



# Planning Committee (North)

Tuesday, 6th February, 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.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 14
To approve as correct the minutes of the meeting held on 9 January 2018 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> 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. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	
4. <b>Announcements</b>	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

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

5. **Appeals** 15 - 16  
  
Applications for determination by Committee:
6. **DC/17/2131 - Nowhurst Business Park, Guildford Rd, Broadbridge Heath** 17 - 62  
Ward: Itchingfield, Slinfold & Warnham Applicant: Norman Marshall Ltd
7. **DC/17/2481 - Land to the West of Phase 1, Kilnwood Vale, Crawley Rd, Faygate** 63 - 82  
Ward: Rusper & Colgate Applicant: Crest Nicholson Operations Ltd
8. **DC/17/2509 - Piries Place Car Park, Piries Place, Horsham** 83 - 110  
Ward: Denne Applicant: Horsham District Council
9. **DC/17/2511 - Piries Place Car Park, Piries Place, Horsham** 111 - 140  
Ward: Denne Applicant: Horsham District Council
10. **DC/17/1704 - 41 Pondtail Rd, Horsham** 141 - 162  
Ward: Holbrook West Applicant: Mr Paul Clarke
11. **DC/17/1802 - 19A Denne Parade, Horsham** 163 - 174  
Ward: Denne Applicant: Mr J A Gibbs
12. **DC/17/2622 - Westons Farm, Westons Hill, Itchingfield** 175 - 182  
Ward: Itchingfield, Slinfold & Warnham Applicant: Mr David Exwood
13. **DC/17/2501 - Highams, Capel Rd, Rusper** 183 - 188  
Ward: Rusper & Colgate Applicant: Mr and Mrs Kitchen
14. **Urgent Business**  
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

# Agenda Annex

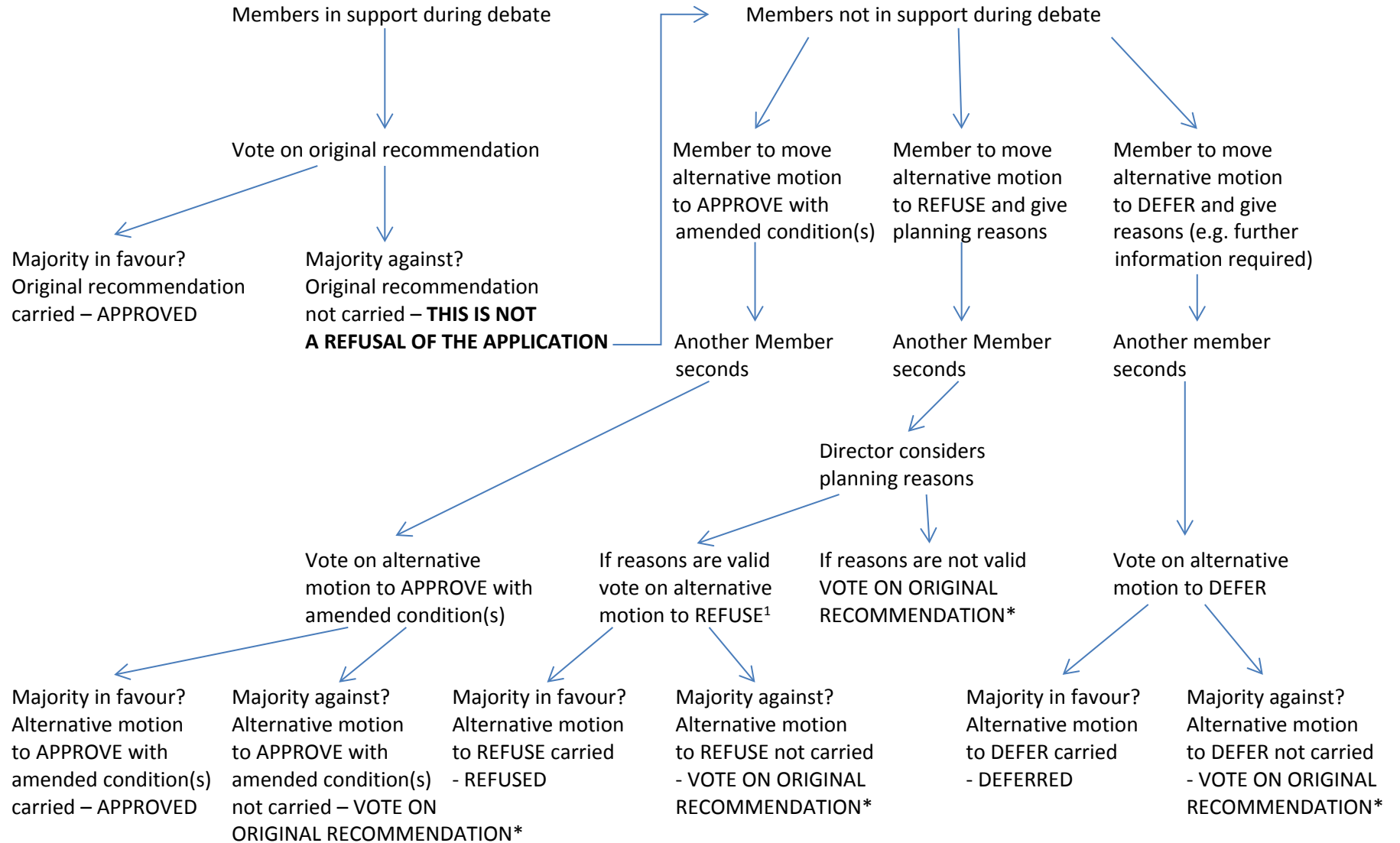
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

<b>Addressing the Committee</b>	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.
<b>Minutes</b>	Any comments or questions should be limited to the accuracy of the minutes only.
<b>Quorum</b>	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.
<b>Declarations of Interest</b>	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.
<b>Announcements</b>	These should be brief and to the point and are for information only – <b>no debate/decisions</b> .
<b>Appeals</b>	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
<b>Agenda Items</b>	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.
<b>Public Speaking on Agenda Items</b> (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 <b>2</b> minutes each to make representations; members of the public who object to the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes; applicants and members of the public who support the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes. Any time limits may be changed at the discretion of the Chairman.
<b>Rules of Debate</b>	<p><b>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</b></p> <ul style="list-style-type: none"> <li>- No speeches until a proposal has been moved (mover may explain purpose) and seconded</li> <li>- Chairman may require motion to be written down and handed to him/her before it is discussed</li> <li>- Secunder may speak immediately after mover or later in the debate</li> <li>- Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max <b>5</b> minutes or longer at the discretion of the Chairman)</li> <li>- A Member <b>may not speak again except:</b> <ul style="list-style-type: none"> <li>o On an amendment to a motion</li> <li>o To move a further amendment if the motion has been amended since he/she last spoke</li> <li>o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried)</li> <li>o In exercise of a right of reply. Mover of original motion</li> </ul> </li> </ul>

	<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"> <li>○ 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.</li> <li>○ 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.</li> </ul> <ul style="list-style-type: none"> <li>- Amendments to motions must be to: <ul style="list-style-type: none"> <li>○ Refer the matter to an appropriate body/individual for (re)consideration</li> <li>○ Leave out and/or insert words or add others (as long as this does not negate the motion)</li> </ul> </li> <li>- One amendment at a time to be moved, discussed and decided upon.</li> <li>- Any amended motion becomes the substantive motion to which further amendments may be moved.</li> <li>- 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).</li> <li>- 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).</li> <li>- The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).</li> </ul>
<b>Alternative Motion to Approve</b>	<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>
<b>Alternative Motion to Refuse</b>	<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>
<b>Voting</b>	<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"> <li>- Two Members request a recorded vote</li> <li>- A recorded vote is required by law.</li> </ul> <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>
<b>Vice-Chairman</b>	<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>

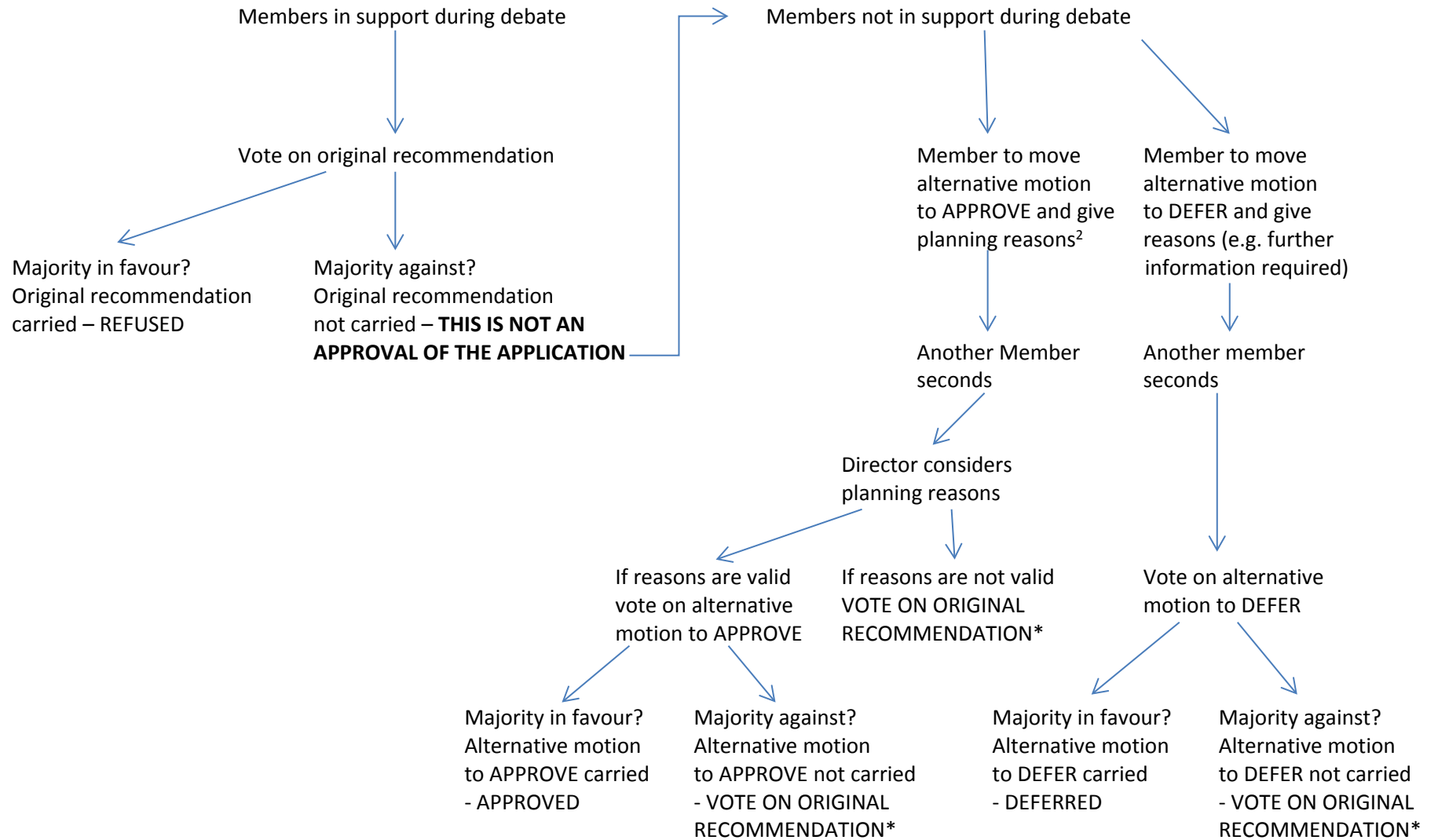
**Original recommendation to APPROVE application**



\*Or further alternative motion moved and procedure repeated

<sup>1</sup> 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

<sup>2</sup> Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

**Planning Committee (North)**  
**9 JANUARY 2018**

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

Apologies: Councillors: Alan Britten, John Chidlow, Christine Costin, Billy Greening and Connor Relleen

Absent: Councillors: Jonathan Dancer and Simon Torn

PCN/71 **MINUTES**

The minutes of the meeting of the Committee held on 5 December were approved as a correct record and signed by the Chairman.

PCN/72 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/73 **ANNOUNCEMENTS**

There were no announcements.

PCN/74 **APPEALS**

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

PCN/75 **DC/17/2148 - CENTURY HOUSE, 100 STATION ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the demolition of a four storey office building and the erection of a five/six storey residential building comprising 49 units. The highest part of the building would be 19.5 metres, with the lower five storey part approximately 15.5 metres. The proposal included 28 car parking spaces (four with electric charging points), cycle parking for 32 bicycles and landscaping. The units would comprise: 11 studio; 26 1-bedroom and 12 2-bedroom flats. Due to viability constraints, there was no affordable housing contribution proposed.

The application site was located within the built-up area of Horsham approximately 300 metres from the railway station, adjacent to the Harwood

Road/Kings Road roundabout, and close to amenities. Residential properties lay to the south-west and south-east, and Foundary Lane industrial/commercial zone lay to the north, with the Horsham Gates development to the north-west.

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

The Parish Council had not commented on the application. Forest Neighbourhood Council objected to the proposal. Horsham District Cycling Forum also raised objections. Fifteen letters of objection, from eleven households, had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; the lack of affordable housing provision; scale and design; impact on neighbouring amenity; impact of noise on occupiers; and highways issues, including cycle and car parking and access.

Members were broadly supportive of the scheme but raised concerns about: the balconies overlooking the roundabout, which would not benefit the amenity of occupiers; and the height of the building overlooking Horsham Gates, which they considered to be overbearing. Officers confirmed that the applicant had agreed to enter into discussions with a view to converting the balconies to Juliet balconies and reducing the height of the building facing north-west.

Members weighed the benefits of the scheme in providing small housing units in a sustainable location against the potential harm and concluded that the proposal was acceptable.

#### RESOLVED

That planning application DC/17/2148 be determined by the Head of Development with a view to approval subject to amendments regarding: (i) the design of the balconies on the north-east elevation; and (ii) the height of the north-west side of the building, in consultation with the Chairman of the Committee and Local Members.

#### PCN/76 **DC/17/2379 - UNIT 10, SWAN WALK, HORSHAM**

The Head of Development reported that this application sought permission to reconfigure Unit 10 on the ground floor of Swan Walk to facilitate the creation of three new retail units and a 24-hour gym, and the enlargement of the toilet facilities and mall space. The proposal included the reconfiguration of the children's play area and the creation of new floor-space at first floor level.



The application site was located in the centre of Horsham within Swan Walk shopping centre. It was a large retail unit previously occupied by BHS.

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, and no letters of representation had been received.

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 visual impact; residential amenity; access and safety; and parking provision.

Members concluded that the proposal would enhance the facilities within Swan Walk.

#### RESOLVED

That planning application DC/17/2379 be granted subject to the conditions and reasons as reported.

#### PCN/77 **DC/17/1827 - STAFFORD HOUSE, BONNETTS LANE, IFIELD**

The Head of Development reported that this application sought permission for the change of use from residential dwelling to mixed use residential unit on the first floor, religious meeting hall, and place of worship for the local Shia Muslim community. The proposal included a rear extension and a two storey meeting hall with a glazed link to the extension. There would be landscaping and alterations to the access. The floor space of the building would increase by approximately 277%.

The application site was located in the countryside to the north of Ifield at the junction of Bonnetts Lane and Charlwood Road. It was a two storey detached house accessed off Charlwood Road. There was a bungalow to the rear of Stafford House. The site was approximately 170 metres from the boundary with Crawley Borough and residential properties in Langley Green and Ifield. Stafford House was currently being used for prayer meetings by the local Shia Muslim community.

Details of relevant government and council policies as contained within the report, were noted by the Committee. Relevant planning history, in particular DC/11/1350, and the history of enforcement notices were also noted. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council strongly objected to the application. Crawley Borough Council had commented on the social and religious benefits of the proposal. Nineteen letters of objection from ten households, eleven letters of support, and one letter of comment had been received. One member of the public spoke in objection to the application and a representative of the applicant spoke in support of it.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; highway safety, transport and highways; the impact on neighbouring occupiers; and the impact on the character and appearance of the street scene.

Whilst Members were sympathetic to the aims and objectives of the scheme, they considered the location to be inappropriate and concluded that the harm caused by the intensification of use of the site would significantly outweigh the benefits of the proposal.

Members suggested that relevant officers should be asked to support the applicants in finding an acceptable location for use by the local Shia Muslim community.

#### RESOLVED

That planning application DC/17/1827 be refused for the following reason:

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).

#### PCN/78 **DC/17/2428 - CURTIS FARM, GREEN LANE, HORSHAM**

The Head of Development reported that this application sought permission for the change of use and part conversion of an agricultural building into an agricultural workers dwelling to help with the overall management of the 800 acre farm.

The application site was located in the countryside west of Horsham Road, south-west of Ruser. It comprised a stable/barn located south of the main farmhouse. There was another agricultural dwelling nearby within the farmstead, and various other farm buildings. The nearest residential properties were approximately 55 metres to the east.

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

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; the impact on the countryside location; the amenities of adjoining occupiers; parking and traffic conditions in the area; and the viability of the farm business.

Members noted the evidence provided regarding the essential need for an additional dwelling on-site and concluded that the proposal would support the farming operation without having a detrimental impact on the countryside location.

#### RESOLVED

That planning application DC/17/2428 be granted subject to the conditions and reasons as reported.

#### PCN/79 **DC/17/2123 - EVOLUTION FITNESS, GLADSTONE ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the removal of Condition 6 to permission DC/07/0272, which granted change of use from retail warehouse to fitness centre. Permission 6 restricted use of a back room along with a number of other operational restrictions on the building in the interests of the amenities of the locality. At some point before the current lease holders took over in 2016 internal partition walls had been removed and the 'back room' was now used as part of the wider gym area. The application sought to regularise the current layout.

The application site was located within the built-up area of Horsham on the northern side of Gladstone Road, and was a small narrow building between residential properties.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The consultation response from the Council's Environmental Health Team was considered by the Committee.

The Head of Development reported that an unoccupied residential annex attached to the rear of the building was currently undergoing refurbishment. It was also reported that the condition to be removed referenced an email which contained a number of other matters technically restricted by its wording, namely:

- “ 1. Curves is a ladies only facility - members being mainly 30 years - 75 years  
2. The machinery that we use is hydraulic and does not generate any noise  
3. Music is used in the background only as we coach on a one to one basis and it would not be possible to effectively communicate with our members if the music were too loud - also our members would complain if music is too loud.  
4. The rear of the building will be used for our weight loss programme and for a changing area - note we do not have showers or any other equipment in the area.  
5. We do not run classes in our club  
6. I am unaware of the use of the adjoining building ( I am not sure if this has residential or commercial status)  
7. We would be keen to put in a bike rack as recommended by highways dept for both our staff and members to use.  
8. Our opening hours in would not exceed 8.00 am to 8.00 pm monday to friday and 9.00am to midday Saturday.”

The Head of Development advised that officers did not consider points 1 and 5 to be reasonable restrictions in planning terms, that the amenity impact of points 2 to 5 could be managed by way of the suggested replacement condition, and that points 6 to 8 were covered by other conditions.

Denne Neighbourhood Council objected to the proposal. Fifteen letters of objection and four letters of support had been received. Two members of the public spoke in objection to the application, and a representative of the applicant addressed the committee in support of the proposal.

Members considered the officer's planning assessment and the impact of the operation of the gym on neighbouring amenity. Members noted the measures that had been implemented, following statutory nuisance monitoring, and the Noise Management Plan proposed under Condition 2. Members discussed the need for reports of persistent noise and vibration to be adequately addressed and concluded that the Noise Management Plan should be completed and scrutinized prior to the granting of permission.

It was noted that once a Noise Management Plan was in operation, enforcement action could be taken if the applicant was in breach of the Plan.

#### RESOLVED

That planning application DC/17/2123 be determined by the Head of Development with a view to approval, subject to an acceptable Noise Management Plan being submitted, in consultation with Local Members.

PCN/80 **DC/17/2354 - HERMONGERS FARM, HERMONGERS, RUDGWICK**

The Head of Development reported that this application sought permission for the demolition of a large concrete agricultural building and the erection of two L shaped detached single storey (with mezzanine floor) four bedroom dwellings. Given the size of the current building, the replacement dwellings would result in a reduction in built form. The proposal followed prior approval DC/17/1205 for the change of use of the agricultural building to two semi-detached dwellings, which had been granted in July 2017.

The application site was located in the countryside approximately one kilometre from Rudgwick and comprised a partially demolished agricultural barn, close to a cluster of dwellings, including two barn conversions. It was accessed along a narrow lane off Hermongers Lane to the north.

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 external consultees, as contained within the report, were considered by the Committee.

The Parish Council had raised no objection. Rudgwick Preservation Society also raised no objection. No further letters of representation had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development in this location; the character and appearance of the proposal and its impact on the visual amenities of the countryside; the amenity of neighbouring occupiers; the amenity of future occupiers; and highways.

Members considered the proposal in the light of the prior approval and concluded that the proposal was acceptable.

RESOLVED

That planning application DC/17/2354 be granted subject to the conditions and reasons as reported.

PCN/81 **DC/17/2409 - 129 BLAKES FARM ROAD, SOUTHWATER**

The Head of Development reported that this application sought permission for a first floor extension over an attached garage and part conversion of the garage to form habitable space, retaining the front part for storage.

The application site was located within the built-up area of Southwater to the west of Blakes Farm Road. It was a two-storey detached house in an area of similar detached and semi-detached properties. Open land on the opposite side of the road separated the dwellings from the A24 Worthing Road.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. The Parish Council had raised no objection to the application. No other letters of representation had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were the character and appearance of the extension and its impact on neighbouring amenity.

RESOLVED

That planning application DC/17/2409 be granted subject to the conditions and reasons as reported.

*The meeting closed at 6.40 pm having commenced at 5.30 pm*

CHAIRMAN

## Planning Committee North

Date: 6<sup>th</sup> February 2018

Report on Appeals: 19/12/2017 to 24/01/2018

### 1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/17/1729	Easteds Farm Easteds Lane Southwater Horsham West Sussex RH13 9DP	3 <sup>rd</sup> January 2018	Refuse	

### 2. Live Appeals

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

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/17/1566	Tanimola 2 Testers Close Southwater Horsham West Sussex RH13 9BF	Fast Track	12 <sup>th</sup> January 2018	Permit	Refuse
DC/17/1707	Corner House Brighton Road Monks Gate Horsham West Sussex RH13 6JD	Fast Track	12 <sup>th</sup> January 2018	Refuse	
DC/17/2230	29 Roman Lane Southwater Horsham West Sussex RH13 9AF	Fast Track	12 <sup>th</sup> January 2018	Refuse	
DC/17/2247	25 Burns Close Horsham West Sussex RH12 5PF	Fast Track	12 <sup>th</sup> January 2018	Refuse	
DC/16/2637	Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD	Written Representation	3 <sup>rd</sup> January 2018	Refuse	

DC/17/0662	Clemsfold Farm Guildford Road Clemsfold West Sussex	Written Representation	5 <sup>th</sup> January 2018	Refuse	
DC/17/1012	12 Hayes Lane Slinfold Horsham West Sussex RH13 0SQ	Written Representation	28 <sup>th</sup> December 2017	Refuse	
DC/17/1599	Oak Cottage Stane Street Slinfold Horsham West Sussex RH13 0QX	Written Representation	28 <sup>th</sup> December 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/17/0765	1A Clarence Road Horsham West Sussex RH13 5SJ	Written Representation	Dismissed	Refuse	
DC/16/2776	Greenfield Farm House Charlwood Road Ifield Crawley West Sussex RH11 0JZ	Written Representation	Allowed	Refuse	
EN/15/0232	Oak Down 38A Tilletts Lane Warnham Horsham West Sussex RH12 3RD	Written Representation	Dismissed	-	
DC/17/0562	Pathfield Cottages Cross Lane Barns Green West Sussex	Written Representation	Dismissed	Refuse	





**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

**BY:** Head of Development

**DATE:** 6 February 2018

**DEVELOPMENT:** Outline application for the development of up to 26,942 sq m (gross internal area) for B1c (industrial processes), B2 (general industrial) and B8 (storage and distribution) employment uses with ancillary offices, car parking, associated drainage works, landscaping and service yard areas. All matters reserved except for access. (Amendments following refusal of previous application DC/16/2941).

**SITE:** Nowhurst Business Park Guildford Road Broadbridge Heath West  
Sussex

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/17/2131

**APPLICANT:** **Name:** Norman Marshall Ltd **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** The application is a departure from the development plan; more than 8 letters contrary to the recommendation have been received; and by request of Councillors Ritchie and Youtan.

**RECOMMENDATION:** To delegate authority to the Head of Development to grant planning permission subject to the completion of a S106 agreement to secure the provision of a shuttle bus service and new bus stops and associated infrastructure improvements on the A281 and a landscape management plan, and appropriate conditions.

In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Planning, Economic Development and Property be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION**

- 1.1 The application seeks outline planning permission for the development of the site to provide up to 26,942sqm of commercial floor area, in a mix of B1c (industrial processes), B2 (general industrial) and B8 (storage and distribution) uses. A similar outline application for up to 27,882sqm of B1c, B2 & B8 floorspace was refused planning permission in June of this year. The reasons for the refusal of this previous outline planning permission are set out at paragraph 2.4 below.

- 1.2 All matters bar access are reserved for later consideration. The plans detail the development would be accessed via the existing roundabout on the A281 Guildford Road. Matters relating to the scale, appearance, layout and landscaping of the development are therefore not under consideration, although indicative layout plans have been provided to help set out how the quantum of development being proposed could be accommodated on the site. A parameters plan has also been submitted with the application defining the development plot within the site, areas of landscape and ecological enhancement, and an area where the eaves height of development is to be restricted. The parameters plan forms a material consideration in the determination of this outline application.
- 1.3 As originally submitted the application included the following plans and supporting statements:
- Site masterplan
  - Parameters plan
  - Three indicative site layout permutations
  - Site sections
  - Planning statement
  - Transport assessment
  - Landscape and Visual Appraisal
  - Heritage appraisal
  - Ecological assessment
  - Flood risk assessment
  - Environmental noise assessment
  - Employment market and needs assessment
- 1.4 Following discussions with the applicant, the three indicative site layout plans have been replaced with two indicative site layouts replacing a single large warehouse building indicatively shown on the southern part of the site adjacent to Nowhurst Lane with two terraces of smaller units. A revised parameters plan has been submitted dividing the site into three development zones and including a 'reduced eaves height zone' along the southern frontage with Nowhurst Lane. A pedestrian link from the site onto Nowhurst Lane has been removed, and the boundary fencing with Nowhurst Lane set back from the roadway on a bund with new planting. Existing and proposed site level surveys have also been provided alongside an indicative lighting scheme and a document setting out night-time operating principles.
- 1.5 Although only access is for consideration now, the illustrative site masterplan and two indicative site layout plans show how the quantum of development proposed could be delivered on site. These show between 4 and 6 buildings across the main western part of the site comprising between 10 and 20 units, and a maximum building height of 12m. The cover letter to the amended plans details the 'reduced eaves height zone' would permit eaves to 8m in height, compared to 10m across the rest of the site. The Landscape buffers are detailed on the illustrative masterplan and parameters plan extending along the southern, western and northern site boundaries. The landscape buffer along the northwest part of the site has been re-graded to increase the levels of the proposed tree planting relative to the proposed building adjacent, and amended to include additional evergreen Scots Pine trees to provide a quicker growing and more permanent year-round screening.
- 1.6 As originally submitted the application proposed 24 hour operations across the site. The applicant has subsequently agreed to revise the scheme to limit all external activity to between 7am and 11pm in zone 1 (furthest from Nowhurst Lane) and to restrict all operations in zones 2 and 3 (Closest to Nowhurst Lane) to between 7am and 8pm with no operations on Sundays or public holidays.

- 1.7 By comparison the previous refused scheme detailed development in the same part of the site totalling up to 27,882sqm, with buildings within the southernmost part of the site restricted to 13m in height and elsewhere 15m in height, and all activity restricted to 7am to 11pm.
- 1.8 The site falls in part on previously undeveloped countryside land. The application therefore falls to be considered as a departure from the development plan.

#### DESCRIPTION OF THE SITE

- 1.9 The site as existing forms an underused and somewhat dilapidated industrial site of circa 11.1ha with its own dedicated roundabout access off the A281 Guildford Road, just north of Nowhurst Lane. The principal activities on the site have historically taken place on the southernmost part of the site adjacent to Nowhurst Lane. These have included light industrial activities both within a series of low key buildings, and outside storage and light industrial uses across the southern part of the wider site. This included use of the site as a civil engineering depot with open storage of vehicles and building materials, vehicle salvage and repairs, maintenance training of railway vehicles. The main part of the site was previously used as landfill, and there are above and below ground storage tanks still on the site.
- 1.10 The site access road runs along open countryside to where the above activities have been taking place on the southern part of the site. The access road runs west from the roundabout on the A281, flanked to both sides by 7m high artificial bunds, before turning south towards the main part of the site. The area west of the access road forms uneven scrubland that falls away to the west before declining sharply down to the River Arun valley outside the site. An artificial bund delineates the northern site boundary, with the eastern river valley side and woodland delineating the western site boundary. There are extensive views of open countryside across the valley from the elevated position of this part of the site, particularly to the northwest. Dense woodland to the west of the river valley partially screens the site from a public right of way that runs parallel with the western site boundary at a separation of 200m.
- 1.11 The southern boundary of the site is formed of close boarded fencing that immediately abuts Nowhurst Lane. Nowhurst Lane is rural in character, with a mix of cottage-style dwellings set along its northern side, and woodland to its southern side. The woodland includes public footpaths and a campsite. Nowhurst Lane itself is a bridleway. Two grade II listed buildings, Smithawe Farm and Old Strood, sit close to the southeastern site boundary, separated from the site by a large bund set within recently planted woodland. A further grade II listed building, Farlington School, sits to the east of the site to the opposite side of the A281.
- 1.12 The nearest residential properties abut the site along Nowhurst Lane, with Quarries set adjacent to the southwest boundary and Smithawe Farm and The Cowshed adjacent to the southeast boundary. Further properties sit in relatively close proximity to the east along Nowhurst Lane, including Old Strood, Old Strood Farmhouse and Warrens View. Brackensfield Farm and Brookhurst Farm sit to the south and north of the site entrance respectively, with Farlington Lodge opposite the A281 to the east. The nearest properties to the northwest are some 400m distant, and to the southwest some 200m distant.

## 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:

### **National Planning Policy Framework**

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

HDPF1 - Strategic Policy: Sustainable Development

HDPF2 - Strategic Policy: Strategic Development

HDPF4 - Strategic Policy: Settlement Expansion

HDPF7 - Strategic Policy: Economic Growth

HDPF9 - Employment Development

HDPF10 - Rural Economic Development

HDPF24 - Strategic Policy: Environmental Protection

HDPF25 - Strategic Policy: The Natural Environment and Landscape Character

HDPF26 - Strategic Policy: Countryside Protection

HDPF31 - Green Infrastructure and Biodiversity

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF34 - Cultural and Heritage Assets

HDPF35 - Strategic Policy: Climate Change

HDPF36 - Strategic Policy: Appropriate Energy Use

HDPF37 - Sustainable Construction

HDPF38 - Strategic Policy: Flooding

HDPF40 - Sustainable Transport

HDPF41 - Parking

## RELEVANT NEIGHBOURHOOD PLAN

- 2.2 Slinfold Parish has been designated as a Neighbourhood Plan area. The draft Slinfold Plan has passed through Regulation 16 consultation stage and an examiner has been appointed. The examiner is scheduled to report by the end of January 2018.
- 2.3 Policy 10 of the April 2016 Regulation 14 draft Slinfold NP specifically related to Nowhurst Business Park, allocating the site for 10 dwellings towards the southern boundary of the site and a commercial development of mainly B1 and/or B8 uses. This policy was subsequently removed from the April 2017 Regulation 16 draft Slinfold NP, with the site instead referenced under Policy 13 (Existing Employment Centre). This is the policy that the examiner will be considering.
- 2.4 Policy 13 states that development proposals which seek to maintain or enhance the existing employment centre at Nowhurst Business Park [amongst others] will be supported subject to there being no unacceptable impact on highway safety and local amenity. The pre-text to this policy at paragraph 6.3 states in relation to Nowhurst Business Park that:

‘The District Council (HDC) has advised Slinfold Parish Council (SPC) that Nowhurst Business Park is considered to be a strategic employment site, i.e the provision of business use on this land would offer more than local employment provision. HDC has advised that Officers intend to recommend the allocation of Nowhurst Business Park for employment use in the Site Allocation DPD (and/or a review of the Local Plan). For these reasons, SPC has agreed the future of the site is best considered through a District level Development Plan Document.’

## PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.4 DC/16/2941:

The previous outline planning application for the development of this land for up to 27,882 sqm (gross internal area) of B1c (industrial processes), B2 (general industrial) and B8 (storage and distribution) uses with ancillary offices, car parking, service yard areas and landscaping was refused on 2 June 2017 for the following reasons:

1. The application site is located outside of the built-up area boundary and is not allocated for residential development in a Local Plan or a Made Neighbourhood Plan. The development of the site is therefore contrary to the spatial strategy for growth in Horsham District and is contrary to Policies 1, 2, 3, 4, 7, 10 and 26 of the Horsham District Planning Framework (Adopted November 2015) and to the NPPF.
2. The site is in a location remote from main settlements, with poor pedestrian and cycle opportunities and limited public transport services. Development of a far greater scale than the existing lawful commercial use of the site, which would employ a much larger workforce, in such a location would result in a high dependence on the private car and does not promote an improved and integrated transport network, with a re-balancing in favour of non-car modes as means to access the proposed employment use. The implementation of a subsidised bus service to assist with addressing the private car reliance would need to be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure such a service. The application is therefore contrary to Policies 2 and 40 of the Horsham District Planning Framework (Adopted November 2015).
3. The application site is located in a rural area, visible in wide views from areas to the north and west due to the elevated position of the site and closely related to the tranquil rural bridleway on Nowhurst Lane. By reason of the amount of development proposed and the scale parameters, the proposed uses and hours of operation and the need for external lighting associated with the development, it has not been demonstrated that the amount of development proposed can be accommodated within the site in an acceptable way which does not result in harm to the local landscape, the character of the locality and the tranquillity of the area. The illustrative material submitted with the application has not demonstrated that these matters can be mitigated or addressed at the detailed application stage. The proposal is therefore contrary to Policies 1, 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (Adopted November 2015) and to the NPPF.
4. The site is adjacent to grade II listed dwellings Smithawe and Old Strood. By reason of the amount of development proposed, and the scale parameters provided, the proposed uses and hours of operation and the need for external lighting associated with the development, it has not been demonstrated that the amount of development proposed can be accommodated within the site in an acceptable way which does not result in harm to the setting of heritage assets. The illustrative material submitted with the application has not demonstrated that these matters can be mitigated or addressed at the detailed application stage. The proposal is therefore contrary to Policies 1, 2, 32, 33 and 34 of the Horsham District Planning Framework (Adopted November 2015) and to the NPPF.
5. The site is adjacent to the residential dwelling Quarries, to the west, and to a campsite on the south side of Nowhurst Lane. By reason of the amount of development proposed, and the scale parameters provided, the proposed uses and hours of operation and need for external lighting associated with the development, it has not been demonstrated that the amount of development proposed can be accommodated within the site in an acceptable way which does not result in harm to the amenity of occupiers and users of adjacent land and buildings. The illustrative material submitted with the application has not demonstrated that these matters can be mitigated or addressed at the detailed application stage. The proposal is therefore contrary to

Policies 1, 2, 32 and 33 of the Horsham District Planning Framework (Adopted November 2015) and to the NPPF.

6. Policy 31 seeks to ensure that development includes measures to enhance the biodiversity of the District and should create and manage new habitats where appropriate. In this case, there are habitat features within the site that have the potential to be of biodiversity value, and there is a lack of investigation into the ecological features of the site and evidence to demonstrate that suitable mitigation can be delivered at the detailed development stage. Therefore, it is not possible to determine whether the site is suitable for the amount of development proposed, and what the appropriate level of mitigation and/or compensation for the development may be, as required by Paragraphs 117-119 of the NPPF. The proposal is therefore contrary to the NPPF and to Policies 2, 25, 31 of the Horsham District Planning Framework (2015).
7. In light of the unsuitable methodology used to inform the drainage strategy submitted with the Flood Risk Assessment, it has not been demonstrated that the development will be adequately drained and that the development will not contribute to surface water flooding off-site. The development is therefore contrary to Policies 35 and 38 of the Horsham District Planning Framework 2015.

2.5 The site has a long planning history, with various uses having taken place at the site including vehicle repair, landfill, open storage and civil engineering. Most recently, DC/07/1913 established various uses of buildings and some areas of open storage/parking within the developed part of the site as being immune from enforcement action. Prior to this, a Legal Agreement was entered into in connection with planning permissions SF/65/03 and SF/67/03. This set out a number of obligations, including restricting the use of a large part of the site to landscaping and recreation only, removal/relocation of various areas of spoil and bunding, transfer of a parcel of land to HDC, a restriction on the creation of new accesses onto Nowhurst Lane, preventing the erection of any structures other than those granted planning permission, restrictions on the height of open storage. Relevant planning applications to the site are set out in the following table.

DC/07/1913	Use of site as a civil engineering depot comprising the mixed use for the parking of vehicles and plant, storage of plant, vehicles equipment and materials, offices, maintenance and repair of vehicles and equipment both within the open and within the buildings, use of site as an operating centre for 15 goods vehicles and 10 trailers and use of the site for the training of railway maintenance personnel (Certificate of Lawful Development - Existing)	Permitted
SF/67/03	Erection of acoustic barriers security fencing and gates	Permitted
SF/65/03	Erection of office and workshop/store use of land for open storage use of land as training area car parking & removal of straw sound barrier	Permitted
SF/27/03	Erection of office and workshop/store, use of land for open storage, use of land as training area, car parking & removal of straw sound barrier	Refused
SF/92/00	Retention of railway track for training & maintenance of railway equipment	Permitted
SF/45/02	Erect office & workshop/store use of land for open storage use of land as training area car parking & removal of part of straw sound barrier	Refused
SF/23/00	Certificate of lawful use for use of site as an operating centre for up to 5 vehicles	Refused
SF/46/00	Erection of a fence, boundary feature & earth bunding	Permitted
SF/71/99	Installation of floodlights	Refused

SF/37/98	Change of use to motor salvage contractors depot incl parking/storage of plant, vehicles & equipment & use of workshops for vehicle repairs	Refused
SF/1/98	Retention of railway track used for training purposes	Permitted
SF/57/97	Certificate of lawful use for civil engineering contracting and plant hire depot	Permitted
SF/75/91	Continued use of building without complying with condition 5 on SF/18/90 requiring non-occupation of building unless access road is constructed	Permitted
SF/27/90	Tip for uncontaminated materials	Withdrawn
SF/60/89	Erection of two office buildings, three light industrial buildings, new office two storey building following demolition of existing building, replacement workshop and offices, linkway, replacement two storey offices, pavilion, change of use of land to playing field, car parking, associated landscaping and highway improvements.	Permitted
SF/18/90	Replacement office and store	Permitted
SF/24/90	Use of land for open storage of hardcore and soil	Refused
SF/10/90	Siting of temporary office building - outline.	Refused
SF/82/87	Stationing of portacabin for offices	Permitted
SF/43/84	Erection of 2 directional signs	Permitted
SF/22/84	Erection of a 2-storey office extension	Permitted
SF/10/83	Outline - two storey office extension	Permitted
SF/52/82	Extension to existing workshop to be used as covered car parking.	Permitted
SF/51/81	Office (outline)	Permitted
SF/50/81	Retention and use of portacabin	Temporary permission to 30.09.1984
SF/47/80	Renewal SF/3/78 - retention and use of caravan.	Permitted
SF/20/80	Portal framed extension.	Permitted
SF/48/79	2000 petrol tank.	Permitted
SF/45/78	Single storey building.	Permitted
SF/3/78	Renewal of SF/47/74- temporary retention of caravan	Temporary permission
SF/47/74	Temporary retention and use caravan.	Temporary Permission for 3 years
SF/27/74	Erection of building for use for making of wooden fences and gates.	Permitted
SF/78/72	Erection of first floor extension to existing office accommodation.	Permitted
SF/21/72	Temporary retention and use of caravan	Permitted
SF/53/71	Extension of existing workshop including toilets	Permitted
SF/7/70	Renewal of permission for caravan	Permitted
SF/15/69	Proposed erection of warehouse - 50,000 sq.ft.	Refused
SF/4/69	Provision of underground 2000 gall. petroleum storage tank with vent pipe pump and canopy	Permitted
SF/5/68	Renewal of permission for caravan	Permitted
SF/25/65	New offices, toilets and stores after demolition of existing buildings	Permitted
SF/9/63	Proposed permanent positioning of caravan	Permitted
SF/3/63	Renewal for consent for caravan	Temporary Permission for 1 year

SF/47/62	Approval of Reserved Matters SF/31/62	Permitted
SF/31/62	Proposed construction of building for maintenance	Permitted
SF/4/62	Renewal for caravan	Temporary Permission for 1 year
SF/8/61	Site for one caravan	Temporary Permission for 1 year
SF/7/59	Proposed office extension	Permitted

### 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** No objection

##### Initial comments 02 /11/2017:

It is considered that the site has the potential for some employment use given its previous use. There are however concerns with the current illustrative layout due to the volume, bulk and layout. This could be overcome subject to further design work and refining of the parameter plan.

##### Final comments 15/01/2018 (summarised):

The Parameter Plan has been revised as suggested on previous comments and as such is considered to provide enough certainty that a suitable scheme can be put forward taking into account the site constraints to positively guide and control development on a future reserved matters application.

The landscape buffer along the north boundary remains unchanged. The submitted sections shows this buffer currently proposed as 6m wide. Whilst an 8m wide buffer is desirable, it is considered that this can be reviewed subject to the final design at reserved matters stage but nevertheless, the proposed 6m together with appropriate planting and building cladding materials should provide satisfactory screening to views from the nearby public footpaths.

A reduced eaves area has been shown on the parameter plan. The letter that accompanies the application, dated 8<sup>th</sup> December 2017 refers to a maximum height of 8m. Whilst this commitment goes some way to address concerns previously raised, it is still considered that this should refer to maximum eave height of 8m fronting Nowhurst Lane and 6m towards the Quarries Bungalow to reflect the sensitivity of this boundary and neighbouring sites. Alternatively it is recommended that these heights form part of the conditions attached to the decision notice.

