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# Planning Committee (North)

Tuesday, 2nd October, 2018 at 5.30 pm  
Conference Room, Parkside, Chart Way, Horsham

Councillors:	Karen Burgess (Chairman)	
	Liz Kitchen (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

Glen Chipp  
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 4 September 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 - 18

Applications for determination by Committee:

6. **DC/18/1239 - Land at Foundry Lane, Foundry Lane, Horsham** 19 - 46

Ward: Roffey South  
Applicant: Lidl UK

7. **DC/18/1433 - The Holbrook Club, North Heath Lane, Horsham** 47 - 54

Ward: Holbrook East  
Applicant: The Holbrook Club

8. **DC/18/0055 - Enterprise House, 80 Lambs Farm Road, Horsham** 55 - 64

Ward: Roffey North  
Applicant: Mr Celebi

9. **DC/18/1277 - 10 Wellwood Close, Horsham** 65 - 72

Ward: Roffey South  
Applicant: Mr Malcolm Crabbe

10. **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

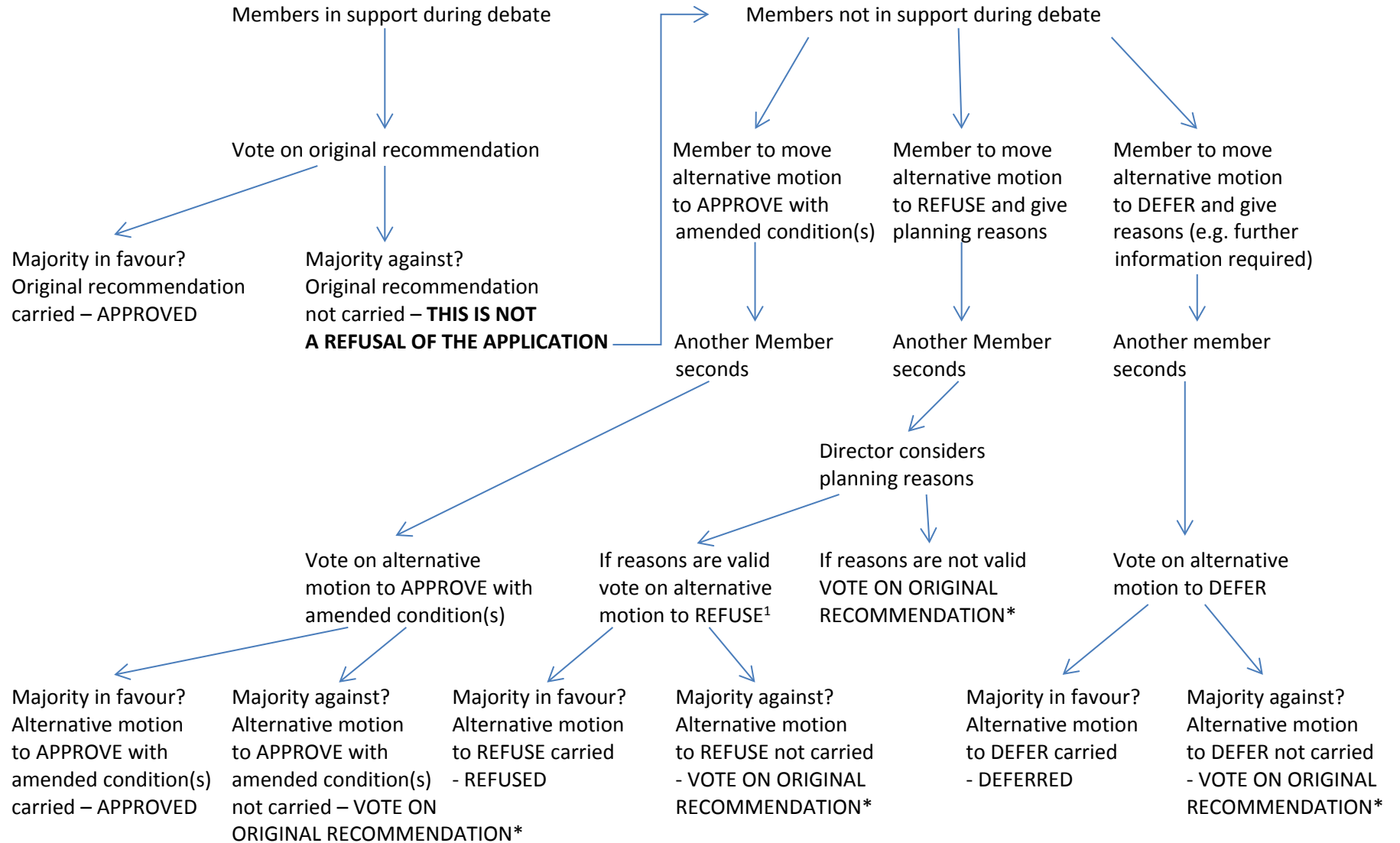
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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>

