this small community of Shia Muslims is a registered charity and was set up in September 1987. Over the past five years the group has rented local community and leisure centres in Crawley to host events (for example Crawley Town Hall and Langley Green Sports Club). Whilst there are other mosques within Crawley, these are used by Sunni Muslims who, whilst celebrating the same events within the Islamic calendar, do not undertake prayers and meetings together. No further information has been submitted setting out what alternative facilities and/or buildings within the Crawley Borough or within the defined settlement boundaries of Horsham District have been explored to lead to the application site becoming the only practicable option for this community group.
- 6.7 The Design and Access Statement sets out that regular events are held on either Tuesday or Wednesday evening and Thursday evening, Friday around midday and Sunday morning. During the festivals of Ramadan, Muharram and Safar, events are held more often. For example, during October 2016 the group commemorated Moharram (first month of the Islamic calendar), with a daily turnout of some 160-180 people. Given the limited floorspace of the existing property, a marquee was erected within the grounds to provide facilities for the men; with women's facilities being provided within the property. At a meeting with the applicant and agent, the applicant advised that the building will be used two evenings per week between 6.30pm and 9.30pm, for Friday prayers between 11.30am/12.30pm and 1pm/2pm depending on the time of year and on Sundays between 10am and 2pm. Typical attendance at these gatherings is between 40 and 100 people. Additionally, the property will be used to celebrate three festivals a year; one of which lasts for 12 days and another 30 days. The times of use during these festivals are between 6.30pm and 9.30pm, and could be attended by some 250 people with some 76 vehicles being parked at the site.
- 6.8 An application was submitted in July 2011 for the change of use of the property to a mixed use comprising residential unit and meeting rooms to serve the needs of the local Shia Muslim community (DC/11/1350). At that time no extensions to the property were proposed and the applicant advised that the anticipated number of people using the community facility would be no more than 30 at a time, although it was detailed that the Shia Muslim community in Crawley was in the region of some 170 people. For reasons as set out at paragraph 1.5, this application was never determined but the Development Management Committee (North) resolved to delegate authority to the Head of Planning to approve the application subject to a Section 106 Agreement to restrict the level of activity associated with the use of the community facility in the evenings and at weekends and conditions including restricting the number of days that the building can be used for community use purposes.

- 6.9 The application as submitted proposes to replace the marquee erected on the site with a similar sized structure, along with a two storey extension to the property and a single storey extension to link the extension to the new structure. The first floor of the existing property will be used as an Imam's flat with the two storey extension to the property providing a communal kitchen, disabled WC and preparation room at ground floor level and ladies bathrooms and a storage room at first floor level. The ground floor of the existing property will be reconfigured to provide an area where children will be taught religious teachings. A new link-detached structure will be constructed within the grounds, linked by a single storey extension to the new two storey extension. Main prayers will be held on the ground floor of this detached structure, with male toilets and a meeting room within the roofspace. This area will also be used to teach children.
- 6.10 Whilst it is acknowledged that Members resolved to grant planning permission for the application submitted in 2011, the supporting statement clearly set out that the ground floor of the premises was adequate to serve the needs of the community and that it was likely that no more than 30 people would use the property at any one time. The scheme as now proposed seeks to increase the floorspace of the building by some 277% (176m² to 488m²). The agent sets out that it is hoped that the application will be accepted without undue control over activity levels and number of events.
- 6.11 Whilst it was previously accepted that the change of use of the property to a mixed use comprising residential unit and meeting rooms to serve the needs of the local Shia Muslim community was acceptable, the scheme as now proposed seeks to significantly increase the floorspace of the building, the number of people attending events at the property and the number of events being held. It is considered that as a result of these factors, the change of use of the property would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. As such, the proposal the subject of this application would be contrary to the relevant policies within the HDPF. This level of harm is considered to outweigh any community benefit which would be derived from the scheme.

Highway safety, transport and parking provision

- 6.12 A number of local residents have raised concerns with the suitability of the access into the site given the location of the property at the junction of Bonnetts Lane with Charlwood Road. Concerns have also been raised in respect of the level of parking provision being proposed.
- 6.13 Policy 40 of the HDPF relates to sustainable transport and sets out that development proposals which 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 will be encouraged and supported. Policy 41 deals with parking and requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.
- 6.14 WSCC, whilst not objecting to the principle of the change of use of the property, requested further information regarding the expected trip rates, a car parking strategy, and a travel plan setting out targets to reduce lone car use and encourage sustainable travel.
- 6.15 A green travel plan has been provided which provides a framework for the Shia Community to work to. A travel plan co-ordinator will be appointed and they will be named in the document. WSCC has advised that there should also be a condition attached to ensure that within 6 months of occupation this travel plan is in place and that the plan is being actively managed. Car sharing will be promoted via the travel plan co-ordinator and cycle storage is provided and this can be monitored through the travel plan to ensure there are enough spaces available.

- 6.16 A car parking strategy has been provided which details how the cars will be managed on site. There is the potential for a maximum of 80 spaces, although this is proposed as the maximum and the plan details how the cars would be parked in a normal scenario. A car park marshall would be used to ensure the cars are parked safely at very busy periods when tandem parking would be required.
- 6.17 In terms of highway safety, transport and car parking provision, following the submission of additional information WSCC Highways have raised no concerns with the change of use of Stafford House to provide a mixed use of a residential unit, religious meeting hall and place of worship, along with associated extensions. On this basis, it is considered that the Council could not substantiate a reason for refusal on highway safety grounds.
- 6.18 A number of complaints have been received from local residents about the use of an area of verge outside of the property for the parking of vehicles. Local residents have advised that people using the facilities at Stafford House are using the verge for overflow parking purposes. This is disputed by the applicant who has advised that the verge is being used for parking by third parties. The applicant has demonstrated that some 80 vehicles can be parked within the site, which WSCC has advised is sufficient.

Impact on occupiers of neighbouring properties

- 6.19 Policy 33 of the HDPF relates to Development Principles and requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise.
- 6.20 As discussed, regular events are held at Stafford House on Tuesday or Wednesday evening and Thursday evening, Friday around midday and Sunday morning. During the festivals of Ramadan, Muharram and Safar, events are held more often. Typical attendance at these gatherings is between 40 and 100 people. Additionally, the property will be used to celebrate three festivals a year; one of which lasts for 12 days and another 30 days. The times of use during these festivals are between 6.30pm and 9.30pm, and could be attended by some 250 people with some 76 vehicles being parked at the site.
- 6.21 The agent sets out that it is hoped that the application will be accepted without undue control over activity levels and number of events and that the restrictions placed on the previous proposal were too restrictive to allow the community to use the facility in the manner it wished. The Council's Environmental Health team have advised that insufficient information has been submitted to fully assess the proposed change of use.
- 6.22 There are a number of residential properties within the immediate locality; the closest being Daisy Cottage to the immediate rear/north east of the property. Local residents have complained to the Council about the use of the property for community uses, in particular the events held to celebrate Moharram (first month of the Islamic calendar) both this and last year, with a daily turnout of some 160-180 people. Whilst the new and existing structures could be designed to provide noise attenuation measures to protect the amenity of the occupiers of the neighbouring properties, no such measures have been put forward by the applicant and this would not prevent any noise nuisance as a result of the movement of vehicles into/out of the site and the general comings and goings of people to the site.
- 6.23 Given the level of activity likely to take place at the site, it is considered that the change of use of the site to allow for the use of the building for meeting/prayer facilities is inappropriate in this location and is likely to result in unacceptable harm to the amenity of the occupiers of the neighbouring residential properties, contrary to Policy 33 of the HDPF.

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

- 6.24 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 of the HDPF 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.
- 6.25 The application proposes the change of use of the existing property and a number of extensions. The floorspace of the building will increase by some 277% from 176m² to 488m². The site is relatively well hidden from public view by mature planting around the boundaries of the site and the extensions have been designed to appear as a two storey domestic extension with a detached garage-type structure. Whilst it is acknowledged that the extensions to the property have been designed to fulfil the needs of the community, the extensions are extensive and would increase the floorspace of the property significantly. The increase in the floorspace, coupled with the increase in the level of activity in this countryside location, will result in an adverse impact on the character of the area, contrary to policies 26, 32 and 33 of the HDPF.