I still have concerns on the little amount of landscape proposed within the site and how successful the proposed levels (platforms) and the proposed landscape areas available will be. With regards to the relationship of the proposed levels and existing surroundings, some comfort has been provided that the mitigation proposed (landscape buffer, levels and reduction of building height) is sufficient to overcome the issues initially raised along Nowhurst Lane and the Quarries. Within the Unit 1 area (zone 1 of the development), there are still some concerns over the amount the ground is being raised and how much that will expose the development to view from the surrounding landscape. Having said that, the changes to the proposed ground profile and additional planting along the western boundary



are considered positive and this in conjunction with a suitable cladding material to the building might be sufficient to overcome the negative impact.

An alternative lighting scheme should be provided where the number of columns is reduced to a minimum and the use of lower level lighting such as bollards is explored. The current scheme is considered to result in harm to the countryside location and landscape character. If not provided at this stage, it is recommended that an informative is added to the decision notice of this requirement to inform a future reserved matters application.

**3.3 HDC Ecology Consultant:** No objection

No objection subject to conditions requiring the submission of an Ecological Mitigation and Management Plan, and for all lighting to be installed in accordance with the recommendations set out in the Bat Mitigation Note.

**3.4 HDC Environmental Health Officer (summarised):** No objection subject to conditions

The principal concerns relating to this application are the noise impacts from the introduction of proposed 24 hour use on the amenity of the domestic dwellings in the vicinity of the development to the development site.

Noise

The applicant has submitted an Environmental Noise Assessment prepared by Sharps Redmore dated 4th November 2016 Project No 1616034 which established that the area is extremely quiet at night with background noise levels as low as 22dB.

The reports acknowledge the very low night time background noise levels and that the anticipated peak noise events from night time servicing activities would be significantly above these values. Comparing the background noise levels to the rating level obtained by following the procedures in BS4142 would give an exceedance of the rating level over background of at least 10dB and therefore, following the comments in the standard, this would indicate a significant adverse impact.

At Quarries the predicted peak noise for loading and unloading is given as between 51-55dB which would exceed the measured background by approximately 30dB. At more distant receptors such as Brackensfield and Warrens View the noise levels would be less but still readily discernible above the very low prevailing night time background.

For Smithawe Farm the noise impacts from the car parking areas are also predicted to be marginally below the 45dB<sub>(LA max)</sub> threshold. Again the impact of noise events is not confined purely to loudness of the event and consideration should be given to the impulsive and intermittent character of activity associated with car parks e.g. slamming of car doors, revving of engines etc.

Given the relationship of the residential dwellings to the development site they were not constructed to resist noise from the proposed 24 hour development. The presence of fences and other boundary treatments may not be effective for first floor rooms most commonly used for sleeping or, as here, where the topography places the receptors higher than the noise source.

A further consideration is that the outline nature of the proposal makes it difficult to predict the potential for night time activity and traffic movements with certainty. The pattern of operations modelled in the report may not fully reflect the actual pattern of night time activities at the site. If the frequency of servicing were to increase from that predicted then the impacts would also increase.

The distribution of these noise events is also important. Experience of other sites with extended hours has shown that activity does not occur at regular intervals but tends to

intensify in early morning as drivers seek to avoid congestion or commence long distance journeys and at night when vehicles arrive from distant locations.

Given the tranquil nature of the development site at night, it is considered the noise generated by the proposed development is likely to significantly alter the character of the locality. The nature and character of modelled noise events are such that these will be distinguishable in a manner that is not fully characterised by decibel measurements.

### Lighting

Given the quite rural location of the proposed development the area is subject to very low levels of district brightness at night. The proposal for 24 hour operation will introduce the need for lighting of roads, delivery bays, parking areas and other areas to ensure the site can be used safely. This lighting is likely to be very distinctive in an intrinsically dark rural area.

Any scheme of lighting should have regard to the guidance issued by The Institute of Lighting Professionals, particularly with respect to lighting after 23:00 hours. Lighting mounted at high level may not be acceptable. There are also likely to be other considerations such as ecological impacts that will also need to be taken into account in the design of any lighting scheme.

Limiting the scope of 24 hour operation of the site may help to reduce the impact of lighting installations associated with the proposed development.

### Recommendation

Given the outline nature of the application offering precise comments is difficult however if the application is approved it should be subject to the restrictions set out below:

- The hours of operation for all activities, including deliveries, for units located in zone 2 and 3 should be restricted to 07:00 – 20:00 hours only with no activities permitted on Sunday or public holidays.
- For units in Zone 1 no external activities or operations should be permitted between 23:00 and 07:00 hours or at any time on Sundays or public holidays. No deliveries should be permitted on Sundays or public holidays or after 23:00 hours or before 07:00 hours on any other day

Further conditions requiring the submission of a Noise Management Plan, Construction Environment Management Plan, land contamination assessment, lighting scheme are proposed.

### 3.5 **HDC Conservation Officer (summarised):** Objection

The proposed scheme has been amended in an attempt to address the previously raised concerns. While the amendments do include the reduction in height of the large building to the southern area of the site with other changes to further screen and give the development a more recessive presence along Nowhurst Lane, the development is still considered too intensive. The footprints shown together with the associated infrastructure including a considerable amount of parking space, and access roads, would be at odds with the existing character of the immediate context and the more intensive use of the site would erode the existing tranquil character that can be enjoyed at present.

Further, the positioning of the large, 12m high building to the south of the site would be unduly prominent on the frontage along Nowhurst Lane. The visually discordant addition which would likely be bulky and heavy in its visual massing would sit noticeably higher than

the existing built form at the site and the retention of the existing bunds and planting would be negligible in screening the proposed development.

Therefore, the large unit which would be positioned to the Nowhurst Lane frontage would compete and conflict with scale, character and appearance of the listed buildings and the presence of the building would detract from the rural character and appearance of their setting. The proposal to shoehorn the development tightly into the southern area of the application site would create an overbearing development which would loom over the quiet and tranquil lane frontage and which would encroach on the setting of the heritage assets.

The use of the site has been light industrial and the recessive nature of that use both in terms of the built form and the activity at the site has been such that it has not had an overly intrusive impact on the rural setting; whereas the development proposal would introduce a much more intensive use of the site with huge buildings standing more prominently within the site and its surroundings.

In reviewing the amendments and additional information, it is considered that the scheme would have a less than substantial impact on the setting of the listed buildings and contrary to para 134 of the NPPF, it appears that there would not be any tangible public benefit to the scheme which would offset that harm. Any harm is given significant weight in the planning balance and it is considered that the proposed development would have a permanent and irreversible impact on the rural setting.

Any future use/development of the application site must seek to preserve the low key and recessive nature of the existing built form so to ensure that the setting of the heritage assets is preserved. The rural character one can enjoy at present allows one to understand the historic development and evolution of the setting of the listed buildings and the tranquil character of Nowhurst Lane positively contributes to the significance of the assets and complements their vernacular character and appearance.

### 3.6 **HDC Spatial Planning Officer (summarised):** Comment

The proposal fails to meet policies 3 and 4 of the HDPF as the site is located outside of the built-up area boundary of Horsham and Broadbridge Heath and is not allocated either within the HDPF or a made Neighbourhood Plan.

Policy 7 sets out how the Council seeks to achieve sustainable economic development in the district in the period up to 2031. This includes such measures as redevelopment, regeneration, intensification and smart growth of existing employment sites; and retention of key employment areas for employment uses.

The Council commissioned Nathaniel Lichfield & Partners ('NLP') to provide supplementary economic evidence following the publication of the Inspector's initial findings on the Horsham District Planning Framework (HDPF) Examination. This is in the context of the Northern West Sussex Economic Growth Assessment ('EGA') (dated April 2014) produced by NLP.

The Update Study concluded that the overall future employment floorspace requirements based on meeting the job needs of local workers would require some 53,300m<sup>2</sup> of B class employment floorspace in the District by 2031. The application site was assessed as an employment site in the NLP Study (2014).

It is therefore considered that the proposal would assist in meeting the employment needs of the district and is in accordance with Policy 7 (2) of the HDPF.

Notwithstanding the detailed comments from the Landscape Officer, it is considered that this level of floorspace could be considered acceptable given the self-contained nature of

the site. There are a number of factors to consider here: the application is in outline; the reduction of the maximum building height by 3m to 12m; the reduction in the overall floorspace of the development (from up to 31,016 sqm to 26,942 sqm); and also that the details of the buildings and their siting will be determined at reserved matters stage. Development would need to be well set back from the entrance to the site.

The proposal would create employment opportunities and economic benefits at a time when there is a lack of employment sites in the District. The NW Sussex Economic Growth Assessment (2015 Update) identified a gross need of 5.33 hectares of B Class Employment over the Plan period. In terms of meeting Policy 10, it is not the case that the proposal would be contained within the boundaries of the established rural estate (Policy 10 1(a)). Therefore, for the proposal to meet Policy 10 (1), the case officer must be satisfied that Policy 10 1(b) is met i.e. the development must result in substantial environmental improvement and reduce the impact on the countryside.

It is also considered that the proposal accords with Policy 2 (8) of the HDPF in that it encourages the effective use of land by reusing land that has been previously developed, although admittedly the amount of development proposed exceeds the amount of previously developed land on site.

With regards to Policy 10, while the principle of employment use on site is considered acceptable, the proposal does not meet criterion 1a) as the proposal is not contained within the established boundaries of the rural estate. Therefore, the case officer would need to be satisfied that the proposal met part 1b) of Policy 10 regarding providing substantial environmental improvement. It is considered that careful consideration should be given to the exact siting of the development at reserved matters stage to ensure that Policy 33 (2) is met and that there is no unacceptable harm to the amenity of occupiers/users of nearby properties.

3.7 **HDC Drainage Engineer:** No objection

3.9 **HDC Economic Development Manager:** Support

A key priority of the Economic Strategy is the provision of new commercial floorspace to attract inward investment and support the expansion of existing businesses in the District. There is a lack of freehold and leasehold employment land, with 69% of commercial space built before 1980.

The applicant has submitted an Employment Market Needs Statement. The conclusions set out in the report do correlate with our understanding of the current market and the lack of available sites and premises.

From an economic development perspective, the proposal will provide a good range of commercial units that are essential if we are to address the needs of existing businesses and provide a suitable offer for companies seeking to relocate to the District.

#### OUTSIDE AGENCIES

3.10 **WSCC Highway Authority:** No Objection, subject to conditions and a Legal Agreement to secure a shuttle bus service

Junction Modelling has been provided for a number of local junctions with a future year scenario of 2023, the results of which are accepted and no additional mitigation is required as a result of the proposed development.

Parking will be provided in accordance with WSCC parking standards, The use of B1 land use standards is not proposed as it is related to B1a rather than B1c which is included within the proposals, This is accepted.

### Shuttle Bus

The provision of a shuttle bus was subject to lengthy discussions with the applicant's highway consultant as part of the previous planning application. It should be noted that the Technical Note provided in appendix Y does not appear to have been updated following these discussions however the Transport Assessment includes information regarding pricing mechanisms, service management and time scales for delivery.

### Pricing

It is now proposed to provide a phased pricing structure to staff rather than the previously proposed initial short term reduction. This longer and phased discount period will enable staff to experience additional reductions in cost and encourage usage and reduce the potential for the service failing after any subsidies end. It is considered that the subsidies should apply to each individual unit as it is occupied to ensure staff of each unit receives the maximum incentive to travel using the shuttle bus.

### Review of route options

The note proposes a review of route operation at full occupation of the site. Any revisions to the shuttle service should take place as and when necessary and not be dependent on the full occupation of the site.

### Implementation of shuttle bus

A minimum provision of 1 shuttle bus consisting of 16 passenger seats will be implemented by first occupancy.

### Length of shuttle service

It is considered that the shuttle should run for a minimum of 5 years after the development reaches 50% occupancy, this is to ensure that employees of the site in later phases also benefit from the service. This should provide a critical mass to ensure the long term viability of the service.

### 3.11 WSCC Rights of Way: No objection

No objection subject to a contribution of £70k - £75k for 1km of surface improvements to public footpaths BW1443 & BW1434/1, subject to a specification being agreed with the PROW Team.

### 3.12 **WSCC Flood Risk Management:** No objection

The Flood Risk Assessment/Drainage Strategy included with this application proposes that, attenuation with a restricted discharge to the main river would be used to control the surface water from the development. This would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents. Any discharge to the main river would need to be agreed with the EA.

### 3.13 **Southern Water:** No objection

### 3.12 **Environment Agency:** No objection

### MEMBER CONSULTATIONS

- 3.13 **Councillors Ritchie and Youtan** have requested that this application be determined by Planning Committee.

### PUBLIC CONSULTATIONS

3.14 Slinfold Parish Council (summarised): Objection

Slinfold Parish Council (SPC) is pleased to see that aspects of this application have been revised, and that a number of the amendments go some way to address the concerns that the Council raised in its letter of 27th October 2017, including the removal of the pedestrian access and extension of the bund along Nowhurst Lane, the zoning of the site to limit the height of buildings along Nowhurst lane, and the improved planting.

Following a review of the revised plans, Slinfold Parish Council continues to **object** to the amended application, on the grounds that it remains over-development in an unsustainable site which would cause unacceptable harm to landscape and to visual and other amenities of the locality. The Council is particularly concerned that the proposed Night Time Operating Principles do not provide adequate protection from the harm caused by noise pollution in a quiet and rural area.

The Council continues to hope that it can work with, rather than against, development of this site. In particular, at least the following further mitigations should be included:

- Reduction in the total footprint of the site to less than 20,000m<sup>2</sup>;
- Buildings in Zone 1 (north-western part of the site) to be restricted to 10m maximum ridge height;
- external lighting in all areas to be switched off (not dimmed) outside operating hours, with kerb-level lights, where required for security and safety, controlled by movement-sensitive sensors;
- loading bays to be enclosed (i.e. integral to the buildings) to minimise light and noise spillage;
- skylights and any windows visible from off the site to be fitted with light-sensitive shutters which close as external light levels drop.
- improvement to the “Night Time Operating Principles”, in particular to: strictly limit hours of operation to those in the existing permissions; prevent any operations, including internal operations, in any zone during the night; re-draft the principles to make it clear that any form of noisy operation anywhere on the site at night is not acceptable.
- further expansion of the landscape buffer on the north-western boundary, which would be facilitated by the smaller footprint suggested;
- expansion of the landscaping on the north-north-western boundary (car park for Unit 1) to include the Woodland Buffer Mix proposed elsewhere on the site;
- camouflage i.e. painting or cladding of the buildings (especially those visible from a distance) to reduce their visual impact;
- a report from a Conservation Officer i.e. which involves a full review of the latest plans and a site visit which studies all aspects of the site to include neighbouring properties and businesses and the surrounding countryside;
- further mitigation to ensure that the visual impact of such a large-scale development is mitigated from all surrounding sight lines.
- security gates at the entrance from the roundabout, with 24-hour security presence and access control.
- commitment to an Industrial Liaison Committee (site owner, representatives of tenants, Parish Council etc.)

Initial consultation:

3.15 15 letters from 12 households have been received, objecting to the proposed development on the following grounds:

- Loss of very rare local resource to feed profits of developer
- Loss of one of the scarce historical, environmentally attractive countryside sites near Horsham available to the public because of the public footpaths and bridleways

- Units at the Lawson Hunt industrial park a mile away are immediately let, therefore there is a viable alternative to this site
- There is no clear evidence of demand for these units when there is plenty of available and better located units in the district
- The site has no history of intensive commercial use
- Overdevelopment of the site
- Smaller units for local business more in keeping with the surrounds would be more acceptable
- The site is not all brownfield
- Insufficient labour in the local area to sustain the units. The local area has virtually full employment with 2.3% of Slinfold residents unemployed- in real terms 36 persons
- Insufficient affordable housing for employees
- The changes from the previous application are minor
- Contrary to the HDC Framework, particularly the policies affecting the balance between urban development and the countryside
- Scale of buildings harmful to Nowhurst Lane and surrounding landscape, including the old drovers' route along the 'literary trail' (footpath 1443)
- 12m high buildings are still too large
- Buildings along Nowhurst Lane and the south west boundary should be no higher than a two storey building
- The bund and hedge will not screen for 7 months of the year
- The proposals would not result in environmental improvement
- Damage to local wildlife including protected species
- No ecological mitigation and enhancements are proposed
- Harm to setting of listed buildings
- The dereliction of the site has all occurred since the developer abandoned it
- Existing employment use of the site would result in more employment opportunities than the proposal
- The biggest buildings are located on the highest part of the site
- The tens of thousands spent by HDC over the last 25 years (in particular 1997-2005) protecting the integrity of this site will be thrown away
- Fails to respect the heritage, natural and recreational facilities of Nowhurst Lane and surroundings
- The application is riddled with inaccuracies and spin
- Conditions attached to SF/65/03 and SF/67/03 and the two 2005 s106 agreements should be repeated
- Insufficient transport infrastructure
- Substantial increase in commuter traffic
- There is no sustainable transport access to the site
- Increased noise and pollution from the extra vehicular movements
- HGV s have not been considered in the assessments
- No studies of transport impact have been undertaken
- A shuttle bus is a sop suggestion
- The road and roundabout access is unsuitable
- Use of Nowhurst Lane by commuters
- Increase noise from vehicles and operations harmful to neighbouring amenity
- Noise environment is currently very quiet
- The proposals would double daytime noise and quadruple night time noise levels at Camelia House which the WHO classes as 'severe'
- Residents should not have to keep windows closed as the noise report states
- No hours of operation would result in noise and lighting harm
- Public danger and security risks. No site security is proposed
- The pedestrian link to Nowhurst Lane should not allow motorcycle access
- No reason for the footpath link to be included

- Any windows facing the Girl Guide camp site must be obscurely glazed

1 letter has been received, supporting the proposed development.

Following amendments and re-consultation:

- 3.16 An additional 10 letters from 9 of the households who initially responded have been received, objecting to the proposed development on the following grounds:
- Overdevelopment in an unsustainable location contrary to HDCs strategy for growth
  - The development would be better located where there is sustainable infrastructure and a local population
  - Excessive scale of development out of proportion to the site
  - A business park has been agreed as part of the North Horsham development
  - Lower buildings with a 7.5m height should be sought
  - Impact on surrounding landscape
  - Loss of privacy and overshadowing
  - Impact on the Guide Camp
  - Doubling of daytime and quadrupling of night time noise
  - No night time operations should be permitted, with day time operations limited as existing
  - The 'Night Time Operating Principles' document is inadequate
  - No need for more industrial units, there are a number of existing employment sites available
  - The 2014 EGA states there is falling demand for industrial units
  - There is no detail on HGV movements and volumes
  - Increased traffic flows
  - The roundabout access should be enlarged
  - Highway safety hazard being close to a school and guiding campsite
  - Brownfield land should be used first
  - There is no guarantee of a buffer between the business park and The Cowshed
  - Impact of hours, lighting and noise on amenity and wildlife
  - All activities should be within buildings
  - There should be no pedestrian access into the estate
  - Impact on the bridleway of Nowhurst Lane which forms part of the Sussex literary trail
  - The warehouses remain greater in height than necessary
  - 15 years is too long to wait for planting to screen the site, with 70% of the proposed trees to be 'starter' plants
  - Any new fence should be sound absorbent as with the existing
  - No details on site security- there should be 24 hour manned security with a controlled entrance
  - No benefit to the local community or economy of surrounding settlements including Slinfold
  - Harm to listed buildings
  - Most of the site is not brownfield
  - No contribution towards climate change mitigation
  - Increased energy and water use
  - Flood risk to adjacent properties not addressed

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

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



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

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

## 6. PLANNING ASSESSMENTS

- 6.1 The main considerations material to this planning application relate to:

- The principle of development
- The Council's employment floorspace needs
- The re-use of previously developed land
- The landscape and visual impact of the development
- The suitability of the access arrangements
- The impact on the setting of designated heritage assets
- The impact on the amenities of surrounding occupiers
- Ecology implications
- Drainage and flood risk
- Other matters, including land contamination

### Principle of Development

- 6.2 The HDPF sets out the strategy for growth within the District to 2031. Policy 2 sets out the core aim of the strategy, which is to: *"To maintain the District's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and sustainable access to services and local employment"*. In order to achieve this, Policy 2 seeks to, amongst other provisions, focus development within Horsham town and allow for growth in the rest of the district in accordance with the identified settlement hierarchy, whilst encouraging the effective use of land by reusing land that has been previously developed. Policy 3 then provides a settlement hierarchy to guide the appropriate scale of development within the various settlements within the District. However, this site is not within a settlement, and therefore, Policy 3 is not applicable.
- 6.3 Policy 4 sets out the circumstances in which new development outside of the defined built-up area boundaries of the towns and villages within the district will be acceptable. Principally, Policy 4(1) requires the site to be allocated for development within a Local Plan or a made Neighbourhood Plan. At the time of the previous refusal (June 2017) the Regulation 14 draft Slinfold NP allocated Nowhurst Business Park for an employment-led mixed use development. The NP had not though been through Examination or Referendum therefore this draft allocation held very little weight as a material consideration. Since the refusal of the previous scheme, the draft Slinfold NP has been through Regulation 16 consultation and has progressed to examination stage, with the site removed entirely from allocation. The submission NP at paragraph 6.3 explains the removal of the site from allocation as follows:
- 'The District Council has advised SPC that Nowhurst Business Park is considered to be a strategic employment site, i.e the provision of business use on this land would offer more than local employment provision. HDC has advised that Officers intend to recommend the allocation of Nowhurst Business Park for employment use in the Site Allocation DPD (and/or a review of the Local Plan). For these reasons, SPC has agreed the future of the site is best considered through a District level Development Plan Document.'
- 6.4 This text is repeated within the supporting Sustainability Appraisal at paragraph 5.9. No representations were received at Regulation 16 consultation stage relating to the omission of Nowhurst Business Park from the Plan, or to its potential subsequent allocation within the HDPF at early review. The early review of the HDPF is scheduled to commence by the end of 2018 and to date no detailed employment site allocations document has been

produced for public consultation. Consequently very limited weight can be attributed at this stage to the draft Slinfold NP, or to the Site Allocations SPD which has yet to be drafted. Nevertheless, the above information sets out a direction of travel which has been corroborated within the comments from Spatial Planning officers, namely that subject to the outcome of public consultation part or all of Nowhurst Business Park could be strategically allocated for employment development. Notwithstanding this direction of travel, the application site as a point of fact is not allocated within the HDPF or a made Neighbourhood Plan therefore its development falls contrary with Policy 4.

- 6.5 In such incidences Policy 26 alternatively allows for appropriate development outside the defined settlement boundaries provided such development is essential to its countryside location and would either support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste; or provide for quiet information recreation; or enable the sustainable development of rural areas. The proposed development of B1c, B2 & B8 units cannot by its very nature be said to be essential to its countryside location therefore the proposal does not accord with the alternative provisions of Policy 26.
- 6.6 The Council's economic development policies are set out in Chapter 5 of the HDPF. This chapter acknowledges that there is a shortage of employment floorspace to meet the future needs in the district over the plan period. The extent of this under-supply has been examined in more detail in the recent update to the Northern West Sussex Economic Growth Assessment (EGA) and found to equate to around 53,300sqm net of employment floorspace, and up to 125,000sqm gross floorspace. The strategy to address this shortfall is set out in Policy 7 (Strategic Policy: Economic Growth) and includes the allocation of additional employment sites (Policy 7, parts 7 & 9) which would be achieved through the early review of the HDPF and through Neighbourhood Plans. This was confirmed as being a sound approach by the HDPF Examining Inspector, who considered there to be sufficient sites to meet current foreseeable demand in the meantime.
- 6.7 The above strategy remains applicable to this current application, and the site remains unallocated for employment development. However, the southern part of the site (approximately 3.1ha) is in lawful industrial use and as such constitutes an existing employment site. Policy 7(2) supports the redevelopment, regeneration, intensification and smart growth of existing employment sites as part of the wider strategy to meet the employment needs of the district through the plan period. The Certificate of Lawfulness granted in 2009 (DC/07/1913) confirms that a rectangular parcel of the site extending north from the Nowhurst Lane boundary can lawfully operate as a civil engineering depot, whilst aerial photographs show hardstandings and a further industrial building to the north, east and west of this area. This area broadly correlates with zones 2 & 3 on the submitted parameters plan, and is considered to comprise previously developed land under the HDPF and NPPF definitions. Historic aerial photographs also indicate some activity on the land to the north (within zone 1) however there is no remaining evidence of this onsite other than an uneven, broken and partially engineered landform that hints at previous activity and disturbance. . As such the area within zone 1 is not considered previously developed within the HDPF and NPPF definitions.
- 6.8 On the basis of the above it is considered that the principle of developing the southern part of the site can be accepted under Policy 7(2) as it would amount to the redevelopment, regeneration and intensification of an existing employment site using previously developed land. The acceptability of such development would though be subject to all other material considerations as detailed below. The remaining part of the site, equivalent to broadly zone 1 on the parameters plan at 3.5ha (approximately 53% of the 'development area' detailed on the parameters plan), does not constitute previously developed land or current employment land therefore its development would not be supported under Policies 2, 4 and 7.

- 6.9 In such circumstances Policy 10 allows for some rural economic development to generate local employment opportunities and economic, social and environmental benefits for local communities. Such development must though be 'appropriate to the countryside location' and must 'contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside'. It has not been demonstrated how this outline proposal for large scale B1c, B2 and B8 uses on this part of the site is 'appropriate to the countryside location' therefore development outside of the existing industrial part of the site is not supported by Policy 10.
- 6.10 Accordingly, whilst some redevelopment of the site can be supported in principle under Policy 7, the expansion of the site onto previously undeveloped countryside land would conflict with the HDPF strategy for growth set out in Policies 2 and 4, and Policies 10 and 26 which seek to protect the countryside from inappropriate development. This conflict with an up-to-date development plan which contains a suitable strategy to address the identified shortfall in employment land in the district through the Plan period, weighs considerably against the grant of planning permission.

#### Proposed uses and employment generation

- 6.11 The application is supported by an Employment Market and Needs Statement (dated September 2016) which sets out current demand and availability of B1c, B2 and B8 premises both within Horsham District and the wider Gatwick Diamond region. It identifies there to be just 7,500sqm of B1c, B2 and B8 availability in the district amounting to just over one year's supply, with limited available developable land. Much of this existing stock is identified as being of poor quality. Within the wider Gatwick Diamond region the report identifies there to be less than one year's supply of B1c, B2 and B8 accommodation, with 1.3 years supply if all potential sites in the region are developed out. The report also refers to projected demand in the event a second runway is built at Gatwick Airport, however as such infrastructure has not been confirmed this carries very little weight at this stage. Nevertheless, the report, undertaken by an established real estate advisor (Vail Williams), identifies a significant shortage of employment space both in the district and within the Gatwick Diamond region resulting in difficulties for existing business to expand or re-locate locally, and for new employers to come into the region. Examples of a number of un-named business and their floorspace needs are set out in the report. Based on these circumstances the report anticipates a strong pre-let interest from significant regional occupiers in the event the site is developed.
- 6.12 The Council's Economic Development officers have advised that the findings of the Employment Market and Needs Statement correlate with their understanding of the current market and the lack of available sites and premises. A key priority of the Council's Economic Strategy is the provision of new commercial floorspace to attract inward investment and support the expansion of existing businesses in the District. To this end the Council's Economic Development officers have advised that the proposal will provide a good range of commercial units that are essential to address the needs of existing businesses and provide a suitable offer for companies seeking to relocate to the District.
- 6.13 It is acknowledged that the 2014 EGA and 2015 update both set out that employment and net floorspace in manufacturing (B1c/B2) is scheduled to fall during the plan period in all scenarios. Nevertheless the 2014 EGA calculates there to be a requirement for 178,000sqm or 36.3ha of gross B-use class floorspace by 2031, of which it states the majority would relate to industrial (B1c/B2/B8 uses). This figure rises to 218,000sqm or 43.4ha of gross B-use class floorspace in the higher growth scenario (EGA, para.7.38). These figures remain broadly the same in the 2015 EGA update. The site allocation at North Horsham includes a business park of up to 46,426sqm of B1-use class floorspace which would help meet a significant proportion of this identified need. However, this application proposes B1c/B2/B8 floorspace instead which is in the main a different offer to

the North Horsham business park and as such in tandem would help to meet the wider need for B-class floorspace generally.

- 6.14 The early review of the HDPF is anticipated to be seeking to provide for in the region of 30ha of employment land through to 2031 based on the above studies, of which approximately 6.6ha of developable land within this site would provide a significant contribution. Furthermore, the proposal would provide for a qualitative benefit in providing new modern employment floorspace in a district where just 9% of its industrial stock was built after 1990 (EGA, p55). The proposal would therefore provide for a significant quantum of development to help meet the employment land needs of the district, both on a quantitative and qualitative basis.
- 6.15 In terms of employment numbers the application form states the development would generate 385 full-time jobs. However, given the application is outline with no identified end users and any mix of B1c, B2 and B8 uses likely to come forward, predicting precise employment number is difficult. Using the Government's Employment Density Guide (HCA, 2015), the development would potentially generate between 337 and 722 full-time equivalent jobs in the event of 100% B8 or 100% B2 use. The applicant has offered to limit the total B1c/B2 floorspace within the development to no more than 13,471sqm (50% of the total floorspace) to help address concerns over the sustainability of the site in transport terms. Based on this offer, the development could potentially generate between 460 and 550 full-time equivalent jobs using the above density guide. This level of potential employment generation, set against the backdrop of limited employment floorspace availability in both Horsham District and the wider Gatwick Diamond region for both new and existing businesses in the district to expand into, is a material consideration that weighs considerably in favour of development.

#### **Landscape and Visual Impact**

- 6.16 Policy 25 seeks to protect the landscape character of the District (which includes both the landscape and development pattern) against inappropriate development. It states that development will be supported which protect, conserve and enhance the landscape and townscape character, taking into account individual settlement characteristics. Policies 32 and 33 relate to the quality and design of new development in the District, requiring new development to conserve and enhance the natural and built environment by making efficient use of land whilst respecting any constraints that exist, ensure that development relates sympathetically with the built surroundings and landscape, are locally distinctive in character, and respects the character of surrounding areas.
- 6.17 The site itself has limited landscape value, on account of part being previously developed and the bunds at the site having an engineered appearance. As such, and as recognised with the previously refused scheme, there is scope for some development at the site without causing a harmful impact on landscape and the character of the area. The existing buildings at the site are small in scale and relatively unobtrusive in views from the public realm, and the decision notice of Certificate of Lawfulness DC/07/1913 clarified that there are restrictions on the height at which materials and vehicles can be stored externally (varying from between 2m and 3.5m for different parts of the site). Nevertheless where seen the site is of a poor overall appearance comprising low quality buildings with large areas of untidy outside storage, all unsympathetic to its countryside location. Whilst development of this part of the site would serve to improve its appearance, consideration must be given to the likely impact of the proposed overall increase in the quantum of development at the site on landscape character and visual amenity, with reference to the illustrative material and the parameter plans submitted with the application.
- 6.18 There are three main components to the site's surroundings, the site frontage to the A281 Guildford Road, the boundary with Nowhurst Lane, and the boundary with the open countryside to the north and west. The majority of the site is set well back from the A281 Guildford Road, with the access road, which is flanked by 7m high bunds, extending 200m

into the site before turning ninety degrees south towards the current developed part of the site. The majority of the site is therefore well screened from the A281 Guildford Road, with no structures or other activities on the site visible. Although the formalised site access clearly indicates the presence of a commercial use within the site, the absence of any visible activity helps it retain a semi-rural character. The parameter plan, as revised, excludes the existing bunds either side of the access road from the 'development plot', thereby ensuring that both the bunds and the semi-rural character of this part of the site is retained. Whilst the indicative site layout show that the northern part of any building and associated infrastructure within zone 1 would be visible, at a setback of broadly 300m and largely disguised by the existing bunds, any impact would be of limited harm to the rural character of this part of the A281 Guildford Road.

- 6.19 In terms of the boundary with the open countryside to the north and west, the site sits in an elevated position in relation to the countryside beyond these boundaries, offering views of up to 500m across the river valley to the northwest in particular. Existing pockets of dense woodland outside the site provide some level of screening, restricting views back into the site from the public right of way that runs parallel with the western site boundary at a 200m separation. Nevertheless the site is visible in the wider landscape setting, with the northwestern vantage point on the public footpath providing a view down the length of the site towards Nowhurst Lane.
- 6.20 The existing development beyond the northern and western site boundaries is small scale and limited in extent, and therefore has a minimal impact on landscape character when viewed from the site and public footpath. The proposal to construct nearly 27,000sqm of commercial floorspace would therefore have the potential to significantly intrude into this countryside setting, and the previous scheme was refused on this basis.
- 6.21 The current proposal has sought to address these concerns by reducing the maximum height of the buildings from 15m to 12m, and by increasing the landscape buffers to now include additional evergreen species characteristic of the area. The general footprint of the buildings on the indicative site layouts remains broadly the same though, and would amount to a significant quantum of development. The scale of buildings in terms of both height and width/depth would continue to be significantly at odds with the rural character of the area and, although part disguised by existing pockets of woodland, would be highly visible in views from the northwest until any buffer planting has matured. To address this impact the buffer now proposed to the western site boundary has been increased in depth from 15m to 20m at its narrowest point, and amended to include a greater proportion of evergreen Scots Pine trees. The proposed embankment along the western boundary has also been re-graded to provide for some tree planting at the same level as the buildings, rather than entirely on the lower slope as previous. The new indicative landscape section drawings (G0271\_14E) illustrate the new buffer planting on this boundary relative to a building with a 10m high eaves, including planting sizes and growth rates for the proposed tree mix. The accompanying tree schedule details a mix of Sycamore, Maple, Horse Chestnut and Oak trees alongside the Scots Pines, to be planted in the main at 2.5m-4m heights. After year 1 the larger trees would be at similar heights to when planted, at year 5 they would be up to 7m in height, at year 10 up to 9.5m in height, and at year 15 up to 12m in height, maturing thereafter at up to 40m in height.
- 6.22 Overall, the revisions to the landscaping and the lowering of the proposed building heights helps to demonstrate that the proposed buffer planting would be capable of screening a large part of the buildings within 10 years, and entirely screen the buildings from 15 years. This represents a significant improvement on the previous proposals, where the buffer planting even at 15 years would have not screened the buildings. Whilst the use of buffer screening cannot always be relied on to permanently screen development, in this instance the screening would be dense at 20-24m and would blend in with the pockets of woodland that already part screen the site in views from the north and west. Further measures can be secured at reserved matters stage to ensure the finishes to the elevations fronting the site

boundaries suitably blend in with the vegetation. In the event permission is granted a legal agreement and conditions would secure the installation of the buffers prior to the commencement of any building works, with a 25 year management and maintenance plan to secure their retention to full maturity. This would ensure their screening takes effect as early as possible in the timeframe of the development, and is retained to highest quality thereafter.

- 6.23 The site also has a strong relationship with Nowhurst Lane, which is a quiet rural lane and public bridleway abutting the southern boundary of the site. Nowhurst Lane is characterised by scattered cottages and former farm buildings to the northern side and woodland to the southern side, with a campsite beyond. The existing boundary of the site with Nowhurst Lane comprises timber fencing set in part hard on the roadway.
- 6.24 The small scale of the existing buildings within the site (approximately 6m to ridge) mean that the existing commercial use is relatively unobtrusive when viewed from Nowhurst Lane and, aside from the fencing, does not detract significantly from the rural character of the area. Concerns were raised previously with the scale and proximity of the proposed buildings to Nowhurst Lane which were considered to have an urbanising effect on the rural character of the lane. This application has sought to address these concerns by reducing the height of the buildings on this part of the site, and improving the landscape buffer to Nowhurst Lane. A 'Reduced Eaves Height Zone' is now included on the parameters plan within which the eaves of any building would not exceed 8m, a reduction from the potential 13m high building proposed under the previous application. In addition, the site boundary treatment to Nowhurst Lane has been amended, with the boundary fence now to be recessed by 6m and positioned atop a landscaped bund, with tree and shrub planting to the front and rear. This would serve to both near fully screen the development within the first five years of planting, and soften the current hard fence boundary with Nowhurst Lane improving the rural character of the lane. Whilst any building would still be visible in glimpses through the landscape buffer, the planting would serve to significantly reduce its dominance on Nowhurst Lane, and reduce any harmful urbanising effect.
- 6.25 Whilst the scale of the development is capable of being mitigated by way of the above height restrictions and landscape buffer screening, concern remains at the potential impact of artificial lighting and noise on the rural character of the surrounding countryside. The area is currently tranquil and rural in character and Nowhurst Lane is unlit, thereby making it highly vulnerable to noise and light pollution. The application as submitted proposed 24 hour operation across the site which would have resulted in significant noise and light pollution into the otherwise tranquil countryside surrounds of the site. Following concerns over noise impact on adjacent residents (discussed further below) the applicant has subsequently agreed to restrict all external activity within zone 1 to between 7am and 11pm, and to between 7am and 8pm within zones 2 and 3, with no activity within these zones on Sundays or public holidays. .
- 6.26 The main sensitivity is with regard night-time operations, which currently are restricted from 7pm onwards. Night time operations would have associated impacts including the need for external lighting of car parks for safety and security, and noise transference from both outside and potentially inside activities. Given the rural character of the site's surroundings, it would be necessary to ensure that any noise and external lighting, including any light spillage from within buildings, does not add to the urbanising impact of the development and harm the quiet rural character of Nowhurst Lane and views of the site from the wider countryside to the north and west. It is relevant to note that previous application SF/71/99 for the installation of six floodlights of between 7.6m and 8.2m in height around the area of existing buildings was refused for reasons relating to harm to the rural character and visual amenities of the area, and that planning permission SF/60/89 was permitted subject to a condition preventing the installation of external lighting without the prior approval of the LPA. It is also relevant to note the noise report submitted with the application details the

existing background noise levels around the site to be as low as 22db, creating an environment highly sensitive to noise from industrial activities.

- 6.27 To help address concerns previously raised over light spillage, the applicant has submitted an indicative lighting scheme and accompanying technical report. The scheme, following further revisions, details 6m lighting columns to the access road and loading areas, and bollard lighting to the car parks, all of which would be light sensitive, operate with minimal light spillage, and be dimmed or switched off outside of operating hours. This indicative scheme, combined with the agreed hours of operation across the site, would help ensure that both noise and light pollution to the surrounding countryside would be kept to a minimum, and would not likely be so intrusive as to warrant the withholding of permission. Conditions are recommended to secure final details of the lighting scheme, require all non-emergency lighting to be switched off outside of working hours, and for a Noise Management Plan to be submitted to ensure the countryside is suitably protected in the longer term. The Noise Management Plan would be expected to be a comprehensive and detailed document that would significantly build on the submitted Night Time Operating Principles document to cover all site operations, including details on how noise from vehicles would be controlled (loading bay management and reversing alarms etc), how the buildings would be laid out and if appropriate insulated to reduce noise spillage, and how noise complaints will be reported and handled. The appearance of the buildings is a Reserved Matter therefore it is appropriate that means to restrict light spillage from the buildings is addressed at this stage once the final design proposals have been submitted.
- 6.28 The Council's Landscape Architect has advised that the amendments to the scheme have largely addressed her previous concerns, with the revised parameters plan, revised buffer landscaping and reduced building heights sufficient to demonstrate that the harmful impacts of the development are capable of being suitably mitigated. The Landscape Architect retains some concern at the 8m eaves height fronting Nowhurst Lane, preferring a 6m eaves at this point, and has identified that an 8m buffer bund to the northern boundary would be preferred to the current 6m buffer. Further concern is raised at the lack of space within the indicative layout plans for landscaping within the site. Whilst these concerns are noted, it is considered that the final layout and landscaping proposals at Reserved Matters stage can address the buffer and landscaping matters. In respect of the 8m eaves zone, given the minimum 12m setback of the buildings from Nowhurst Lane behind a new bund and tree planting, it is considered that an 8m eaves at this point would not be significantly intrusive on the rural character of Nowhurst Lane, with the overall arrangement at this boundary representing an improvement on the existing.
- 6.29 For these reasons, and subject to the recommended conditions, it has now been demonstrated that the quantum of development can be suitably mitigated to ensure it would not have an adverse impact on the wider landscape character of the site, in accordance with Policies 25, 32 & 33 of the HDPF.

#### **Heritage Impact**

- 6.30 Policy 34 requires, amongst other provisions, development to reinforce the special character of the district's historic environment through appropriate siting, scale, form and design, and retain and improve the setting of heritage assets.
- 6.31 There are three listed buildings in the vicinity of the site, Smithawe Farm and Old Strood to the south of the site fronting Nowhurst Lane, and Farlington School to the east on the opposite side of the A281. All three are grade II listed. The Conservation Officer has noted the reduction in height of the buildings across the site from previous (from 15m to 12m) and the improvements to the Nowhurst Lane site boundary, but nevertheless maintains an objection that the intensive use of the site would erode the tranquil character of area, with the building heights along Nowhurst Lane remaining unduly prominent compared to existing. In particular, the building which the indicative plans show would be

positioned to the Nowhurst Lane frontage would compete and conflict with the scale, character and appearance of the listed buildings and would detract from the rural character and appearance of their setting. Such harm to the setting of these listed buildings is considered to be 'less than substantial' which paragraph 134 of the NPPF advises must be balanced against the public benefits of the proposal.