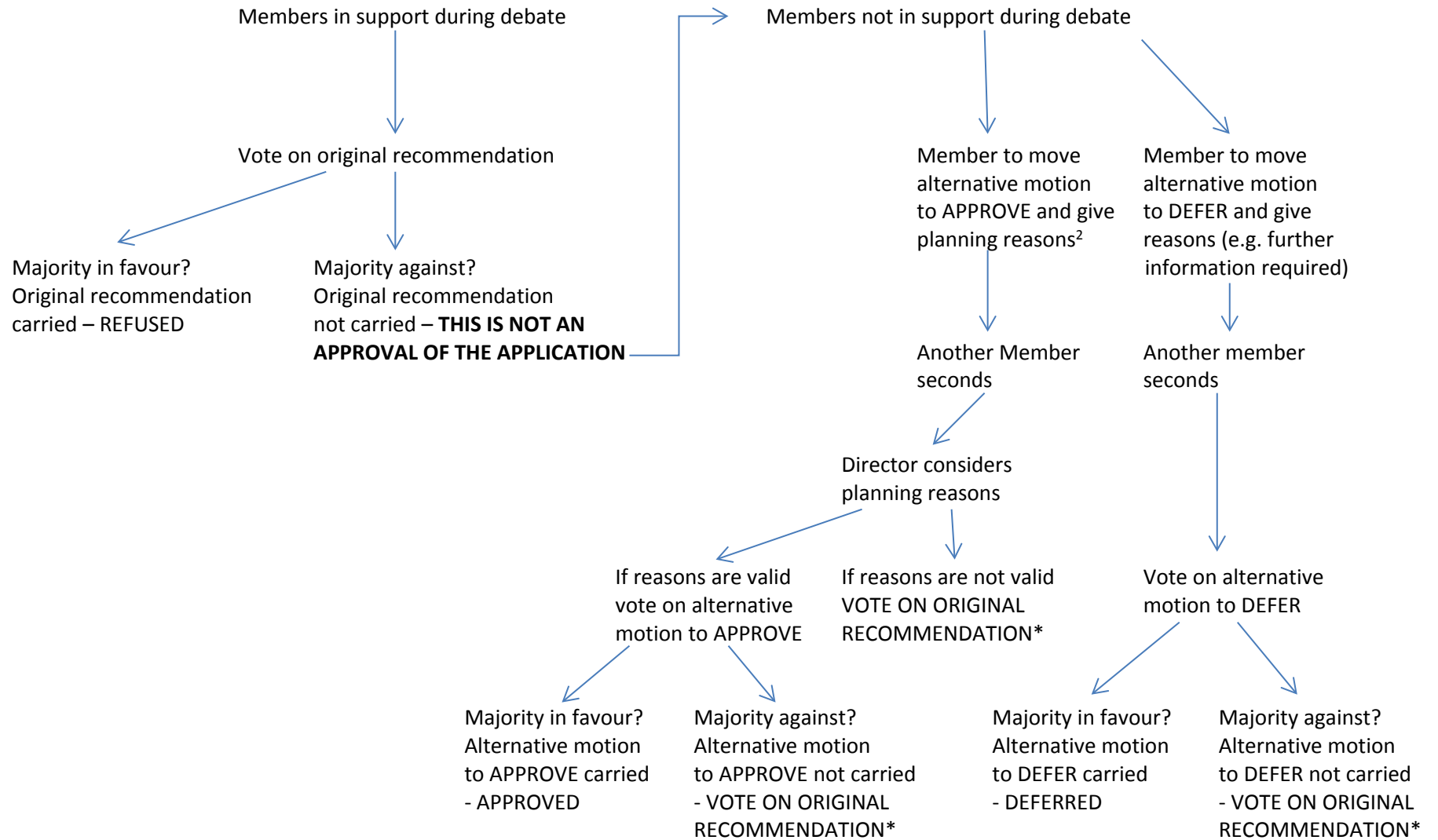
**Original recommendation to APPROVE application**