Conclusion

- 6.26 For the reasons outlined above, it is considered that whilst it was previously accepted that the change of use of the property to a mixed use comprising residential unit and meeting rooms to serve the needs of the local Shia Muslim community was acceptable, the scheme as now proposed seeks to significantly increase the floorspace of the building, the number of people attending events at the property and the number of events being held. It is considered that as a result of these factors, the change of use of the property would result in a significant intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. This harm is considered to significantly outweigh the benefit of the proposed development in providing improved facilities for the local Shia Muslim community, therefore the application is recommended for refusal.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be refused for the reason set out below:

Reason for Refusal:

1. The change of use of the property as proposed would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

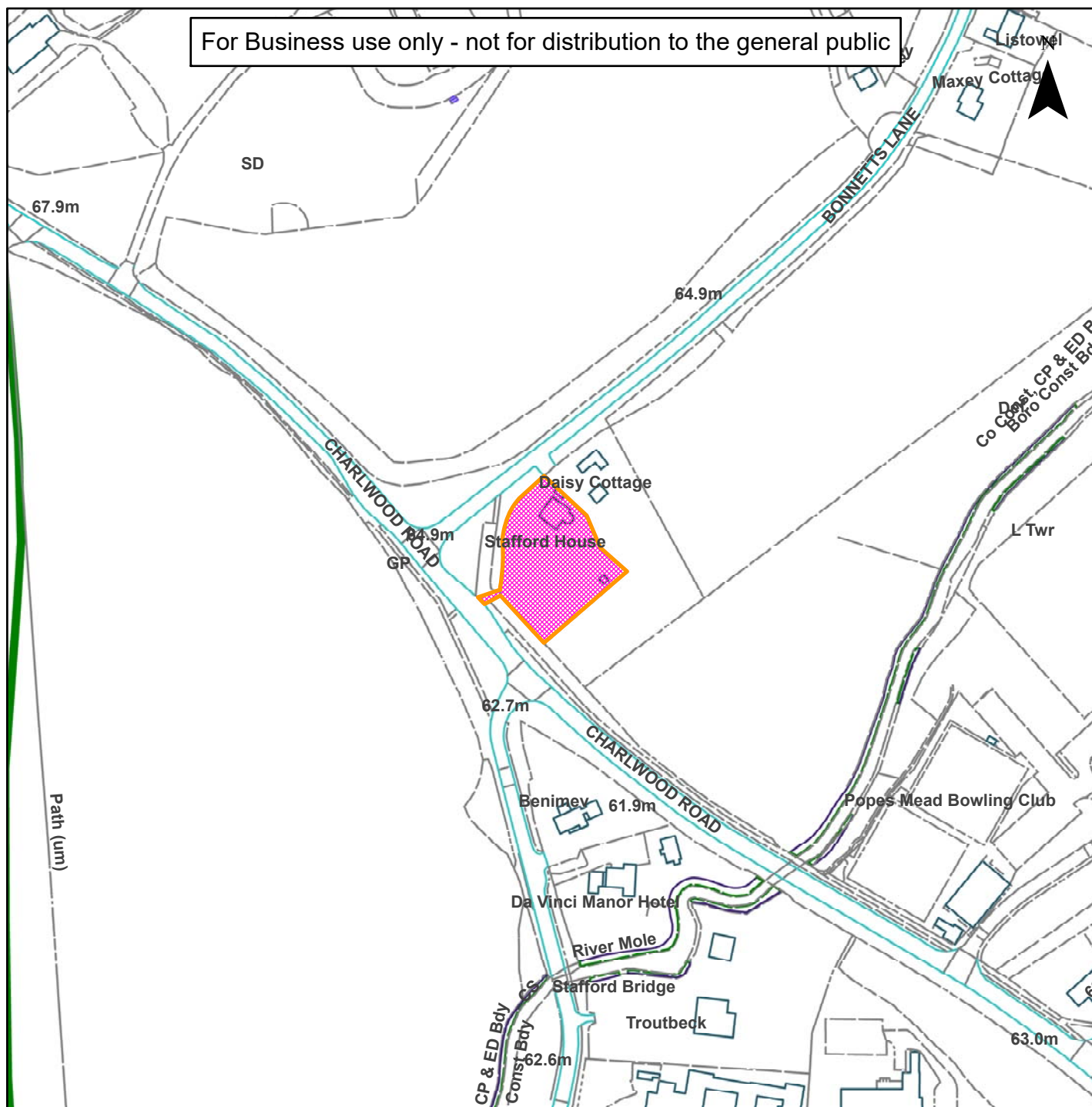
Background Papers: DC/17/1827
DC/11/1350

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Stafford House, Bonnetts Lane

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Date	20/12/2017
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 09 January 2018

DEVELOPMENT: Change of use and part conversion of stable/agricultural building to form a single agricultural workers dwelling

SITE: Curtis Farm Green Lane Horsham West Sussex RH12 4PP

WARD: Rusper and Colgate

APPLICATION: DC/17/2428

APPLICANT: **Name:** Mr David Turner **Address:** Curtis Farm Green Lane Horsham West Sussex RH12 4PP

REASON FOR INCLUSION ON THE AGENDA: Parish Council has made a written representation which discloses a material planning consideration and is inconsistent with the Development Manager's recommendation, within the consultation period, and wishes to address the Planning Committee

RECOMMENDATION: To permit subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the change of use and part conversion of an existing stable/agricultural building to form a single agricultural workers dwelling. The area of the existing building to be converted would measure approximately 12.2m by 4.8m and would incorporate a living room, a kitchen, a study/bedroom and WC facilities at ground floor level and the creation of a first floor to provide a bedroom and bathroom. External alterations are proposed to provide windows and doors to serve the dwelling.
- 1.2 The proposal would provide accommodation for a worker to live on site to maintain the animal welfare and to help with the overall management of the farming operations. The existing farm currently employs 3no workers and the proposal would accommodate an additional worker on site. The existing farming business currently farms 800 acres with 4,000 ewes, 400 cattle and 200 pigs.

DESCRIPTION OF THE SITE

- 1.3 The application site is located within the established farm holding of Curtis Farm located along Green Lane to the west of Horsham Road, Rusper. The existing building which is the subject of this application is currently being used as a barn/stable and is located at the southern end of the wider holding, to the south of the main Curtis Farmhouse dwelling, which is occupied by the applicant. There is also a secondary dwelling associated with the farm holding, Clement Cottage Curtis Farm, which is located to the north of the building to be converted and is occupied by a retired agricultural worker in compliance with the occupancy condition under planning reference DC/05/2779. There are also various other buildings associated with the farm present on site. The nearest residential properties are located approximately 55m away from the development site to the east

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 10 - Rural Economic Development
Policy 20 - Rural Workers Accommodation
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Status – Rusper Parish has been designated as a Neighbourhood Development Area as of February 2016.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

RS/33/02	Sand school Site: Curtis Farm Green Lane Horsham	Application 20.06.2002	Permitted on
RS/57/02	2-storey side extension and chimney Site: Curtis Farm Green Lane Horsham	Application 09.10.2002	Permitted on
RS/56/03	Erection of building to cover existing silage clamps Site: Curtis Farm Green Lane Horsham	Application 07.11.2003	Permitted on
RS/75/03	Replacement garage/store with farm office over Site: Curtis Farm Green Lane Horsham	Application 23.01.2004	Permitted on
DC/04/2667	Retention of farm track	Application 25.01.2005	Permitted on
DC/05/1732	Infill 3 sides of existing farm building with plastic coated steel sheeting	Application 13.09.2005	Permitted on