- 6.32 From the site visit it was noted that the existing buildings within the site are unobtrusive, being barely visible from Nowhurst Lane and not imposing on the setting of Smithawe Farm and Old Strood. In views from the east, these buildings are set against a backdrop of a 5m high bund with woodland planting. This bund and planting sits between the listed buildings and the proposed buildings within the site, albeit with part of the bund to be removed to create a greater level site area for the development. Nevertheless, the main part of the bund and the existing trees set on it would remain and be sufficient to screen the proposed buildings from immediate views of Smithawe Farm. This is supported by wire-line visuals within the Landscape and Visual Appraisal which show the proposed buildings, which are set at an indicative separation of 50m from the listed building itself and 28m to the boundary of the site, to be of low impact.
- 6.33 In approaches along Nowhurst Lane from the west the fenced boundary of the site sits hard on the roadside and somewhat intrudes on the approach to these two listed buildings. As originally proposed the buildings adjacent to this boundary would have been up to 10m at eaves level and 12m overall, potentially looming over Nowhurst Lane and intruding significantly on the setting of the listed buildings. The 'Reduced Eaves Height Zone' now detailed on the parameters plan would reduce the eaves to 8m at this point, still above the approximate 6m height of the existing building that abuts the southern site boundary with Nowhurst Lane. The indicative layout shows the proposed building inset further from the boundary than the existing building by between 12m and 27m, with the fenceline to be inset behind new boundary planting set on top of a new bund. Section drawings have also been provided setting out the height relationship with Nowhurst Lane and Smithawe Farm based on an 8m eaves. Overall, whilst the buildings would be visible when approaching the listed buildings from the west, inset position of the building with planting and a bund in between, and lower 8m eaves height, is sufficient to avoid the building having a significantly imposing impact, particularly once the planting has matured. Nevertheless the presence of the buildings and their scale would be appreciable and would intrude somewhat into the setting of Smithawe Farm in particular. This represents 'less than substantial harm' as advised by the Conservation Officer however in this instance it is considered that there are significant and tangible public benefits to be derived from the employment provision to outweigh this harm, particularly considering the separations and landscape buffers being proposed.
- 6.34 The Conservation Officer has referenced the importance of the open fields to the north of Smithawe Farm and Old Strood which provided their original setting and function. However, this relationship has been lost by virtue of considerable tree growth to the rear of these buildings and the bund that separates them from the application site. As such, whilst originally farmhouses, there is little remaining visible relationship between them and the fields to the north such that the development of this site with industrial units would sever this relationship to the detriment of their setting. The Conservation officer does not identify any harm to the setting of Farlington School which is agreed given its separation from the site across the A281.
- 6.35 For these reasons the proposed amendments to include a reduced eaves height along Nowhurst Lane, improved buffer landscaping along the southern boundary, and the separation between the nearest industrial units shown on the indicative layouts from the listed buildings, is such that the harm to their setting has been sufficiently reduced such that it is now outweighed by the public benefit to be provided by the employment provision of circa 26,000sqm of industrial floorspace. This conclusion has been reached applying great weight to the statutory provision within s66 of the Town and Country (Listed Buildings and



Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting in decision making.

### **Impact on Neighbouring Residents**

- 6.36 The site is adjacent to residential properties fronting Nowhurst Lane, the nearest being Quarries (to the west), and The Cowshed and Smithawe Farm (to the east). Further properties are located at a greater distance to the east, southwest, and north (including Brackensfield Farm, Brookhurst Farm and Farlington Lodge), whilst there is a campsite south of Nowhurst Lane operated by the Guide Association. The previous application was refused in part on the grounds that it had not been suitably demonstrated that the amount of development combined with the proposed hours of operation and associated lighting would not harm the amenities of adjacent occupiers. The Applicant has submitted an Environmental Noise Assessment in support of their application which has been updated from that submitted previously to reflect the revised indicative layouts and increased boundary landscaping.
- 6.37 The Environmental Noise Assessment demonstrates that night time background noise levels around the site are currently very low at 22dB, particularly on Nowhurst Lane. This creates an environment in and around the site that is highly sensitive to noise disturbance. The Assessment calculates that activities at the site could increase this up to 48dB at Quarries, with maximum levels up to 55db as vehicles arrive, unload and depart (based on one vehicle per hour). At night time this would be attenuated by approximately 12db by way of an open window, with further attenuation possible from the boundary fence and proposed planting. The Assessment quotes British Standard guidance, which states that a difference of about plus 10dB or more between anticipated noise levels and background levels is likely to be an indication of a 'significant' adverse impact, depending on the context. The Report also advises that changes of 10dB are equivalent to a doubling of loudness. Consequently, even taking into consideration attenuation derived from the site's context, noise from the site would be significantly greater than 10db above background levels at night.
- 6.38 The Council's Environmental Health officer has considered the report findings in the context of British Standards and World Health Organisation standards and has raised significant concerns over night time noise intrusion to all properties around the site to varying degrees, noting that the impact of noise events is not confined purely to the loudness of the noise event as consideration should be given to the impulsive and intermittent character of activity associated with car parks and loading bays such as the slamming of card doors, reversing alarms and revving of engines.
- 6.39 In assessing the impact of the proposed development on neighbouring residents, it is relevant to consider the planning history of the site, as many previous planning permissions included restrictive conditions to protect the amenity of neighbouring residents in recognition of the noisy activities generated by previous uses such as the civil engineering depot and vehicle repair. The Certificate of Lawfulness granted under DC/07/1913 clarified that the use of most buildings at the site is restricted to the hours of 0700-1900 Mondays-Fridays, 0800-1700 Saturdays and at no time on a Sunday or Bank Holiday, with further restrictions on an external training area of 08.30-16.30 Mondays to Fridays and at no time on Saturdays, Sundays or public holidays. These restrictive operating hours, coupled with the very low existing background noise levels established by the Applicant's noise report, indicates that the existing use of the site has a limited impact on existing nearby residential dwellings, particularly at night. It is important to note that whilst the existing noise levels during the daytime are low, this is as a result of many of the lawful uses on the site having ceased or reduced in intensity. Under the current lawful use of the site there is the potential for the site to operate with a significantly greater intensity during the daytime such that identifying harm from daytime operations within the proposed development would be difficult. This does not however extend to night time operation where the site is effectively silent.

- 6.40 In light of the Applicant's noise assessment, and considering the very low background noise levels around the site, the Council's Environmental Health officer (EHO) does not support 24 hour operation on the site as originally proposed. Rather, the EHO has advised that conditions should be applied to any permission restricting all activities within zones 2 and 3 to 7am to 8pm only, with no activity on Sundays or public holidays. For zone 1, the zone furthest away from Nowhurst Lane and other surrounding properties, the recommendation is to restrict all external activities, including deliveries and dispatches, to between 7am and 11pm with no activity on Sundays or public holidays. A further condition is recommended requiring the submission of a Noise Management Plan to help reduce impacts further. The provision of such a Plan is important at this stage given the outline nature of the application with little detail on the final layout, building design and appearance, or intended occupiers. The Plan would be expected to cover all aspects of noise generation, both within and external to the units, including from delivery vehicles and their associated reversing alarms etc.
- 6.41 Overall, given the existing lawful use of the southern part of the site adjacent to Quarries and Nowhurst Lane, and the very quiet night time background noise levels, it is considered that the above restrictions are necessary to protect the amenities of all surrounding occupiers. Whilst the proposed restrictions allow an extra hour of operation in the evening within zones 2 & 3 beyond that currently restricted, it is not considered that this additional hour to 8pm would be significantly harmful to neighbouring amenity beyond the current 7pm restriction given that the majority of activity would be within buildings rather than in the open as current. Longer operational hours are feasible within zone 1 on the basis of its separation from residential occupiers, with the buildings in zones 2 & 3 in particular providing an acoustic buffer to Quarries. The applicant has agreed to these restrictions, subject to some relaxation to allow operations to take place on Sundays and public holidays within zone 1 between 8am and 1pm. On balance, and subject to the measures within the Noise Management Plan being secured, it is considered that some limited operation to the outer zone 1 can be supported on these days, with any impact on the amenities of residents and the wider countryside being limited.
- 6.42 In terms of lighting impact, similar conditions can be applied to ensure all lighting is switched off outside of the above operating hours, as any lighting within the car parks and along the access road would potentially cause disturbance to residents as well as the wider countryside.
- 6.43 In terms of the impact of the indicative layouts and scale and proximity of buildings on existing residents, it is considered that sufficient evidence has been submitted to demonstrate that any impact would not now be significant or harmful as to warrant the withholding of permission. The indicative layout shows a suitable separation of 29m from Quarries to the nearest zone 3 buildings (22m from the site boundary), with the existing acoustic fence, mature evergreen trees (within the curtilage of Quarries) and proposed planting buffer providing suitable screening to buildings that are restricted to a maximum 8m eaves. Such an arrangement would not appreciably enclose outlook, reduce light or otherwise unduly impose on Quarries, including on its bedroom window that faces the site boundary. This is a significant improvement on the larger buildings of up to 13m in height previously proposed, which were set slightly closer (approximately 2m) to Quarries than now proposed. Similarly, suitable separation of 50m is retained across the existing landscaped bund to Smithawe Farm and The Cowshed to the east (28m to the site boundary) to ensure that the reduced height and overall scale of any building would not be unduly imposing on light or outlook. In respect of the other properties to the east and north, no impact on light or outlook is likely given the significant separations to the site and the presence of existing bunds and boundary landscaping.
- 6.44 For these reasons it is considered that the revisions to the parameters plan and conditions restricting the hours of operation across the site are sufficient to overcome the concerns

that led to the previous reason for refusal. Subject to these matters being secured alongside a comprehensive Noise Management Plan it has been demonstrated that a suitable development is capable of coming forward that appropriately preserves the amenities of adjacent residents having regard to the existing lawful use of the site, in accordance with Policy 33 of the HDPF.

#### **Ecology, Biodiversity and Arboriculture**

- 6.45 The previous application was refused in part owing to a lack of sufficient investigation into the ecological features of the site and evidence to demonstrate that suitable mitigation could be delivered at the detailed development stage. It was not therefore possible to determine whether the site was suitable for the amount of development proposed, and what the appropriate level of mitigation and/or compensation would be necessary.
- 6.46 This application is supported by a new Ecological Assessment which draws on surveys previously carried out, and as before includes a Wildlife Enhancement Area (WEA) within the river corridor immediately west of the site. The Assessment identifies that the proposed development would not impact on the nearby Slinfold Stream and Quarry SSSI, the Warnham Local Nature Reserve, or the ancient woodland immediately west of the site. Further, there are no protected trees within the site, and the submitted Parameters Plan indicates the intention to retain and significantly enhance the limited existing woodland landscaping to the site boundaries.
- 6.47 In terms of protected species, the Assessment identifies that four buildings on the site have bat potential. The surveys found that three of the buildings contain small roosts of common species of bat, with the fourth building not able to be surveyed, but not expected to contain any other species of bat. A Natural England license to remove these roosts would therefore be required. The Assessment proposes mitigation for this loss in the form of 12 bat boxes to be set close to the river corridor and planting, the creation of new wetland habitat in the ecological mitigation area (WEA), and meadow grassland within the site itself. Furthermore, all lighting would need to be bat sensitive to protect the boxes and foraging and commuting routes around the site.
- 6.48 The site is not considered to be of significance for bird species. Nevertheless bird boxes are proposed alongside the landscape planting and wetland habitat improvements. The site does not support Great Crested Newts, although three new ponds have already been provided in the adjacent mitigation area (and protected from flood risk), alongside hibernacula installed beside each pond. This would provide enhanced habitat for amphibians, including Great Crested Newts that are known to be present in the vicinity of the site. No other evidence of protected species have been identified.
- 6.49 The Council's Ecology Consultant has raised no objection to the proposals based on the findings of the Assessment and mitigation strategies proposed, subject to conditions to secure an Ecological Mitigation and Management Plan and a bat sensitive lighting scheme. The proposal would offer not only mitigation for the loss of small bat roosts within the existing buildings, but also significant ecological enhancement by way of the creation of three ponds within the Wildlife Enhancement Area, significant new woodland planting around the site boundaries, the provision of bird and bat boxes, and meadow grassland. Sufficient evidence has therefore now been submitted to demonstrate that proposed development would suitably mitigate its impact on the ecology of the site whilst providing enhancements both within and immediately adjacent to the site to meet the requirements of Policy 31 and paragraphs 117-119 of the NPPF.

#### **Highways and Parking**

- 6.50 The site is located off the A281 Guilford Road which links Horsham to Guildford to the west, close to its junction with the A29, and within 3.5km of the A24. Despite being located in close proximity to these main east-west and north-south 'A' roads, the site nevertheless

sits in a countryside location outside of any defined settlement boundary and away from any services and facilities.

- 6.51 The NPPF at paragraphs 29- 41 states that transport policies have an important role to play in facilitating sustainable development albeit opportunities to maximise sustainable transport solutions will vary from urban to rural areas (29). It advises that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities (37). Local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport (30), and plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (34). Development should though only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (32).
- 6.52 The need to encourage sustainable transport choices is reflected in the HDPF strategy for growth, which focusses on Horsham town as the main centre, with more limited levels of growth in the smaller towns and villages as set out in the settlement hierarchy at Policy 3 (which was informed by the Settlement Sustainability Review 2014). Policy 40 reflects the NPPF guidance regarding the sustainable location of new development, advising that development will be supported where it is appropriate and in scale to the existing transport infrastructure, including public transport, includes opportunities for sustainable transport, is located in areas where there is a choice in the modes of transport available, and minimises the distance people need to travel.
- 6.53 In this instance the site is not greatly serviced by sustainable transport modes, with the X1 bus service providing the only regular bus connection to Broadbridge Heath and Horsham, stopping hourly outside the site entrance. Although in relatively close proximity to Broadbridge Heath (2km) and the centre of Horsham (4km) the local road network, which includes the busy and narrow A281 passing the site, does not encourage walking or cycling. Journeys to the site by sustainable modes of transport are therefore likely to be limited, with the development likely to be heavily reliant on car travel as a result.
- 6.54 As before, the application is supported by a Transport Assessment which assesses the impact of the proposals on the highway network and means to promote more sustainable transport options. In terms of impact on the local highway network, the site is accessed via an existing roundabout on the A281 and the Assessment includes modelling of both this roundabout and the others within the wider area east and west. This modelling is based on a 'worst case' development of mainly B1c and B2 uses that would generate the most vehicular movements, calculated to be up to 2,800 per day, with up to 290 in the morning peak hour and 200 in the afternoon peak hour in the worst case. A further 276 daily HGV movements would be generated in this scenario. Based on these figures the modelling identifies that the roads and all roundabouts in the wider area would operate within their capacity and that the volumes of traffic that would likely seek to short-cut from Horsham via Strood Lane and Warnham would be negligible, given the narrow road and longer commuting time it would generate. The existing access onto the roundabout on the A281 is also sufficient to cater for HGVs without the need for alteration. The modelling does though identify potential delays on the northern approach arm to the roundabout servicing the site. This would be largely a result of the proposal to include a new bus stop at this point to service the development. The Assessments proposes the widening of the road on this arm to create a two lane approach, which the modelling calculates would minimise delays at this junction. In the event permission is granted, the widening of the northern arm of the A281 would be included as part of any s106 agreement.
- 6.55 In terms of parking provision, the Assessment uses the WSCC parking calculator to calculate that in the worst case an entirely B2 development would require a maximum 673

spaces, with an entirely B8 development by contrast requiring a maximum 269 spaces. Both permutations would require a maximum 54 spaces for HGVs. The indicative layouts show parking for approximately 330 vehicles, with potential to increase this number with amendments to the positioning of buildings and landscaping within the site. Nevertheless based on the WSCC maximum standards there remains the potential for there to be a considerably greater demand for parking compared to capacity within the development, leading to potential overspill parking in the worst case scenario.

- 6.56 In order to address this, and to help improve the sustainability of the site by reducing its traffic impact the applicant has offered to restrict the B1c and B2 floorspace to a maximum 13,471sqm, 50% of the total proposed for the site. Based on this restriction the maximum parking demand from an entirely B2/B8 development would be 470 vehicles, significantly lowering the potential number of vehicles that would need to access and park at the site. The number of trips onto the surrounding road network would therefore reduce as a worst case from that assessed within the Transport Assessment, decreasing the impact of the development on traffic levels in the area. Further, the worst case parking demand would fall closer in line with that provided for on the indicative layout plans, reducing the risk of overspill parking. Whilst not a 1:1 ratio (for which there is no policy requirement), it should be noted that not all employees would be present onsite at all times owing to factors such as working patterns and leave. Nevertheless to avoid any risk of overspill parking on surrounding roads including Nowhurst Lane, a condition is recommended to secure an appropriate level of parking to the uses within each phase having regard the WSCC standards. Subject to this condition and the above restriction on the maximum B1c/B2 floorspace to be included in the development, it is considered that the parking needs of the development for both workers and HGVs could be suitably met onsite.
- 6.57 In terms of sustainable transport options, as stated the site is not greatly served by bus routes whilst walking and cycling options for employees are not realistic given the distance to the nearest towns and the quality of the road network near the site, which has no footway. Although the Transport Assessment refers to the site being on the 50 and 63X bus routes, these operate very infrequently and not consistently across the working week. The main bus route is the Guildford to Horsham X1 route which stops hourly in each direction outside the site from 7am to 7pm Mondays to Fridays. This bus route has been established only since May 2017. The application proposes two new bus stops and associated crossing points outside the site on the A281 which this service would be able to use. These improvements to the local infrastructure would help to promote the use of this bus service, a service which has established since the previous application was refused.
- 6.58 In addition to the above two new bus stops, the Transport Assessment includes a package of further measures to improve the sustainability of the site. These include the provision of a Travel Plan and a bespoke shuttle bus service. A Framework Travel Plan has been included with the application (at Appendix X of the Transport Assessment) which includes the provision of a travel information pack and the promotion of car sharing, including by allocating spaces for car sharers.
- 6.59 As per the previous application, following discussions with WSCC Highways on how to improve the sustainability of the site, the applicant is proposing a shuttle bus service to help reduce reliance on car travel to the site. The service would comprise a minimum of one 16-seat shuttle bus on first occupation of the development to provide links to Horsham Station and other stops in between as required by demand. The bus would operate three journeys in the morning and three journeys in the evening. Appendix Y of the Transport Assessment provides further detail on the proposal, including pricing structures and means to promote and adopt the service as required.
- 6.60 The Applicant is proposing to engage a specialist shuttle bus operator for an initial 18-month period, with a fare of circa £4 for a return journey. The main Transport Assessment provides further detail on the pricing structure, which includes phased subsidies rising from

free of charge in year 1 to full fares (but at least 10% lower than public transport) at year 5. WSCC Highways support the principle of a shuttle bus service, but have advised that the phased fare subsidy should apply to each individual unit to ensure that staff of each unit receives the maximum incentive to travel on the shuttle bus. They also require a Legal Agreement to secure the operation of the shuttle bus until at least 5 years after the development reaches 50% occupancy, to ensure that employees of the later phases also benefit from the service and to provide a critical mass to ensure the long term viability of the service.

- 6.61 The Highway Authority, as before, have raised no objection to the proposal, subject to conditions and a Legal Agreement to secure the shuttle bus service and improvements to the roundabout on the A281 to allow for new dedicated bus stops to be installed. Overall, it is considered that the combination of the proposed shuttle bus and new bus stops to service the X1 bus route would help reduce reliance on the car and promote sustainable travel options in this rural location, thereby meeting the requirements of Policy 40.

#### **Flooding and Drainage**

- 6.62 The site falls within Flood Zone 1, with the river valley immediately adjacent to the west designated as Flood Zone 2 & 3. The application is accompanied by a Flood Risk Assessment which details that the site is a low-medium risk of groundwater flooding and from land, surface water and sewer flooding. The drainage strategy is to discharge surface water to the North River via the existing drainage network, with attenuation to be provided by onsite storage tanks placed under the car parks to each unit. Foul water would be discharged to a pumping station adjacent to Unit 1 to the northern end of the site which will connect to the existing foul water infrastructure. The Council's Drainage Engineer and WSCC Flood Risk Management Team have raised no objection to this strategy. Following clarifications, the Environment Agency have raised no objection to this arrangement, or to the wider development of this landfill site.
- 6.63 As such, it has been suitably demonstrated that the proposal can manage water within the site so as not to increase flood risk elsewhere. The proposal has therefore suitably addressed the concerns of the previous application to now accord with Policies 35 and 38.

#### **Contaminated land**

- 6.64 The application is supported by a desktop land contamination report (Aviron Associates Ltd, dated May 2016). The report provides a plan which shows the site previously formed a landfill site, with the extent of landfill broadly aligning with the developable area on the parameters plan. The site also contains above ground and underground storage tanks and other possible local soil contaminants. As part of the report recommendations piled foundations are required to fully penetrate the landfill. The Environmental Health officer has raised no objection on the grounds of the site being former landfill subject to a standard condition seeking further investigations and remediation works where necessary.

#### **Other Material Considerations**

- 6.65 A number of third parties have referred to the site history and restrictive conditions and legal agreements that apply to the site. As discussed above, matters currently restricted include hours of operation (7am to 7pm), the specific use of parts of the site, height limits on areas of open storage (variously up to 2m and 3.5m), restrictions on separate disposal of parts of the site, preventing the use of Nowhurst Lane for vehicle access to the site and preventing a large part of the site from being used for any purpose other than landscaping and recreation, and preventing the erection of structures (including temporary) other than those for which permission has been granted. These restrictions relate to existing uses of the site, and if planning permission were granted for the current proposal (or other development), consideration would need to be given to whether the extant obligations remain necessary or indeed relevant. In this instance the existing obligations controlled the use of land for activities largely carried out in the open, where noise and visual disturbance to the surrounding area would otherwise likely have been significantly harmful. The current

proposal is for uses contained within buildings where any such visual harm or noise disturbance would likely be significantly less and sufficient to be suitably controlled by way of condition. Having regard these circumstances the grant of planning permission for this current scheme would not undermine or contradict the overall purpose of the current controls on the site.

- 6.66 The Parish Council have raised objection to the proposal, stating that a development of no more than 20,000sqm would be acceptable to them. It is unclear how this figure has been derived. Nevertheless it is considered that the floorspace capacity of the development is best identified by means of addressing and mitigating its constraints. In this instance the impact of the proposed buildings, uses and associated infrastructure can be suitably mitigated by way of the proposed landscape buffers and conditions closely controlling site operations, therefore there is no compelling planning reason to require a smaller quantum of development within a site that has a defined boundary.
- 6.67 The WSCC Public Rights of Way officer has raised no objection to the proposed development, but has requested a contribution of £70-75k for approximately 1km of surface improvements to footpaths BW1443 and BW1434/1. Footpath BW1434/1 runs approximately 700m west of the site and no closer, whilst footpath BW1443 runs along Nowhurst Lane. The site does not link directly to either footpath, whilst the nearest settlement the footpaths link to is Slinfold 2.7km to the southwest. Given the location of the development it is not considered that improvements to these footpaths would achievably promote commuters walking or cycling to the site, with any upgrade being of little/no benefit to the sustainability of this employment land proposal. Consequently it is not considered that this request for contributions meets the NPPF tests of an obligation, namely to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 6.68 Representations have referred to the impact of the development on the Sussex Literary Trail, part of which runs along Nowhurst Lane. The Trail is not a statutory designation. Nevertheless it is considered that the landscape mitigations and improvements along Nowhurst Lane would not appreciably disrupt or harm the Trail.
- 6.69 The applicants have requested that permission be granted with a five year timeframe for commencement rather than the standard three years applied to planning permissions. This request has been made to enable the applicant to have greater flexibility in preparing the Reserved Matters applications based on occupier requirements. Whilst the request for flexibility is appreciated given the outline nature of the application, the acceptability of any development on this site as a departure from the development plan is in part based on the immediate benefit development on this site would bring to helping meet the district's identified shortfall in employment land. Consequently a five year permission to commence development would not help realise these benefits in a suitably timely manner.

#### **Legal Agreement**

- 6.70 In the event permission is granted, and as outlined above, a s106 Legal Agreement would be required to secure the following Heads of Terms:
- The delivery of a shuttle bus service in accordance with the pricing mechanisms, service management and time scales set out in the Transport Assessment
  - The delivery of the highway and bus stop improvements to the A281
  - A 25 year landscape management and maintenance plan.

#### **Conclusions and Planning Balance**

- 6.71 The proposed development would extend beyond the curtilage of the existing industrial use of the site onto previously undeveloped countryside land, albeit this countryside land is in the main formerly landfill. The site is not allocated in either the HDPF or the emerging Slinfold Neighbourhood Plan, although it is understood that it is viewed by the Council as a

potential strategic employment site to be considered in the pending review of the HDPF. In the absence of any formal allocation the development of this site outside of the existing area used for industrial purposes falls contrary to the HDPF spatial strategy set out at Policies 2 & 4, and is not supported by Policy 26 as the proposed uses are not essential to this countryside location. This conflict with core spatial policies within the up-to-date HDPF weighs considerably against the grant of planning permission.

- 6.72 The proposal would result in some limited harm to the setting of the adjacent listed buildings. This harm is considered to be limited by virtue of the existing landscape buffer, but nevertheless is considered to be outweighed by the significant public benefits of the development, namely the employment generation, having regard paragraph 134 of the NPPF and when applying great weight to the statutory provision within s66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting in decision making.
- 6.73 There are a number of material considerations that weigh in favour of development. These include the redevelopment, regeneration and growth of an existing employment site as supported by Policy 7(2), the removal of open storage and poor quality structures from the site, improvements to the ecological interests of the adjoining North River valley, the removal of localised land contamination, and the capacity within the local highways network to safely cater for the development. In addition, the impacts on the appearance and tranquillity of the surrounding landscape and amenities of adjacent residents can suitably be protected through the suggested conditions to control hours of operation and lighting, and subject to final design and landscape details at Reserved Matters stage. These are though in the main benefits required to be compliant with general development policies within the HDPF. The proposal does though offer significant benefits in terms of employment provision, with the 26,942sqm of B1c, B2 & B8 floorspace significantly helping to meet the identified employment land shortfall within the District, providing job opportunities in relatively close proximity to Horsham Town and the wider Gatwick Diamond region, and allowing for local employers and new employers to re-locate in the area.
- 6.74 Whilst under normal circumstances these matters could be considered insufficient to displace the conflict with the HDPF spatial strategy, there are a number of site-specific considerations that also weigh in favour of the grant of planning permission. These include the strong defensible boundary to the site, with existing artificial bunds along the northern and southeastern boundaries, the existing formalised site entrance and roadway, and the existing and previous uses of the site including as a landfill site. Consequently the site presents as a ready-made industrial site, albeit with no built structures across its central and northern parts. These unique site characteristics set the site apart from any other potential development site in the district.
- 6.75 Overall, when placed carefully in the planning balance and having regard the site history and its unique characteristics, it is considered that the benefits of the development in terms of providing significant employment opportunities on and adjacent to an existing employment site with good access to main roads and Horsham Town that would provide a significant portion of the identified employment floorspace needs of the District, are of sufficient weight to outweigh the conflict with the HDPF strategy for growth and justify the grant of outline planning permission as a Departure from the Development Plan. This is subject to the delivery of the matters secured within the s106 agreement and by condition to protect the amenities of adjacent residents, listed buildings and the wider countryside, and subject to the final scale, appearance, layout and landscaping of the development at Reserved Matters stage. For these reasons the application is recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)



- 6.76 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017. This development constitutes CIL liable development, however the CIL charging schedule does not charge for B-use class development such as this.

## 7. RECOMMENDATIONS

- 7.1 To delegate authority to the Head of Development to grant permission subject to the completion of a S106 agreement to secure the provision of a shuttle bus service and new bus stops and associated infrastructure improvements on the A281, and appropriate conditions. In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Planning, Economic Development and Property be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

### 1 Plans list

- 2 (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

(d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. The submission of reserved matters applications pursuant to this Outline application shall demonstrate compliance with the following Parameter Plans submitted as part of the Outline application to fix the development principles:

- Red Line Boundary (Drawing No. PL 01);
- Parameters Layout (Drawing No. PL 104 REV C);

Reason: To enable the Local Planning Authority to control the development in detail in accordance with the NPPF.

4. **Pre-commencement condition:** No development, other than works of demolition, shall commence until a phasing plan to cover the whole site has been submitted to and approved, in writing, by the Local Planning Authority. The phasing plan shall identify the separate parcels of the site that will be brought forward, to include a first phase to provide for the internal access road, sustainable urban drainage systems, site levelling works and all perimeter landscaping as a minimum. The details approved on the phasing plan shall determine how the development parcels and their relevant reserved matters are brought forward. The development must be constructed in accordance with the approved phasing plan.

Reason: To enable the Local Planning Authority to control the development in detail to ensure a satisfactory development that is sympathetic to the landscape character and built form of the surroundings and preserves and enhances the ecological interests of the site,

and in the interests of visual amenity in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015) and to ensure compliance with the NPPF.

5. **Pre-commencement condition:** No site levelling works shall take place until full details of the final land levels to be provided across the site in relation to nearby datum points have been submitted to and approved by the Local Planning Authority in writing. The details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The site levelling works shall be completed in accordance with the approved details prior to the commencement of development of any building on the site.

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

6. **Pre-commencement condition:** No development, other than works of demolition, shall commence on any phase until precise details of the finished floor levels of the development in that phase in relation to nearby datum points shall have been submitted to and approved by the Local Planning Authority in writing. The development within that phase 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).

7. **Pre-commencement condition:** No development of any Phase shall commence until finalised detailed surface water drainage designs and calculations for that Phase, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should reflect the submitted site-wide drainage strategy and clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. Development of the relevant Phase shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The Phase shall subsequently be implemented and thereafter maintained in accordance with the approved designs.

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 & 38 of the Horsham District Planning Framework (2015).

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

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

9. **Pre-commencement condition:** No development on any phase, including any works of demolition and site levelling, shall commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document covering the development of all phases and shall be strictly adhered to throughout the construction period for each phase. The CEMP shall provide for, but not be limited to:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
  - iv. Site working hours and a named person for residents to contact;
  - v. Detailed Site logistics arrangements;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. The anticipated number, frequency and types of vehicles used during construction
  - viii. Details of construction traffic routing
  - ix. Details of any floodlighting, including location, height, type, timing and direction of light sources and intensity of illumination
  - x. Details regarding dust and noise (including vibration) mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
  - xi. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
  - xii. Communication procedures with the LBL and local community regarding key construction issues – newsletters, fliers etc.
  - xiii. Locations and details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - xiv. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - xv. Details of a scheme for the recycling/disposing of waste resulting from site clearance and construction works

Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

10. **Pre-commencement condition:** No development, including any works of demolition or site levelling, shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site as a whole have been 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 hereby permitted is to be carried out in accordance with the approved details. Any changes to these components require the express written 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).

11. **Pre-commencement condition:** No development shall commence, including any works of demolition, until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and agreed in writing by the Local Planning Authority. The EMMP shall include details of habitat protection for retained habitats, invasive species management, avoidance measures with regards to protected and notable species, and enhancement measures for biodiversity. This should be a short, simple document for use by site clearance staff. Any such measures shall thereafter be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with NPPF and Policy 31 of the Horsham District Planning Framework.

12. **Pre-commencement condition:** No development, other than works of demolition and site levelling, shall commence on any phase of the development hereby permitted until full details of the soft boundary landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include:

- i. Details of all buffer planting including species, numbers and planting size of all trees and plants, and timetable for their delivery;
- ii. Provision for bat and bird boxes to accord with the recommendations set out at paragraphs 5.3.16 and 5.3.26 of the Ecological Assessment (Ecological Solutions dated September 2017);
- iii. Details of all boundary treatments including any security fencing and gates

The approved landscape scheme shall be fully implemented in accordance with the approved details. All planting shall be carried out no later than the first planting season following the completion of the site levelling works approved under condition 5. 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: As this matter is fundamental to ensure a satisfactory development that is sympathetic to the landscape character and form of the surroundings and preserves and enhances the ecological interests of the site, and in the interests of visual amenity in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015).

13. **Pre-commencement (slab level) condition:** No development above ground floor slab level within any phase of the development hereby permitted shall take place until full details of the hard and soft landscaping works for that Phase shall have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include:

- i. Details of all hard surfacing materials and layouts
- ii. Details of all planting including species, numbers and planting size of all trees and plants
- iii. A detailed lighting scheme for all external areas to accord with the recommendations set out at paragraphs 5.3.18 of the Ecological Assessment (Ecological Solutions dated September 2017) and to accord with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The lighting scheme must be designed by a suitably qualified person in accordance with the recommendations for

environmental zone E1 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

- iv. Details of any cctv provision
- v. Details of all boundary treatments including any security fencing

The approved landscape and lighting scheme shall be fully implemented in accordance with the approved details. All planting shall be carried out no later than the first planting season following the first occupation of any part of the phase. 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 preserves and enhances the ecological interests of the site, and in the interests of visual amenity in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015).

14. **Pre-commencement (slab level) condition:** No development above ground floor slab level within any phase of the development shall commence until a Noise Management Plan for that phase has been submitted and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:

- hours of operation,
- management responsibilities during all operating hours,
- measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing.
- Details on the construction specification of each unit to minimise noise escape

The noise management plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority the noise management plan shall be reviewed. Any changes to the noise management plan necessary to address these concerns shall implemented to the satisfaction of the Local Planning Authority. All units within each phase shall operate at all times in accordance with the approved details.

Reason: To safeguard the tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

15. **Pre-occupation condition:** Prior to the first occupation of any phase of the development hereby permitted, a Travel Plan for that phase shall have been submitted to and approved in writing by the Local Planning Authority. 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, and shall include details to mitigate impacts on air quality as set out in Chapter 5 of the Council's Air Quality and Emissions Reduction Guidance (2014) and shall be implemented in accordance with the approved details. The applicant shall use all reasonable endeavors to work with other businesses in the immediate area to co-ordinate the measures within the travel plan.

Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).

16. **Pre-occupation condition:** Prior to the first occupation of any unit within the development hereby permitted details of site security arrangements shall have been submitted to and approved in writing by the Local Planning Authority. The approved security measures shall be implemented prior to first occupation of the development, in accordance with the approved details, and shall be retained as such thereafter.

Reason: To ensure the site is appropriately secured to minimise opportunities for anti-social behaviour and crime in accordance with Policy 33 of the Horsham District Planning Framework (2015).

17. **Pre-occupation condition:** No unit hereby permitted shall be first occupied unless and 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 details shall include the size of bins, their location, means of enclosure and the details of the proposed refuse collector. These facilities shall thereafter be retained for use at all times in accordance with the approved details.  
Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).
18. **Pre-occupation condition:** Prior to the first occupation of any unit within the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, that unit shall have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities 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).
19. **Pre-occupation condition:** No unit shall be first occupied until the car parking spaces necessary to serve that unit have been fully constructed and made available for use in accordance with plans and details that have been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall thereafter be retained at all times for their designated use.  
Reason: To ensure adequate parking facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).
20. **Pre-occupation condition:** Prior to the first occupation of any phase within the development hereby permitted, a verification report demonstrating that the SuDS drainage system for that phase has been constructed in accordance with the approved design drawings under Condition 7 shall have been submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.  
Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce 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).
21. **Regulatory condition:** The Reserved Matters for each Phase of the development hereby permitted shall include suitable parking provision for the proposed uses within that Phase having regard the parking standards set out in the West Sussex County Council Supplementary Planning Guidance document 'Revised County Parking Standards and Transport Contributions Methodology (November 2003, updated September 2010). The parking provision within each Phase shall have regard the means of air quality mitigation as set out in Chapter 5 of the Council's Air Quality and Emissions Reduction Guidance (2014).  
Reason: To ensure adequate parking facilities are available to serve the development given the limited sustainable transport options for the site, to ensure no overspill parking into the wider area, and to mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework.
22. **Regulatory condition:** No external operations or activities, including the operation of plant and machinery, workshop processes, deliveries and dispatches, shall take place within zone 1 as shown on the parameters plan (drawing PL104 rev C received on 8 December 2017) except between the hours of 0700 to 2300 hours Mondays to Saturdays and 0800 to 1300 hours Sundays and public holidays. All external shutters and doors to the buildings within zone 1 shall be closed except between these hours.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

23. **Regulatory condition:** No operations or activities, including the operation of plant and machinery, workshop processes, deliveries and dispatches, shall take place within zones 2 and 3 as shown on the parameters plan (drawing PL104 rev C received on 8 December 2017) except between the hours of 0700 to 2000 hours Mondays to Saturdays, and at no times on Sundays and public holidays. All external shutters and doors to the buildings within zones 2 and 3 shall be closed except between these hours.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

24. **Regulatory condition:** No building within the development hereby permitted shall have an eaves greater than 10m in height or shall exceed 12m in height overall. All building eaves (or building height where there is no eaves) within or immediately facing the 'Reduced Eaves Height Zone' as detailed on the parameters plan (drawing no. PL 104 rev C) shall not exceed 8m in height.

Reason: To ensure a satisfactory appearance to the site to safeguard the wider landscape, amenities of adjacent residents and appearance of Nowhurst Lane and the setting of listed buildings in accordance with Policies 24, 25, 26, 32, 33 & 34 of the Horsham District Planning Framework (2015).

25. **Regulatory condition:** The total gross internal floorspace for all B1c and B2 uses within the development hereby permitted shall not exceed 13,471sqm or 50% of the total gross internal floorspace provided within the development as a whole, whichever is the lower.

Reason: To ensure a sustainable balance of uses across the development and to ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015).

26. **Regulatory condition:** No outside storage of materials, machinery or products shall take place at any time.

Reason: To safeguard the appearance of the site and tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26, 32 & 33 of the Horsham District Planning Framework (2015).

27. **Regulatory condition:** No operations involving the use of power tools or other noise generating plant, machinery or equipment (with the exception of fork-lift truck movements), shall be undertaken within the development other than within the buildings hereby permitted.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

28. **Regulatory condition:** No external lighting, other than low level lighting to emergency exits, shall be operated within zone 1 as shown on the parameters plan (drawing PL104 rev C received on 8 December 2017) between the hours of 2330 to 0630 hours the following day on Mondays to Fridays, between 2330 and 0730 hours the following day on Saturdays, and between 1330 and 0630 hours the following day on Sundays and public holidays.

Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

29. **Regulatory condition:** No external lighting, other than low level lighting to emergency exits, shall be operated within zones 2 and 3 as shown on the parameters plan (drawing PL104 rev C received on 8 December 2017) between the hours of 2030 to 0630 hours the following day on Mondays to Fridays, between 2030 and 0730 hours the following day on Saturdays, and at no time on Sundays and public holidays.  
Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).
30. **Regulatory condition:** No externally located plant or equipment shall be installed or operated without express planning consent from the Local Planning Authority first being obtained.  
Reason: To safeguard the tranquillity of the countryside and amenities of adjacent residents in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).
31. **Regulatory condition:** Following first occupation of each unit within the development, no mezzanine or additional floor levels shall be constructed within that unit without express planning consent from the Local Planning Authority first being obtained.  
Reason: To ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015).
32. **Regulatory condition:** No trees, hedges or shrubs on the site, other than those the Local Planning Authority has agreed to be felled as part of this permission, shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. Any trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.  
Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with policy 31 of the Horsham District Planning Framework (2015).
33. **Regulatory condition:** No importation of soil and other fill materials onto the development site shall take place unless the soil/fill has been certified as fit for purpose by a competent person and has been subject to analysis by an accredited laboratory to ensure that it is free from contamination.  
Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).
34. **Regulatory condition:** If contamination, including presence of asbestos containing materials, not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.  
Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).
35. **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 F, G, H and J of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity to protect the rural character of the area in accordance with Policies 25, 26, 27 & 33 of the Horsham District Planning Framework (2015).

36. **Regulatory condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), no change of use of the units hereby permitted from the uses granted for that unit by this permission shall take place without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the development remains in employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015)

Background Papers: DC/17/2131, DC/16/2941

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## **AGENDA ITEM 6 DC/17/2131**

### **Nowhurst Business Park, Guildford Road, Broadbridge Heath**

#### **1. Amended Plans:**

The applicant has submitted a revised Parameters Plan and Site Sections with the following amendments:

- Doubling of the depth of the 'Reduced Eaves Height Zone' fronting Nowhurst Lane
- Reduction in maximum eaves height within the 'Reduced Eaves Height Zone' from 8m to 6m, and overall height of any building within this zone (in part or full) from 12m to 10m

#### **Condition 24 to be revised as follows to reflect these changes:**

**24. Regulatory condition:** No building within the development hereby permitted shall have an eaves greater than 10m in height or shall exceed 12m in height overall. Within the reduced eaves height zone as illustrated on parameters plan 30853 PL 104 Rev D, the maximum eaves height of building elevations facing Quarries or Nowhurst Lane shall not exceed 6 metres and the overall height of any building falling within this zone shall not exceed 10 metres. Other than any building and any necessary emergency escape routes, no structures or activity shall take place within the Reduced Eaves Height Zone. No external plant is to be located in this zone without the express permission of the local planning authority.

Reason: To ensure a satisfactory appearance to the site to safeguard the wider landscape, amenities of adjacent residents and appearance of Nowhurst Lane and the setting of listed buildings in accordance with Policies 24, 25, 26, 32, 33 & 34 of the Horsham District Planning Framework (2015).

#### **Officer comment:**

These amendments are welcome and would appreciably reduce/improve the impact of the development in views from Nowhurst Lane, particularly once the boundary landscaping has matured over the first few years of the lifetime of the development.

#### **2. Condition 4 updated to amend phasing requirements.**

**4. Pre-commencement condition:** No development, other than works of demolition, shall commence until a phasing plan to cover the whole site has been submitted to and approved, in writing, by the Local Planning Authority. The phasing plan shall identify the separate parcels of the site that will be brought forward and include details for the phasing and implementation of the boundary planting around the perimeter of the site, with the intention that this planting is to be brought forward at the earliest reasonable opportunity within the agreed development phase. The details approved on the phasing plan shall determine how the development parcels and their relevant reserved matters are brought forward. The development must be constructed in accordance with the approved phasing plan, unless the Local Planning Authority gives written consent to any variation.

Reason: To enable the Local Planning Authority to control the development in detail to ensure a satisfactory development that is sympathetic to the landscape character and built form of the surroundings and preserves and enhances the ecological interests of the site, and in the interests of visual amenity in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015) and to ensure compliance with the NPPF.

**Officer comment**

This change is to provide greater flexibility in the delivery of the development. Officers will still be seeking that the landscape buffers are delivered as early as is reasonably possible.

**3. Condition 14 updated to provide greater clarity on expectations of the Noise Management Plan.**

**14. Pre-commencement (slab level) condition:** No unit shall be occupied until a Noise Management Plan for the relevant phase or unit has been submitted and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:

- hours of operation,
- management responsibilities during all operating hours,
- measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing.
- Details on the construction specification of each unit to minimise noise escape
- Details of a Noise Complaints Register to keep a record of complaints received and actions taken, including where reasonable and necessary modification of the Plan in consultation with the LPA; the LPA to be able to inspect the register at its request

The noise management plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. The relevant units shall operate at all times in accordance with the approved details.

Reason: To safeguard the tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

**Officer comment**

This change to the last item is to provide greater clarity and certainty as to how complaints will be managed and addressed.