\*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)**  
**4 SEPTEMBER 2018**

Present: Councillors: Karen Burgess (Chairman), Liz Kitchen (Vice-Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Peter Burgess, Roy Cornell, Christine Costin, Leonard Crosbie, Billy Greening, Tony Hogben, Adrian Lee, Christian Mitchell, Brian O'Connell, Connor Relleen, Stuart Ritchie, Simon Torn and Claire Vickers

Apologies: Councillors: Alan Britten, John Chidlow, Jonathan Dancer, Matthew French, Godfrey Newman and Tricia Youtan

Absent: Councillors: Josh Murphy and David Skipp

PCN/32 **MINUTES**

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

PCN/33 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/34 **ANNOUNCEMENTS**

There were no announcements.

PCN/35 **APPEALS**

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

PCN/36 **DC/18/0995 - WELWYN, HAYES LANE, SLINFOLD**

The Head of Development reported that this application sought permission for the demolition of a detached bungalow and the erection of 14 residential units with parking and landscaping, and an additional access onto Hayes Lane. Three of the units would be affordable (one affordable rent and two shared ownership). Six unallocated and 36 allocated parking spaces were proposed. There would be terraced and detached properties and the proposal included a cul-de-sac. Vegetation would be retained to the south of the site and new planting provided between the Downs Link bridleway and the development.

The application site was located largely within the built-up area on the east side of Hayes Lane. The southern part of the site, which was outside the built-up

area, would not be developed other than with increased buffer planting. There were back garden fences along the west, north and part of the eastern boundaries. Six Acres was northeast of the site. The Downs Link with open countryside beyond was to the south.

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

The Parish Council objected to the application. The Local Member had requested that the application be determined by Committee. Fifteen objections from thirteen households had been received, including one made on behalf of three different residents. One member of the public spoke in objection to the application and one member of the public spoke in support of it. A representative of the Parish Council spoke in objection to the application because of concerns regarding drainage and the need for satisfactory landscaping.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its impact on the character and visual amenity of the surrounding area; dwelling mix and affordable housing; the amenity of existing and prospective occupiers; access, parking and highway safety; ecology and biodiversity; and drainage.

In response to concerns regarding drainage issues in Hayes Lane, Members requested that Condition 7, requiring an approved drainage strategy, include consultation with Local Members. Members also stressed the importance of satisfactory landscaping to ensure the development was sympathetic to the character of the area, and it was agreed that Condition 10 would also be amended to include consultation with Local Members.

#### RESOLVED

- (i) That a legal agreement be entered into to secure the provision of on-site affordable housing.
- (ii) That on completion of (i) above, planning application DC/18/0995 be granted subject to the conditions as reported, with amendments to Condition 7 (Drainage) and Condition 10 (Landscaping) so that they include in consultation with Local Members.



PCN/37 **DC/18/0263 - FRIARS FIELD, BRIGHTON ROAD, MONKS GATE**

The Head of Development reported that this application sought permission for the change of use of a detached coach house into an independent 3-bedroom dwelling with its own garden. Access from Brighton Road would be shared with Friars Field and there would be two allocated parking spaces. Alterations to the building included five new windows, patio doors in place of the garage doors and a small extension to infill an overhanging roof.

The application site was located outside the built-up area boundary within Monks Gate, off the A281. It was a two storey building, within the curtilage of Friars Field, with garage and ground floor storage facilities and living accommodation on the first floor.

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 Lower Beeding and Nuthurst Parish Councils both objected to the application. Four objections had been received. One member of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal. 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; its impact on the character and visual amenities of the locality; the amenities of neighbouring occupiers; and highway safety. It was noted that visibility splays were required under Condition 9.