DC/05/1734	Prior Notification to erect a lean-to on existing building and concrete surround	Application Permitted on 17.10.2005
DC/05/2779	Erection of shepherds dwelling (Outline)	Application Permitted on 16.01.2006
DC/07/2693	Erection of shepherds dwelling (Approval of Reserved Matters)	Application Permitted on 22.01.2008
DC/09/0645	Prior notification to erect a fodder barn	Prior Approval Required on 13.05.2009
DC/09/0661	Erection of fodder storage building for existing equestrian building	Application Permitted on 18.08.2009
DC/09/1818	Retention of parking of 4 skip lorries and storage of empty skips to be stored at no more than 3m.	Application Permitted on 26.05.2010
DC/10/0781	Construction of new concrete turning area (Prior Notification)	Prior Approval Required on 17.05.2010
DC/10/1735	Proposed first floor extension,two storey and single storey extensions and car port to farmhouse	Application Permitted on 16.11.2010
DC/11/0460	Retrospective consent sought for a temporary change of use for winter storage of vehicles in buildings 1 and 2 Curtis Farm	Application Permitted on 11.05.2011
DC/11/0461	Variation of condition No.1 of RS/56/02 to extend timeframe for parking from 30th September to 14th November	Application Permitted on 05.05.2011
DC/12/1301	Retention of parking of 4 skip vehicles and storage of empty skips	Application Permitted on 18.10.2012
DC/15/2298	Erection of detached garage building for the housing of horse carriages	Application Permitted on 10.12.2015
DC/16/2309	Retrospective amendment to siting and design of carriage building consented under reference DC/15/2298	Application Permitted on 07.12.2016
DC/17/0439	Prior notification for extension to existing agricultural hay storage barn	NO OBJECTION to Notification on 20.03.2017

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No objection
Recommendation for appropriate conditions to be attached

OUTSIDE AGENCIES

- 3.3 **Reading Agricultural Consultants:** No Objection.
The applicant's proposal is compliant with the NPPF, Policy 20 of the Horsham District Planning Framework and the functional and viability tests are met.
- 3.4 **WSCC Highways:** No Objection
- 3.5 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

- 3.6 **Parish Council Consultation:** Objection:-
- This is an unsustainable area and a sensitive rural area close to neighbours, more activity would mean more noise and light pollution
 - The farm is already over-intensified
 - Ruser PC is concerned that approval of this application would set a precedent for this area being used in a commercial way.
- 3.7 1 letter of objection was received for the application. The nature of the objection can be summarised as follows:
- This building is not used for the wider commercial enterprise
 - Overdevelopment of the site
 - No need for an agricultural dwelling as other residential buildings present on site
 - The proposal would set a precedent

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on;
- The impact on the locality and countryside
 - The amenities of the occupiers of adjoining properties
 - The existing parking and traffic conditions in the area
 - The viability of the existing farm business

Principle

- 6.2 Paragraph 28 of the NPPF states that: "Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well- designed new buildings;
 - promote the development and diversification of agricultural and other land-based rural businesses;"
- 6.3 Paragraph 55 of the NPPF recognises the need for new dwellings in the countryside in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. This guidance is reflected in Policy 20 of the Horsham District Planning Framework 2015 (HDPF), which states; "Outside the defined built-up area new housing for rural workers will be supported provided that;
- There is a functional need for the dwelling and the occupation of the dwelling is to support the established business use.
 - Evidence is submitted to demonstrate the viability of the rural business for which the housing is required."
- 6.4 This policy framework is consistent with Policy 26 of the HDPF, which relates to Countryside Protection, and states that, '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:
- Support the needs of agriculture or forestry;
 - Enable the extraction of minerals or the disposal of waste;
 - Provide for quiet informal recreational use; or
 - Enable the sustainable development of rural areas.
- 6.5 In order to demonstrate that there is an essential need for a full-time worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Annexe A of PPS 7, which is still referred to for helpful guidance, describes that such a 'functional' requirement might arise, for example, if workers are needed to be on hand day and night:
- in case animals or agricultural processes require essential care at short notice;
 - to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
- 6.6 A 'financial' test would also need to be satisfied in considering an application for a new dwelling to support a full-time worker on site, demonstrating that the farming business is economically viable and has a prospect of remaining profitable. This test would also be used to assess the size of the new dwelling being proposed, to ensure that its size could be sustained by the business on site.
- 6.7 The supporting statement details the existing livestock on site and financial information has been provided by the applicant in relation to the existing business. The business has been in operation by the applicant for approximately 30 years. The Council's Agricultural Consultant has reviewed the application in detail and considers that the farm is sustainable and viable and is able to support the essential need for an additional dwelling to

accommodate a full-time agricultural worker. The principle of the proposal is therefore considered to be acceptable.

- 6.8 As detailed above, it is considered that the proposal would support the essential needs of agriculture and as such, would be in accordance with the approach set out in Policies 20 and 26 of the HDPF. The essential need for the development is therefore accepted.

Character and appearance

- 6.9 Policies 25, 32 and 33 promote development which is of high quality and design, and is sympathetic to the distinctiveness of the dwelling and surroundings. Development should protect, conserve and enhance the landscape character, taking account of the nature environment, landscape and landform pattern to which it forms a part.
- 6.10 The proposal would utilise an existing building with a partial change of use/conversion, limiting the increase in activity and impact on the countryside location in terms of additional built development. There are already 4no buildings in close proximity to each other in this section of Curtis Farm and it is considered that the creation of additional structures would result in over intensification. The partial conversion of the existing barn/stable would ensure that the rural character of the countryside location is preserved. Policy 20 of the HDPF, as detailed above states that: 'to prevent sporadic development, the use or redevelopment of existing buildings will be encouraged'. The proposal would also comply within this element of the policy.
- 6.11 The proposal would seek to make use of an existing building, with external alterations seeking to add timber framed windows and doors as well as blockwork to match the existing walls of the barn/stable. No alterations to the form, mass or bulk of the building are proposed. As the external alterations only relate to a small portion of the existing building, the proposals are considered to retain the form and appearance of the building, in a manner that would reflect the rural character of the structure. As such, the proposal is considered to accord with Policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

Impact on neighbouring amenity

- 6.12 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties. Given the distances preserved to neighbouring buildings, measuring approximately 55m and existing buildings and boundary treatments to the site the proposal is not considered to materially harm the amenities and sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 6.13 In terms of the potential impact on future occupiers of the agricultural dwellinghouse, an appropriate condition will be added to ensure that adequate provisions are made to reduce potential noise into the proposed dwelling.

Existing Parking and Traffic Conditions

- 6.14 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. The site benefits from an existing access and parking directly to the north of the building to be partially converted. Following consultation with WSCC Highways, no objections are raised to the proposal, and it is considered that the development would provide safe and adequate access and parking, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Conclusion

- 6.15 The proposed development is considered acceptable in principle. The evidence provided demonstrates the essential need for an additional dwelling on the site, given that there are currently already a number of staff employed on the farm, it is intended to recruit an additional worker and that the existing farming business is economically viable to support an additional dwelling. It is also considered that there would not be a detrimental impact on the countryside location and as such, the proposal is considered to accord with Policies 20, 25, 26, 32, and 33 of the Horsham District Planning Framework.

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.

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	30.14	0	30.14
	Total Gain		30.14
	Total Demolition		

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

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 It is recommended that planning permission is permitted 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 the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site 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.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, 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 where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental 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).

- 4 **Pre-Commencement Condition:** No development shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The approved sound attenuation works shall be completed before the dwelling is first occupied and shall be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of agricultural dwelling hereby approved and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **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).

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

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-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).

- 8 **Regulatory Condition:** The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.

- 9 **Regulatory Condition:** No external lighting or floodlighting shall be installed to the development hereby permitted. 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).