**4. Withdrawal of the x1 bus service along Guildford Road**

It is understood that the hourly X1 bus service referenced in the report to committee at paragraph 6.57 is to be withdrawn from 9 March 2018. The submitted Transport Assessment (TA) and comments of the Highways Authority make no reference to this service (which only started operating in mid-2017), therefore its operation was not key to the Highway Authority's resolution to raise no objection to the development. Whilst the loss of this service is regrettable, officers are of the view based on the TA and Highway Authority comments that the absence of this service would not in itself render the development unsustainable in transport terms, subject to the improvements to be secured to the access roundabout, provision of the shuttle bus service, and the agreement of a Travel Plan.

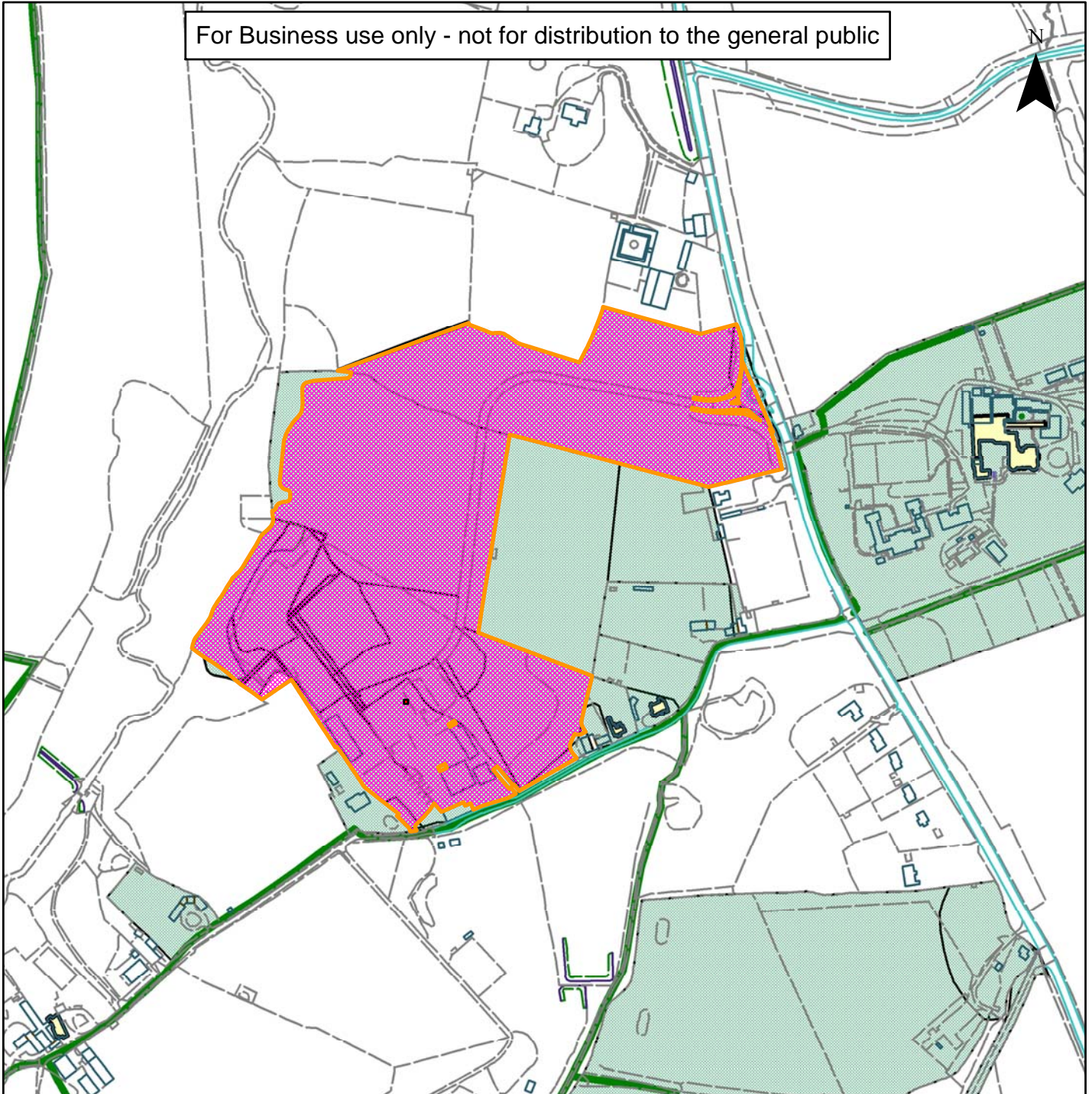
**Contact Officer: Adrian Smith**

**Tel: 01403 215460**



Not Set

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Scale: 1:5,000

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	25/01/2018
SA Number	100023865

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 6 February 2018

**DEVELOPMENT:** Outline planning application for the development of approximately 227 dwellings (between 204 and 250 dwellings) with the construction of a new access from Calvert Link, a pumping station and associated amenity space (all matters reserved except for access).

**SITE:** Land To The West of Phase 1 Kilnwood Vale Crawley Road Faygate West Sussex

**WARD:** Rusper and Colgate

**APPLICATION:** DC/17/2481

**APPLICANT:** **Name:** Crest Nicholson Operations Limited  
**Address:** c/o Savills, 2 Charlotte Place, Southampton

**REASON FOR INCLUSION ON THE AGENDA:** More than eight representations received which are contrary to the officer recommendation.

**RECOMMENDATION:** That planning permission be delegated for approval to the Development Manager:  
- subject to completion of a legal agreement and appropriate conditions. The legal agreement will secure affordable housing provision (40%), open space provision and contributions for education, libraries, fire and rescue services, health improvements, community and sports facilities.  
- subject to the submission of satisfactory evidence to address the late objection received from Wealden District Council regarding the impact on the Ashdown Forest Special Area of Conservation and subject no objection to the evidence from Natural England.

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 Outline planning permission is sought for the development of approximately 227 dwellings on 'Reserve Land' that forms part of the West of Bewbush (West of Crawley) strategic development site. This equates to between 204 and up to 250 dwellings. The proposal includes the construction of a new access from Calvert Link, a pumping station and associated amenity space. Approval is sought for the principle of development and means of access only. Details of appearance, layout, scale and landscaping have not been submitted for consideration and are Reserved Matters.

- 1.3 The parameter plans indicate residential densities between 15-55 dwellings per hectare (dph). The higher density is indicated along the southern part of the site with a lower density proposed towards the open space edges. The development would include a range of dwelling types, ranging from 1 – 4 bedrooms. The layout indicates apartment buildings up to 3 storeys high and dwellings up to 2 ½ storeys high. The scheme includes 40% affordable housing.
- 1.4 A landscape buffer is indicated around the south, east and west boundaries of the site. The buffer includes a Local Equipped Area of Play (LEAP) and would also act as a footpath and amenity area around the site. The scheme indicates the retention of the existing attenuation pond to the northern section of the site. Two pocket parks are also proposed within the development. A community orchard is indicated to the north-west corner.
- 1.5 Access to the site is proposed via a new roundabout from the existing access road into the Kilnwood Vale development from the A264. A new footpath is proposed around the western side of the new access road. The proposal also includes an emergency access from Holmbush End which also act as a pedestrian access into Phase 1 of Kilnwood Vale. A section of the existing hedge and trees would need to be removed to accommodate this access.
- 1.6 The application includes the following:
- Planning Statement
  - Design and Access Statement
  - Environmental Noise Survey and Assessment
  - Arboricultural Statement and Tree Survey
  - Transport Assessment
  - Environmental Impact Assessment
  - Utilities Services and Strategy
  - Land Contamination Assessment
  - Ecology Report

#### DESCRIPTION OF THE SITE

- 1.7 The site is located north of the A264 adjacent to Phase 1 of the Kilnwood Vale development. The site measures approximately 9.3 hectares and is adjacent to the main access to Kilnwood Vale from a roundabout off the A264. The site comprises a grass pasture which is used for grassing sheep and is surrounded by a tree and hedge boundary. There is an existing attenuation pond at the northern section of the site and a small stream (Hoopers Brook) which runs along the eastern boundary of this site. The brook and substantial trees along the eastern boundary separate the site from houses located within Phase 1. These houses are set at a slightly higher ground level than the application site. There is a general fall across the site from south to north. The access road and the A264 are set at a higher a ground level than the site. To the west of the site are open fields. North of the site is woodland.
- 1.8 The site forms part of the West of Bewbush (West of Crawley) strategic site allocated through the Core Strategy 2007 and the West of Bewbush Joint Area Action Plan (2009) (JAAP) for approximately 2500 homes and other uses, including employment provision. The hybrid application (part outline and part full permission) was granted by Horsham District Council, in consultation with Crawley Borough Council, in October 2011. A subsequent minor material amendment application was approved in April 2016.
- 1.9 The site is known as the 'Reserve Land.' Under the outline application and JAAP, the site was safeguarded for a period of five years to provide the opportunity to accommodate a Western Relief Road, should it have been determined that the route was necessary to secure future development west of Crawley.



- 1.10 The Kilnwood Vale site is bordered by the residential development of Bewbush, within Crawley Borough, to the east. The High Weald AONB is located across the A264 to the south. The Horsham to London mainline railway runs through the northern portion of the development site. Phase 1 of the main West of Bewbush (West of Crawley) strategic site benefits from full planning permission for the erection of 291 dwellings and associated works. This stage of the development is complete. Works are currently underway at Phase 2 of the site for residential development, including 227 Private Rented Sector units.

## **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:

#### **National Planning Policy Framework**

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 27 - Settlement Coalescence

Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 41 - Community Facilities, Leisure and Recreation

#### **Development Plan Document: West of Bewbush Joint Area Action Plan (2009) (JAAP)**

WB1: Neighbourhood West of Bewbush

WB2: Comprehensive Development

WB4: Design

WB10: Dwelling Mix

WB11: Affordable Housing  
 WB12: Structural and Informal Landscaping  
 WB13: Biodiversity  
 WB15: Noise  
 WB16: Flood Risk / Management  
 WB17: Household Waste Recycling Facilities  
 WB18: Recreation and Open Space  
 WB19: Education  
 WB21: Sustainability / Sustainable Construction  
 WB22: Former Inert Landfill Remediation  
 WB23: Western Relief Road  
 WB25: Transport  
 WB26: Utility Infrastructure Provision

Supplementary Planning Guidance:

2.2 Planning Obligations and Affordable Housing SPD 2017

RELEVANT NEIGHBOURHOOD PLAN

2.3 The site is within Colgate Parish which does not currently have a Neighbourhood Plan and is not a Neighbourhood Designation Area.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/2813	Variation of conditions 3, 4, 7, 8, 9, and 10 of hybrid planning application DC/10/1612 to enable the reconfiguration of the neighbourhood centre, community facilities and open space	Permitted 28.04.2016
DC/10/1612	Outline approval for the development of approximately 2500 dwellings, new access from A264 and a secondary access from A264, neighbourhood centre, comprising retail, community building with library facility, public house, primary care centre and care home, main pumping station, land for primary school and nursery, land for employment uses, new rail station, energy centre and associated amenity space. Full planning permission for engineering operations associated with landfill remediation and associated infrastructure including pumping station. Full permission for the development of Phase 1 of 291 dwellings, internal roads, garages, driveways, 756 parking spaces, pathways, sub-station, flood attenuation ponds and associated amenity space. Full permission for the construction of a 3 to 6 metre high (above ground level) noise attenuation landform for approximately 700 metres, associated landscaping, pedestrian/cycleway and service provision (land known as Kilnwood Vale)	Permitted 17.10.2011

**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](http://www.horsham.gov.uk)

INTERNAL CONSULTATIONS

- 3.2 **HDC Strategic Planning (summarised):** No objection. The application site forms part of the wider Kilnwood Vale strategic development site. The 'Reserve Land' was safeguarded as part of the outline consent to provide the opportunity to accommodate a Western Relief Road, should it be required. The time to confirm the requirement for the WRR has now expired. The land was assessed as an extension to the outline permission permitted at this site.
- 3.3 **HDC Landscape Architect(summarised):** No objection subject to amendments to the Building Heights parameter plan. The plan should be amended to indicate a limit of two storeys to the dwellings proposed adjacent the western boundary.
- 3.4 **HDC Environmental Health (summarised):** No objection.
- 3.5 **HDC Housing (summarised):** No objection. The 40% affordable housing is in accordance with the S106 agreement for this strategic site.
- 3.6 **HDC Drainage Engineer (summarised):** No objection subject to the approval of details for drainage under suitably worded conditions.
- 3.7 **HDC Leisure Services (summarised):** No objection to the type and quantity of open space proposed. Contributions are recommended towards Youth Activity Areas, Parks and Recreations Grounds, MUGAS and Community Centres.
- 3.8 **HDC Air Quality Officer (summarised):** No objection subject to conditions.

#### OUTSIDE AGENCIES

- 3.9 **WSCC Highways (summarised):** No objection. WSCC acknowledge that the safeguarding period to reserve the land for a potential Western Relief Road has now expired. The proposal would not result in a significant impact in terms of increase in traffic and the principle of the proposed access is accepted.
- 3.10 **Archaeology Consultant (summarised):** No objection subject to a condition requiring the submission of written scheme of investigation for potential archaeological artefacts to be submitted to and approved by the Local Planning Authority prior to commencement of development.
- 3.11 **Ecology Consultant:** No objection.
- 3.12 **Southern Water (summarised):** No objection subject to the works to the water supply to be agreed with Southern Water through the submission of a formal application.
- 3.13 **Thames Water (summarised):** Comment. Conditions are recommended regarding the submission of drainage strategy to be agreed by the Local Planning Authority in consultation with Thames Water.
- 3.14 **WSCC Flood Risk Management (summarised):** No objection.
- 3.15 **WSCC Monitoring and Records Team (summarised):** Comment. Contributions are required to mitigate the impact of the development towards school infrastructure, libraries and fire and rescue services.
- 3.16 **Natural England (summarised):** No Objection. Natural England considers that the development would not have significant adverse impacts on designated sites or protected landscapes.
- 3.17 **Environment Agency:** No comment.

- 3.18 **Clinical Commissions Group (summarised):** No objection subject to a contribution to go towards GP practices in the nearby area.
- 3.19 **Planning Casework Unit (Department for Communities and Local Government):** No comment.
- 3.20 **Sussex Police (summarised):** No objection.
- 3.21 **Gatwick Airport (summarised):** No objection.
- 3.22 **High Weald AONB Advisory Committee (summarised):** Comment. If recommended for approval, the committee recommend the following requirements are met:
- Use of High Weald Colour Study for materials for the development.
  - Drainage proposals should seek to restore the natural functioning of river catchments.
  - Local habitats should be protected.
  - Native plants should be used for landscaping.
  - Controls over lighting should be imposed to protect the dark sky nights of the High Weald.

#### PUBLIC CONSULTATIONS

- 3.23 **Colgate Parish Council (summarised):** Comment. The Parish have concerns regarding the additional traffic created by this proposal, whether adequate parking will be provided and drainage. The Parish have commented that the affordable housing should be secured and delivered and the possibility of pathway linking the development to Faygate should be explored.
- 3.24 **Wealden District Council (summarised):** Objection. The application proposal does not consider the effect of traffic arising from the development crossing the Ashdown Forest Special Area of Conservation. An appropriate assessment is required to assess the potential air quality impacts on ecology.
- 3.25 **Crawley Borough Council (summarised):** Objection. Crawley Borough Council consider that the delivery of the Western Relief Road is an essential requirement to mitigate the severe road congestion experienced on the western side of Crawley. Release of this land is considered premature and will undermine a longer term approach recognised in the JAAP and the Crawley Borough Local Plan and will put a strain on infrastructure.
- 3.26 56 letters of objection have been received from nearby residents objecting to the application on the following grounds:
- The developers should finish the amenities at the Kilnwood Vale site first before moving onto this site.
  - Residents were sold houses at Kilnwood Vale on the understanding that this land would not be developed for many years.
  - The scheme would result in an unacceptable impact on highway safety. Residents already experience difficulties in entering and leaving the site. The proposed access and egress to this site would worsen the situation.
  - The proposal would result in further parking problems for residents of Kilnwood Vale.
  - Residents oppose the loss of this green space and loss of views overlooking this field. The field is an attractive feature when entering the site.
  - The proposal results in overdevelopment. The development would lose its rural feel.
  - The priority of the developer should be to finish the school and shops.

- Concern is raised over loss of trees.
- The proposal would result in a significant impact on the amenity of adjacent residents.
- There has been a lack of consultation on this application.
- Residents object to the use of a cul-de-sac to access the site.
- Concern is raised regarding construction traffic.
- The proposal would put pressure on the existing bus service.
- The scheme would generally diminish the quality of life for residents at Kilnwood Vale.
- Concern is raised regarding the impact on the dark skies of the High Weald AONB.
- Appropriate mitigation should be in place such a bund along the southern boundary.

#### **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 for the Local Planning Authority to consider in the determination of this application for Outline planning permission are as follows:
- The acceptability of the principle of the proposed development in the context of the Kilnwood Vale development.
  - The impact on the character and visual amenity of the landscape and locality.
  - The impact on the amenity of neighbouring occupiers.
  - Whether safe vehicular and pedestrian access can be provided to the site and the impact of the development on highway and pedestrian safety.
  - Whether the development can be delivered without harming the interests of nature conservation, flooding, land contamination, archaeology.

##### Principle of Development

- 6.2 In October 2011, outline planning permission was granted for the development of the former Holmbush Farm landfill site (now known as Kilnwood Vale) for the development of the site for approximately 2500 dwellings. Recently, in April 2016, permission was granted for minor material amendments to the approved Kilnwood Vale outline application (ref: DC/15/2813). The main purpose of these amendments was to relocate the position of the approved primary school on site to facilitate its early delivery. This planning permission is now the extant outline permission for the development of the site.
- 6.3 Under the outline permission, a set of parameter plans were approved which guided the development of the Kilnwood Vale site. Similarly, the current proposal also includes parameter plans as part of application and if approved these will guide the development on the Reserve Land site. The parameter plans relate to Density, Access and Movement, Building Heights, Landscape and Open Space and Land Use.
- 6.4 The development of the Kilnwood Vale site as a strategic development area was established under the West of Bewbush Joint Area Action plan (JAAP). The JAAP set out the principles and includes policies which are adopted and are part of the Local

Development Framework. Policy WB23 relates to a potential Western Relief Road. The policy states that the land required for a Western Relief Road (WRR) will be safeguarded from the neighbourhoods primary junction with the A264 through the allocated site until it has been determined whether such a route will be necessary to serve further development West of Crawley, or to meet wider sub regional objectives.

- 6.5 The purpose of the policy, in conjunction with Policy WB27, is to ensure that the Kilnwood Vale development does not prejudice the potential for longer term development west of Crawley, including the potential for western bypass. To this end, the current site was set aside under the approved outline application as open fields and is referred to as the 'Reserve Land.' The outline consent did not grant permission for residential use on this land. However, officers acknowledged at the time of the submission of the outline that, in the event that the relief road didn't come forward, a scheme for residential was likely to be submitted. In the event a residential use application came forward an affordable housing position was set out through the S106 for the Reserve Land.
- 6.6 Under Policy WB23 of the JAAP, it states that the land shall be safeguarded for a period of five years from May 2009 to enable WSCC to fix the alignment of the potential relief road. The safeguarding period expired in May 2014. WSCC have confirmed that that the safeguarding period has expired and that there are no plans for a relief road.
- 6.7 The development of this site for housing was approved under the hybrid application, subject to this safeguarding period. Crawley Borough Council has objected to the proposal on the basis that the land should be further safeguarded. However, the wording of Policy WB23 only requires the land to be reserved up until 2014. It would therefore be unreasonable to require the land to be safeguarded further without sufficient justification. Without sufficient justification and with no plans in place for a relief road, it is unreasonable to require this land to be reserved for a further period of time.
- 6.8 It is therefore considered that the principle of the development of the Reserve Land for housing is acceptable and in accordance with the JAAP and hybrid permission. Additionally, whilst the HDPF has a five year housing supply, the additional housing (up to 250 units) would further assist with the delivery of the 16,000 homes required under the HDPF.

#### Dwelling Type and Tenure:

- 6.9 In accordance with the NPPF there is a requirement to plan for a mix of housing types. Within this context, Policy 16 of the HDPF requires that the mix of housing types should be based on evidence set out in the latest Strategic Housing Market Assessment (SHMA). The current evidence base indicates a need for smaller units. Policy WB10 of the JAAP states that there should be a mix of dwellings sizes and types within each core phase.
- 6.10 The Design and Access Statement indicates an appropriate mix of housing. The indicative mix is for 1-4 bedroom market units with 78% of the housing allocated for 2 and 3 bedroom units. This would be in accordance with the requirements of the latest SHMA. As this is an outline application, with only the principle and access to be considered, the final mix of dwellings proposed across the site would be considered and controlled as part of a Reserved Matters application and based on the most up to date need at that time.
- 6.11 The applicant has indicated that 40% of the proposed dwellings would be made available as affordable housing. This is higher than the 35% required under Policy 16 of the HDPF. The 40% is proposed for the Reserve Land as this is a requirement of the hybrid approval for this site, in the event that the relief road did not come forward. The 40% affordable housing for the Reserve Land is a requirement under Schedule 4 of the legal agreement. Policy WB11 of the JAAP also requires 40% affordable housing. The requirements of the

S106 and Policy WB11 are therefore pertinent to this proposal and is an obligation the developer is committed to.

- 6.12 The S106 agreement also requires the tenure split of 30% affordable rented units and 70% intermediate affordable units. In accordance with the requirements of the S106, the tenure split for the development will also to match this criterion. The scheme is therefore considered in accordance with the requirements of the JAAP and Policy 16 of the HDPF.

Impact on landscape character and the visual amenity of the locality

- 6.13 Policy 33 of the HDPF states that in order to conserve and enhance the natural and built environment, developments shall be required to ensure that the scale and massing of development relates sympathetically within the built surroundings, landscape, open spaces and routes within the adjoining site.
- 6.14 The site currently forms the western part of the Kilnwood Vale site located adjacent to open fields to the west. The development area is set at a lower ground level than the A264 and the main access to the site. This lower ground level will mitigate the visual impact of the development of this site to some degree. Additionally, there are no public footpaths to the west of the site which would allow views of this site and the principle of the development of this site for housing has been established. Notwithstanding this, the loss of this field and the development of this site adjacent to the western edge will result in a visual impact on the landscape character of the area and will change the appearance of the entrance to the site.
- 6.15 Taking into account the need to minimise the visual impact of the development and ensure a good outlook is retained for the existing residents to the east, the height parameters have been formulated to limit the scale of the built development to 2 – 2.5 storeys across the majority of the developable area. Buildings of reduced height and lower densities are indicated on the Density Parameter Plan to be positioned along the western and eastern boundaries, as these are identified as the most sensitive locations in terms of potential visual impacts. The buildings will also be set back from the site boundaries through the incorporation of extensive buffers around the perimeter of the site. This would create a level of enclosure to the development. These buffers would also act as amenity spaces and green linkages (including a LEAP) for residents with pathways indicated around the site utilising the buffers.
- 6.16 The Council's Landscape Officer has commented that the key to successfully integrate the proposal and minimise the landscape impact of the development is the strategic landscape buffers proposed around the development. The Landscape Officer has commented that the dwellings adjacent to the western edge of the site should be a maximum height of two-storey. This would further reduce the visual impact of the proposal. The agent has submitted an amended Density parameter plan indicating that the proposed houses adjacent the western edge will be limited to two-storeys. With this amendment and the buffers in place, the proposal would not result in a significant impact on the landscape character of the area. A condition is recommended that details of the buffers are to be submitted to and approved by the District Council. A condition is also recommended that the approved landscape buffers are to be in place prior to the occupation of the first dwelling on site.
- 6.17 The Reserve Land is part of the Kilnwood Vale development, therefore regard is to be made to the appearance of the proposal in relation to the main site. In terms density and building heights, the proposal is comparable to the approved dwellings at the main site. Under the outline consent, a Buildings Height Parameter Plan was approved for the southern part of the site for buildings between 2-3 storeys. The building heights within the scheme for the Reserve Land includes houses between 2 – 2.5 storeys and apartment

buildings of 2, 2.5 and 3 storeys in height. This is consistent and complimentary to the adjacent Phase 1 land.

- 6.18 In terms of residential density, the Reserve Land proposal is for a density between 45-55 dpa at the southern end of the site. The middle section is proposed with a density of 30-45 dpa. A low density of 15-30 dpa is proposed around the borders of the site adjacent to the proposed landscape buffers. The scheme has been proposed this way to reduce its visual impact on the wider area. The density proposed is also appropriate and comparable to the residential density approved at the main site. Phase 1 adjacent the site has a density of between 40 – 50 dpa.
- 6.19 As an Outline proposal, the appearance and layout of the proposed houses and streets is not for consideration. These details would be addressed through the Reserved Matters process. Under the Reserved Matters, consideration will be given to the design and materials proposed for the dwellings. The design will need to be comparable to the standards achieved for the existing Kilnwood Vale site. This appraisal will also take into account the comments from the High Weald AONB regarding the type of materials they would like to see used in the development. At this stage, having regard to the density and buildings height proposed, the scheme is considered appropriate in relation to the quantum of development proposed for this site.

#### Highway Impact, Access and Parking:

- 6.20 Policy 40 of the HDPF states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport.
- 6.21 A Transport Assessment has been prepared to support the proposed development. This assesses potential implications associated with the development. A Travel Plan has been submitted and approved for the wider Kilnwood Vale site. It is proposed that as the Reserve Land forms part of the wider Kilnwood Vale development, the Reserve Land proposal will adhere to the provisions agreed under the Travel Plan. WSCC Highways have commented that a scheme of this size would require its own separate Travel Plan. Consequently, a condition is recommended requiring the submission of a separate Travel Plan for the Reserve Land site to be approved by the District Council.
- 6.22 In terms of access, the primary and only vehicle access to the Reserve Land site will be Culvert Link. This is on the primary route into the wider Kilnwood Vale site and close to the main access from the A264. A new mini-roundabout junction will be constructed to access the Reserve Land. An additional point of access is also proposed to the north east part of the site for emergency vehicles only. This will be controlled by lockable bollards.
- 6.23 The Access and Movement Parameter Plan indicates a primary route from the site access into the central and southern parts of the site. Residential streets will branch from these primary and secondary streets. The alignment and location of the streets would be approved as part of a Reserved Matters Application. The Reserved Matters application will also include details of parking arrangements and will ensure the development meets the County Council standards for parking spaces.
- 6.24 A number of pedestrian and cycling access points will be provided along the eastern perimeter of the site. This will enable a good level of permeability to and within the site and will allow direct access to the wider Kilnwood Vale development.
- 6.25 As stated above, the land forming part of this application has been safeguarded within policy WB32 of the Joint Area Action Plan covering the land west of Bewbush development. The safeguarding was in connection with the future development and



provision of the Crawley Western Relief Road. The County Council acknowledge that the safeguarding has now expired. The County Council have not allocated this land and have no plans to build a relief road in its current policy.

- 6.26 The County Council Highways Team have assessed the application taking into account the Transport Assessment submitted for the Reserve Land. In the Transport Assessment, the development is assessed against different future scenarios for the likely highway impact of the proposal. The Highways Team have commented that, whilst the development is shown to increase queues and delays, the increases to queues and delays from the proposed development (amounting to at worst increases of an addition of 10 vehicles to queues and a further 14 seconds of delay on the A264 Crawley Road eastbound arm in the PM peak) are not considered to be severe.
- 6.27 Alterations are proposed to the approved development spine road in order to provide a new roundabout to serve the additional development. The Highways Officer has commented that the principle of this arrangement is acceptable. As originally submitted, the Highway Officer commented that a Design Audit and a Stage One Road Safety Report were required to ensure the new access and road were acceptable. The agent subsequently submitted these documents to the County Council. The Highways Officer has commented that the documents do not fully meet the standards required. Consequently, the Highways Officer has agreed to a recommended condition requiring the submission of an additional Design Audit and a Stage One Road Safety Report to be submitted for approval prior to commencement of development.
- 6.28 Subject to the submission of these details, the proposal is considered appropriate in terms of highway safety and would be in accordance with the requirements of Policy 40 of the HDPF.

#### Impact on the Amenity of Existing and Prospective Occupiers

- 6.29 Policy 33 of the HDPF requires development is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land. It is considered that the site is located a sufficient distance from adjacent residential properties to avoid harming the residential amenity of any existing occupiers, in terms of loss of light, outlook or privacy. The nearest residential properties affected by this proposal are sited within Phase 1 of the Kilnwood Vale site adjacent to the eastern boundary of the site. The indicative plans indicate that there would be sufficient distance between the existing houses and the proposed development with the retention of the existing stream and boundary hedges and trees. The exact location of orientation of the proposed houses along the eastern edge of the Reserve Land will be determined through the Reserved Matters application. It is acknowledged that residents will see the development, however, through the Reserved Matters procedure, the Council can ensure that there is no direct overlooking or loss of privacy for the existing Kilnwood Vale residents within Phase 1.
- 6.30 The indicative layout shows that each dwelling would be provided with its own private rear garden and that adequate separation could be achieved between opposing elevations to ensure that an appropriate living environment is achieved for prospective occupiers. The provision of private rear gardens would be complemented by areas of public open space at the site and the final details of the landscaping would be considered as part of the Reserved Matters application.
- 6.31 The Council Parks and Countryside Team have commented that the level and type of open space provided within the development is acceptable in principle. The proposal includes a LEAP located within the landscape buffers around the site which also act as amenity areas and walkways. Two pocket parks and a community orchard are also proposed within the site. The proposal also retains the established pond to the north of the site. The pond acts

as a drainage attenuation pond for the Kilnwood Vale site but is also an attractive amenity enjoyed by existing residents.

- 6.32 The introduction of up to 250 dwellings to this countryside setting would increase the noise levels generated by the site. There would be increased levels of disturbance to adjacent residential occupiers associated with, for instance, the comings and goings of vehicles and the use of rear gardens. However, it is not considered that this would result in an unacceptably harmful impact on the living environment of adjacent residents.
- 6.33 As the site is in close proximity to the A264, a Noise Impact Assessment has been prepared to assess noise sources, such as traffic noise. The assessment was carried out to ensure that associated noise levels do not cause disturbance to existing or future occupiers and are at a suitable level to ensure a high quality environment for future residents.
- 6.34 The assessment identifies areas along the southern boundary with the A264 carriageway that are exposed to high levels of noise. For future development along the southern boundary, mitigation has been recommended to ensure the noise levels inside dwellings and garden areas would be within acceptable limits. This comprises the use of close boarded fencing to act as an acoustic barrier and the inclusion of appropriate glazing specification and vents for dwellings located along the southern edge. The Council's Environmental Health Team has commented that this is an acceptable approach subject to the details being submitted to and approved prior to development commencing. Given the importance of ensuring the protection of future residents, a condition is recommended that the exact details of mitigation measures proposed are to be submitted to and approved prior to the submission of the Reserved Matter application for this site.
- 6.35 In light of the above, it is considered that the development would avoid harmful impacts on the amenities of existing or prospective occupiers in terms of loss of light, outlook or privacy. Measures to protect residents from harmful effects of noise, vibration and dust during the construction period could also be controlled by a suitably worded condition requiring the submission of a Construction Environmental Management Plan to be approved by the Local Planning Authority.

#### Arboricultural Impacts

- 6.36 The site is currently surrounded by trees and hedgerow. There are no trees within the site which is grassland. The proposal includes the retention of the majority of the trees around the site. A limited amount of vegetation and one tree is required to be removed to allow the emergency access to the north east corner of the site. The loss of this tree and the hedgerow are considered appropriate given that the scheme includes the addition of landscaping which will include additional trees. The precise details of the landscaping for the site would be submitted and considered as part of a Reserved Matters application.

#### Other Considerations:

- 6.37 The site is located within an Archaeological Notification Area. The Council's Archaeological Consultant has commented that a Written Scheme of Investigation for any archaeological finds is required to be submitted to and approved by the Local Planning Authority. This requirement is recommended as a condition.
- 6.38 The majority of the Kilnwood Vale site was formerly an inert landfill site and required remediation measures to deal with potential contamination. The Reserve Land was not part of the former land fill site and the Council's Environmental Health Officer has commented that there are no obvious land contamination issues with this part of the Kilnwood Vale development.

- 6.39 In terms of drainage, the site is located in Flood Zone 1, where there is a low probability of flooding and where the principle of residential development is considered acceptable. The County Council and District Council's Drainage Officer have both commented that full details of drainage systems are to be submitted to and approved by the Local Planning Authority prior to development commencing.
- 6.40 The Council's Air Quality Officer has commented that the scheme should include measures which should discourage high emission vehicle use and encouraging the uptake of low emission fuels and technologies. This includes the submission of Travel Plan, the inclusion of energy efficient boilers, the provision of facilities for charging plug-in and other low emission vehicles and details of cycle parking. The recommended conditions include the requirement to submit a Travel Plan for approval. The other recommended conditions would be covered through the details to be submitted and assessed in a Reserved Matters application.
- 6.41 With respect to ecology, the proposal includes an Ecology Report. This report states that ecological surveys have been conducted on the site. The conclusion of the report is that the development of this land would not result in a significant impact on ecology including the habitats of any protected species. The Council's Consultant Ecologist agrees with these findings and has raised no objections to the application.
- 6.42 Wealden District Council (WDC) has objected to the application on the grounds of the potential impact on the Ashdown Forest Special Area of Conservation. The objection is based on a Secretary of State decision in favour of WDC. In this decision, the judge quashed part of the Lewes Joint Core Strategy with the South Down National Park on the grounds that Lewes had failed to consider the cumulative ecological impact on Ashdown Forest. WDC have objected to the scheme at the Reserve Land on the grounds that the traffic created by this proposal would result in air pollution which would detrimentally affect the biodiversity and ecology at Ashdown Forest.
- 6.43 The recommendation is therefore subject to the submission of satisfactory evidence to address the late objection received from Wealden District Council regarding the impact on the Ashdown Forest Special Area of Conservation. The recommendation is also subject to no objection to the evidence base from Natural England. Councillors will be updated on this matter at committee.

#### Legal Agreement

- 6.44 Policies 39 and 43 of the HDPF require new development to meet its infrastructure needs. Under the adopted CIL regulations, the Kilnwood Vale site is exempt from CIL charges. It is therefore appropriate for this scheme to include the provision of commuted sums for specific local projects to mitigate the impact of the proposal (if considered necessary). This is considered a fair approach to deal with the cumulative pressure on existing qualitative and quantitative deficiencies in the surrounding area.
- 6.45 Currently, it is considered that this proposal requires contributions towards the following:
- Contribution towards Open Space requirements and Community Centres.
  - Contribution towards WSCC (libraries, fire and rescue, education). Amounts based on final occupancy figures based on Reserved Matters applications.
  - Contributions towards Health Provision.
- 6.46 This site is within the strategic allocation for Kilnwood Vale and the site area for the wider development which has extant outline planning consent. Under the Environmental Impact Assessment for the outline approval, mitigation measures were included for 2,650 dwellings. A number of these measures were secured through the Legal Agreement for the Kilnwood Vale site. The mitigation measures and contributions already secured under the outline are a material consideration in the determination of this application in addition to

those contributions outlined above which are required to directly mitigate the impacts arising from the development.

- 6.47 It is therefore recommended that the final details regarding contributions is delegated to the Head of Development for approval. A legal agreement is also required to secure the provision of the affordable housing provided.

Conclusion:

- 6.48 Taking all matters into account, the proposal is considered an acceptable form of development. The scheme would result in an appropriate development in accordance with the requirements of the JAAP. The ‘Reserve Land’ was safeguarded as part of the outline consent to provide the opportunity to accommodate a Western Relief Road however the deadline to confirm the requirement for the WRR has now expired. The principle of development on this site is accepted and the quantum of development proposed is appropriate for this site.
- 6.49 The scheme is also considered to be in accordance with the requirements of the HDPF and NPPF and subject to final details to be considered at Reserved Matter stage would result in a sustainable form of development. The proposal is also considered appropriate with respect to its impact on demand for travel and highway considerations, impact on residential amenity, trees, sustainability, ecology and flooding.

**7. RECOMMENDATIONS**

- 7.1 That planning permission be delegated for approval to the Development Manager:

- subject to completion of a legal agreement and appropriate conditions.
- subject to the submission of satisfactory evidence to address the late objection received from Wealden District Council regarding the impact on the Ashdown Forest Special Area of Conservation and no objection to the evidence from Natural England.

Conditions:

1. Plan numbers.
2. **{\b Plans Condition}**: The detailed design of the development proposed through Reserved Matters application pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out on the following parameter plans and supporting documents:

Plan	Drawing Number	Date Received
Access and Movement Parameter Plan	16375/C101G	12.11.2017
Building Heights Parameter Plan	16375/C102M	23.01.2018
Landscape and Open Space Parameter Plan	16375/C103H	23.01.2018
Density Parameter Plan	16375/C104K	12.11.2017
Land Use Parameter Plan	16375/C105F	23.01.2018

Reason: As the LPA has had regard to these drawings in determining whether the amount of development proposed can be accommodated within the site in an acceptable way in accordance with Policy SD1 of the Horsham District Planning Framework (2015).

3. **{\b Outline Condition}**:

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

4. {\b Pre-Commencement Condition}: No development shall take place, 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. hours of operation
  - ii. the parking of vehicles of site operatives and visitors
  - iii. the anticipated number, frequency and types of vehicles used during construction
  - iv. the method of access and routing of vehicles during construction
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding, where appropriate
  - v. the provision of wheel washing facilities if necessary
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

5. {\b Pre-Commencement Condition}:
- i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
  - ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

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

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

7. {\b Pre-Commencement Condition}: No dwelling shall be occupied until the emergency access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be retained in accordance with the approved plans.

Reason: As this matter is fundamental to ensure an appropriate emergency access to the site in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8. {\b 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).

9. {\b 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 fully coordinated 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 & 38 of the Horsham District Planning Framework (2015).

10. {\b 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 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. **{\b Pre-Occupation Condition}**: Prior to occupation of the first dwelling, plans and details of the proposed roundabout access shown on drawing number JNY9408-01 shall be submitted to and approved by the Local Planning Authority. The submission shall be supported by way of a Stage One Road Safety Audit and a formal statement outlining the design standards and guidance applied to the roundabout design. The roundabout, as approved, shall be provided prior to the occupation of the first dwelling on site.

Reason: As this matter is fundamental to ensure safe and satisfactory access to the site in accordance with Policy 40 of the Horsham District Planning Framework (2015).

12. **{\b Pre-Occupation Condition}**: Prior to the first occupation of any part of the development hereby permitted, full details of all landscape buffers shall be submitted to and approved by the Local Planning Authority in writing. 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.

13. **{\b Pre-Occupation Condition}**: Prior to the first occupation 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).

14. **{\b Pre-Occupation Condition}**: Prior to the first occupation of any part of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 & 38 of the Horsham District Planning Framework (2015).

15. **{\b Regulatory Condition}**: The Reserved Matters application shall include a scheme for sound attenuation against external noise for the units adjacent the southern boundary as outlined in the Environmental Noise Survey and Assessment Report (15257B-1). The approved sound attenuation works shall be completed before the dwellings 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 units adjacent to the southern boundary and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Notes to Applicant:

1. 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.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks' notice. For crane queries / applications please email [gal.safeguarding@gatwickairport.com](mailto:gal.safeguarding@gatwickairport.com). The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues, (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
3. In formulating the Reserved Matters application, the applicant's attention is drawn to the High Weald AONB Colour Study (<http://www.highweald.org/high-weald-aonb-management-plan/evidence/420-home/research-reports/2307-high-weald-colour-study.html>).
4. In formulating the Reserved Matters application, the applicant's attention is drawn to the High Weald AONB dark night skies policies. These requirements must be taken into consideration when considering all external lighting for the development of the Reserve Land.

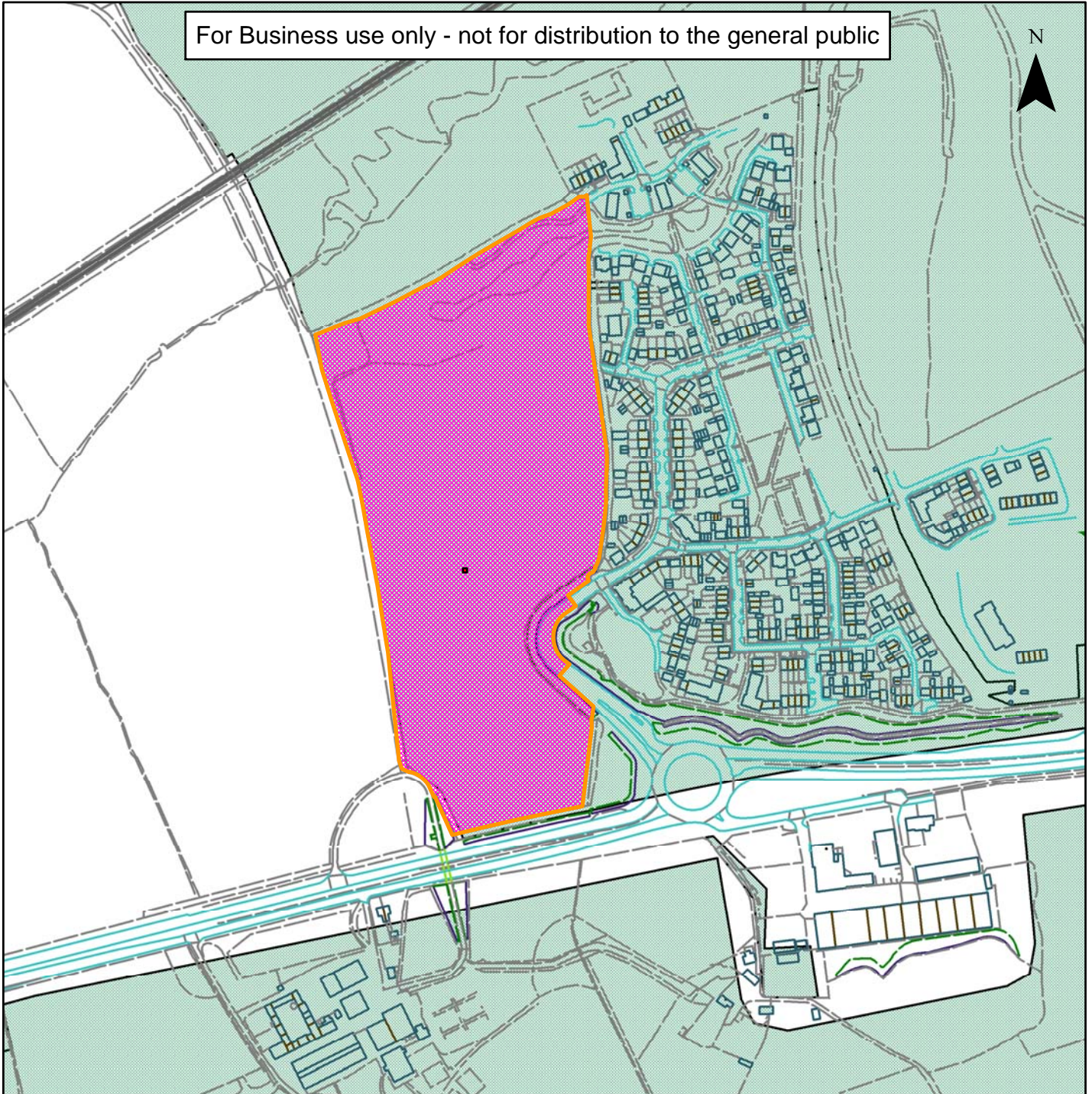
Background Papers: DC/10/1612, DC/15/2813, DC/17/2481





Not Set

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	25/01/2018
SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (North)

**BY:** Head of Development

**DATE:** 06 February 2018

**DEVELOPMENT:** Demolition of existing car park and replacement with new "Ground floor + 3 deck (G+3)" public car park incorporating new lighting, electrical services and new public conveniences. Parking spaces totalling 426no. including Accessible Bays, Parent and Child Bays and Electric Vehicle charging bays. (Regulation 3 Application)

**SITE:** Piries Place Car Park Piries Place Horsham West Sussex

**WARD:** Denne

**APPLICATION:** DC/17/2509

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

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

**RECOMMENDATION:** To delegate authority to the Head of Development to approve planning permission subject to amendments to the design, and appropriate conditions.