Members noted that the coach house could currently be used for residential purposes and that its appearance would not significantly change. In response to concerns regarding the amenity of the property to the south east, Members requested an additional condition regarding obscured glazing.

**RESOLVED**

That planning application DC/18/0263 be granted subject to the conditions as reported, and the following additional condition:

The dwelling hereby permitted shall not be occupied until the first floor windows facing south east, as shown on drawing no. P1001B, have been fitted with obscured glazing. No part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Once installed the obscured glazing and non-openable

parts of those windows shall be retained permanently thereafter.

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

PCN/38 **DC/18/1486 - 20 ABBOTS LEIGH, SOUTHWATER**

The Head of Development reported that this application sought permission for a two storey side extension. The extension would cause the loss of a side garage, and the proposal included a new brick garage in the rear garden which would replace a timber outhouse/garage. The application was a resubmission of permission DC/15/1934, which was due to expire on 12 October 2018.

The application site was located within the built-up area of Southwater, east of Abbots Leigh and north of Turners Close. There was a mix of detached and semi-detached houses in the vicinity. A ten metre wide buffer zone separated the site from Turners Close.

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

Since publication of the report the Parish Council had confirmed their objection to the application on account of the loss of amenity and parking space. The Parish Council also requested that Permitted Development Rights (PDR) be removed and a condition added to ensure the extension could not be converted into a separate dwelling. Members were advised that the removal of PDR would not be considered appropriate in this instance given that the proposal is for household extensions. Such a condition would normally be appropriate for new build. However, it was accepted that the addition of a non-severance condition would be appropriate and help allay the Members' concerns regarding the use of the extension and garage. Fifteen objections had been received. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were the principle of development, and the amenities and sensitivities of neighbouring properties. Members noted that the formation of a separate dwelling would require planning permission. Members sought assurance that the garage would be retained solely for private ancillary use as a garage.

Concerns regarding encroachment into the landscape buffer were discussed and it was agreed that an Informative would be added to advise the applicant of the buffer strip to the rear of the garden and the contents of the relevant legal agreement.

RESOLVED

That planning application DC/18/1486 be granted subject to the conditions as reported, and the following additional conditions:

- 01 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 20 Abbots Leigh as a dwelling and shall not be used as a separate unit of accommodation.

*Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).*

- 02 The garage hereby permitted shall be used only as a private domestic garage for the parking of vehicles or as ancillary accommodation incidental to the use of the 20 Abbots Leigh and for no other purposes.

*Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety and prevent an over intensive use of the use in accordance with Policies 26, 33 and 40 of the Horsham District Planning Framework (2015).*

PCN/39 **DC/18/0864 - HALL HOUSE, THE HAVEN, BILLINGSHURST**

The Head of Development reported that this application sought permission for the erection of a three-bay stable block and a sand-school measuring 40 x 30 metres on land adjoining Hall House. The sand-school was intended for use by the applicant's family only.

The application site was located outside the built-up area and was part of a field north of Hall House, a residence with gardens and a drive accessed from Okehurst Road. To the west of the house there were two blocks of stables, hay stores and tack rooms with a separate access to Okehurst Road.

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

The Parish Council objected to the application. Eleven objections, and one letter of support, had been received. Rudgwick Preservation Society and the Haven Society had both raised objections. One member of the public spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its character and appearance; heritage impacts; impact on neighbouring amenities; and highway impacts.

Members discussed the siting and scale of the proposal and concluded that the development was appropriate to its rural location.

RESOLVED

That planning application DC/18/0864 be granted subject to the conditions and reasons as reported.

PCN/40 **DC/17/2424 - FORDCOMBE, COX GREEN, RUDGWICK**

The Head of Development reported that this application sought permission for a variation of condition 1 to permission DC/16/2925 for the construction of two 5-bedroom houses, with associated amenity and parking. The variation was for minor-material amendments to facilitate a revised site layout and positioning of the entrance gate, hard and soft landscaping proposals, solar panels, roof-lights and sun tunnels. The two houses were currently being constructed and a number of trees and hedgerows had been removed from the front boundary of the site.