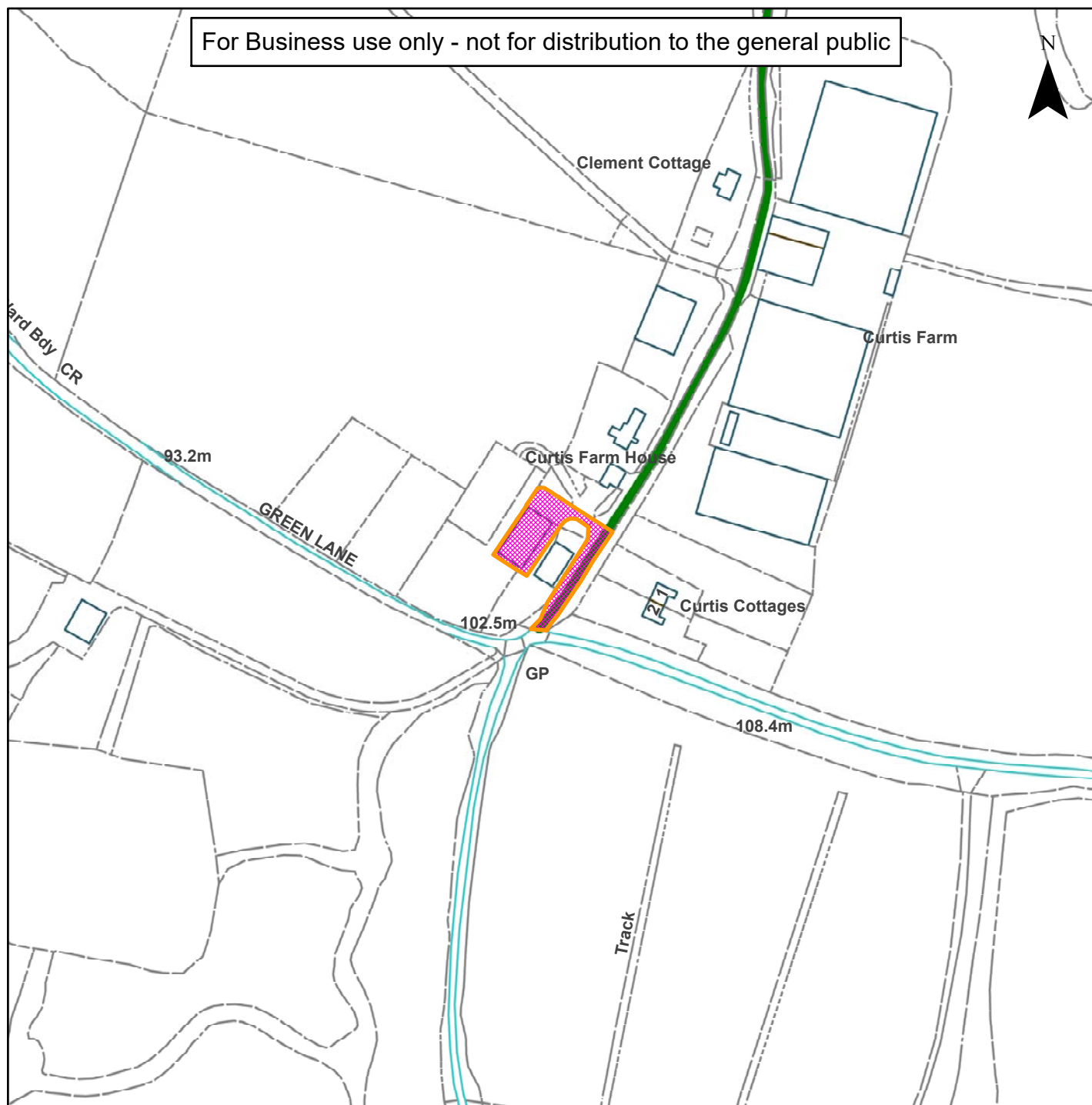
Background Papers: DC/17/2303

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Curtis Farm, Green Lane

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 9th January 2018

DEVELOPMENT: Removal of condition 6 to previously approved application DC/07/0272
(Change of use from retail warehouse to fitness centre)

SITE: Evolution Fitness Gladstone Road Horsham West Sussex RH12 2NN

WARD: Horsham Park

APPLICATION: DC/17/2123

APPLICANT: **Name:** Mrs Sam Stocker **Address:** Evolution Fitness Gladstone Road
Horsham West Sussex RH12 2NN

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

RECOMMENDATION: To permit subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks the removal of condition 6 of planning permission DC/07/0272:-

6 *"The use hereby permitted, including the use of the back room only as a changing room and in connection with the instruction of the weight loss programme, shall be undertaken in accordance with the details submitted in the applicants email sent on 20th March 2007 ref. application DC/07/0272. No material changes to the nature of activities shall be undertaken unless details of proposed amended activities have been submitted to and approved in writing by the Local Planning Authority.*

Reason: In the interests of the amenities of the locality and in accordance with policy EDC13 of the Horsham District Local Plan 1997."

1.3 At the time that planning permission was granted, the rear 'room' was separated from the front part of the building by way of a wall but with no separating door. It would appear that at some time prior to the current occupiers taking over the lease in 2016, this partition wall was removed to open up the space, along with other internal partitions having been removed along the northern side of the building. The use of the gym was therefore being carried out throughout the building, thus resulting in a 'material change' from the approved nature of activities.

- 1.4 The application has been submitted following Planning Compliance investigations which identified that while the overall use was as permitted, the back room referred to in condition 6 was being used as part of the gym rather than as a changing room and weight-loss management. The application therefore seeks to regularise the existing layout by removing the above condition.
- 1.5 The existing occupants of the premises are 'Evolution Fitness', which offer fitness and stretching / Pilates classes. The applicant stated at the site visit that the premises lease allows opening times between 08:00hours to 20:00hours. It would appear that there are predominantly 2 classes offered each day with occasional teen classes in the afternoons, typically running between 09:30 - 11:30 and 16:00 - 20:00, and with Saturday morning opening only.

DESCRIPTION OF THE SITE

- 1.6 The application site comprises a narrow building that lies between residential properties on the northern side of Gladstone Road. The building was previously in commercial use, prior to a change of use being granted in June 2007, as a fitness centre (DC/07/0272).
- 1.7 Internally, the building comprises a single open room with a couple of small rooms to the front forming a store and WC. There are uPVC double glazed windows and a door along the eastern side elevation, which lead out onto a narrow access alleyway, alongside the garden of No.1 Gladstone Road.

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 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
 Policy 13 - Town Centre Uses
 Policy 32 - Strategic Policy: The Quality of New Development
 Policy 33 - Development Principles
 Policy 42 - Strategic Policy: Inclusive Communities
 Policy 41 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Horsham Blueprint Neighbourhood Forum Plan is still at an early stage

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/07/0272	Change of use from retail warehouse to fitness centre	Application Permitted on 02.07.2007
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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:** Comment:-

- This Service sees no fundamental reason why noise or vibration from the gym cannot be adequately prevented from impacting the amenity of adjacent domestic properties, given appropriate controls are put in place and maintained. Such measures have been discussed at length with Applicant previously, through other complaint-led interventions that Environmental Health & Licensing have undertaken with the business;
- To this end, this Service recommends that a Noise Management Plan is submitted to and approved but the Authority within a suitable timeframe, should the Application be permitted. This should be secured by Condition, and include the requirement to implement and maintain the procedural controls identified in the approved Plan.

PUBLIC CONSULTATIONS

3.3 **Denne Neighbourhood Council:** Comments:-

- Noted that the applicant has taken steps to address noise issues;
- No obvious noise issues noted on two separate occasions when the premises was visited by PC;
- PC supportive of local businesses and the provision of a local fitness facility, balanced with the rightful quiet enjoyment of homes by local residents;
- PC would support the re-wording of the condition, if possible, to take account of practical needs of fitness centre whilst minimising noise and disturbance to neighbours;
- Would object to the entire removal of the relevant condition which may allow the continuance of unacceptable harm to the amenity of nearby users / occupants.