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION**

1.1 The application seeks full planning approval for the demolition of the existing 330no. space split-level car park, and the replacement with a new car park incorporating 4 flat parking decks (including ground floor level) totalling 426no. parking bays. The proposed car park would occupy the same footprint as existing, and the vehicular entrance/exit point from the highway would be in the same location as existing, utilising a similar 'automatic number plate recognition' (ANPR) system as used at present. Motorcycle access would remain as existing.

1.2 At ground floor level, the car park would include the following parking bays:

- 58no. regular parking bays (at 2.4m wide)
- 8no. electric vehicle charging bays (at 2.4m wide)
- 11no. accessible bays (at 3.6m wide)
- 10no. parent and child bays (at 3.2m wide).

The ground floor level would also include 3no. toilet cubicles, an accessible/baby changing unit and a 13m<sup>2</sup> changing places unit (3m x 4.3m). These would be located to the front of

the car park, with access directly from the public open space area adjacent to Piries Place. A central area of the car park's ground floor would be reserved for motorcycle parking, pay stations and local information.

- 1.3 The first, second and third floors would each feature 113no. regular parking bays at 2.4m wide. A ramp located in the central part of the car park would enable vehicles to access each deck. Vehicles would circulate in a one-way, clockwise direction. The second floor will feature upgraded fire escape doors and fire escape stairs from the existing flats at Burtons Court.
- 1.4 The car park would feature 3no. stair cores on each corner of the car park. The stair core on the south-west corner (directly facing Piries Place) is the 'primary' stair core, and includes 2no. passenger lifts. The stair core on the northern corner (facing Copnall Way and North Street) features a stairwell and fire exit only, will hereby be referred to as 'the second stair core'. The stair core on the south-east corner (fronting Park Place) will also only feature a stairwell and fire exit, and will hereby referred to as 'the third stair core'. Pedestrian access into and out of the car park will be available from each of the three stair cores. The second and third stair cores would measure 11.2m in height, and the primary stair core would measure 13.2m in height due to the lift over-run. The height of the proposed car park to the anti-climb mesh at the top deck would measure approximately 10.8m.
- 1.5 The stair cores are proposed to be a light coloured buff stock brick with projecting/contrasting brick detail at the second and third stair cores. The second stair core would include lettering reading 'PIRIES PLACE' in a vertical arrangement. The primary stair core would include 'hit and miss' glass blocks to the north-west and south-west elevations. The exterior of the car park would feature laser-cut bronze coloured metal guarding at each deck, and other bronze features including ground level doors to the WC facilities and stair cores, the fascia's at the top of the stair cores and the signage above the main vehicular entrance/exit. Anti-climb mesh will feature at the perimeter of the top deck, at ground floor level on the north-west (principle) elevation and south-west (side) elevation, and at each deck in the 'gap' between the two Burtons Court buildings facing Park Street.

#### DESCRIPTION OF THE SITE

- 1.6 The application site is located in the centre of Horsham town, and is one of three large multi-storey car parks in the town centre. The existing car park location serves a wide area of Horsham town centre, and is within close proximity to the main shopping precincts of East Street, West Street, Carfax and Swan Walk shopping centre; as well with reasonable walking distance of Horsham Railway Station, the District Council offices and Horsham Park.
- 1.7 The existing car park was constructed in the late 1980's and consists of 4 split-level decks accommodating up to 330 No. car parking spaces including 10no. accessible bays and public convenience facilities. The existing car park is accessible 24 hours a day and includes an ANPR barrier system installed in 2014 with an overall height restriction of 1.98m. The maximum height of the existing car park is approximately 11m (at the main stair core opposite Park Place), and the height of the existing top deck is approximately 6.5m.
- 1.8 The car park is located in a well-known and prominent position in the town centre, adjacent to Piries Place shipping centre which is currently undergoing redevelopment to create a mixed-use shopping and entertainment quadrant; comprising restaurant units, retail units, a hotel and a cinema (DC/16/2506). Completion of the Piries Place redevelopment is expected in early 2019, when it is expected to fully re-open to the public.
- 1.9 The car park site is located behind (but detached from) Burtons Court which comprises a series of interlinked blocks of flats over 3-storeys operated by the London Quadrant

Housing Association. Existing emergency egress from the flats at Burtons Court is via doors leading onto the top deck of the existing car park. The car park is not within the designated Horsham Conservation Area but is in close proximity (Park Place, which is largely covered by the Conservation Area designation, is approximately 5m from the application site). The nearest listed building to the site is located approximately 35m to the south-west of the site (19-25 East Street, Grade II listed).

- 1.10 The application site is in proximity to several residential and commercial buildings including residential flats Nos. 1-33 Burtons Court which surround the site to the north and east elevations, Nos. 1-7 Parkway House approx. 6m to the south, Nos. 1-12 Park Place (first floor flats above shops/restaurants, located approx. 8m to the south of the site at its nearest point), No. 5a East Mews (Fillipo's Italian restaurant, 11m to the south of the site), Nos. 6-22 Stans Way (flats approx. 22m to the south-west of the site), the RSA building (approx. 22m to the north of the site), and retail/commercial units currently under construction at Piries Place to the immediate west of the 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 3 - Strategic Policy: Development Hierarchy

Policy 7 - Strategic Policy: Economic Growth

Policy 11 - Tourism and Cultural Facilities

Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

Policy 24 - Strategic Policy: Environmental Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 – Inclusive Communities

#### **2.4 Community Infrastructure Levy (CIL) Charging Schedule**

April 2017 (Adopted 1st October 2017)

#### **2.5 Horsham Town Plan SPD (2007)**

### RELEVANT NEIGHBOURHOOD PLAN

- 2.6 Denne 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.

## PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 **DC/17/2511** – PENDING CONSIDERATION  
‘Demolition of existing car park deck and replacement with new Ground floor + 4 deck (G+4) public car park incorporating new lighting, electrical services and new public conveniences. Parking spaces totalling 517no. including Accessible Bays, Parent and Child Bays and Electric Vehicle charging bays. (Regulation 3 Application)’.
- 2.8 **DC/16/2506** – PERMITTED 15/03/2017  
‘Partial redevelopment, conversion and change of use of numbers 1-17 Piries Place, the former Waitrose service area for mixed uses comprising A1, A2, A3, A4, C1, D2 uses, new Piries Place public realm extending to Park Place, Carfax and widening to Copnall Way’.
- 2.9 **DC/14/0251** – PERMITTED 09/04/2014  
‘Installation of automatic number plate recognition system (ANPR) to include new entry/exit barriers and associated works’.

## 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](http://www.horsham.gov.uk)

### 3.2 INTERNAL CONSULTATIONS

#### **HDC Landscape Architect:** Comment

Comments Dated 08 January 2018 (summarised): *‘No concerns are raised with the principle of demolition and rebuild on landscape grounds. From a townscape point of view the G+3 proposal is considered to sit more comfortably with the surroundings. The proposed materials fit in well with the surroundings. However, brick pattern/detailing should be considered and added to add interest to the stair cores, and it is considered that a opportunity to soften the overall appearance is being missed although I’m aware that this is something the council is pursuing internally with the introduction of a living wall. When viewed from Barttelot Road the anti-climb mesh and exposed deck platforms will appear at odds with the flats and the rest of the building. Asphalt is being proposed for the main pedestrian access/ toilet areas. Given the prominent location a higher quality material should be considered. Cycle parking provision needs to be considered’.*

#### **HDC Economic Development:** Support

Comments Dated 09 November 2017 (summarised): *‘The application will update the existing facility to modern specification, taking into account potential future needs in the case of electric car charging points, and an increase in the number of parking spaces. This will increase the capacity and improve upon the overall offer of the town to visitors. The Economic Development Department therefore supports the application’.*

#### **HDC Environmental Health (air quality):** Comment

Comments Dated 20 November 2017 (summarised): *‘In accordance with the HDC Air Quality Guidance (2014) the proposed development falls within the category of ‘Major’. The methodology for the air quality assessment is largely accepted. It would be appropriate to*

*include a mitigation plan for both the construction and operation phases of the development. A mitigation plan for a Major development should include Type 2 mitigation which seeks to reduce the number of vehicle trips, and reduce emissions from trips that arise after the implementation of trip reduction measures has taken place’.*

**HDC Environmental Health (lighting):** Comment

Comments Dated 27 November 2017 (summarised): *‘We would ask for the applicant to submit a lighting plan showing the overall impact of the proposed lights in accordance with the ILP GUIDANCE NOTES FOR THE REDUCTION OF OBTRUSIVE LIGHT (2011)’.*

**HDC Environmental Health (noise):** Objection

Comments Dated 24 November 2017 (summarised): *‘The results of the monitoring survey are accepted, but the conclusions of the report are not accepted as there is incomplete evidence of the impacts on the receptors closest to the site (in Park Way and Stans Way). The proposed development should not be considered in isolation, and a cumulative impact assessment should be provided, considering the impacts from both the proposed car park and the Piries Place development. The noise impacts of the proposed development are from the increase in parking spaces, as well as the plant room. The current report only considers the impacts of the plant room, but mitigation should be proposed after the cumulative impacts have been evaluated’.*

Additional Comments Dated 27 November 2017 (summarised): *‘The redevelopment of the Piries Place will bring new commercial uses in the area, which are expected to stay open late. It is therefore likely that the car park’s opening hours will be extended to accommodate the demand which should be considered in the noise assessment and the mitigation scheme’.*

**HDC Drainage Engineer:** No Objection – Conditions Suggested

Comments Dated 24 November 2017 (summarised): *‘While I have no overall objections to the Drainage Strategy proposed, an audit of the input data used to determine the storage volumes requires verification. Although unlikely to fundamentally alter the surface water strategy it assists the LPA & LLFA in the establishing constancy. If this development is permitted suitable drainage conditions should be applied that show full details of the measures to dispose of both foul and surface water, plus evidence to show that an agreement is in place for the on-going maintenance of any SuDS systems over the lifetime of the development’.*

**HDC Heritage Consultant (summarised):** Comment

The extant carpark building is primarily utilitarian in its appearance and does not particularly respond to the established character of the conservation area to the south and west, associated rather with modern structures of larger footprints to the north west. As such, the principle of the car park’s redevelopment is welcomed.

The view from Carfax (Fig.11) indicates that this development will screen any views of the proposed carpark from this key meeting place within the conservation area and listed structures, such as the Bandstand (Grade II, 1191536), The War Memorial (Grade II, 1420856) and Nos 33, 34, 34A and 34C Carfax (Grade II, 1191505). As such, the proposed redevelopment of the carpark will see no further impact on the setting and significance of built heritage assets within this area.

The proposed elevations to Park Place are, however, somewhat disappointing. The outlook onto Park Place is particularly sensitive. The Conservation Area Appraisal highlights that the current car park ‘contrasts abruptly’ with the Victorian buildings which line the street. The site provides a terminating view framed by primarily two storey, plus attic, brick buildings with terracotta and gable details. The fenestration of these buildings draws the eye vertically, rather than horizontally. The extant carpark provides an exposed view of parked cars on each deck, culminating in visible railings. While these elements detract from

the character of the view, the height and massing of the building remains subservient to the terraces and their established roofline, while the broken massing continues the vertical emphasis of street elevations. Although the proposals will see the screening of exposed cars, the proposed southern elevation of four/three storeys will appear dominant, with a horizontal emphasis. This will culminate in visible anti-climb mesh to the top deck.

The proposals should seek to break up the massing in this view, perhaps through incorporating vegetation, as is proposed in other areas. As they are, both the 3 and 4 storey schemes fail to improve upon the view from Park Place. The scheme would, however, see the current contribution that the site makes to the significance of the Horsham conservation area retained. Further design mitigation should be explored.

### 3.3 OUTSIDE AGENCIES

#### **WSCC Highways:** No Objection – Conditions Suggested

Comments Dated 16 November 2017 (summarised): *The development of the car park in combination with the adjacent consented development at Piries Place is anticipated to generate minimal trips in the AM and PM peak periods. The TA acknowledges the sensitivities of construction vehicles and proposes a number of mitigation measures which should be secured within a construction management plan.*

#### **WSCC Flood Risk Management:** No Objection – Conditions Suggested

Comments Dated 30 November 2017 (summarised): *Development should not commence until finalised detailed surface water drainage designs and calculations for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff will not exceed the run-off from the current site. Development shall not commence until full details of the maintenance and management of the SUDs system are submitted to, and approved in writing, by the Local Planning Authority.*

#### **Forest Neighbourhood Council:** Comment

Comments Dated 12 December 2017 (summarised): *Bay widths should be increased to 2.5m. A scheme should be implemented to control the spaces used for hotel guests during the day so they are freed up for short-stay users. More electric charging points should be installed. More vegetation is required to soften the structure of the car park.*

#### **Denne Neighbourhood Council:** Comments

Comments Dated 15 November 2017 (summarised): *The scheme should be future-proofed to include more electric charging points when required. The lift core should be more aesthetically pleasing (some form of artwork should be considered). Request to see a sample of the bronze metal cladding.*

Further Comments Dated 29 November 2017 (summarised): *The car park should be made as accessible & friendly as possible for people with disabilities. Clarification is required on provision for cyclists including routes & parking.*

Further Comments Dated 12 December 2017 (summarised): *Good pedestrian links and access from the new car park to Park Place need to be retained in order to protect the businesses that trade in the street. There also needs to be good signage to encourage shoppers to venture into Park Place. Consideration needs to be given with regards to noise prevention (i.e. tyre squeal which can cause a public nuisance). The design of the car park needs to be in keeping with the local conservation area.*

#### **Horsham District Cycling Forum:** Objection

Comments Dated 27 November 2017 (summarised): *Horsham District Cycling Forum are concerned over the complete absence of cycle provision in the project. There are no plans*



*for this development to improve dangerous access for cyclists from Copnall Way to Park Place, and no cycle storage. The design around the entrance and exit to the car park needs to provide a safe route for cyclists and vehicles’.*

**The Horsham Society: Objection**

Comments Dated 01 December 2017 (summarised): *‘Recognition of the need for a larger and better designed car park. Consideration should be given to vertical emphasis. Brickwork should be local stock brick, and the use of vertical brick detailing would add quality to the design. Instead of using the bronze metalwork horizontally consideration could be given to using this between vertical brick panels. Each tower and elevation could be considered a separate design, complementing its surroundings. Make the lift tower the main feature - with a glass exterior it would be open and light making users feel safe. This would provide good views across the town and become a focus of Piries Place. Potential to install an arch, or building to link no.9 Park Place and the new car park building. There is also the potential of adding small pop up retail units in this area. An alternative would be a green wall which would soften the whole design. Horsham Society commends HDC for the inclusion of a Changing Places facility’.*

### 3.4 PUBLIC CONSULTATIONS

In total, 4x letters of objection have been received. One letter expressed support for the proposal stating that it would be an overall improvement to the town centre, but made suggested changes to the design. 3x representations expressed an objection to the application citing the following summarised planning concerns:

- Poor design, not in keeping with surrounding character
- Missed opportunity to incorporate environmentally sustainable design principles
- A vertical living wall and other planting should be considered
- Renewable resources should be included (solar panels for lighting etc)
- Lack of parking when the car park is demolished, knock-on effect in other parking areas
- Concerns about noise and dirt during construction
- Loss of privacy
- Obstruction of light and views

## 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 The scheme has been designed to facilitate a greater degree of security than at present. The flat deck arrangement with fewer support columns allows for greater visibility and clearer views across each floor and the entire car park and stair wells will be fitted with CCTV and internal LED lighting. Therefore 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 proposed development are:

- The Principle of the Development
- Scale and Layout
- Impact on Amenity and Character
- Impact on the Historic Environment
- Appearance and Landscaping
- Highways 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), and states 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. Denne 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 in a primary location within Horsham 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 Given that the proposed development is for a replacement car park facility that has been in-situ for several decades; the principle of siting a car park in this location is acceptable. Given the context of the proposed location, both within the town centre and adjacent to the on-going Piries Place redevelopment project; the Piries Place car park would be the main parking facility to serve this redevelopment as well as restaurants on East Street, and the proposal for an upgraded car park is therefore welcomed. The car park as existing is approximately 30 years old, and includes a number of unsatisfactory features including poor vehicle manoeuvrability, undesirable positioning of support columns causing obstruction, insufficient vehicle bay dimensions, and poor access and security more generally. The existing car park does not feature any dedicated Parent and Child bays, does not perform sustainably, and does not make the most efficient use of land as required by Policy 33 of the HDPF.
- 6.5 The NPPF places great emphasis on the drive to achieve sustainable economic growth by meeting identified development needs and responding to opportunities for growth. The NPPF also encourages the recognition of town centres as the heart of a community, and requires local policies to support their on-going vitality. Accordingly, the HDPF contains policies which support economic growth and town centre vitality. Policy 7 seeks to support local enterprise and tourism opportunities by providing appropriate infrastructure to encourage people and business to the area. Policy 12 recognises Horsham as the district's primary centre, and seeks positive measures to improve the town's vitality including: maintaining a diverse range of uses, creating well-designed and attractive public realms, providing a choice of adequate and convenient car parking, and respecting the historic character of the town. Policy 11 of the HDPF seeks to encourage measures that promote tourism providing they are of a scale appropriate to the location. It is considered that the proposed replacement car park would accord with the principle requirements of Policies 7, 11 and 12 by virtue of its town centre location and the resulting enhanced facility which would support the attractiveness of the adjacent Piries Place development as a place to visit, as well as the wider town centre economy as a whole.

## Scale and Layout

- 6.6 The internal layout of the proposed car park is considered to be functional and legible at all decks, and a vast improvement on the existing structure. The main pedestrian access points are via the western corner (opposite Pries Place) and the southern corner (Park Place) where 'welcome zones' are proposed. The western corner would be the primary pedestrian access point and would act as a 'focal point'. This area would include a pay station, and access to the stairwell and 2x pedestrian lifts. This prominent location is considered to be appropriate as the main access point, and has been laid out suitably. The inclusion at ground floor level of accessible bays and parent and child bays is welcomed, and the quantum and width of these bays is considered to be sufficient. The width of the remaining 396 'regular' parking bays at 2.4m is considered to be appropriate. The inclusion of 8x electric vehicle charging bays at ground floor level is also welcomed, and specifically accords with the aims of Policy 41 of the HDPF which seeks charging opportunities for plug-in or low-emission vehicles, as well as contributing to the overarching aims of the sustainable development policies outlined in Chapter 10 of the HDPF.
- 6.7 The proposal also includes the provision of 3x WC cubicles, as well as an accessible/baby change facility. A 'Changing Places' unit is also included, which at 13m<sup>2</sup> exceeds the recommended minimum area of 12m<sup>2</sup>. The specification of the Changing Places unit including any additional equipment to be included is subject to final agreement, but the mandatory facilities will be included as a minimum. All these facilities are welcomed, and are considered appropriately located at the front of the car park with direct access to and from the adjacent public realm and within close proximity to the revamped Piries Place. No replacement cycle storage facilities have been proposed as part of this development and this omission is considered to fail to accord with the Council's aims to encourage more sustainable transport modes and to encourage healthier living (Policy 40). To address this shortfall a condition has been suggested to require appropriate cycle storage facilities to be included as part of the development.
- 6.8 The proposed replacement car park would include 4-decks of parking (ground floor plus 3-decks), totalling 426no. parking spaces. This would result in an increase of 96 parking bays above existing provision. In justifying the quantum of parking proposed, the applicant has calculated the required amount of parking expected to be generated from the Piries Place redevelopment in conjunction with the 2003 WSCC parking standards. The projected demand from the redeveloped Piries Place would equate to 379 parking spaces which exceeds the provision within the existing car park. Given this projected demand only derives from the Piries Place shopping area, and not from East Street or other parts of the town centre, it is considered that more parking is likely to be required, and the provision of 426no. parking bays would be acceptable.
- 6.9 In order to accommodate the desired quantum of parking, as well as an improved internal layout arrangement for vehicles and pedestrians, the resulting scale of the replacement car park would be larger than the existing structure, albeit the footprint will remain as existing. The primary stair core would measure 13.2m in height and the second and third stair cores would measure 11.2m in height. As a comparison, the highest point of the existing car park is approximately 11m (at the rear stair core), and the top deck measures 6.5m, but steps down in height towards the principle elevation at Piries Place to around 3.7m, resulting in a reduced sense of scale. The proposed top deck of the replacement car park would measure up to 10.8m in height which would significantly increase the overall scale of the building, particularly when viewed from the primary elevation at the front of the site.
- 6.10 The layout of the car park and the positioning of the 3no. stair cores on the outer corners has been driven by several factors including; structural requirements, fire safety considerations, and practical constraints. This arrangement reduces the requirement for columns within the car park, which reduces obstructions and improves the internal

circulation and clearances. The resulting scale and massing of the stair cores and top deck is considered to create a considerably more prominent building than the existing structure. The impact of this on the surrounding area including nearby residents, businesses and the nearby conservation area has been considered by Officers and is discussed in the following section of this report.

#### Impact on Amenity and Character

- 6.11 Given its town centre location, the site is located in close proximity to several businesses and residential dwellings. The impact of the resulting car park on residents of Burtons Court is considered to be minimal as the development is sited behind the flats, thereby the outlook from this area would not change. It is appreciated however, that some temporary disruption is likely occur during demolition and construction. In order to control this and to minimise its impact, a condition has been suggested requiring a Construction Management Plan to be submitted and agreed by the Council prior to the commencement of development.
- 6.12 It is considered that the development of the second stair core would have the least impact on neighbouring occupiers due to its location facing Copnall Way and the traffic junction at Albion Way/Park Street. The scale and proximity of the stair core in this location is considered to have some limited impact on the outlook and light to the west facing windows of 25-33 Burtons Court, however this would not be of a magnitude to warrant a re-design or refusal of permission. The distance of over 20m from the site to the RSA offices, combined with the separation between the buildings by the 14m wide Copnall Way, reduces the impact of the larger structure on occupants of these offices, including the potential for overlooking and the overshadowing effects caused by the larger stair core and higher deck levels.
- 6.13 When viewed in conjunction with the approved hotel opposite and the existing RSA building, the scale and mass of the second stair core (at 11.2m) is not considered to be incongruous with the scale and design of the hotel building which will be approximately 17m in height. The second stair core would be visible in long views from Park Street to the north, and whilst it would exceed the eaves height of Burtons Court, it would not peak above the roof ridges. In this respect it is considered that the scale of the stair core on the character of the existing built development from this viewpoint would not be significantly harmed, and given the minimal harm on wider visual amenity in this area, the second stair core is considered acceptable.
- 6.14 The overall height of the third stair core located at the end of Park Place would be only slightly higher than the existing stair core in this location (by about 20cm). The proposed 3 decks in this location (at 10.8m in height) would result in a structure that would be higher than the existing car park, by virtue of the additional deck. The development in this location is not considered to harm No. 1-9 Burtons Court, but would result in some impact on the occupiers of Nos. 10 and 12 Park Place (including the first floor flat above 12 Park Place, access via Parkway House to the rear) by virtue of its increased scale. It is noted that the existing outlook from the first floor flat at 12 Park Place is onto the existing second deck of the car park, which allows potential for overlooking. Given that the proposed third stair core would be located further to the east than the existing stair core, it is considered that this would reduce the sense of overlooking and impact on privacy as the proposed stair core would have no windows facing this direction. Conversely however, the outlook from this flat would be onto a blank, 11.2m brick wall, which is considered to block natural light and offer a poor outlook and sense of amenity. As such any benefit from the removal of overlooking opportunities would be offset by the greater scale of building facing these windows.

- 6.15 The increase in height of the parking decks on the south-east elevation from 2 decks to 3 decks would also result in some harm to the outlook of the westward facing (living room/kitchen) windows of the first floor flats at 10 and 12 Park Place which would suffer from an increased sense of enclosure, some loss of light, and potential increased overlooking. The height of the proposed car park from these windows would be approximately 6m from their internal first floor level, an approximate 3m increase on the existing car park. This would be broadly equivalent to facing a two storey building instead of a one storey building. Although an appreciable increase on the existing car park, at a separation of 10m and within a town centre location such as this, such a relationship between residential windows and facing buildings is not uncommon, and as such the degree of harm is not considered significant. In terms of overlooking, the additional parking deck would be higher than the windows to these flats and as such would not provide for a significant actual increase in overlooking, albeit occupiers would likely experience a greater sense of being overlooked. Overall, having regard to the limited additional height to the car park it is not considered that the impact on the amenities of these flats would be so harmed as to warrant the refusal of permission. Likewise, it is not considered that the impact on light and outlook to the commercial properties at ground floor level, or to the other adjacent properties along Park Place, would be of significant harm given the nature of their occupancy and relationship with the site.
- 6.16 The primary stair core on the western corner facing the new Piries Place development is considered to have the greatest impact on character and amenity. This stair core is the largest in terms of height (13.2m) and width (11.3m) as it also accommodates the 2x passenger lifts and welcome area. By virtue of its increased scale and mass in this location, the car park would have an impact on existing buildings closest to it – particularly in East Mews and Stans Way. It is acknowledged that the character of this area would change as a result of the proposed car park, but in the context of the wider redevelopment occurring at Piries Place, this is generally considered to complement the adjacent improvements, and on balance, would be acceptable.
- 6.17 In terms of its impact from the street scene, the main view of the primary stair core in this location would be from Piries Place. From this viewpoint, the stair core is reasonably narrow which helps to minimise the sense of scale. Along the side elevation the stair core is much wider and the sense of scale and mass is more prominent. Whilst this is acknowledged, views of the car park from this location are less common as the public realm adjacent acts as a thoroughfare, rather than an area to stop and spend time in. The separation distance between the proposed stair core and existing buildings in East Mews (i.e. Fillipo's restaurant at No. 5a) is approximately 11m, and between the stair core and the nearest dwellings in Stans Way is over 20m. Whilst it is acknowledged that the outlook from existing residential properties and commercial premises will change as a result of the 13m stair core in this location, the separation distances to adjacent residential and commercial buildings would help to reduce the impact of the larger structure on these buildings, and on balance (and in the context of the surrounding development), the stair core in this location is considered to be acceptable.

#### Impact on the Historic Environment

- 6.18 Policy 34 of the HDPF requires, amongst other provisions, development to reinforce the special character of the district's historic environment through appropriate siting, scale, form and design, and retain and improve the setting of heritage assets.
- 6.19 The Horsham Conservation Area boundary is located to the south of the application site, and is approximately 5m from the car park footprint at its closest point. The majority of the buildings to the south of the application site in Park Place, East Mews and Stans Way are within the Conservation Area. It is considered that the most sensitive view of the proposed development (with regard to the historic environment) would be from Park Place. There are several listed and locally listed buildings within a 40-50m radius of the application site, but it

is not considered that the proposed car park would have a significant impact on any of these buildings or harm their settings by virtue of the distance between them.

- 6.20 The proposed third stair core at the end of Park Place is located in a slightly different position to the existing stair core (further to the east / closer to the rear of Burtons Court) which is considered to improve the view from the Conservation Area designation within Park Place as it would be partially hidden behind existing buildings. The overall increase in height of the car park in this location, whilst more prominent, would not be overly different from the existing scale, and therefore not considered to result in harm to the character of the Conservation Area in this location. The Council's Heritage consultant considers that the proposal fails to improve the view of the car park from Park Place, and would benefit from amendments to break up the massing through measures such as vegetation, but does not identify harm or raise objection to the development.
- 6.21 Given the distance between the car park site and the Carfax (which is within the Conservation Area, and also includes several listed buildings of high importance), and the intervening built environment including the projection of the permitted Piries Place redevelopment (including new hotel), it is unlikely that the proposed car park would be visible from the Carfax and the Heritage consultant has raised no objection accordingly. The applicant has supplied a perspective drawing which outlines the proposed car park structure as viewed from the Carfax, which confirms that it would be hidden behind both existing and new buildings and would not be visible from this sensitive and historic viewpoint. Aside from the view from Park Place which would be visible but not considered harmful, it is also not considered that the proposed car park would be visible from the public realm along East Street as the narrow street and surrounding buildings would not enable views towards the application site. The proposal would therefore preserve the setting of these heritage assets in accordance with Policy 34 of the HDPF.

#### Appearance and Landscaping

- 6.22 The intention of the applicant is to compliment the appearance of the car park to the approved redevelopment of the adjacent Piries Place shopping area. In this respect, the main materials proposed include a light coloured stock brick (Ibstock Ivanhoe cream has been suggested) for the main stair cores and brick walls at ground floor level, and a bronze coloured metal cladding (with laser cut pattern to be agreed) for the deck guarding. Complementary bronze coloured metalwork is also proposed for the fascia and external signage. The bricks approved at the adjacent Piries Place development have been agreed by the Council, and include the Ibstock Ivanhoe Cream brick for the hotel and cinema, a darker contrasting brick (Bexhill dark) and the use of reclaimed brick. Whilst initially, a bronze metal finish was indicatively proposed for the metal façade elements (including curtain walling, fascia's, cornice's etc), a darker brown, powder coated metal has since been approved for these elements (Tiger Drylas Powder Coatings, Colour Code 068/60306).
- 6.23 The proposed bronze metal cladding to be used for the deck guarding is considered in principle to compliment the metal work proposed in the adjacent Piries Place development, although final details of the cladding proposed (including colour and design) would need to be agreed by condition. It is considered however, that the cladding creates a very horizontal appearance to the car park which highlights its scale and mass. Some more verticality at the primary elevation may improve the external appearance, and soften the mass when seen from this important viewpoint.
- 6.24 Whilst the use of a complimentary brick to that approved at the Piries Place development is deemed appropriate, it is considered that the proposed stair cores which comprise mainly brick (with some lettering and projecting brick detailing in the second stair core and glass block pattern in the primary stair core) results in a stark building form that does not complement its surroundings. The expanse of brick at each of the stair cores (particularly

the primary stair core) is considered to create a bland appearance, and adds to the building's sense of scale and bulk. The glass block pattern helps to break up the expanse of brick, however this design feature is not considered a suitable means to break up the building's massing, particularly on this key feature and primary elevation.

6.25 Whilst it is considered that the scale of the stair cores is acceptable, the use of materials and design is very important in seeking to complement the building with its surroundings, and softening its appearance from important viewpoints. Officers are of the view that given the prominent location of the proposed development and the context it sits within, the quality and design of the car park should be of the highest possible standard. In this respect, if Members are minded to approve the application, it is recommended that amendments are made to the external appearance of the car park to incorporate a higher quality design, more reflective of its surroundings. It is considered that the design amendments that have been proposed in the accompanying application DC/17/2511 (the G+4 deck scheme) should be incorporated into this application in order to improve the external appearance, with final details to be secured by condition. These amendments include the following:

- Inclusion of a living 'green wall' to the primary stair core
- Inclusion of vertical glazing at the primary stair core
- Amended bronze metal cladding and inclusion of 'tree' pattern
- Inclusion of a Sussex brick bond at ground floor level
- Use of complementary contrasting dark brick for detailing
- Inclusion of 8no. cycle hoops in two separate locations
- Inclusion of ground floor planters at the south-west elevation
- Introduction of climbing/trailing ivy at each deck of the Burtons Court 'gap'.

6.26 The proposed use of anti-climb mesh at the perimeter of the top deck is acknowledged as necessary from a safety point of view. Visually, this is not considered very attractive, but it is appreciated that from a ground level perspective it would not be seen to an obvious extent particularly where the metal guarding fronts it (i.e. when viewed from within Piries Place and from Park Place). In these locations the mesh would be 2m in height from ground level, but it would only appear above the guarding by approximately 70cm. In views from the north-east and south-east elevations (i.e. the longer viewpoint towards Burtons Court from Park Street and Park Way) the mesh is required to be positioned around the outer perimeter of the top deck to discourage people jumping onto the roofs of Burtons Court. Here, the mesh is required to be 2m in height from deck level however it would in the main not be readily visible behind the roof of Burtons Court, although it would appear in the 'gap' between two of the blocks of flats. Whilst it is acknowledged that the anti-climb mesh is not visually attractive (particularly in the 'gap' between the flats), the necessity for the mesh from a safety perspective is considered to outweigh the harm that its limited visibility would cause and on balance, it is considered in principle to be acceptable. If Members are minded to approve the application it is suggested that amendments are made to the appearance of the mesh as viewed from the north-east and south-east elevations to screen its visual prominence when viewed from ground level. The inclusion of climbing/trailing ivy at each deck of the Burtons Court 'gap' as shown in proposed application DC/17/2522 is suggested as appropriate screening.

6.27 As existing, soft landscaping at the site is limited by the footprint and the surrounds. There are however, 3x small trees located to the rear of the car park (in Park Place), and planters on the guarding of the existing car park's front elevation provide greenery at the car park entrance. The proposed scheme provides little in the way of soft landscaping, and only one of the three existing trees in Park Place is proposed to remain. In the gap between the Burtons Court flats, low level shrub planting is proposed to match other planting on the adjacent verge. It is considered that an enhanced landscaping scheme incorporating the features included in the accompanying application DC/17/2511 (the G+4 deck scheme) , as

outlined above, should be incorporated to the design to improve its overall appearance, add greenery to the building and to encourage biodiversity.

- 6.28 Details of hard surfacing on the area around the site have not been agreed yet, but have been secured by condition under the approved Piries Place redevelopment (DC/16/2506). The applicant has stated that the proposed surfacing around the car park will extend from the Piries Place development to create a continuous, high quality public realm. The details of this surfacing have not been provided yet, but can be secured by condition to ensure the two developments link appropriately. The intention of the applicant is that the agreed surfacing will extend into the car park's 'welcome zones' to help provide connectivity from the car park to the public realm.

#### Highways and Access

- 6.29 The applicant has submitted a Transport Assessment in support of the planning application. The TA has been undertaken based on a larger replacement car park consisting of 531 parking spaces. It is therefore considered that the conclusions drawn from the TA are a 'worse-case scenario' and any impact from the proposed 426no. space car park is likely to be less severe.
- 6.30 The TA sets out that the upgraded car park is likely to increase its use, but states that the increase in use will likely occur during the retail and leisure peak times, and not during the highway network peak hours. The TA concludes that the availability of an improved car park in the town centre may redistribute some traffic, but there is unlikely to be an increase in traffic entering the town in general, thereby the overall traffic volumes are not considered likely to increase. WSCC Highways were consulted with regard to this application, and concur with the conclusions of the TA with regard to traffic impact.
- 6.31 Access into and from the proposed car park is to remain as existing, with a single lane entrance and two lane exit (merging into one) on to the approach to the Copnell Way mini roundabout. The entry and exit is controlled by ANPR which is proposed to be re-installed. Motorcycle access is proposed to be free, as existing. WSCC have no objection to this arrangement, and it is therefore deemed acceptable. There would be pedestrian access points at all stairwells of the car park allowing access to/from Copnell Way, Park Place and Piries Place. In terms of offsetting the existing parking provision during construction works, officers have been advised that studies prepared for the Parking Services team have identified there to be sufficient immediate capacity within existing car parks, and that a mitigation plan is being prepared. The studies have though identified a need for additional car park capacity moving forward, hence the proposal to increase capacity at this existing facility.

#### Other Matters

- 6.32 Security. The scheme has been designed to facilitate a greater degree of security than at present. The flat deck arrangement allows for greater visibility and clearer views across each floor and the entire car park and stair wells will be fitted with CCTV. Details of this will be secured by condition. The internal area of the car park would have a white finish to the internal frame, soffits and surfacing which increases to reflection of natural daylight, and the output from LED light fittings at night. Each level would be clearly identifiable at each stair core by the use of coloured signage and wayfinding, and marked pedestrian routes will guide people from stair cores to parking bays.
- 6.33 Drainage. In support of the application, a Drainage Design Statement has been submitted. Given the nature of the site which comprises a concrete/tarmac car park, the site is largely impermeable with little scope for infiltration. As a result, utilising the current public sewer is the only practical option for discharging surface water. The Council's Drainage Engineer has reviewed this document and has no overall objection to the strategy proposed. He has



however commented on the need for the verification of the input data used to determine the storage volumes. If approved, the Drainage Engineer has suggested that suitable drainage conditions should be applied that show full details of the measures to dispose of both foul and surface water, and evidence to show that an agreement is in place for the on-going maintenance of any SuDS features.

- 6.34 Noise. The Acoustic Report submitted in support of the application has been undertaken based on a larger replacement car park consisting of 559 parking spaces. The Report considers the impact of noise from the car park on all adjacent receptors, including all residential and commercial properties that bound the site. It is therefore considered that the conclusions drawn from the Acoustic Report are a 'worse-case scenario' and any impact from the proposed 426no. space car park is likely to be less severe. The Council's Environmental Health team have reviewed the Acoustic Report and state that whilst the results of the monitoring survey are accepted, the conclusions of the report are not accepted. The EHO states that the proposed development should not be considered in isolation, as it forms part of the Piries Place redevelopment scheme which will result in a more intensive use in the evenings and at night. Therefore, a cumulative impact assessment should be provided, which will consider the impacts from both the proposed car park and the Piries Place development.
- 6.35 The EHO notes that the noise impacts of the proposed development would be from both the increase in parking spaces (and subsequent vehicular movements), as well as from the plant room located on the ground floor, but does not consider that such impacts are insurmountable. The current noise report only considers the impacts of the plant room; therefore an update assessment to include noise from vehicular movements should be submitted. Any mitigation required for the development should be proposed after the revised report has been completed and the cumulative impacts have been evaluated. Notwithstanding the submission of the Acoustic Report, if Members are minded to approve the application, a revised acoustic report incorporating the points above has been suggested to be secured by condition, with any required mitigation recommended in the revised report, to be implemented.
- 6.36 Air Quality. The Air Quality Report submitted in support of the application has been undertaken based on a larger replacement car park consisting of 532 parking spaces. It is therefore considered that the conclusions drawn from the assessment are a 'worse-case scenario' and any impact from the proposed 426no. space car park is likely to be less severe. The Council's Environmental Health team have reviewed the Air Quality Assessment have advised that the methodology for the air quality assessment is largely accepted. The EHO advises that it would be appropriate to include a mitigation plan for both the construction and operation phases of the development. The mitigation plan for the construction phase of the development is expected include proposals to reduce the number of vehicular trips to the site, and the promotion of lower emission vehicles and low emission fuels. It is expected that the mitigation for the operational phase of the development would include active (installed from the outset) and passive (cabling provided for future installation) charging points for electric vehicles.
- 6.37 Given that 8no. electric vehicle charging points are proposed as part of the development, it is considered that active air quality mitigation has already been addressed satisfactorily and in accordance with Policy 41 of the HDPF. As the Council do not have a specific planning policy requirement for future-proofing development for additional charging points, it would be difficult to require this as part of the proposed development. It is a general aspiration of the Council to encourage the use of low-emission and plug-in vehicles, therefore if the applicant wishes to install additional car park charging points in the future (as demand increases), the Council would welcome and support this. With regard to air quality mitigation during the construction phase of development, a condition has been suggested for a Construction Management Plan to be submitted prior to the commencement of development which includes a requirement to promote the use of lower

emission vehicles and low emission fuels, as well as reducing vehicular movements to and from the site.

- 6.38 Lighting. The Councils EHO has reviewed the submitted lighting details and has requested for the submission of a lighting plan showing the overall impact of the proposed lights in accordance with the ILP Guidance Notes for the Reduction of Obtrusive Light (2011). This will be secured by condition.
- 6.39 Other matters. The existing car park acts as a fire escape route for Burton Court. It is understood that alternative means of fire escape within Burton Court will be provided whilst demolition and construction works are carried out. For the avoidance of doubt a condition is attached requiring such alternative means of escape to have been provided for prior to demolition works commencing.

#### Conclusions and Planning Balance

- 6.40 In principle, the upgrading of the Piries Place car park is welcomed, as it is recognised that the existing facility is not fit for purpose in terms of its layout and capacity. In the context of the central site location, and the adjacent Piries Place redevelopment which is under construction, an improved 426 space car park on this site is considered to be much needed in order to encourage visitors to the town centre to maintain its vitality and viability in accordance with Policies 11 and 12 of the HDPF. Subject to amendments to secure improvements to the design as per the accompanying application for the G+4 deck scheme (DC/17/2511), and conditions to secure the final design details and landscaping, the overall layout, scale and design of the proposed building is considered to have an acceptable impact on the amenities of surrounding properties and the appearance of the area without resulting in harm to the setting of the Horsham Conservation Area or nearby listed buildings.
- 6.41 It is acknowledged that the anti-climb mesh and posts would not be visually attractive, but given the majority of the mesh would only be visible above the parapet of the top-deck metal guarding by around 70cm, the view of it from the principle elevation (Piries Place) and side elevations (towards Park Place) would be minimal. The view of the mesh from Park Street above and in-between Burtons Court would be limited by the existing buildings, but nevertheless the necessity for the mesh from a safety perspective is considered to outweigh the effect of the less than desirable appearance. If Members are minded to approve the application, amendments to the design to improve the appearance of the mesh (as per the design proposals in application DC/17/2511) would be expected.
- 6.42 In conclusion, whilst the principle and scale of development is considered acceptable, officers acknowledge that the design is not appropriate at present. Accordingly it is recommended that the application is delegated for approval to the Head of Development subject to amendments to the design to improve the external appearance to better align with the design as proposed in application DC/17/2511, and appropriate conditions.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> 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	9385.5	8897.4	488.1
		<b>Total Gain</b>	
		<b>Total Demolition</b>	

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 delegate authority to the Head of Development to approve the planning permission subject to amendments to the design to and appropriate conditions.