The application site was located within the built-up area of Rudgwick. There was a mixture of dwelling types in the surrounding area within extensive curtilages. The site was accessed from Church Street to the south-east.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The response from the Landscape Architect, as contained within the report, was considered by the Committee.

The Parish Council raised no objection to the amended proposal. There had been 17 objections from 12 separate households, including an objection received since publication of the report regarding the removal of a tree. Two members of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal.

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

Members noted concerns regarding the loss of trees and sought assurance that the proposed replanting would be adequate and include native species including oak.

RESOLVED

That planning application DC/17/2424 be determined by the Head of Development with a view to approval, subjected to the submission and approval of an amended landscape scheme to address the request to replace proposed silver birches with oak trees, in consultation with the Local Member.

PCN/41 **DC/18/0150 - FARNBRAKES, CHURCH STREET, RUDGWICK**

The Head of Development reported that this application sought permission for a variation of condition 1 to permission DC/16/2668 for the erection of two 4-bedroom houses, garages and parking. The development had been constructed and the proposed variation to the approved floor plans, elevations, boundary treatments and site plan were intended to accurately reflect the buildings as constructed.

The application had been delegated to the Head of Development by the Committee in July 2018 to allow for further consideration of the rear fence and for a review of the height of the building (Minute No. PCN/14 (05.06.18) refers). The proposed variation had been further amended, following site visits by officers, to include alterations to the chimneys and fenestration to reflect the dwellings as built. In response to concerns the height of the rear and side fence had been reduced to a maximum of two metres.

Members were referred to the previous report which contained details of the site location, relevant policies, planning history, the outcome of consultations and a planning assessment of the proposal.

Two additional conditions were recommended: one to require alterations to the height of the fencing to be carried out within one month of permission being granted; and one to ensure that the planting scheme is maintained for a period of five years.

Since publication of the report four objections had been received. Two members of the public spoke in objection to the application and one member of the public spoke in support of it.

Members noted the amendments to the dwellings as built and the proposed reduction in the height of the fence and concluded that the proposal was acceptable.

RESOLVED

That planning application DC/18/0150 be granted subject to the conditions as reported, and the following additional conditions:

- 01 The alterations to reduce the height of the boundary fencing, as indicated on drawing nos. 80-16-02b, 03c, 04c & 50a, shall be fully completed within one month of the date of this permission.

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

- 02 Any plants as approved under the landscape scheme (ref: DISC/17/0087), 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).*

*The meeting closed at 7.22 pm having commenced at 5.30 pm*

CHAIRMAN

## Planning Committee North

Date: 2<sup>nd</sup> October 2018



Report on Appeals: 22/08/2018 – 19/09/2018

### 1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:-

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/18/1188	Little Orchard 13 Kings Barn Lane Steyning West Sussex BN44 3YR	24/08/2018	Refused	N/A
DC/18/1344	Kingslea Farm Marringdean Road Billingshurst West Sussex RH14 9HD	28/08/2018	Refused	N/A
DC/18/1309	Bidlington High Street Steyning West Sussex BN44 3GG	03/09/2018	Refused	N/A
DC/17/1978	West Sussex Showground Grinders Lane West Grinstead West Sussex	17/09/2018	Refused	N/A
DC/18/1020	Cart Shed Court Farm West Chilmington Lane Coneyhurst Billingshurst West Sussex RH14 9DL	17/09/2018	Prior Approval Required and Refused	N/A

## 2. Live Appeals

The following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/18/0717	1 Hungerhill Cottages Coolham Road Coolham Horsham West Sussex RH13 8QE	Fast Track	11/09/2018	Refused	N/A
DC/17/1692	The Paddocks Smock Alley West Chiltington Pulborough West Sussex RH20 2QX	Written Representation	05/09/2018	Refused	N/A
DC/17/1989	Land Parcel Adjacent To Hillview Kithurst Lane Storrington West Sussex	Written Representation	05/09/2018	Refused	N/A
DC/17/1990	Land Parcel East of Furzedown Kithurst Lane Storrington West Sussex	Written Representation	05/09/2018	Refused	N/A
DC/17/2074	Land Adjoining The Orchard Cowfold Road West Grinstead West Sussex	Written Representation	13/09/2018	Refused	Refused
DC/17/2418	16 Covert Mead Ashington Pulborough West Sussex RH20 3PR	Written Representation	13/09/2018	Refused	N/A
DC/18/0060	Threals Barn Threals Lane West Chiltington Pulborough West Sussex RH20 2RF	Written Representation	05/09/2018	Refused	N/A