3.4 15 letters of objection have been received raising the following concerns:-

- parking along Galdstone Road preventing residents from parking near homes;
- Breaches by current owner since 2016 - Curves gym did not lead to any complaints;
- concern that current gym breaches other criteria expressed in e-mail of 20th March 2007 on which the previous approval was based, eg not running classes;
- complaints of weights being dropped and thrown leading to vibrations in adjoining homes;
- Matting stated to be used on the flooring only achieves a muffling of noise;
- more appropriate locations for such uses would be industrial estate or rural location;
- Removal of condition is not warranted - serious noise concern to neighbours over last 20 months;
- more weights dropped as recently as 4th October 2017;
- inappropriate use of premises in a residential area;
- Windows from gym looking into adjacent gardens - particularly when their doors are open;

- change in character from a ladies weight loss centre (not a gym) to a fitness centre with a 'reputation for punishing workouts';
- single skin brick wall to the adjoining residential annexe;
- premises being used out of hours (20:15);
- roof tiles fallen off premises into adjoining gardens likely arising from vibrations of use within.

3.5 4 letters of support have been received:-

- Evolution Fitness are respectful of local residents / neighbours and do not cause any issues;
- having visited the gym, the weights are stored and lifted near the front entrance while the back area is used for pull-ups, press-ups to keep noise to a minimum;
- Good gym to be a member of with a good ethos;
- last class finishes by 8pm;
- measures in place as part of gym to ensure no weights are dropped, no weights are used in rear part of building;
- neighbour works from home on cars - similar noise issues arising;
- changing rooms have always been at the front while rear part has always operated as an integral part of gym / for exercise;
- parking in Gladstone Road restricted during the daytime by permit.

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 A planning condition is required to meet 6 tests as set out by paragraph 206 of the NPPF (2012):

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

- 6.2 The existing condition was considered to meet the above 6 tests when it was imposed on the original change of use consent in 2007, as it was reasonable to restrict use of the rear room in order to seek to mitigate potential noise impact / transference to neighbouring residential properties. It is considered that the condition, at the time of granting the original permission, was precise, as it referred to the 'back room' which was clearly defined at the time given the presence of a dividing wall between the spaces and the simple layout otherwise of the premises.

- 6.3 Since the permission being granted internal alterations have taken place resulting in the removal of a partition, in effect removing the 'back room' referred to in the condition and creating an open plan layout. There are no restrictions on physical internal alterations being carried out to the building, which do not require planning consent, and so the removal of the internal wall has, in itself, not breached any planning control. The key issue of consideration is whether the nature of the use, which differs from that envisaged by condition 6 but remains within the permitted D2 use class, has negatively impacted upon neighbouring amenity.

Amenity Impacts:

- 6.4 HDPF Policy 33 requires that development avoids unacceptable harm to the amenity of occupiers / users of nearby property and land, for example through overlooking or noise.
- 6.5 A number of objections were received at the time of the original 2007 application with concerns raised over noise from music, parking, late opening times. The proposed removal of condition has also raised a number of concerns over noise and neighbour amenity impact.
- 6.6 The Council's Environmental Health Team has actively been addressing some of the noise-related concerns raised as part of this planning application. Statutory Nuisance monitoring has taken place at the premises relating to the amplified music and the likelihood of vibrations from the gym equipment, in order to inform whether a disturbance is 'materially and unreasonably affecting a person's use of enjoyment of their property'. As a result of this monitoring the following measures have been implemented to assist in limiting the potential neighbour disturbances:-
- Thick rubber matting laid throughout the gym floor;
 - Hollow 'step-up' boxes have been internally filled to decrease the resulting noise;
 - Music played only during exercises and at a limited volume with non-openable secondary glazing fitted to the eastern side openings and ensuring doors and windows remain closed during use;
 - More 'Spotters' used to assist when weights are used to prevent them being dropped;
 - Use of 'Deadlift Deadeners' ;
 - The use of weights limited to the central part of the premises;
 - Use of weighted gym balls no longer bounced against the walls at the far end, only in the central part of the building.
- 6.7 The Environmental Health Team has advised that the above measures have, in general, resulted in a reduction in noise related issues and that the agreed measures remain enforceable (under non-planning legislation).
- 6.8 As part of this planning application a condition is recommended to ensure a Noise Management Plan, which would require the applicants to submit details and measures which would seek to limit the noise transference to neighbouring properties. This plan would reinforce the measures agreed separately with the Environmental Health Team and this approach would mitigate any potential impact on neighbouring amenity from the gym use. It is considered that subject to this condition the removal of condition 6 from permission DC/07/0272 would not lead to any significant harm to amenity for occupants of adjoining properties.

Conclusions and Planning Balance:

- 6.9 The internal layout of the premises has changed and as such the wording of condition 6 of DC/07/0272 is no longer relevant or enforceable. A replacement condition is therefore recommended, in lieu of this condition, to ensure that the lawful use of the premises can

continue to operate in a way that is appropriate to its proximity to neighbouring residential properties whilst seeking to minimise any undue neighbour harm. For the avoidance of doubt the conditions from the existing planning permission have been included in the recommendation in Section 7 (below).

7. RECOMMENDATIONS

7.1 To permit subject to conditions

1 List of Approved Plans

- 2 Regulatory Condition:** Within 2 months of the date of this permission, a Noise Management Plan shall be submitted to and approved in writing, by the Local Planning Authority, setting out details and measures by which noise and vibrations from the premises shall be limited. Following approval of the Noise Management Plan, any measures agreed shall be implemented and maintained in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

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

- 3 Regulatory Condition:** No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any 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).

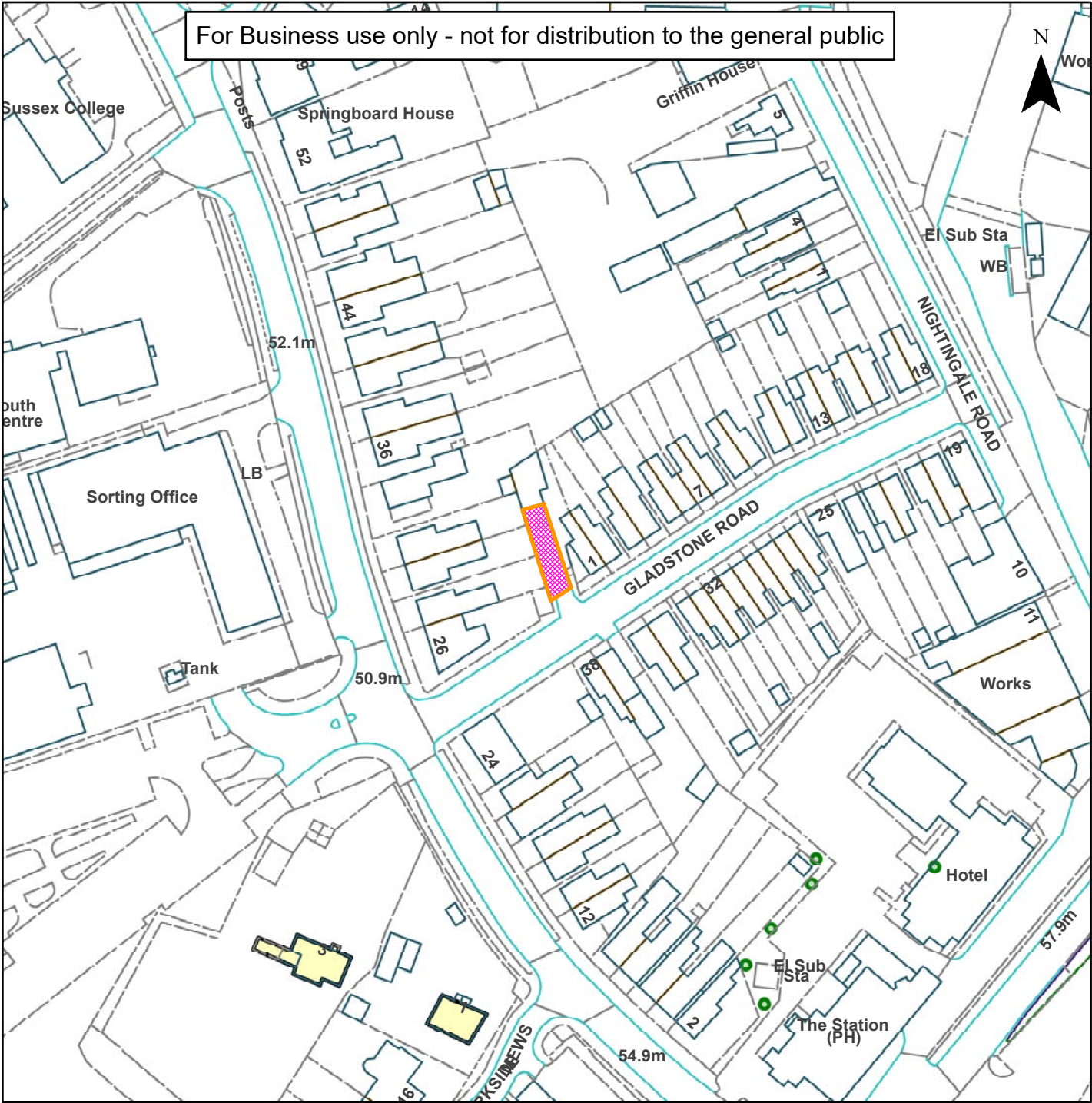
- 4 Regulatory Condition:** The premises shall not be open for trade or business except between the hours of Monday- Friday 8am to 8pm and Saturdays 9am to midday