### Conditions

- 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 demonstrate co-ordination with the construction works for Piries Place and provide for, but not be limited to:

- i. An indicative construction and demolition programme;
- ii. Construction working hours;
- iii. Details of public engagement both prior to and during construction works;
- iv. The anticipated number, frequency and types of vehicles used during construction;
- v. The method of access and routing of vehicles during construction;
- vi. The parking of vehicles by site operatives and visitors;
- vii. Loading and unloading of plant and materials and waste;
- viii. Storage of plant and materials used in constructing the development;
- ix. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- x. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- xi. The location and details of the erection and maintenance of security hoarding, including details on how access to existing businesses will be maintained throughout works;
- xii. The provision and location of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);

- xiii. Measures to control the emission of dust and dirt during construction;
- xiv. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xv. Details of how the construction phase will promote the use of lower emission vehicles and low emission fuels, as well as reducing vehicular movements to and from the site.
- xvi. 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, other than works of demolition, 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, other than works of demolition, 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:** Within 6 months of the date of commencement, finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles for the development shall have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The information to be submitted and approved shall include full details of the maintenance and management of the SuDS system, set out in a site specific maintenance manual. The scheme shall subsequently be implemented and thereafter maintained in accordance with the approved designs.

*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 & 38 of the Horsham District Planning Framework (2015).*

- 7 **Pre-Commencement Condition:** No development shall commence, other than works of demolition, until a schedule of all external materials and finishes and colours have been submitted to and approved in writing by the Local Planning Authority (in consultation with Local Members). Materials to be approved shall include (but not limited to) proposed bricks, glass brick blocks, bonding pattern, details of any lettering, metal cladding, bronze doors and signage, anti-climb mesh. All materials used in the construction of the development hereby permitted shall conform to those approved.

*Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of*

*visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 8 **Pre-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 a Arboricultural Method Statement detailing measures to protect and retain trees to be retained on site and adjacent the site has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. The development shall be implemented strictly in accordance with agreed details.

*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).*

- 9 **Pre-Commencement Condition:** Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

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

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

*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).*

- 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 an assessment on the potential for noise from the development (in conjunction with the adjacent Piries Place development) affecting residential or commercial properties in the area has been submitted to and approved in writing by the Local Planning Authority. If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall also be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

*Reason: As this matter is fundamental in the interests of neighbouring amenities by ensuring an acceptable noise level for the occupants of all nearby residential and commercial premises and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 11 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition 9 are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

*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).*

- 12 **Pre-Occupation Condition:** Prior to the first 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 soft 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. Details of hard landscaping should include (but not limited to) all hard surfacing materials and layout, details of proposed street furniture and details of CCTV provision.

*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, and for the living wall if proposed to be managed by a different party, 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 the first use of any part of the development hereby permitted, a plan showing the layout of the proposed 'motorcycle parking, local information, and pay station' area located at ground floor level of the car park hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that a safe and legible shared space is provided in accordance with Policy 33 of the Horsham District Planning Framework (2015)*

- 15 **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, full details of the Changing Places facility including internal layout and all equipment / facilities to be installed, shall have been submitted to and approved in writing by the Local Planning Authority. The Changing Places facility shall be installed in full accordance with the approved details and made available for use prior to first use of the car park, and shall be retained and maintained as such thereafter.

*Reason: To ensure that the needs of people with disabilities are satisfactorily provided for in accordance with Policy 42 of the Horsham District Planning Framework (2015)*

- 16 **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, details of at least 8no. secure cycle parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the approved cycle parking facilities associated with that 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).*

- 17 **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, the electric vehicle charging bays shown on approved plan [020271-HNW-03-ZZ-DR-A-P121] shall have been constructed and made available for use. The electric vehicle charging bays shall thereafter be retained and maintained as such for their designated use.

*Reason: To ensure that there is adequate provision for the parking of electric vehicles in accordance with Policy 41 of the Horsham District Planning Framework (2015).*

- 18 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a lighting plan showing the overall impact of the proposed lighting in accordance with the 'ILP Guidance Notes for the Reduction of Obtrusive Light (2011)' shall have been submitted to and approved in writing by the Local Planning Authority. The lighting plan shall be installed in full accordance with the approved details and be retained and maintained as such thereafter

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

- 19 **Regulatory Condition:** Prior to any works of demolition, alternative means of fire escape for residents of Burtons Court shall be implemented and retained throughout the construction of the development hereby permitted.

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

## **INFORMATIVES:**

### **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](http://www.planningportal.gov.uk/planning/applications/paperforms) .

### **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](http://www.southernwater.co.uk).

### **Surface Water Drainage Statements**

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

### **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.

### **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/17/2509





## **AGENDA ITEM 8 - DC/17/2509** **Piries Place Car Park, Horsham**

### **Additional Consultation Responses:**

Horsham District Cycle Forum has objected to the proposal, and in a letter dated 25th January 2018 made the following summarised comments:

- *There is no reference to cycling in the Glanville Transport Assessment. Not a complete assessment.*
- *No safe and direct, permissible route from Copnall Way through to Park Place. This is a dangerous route that involves crossing of traffic entering and exiting the car park. Direct, uninterrupted access for cyclists should be provided from Copnall Way directly to the car park cycle stands. Provision of this should be conditioned in consultation with the Cycle Forum.*
- *Cycle stands – provision of 8 stands is a modest increase.*
- *24hr CCTV/lighting is required and should be conditioned in consultation with the Cycle Forum.*
- *Cycling and pedestrian access has not been prioritised as required by the NPPF.*
- *The approved Piries Place loading bay – no details of how this is to be accessed by HGV's. There are no swept path drawings to show safe turning spaces etc.*

Horsham Denne Neighbourhood Council has objected to the proposal, and in a letter dated 26<sup>th</sup> January 2018 made the following summarised comments:

- *No objection in principle to a replacement car park*
- *The ground floor +3 deck building would sit more comfortably in its setting [then the G+4 building].*
- *The proposed metal cladding with tree design proposed for DC/17/2511 is an improvement, but a living wall is not the best solution for the main stair core. It is not natural looking, just a solid green mass. The metal cladding with tree design should extend to the main stair core on top of the brickwork as an example of public art, complimented by shrubs at ground floor level.*
- *Alternatively, some form of bas-relief could be introduced linking Mr Pirie and his donkey/cart.*
- *Anti-climb mesh will be visible from street level on the whole perimeter of the top deck – has appearance of a prison camp. Trailing/climbing plants should be extended around the whole top-deck perimeter.*
- *Shrubs should be planted into the ground to introduce some greenery.*
- *No details on how the 'welcome zones' or the motorcycle area in the middle of the ground floor would function. How many pay-stations, would it be safe for pedestrians, etc?*
- *Electric bays – 8 bays is insufficient, provision on all decks is required. They should be rapid charging, not trickle.*
- *Toilet facilities – Changing Places facility is welcomed. 3x standard toilets are proposed in addition to Baby Changing facility which should be maintained.*
- *Toilet design – many toilets are badly designed. Details required ensuring they are functional.*

- *Disability/dementia awareness – good, clear design/signage is required for these users.*

### **Additional Supporting Information:**

The Agent for the proposal (HNW Architects) has responded to these queries in a letter dated 1<sup>st</sup> February 2018. Their summarised responses are as follows:

#### Living Wall

- *The wall as proposed is illustrative and establishes the principle of a proposed living wall. It would require specialist landscape designers to consider appropriate plant species and design etc. which would be conditioned.*
- *A living wall can provide unique public art and can result in animated features within the public realm.*

#### Safety Mesh

- *The increase in height serves a practical purpose to deter climbing and jumping from the car park and accessing roofs of Burtons Court.*
- *Additional planting will significantly impact on the project budget.*

#### Street Level Planters

- *The proposed ground-level planters serve an additional purpose as vehicle barriers. Shrub planting may be possible instead, but an additional physical barrier would also be required.*

#### Pay Stations

- *3no. pay stations (as existing) are proposed, all at ground floor level.*

#### Motorcycle Parking

- *The proposed motorcycle bays replicate the existing in terms of relationship to vehicular entrance and pedestrian movements.*

#### Electric Vehicle Charging

- *Installation of rapid charging bays would require significant statutory service works beyond the scope of the project and timescales as part of the project viability.*
- *The number of bays and types of chargers reflect the use of the car park and the electricity available on site.*
- *The car park could be 'future ready' for further EV requirements with ducting for a variety of chargers (including fast-charge), all of which can be installed as use requires.*

#### Toilet Numbers

- *Facilities proposed is 3, including 1x Changing Places; and 2x Unisex WC's with Baby Changing.*
- *A decrease in demand is expected for the car park toilets due to the changes to the adjacent Piries Place shopping area.*
- *The specification of the internal layout and facilities of the toilets shall be incorporated into the design during the technical design stage.*
- *Comments regarding dementia/disability awareness are noted, and design of the ground floor (including signage and way-finding etc) will be incorporated.*

#### Glanville Transport Assessment

- *The assessment is based on plans prior to the inclusion to the cycle stands. Cycling was included in the Glanville report for the adjacent development and subsequent planning submission (reference DC/16/2506) as this area is under their domain.*

Cycle Route from Copnall Way to Park Place and details of loading bays

- The highways works and hard landscaping surrounding this proposal are being provided by the wider Piries Place Redevelopment which has been approved under an application by another developer (reference DC/16/2506). Any proposal for cycle use of Park Place would require the consultation and consent of WSCC Highways on what is currently a pedestrianised road.

Cycle Stands – CCTV and Lighting

- CCTV & Lighting are provided within the Car Park, please refer to the documents submitted with the application.

Prioritisation of Cycling in the NPPF

NPPF requirements (as quoted by Cycle Forum)	Response by Agent
Accommodate the efficient delivery of goods and supplies	Not applicable to this proposal
Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities	The shared surface that abuts the existing and proposed car park is provided by the adjacent development and is beyond the scope of this project.
Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones	The proposed Cycle Stands have been located such that they are directly accessible from the highway. 1. Park Place Welcome Zone adjacent to the existing location. 1. Directly from Piries Place adjacent to the Public toilets
Incorporate facilities for charging plug-in and other ultra-low emission vehicles	Proposed Charging Bays
Consider the needs of people with disabilities by all modes of transport	Proposed Changing Places Facility

**Contact Officer: Angela Moore**

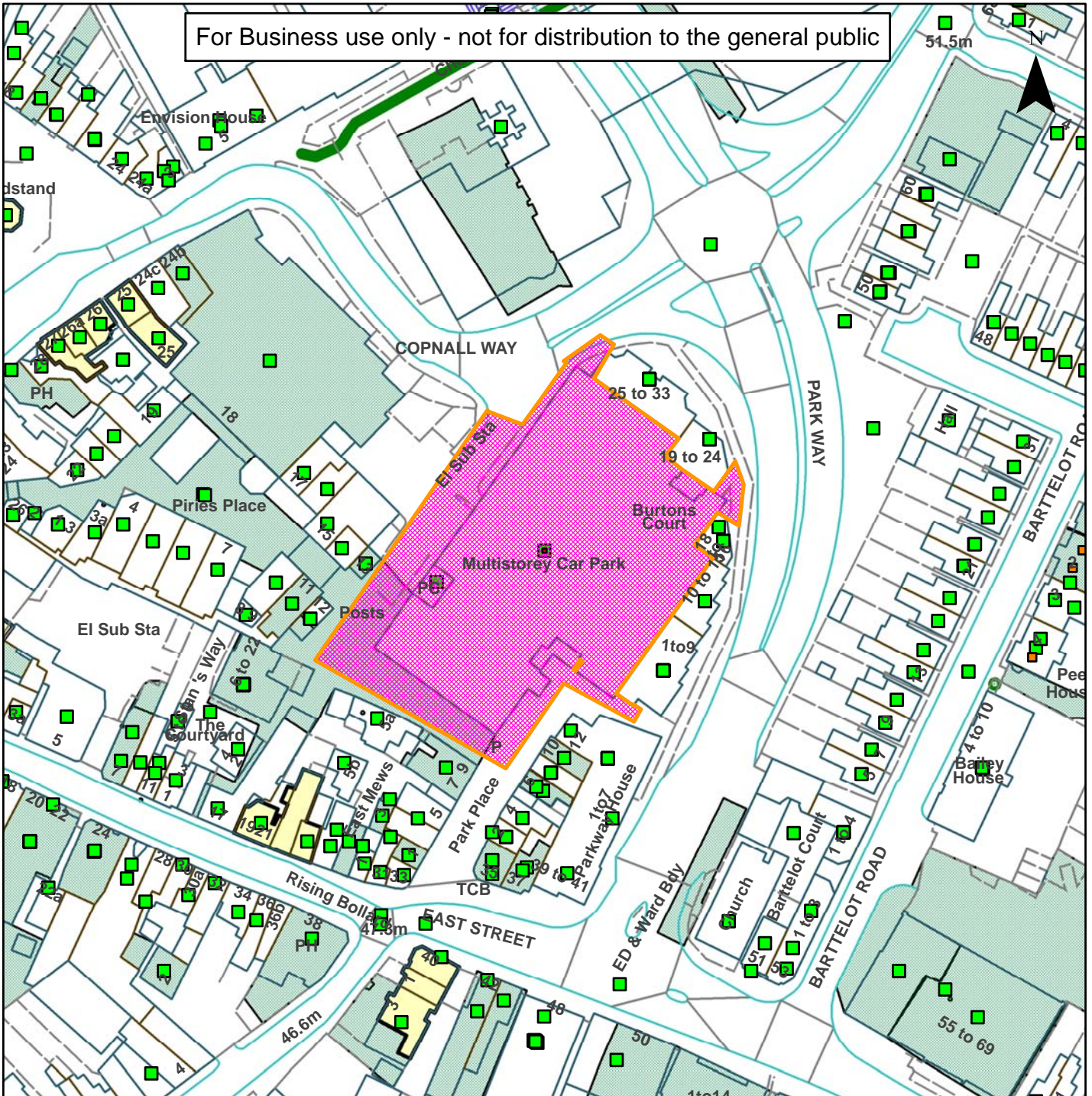
**Tel: 01403 215288**

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	25/01/2018
MA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee (North)

**BY:** Head of Development

**DATE:** 06 February 2018

**DEVELOPMENT:** Demolition of existing car park deck and replacement with new Ground floor + 4 deck (G+4) public car park incorporating new lighting, electrical services and new public conveniences. Parking spaces totalling 517no. including Accessible Bays, Parent and Child Bays and Electric Vehicle charging bays. (Regulation 3 Application)

**SITE:** Piries Place Car Park Piries Place Horsham West Sussex

**WARD:** Denne

**APPLICATION:** DC/17/2511

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

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

**RECOMMENDATION:** To approve planning permission, subject to appropriate conditions.

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.1 The application seeks full planning approval for the demolition of the existing 330no. space split-level car park, and the replacement with a new car park incorporating 5 flat parking decks (including ground floor level) totalling 517no. parking bays. The proposed car park would occupy the same footprint as existing, and the vehicular entrance/exit point from the highway would be in the same location as existing, utilising a similar 'automatic number plate recognition' (ANPR) system as used at present. Motorcycle access would remain as existing.

1.2 At ground floor level, the car park would include the following parking bays:

- 52no. regular parking bays (2.4m – 2.5m wide)
- 8no. electric vehicle charging bays (at 2.5m wide)
- 12no. accessible bays (at 3.6m wide)
- 11no. parent and child bays (at 3.2m wide).

The ground floor level would also include a toilet cubicle, an accessible/baby changing unit and a 14m<sup>2</sup> Changing Places unit (3.6m x 4m). These would be located to the front of the car park, with access directly from the public open space area adjacent to Piries Place. A

central area of the car park's ground floor would be reserved for motorcycle parking, pay stations and local information.

- 1.3 The first, second, third and fourth floors would each feature 108 or 109no. regular parking bays at a minimum of 2.4m wide. A ramp located in the central part of the car park would enable vehicles to access each deck. Vehicles would circulate in a one-way, clockwise direction. The second floor will feature upgraded fire escape doors and fire escape stairs from the existing flats at Burtons Court.
- 1.4 The car park would feature 3no. stair cores on each corner of the car park. The stair core on the south-west corner (directly facing Piries Place) is the 'primary' stair core, and includes 2no. passenger lifts. The stair core on the northern corner (facing Copnall Way and North Street) features a stairwell and fire exit only, and will hereby be referred to as 'the second stair core'. The stair core on the south-east corner (fronting Park Place) will also only feature a stairwell and fire exit, and will hereby be referred to as 'the third stair core'. Pedestrian access into and out of the car park will be available from each of the three stair cores. The second and third stair cores would measure 14.2m in height, and the primary stair core would measure 16.4m in height due to the lift over-run. The height of the proposed car park up to the top of the anti-climb mesh at the top deck would measure approximately 14m.
- 1.5 During the course of the determination of the application, amended plans were submitted to the Council to address concerns raised by Officers with regard to the proposed external design and materials. The amended plans (submitted 11 January 2018) supersede the originally submitted plans, and have been subject to full consultation with statutory consultees, the Neighbourhood Council and members of the public. The assessment in this report, and the subsequent recommendation to Members, is based on the development proposal as presented in the amended plans.
- 1.6 The primary stair core is proposed to include a 'living wall' covering the entire north-west (primary) elevation and half of the south-west (side) elevation (total 137.3m<sup>2</sup>). The living wall would be a '*hydroponic, soil-free system, with integral watering*'. The finalised planting design and species would be subject to agreement with the Council. The primary stair core would also include top-to-bottom glazing in the central section on the side elevation to allow natural light into the stair core pedestrian 'welcome zone'. The remainder of the primary stair core would feature a light coloured buff stock brick, and the section at ground floor (to door head height) would feature a light buff brick with a Sussex brick bond pattern using a contrasting dark brick header.
- 1.7 The second stair core would include lettering reading 'PIRIES PLACE' in a vertical arrangement. The main brickwork would be a light coloured buff stock brick, and the stair core would include high-level projecting brick band detailing in a contrasting dark brick, located adjacent to the lettering. This banding would wrap around the stair core, and would be visible on both the north-west and north-east elevations. At ground floor level will also be the Sussex bond brick pattern. In a similar design to the second stair core, the third stair core would feature the light buff brick, with the contrasting dark brick banding at high level (which would also wrap around), and Sussex bond pattern to ground level.
- 1.8 The exterior of the car park would feature bronze coloured, multi-perforated metal cladding for the guarding at each deck - proposed in a tree design consistent across all elevations. Other bronze features including ground level doors to the WC facilities and stair cores, the fascia's at the top of the stair cores and the signage above the main vehicular entrance/exit. Anti-climb mesh (at 1.1m from ground level around the top deck void, and 2m in height elsewhere) with vertical support posts at 2m centres will feature at the perimeter of the top deck. At each deck in the 'gap' between the two Burtons Court buildings (facing Park Street) a '*hydroponic, soil-free, trough system*' is proposed which would contain trailing/climbing ivy. Beneath this (and following the infilling of the basement



level), enhanced planting will be provided at ground floor level to match existing adjacent planting. Raised concrete planters (45cm high) have been proposed at ground floor level on the south-west elevation, with plant species to be subject to agreement by the Council.

- 1.9 8no. cycle hoops are proposed in two separate, covered areas. 4no. would be located at the front of the car park adjacent to the vehicular exit point, and 4no. cycle hoops would be located within the Park Place welcome zone. The external surfacing of the car park is proposed to match that of the paving to be approved for the adjacent Piries Place redevelopment. This surfacing would extend into the welcome zones of the car park.

## DESCRIPTION OF THE SITE

- 1.10 The application site is located in the centre of Horsham town, and is one of three large multi-storey car parks in the town centre. The existing car park location serves a wide area of Horsham town centre, and is within close proximity to the main shopping precincts of East Street, West Street, Carfax and Swan Walk shopping centre; as well as within reasonable walking distance of Horsham Railway Station, the District Council offices and Horsham Park.
- 1.11 The existing car park was constructed in the late 1980's and consists of 4 split-level decks accommodating up to 330 No. car parking spaces including 10no. accessible bays and public convenience facilities. The existing car park is accessible 24 hours a day and includes an ANPR barrier system installed in 2014 with an overall height restriction of 1.98m. The maximum height of the existing car park is approximately 11m (at the main stair core opposite Park Place), and the height of the existing top deck is approximately 6.5m.
- 1.12 The car park is located in a well-known and prominent position in the town centre, adjacent to Piries Place shopping centre which is currently undergoing redevelopment to create a mixed-use shopping and entertainment quadrant; comprising restaurant units, retail units, a hotel and a cinema. Completion of the Piries Place redevelopment is expected in early 2019, when it is expected to re-open fully to the public.
- 1.13 The car park site is located behind (but detached from) Burtons Court which comprises a series of interlinked blocks of flats over 3-storeys operated by the London Quadrant Housing Association. Existing emergency egress from the flats at Burtons Court is via doors leading onto the top deck of the existing car park. The car park is not within the designated Horsham Conservation Area but is in close proximity. Park Place, which is largely covered by the Conservation Area designation, is approximately 5m from the application site. The nearest listed building to the site is located approximately 35m to the south-west of the site (19-25 East Street, Grade II listed).
- 1.14 The application site is in proximity to several residential and commercial buildings including residential flats Nos. 1-33 Burtons Court which surround the site to the north and east elevations, Nos. 1-7 Parkway House approx. 6m to the south, Nos. 1-12 Park Place (first floor flats above shops/restaurants, located approx. 8m to the south of the site at its nearest point), No. 5a East Mews (Fillipo's Italian restaurant, 11m to the south of the site), Nos. 6-22 Stans Way (flats approx. 22m to the south-west of the site), the RSA building (approx. 22m to the north of the site), and retail/commercial units currently under construction at Piries Place to the immediate west of the 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 3 - Strategic Policy: Development Hierarchy

Policy 7 - Strategic Policy: Economic Growth

Policy 11 - Tourism and Cultural Facilities

Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

Policy 24 - Strategic Policy: Environmental Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 – Inclusive Communities

### 2.4 **Community Infrastructure Levy (CIL) Charging Schedule**

April 2017 (Adopted 1st October 2017)

### 2.5 **Horsham Town Plan SPD (2007)**

## RELEVANT NEIGHBOURHOOD PLAN

- 2.6 Denne 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.

## PLANNING HISTORY AND RELEVANT APPLICATIONS

### 2.7 **DC/17/2509 – PENDING CONSIDERATION**

‘Demolition of existing car park and replacement with new "Ground floor + 3 deck (G+3)" public car park incorporating new lighting, electrical services and new public conveniences. Parking spaces totalling 426no. including Accessible Bays, Parent and Child Bays and Electric Vehicle charging bays. (Regulation 3 Application)’

### 2.8 **DC/16/2506 – PERMITTED 15/03/2017**

‘Partial redevelopment, conversion and change of use of numbers 1-17 Piries Place, the former Waitrose service area for mixed uses comprising A1, A2, A3, A4, C1, D2 uses, new Piries Place public realm extending to Park Place, Carfax and widening to Copnall Way’.

### 2.9 **DC/14/0251 – PERMITTED 09/04/2014**

‘Installation of automatic number plate recognition system (ANPR) to include new entry/exit barriers and associated works’.

### 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](http://www.horsham.gov.uk)

3.2 Consultees were notified of the amended plans that were submitted on 11 January 2018. The following paragraphs identify where consultees raised concerns in respect of the original design proposal, and whether the amended design changes their original view. Where revised comments have not been received, it is considered that the changes now made (with regard to the design and layout) do not fundamentally change the consultee's original comments and they are therefore still relevant to the revised scheme.

#### 3.3 INTERNAL CONSULTATIONS

##### **HDC Landscape Architect:** Comment

Comments Dated 08 January 2018 (summarised): *'No concerns are raised with the principle of demolition and rebuild on landscape grounds. From a townscape point of view the G+3 proposal is considered to sit more comfortably with the surroundings. The proposed materials fit in well with the surroundings. However, brick pattern/detailing should be considered and added to add interest to the stair cores, and it is considered that a opportunity to soften the overall appearance is being missed although I'm aware that this is something the council is pursuing internally with the introduction of a living wall. When viewed from Bartelot Road the anti-climb mesh and exposed deck platforms will appear at odds with the flats and the rest of the building. Asphalt is being proposed for the main pedestrian access/ toilet areas. Given the prominent location a higher quality material should be considered. Cycle parking provision needs to be considered'*

Subsequent comments Dated 24 January 2018:

*Although the changes to this application are positive and address most of the concerns raised previously, the view that the G+3 proposal is considered more appropriate and to sit more comfortably with the existing and proposed building fabric still stands. Assessing this application on its own merit, the changes to the pattern of the cladding materials and introduction of some pattern to the brickwork and more importantly the living wall and climbers go some way to soften the appearance of the bulky structure.*

*The introduction of climbers to the section of the car park visible from Park Way road assists to mitigate some of the concerns raised with the relationship between the car park and appearance and elevation of Burton Court however, the mesh on the top floor is still considered too prominent and cut short to one panel. Extending the climbers to the full extent of the mesh along Park Way would somewhat partially mirror the tree top canopies views over the properties on East Street in view from Park Way road and this relationship contribute towards the sense of place and to connect the development to the wider landscape.*

*Finally, the only section that has not been addressed is the view from Park Street towards the car park and the relationship of this with the new hotel. This relationship/view will be similar to what one will experience when leaving the town centre/ conservation area along Copnall Way.*

##### **HDC Economic Development:** Support

Comments Dated 09 November 2017 (summarised): *'The application will update the existing facility to modern specification, taking into account potential future needs in the case of electric car charging points, and an increase in the number of parking spaces. This will increase the capacity and improve upon the overall offer of the town to visitors. The Economic Development Department therefore supports the application'*

Subsequent comments Dated 15 January 2018: Support  
*'As it will provide additional space and provides additional potential revenue, application DC/17/2511 is strongly supported'* (summarised).

**HDC Environmental Health (air quality):** Comment

Comments Dated 20 November 2017 (summarised): *'In accordance with the HDC Air Quality Guidance (2014) the proposed development falls within the category of 'Major'. The methodology for the air quality assessment is largely accepted. It would be appropriate to include a mitigation plan for both the construction and operation phases of the development. A mitigation plan for a Major development should include Type 2 mitigation which seeks to reduce the number of vehicle trips, and reduce emissions from trips that arise after the implementation of trip reduction measures has taken place'*.

**HDC Environmental Health (lighting):** Comment

Comments Dated 27 November 2017 (summarised): *'We would ask for the applicant to submit a lighting plan showing the overall impact of the proposed lights in accordance with the ILP GUIDANCE NOTES FOR THE REDUCTION OF OBTRUSIVE LIGHT (2011)'*.

**HDC Environmental Health (noise):** Objection

Comments Dated 24 November 2017 (summarised): *'The results of the monitoring survey are accepted, but the conclusions of the report are not accepted as there is incomplete evidence of the impacts on the receptors closest to the site (in Park Way and Stans Way). The proposed development should not be considered in isolation, and a cumulative impact assessment should be provided, considering the impacts from both the proposed car park and the Piries Place development. The noise impacts of the proposed development are from the increase in parking spaces, as well as the plant room. The current report only considers the impacts of the plant room, but mitigation should be proposed after the cumulative impacts have been evaluated'*.

Additional Comments Dated 27 November 2017 (summarised): *'The redevelopment of the Piries Place will bring new commercial uses in the area, which are expected to stay open late. It is therefore likely that the car park's opening hours will be extended to accommodate the demand which should be considered in the noise assessment and the mitigation scheme'*.

**HDC Drainage Engineer:** No Objection – Conditions Suggested

Comments Dated 24 November 2017 (summarised): *'While I have no overall objections to the Drainage Strategy proposed, an audit of the input data used to determine the storage volumes requires verification. Although unlikely to fundamentally alter the surface water strategy it assists the LPA & LLFA in the establishing constancy. If this development is permitted suitable drainage conditions should be applied that show full details of the measures to dispose of both foul and surface water, plus evidence to show that an agreement is in place for the on-going maintenance of any SuDS systems over the lifetime of the development'*.

**HDC Heritage Consultant (summarised):** Comment

*The extant carpark building is primarily utilitarian in its appearance and does not particularly respond to the established character of the conservation area to the south and west, associated rather with modern structures of larger footprints to the north west. As such, the principle of the car park's redevelopment is welcomed.*

*The view from Carfax (Fig.11) indicates that this development will screen any views of the proposed carpark from this key meeting place within the conservation area and listed structures, such as the Bandstand (Grade II, 1191536), The War Memorial (Grade II, 1420856) and Nos 33, 34, 34A and 34C Carfax (Grade II, 1191505). As such, the proposed*

*redevelopment of the carpark will see no further impact on the setting and significance of built heritage assets within this area.*

*The proposed elevations to Park Place are, however, somewhat disappointing. The outlook onto Park Place is particularly sensitive. The Conservation Area Appraisal highlights that the current car park 'contrasts abruptly' with the Victorian buildings which line the street. The site provides a terminating view framed by primarily two storey, plus attic, brick buildings with terracotta and gable details. The fenestration of these buildings draws the eye vertically, rather than horizontally. The extant carpark provides an exposed view of parked cars on each deck, culminating in visible railings. While these elements detract from the character of the view, the height and massing of the building remains subservient to the terraces and their established roofline, while the broken massing continues the vertical emphasis of street elevations. Although the proposals will see the screening of exposed cars, the proposed southern elevation of four/three storeys will appear dominant, with a horizontal emphasis. This will culminate in visible anti-climb mesh to the top deck.*

*The proposals should seek to break up the massing in this view, perhaps through incorporating vegetation, as is proposed in other areas. As they are, both the 3 and 4 storey schemes fail to improve upon the view from Park Place. The scheme would, however, see the current contribution that the site makes to the significance of the Horsham conservation area retained. Further design mitigation should be explored.*

### 3.4 OUTSIDE AGENCIES

#### **WSCC Highways:** No Objection – Conditions Suggested

*Comments Dated 16 November 2017 (summarised): The development of the car park in combination with the adjacent consented development at Piries Place is anticipated to generate minimal trips in the AM and PM peak periods. The TA acknowledges the sensitivities of construction vehicles and proposes a number of mitigation measures which should be secured within a construction management plan.*

#### **WSCC Flood Risk Management:** No Objection – Conditions Suggested

*Comments Dated 30 November 2017 (summarised): 'Development should not commence until finalised detailed surface water drainage designs and calculations for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff will not exceed the run-off from the current site. Development shall not commence until full details of the maintenance and management of the SUDs system are submitted to, and approved in writing, by the Local Planning Authority.'*

#### **Forest Neighbourhood Council:** Comment

*Comments Dated 12 December 2017 (summarised): 'Bay widths should be increased to 2.5m. A scheme should be implemented to control the spaces used for hotel guests during the day so they are freed up for short-stay users. More electric charging points should be installed. More vegetation is required to soften the structure of the car park'.*

*Subsequent comments Dated 15 January 2018: Further Comment*

*'Please will you take into consideration Forest NC's request for further information about what is being proposed for the electric charging points, especially the speed at which cars will 'charge' and whether the outlets will meet Government aspirations?'*

#### **Denne Neighbourhood Council:** Comments

*Comments Dated 15 November 2017 (summarised): 'The scheme should be future-proofed to include more electric charging points when required. The lift core should be more aesthetically pleasing (some form of artwork should be considered). Request to see a sample of the bronze metal cladding'.*

Further Comments Dated 29 November 2017 (summarised): *'The car park should be made as accessible & friendly as possible for people with disabilities. Clarification is required on provision for cyclists including routes & parking'*.

Further Comments Dated 12 December 2017 (summarised): *'Good pedestrian links and access from the new car park to Park Place need to be retained in order to protect the businesses that trade in the street. There also needs to be good signage to encourage shoppers to venture into Park Place. Consideration needs to be given with regards to noise prevention (i.e. tyre squeal which can cause a public nuisance). The design of the car park needs to be in keeping with the local conservation area'*.

**Horsham District Cycling Forum: Objection**

Comments Dated 27 November 2017 (summarised): *'Horsham District Cycling Forum are concerned over the complete absence of cycle provision in the project. There are no plans for this development to improve dangerous access for cyclists from Copnall Way to Park Place, and no cycle storage. The design around the entrance and exit to the car park needs to provide a safe route for cyclists and vehicles'*.

**The Horsham Society: Objection**

Comments Dated 01 December 2017 (summarised): *'Recognition of the need for a larger and better designed car park. The proposed car park should be limited in height so that it is below that of the parapet line of the new hotel and Burton Court. The 5 storey car park would be above the roofline of Burton Court and the anti-climb mesh would dominate the skyline. Consideration should be given to vertical emphasis by using the bronze metalwork between vertical brick panels instead of horizontally. Brickwork should be local stock brick, and the use of vertical brick detailing would add quality to the design. Each tower and elevation could be considered a separate design, complementing its surroundings. Make the lift tower the main feature - with a glass exterior it would be open and light making users feel safe. This would provide good views across the town and become a focus of Piries Place. Potential to install an arch, or building to link no.9 Park Place and the new car park building. There is also the potential of adding small pop up retail units in this area. An alternative would be a green wall which would soften the whole design. Horsham Society commends HDC for the inclusion of a Changing Places facility'*.

### 3.5 PUBLIC CONSULTATIONS

One letter was received expressing support for the proposal, stating: *'the extra car park spaces are desperately needed and this is a unique opportunity to expand the facilities in the town centre, especially with the new amenities being built in town'*.

2no. representations expressed an objection to the application citing the following summarised planning concerns:

- Poor design, not in keeping with surrounding character
- Loss of privacy
- Obstruction of light and views

During the re-consultation period for the amended plans, one further letter of objection was received. This noted that the application *'makes very little reference to the proposed charging points for electric vehicles (number and locations). Slow trickle chargers will take 6 to 8 hours to charge, and will only be suitable for guests at the proposed hotel. Rapid charging facilities will be required for day visitors'*.

## 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 The scheme has been designed to facilitate a greater degree of security than at present. The flat deck arrangement with fewer support columns allows for greater visibility and clearer views across each floor and the entire car park and stair wells will be fitted with CCTV and internal LED lighting. Therefore 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 proposed development are:

- The Principle of the Development
- Scale and Layout
- Impact on Amenity and Character
- Impact on the Historic Environment
- Appearance and Landscaping
- Highways 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), and states 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. Denne 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 in a primary location within Horsham 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 Given that the proposed development is for a replacement car park facility that has been in-situ for several decades, the principle of siting a car park in this location is acceptable. Given the context of the proposed location, both within the town centre and adjacent to the on-going Piries Place redevelopment project, the Piries Place car park would be the main parking facility to serve this redevelopment as well as restaurants on East Street, and the proposal for an upgraded car park is therefore welcomed. The car park as existing is approximately 30 years old, and includes a number of unsatisfactory features including poor vehicle manoeuvrability, undesirable positioning of support columns causing obstruction, insufficient vehicle bay dimensions, and poor access and security more generally. The existing car park does not feature any dedicated Parent and Child bays, does not perform sustainably, and does not make the most efficient use of land as required by Policy 33 of the HDPF.

- 6.5 The NPPF places great emphasis on the drive to achieve sustainable economic growth by meeting identified development needs and responding to opportunities for growth. The NPPF also encourages the recognition of town centres as the heart of a community, and requires local policies to support their on-going vitality. Accordingly, the HDPF containing policies which support economic growth and town centre vitality. Policy 7 seeks to support local enterprise and tourism opportunities by providing appropriate infrastructure to encourage people and business to the area. Policy 12 recognises Horsham as the district's primary centre, and seeks positive measures to improve the town's vitality including: maintaining a diverse range of uses, creating well-designed and attractive public realms, providing a choice of adequate and convenient car parking, and respecting the historic character of the town. Policy 11 of the HDPF seeks to encourage measures that promote tourism providing they are of a scale appropriate to the location. It is considered that the proposed replacement car park would accord with the principle requirements of Policies 7, 11 and 12 by virtue of its town centre location and the resulting enhanced facility which would support the attractiveness of the adjacent Piries Place development as a place to visit, as well as the wider town centre economy as a whole.

#### Scale and Layout

- 6.6 The internal layout of the proposed car park is considered to be functional and legible at all decks, and a vast improvement on the existing structure. The main pedestrian access points are via the western corner (opposite Pries Place) and the southern corner (Park Place) where 'welcome zones' are proposed. The western corner would be the primary pedestrian access point and would act as a 'focal point'. This area would include a pay station, and access to the stairwell and 2x pedestrian lifts. This prominent location is considered to be appropriate as the main access point, and has been laid out suitably. The inclusion at ground floor level of accessible bays and parent and child bays is welcomed, and the quantum and width of these bays is considered to be sufficient. The width of the remaining 486 'regular' parking bays at a minimum of 2.4m is considered to be appropriate. The inclusion of 8x electric vehicle charging bays at ground floor level is also welcomed, and specifically accords with the aims of Policy 41 of the HDPF which seeks charging opportunities for plug-in or low-emission vehicles, as well as contributing to the overarching aims of the sustainable development policies outlined in Chapter 10 of the HDPF.
- 6.7 The proposal also includes the provision of a WC cubicle, as well as an accessible/baby change facility. A 'Changing Places' unit is also included, which at 14m<sup>2</sup> exceeds the recommended minimum area of 12m<sup>2</sup>. The specification of the Changing Places unit including any additional equipment to be included is subject to final agreement, but the mandatory facilities will be included as a minimum. All these facilities are welcomed, and are considered appropriately located at the front of the car park with direct access to and from the adjacent public realm and within close proximity to the revamped Piries Place. 8no. cycle hoops are proposed (4no. located at the front of the car park, and 4no. in the Park Place welcome zone). This provision would be covered, and located in assessable, visible areas protected by the natural surveillance of passing pedestrian traffic. This provision is considered to be appropriate and in accordance with the Council's aims to encourage more sustainable transport modes and to encourage healthier living (Policy 40).
- 6.8 The proposed replacement car park would include 5-decks of parking (ground floor plus 4-decks), totalling 517no. parking spaces. This would result in an increase of 187 parking bays above existing provision. In justifying the quantum of parking proposed, the applicant has calculated the required amount of parking expected to be generated from the Piries Place redevelopment in conjunction with the 2003 WSCC parking standards. The projected demand from the redeveloped Piries Place would equate to 379 parking spaces which exceeds the provision within the existing car park (330 spaces). Given this projected demand only derives from the Piries Place shopping area, and not from East Street or



other parts of the town centre, it is considered that more parking is likely to be required, which the provision of 517no. parking bays would help meet.

- 6.9 In order to accommodate the desired quantum of parking, as well as an improved internal layout arrangement for vehicles and pedestrians, the resulting scale of the replacement car park would be larger than the existing structure, albeit the footprint will remain as existing. The primary stair core would measure 16.4m in height and the second and third stair cores would measure 14.2m in height. As a comparison, the highest point of the existing car park is approximately 11m (at the rear stair core), and the top deck measures 6.5m, but steps down in height towards the principle elevation at Piries Place to around 3.7m, resulting in a reduced sense of scale. The proposed top deck of the replacement car park would measure up to 14m in height which would significantly increase the overall scale of the building, particularly when viewed from the primary elevation at the front of the site.
- 6.10 The layout of the car park and the positioning of the 3no. stair cores on the outer corners has been driven by several factors including; structural requirements, fire safety considerations, and practical constraints. This arrangement reduces the requirement for columns within the car park, which reduces obstructions and improves the internal circulation and clearances. The resulting scale and massing of the stair cores and top deck is considered to create a considerably more prominent building than the existing structure. The impact of this on the surrounding area including nearby residents, businesses and the nearby conservation area has been considered by Officers and is discussed in the following section of this report.

#### Impact on Amenity and Character

- 6.11 Given its town centre location, the site is located in close proximity to several businesses and residential dwellings. The visual impact of the resulting car park on residents of Burtons Court is considered to be minimal as the development is sited behind the flats, thereby the outlook from this area would not change. It is appreciated however, that some temporary disruption is likely to occur during demolition and construction. In order to control this and to minimise its impact, a condition has been suggested requiring a Construction Management Plan to be submitted and agreed by the Council prior to the commencement of development.
- 6.12 It is considered that the development of the second stair core would have the least impact on neighbouring occupiers due to its location facing Copnall Way and the traffic junction at Albion Way/Park Street. The scale and proximity of the stair core in this location is considered to have some limited impact on the outlook and light to the west facing windows of 25-33 Burtons Court, however this would not be of a magnitude to warrant a re-design or refusal of permission. The distance of over 20m from the site to the RSA offices, combined with the separation between the buildings by the 14m wide Copnall Way, reduces the impact of the larger structure on occupants of these offices, including the potential for overlooking and the overshadowing effects caused by the larger stair core and higher deck levels..
- 6.13 When viewed in conjunction with the approved hotel opposite and the existing RSA building, the scale and mass of the second stair core (at 14.2m) is not considered to be incongruous with the scale and design of the hotel building which will be approximately 17m in height. The second stair core would be visible in long views from Park Street to the north, and would exceed the roof ridge height of Burtons Court by 3m. Despite the scale being acceptable in the context of the hotel development and RSA building adjacent, it is considered that the appearance of the stair core above Burtons Court would result in some harm to the appearance of the flats as its scale and 'square' massing is incongruous with the articulated roof design of Burtons Court. However, its general design and finish would complement the the new hotel development adjacent and as such would not appear out of keeping with development in this area.