### 3. Appeal Decisions

The following appeals have been determined by the Planning Inspectorate:-

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
EN/17/0241	Land Parcel at 509771 121066 Harbolets Road West Chiltington West Sussex	Written Representation	Dismissed	-	-
The following appeals relate to EN/16/0092, DC/17/1185, DC/17/1184 – Kingfisher Farm					
Appeal 1 Ref: APP/Z3825/C/16/3153910	Kingfisher Farm West Chiltington Lane Billingshurst	Public Inquiry	Dismissed – subject to amendments	Refuse	-
Appeal 2 Ref: APP/Z3825/C/16/3153915	Kingfisher Farm West Chiltington Lane Billingshurst	Public Inquiry	The enforcement notice is quashed.	Refuse	-
Appeal 3 Ref: APP/Z3825/W/17/3188942	Kingfisher Farm West Chiltington Lane Billingshurst	Public Inquiry	Dismissed	Refuse	-
Appeal 4 Ref: APP/Z3825/W/17/3188945	Kingfisher Farm West Chiltington Lane Billingshurst	Public Inquiry	No further action is taken on the appeal.	Refuse	-

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 2<sup>nd</sup> October 2018

**DEVELOPMENT:** Demolition of existing retail buildings and erection of foodstore (Use Class A1) with customer car park and associated landscaping and access works.

**SITE:** Land at Foundry Lane Foundry Lane Horsham RH13 5PL

**WARD:** Roffey South

**APPLICATION:** DC/18/1239

**APPLICANT:** **Name:** Mr James Mitchell **Address:** Lidl UK Foxes Park Brownhill Way Nursling Southampton S106 0AW

**REASON FOR INCLUSION ON THE AGENDA:** More than eight letters of representation have been received contrary to the Officer recommendation

**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 Permission to demolish the existing retail building on the site and to build a new 1,616 square metre gross internal floorspace (1,000 square metre sales area) retail store (Planning Use A1). The building would be located in a similar position to the existing building, set on the southeast corner of the site adjacent to Kings Road, with the associated car park to the rear/northwest side of the site.
- 1.2 The proposed retail unit would predominantly comprise convenience goods (ie food and drink), but with up 20% of the floorspace for comparison goods ("the market area"). The application set out that the proposed occupier of the store would exclude ancillary goods/services such as 'in store' butchers or chemists and only carry a narrow range of newspapers/magazines.
- 1.3 The new part-single part-two storey store would be in corporate Lidl 'house' style, with its main entrance from the west and south west corner of the site. It would be finished mainly in render with brick panel detailing to the front elevation fronting Kings Road and with aluminium profiled cladding to the first floor element. The building would be over 63 metres long and 26.5 metres wide and with its shallow mono-pitched roof running north to south some 9.5 metres tall. The two storey element would be set to the northeast side of the building, extending to 21m in length and 9.5m in height.

- 1.4 The proposed trading hours applied for are 7am to 11pm Monday to Saturday and Sunday 10am to 5pm. The store will be serviced by 2-3 deliveries a day. Forty staff are forecast to be employed.
- 1.5 The two existing highway accesses would be closed and pedestrian footways reinstated. The western end of the site is to be customer parking, served by a new single point of vehicular access located midway on Foundry Lane. A total of 51 car parking spaces would be provided of which 3 spaces would be for disabled users, 2 spaces for parent and child, along with 2 motorbike spaces. The allocated spaces are positioned close to the store entrance. An uncontrolled pedestrian crossing point, comprising dropped kerbs and tactile paving would be provided over Foundry Lane near the desire line for pedestrians accessing the site from the south. Cycle storage would be provided next to the sales area of the store for customers and within the store building for staff. Landscaped planting would be provided at the south tip of the site, with the existing electricity substation relocated to the northern end.
- 1.6 Goods deliveries would be made via a dedicated delivery dock situated adjacent to the stock warehouse on the northern boundary of the site. A vehicle tracking exercise has been carried out which confirms a delivery vehicle can access the delivery area during trading hours without having an adverse effect to the car parking arrangements.
- 1.7 The application is supported by a Transport Assessment and Supplementary Transport Note, including Road Safety Audit, and Travel Plan; Planning Statement with supplementary Edge of Centre Site Assessment; Utilities Report; Energy Statement; Tree and Arboricultural Impact Assessment; Lighting proposal; Noise Impact Assessment; Drainage Strategy; Waste Management Statement; and Surface Water Technical Note.
- 1.8 Negotiations between Officers and the applicant have secured various changes to the original proposal, including; improved design of the south-east elevation fronting Kings Road with additional clear glazing, additional soft landscaping to the south end of the site with the covered cycle storage for customers relocated; additional cycle storage for staff within the store building; relocation of the plant onto the store roof; operational restrictions to safeguard residential amenity; and securing an uncontrolled pedestrian crossing on Foundry Lane.