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

- 5 Regulatory Condition:** The building shall be used for a maximum number of 20 clients at any one time unless otherwise agreed in writing by the Local Planning Authority.

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

Background Papers: DC/17/2123
DC/07/0272



Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	20/12/2017
ISA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 09 January 2018

DEVELOPMENT: Erection of 2x detached single storey (with mezzanine floor) four bedroom dwellings following approval of previous application DC/17/1205 (Prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Use Class C3) and associated operational development. Revised application further to DC/17/0373).

SITE: Hermongers Farm Hermongers Rudgwick Horsham West Sussex RH12 3AL

WARD: Rudgwick

APPLICATION: DC/17/2354

APPLICANT: **Name:** Edmund O'Reilly Hyland **Address:** c/o agent

REASON FOR INCLUSION ON THE AGENDA: The recommendation represents a departure to the development plan.

RECOMMENDATION: To permit subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the demolition of the existing agricultural building and erection of 2no detached single storey dwellings, each with a mezzanine floor, incorporating associated curtilage land and parking areas. The existing building is a large agricultural building and is constructed with concrete walls, concrete pillars and a concrete floor, with corrugated roof sheeting. The building is currently in a bad state of repair with the south-eastern side completely open following the demolition of a section of the building.
- 1.2 Conversion of the agricultural building was granted under Prior Approval application ref: DC/17/1205. This conversion did not require planning permission being permitted under Class Q of the General Permitted Development Order 2015 (GPDO). This prior approval established that the existing agricultural building can be converted into a pair of semi-detached dwellings. This current planning application seeks the erection of 2no detached dwellings as an alternative to the permitted development conversion of the existing agricultural building.
- 1.3 The proposed dwellings would be identical in design utilising an 'L' shaped configuration and would be positioned to the north-western and central parts of the application site respectively. The proposed dwellings would have an overall width of approximately 19m

and a depth of approximately 15m and would measure approximately 5.2m in height. The overall floor area created for each house would measure approximately 201sqm which would be a reduction when compared to the permitted agricultural building conversion. The proposed dwellings would have traditional design in terms of materials, incorporating a brick base and black painted timber cladding making up the external walls, a clay tiled roof and timber framed fenestration.

DESCRIPTION OF THE SITE

- 1.4 The application site relates to a 2 bay former agricultural building and an area of land located at Hermongers Farm, Hermongers Lane, Rudgwick. The application site is not located within any defined built up areas and is therefore considered to be situated within the countryside. The application site is located approximately 1.1km away from the closest built up area of Rudgwick. The application site is accessed by a narrow lane that leads to Hermongers Lane 312m to the north. The existing building on site is located amongst a cluster of dwellings, 2 of which (at Orchard Barns) have been permitted as barn conversions under a Class Q notification of the GPDO. These converted dwellings along with other development to the east and west of the site are associated with the wider Hermongers Farm holding. The agricultural building within the application is also subject to a Class Q conversion approval, under planning reference, DC/17/1205, allowing for the creation of 2no dwellings on site.

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 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 28 - Replacement Dwellings and House Extensions in the Countryside

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

- 2.4 Supplementary Planning Guidance:
Rudgwick Parish Design Statement

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Status – Rudgwick Parish has been designated as a Neighbourhood Development Area as of June 2016.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/0373	Prior approval of proposed change of use of agricultural building to 2 dwellinghouses (Use Class C3) and associated operational development	Prior Approval Required and REFUSED on 12.04.2017
DC/17/1205	Prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Use Class C3) and associated operational development. Revised application further to DC/17/0373	Prior Approval Required and PERMITTED on 17.07.2017

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 None.

OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection, condition advised for cycle parking
- 3.4 **Southern Water:** No Objection, advised to contact Environment Agency and explore means of foul sewage disposal

PUBLIC CONSULTATIONS

- 3.5 **Parish Council Consultation:** No Objection.
- 3.6 **Rudgwick Preservation Society:** 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

- 6.1 The main issues are the principle of the development in the location and the effect of the development on;
- The principal of development in this location
 - The character of the dwelling and the visual amenities of the countryside
 - The amenities of the occupiers of adjoining properties
 - The quality of the resulting residential environment for future occupiers

- The highways impacts of the proposal

Principle

- 6.2 The application site is within a rural setting within a countryside location. Policy 3 of the HDPF states that will be permitted within towns and villages which have a defined built up area boundary (BUAB) where any development will be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy set out within the policy. The application site is located outside of the nearest defined built up area boundary of Rudgwick and is therefore contrary to the strategic approach to housing set out in Policy 3.
- 6.3 Policy 26 of the HDPF relates to Countryside Protection and states that development outside of built up area boundaries must be essential to its countryside location and in addition must either; support the needs of agriculture or forestry, enable the extraction of minerals or disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas. There is no justification in this context to suggest that the development would be essential to the countryside location, and it is therefore considered contrary to Policy 26 of the HDPF.
- 6.4 Notwithstanding the above, the conversion of the existing agricultural building to 2no residential properties has Prior Approval under Class Q of the GPDO, planning reference number DC/17/1205 and is permitted development. Class Q also permits building operations reasonably necessary to convert the building to a C3 residential use, including new walls, roofs and windows.
- 6.5 The prior approval application for change of use under Class Q of the GPDO allows the exiting agricultural building to be converted into 2no dwellings, with a total floor area of approximately 446sqm. This is a material consideration in the determination of this current planning application. The presence of a prior approval for 2 residential dwellings, which could still be implemented, represents a viable and realistic fallback position were the current application to be refused. A refusal of the current application would not therefore prevent the introduction of residential units on the site.
- 6.6 It is therefore considered, subject to detailed considerations, that refusal of the application on the basis of the conflict with Policies 3 and 26 of the HDPF would not be warranted.

Character and appearance

- 6.7 Policies 26 (countryside protection), 32 (quality of new development) and 33 (Development Principles) of the HDPF require development to be of high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.8 The proposal would involve the creation of 2no 'L' shaped dwellings within the existing site area of the agricultural building. A large area of hardcore ground material would be removed to facilitate the proposed dwellings as well as their proposed amenity space. The dwellings would be made up of black coloured timber cladding with a brick base making up the external walls, clay tiles and timber framed windows and doors, including large areas of glazing and rooflights allowing light into the proposed single storey dwellings. The principal elevation of plot 1, located towards the north-eastern corner of the site, would face south and the principal elevation of plot 2, located centrally within the site, would face west.
- 6.9 The proposed design and materials to be used for the dwellings are considered to be appropriate for this setting and would assist in softening their appearance within the countryside context. The removal of the hardcore area surrounding the existing building and provision of residential curtilage would serve to soften the appearance of the site, in terms of the context with the open green fields located to the north-west and north-east.