- 6.14 The overall height of the third stair core located at the end of Park Place would be 3m higher than the existing stair core in this location, and in addition, the proposed 4 decks (at 14m in height) would result in a structure much higher than the existing car park. The development in this location is not considered to harm No. 1-9 Burtons Court, but would result in some harm to the occupiers of Nos. 10 and 12 Park Place (including the first floor flat above 12 Park Place, access via Parkway House to the rear) by virtue of its increased scale. It is noted that the existing northerly outlook from the first floor flat at 12 Park Place is onto the existing second deck of the car park, which allows potential for overlooking. Given that the proposed third stair core would be located further to the east than the existing stair core, it is considered that this would reduce the sense of overlooking and impact on privacy as the proposed stair core would have no windows facing this direction. Conversely however, the outlook from this flat would be onto a blank, 14m brick wall, which is considered to block natural light and offer a poor outlook and sense of amenity. As such any benefit from the removal of overlooking opportunities would be offset by the greater scale of building facing these windows.
- 6.15 The increase in height of the parking decks on the south-east elevation from 2 decks to 4 decks would also result in some harm to the outlook of the westward facing (living room/kitchen) windows of the first floor flats at 10 and 12 Park Place which would suffer from an increased sense of enclosure, some loss of light, and potential increased overlooking. The height of the proposed car park from these windows would be approximately 9m from their internal first floor level, an approximate 6m increase on the existing car park. This would be broadly equivalent to facing a three storey building instead of a one storey building. Although a significant increase on the existing car park, at a separation of 10m and within a town centre location such as this, such a relationship between residential windows and facing buildings is not uncommon. In terms of overlooking, the additional two parking decks would be higher than the windows to these flats and as such would not provide for a significant actual increase in overlooking, albeit occupiers would likely experience a greater sense of being overlooked. It is not considered that the impact on light and outlook to the commercial properties at ground floor level, or to the other adjacent properties along Park Place, would be of significant harm given the nature of their occupancy and relationship with the site.
- 6.16 The primary stair core on the western corner facing the new Piries Place development is considered to have the greatest impact on character and amenity. This stair core is the largest in terms of height (16.4m) and width (11.3m) as it also accommodates the 2x passenger lifts and welcome area. By virtue of its increased scale and mass in this location, the car park would have an impact on existing buildings closest to it – particularly in East Mews and Stans Way. It is acknowledged that the character of this area would change as a result of the proposed car park, but in the context of the wider redevelopment occurring at Piries Place, this is generally considered to complement the adjacent improvements, and on balance, would be acceptable.
- 6.17 In terms of its impact from the street scene, the main view of the primary stair core in this location would be from Piries Place. From this viewpoint, the stair core is reasonably narrow and would include a green wall, which would help to minimise the sense of scale. Along the side elevation the stair core is much wider and the sense of scale and mass is more prominent. Whilst this is acknowledged, views of the car park from this location are less common as the public realm adjacent acts as a thoroughfare, rather than an area to stop and spend time in. The proposed design of the car park in this location, which includes a living wall on front and part side of the primary stair core and decorative bronze coloured metal cladding to the decks, is considered to soften its appearance, and works to draw the eye away from the overall bulk and scale of the building.
- 6.18 The separation distance between the proposed stair core and existing buildings in East Mews (i.e. Filippo's restaurant at No. 5a) is approximately 11m, and between the stair core

and the nearest dwellings in Stans Way is over 20m. Whilst it is acknowledged that the outlook from existing residential properties and commercial premises will change as a result of the 16m stair core in this location, the separation distances to adjacent residential and commercial building would help to reduce the impact of the larger structure on these buildings, and on balance, taking into account the proposed design and materials which are considered to soften the impact, and the context of the surrounding development, the stair core in this location is considered to be acceptable.

#### Impact on the Historic Environment

- 6.19 Policy 34 of the HDPF requires, amongst other provisions, development to reinforce the special character of the district's historic environment through appropriate siting, scale, form and design, and retain and improve the setting of heritage assets.
- 6.20 The Horsham Conservation Area boundary is located to the south of the application site, and is approximately 5m from the car park footprint at its closest point. The majority of the buildings to the south of the application site in Park Place, East Mews and Stans Way are within the Conservation Area. It is considered that the most sensitive view of the proposed development (with regard to the historic environment) would be from Park Place and from some gaps in the existing buildings when viewed from East Mews. There are several listed and locally listed buildings within a 40-50m radius of the application site, but it is not considered that the proposed car park would have a significant impact on any of these buildings or harm their settings due to the distance between them.
- 6.21 The proposed third stair core at the end of Park Place is located in a slightly different position to the existing stair core (further to the east / closer to the rear of Burtons Court) which is considered to improve the view from the Conservation Area designation within Park Place as it would be partially hidden behind existing buildings. The overall increase in height of the car park in this location, whilst more prominent, would not be overly different from the existing scale, and therefore not considered to result in harm to the character of the Conservation Area in this location. The Council's Heritage consultant considers that the proposal fails to improve the view of the car park from Park Place, and would benefit from amendments to break up the massing through measures such as vegetation, but does not identify harm or raise objection to the development.
- 6.22 Given the distance between the car park site and the Carfax (which is within the Conservation Area, and also includes several listed buildings of high importance), and the intervening built environment including the projection of the permitted Piries Place redevelopment (including new hotel), it is unlikely that the proposed car park would be visible from the Carfax and the Heritage consultant has raised no objection accordingly. The applicant has supplied a perspective drawing which outlines the proposed car park structure as viewed from the Carfax, which confirms that it would be hidden behind both existing and new buildings and would not be visible from this sensitive and historic viewpoint. Aside from the view from Park Place which would be visible but not considered harmful, it is also not thought that the proposed car park would be visible from the public realm along East Street as the narrow street and surrounding buildings would not enable views towards the application site. The proposal would therefore preserve the setting of these heritage assets in accordance with Policy 34 of the HDPF.

#### Appearance and Landscaping

- 6.23 The intention of the applicant is to complement the appearance of the car park to the approved redevelopment of the adjacent Piries Place shopping area. In this respect, the main materials proposed include a light coloured buff stock brick for the main stair cores and ground floor walls, with contrasting darker brick detailing (including brick banding and a Sussex bond). A living 'green' wall and vertical glazing will feature on the primary stair core, and a bronze coloured multi-perforated metal cladding (with indicative tree pattern) for the

deck guarding. Complementary bronze coloured metalwork is also proposed for the fascia and external signage. The bricks approved at the adjacent Piries Place development have been agreed by the Council, and include the Ibstock Ivanhoe Cream brick for the hotel and cinema, a darker contrasting brick (Bexhill dark) and the use of reclaimed brick. Whilst initially a bronze metal finish was indicatively proposed for the metal façade elements (including curtain walling, fascia's, cornice's etc), a darker brown, powder coated metal has since been approved for these elements (Tiger Drylas Powder Coatings, Colour Code 068/60306).

- 6.24 The proposed bronze metal multi-perforated cladding to be used for the deck guarding is considered to complement the metal work proposed in the adjacent Piries Place development, although final details of the cladding proposed (including colour and design) would need to be agreed by condition. In order to help break the rather horizontal appearance to the car park, the proposed cladding would include a tree pattern to create more verticality to the structure. This would be a unique design feature that would complement the living wall installation and the rural nature of Horsham District.
- 6.25 It is considered that the living wall would also create a special and unique feature, rarely seen outside of the UK's main cities. This feature would be installed and maintained (by an on-going maintenance contract) by a living wall specialist company who would inspect the wall on a monthly basis and would undertake necessary improvements on a bi-annual basis. The positioning of the living wall on the main and side elevations of the primary stair core would help soften its overall mass and create interest when viewed from important viewpoints such as the regenerated Piries Place shopping precinct. The ecological benefits of the living wall are also acknowledged, and would accord with the aims of Policy 31 of the HDPF which seeks opportunities for new development to enhance natural features, and contribute to biodiversity and green linkages. The planting pattern and species to be used would be subject to agreement by condition.
- 6.26 The use of a complimentary light brick and contrasting darker brick to that approved at the Piries Place development is deemed appropriate for the stair cores and ground wall detail. The precise brick has not been proposed at this stage, and would be agreed by the Council by condition. The proposed bronze coloured features for the ground floor stair core doors and the external signage should complement (but not necessarily match) the bronze material approved at the adjacent Piries Place development. Again, the precise details of this material would be reserved by condition. The proposed glazing on the side elevation of the primary stair core is considered to enhance the internal 'welcome zone' space and stair landings by allowing natural light to enter in the daytime. The glazing would also allow for natural surveillance out towards the public realm. Details of the glazing would be reserved by condition. Officers are of the view that given the prominent location of the proposed development and the context it sits within, the quality and design of the car park should be of the highest possible quality. This quality will largely be displayed through the use of materials; therefore the approval of precise material choices at conditions stage is suggested to be in consultation with Members for final agreement.
- 6.27 The proposed use of anti-climb mesh at the perimeter of the top deck is acknowledged as necessary from a safety point of view. Visually, this is not considered very attractive, but it is appreciated that from a ground level perspective it would not be seen to an obvious extent particularly where the metal cladding fronts it (i.e. when viewed from Piries Place and Park Place). In these locations the mesh would be 2m in height from deck level (the recommended height to discourage jumping), however it would only appear above the cladding by approximately 70cm. The more prominent view point of the anti-climb mesh and the support posts would be its appearance from the north-east and south-east elevations (i.e. the longer viewpoint towards Burtons Court from Park Street and Park Way). Here, the mesh would be visible above and in-between the roof of Burtons Court. The view of the mesh in this location has been softened to some extent due to its inset positioning at the top deck around the roof void as opposed to the outer perimeter. This

results in a set-back position of the mesh which means that above Nos. 25-33 Burtons Court the mesh measures the minimum safety height of 1.1m and is less visible from ground level.

- 6.28 In other areas, the mesh is required to be positioned around the outer perimeter of the top deck to discourage people jumping onto the roofs of Burtons Court. Here, the mesh is recommended to be 2m in height meaning that it would be clearly visible – particularly above Nos. 19-24 Burtons Court on the north-east elevation, and above Burtons Court on the south-east elevation (the view from Park Way). Whilst it is acknowledged that the anti-climb mesh is not visually attractive, the necessity for the mesh from a safety perspective is considered to outweigh the effect of the less than desirable appearance, and on balance, is considered acceptable. Final details of the mesh would be required by condition, including its colour.
- 6.29 As existing, soft landscaping at the site is limited by the footprint and the surrounds. There are however, 3x small trees located to the rear of the car park (in Park Place), and planters on the guarding of the existing car park's front elevation provide greenery at the car park entrance. The proposed scheme includes several soft landscaping features, including a living 'green' wall on the primary stair core, ground-level concrete planters at the Park Place side of the car park (along the south-west elevation), and at each deck in the 'gap' between the two Burtons Court buildings (facing Park Street) planters are proposed which would contain trailing/climbing ivy, with shrubbery planting on the verge below. One of the existing 3 trees in Park Place is proposed to remain, with the 2no. existing cherry trees indicated on the Proposed Site Plan to be removed. The raised planters at ground floor level near Park Place are considered to provide sufficient replacement soft landscaping at this part of the site, and this, combined with the living wall is considered to add a significant amount of greenery to this part of the town centre creating a pleasant public realm environment, and enhancements to biodiversity in accordance with Policies 31 and 33 of the HDPF.
- 6.30 Details of hard surfacing around the site have not been agreed yet, but have been secured by condition under the approved Piries Place redevelopment (DC/16/2506). The applicant has stated that the proposed surfacing around the car park will extend from the Piries Place development to create a continuous, high quality public realm. The details of this surfacing have not been provided yet, but can be secured by condition to ensure the two developments link appropriately. The intention of the applicant is that the agreed surfacing will extend into the car park's 'welcome zones' to help provide connectivity from the car park to the public realm.

#### Highways and Access

- 6.31 The applicant has submitted a Transport Assessment (TA) in support of the planning application. The TA has been undertaken based on a larger replacement car park consisting of 531 parking spaces (this application proposes 517 spaces). It is therefore considered that the conclusions drawn from the TA are a 'worse-case scenario' and any impact from the proposed 517no. space car park is likely to be less severe.
- 6.32 The TA sets out that the upgraded car park is likely to increase its use, but states that the increase in use will likely occur during the retail and leisure peak times, and not during the highway network peak hours. The TA concludes that the availability of an improved car park in the town centre may redistribute some traffic, but there is unlikely to be an increase in traffic entering the town in general, thereby the overall traffic volumes are not considered likely to increase. WSCC Highways were consulted with regard to this application, and concur with the conclusions of the TA with regard to traffic impact.
- 6.33 Access into and from the proposed car park is to remain as existing, with a single lane entrance and two lane exit (merging into one) on to the approach to the Copnell Way mini

roundabout. The entry and exit is controlled by ANPR which is proposed to be re-installed. Motorcycle access is proposed to be free, as existing. WSCC have no objection to this arrangement, and it is therefore deemed acceptable. There would be pedestrian access points at all stairwells of the car park allowing access to/from Copnall Way, Park Place and Piries Place. In terms of offsetting the existing parking provision during construction works, officers have been advised that studies prepared for the Parking Services team have identified there to be sufficient immediate capacity within existing car parks, and that a mitigation plan is being prepared. The studies have though identified a need for additional car park capacity moving forward, hence the proposal to increase capacity at this existing facility.

#### Other Matters

- 6.34 Security. The scheme has been designed to facilitate a greater degree of security than at present. The flat deck arrangement allows for greater visibility and clearer views across each floor and the entire car park and stair wells will be fitted with CCTV. Details of this will be secured by condition. The internal area of the car park would have a white finish to the internal frame, soffits and surfacing which increases to reflection of natural daylight, and the output from LED light fittings at night. Each level would be clearly identifiable at each stair core by the use of coloured signage and wayfinding, and marked pedestrian routes will guide people from stair cores to parking bays.
- 6.35 Drainage. In support of the application, a Drainage Design Statement has been submitted. Given the nature of the site which comprises a concrete/tarmac car park, the site is largely impermeable with little scope for infiltration. As a result, utilising the current public sewer is the only practical option for discharging surface water. The Council's Drainage Engineer has reviewed this document and has no overall objection to the strategy proposed. He has however commented on the need for the verification of the input data used to determine the storage volumes. If approved, the Drainage Engineer has suggested that suitable drainage conditions should be applied that show full details of the measures to dispose of both foul and surface water, and evidence to show that an agreement is in place for the on-going maintenance of any SuDS features.
- 6.36 Noise. The Acoustic Report submitted in support of the application has been undertaken based on a larger replacement car park consisting of 559 parking spaces. The Report considers the impact of noise from the car park on all adjacent receptors, including all residential and commercial properties that border the site. It is therefore considered that the conclusions drawn from the Acoustic Report are a 'worse-case scenario' and any impact from the proposed 517no. space car park is likely to be less severe. The Council's Environmental Health team have reviewed the Acoustic Report and state that whilst the results of the monitoring survey are accepted, the conclusions of the report are not accepted. The EHO states that the proposed development should not be considered in isolation, as it forms part of the Piries Place redevelopment scheme which will result in a more intensive use in the evenings and at night. Therefore, a cumulative impact assessment should be provided, which will consider the impacts from both the proposed car park and the Piries Place development.
- 6.37 The EHO notes that the noise impacts of the proposed development would be from both the increase in parking spaces (and subsequent vehicular movements), as well as from the plant room located on the ground floor, but does not consider that such impacts are insurmountable. The current noise report only considers the impacts of the plant room; therefore an update assessment to include noise from vehicular movements should be submitted. Any mitigation required for the development to protect the amenities of adjacent residents and businesses should be proposed after the revised report has been completed and the cumulative impacts have been evaluated. Notwithstanding the submission of the Acoustic Report, if Members are minded to approve the application, a revised acoustic

report incorporating the points above has been suggested to be secured by condition, with any required mitigation recommended in the revised report, to be implemented.

- 6.38 Air Quality. The Air Quality Report submitted in support of the application has been undertaken based on a larger replacement car park consisting of 532 parking spaces. It is therefore considered that the conclusions drawn from the assessment are a 'worse-case scenario' and any impact from the proposed 517no. space car park is likely to be less severe. The Council's Environmental Health team have reviewed the Air Quality Assessment and have advised that the methodology for the air quality assessment is largely accepted. The EHO advises that it would be appropriate to include a mitigation plan for both the construction and operation phases of the development. The mitigation plan for the construction phase of the development is expected to include proposals to reduce the number of vehicular trips to the site, and the promotion of lower emission vehicles and low emission fuels. It is expected that the mitigation for the operational phase of the development would include active (installed from the outset) and passive (cabling provided for future installation) charging points for electric vehicles.
- 6.39 Given that 8no. electric vehicle charging points are proposed as part of the development, it is considered that active air quality mitigation has already been addressed satisfactorily and in accordance with Policy 41 of the HDPF. As the Council do not have a specific planning policy requirement for future-proofing development for additional charging points, it would be difficult to require this as part of the proposed development. It is a general aspiration of the Council to encourage the use of low-emission and plug-in vehicles, therefore if the applicant wishes to install additional car park charging points in the future (as demand increases), the Council would welcome and support this. With regard to air quality mitigation during the construction phase of development, a condition has been suggested for a Construction Management Plan to be submitted prior to the commencement of development which includes a requirement to promote the use of lower emission vehicles and low emission fuels, as well as reducing vehicular movements to and from the site.
- 6.40 Lighting. The Council's EHO has reviewed the submitted lighting details and has requested the submission of a lighting plan showing the overall impact of the proposed lights in accordance with the ILP Guidance Notes for the Reduction of Obtrusive Light (2011). This will be secured by condition.
- 6.41 Other matters. The existing car park acts as a fire escape route for Burton Court. It is understood that alternative means of fire escape within Burton Court will be provided whilst demolition and construction works are carried out. For the avoidance of doubt a condition is attached requiring such alternative means of escape to have been provided for prior to demolition works commencing.

#### Conclusions and Planning Balance

- 6.42 In principle, the upgrading of the Piries Place car park is welcomed, as it is recognised that the existing facility is not fit for purpose in terms of its layout and capacity. In the context of the central site location, and the adjacent Piries Place redevelopment which is under construction, an improved 517 space car park on this site is considered to be much needed in order to encourage visitors to the town centre to maintain its vitality and viability in accordance with Policies 11 and 12 of the HDPF. Subject to conditions to secure the final design details and landscaping, the overall layout, scale and design of the proposed building (whilst acknowledged as much larger than the existing), is considered to have an acceptable impact on the appearance of the area without resulting in harm to the setting of the Horsham Conservation Area or nearby listed buildings.
- 6.43 The living 'green' wall on the primary stair core in particular is considered a unique design feature that would create a focal point for the surrounding development and a high quality

public realm for this regenerated part of the town centre, as well as a more pleasant outlook for neighbouring occupiers in Stans Way and East Mews and users of Piries Place.

- 6.44 It is acknowledged that the anti-climb mesh and posts at top deck level is not visually attractive, however given it would only be visible above the parapet of the metal guarding by around 70cm, the view of it from the principle elevation (Piries Place) and side elevations (towards Park Place) would be minimal. The view of the mesh from Park Street above Burtons Court would however be more visible, but the necessity for the mesh from a safety perspective is considered to outweigh the effect of the less than desirable appearance.
- 6.45 It is acknowledged that the scale of the car park would result in some amenity harm to residential occupiers of 10 and 12 Park Place by way of loss of light, increased sense of enclosure and an increased sense of being overlooked. However, having regard the town centre location of the development and when placed in the planning balance it is considered that this harm is not so significant as to outweigh the benefits of the car park both in terms of improving the appearance of the area and supporting the vitality and viability of the town centre.
- 6.46 For these reasons it is recommended that the application be approved, subject to the conditions suggested below.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> 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	12514	8897	3617
		<b>Total Gain</b>	
		<b>Total Demolition</b>	

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 approve planning permission, subject to appropriate conditions.

#### Conditions

- 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 demonstrate co-ordination with the construction works for Piries Place and provide for, but not be limited to:

- i. An indicative construction and demolition programme;
- ii. Construction working hours;
- iii. Details of public engagement both prior to and during construction works;
- iv. The anticipated number, frequency and types of vehicles used during construction;
- v. The method of access and routing of vehicles during construction;
- vi. The parking of vehicles by site operatives and visitors;
- vii. Loading and unloading of plant and materials and waste;
- viii. Storage of plant and materials used in constructing the development;
- ix. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- x. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- xi. The location and details of the erection and maintenance of security hoarding, including details on how access to existing businesses will be maintained throughout works;
- xii. The provision and location of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- xiii. Measures to control the emission of dust and dirt during construction;
- xiv. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xv. Details of how the construction phase will promote the use of lower emission vehicles and low emission fuels, as well as reducing vehicular movements to and from the site.
- xvi. 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, other than works of demolition, 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, other than works of demolition, 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:** Within 6 months of the date of commencement, finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles for the development shall have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The information to be submitted and approved shall include full details of the maintenance and management of the SuDS system, set out in a site specific maintenance manual. The scheme shall subsequently be implemented and thereafter maintained in accordance with the approved designs.

*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 & 38 of the Horsham District Planning Framework (2015).*

- 7 **Pre-Commencement Condition:** No development shall commence, other than works of demolition, until a schedule of all external materials and finishes and colours have been submitted to and approved in writing by the Local Planning Authority (in consultation with Local Members). Materials to be approved shall include (but not limited to) glazing at primary stair core, proposed bricks, bonding pattern, details of 'PIRIES PLACE' lettering, metal cladding, bronze doors and signage, anti-climb mesh. All materials used in the construction of the development hereby permitted shall conform to those approved.

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

- 8 **Pre-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 a Arboricultural Method Statement detailing measures to protect and retain trees to be retained on site and adjacent the site has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. The development shall be implemented strictly in accordance with agreed details.

*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).*

- 9 **Pre-Commencement Condition:** Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.

- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

*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).*

- 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 an updated assessment on the potential for noise from the development (in conjunction with the adjacent Piries Place development) affecting residential or commercial properties in the area has been submitted to and approved in writing by the Local Planning Authority. If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall also be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of first use of the car park and shall be permanently retained and maintained thereafter.

*Reason: As this matter is fundamental in the interests of neighbouring amenities by ensuring an acceptable noise level for the occupants of all nearby residential and commercial premises and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 11 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition 9 are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

*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).*

- 12 **Pre-Occupation Condition:** Prior to the first 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 soft 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. Details of hard landscaping should include (but not limited to) all hard surfacing materials and layout, details of proposed street furniture including cycle stands, and details of CCTV provision. Details of soft landscaping shall include (but not limited to) details of the living wall (including planting design, species, separation distances etc), the ground floor concrete planters (including elevations, species etc), trailing ivy planters, and infill planting on Park Way verge.

*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, and for the living wall if proposed to be managed by a different party, 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 the first use of any part of the development hereby permitted, a plan showing the layout of the proposed 'motorcycle parking, local information, and pay station' area located at ground floor level of the car park hereby permitted, shall have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that a safe and legible shared space is provided in accordance with Policy 33 of the Horsham District Planning Framework (2015)*

- 15 **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, full details of the Changing Places facility including internal layout and all equipment / facilities to be installed, shall have been submitted to and approved in writing by the Local Planning Authority. The Changing Places facility shall be installed in full accordance with the approved details and made available for use prior to first use of the car park, and shall be retained and maintained as such thereafter.

*Reason: To ensure that the needs of people with disabilities are satisfactorily provided for in accordance with Policy 42 of the Horsham District Planning Framework (2015)*

- 16 **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, the electric vehicle charging bays shown on approved Proposed Site Plan [Ref: P120] shall have been constructed and made available for use. The electric vehicle charging bays shall thereafter be retained and maintained as such for their designated use.

*Reason: To ensure that there is adequate provision for the parking of electric vehicles 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, a lighting plan showing the overall impact of the proposed lighting in accordance with the 'ILP Guidance Notes for the Reduction of Obtrusive Light (2011)' shall have been submitted to and approved in writing by the Local Planning Authority. The lighting plan shall be installed in full accordance with the approved details and be retained and maintained as such thereafter

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

- 18 **Regulatory Condition:** Prior to the first use of any part of the development hereby permitted, the cycle parking facilities serving it shall have been constructed and made

available for use in accordance with approved drawing number [P120]. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 19 **Regulatory Condition:** Prior to any works of demolition, alternative means of fire escape for residents of Burtons Court shall be implemented and retained throughout the construction of the development hereby permitted.

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

## **INFORMATIVES:**

### **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](http://www.planningportal.gov.uk/planning/applications/paperforms) .

### **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](http://www.southernwater.co.uk).

### **Surface Water Drainage Statements**

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

### **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.

### **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/17/2511



**AGENDA ITEM 9 - DC/17/2511**  
**Piries Place Car Park, Horsham**

**Additional Consultation Responses:**

The Horsham Society has objected to the proposal, and in a letter dated 25th January 2018 made the following summarised comments:

- *The massing is excessive. It will overpower the area and will not compliment the new hotel.*
- *It will overshadow the existing adjacent properties due to height and bulk.*
- *External elevations are monotonous and linear. Little has been done to soften these.*
- *Cladding should be used on the towers to sympathise with adjacent buildings.*
- *The green wall will incur on-going maintenance costs.*
- *A glazed tower would serve as a better feature, and have security benefits.*
- *The mesh at the top deck is an ugly feature and not considered a legal requirement.*
- *The proposed electric car charging points are slow-trickle chargers only suitable for hotel guests. Day visitors will require rapid-chargers.*

Horsham District Cycle Forum has objected to the proposal, and in a letter dated 25th January 2018 made the following summarised comments:

- *There is no reference to cycling in the Glanville Transport Assessment. Not a complete assessment.*
- *No safe and direct, permissible route from Copnall Way through to Park Place. This is a dangerous route that involves crossing of traffic entering and exiting the car park. Direct, uninterrupted access for cyclists should be provided from Copnall Way directly to the car park cycle stands. Provision of this should be conditioned in consultation with the Cycle Forum.*
- *Cycle stands – provision of 8 stands is a modest increase.*
- *24hr CCTV/lighting is required and should be conditioned in consultation with the Cycle Forum.*
- *Cycling and pedestrian access has not been prioritised as required by the NPPF.*
- *The approved Piries Place loading bay – no details of how this is to be accessed by HGV's. There are no swept path drawings to show safe turning spaces etc.*

Horsham Denne Neighbourhood Council has objected to the proposal, and in a letter dated 26<sup>th</sup> January 2018 made the following summarised comments:

- *No objection in principle to a replacement car park*
- *The proposed metal cladding with tree design is an improvement.*
- *A living wall is not the best solution for the main stair core. It is not natural looking, just a solid green mass.*

- *Public art should feature on main stair core instead (i.e. a large cut out of one of the bronze trees overlaid onto the brickwork), complimented by shrubs at ground floor level.*
- *Anti-climb mesh will be visible from street level on the whole perimeter of the top deck – has appearance of a prison camp. Trailing/climbing plants should be extended around the whole top-deck perimeter.*
- *450mm concrete planters at ground level will attract rubbish etc. Preference for shrubs planted into the ground to give a more natural appearance.*
- *No details on how the ‘welcome zones’ or the motorcycle area in the middle of the ground floor would function. How many pay-stations, would it be safe for pedestrians, etc?*
- *Electric bays – 8 bays is insufficient, provision on all decks is required. They should be rapid charging, not trickle.*
- *Toilet facilities – ‘regular’ cubicles have been reduced from 3 to just 1. Not enough.*
- *Toilet design – many toilets are badly designed. Details required ensuring they are functional.*
- *Disability/dementia awareness – good, clear design/signage is required for these users.*

### **Additional Supporting Information:**

The Agent for the proposal (HNW Architects) has responded to these queries in a letter dated 1<sup>st</sup> February 2018. Their summarised responses are as follows:

#### Living Wall

- *The wall as proposed is illustrative and establishes the principle of a proposed living wall. It would require specialist landscape designers to consider appropriate plant species and design etc. which would be conditioned.*
- *A living wall can provide unique public art and can result in animated features within the public realm.*

#### Safety Mesh

- *The increase in height serves a practical purpose to deter climbing and jumping from the car park and accessing roofs of Burtons Court.*
- *Additional planting will significantly impact on the project budget.*

#### Street Level Planters

- *The proposed ground-level planters serve an additional purpose as vehicle barriers. Shrub planting may be possible instead, but an additional physical barrier would also be required.*

#### Pay Stations

- *3no. pay stations (as existing) are proposed, all at ground floor level.*

#### Motorcycle Parking

- *The proposed motorcycle bays replicate the existing in terms of relationship to vehicular entrance and pedestrian movements.*

#### Electric Vehicle Charging

- *Installation of rapid charging bays would require significant statutory service works beyond the scope of the project and timescales as part of the project viability.*
- *The number of bays and types of chargers reflect the use of the car park and the electricity available on site.*
- *The car park could be ‘future ready’ for further EV requirements with ducting for a variety of chargers (including fast-charge), all of which can be installed as use requires.*

#### Toilet Numbers



- *Facilities proposed is 3, including 1x Changing Places; and 2x Unisex WC's with Baby Changing.*
- *A decrease in demand is expected for the car park toilets due to the changes to the adjacent Piries Place shopping area.*
- *The specification of the internal layout and facilities of the toilets shall be incorporated into the design during the technical design stage.*
- *Comments regarding dementia/disability awareness are noted, and design of the ground floor (including signage and way-finding etc) will be incorporated.*

Glanville Transport Assessment

- *The assessment is based on plans prior to the inclusion to the cycle stands. Cycling was included in the Glanville report for the adjacent development and subsequent planning submission (reference DC/16/2506) as this area is under their domain.*

Cycle Route from Copnall Way to Park Place and details of loading bays

- The highways works and hard landscaping surrounding this proposal are being provided by the wider Piries Place Redevelopment which has been approved under an application by another developer (reference DC/16/2506). Any proposal for cycle use of Park Place would require the consultation and consent of WSCC Highways on what is currently a pedestrianised road.

Cycle Stands – CCTV and Lighting

- CCTV & Lighting are provided within the Car Park, please refer to the documents submitted with the application.

Prioritisation of Cycling in the NPPF

NPPF requirements (as quoted by Cycle Forum)	Response by Agent
Accommodate the efficient delivery of goods and supplies	Not applicable to this proposal
Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities	The shared surface that abuts the existing and proposed car park is provided by the adjacent development and is beyond the scope of this project.
Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones	The proposed Cycle Stands have been located such that they are directly accessible from the highway. 1. Park Place Welcome Zone adjacent to the existing location. 1. Directly from Piries Place adjacent to the Public toilets
Incorporate facilities for charging plug-in and other ultra-low emission vehicles	Proposed Charging Bays
Consider the needs of people with disabilities by all modes of transport	Proposed Changing Places Facility

**Contact Officer: Angela Moore**

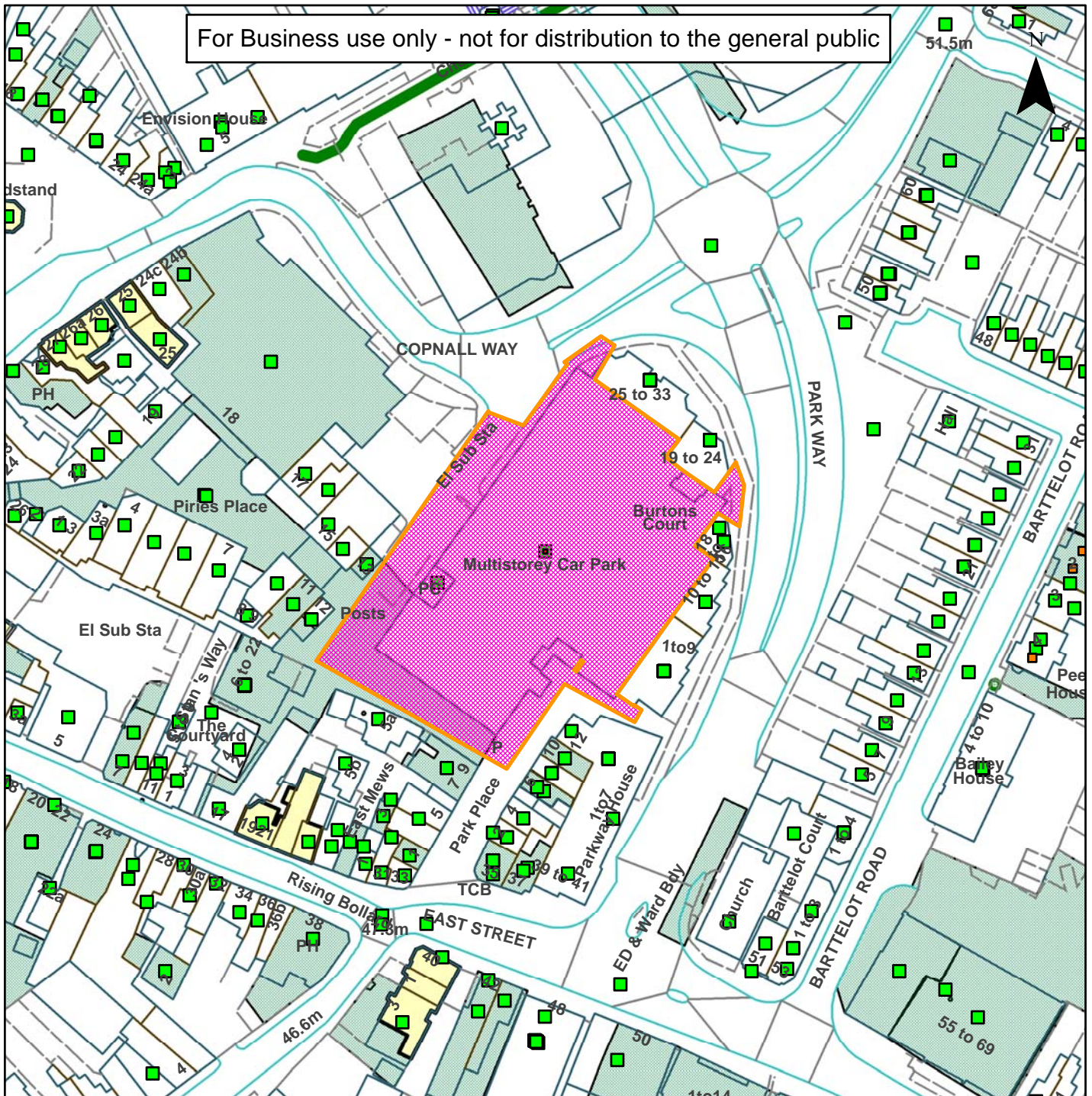
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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	25/01/2018
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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 6 February 2018

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

**SITE:** 41 Pondtail Road Horsham West Sussex RH12 5HP

**WARD:** Holbrook West

**APPLICATION:** DC/17/1704

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

**REASON FOR INCLUSION ON THE AGENDA:** To update Members following the resolution of the Committee at its meeting on 5 December 2017

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

### **1. INTRODUCTION**

1.1 At Planning Committee North on 5 December 2017 Members resolved to defer consideration of the application to allow for further consultation / consideration of highway impacts with the Local Highway Authority. A copy of the previous committee report is attached at Appendix A.

1.2 A site meeting took place on 11 January 2018 by HDC Officers, a representative of WSCC Highways, Councillor Burgess and the applicant, agent and their transport consultant. At this meeting various highway related issues were discussed and possible resolutions to the concerns raised considered.

1.3 Following this meeting additional plans and information have been submitted which reflect the discussions which took place on site. The additional plans and supporting information make the following amendments to the scheme previously considered by Planning Committee North:-

- The existing access from Pondtail Road will be widened to 6m with a 3m radii;
- A kerbed car park access with tactile paving linking each side of the access will be provided;
- 16 demarcated off-street parking spaces (a reduction of 1 space because of the amended access arrangement) will be provided within the site;

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

## **2. CONCLUSION**

- 2.1 As set out in the Officer's report of 5 December 2017, whilst the loss of the public house is regrettable, it is not considered that its loss can be resisted. The property was marketed for approximately 6 months prior to being sold to the applicant and during this time there were no offers made by public house operators. There are a number of public houses within the vicinity and the applicant, through viability assessments, has demonstrated that the use of the property

as a public house is no longer viable. The application proposes a nursery use, which is a community use in its own right, therefore whilst the proposal results in the loss of a public house it would result in the re-provision of a different type of community use. Whilst the need for a nursery does not have to be demonstrated for the proposal to be acceptable in planning terms (it is primarily about the acceptability of the use) Officers are satisfied that there is a need. Furthermore officers are mindful that a public house can change to an alternative use (A1 – retail, A2 professional services and A3 – food and drink) without the need for planning permission and this would result in the loss of a community facility.

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

1 **List of plans**

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

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

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

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

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

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

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

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

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

- 5 **Pre-Commencement Condition:** No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

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

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

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

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

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of



visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

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

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

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

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

- 11 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

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

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

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

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

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

Background Papers: DC/17/1704

# APPENDIX 1



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

- TO:** Planning Committee North
- BY:** Development Manager
- DATE:** 5 December 2017
- DEVELOPMENT:** Change of use from Public House (Class A4) to Children's Day Nursery (Class D1); Single storey and first floor rear extensions; changes to elevations including addition of 2x front and 1x rear dormer windows; car and cycle parking; siting of external plant on rear elevation; and surfacing of garden area
- SITE:** 41 Pondtail Road Horsham West Sussex RH12 5HP
- WARD:** Holbrook West
- APPLICATION:** DC/17/1704
- APPLICANT:** **Name:** Mr Paul Clarke **Address:** Oakridge House Wellington Road High Wycombe HP12 3PR
- REASON FOR INCLUSION ON THE AGENDA:** More than 8 representations have been received of a contrary view to the Officer recommendation and at the request of Councillor Peter Burgess
- RECOMMENDATION:** That the application be delegated for approval to the Head of Development to consider whether the requirement of WSCC highways to provide a parking survey if there is a problem with on street parking can be the subject of a condition or is required to be the subject of a legal agreement, and subject to appropriate conditions as suggested at paragraph 7.

### 1. THE PURPOSE OF THIS REPORT

- 1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

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

- 1.3 The proposals incorporate two small single storey rear extensions, first floor rear extension, insertion of two dormer windows into the front elevation at first floor level, insertion of a dormer window into the rear roof slope at first floor level, removal of front chimney stack on front elevation and replacement of high level windows on the front elevation with full height glazing. The gross internal floor space will increase, as a result, from 252.88sqm to 356sqm.
- 1.4 The proposals also incorporate changes to the car park. A total of 17 spaces are provided – the same number as existing and maintaining the same vehicular access point. However the car park is rearranged in order to free up space immediately adjacent to the building for that area to be used as part of the nursery garden. Four parking spaces will be allocated for members of staff. The remainder will be drop-off spaces for parents/carers bringing and collecting children. A cycle stand with capacity for six bicycles will be positioned at the front of the site.
- 1.5 The proposed garden will utilise all space at the rear of the building and between the building and the car park. It will primarily be resurfaced with artificial grass, with two small block paving tracks, two sand areas and two water features for supervised play. Six air conditioning units will be positioned on the rear elevation, away from any site boundary.

#### DESCRIPTION OF THE SITE

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

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

- 2.2 **National Planning Policy Framework:**  
 NPPF1 - Building a strong, competitive economy  
 NPPF2 - Ensuring the vitality of town centres  
 NPPF4 - Promoting sustainable transport

NPPF7 - Requiring good design  
NPPF14 - Presumption in favour of sustainable development

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

HDPF1 - Strategic Policy: Sustainable Development  
HDPF2 - Strategic Policy: Strategic Development  
HDPF3 - Strategic Policy: Development Hierarchy  
HDPF24 - Strategic Policy: Environmental Protection  
HDPF32 - Strategic Policy: The Quality of New Development  
HDPF33 - Development Principles  
HDPF40 - Sustainable Transport  
HDPF41 - Parking  
HDPF43 - Community Facilities, Leisure and Recreation

#### RELEVANT NEIGHBOURHOOD PLAN

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

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

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

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

### 3. **OUTCOME OF CONSULTATIONS**

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

#### INTERNAL CONSULTATIONS

3.2 **Environmental Health** – No objection in principle. Conditions recommended in respect of removal of asbestos and waste from the site, controlling dust during construction works, limiting

the hours of construction works, hours of operation of the facility, use of the premises as a children's day nursery only, external lighting and sufficient drainage.

3.3 **Economic Development** – It will become a useful amenity for the growing population.

3.4 **Arboricultural Officer** – No objection.  
OUTSIDE AGENCIES

3.5 **WSCC Highways** – Following an initial objection to the proposal, verbal advice has been received advising that, following the submission of additional information, the change of use is acceptable subject to an additional condition/obligation relating to parking capacity monitoring. Members will be updated at the Committee meeting following the receipt of comments.

3.6 **WSCC Early Years team** – According to our sufficiency data there is a housing development West of Southwater with an estimated 600 dwellings that will require an estimated 30 childcare places, as well as a development on Land the North of Horsham of an estimated 2500 dwellings requiring an estimated 125 childcare places. However the preference is to have the childcare provision of the second development linked to the planned Primary Schools for this development.

PARISH COUNCIL

3.7 **North Horsham Parish Council** – No objection.

3.8 **Horsham Denne Neighbourhood Council** (HDNC) – No objection in principle however raises concerns in respect of the following issues:

- Pedestrian and vehicular access will increase including adults with young children walking from the HDNC area
- Vehicles don't adhere to the maximum speed limit
- Poor visibility when approaching the railway bridge
- Footpath under the bridge and for some distance either side on opposite side of road to nursery
- Footpath under the bridge is narrow and can be slippery
- Adults with children will need to cross Pondtail Road to access the nursery and there is no safe crossing point
- A pedestrian crossing and an off-road layby in close proximity to the proposed nursery are required

LOCAL MEMBER

3.9 **Councillor Burgess** – Summarised as follows:

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

PUBLIC CONSULTATIONS

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

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

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

6.1 The main issues in the consideration of the application are:-

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

##### Loss of public house

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

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

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

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



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

#### Proposed children’s nursery use

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

#### Highway safety, transport and parking issues

- 6.19 Policies 40 and 41 of the HDPF relate to sustainable transport and parking. Policy 40 seeks to manage the anticipated demand for travel by requiring development proposal to promote an

improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities. The policy requires development to, amongst other criteria, be located in areas where there are, or will be a choice in the modes of transport available and provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods. Policy 41 requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.

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

#### Impact on occupiers of neighbouring properties

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

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

- 6.33 The proposals incorporate two small single storey rear extensions, first floor rear extension, insertion of two dormer windows into the front elevation at first floor level, insertion of a dormer

window into the rear roof slope at first floor level, removal of front chimney stack on front elevation and replacement of high level windows on the front elevation with full height glazing.