#### DESCRIPTION OF THE SITE

- 1.9 The 0.4 hectare triangular shaped site is located on Foundry Lane, to the immediate north east of the busy Horsham Gates Junction which serves five arterial roads. The terrain is flat and narrows toward the roundabout. Along the western boundary the site is served with two highway accesses from Foundry Lane.
- 1.10 The site currently comprises a 2,198 square metre building around two storeys tall and of characteristic industrial design. It is visible from the majority of adjacent highways, including Foundry Lane, Kings Road and North Street. This building is divided into two retail units, with permitted use for the sale of non-food bulky goods, alongside associated parking.
- 1.11 The site has been vacant since 2015 and was previously occupied by two bed retailers, Dreams and the Sussex Bed Centre.
- 1.12 The site is situated to the north east of Horsham town centre in an area of a mixed commercial/retail/residential character on the approach to the town centre.
- 1.13 The site is approximately 1.1 miles from Swan Walk Shopping Centre and 0.3 miles from Horsham North Street train station (6 minutes by foot). It is approximately 0.32 miles (507 metres) from the defined town centre boundary of Horsham, as defined in Policy 13 of the HDPF.

- 1.14 Flanking the site to the north and west are industrial units within the Foundry Lane Industrial Estate, which is safeguarded as a Key Employment Area in the Local Plan under HDPF Policy 9. These include Viking House, a large B2 factory unit and Howdens Joinery, a B8 use building supplier. To the east is Kings Court, a commercial scheme providing small business units, mostly B1.
- 1.15 To the north of the site is residential housing; Westlands, a two-and-half purpose-built residential flat complex off from Kings Road, and Grove House 1–3, two-storey buildings of former industrial use now converted to dwellinghouses.
- 1.16 The area to the south of the site is also in residential use, with the recently completed Horsham Gates development on North Street comprising residential accommodation set out in three blocks from 3 to 4 storey in height, and The Populars, a cul-de-sac of detached houses. Century House, 100 Station Road, is a terrace of commercial buildings mostly in B1 use, but the land has permission to a 5 – 6 storey residential scheme (DC/17/2148 refers).
- 1.17 Preserved by Order, there are several mature trees to the immediate north of the site (TPO/0622 refers), which filter views of the existing commercial building when in leaf. Of these T1 (Horse Chestnut) is an established roadside tree. The rest (Beech and Horse Chestnut) are positioned further into the site.
- 1.18 The site is in Flood Zone 1, as defined by the Environment Agency, and the land is close to identified potentially contaminated land.
- 1.19 Existing bus stops serving a local bus service are located along Kings Road and Station Road.
- 1.20 On Foundry Lane, double yellow lines currently restrict on-street parking along the southbound carriageway fronting the development site whilst a number of on-street parking bays are demarked along the northbound carriageway.
- 1.21 Grade II listed Horsham North Street Railway Station is some 271 metres away from the site, to the southwest.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) 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)**

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 5 - Strategic Policy: Horsham Town
- Policy 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 12 – Strategic Policy: Vitality and Viability of Existing Retail Centres
- Policy 13 – Town Centre Uses
- 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

West Sussex Joint Minerals Local Plan (July 2018)  
West Sussex Waste Local Plan (2014)

#### Supplementary Planning Document

Horsham Town Plan (Sept 2012)  
Horsham Town Design Statement (Dec 2008)  
Planning Obligations and Affordable Housing (Sept 2017)

#### Other Guidance

Community Infrastructure Levy (CIL) Charging Schedule (2017)

#### RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Business Neighbourhood Forum is the designated body of the Unparished Area of Horsham Town. The Forum is comprised of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Neighbourhood Forum Designation Area (Regulation 10) has been adopted but no plan has been drafted to date.