- 6.10 The application seeks to utilise the existing access, currently solely serving the existing agricultural building and access to the adjacent fields, located to the south-west. Plot 2, which is positioned centrally within the site as detailed above, would be set away from the main entrance by an additional 8m when compared to the existing agricultural building to be demolished. As such, plot 2 would be located approximately 26m away from the entrance to the site and the access lane. It is considered that the setting of the dwellings would have a reduced impact on the access lane and wider area compared to the existing building given the distance preserved. It is noted that the majority of the buildings in this vicinity are located in close proximity to the access lane. Whilst the proposed dwellings would be visible from this vantage point, given that the access lane is a private/un-adopted road and taking into account the positioning of adjoining properties, existing boundary treatments and the setting of dwellings within the site, it is considered that the proposal would have a neutral impact on the character of the street-scene and surrounding countryside.
- 6.11 The overall mass and scale of the proposed dwellings would be proportionate to the size of the existing building on site and the curtilage. The proposed dwellings represent an appreciable reduction when compared to the existing agricultural building on site, with the reduction in built form arguably an improvement on the existing arrangement. The design of the proposed dwellings is considered to be an improvement on the converted agricultural building which would result from implementation of the existing prior approval. The current application would therefore give greater control to the eventual development of the site, particularly in respect of detailed design and landscaping matters. This weighs in favour of supporting the current scheme, which as a consequence of the circumstances described above, is considered to accord with Policies 32 and 33 of the HDPF.

Impact on neighbouring amenity

- 6.12 Policy 33 of the HDPF states that development should be designed to avoid unacceptable harm to the amenity of the occupiers of nearby property. The 2no dwellings proposed would be located a greater distance away from the adjoining properties when compared to the existing agricultural building on site which is proposed to be demolished. A minimum of a 22m gap at the closest point would be preserved between plot 2 and the nearest properties at Orchard Barn located to the south-west. As there are no first floor windows proposed to the 2no dwellings, overall, it is not considered that any harm to residential amenity is likely to result from the proposals.

The highways impacts of the proposal

- 6.13 The proposal is for 2no new dwellings accessed via the existing access on to Hermongers Lane that serves the existing agricultural building. The existing access and parking areas for vehicles serving both properties have been indicated in the proposal. The Local Highway Authority has been consulted and has confirmed that there do not appear to be any existing highway safety issues in regards to the existing access and it is not considered that the additional dwellings would exacerbate any existing concerns. The LHA do not object to the proposal and, in light of the above, the proposed development is therefore deemed to be in accordance with Policies 40 and 41 of the HDPF.

Conclusion

- 6.14 The site is within a countryside location and has not been allocated for residential development, whilst the proposal does not represent a use essential to this countryside location. The proposal therefore conflicts with policies 4 and 26 of the HDPF. However, the principle of residential development on the site has been established by the recent grant of Prior Approval for the conversion of the existing agricultural building on the site to two dwellinghouses. This is considered to form a realistic fallback position carrying significant

weight in the planning balance. The proposed development would provide 2 purpose built dwellinghouses of a reduced footprint and massing than would result from implementation of the prior approval scheme, representing an improved appearance to the site compared to the development that could otherwise come forward on the site under the Prior Approval consent.

- 6.15 Therefore, whilst being a departure from planning policy, the current application is considered to enhance the immediate setting and ensure that the development would not result in harm to the countryside setting, neighbouring amenity or highway safety. These benefits compared to the fallback position provided by the extant Prior Approval consent are considered to outweigh the conflict with Policies 4 and 26 such that the grant of planning permission is recommended. Conditions are suggested to ensure adequate boundary treatments, detailed use of materials to be provided and a landscaping scheme to confirm all hard and soft landscaping details are appropriate for the surrounding area.

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	403	446	0
	Total Gain		
	Total Demolition		446

- 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 It is recommended that planning permission is permitted 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 the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site 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.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, 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 where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental 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).

- 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 (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).

- 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 (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:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of secure (and covered) cycle parking facilities for the occupants of, and visitors to, the development 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 cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 9 **Pre-Occupation Condition:** Prior to the first occupation (or use) 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 (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) 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).

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

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

- 10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, B, E, or F of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

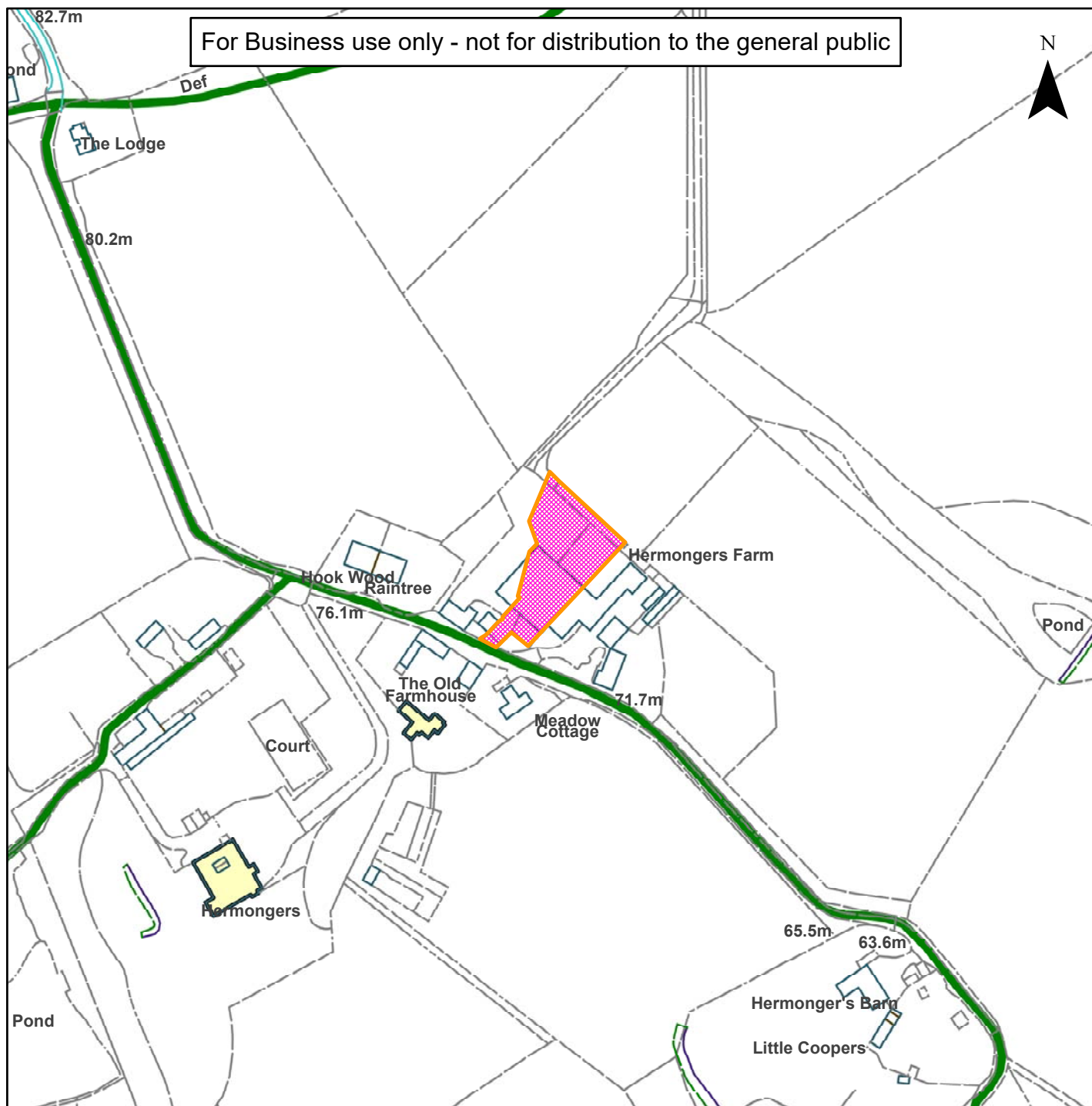
Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/2354
DC/17/1205