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

#### Other considerations

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

#### Conclusion

- 6.40 Whilst the loss of the public house is regrettable, it is not considered that its loss can be resisted. The property was marketed for approximately 6 months prior to being sold to the applicant and during this time there were no offers made by public house operators. There are a

number of public houses within the vicinity and the applicant, through viability assessments, has demonstrated that the use of the property as a public house is no longer viable. The application proposes a nursery use, which is a community use in its own right, therefore whilst the proposal results in the loss of a public house it would result in the re-provision of a different type of community use. Whilst the need for a nursery does not have to be demonstrated for the proposal to be acceptable in planning terms (it is primarily about the acceptability of the use) Officers are satisfied that there is a need. Furthermore officers are mindful that a public house can change to an alternative use (A1 – retail, A2 professional services and A3 – food and drink) without the need to planning permission and this would result in the loss of a community facility. In terms of highway safety given the advice of WSCC Highways it is not considered that a reason for refusal on these grounds could be substantiated. The proposal would not result in any significant adverse harm to visual or neighbouring amenity. The proposal is therefore considered to accord with relevant planning policies, and is acceptable in planning terms.

## 7. RECOMMENDATIONS

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

### 1 List of plans

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

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

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

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

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

Background Papers: DC/17/1704

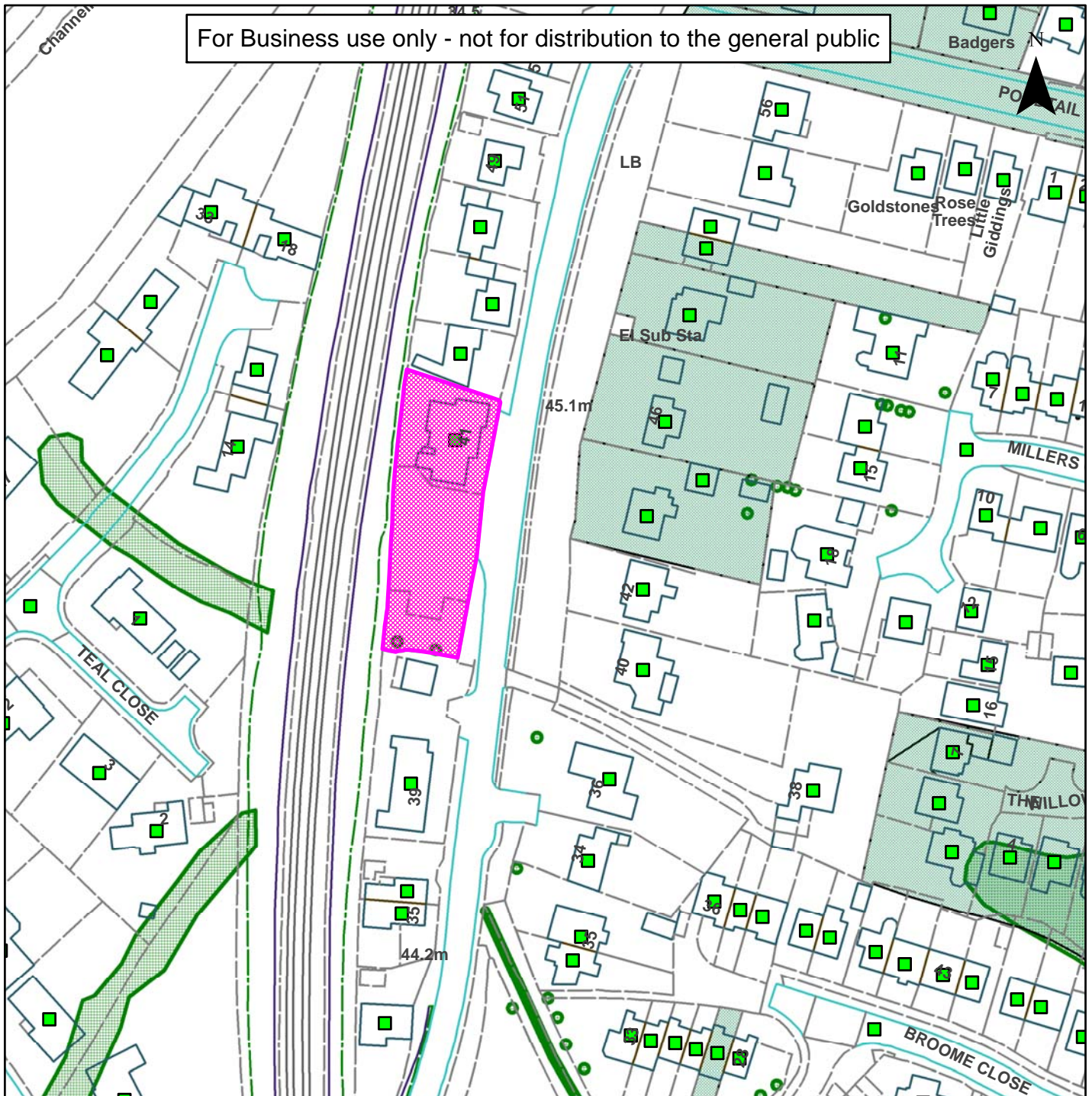
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Organisation	Horsham District Council
Department	
Comments	Not Set
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**Horsham  
District  
Council**

**PLANNING COMMITTEE  
REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 6 January 2018

**DEVELOPMENT:** Demolition of existing commercial premises. Erection of replacement two storey block, featuring 2 x front dormer windows and bike/bin store to side, housing 2 x two bedroom flats and 2 x one bedroom flats'

**SITE:** 19A Denne Parade Horsham West Sussex RH12 1JD

**WARD:** Denne

**APPLICATION:** DC/17/1802

**APPLICANT:** **Name:** Mr J A Gibbs **Address:** 19A Denne Parade Horsham West Sussex RH12 1JD

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Cllr Hogben and Denne Neighbourhood Council

**RECOMMENDATION:** Grant Planning Permission

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the demolition of existing single storey commercial premises and the erection of replacement two storey block flats, featuring 2 x front dormer windows and bike/bin store and 2 x two bedroom flats and 2 x one bedroom flats. Units 1 and 2 (ground floor), comprise a 1 bed unit (42sqm) and a two bed unit (61sqm); Unit 3 (first and second floor) comprises a 2 bed unit (76sqm total) and Unit 4 (first floor) comprises a 1 bed unit (44sqm). No parking spaces are proposed.

1.3 The proposed building comprises a two storey development with further accommodation within the roof. The scale of the proposed building reduces in height further into the site and culminates in a single storey element which incorporates refuse facilities and cycle storage adjacent to Bridges Place. There is articulation in the roof profile with varying pitched and hipped roofs, with the roof pitch to the front elevation reflecting that of the existing street scene. The proposed materials comprise multi stock brick elevations with decorative render to the projecting front bay, with concrete plain profile roof tiles.

1.4 Access to the proposed flats is via a central entrance located along the east elevation (facing into the existing parking courtyard), with individual access to each flat from within the communal access.

- 1.5 There is an existing extant permission under DC/15/2423 for the demolition of the existing commercial premises and the erection of 3 flats which was granted on the 22nd March 2016, and therefore the principle of residential development has previously been established, and subject to the discharge of relevant conditions remains implementable. The current proposal would essentially increase the number of units from 3 to 4 and revise the footprint, siting and design of the proposed building.

#### DESCRIPTION OF THE SITE

- 1.6 The site is located within the Built up Area of Horsham, outside the defined boundary of the Horsham Conservation Area (58m west of the application site). The site is identified as being within the Horsham Town Medieval Core. The application site is located on the north side of Denne Parade and currently comprises a single storey commercial building approximately 4.5 metres high with single pitched roof, formerly used as print works premises.
- 1.7 The area surrounding the application site is characterised by mixed uses comprising retail, commercial, office and residential. Denne Parade itself is predominantly characterised by traditional 2 storey Victorian terraced and semi-detached properties on the south side of Denne Parade and more modern blocks of residential developments immediately to the east and west of the application site (1-14 Bennetts Court to the east, 15 – 23 Bridges Place to the north, 1-10 and 11-16 The Gatehouse to the east). The site is located in a sustainable location and is approximately 0.8 miles from Horsham Railway Station.

## 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**  
NPPF4 - Promoting sustainable transport  
NPPF6 - Delivering a wide choice of high quality homes  
NPPF7 - Requiring good design  
NPPF14 - Presumption in favour of sustainable development
- 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 9 - Employment Development  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

2.4 Horsham Blueprint Neighbourhood Forum is a designated area comprising representatives from Denne Neighbourhood, Forest Council and Trafalgar Neighbourhood Council. There is currently no made Neighbourhood Plan

## 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/05/0401	Demolition of existing building and erection of building comprising 3 dwellings (Outline)	Application Permitted on 20.04.2007
DC/15/2423	Demolition of existing commercial building and erection of building comprising three residential dwellings.	Application Permitted on 22.03.2016

## 3. OUTCOME OF CONSULTATIONS

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

### INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health:** No Objection subject to condition.

3.3 **HDC Housing:** No Objection. In accordance with the adopted HDPF there is no requirement for a provision of affordable housing. As such Housing Officers have no comments to make in respect of this application.

3.4 **HDC Economic Development:** No Objection. Town Centre Management officer has no objections in terms of the loss of business space in this primarily residential town location

3.5 **HDC Refuse Collections:** No objection

### OUTSIDE AGENCIES

3.6 **Neighbourhood Council:** Object. Concerns regarding scale mas and design, effect on amenity of occupiers and / users or nearby property through overlooking and noise, loss of privacy and light to residents at The Gatehouse, Bennett Court and Bridge Place. In particular the closeness of the proposed block and its low standard of design with large unsightly bare brick walls that are close to the adjoining apartments. Lack of any parking provision.

3.7 **WSCC Highways:** No objection

3.8 **Archaeology Consultant:** No Objection subject to condition

3.9 **Southern Water:** Comment. A formal application for connection to the public sewerage system is required in order to service this development.

### PUBLIC CONSULTATIONS

3.10 6 Neighbour letters have been received objecting to the original scheme and subsequent amendments for the following reasons:

- Parking and Highway Safety
- Design
- Over development

- Privacy
- Loss of light
- Noise from construction
- Landscaping
- Impact on value of existing dwellings

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

##### Background

- 6.1 Policy 3 (Development Hierarchy) of the HDPF states that development will be permitted within towns and villages which have defined built up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the identified settlement hierarchy set out within the policy. The application site falls within the defined built up area of Horsham and the scale of the development would maintain the characteristics and function of the settlement.
- 6.2 Policy 9 (Employment Development) of the HDPF states that the redevelopment of employment site and premises outside key Employment Areas must demonstrate that the site/premises is no longer needed and /or viable for employment use. An extant permission exists for the redevelopment of the site for 3 residential units and as such the principle of development for residential purposes has already been established under DC/15/2423. As part of this earlier permission it was considered the size and poor condition of the building was not suited to continued commercial use, with marketing submitted to demonstrate that premises there was no demand from potential tenants. It therefore considered that the principle of residential development on the site is acceptable and any conflict with the above policy would not warrant refusal of the application.

##### Character and appearance

- 6.3 The proposed residential building comprises 3 elements, a two-storey frontage building with further accommodation within the roof void fronting Denne Road, a rear two-storey element, and a further rear single-storey element with attached cycle and refuse storage area. The current application proposals are similar to the scheme previously granted under ref: DC/15/2423 but have a reduced ridge height and a larger footprint. The proposed footprint of the building would be the same as that of the existing commercial building.
- 6.4 In comparison to the existing planning permission the overall depth of the proposed building has been increased to 20.6m (23.9m including the projecting bay element and the storage area for cycles and refuse) from the previously approved 16.3m, and the width has been increased from 6.4m to 7m. The proposed ridge line of the roof fronting Denne Road is approximately 1.7m lower than previously approved (11.7m high), and is now 10m high.

During consideration of the application details, amended plans have been submitted to reduce the projection of the building at first floor level, bringing it in line with surrounding development, and replacing a two-bedroom unit with a one-bedroom unit.

- 6.5 The buildings in Denne Parade are of various design and aesthetic appearance with no one style being prevalent. Denne Street is not within a Conservation Area and there are no listed buildings near to the application site. While the proposed building line to the projecting two storey bay is marginally forward than that of the neighbouring Bennett Court it is not considered that this relationship is of such magnitude as to result in significant additional harm to the visual amenities of the street scene or occupants of adjoining properties.
- 6.6 Paragraph 60 of the National Planning Policy Framework advises that planning policies and decision should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Given the varied modern and traditional design and appearance of adjacent development, it is not considered that the proposed residential building would result in any loss of visual amenity to the street scene.

#### Impact on neighbouring amenity

- 6.7 Policy 33 of the HDPF requires that development avoids unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.8 It is considered that there would be sufficient separation around the proposed building to prevent any harmful loss of light or outlook for occupants of adjoining properties. The proposed development would result in some loss of light and outlook from secondary windows to habitable rooms in the east elevation of Bennett Court however, there are south facing primary windows that also serve these habitable rooms and as such the relationship is considered on balance to be acceptable. The windows located in the west elevation of the proposed dwellings would be obscure glazed to prevent any overlooking towards Bennett Court.
- 6.9 In comparison to the existing planning permission the proposed roof design reduces both the height and bulk of the roof profile by 3.3m at its nearest point to Bridges Place, and increases the separation distance between the stair well of Bridges Place and the apex of the roof by a further 3.46m. The closest windows in the Bridges Close development to the proposed southern elevation of the proposed building would be those to the stair well (not habitable rooms) and these are obscure glazed. It is considered that any views from the proposed development towards windows of habitable rooms within Bridges Place or towards the residential development at The Gatehouse would be at obscure angles and as such it is not considered that there would be any loss of private amenity to those properties.
- 6.10 It is therefore considered that any impact on neighbouring amenity would not amount to significant harm, and the proposal would accord with policy 33 of the HDPF.

#### Highways

- 6.11 The application site does not provide any off-street parking and is within an area where resident parking permits are already over-subscribed, indicating parking pressure which could potentially be extenuated by this proposal. The application site is though within a sustainable location well served by public transport, with rail and bus services under 1km from the site. The previous use of the site as a commercial printers would result in a higher number of trips to and from the site than the proposed residential use, and as such there would be a reduction in travel.

- 6.12 The Local Highway Authority has not raised any objections to the proposed development as it meets the NPPF requirements for a car free development, and if necessary the issuing of resident permits to future occupants could be prevented to discourage future car use by future occupants. Discussions are currently taking place with the Highway Authority and HDC's Parking Team to establish whether a formal mechanism for removing the right for future residents to apply for parking permits is required and an update will be provided at Planning Committee.
- 6.13 It is considered this approach, coupled with the charging arrangements in car parks and on the street in close proximity to the site, would discourage potential occupants from owning a car or bringing a car into the area. As a result it is considered unlikely that there would be a desire for car parking and no conflict with Policies 40 or 41 of the HDPF is envisaged.

#### Archaeology

- 6.14 The site is identified as being within the Horsham Town Medieval Core, however no objections have been raised by the Archaeologist in respect of the proposals, a condition is though recommended to secure an archaeology watching brief.

#### 6.15 Conclusion

The proposal would offer the public benefit of 4 additional dwellings within the built-up area boundary of a sustainable settlement to help meet the housing needs of the District. The proposed demolition of the existing commercial property and the development of four new dwellings on Denne Parade is considered to be acceptable and accords with relevant policies within the HDPF 2015 specifically HDPF3, HDPF9, HDPF 32, HDPF33 and HDPF 40 and the overarching policies within the National Planning Policy Framework 2012.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.16 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> 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	223	171	52
		<b>Total Gain</b>	<b>52</b>
		<b>Total Demolition</b>	<b>223</b>

- 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 Grant planning permission subject to conditions

### 1 **List of 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 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).

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

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

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

- 5 **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).

**6 Pre-Commencement Condition:**

- i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

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

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

**8 Pre-Commencement (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 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).

- 10 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall 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).

- 11 **Pre-Occupation Condition:** The building hereby permitted shall not be occupied until the ground and first floor windows to the western (side) elevation have been fitted with obscured glazing. The windows shall be fixed shut/non-openable. Once installed the obscured glazing shall be retained permanently and the windows fixed shut/non-openable thereafter.

Reason: To protect the privacy of neighbouring residents in accordance with Policy 33 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, 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).

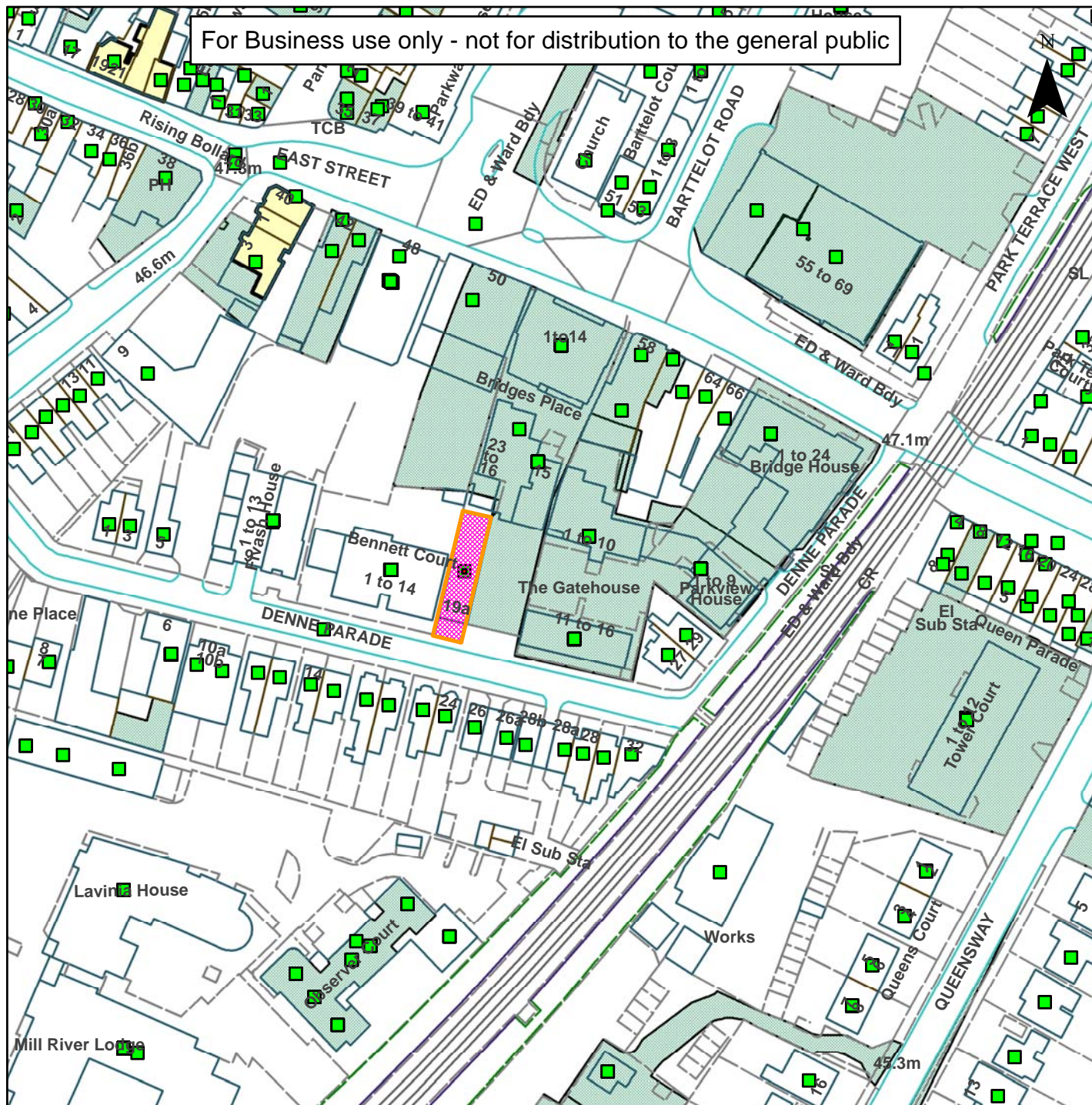
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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 06 February 2018

**DEVELOPMENT:** Proposed erection of two agricultural storage barns for the storage of machinery, feedstuffs and fodder

**SITE:** Westons Farm Westons Hill Itchingfield West Sussex

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/17/2622

**APPLICANT:** **Name:** Mr David Exwood **Address:** Sopers Cottage Westons Farm Itchingfield Horsham RH13 7NR

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

**RECOMMENDATION:** To grant planning permission

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application relates to the erection of 2 no. agricultural buildings which are proposed for the storage of machinery, hay, and fodder.
- 1.2 Building A would consist of a barn that would measure 15m x 9m, to a total floor area of 135sqm, and would incorporate a pitched roof measuring to a total height of 3.8m. The building would be set back from the northern boundary by approximately 2.9m, with the building extending in line with the existing livestock building to the west. The proposal would include 1.2m high concrete panels, with a black corrugated roof cladding and weatherboarding.
- 1.3 Building B would consist of a barn that would measure to a length of 9.5m and a width of 9.4m which would be positioned to the east of the livestock yard. The building would incorporate a pitched roof measuring to a total height of 2.7m, with an eaves height of 1.8m. The proposal would be open to the north, south and east elevations, with block work and cladding to the east elevation.

#### DESCRIPTION OF THE SITE

- 1.4 The application site consists of a working farm positioned to the west of Westons Hill, outside of the designated built-up area. The site is positioned in open countryside, with a number of agricultural buildings positioned within the farm yard. These buildings are used for a mix of purposes including the storage of machinery, grain, and livestock.
- 1.6 A neighbouring residential property is positioned to the north of the application site, and consists of a two storey Grade II Listed Building. The neighbouring property also includes an ancillary building which sits along the northern boundary of the application 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 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- 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 34 - Cultural and Heritage Assets
- Policy 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Itchingfield Neighbourhood Development Plan  
- Designated (Regulation 7) - September 2015

#### 2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

I/5/64	New farm building and extension to existing farm. (From old Planning History)	Application Permitted on 10.04.1964
I/22/70	Dutch barn. Comment: B. regs. (From old Planning History)	Application Permitted on 01.10.1970
I/21/90	Landfill site with deposit of inert material and restoration to agriculture Site: Westons Farm Fulford Rd Itchingfield	Application Permitted on 31.12.1990
I/28/93	Extension of time limit on i/21/90 for reclamation of low lying area by the deposit of inert material & restoration to agriculture Site: Westons Farm Itchingfield	Application Permitted on 06.01.1994
I/23/03	Prior notification to erect a glasshouse Site: Sopers Cottage, westons Farm Fulfords Road Itchingfield	Application Permitted on 03.09.2003
I/31/03	Retention of glasshouses Site: Sopers Cottage Fulfords Road Itchingfield	Application Permitted on 23.12.2003



DC/09/0911	Erection of Agricultural building for corn storage	Application Permitted on 19.01.2010
DC/14/2485	Prior notification for change of use of agricultural building to class C3 (Dwelling House) and associated operational development	Prior Approval Required and REFUSED on 23.12.2014
DC/15/0937	Erection of building for agricultural storage and housing livestock and associated hardstanding	Application Permitted on 23.07.2015
DC/17/0162	Change of use, conversion and extension of farm buildings to provide extended farm shop, cafe, storage ares and toilets	Application Permitted on 29.03.2017

### **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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation:** No objection.
- 3.3 **HDC Environmental Health:** No objection subject to conditions.

#### PUBLIC CONSULTATIONS

- 3.5 12 letters of objection were received from 8 separate households, and these can be summarised as follows:-
- General amenity impact to neighbouring property of Westons Farmhouse;
  - Environmental issue of Site A caused by unsociable working hours, vermin, noise, and dust;
  - Loss of light and privacy;
  - No justified need for the building given others on the site;
  - Management of space to the rear of the building.

### **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 application seeks full planning permission for the erection of 2 no. agricultural buildings to be used for the storage of hay, machinery, and fodder.

### **Principle of Development:**

- 6.2 Policy 10 of the HDPF states that sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development that maintains the quality and character of the area, whilst sustaining its varied productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must contribute to the diverse and sustainable farming enterprises within the district, or in the case other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in and the enjoyment of the countryside.
- 6.3 The proposed buildings seek to provide covered storage for machinery, fodder, and feed stuffs in association with the operation of the farm. Whilst noted that an objection has been received which queries the need for the proposed buildings given the availability of others within the site, following discussion with the applicant and a site visit, Officers are of the view that the proposed buildings are necessary for additional storage purposes. The existing agricultural buildings are used for a variety of purposes including storage of tractors and larger machinery, storage of grain, and the housing of livestock including cattle and pigs. The two proposed buildings are required to provide additional covered storage for the farm, and primarily will be used for the storage of smaller machinery and feedstuffs which are openly stored in the proposed location of Site A. The proposal is therefore considered to support rural economic development and the needs of the farm, and as such is considered acceptable in principle.

### **Design and Appearance:**

- 6.4 Policies 32 and 33 of the HDPF promote development which is of high quality and design, and is sympathetic to the distinctiveness of the dwelling and surroundings. Policy 34 of the HDPF states that development affecting a Listed Building should make a positive contribution to the special character and distinctiveness of the building and its setting.
- 6.5 The proposed buildings would be clustered within the main farm complex which comprises a series of buildings in active agricultural use. The built form of the farm yard consists of a number of agricultural buildings of brick, timber, and sheet metal finish, with the buildings of various sizes and scales dependent upon their use.
- 6.6 The proposed buildings would form relatively low-key structures that would sit subserviently in the context of the other agricultural buildings on the site. Given the utilitarian character of the farm complex, and the scale of surrounding structures, it is considered that the proposed buildings would be of a form and appearance that would reflect the established character of the site in a location partly defined by the presence of agricultural activities.
- 6.7 The neighbouring property of Westons Farmhouse comprises a Grade II Listed Building, which historically was within the ownership of Westons Farm but is now a separate entity separate from the adjoining farm complex. The Listed Building sits in close proximity to the site and given its previous association has a relationship with the farm unit.
- 6.8 Whilst Building A would be positioned in close proximity to the Grade II Listed Building of Westons Farmhouse the building would sit within the built form of the farmstead. The neighbouring Listed Building was once part of the wider farm, and as such, the farm itself forms part of the setting of the heritage asset. Therefore, the minor scale of the proposed building, reflecting similar buildings within the site, is not considered to result in harm to the setting of the Grade II Listed Building. Building B is a sufficient distance from the Listed Building to prevent any harm.

- 6.9 The proposed buildings are therefore considered to be reflective of and sensitive to the rural character and setting of the countryside location, in accordance with Policies 32, 33 and 34 of the Horsham District Planning Framework (2015).

**Impact on neighbouring amenity:**

- 6.10 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.11 The proposed buildings would be relatively modest in scale with open sides to the upper sections. Whilst Building B is considered a sufficient distance from neighbouring properties to prevent harm it is acknowledged that Building A would be positioned in close proximity to the neighbouring property to the north, set back from the boundary by approximately 2.9m.
- 6.12 Objections were received which raised concern that Building A would impact on light and privacy to the ancillary building. The proposed building would be open sided above 1.2m, and would sit at a similar height to the ancillary building to the north. Although it is recognised that the neighbouring building positioned along the boundary includes a number of high level windows on the party wall, given the set back of the proposed building, and the open nature of this building, it is not considered that the proposal would result in harmful loss of light, outlook or privacy.
- 6.13 However, given the relationship of the proposed building to the ancillary residential use of the neighbouring building, and following consultation with the Environmental Health Officer, it is considered reasonable and necessary to restrict the use of this building so that no fixed powered machinery, plant or equipment, livestock, or oils, lubricants, and fuels (other than within machinery) are stored in Building A. This would be secured through condition and is considered sufficient to mitigate and restrict any potential noise impact on the neighbouring property.
- 6.14 It is recognised that given the nature of the farm complex and the storage of certain machinery within Building A, some noise disturbance when machinery is starting up and warming up may occur. However, the infrequent and restricted time period of such occurrences is not considered to result in substantial harm to nearby amenity. Nonetheless, in order to reduce the occurrence of noise, it is considered appropriate to restrict the operation of fixed powered machinery within the building.
- 6.15 It is therefore considered, subject to an appropriately worded condition, that the proposal would not result in significant harm to neighbouring amenity, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**Conclusion**

- 6.16 The proposal is considered to support rural economic development and the needs of the existing farm enterprise, and as such is considered acceptable in principle. Subject to the imposition of an appropriately worded condition restricting the use of the buildings, the proposal is not considered to result in harm to the amenities or sensitivities of neighbouring properties, in accordance with Policies 10, 25, 26, 32, 33, and 34 of the Horsham District Planning Framework (2015).

**7. RECOMMENDATIONS**

- 7.1 To approve the application subject to the following conditions.

**1 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 to be used in the development hereby permitted shall strictly accord with those indicated on the plan references 40/3 and 40/5 received 28.11.2017.

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

- 4 **Regulatory Condition:** The hereby approved building identified as 'Site A' on drawing no. 40/2 (received 18.12.2017) and drawing no. 40/3 (received 21.11.2017) shall be used for agricultural purposes, as defined in Section 336(1) of the Town and Country Planning Act 1990, excluding the housing of livestock and the storage of fuel, oil, and lubricants other than those in machines stored within the building.

Reason: To protect the amenities of adjoining residential properties at Westons Farmhouse from loss of privacy and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The hereby approved building identified as 'Site A' on drawing no. 40/2 (received 18.12.2017) and drawing no. 40/3 (received 21.11.2017) shall at no time be used for the operation of fixed powered machinery.

Reason: To protect the amenities of adjoining residential properties at Westons Farmhouse from loss of privacy and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** The hereby approved building identified as 'Site B' on drawing no. 40/2 (received 18.12.2017) and drawing no. 40/3 (received 21.11.2017) shall be used for agricultural purposes only, as defined in Section 336(1) of the Town and Country Planning Act 1990, and for no other purpose without express planning consent from the Local Planning Authority first being obtained.

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.

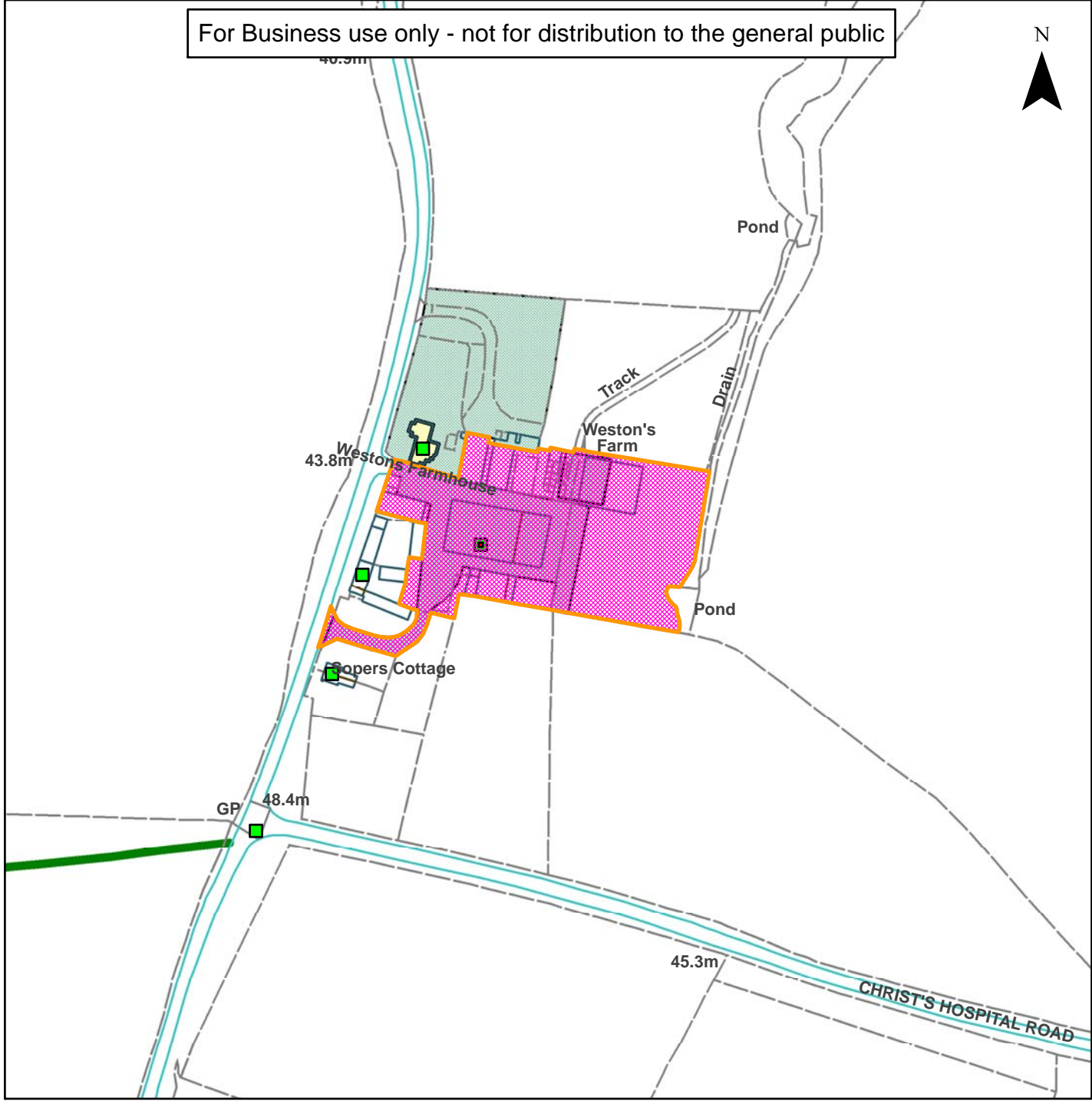
- 7 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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



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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

**BY:** Head of Development

**DATE:** 6 February 2018

**DEVELOPMENT:** Installation of internal 3-storey through floor lift (Listed Building Consent)

**SITE:** Highams Capel Road Rusper Horsham West Sussex RH12 4PY

**WARD:** Rusper and Colgate

**APPLICATION:** DC/17/2501

**APPLICANT:** **Name:** Mr and Mrs Kitchen **Address:** Highams Capel Road Rusper Horsham West Sussex RH12 4PY

**REASON FOR INCLUSION ON THE AGENDA:** The application has been made by a District Councillor

**RECOMMENDATION:** To grant listed building consent

### **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the application for listed building consent.

#### DESCRIPTION OF THE APPLICATION

1.2 The application seeks listed building consent for the installation of a lift to provide access between the ground and first floors.

1.3 The lift will be sited within an existing ground floor WC, which will be altered to provide an enlarged area, with a cupboard removed in the first floor ensuite bathroom to provide access to the first floor. A modern stud wall will be removed at ground floor level and the studwork cupboard within the ensuite will be removed and replaced with the lift shaft formed in timber studwork. The lift aperture would be created by cutting a hole some 1.05m by 0.75m through the ceilings on the ground and first floors with new floor joists installed to provide structural stability. The lift aperture is required to go into the second floor due to the low ceiling heights within the property.

#### DESCRIPTION OF THE SITE

1.4 Highams is a grade II listed property consisting of two ranges featuring tile-hanging above brick facing with a Horsham stone roof. The section of the building where the lift is to be located is detailed within the heritage statement as being a later addition to the property. The property is located some 500m north of Rusper and lies to the west of Capel Road.

## 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:

#### 2.3 National Planning Policy Framework

#### 2.4 Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 42 - Strategic Policy: Inclusive Communities

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Parish of Rusper was designated as a Neighbourhood Development Plan Area on 18 February 2016. There is no made plan at present.

#### 2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

RS/33/71	Alterations to existing building	Application Permitted on 31.08.1971
RS/51/71	New boiler house + 2 flue chimneys	Application Permitted on 21.01.1972
RS/35/72	Addition to form lobby to kitchen	Application Permitted on 14.07.1972
RS/12/74	Windows in attic	Application Refused on 24.04.1974
RS/51/79	Dutch barn	Application Permitted on 15.10.1979
RS/33/85	Erection of dormer windows (listed building consent)	Application Permitted on 06.09.1985
RS/19/87	Conversion of domestic shed into one dwelling	Application Permitted on 25.11.1987

## 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](http://www.horsham.gov.uk)

### INTERNAL CONSULTATIONS



3.2 **HDC Conservation:** No Objection.

PARISH COUNCIL

3.3 **Rusper Parish Council** – Support the applications as *“it provides better accessibility for residents with disabilities”*

PUBLIC CONSULTATIONS

3.4 Two representations have been received supporting the application for the following reasons:-

- The applicant is extremely frail and his mobility is limited
- The stairs are very difficult and unsuitable for the applicant
- The lift would improve the applicants safety and enable them to remain in the property

#### **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 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”* This is reflected by Policy 34 of the HDPF which states that works to listed buildings should reinforce the special character of the historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques.

6.2 The proposal is for the installation of a compact ‘through-floor’ lift to be positioned within an existing WC on the ground floor, the corner of an ensuite on the first floor and the corner of a bedroom on the second floor. The proposed lift is effectively a rectangular cubicle held by a steel running frame. At ground floor level the existing WC and stud wall will be altered to make space for the lift, a maximum of three ceiling joists will be cut to form the opening and a new joist installed to support the existing joists and lift. The floorboards removed will be laid around the lift aperture (and onto the lift lid) so that when in the position on the first floor, the base effectively acts as a ceiling for the room below. At first floor level the airing cupboard/wardrobe within the ensuite will be removed and three ceiling joists removed and a new joist installed. A lift shaft will be formed around the lift using stud walls. On the second floor a bulkhead will be formed with timber studwork with the floorboards placed on top of the unit.

6.3 It is understood that various options to provide a suitable access for the applicant to access the first floor have been considered, for example a stair lift, but as a result of the constraints of the building a through-floor lift is considered to be the most suitable solution.

As part of the application process additional information has been received providing further detail on the construction and impact of the proposed internal alterations. The additional information demonstrates that the proposed alterations would have little impact on the historic fabric or significance of the Listed Building and the Council's Conservation Consultant has raised no objection to the works.

### Conclusion

- 6.4 The proposed lift will have some impact on the internal layout and proportions of the building. The affected parts of the building are though considered to be of low importance and the proposal would not impact on the significance of the Listed Building. It is also noted that the proposed works would potentially be reversible, with both the floorboards and ceilings being capable of reinstatement in the future. The application is therefore recommended for approval.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that the application be approved subject to appropriate conditions as suggested below:

1 **List of plans**

- 2 **Standard Time Condition:** The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

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

- 3 **Regulatory Condition:** All new and disturbed surfaces shall be made good at the time of works using materials of matching composition, form and finish to those of the listed building.

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

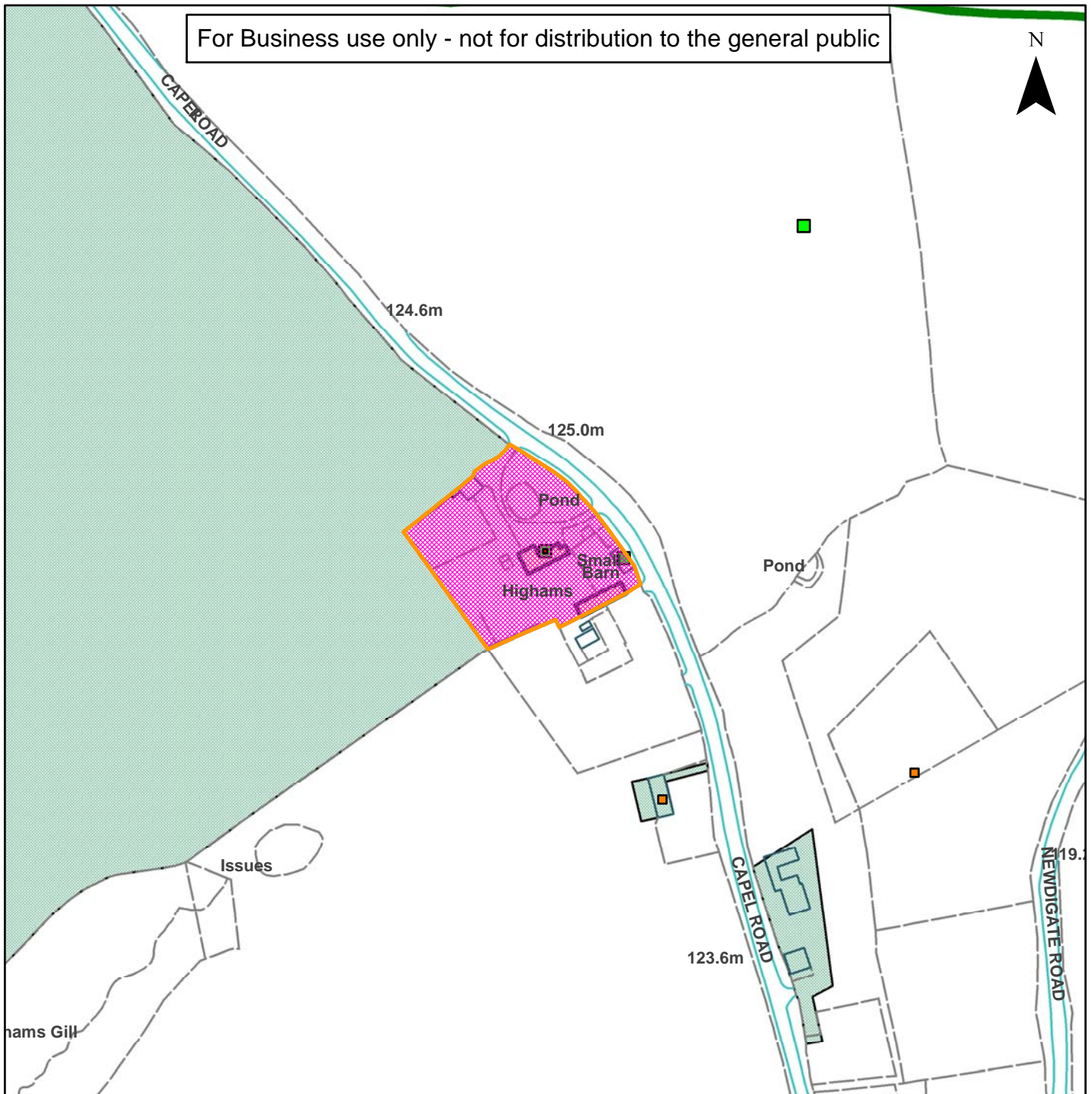
Note to applicant: In order to ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, the timber beams should be re-used within this development if possible.

Background Papers: DC/17/2501



Not Set

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