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Hermongers Farm, Hermongers



Scale: 1:2,500

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Organisation	Horsham District Council
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Date	20/12/2017
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 9 January 2018

DEVELOPMENT: Proposed first floor extension over existing garage and part conversion of garage to form habitable space

SITE: 129 Blakes Farm Road Southwater Horsham West Sussex RH13 9GU

WARD: Southwater

APPLICATION: DC/17/2409

APPLICANT: **Name:** Mr & Mrs Andrew and Michelle Simon **Address:** 129 Blakes Farm Road Southwater Horsham West Sussex RH13 9GU

REASON FOR INCLUSION ON THE AGENDA: The applicant is an immediate family member of a HDC Officer

RECOMMENDATION: To permit subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application is seeking planning permission for the erection of a first floor extension above the existing side garage together with conversion of part of the garage for habitable use, retaining the front part as storage.
- 1.3 The proposed first floor extension would be set in from the side wall of the house, by 1.0metres on its northern side in line with the side wall of the garage and would be flush with the rear elevation. The front elevation would have a gable detail projecting forward of the main front elevation at first floor level.

DESCRIPTION OF THE SITE

- 1.4 The application site comprises a C1990's two-storey detached house with attached garage occupying an almost rectangular plot on the west side of Blakes Farm Road, within the built-up area of Southwater.
- 1.5 The area is predominantly residential made up of similar two-storey; detached, semi-detached and terraced property types. The application property is one of a group of three properties located between Wild Orchid Way to the south and a strip of treed land to the north where there is a further isolated group of six properties that are situated between the main residential development and the RSPCA site further along the road. On the opposite side of the road is open land separating the development from the A24 Worthing Road.

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 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 There is no 'made' plan for Southwater Parish.

Parish Design Statement:

- 2.5 Southwater Parish Design Statement 2011

- 2.6 **PLANNING HISTORY AND RELEVANT APPLICATIONS**

None identified.

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 None required

OUTSIDE AGENCIES

- 3.3 None required

PUBLIC CONSULTATIONS

- 3.4 Southwater Parish Council: 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

- 6.1 The main issues include the impact on the proposal on the character and appearance of the site and wider surroundings, and the impact on neighbouring amenity.

Character and appearance

- 6.2 Policies 32 and 33 of the HDPF state amongst other criteria that extensions should have regard to their natural and built surroundings in terms of design, scale and character. An extension should be of a scale which is sympathetic to and does not overpower the original building.
- 6.3 The application would involve the erection of a first floor side extension above the existing attached garage on the northern side of the house. While the proposal represents an increase in the size of the building it is considered to be in scale and proportion to the existing dwelling, and would not dominate or overwhelm the character of the existing house. The side extension would be set down from the main roof ridge and although infilling the existing space at first floor level, as a result of the staggered building line the resulting relationship between properties would not appear unduly cramped or uncharacteristic of the wider street.
- 6.4 The proposal is therefore considered acceptable in terms of its impact on the character of the area and the visual amenities of the streetscene, where a number of comparable extensions are visible, in particular 75 Blakes Farm Road and 8 Wild Orchid Drive. As such there is no conflict with Policy 33 of the HDPF.

Impact on neighbouring amenity

- 6.5 In view of the existing staggered relationship between the application property and the adjoining neighbours, it is not considered that there would be a material worsening of the existing relationship between the neighbouring properties, particularly as no. 131 to the north has been extended to the rear at single storey level. The additional first floor level window openings would not create any intrusive views of adjoining properties and no harmful loss of privacy would therefore result.
- 6.6 It is therefore considered that the proposal is acceptable in terms of its impact on neighbour amenity and would not result in any loss of light, privacy or outlook or have an overbearing impact, in accordance with Policy 33 of the HDPF.

Conclusion

- 6.7 The proposed first floor side extension would not harm visual or neighbouring amenity and is considered to accord with relevant planning policies.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is permitted 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 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs 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).

Background Papers: DC/17/2409

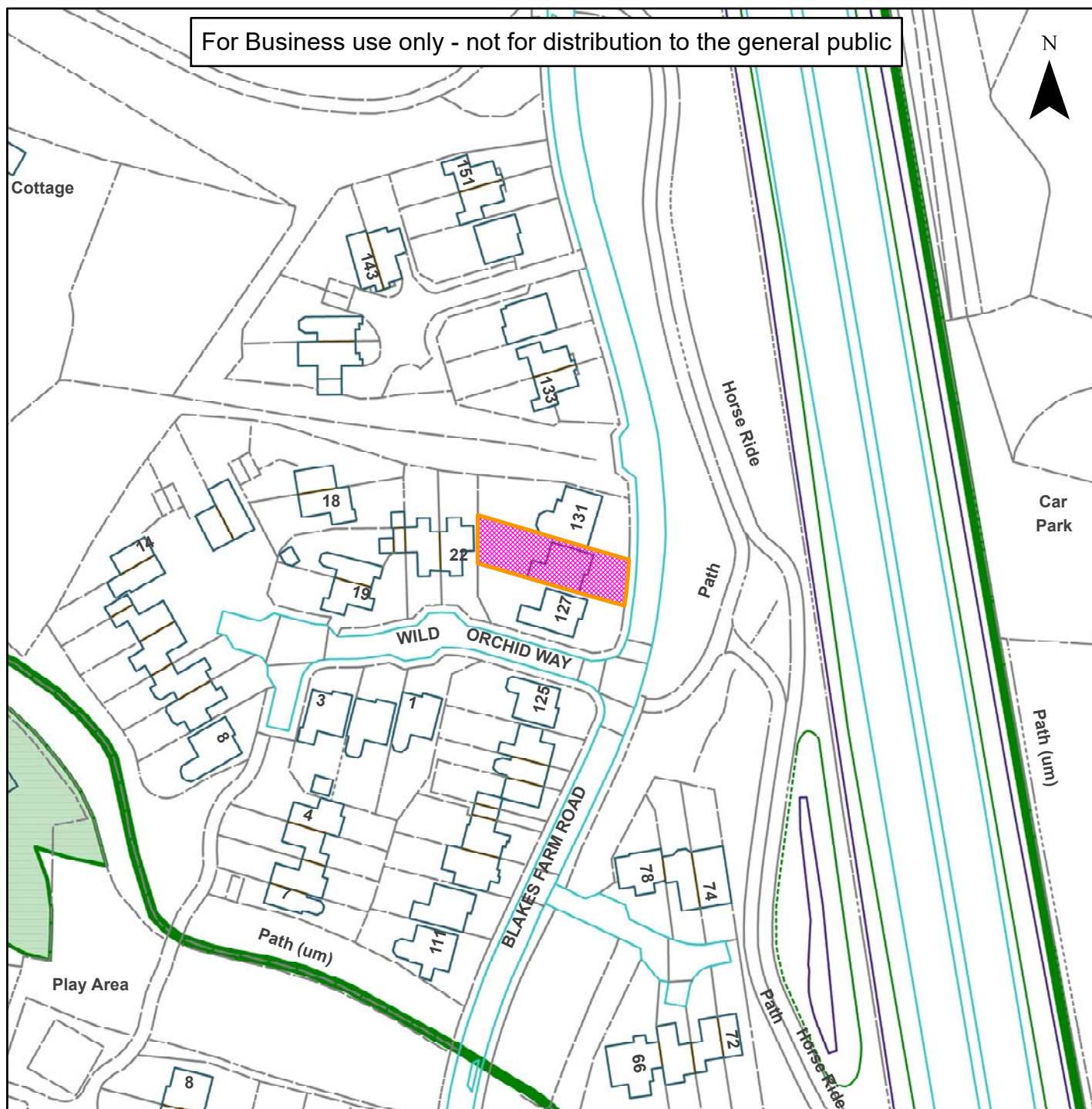
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129 Blakes Farm Road, Southwater



Horsham
District
Council

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Comments	
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