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/40/80

Home improvement centre (from old Planning History)  
Permitted 25-03-1980

This permission was subject to a condition restricting the type of goods that could be sold from the unit.

HU/308/01

Variation of condition 10 on HU/40/80 relating to types of goods sold on the premises  
Permitted 10-10-2001

This permission amended the condition to allow a wider range of bulky goods to be sold.

DC/06/0556

Proposed extension; subdivision to create 2 units (A and B); installation of mezzanine floorspace; external alterations to servicing, car parking and access arrangements  
Permitted 16-11-2006

This permission to convert the existing retail warehouse into two units reapplied the condition restricting the category of the type of goods that could be sold from the unit:-

*'The premises shall only be used for the trade and retail sale of DIY, floor coverings, household hardware, garden products, electrical goods, furniture, carpets, auto parts and accessories, cycles and cycle accessories, pet supplies and office supplies; with ancillary*

*offices and no other purposes, including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) 2005, or in any provision equivalent to that class in any statutory instrument revoking or enacting that Order.*

*Reason: To enable the Local Planning Authority to control the use of the site and to ensure the vitality and viability of Horsham Town Centre as a shopping centre in accordance with policy of the Horsham District Local Plan 1997.'*

### **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**

**HDC Strategic Planning:** No objection (summarised)

It is considered that this application, located within the defined BUAB of Horsham meets the criteria stated within this consultation response, specifically in relation to Policy 5 and Policy 12.

Policy 12 (Strategic Policy: Vitality and Viability of Existing Retail Centres) establishes a hierarchy of retail centres in the district to assist with improving the vitality and viability of these centres, and to assist in their role in meeting needs and acting as the focus for a range of activities for our local communities. Horsham Town is recognised as the Primary Centre in the established development hierarchy. The hierarchy of retail centres will be supported and enhanced through;

- 1) Positive measures to improve Horsham town centre as the primary centre.
- 2) Promotion and encouragement of activities in town and village centres so they continue to be the prime focus for community life in the district by:-
  - a. Maintaining a diverse range and choice of suitable uses including retail, leisure, entertainment, sports recreation, arts, culture, business and commercial uses as well as residential use.
  - f. A convenient, cohesive and concentrate primary area which contains a high proportion of retail (A1) uses where this has reasonable prospects for remaining viable.
  - k. Encouragement in innovation and support for improvements in retailing activity.

It is considered that this proposal meets criterion 1 and 2(a, f &k) of Policy 12.

Paragraph 87 of NPPF (July 2018) makes it clear that when considering edge of centre and out of centre proposals preference should be given to accessible sites which are well connected to the town centre. It is acknowledged that DC/18/1239 is located outside of the defined Town Centre Boundary of Horsham as defined in the Horsham District Planning Framework (HDPF) Policies Map and, in accordance with Annex 2 of the Revised NPPF, is an out of centre proposal. However, it is considered that given the approximate distance is 600 metres from the defined boundary that the Lidl proposal is well connected to the main town centre for both pedestrian and vehicle access.

Horsham District Planning Framework Policy 13 (Town Centre Uses) states that proposals for main town centre uses outside the defined town and village centres will be permitted only when a sequential test has been applied. In addition, para 86 of the Revised NPPF states that LPAs should apply a sequential test to applications for main town centre uses that are not in an existing centre. In accordance with the requirements of Policy 13, the Planning and

Retail Statement submitted alongside the application contains details of the sequential approach to site selection. The conclusions of the Sequential Test confirms that there are no alternative suitable sites available to accommodate the proposed development which is compliant with para 5.39 of the supporting text to Policy 13. It does appear, however, that there are a number of edge of centre sites in Horsham that have not been considered.

Waitrose have stated that the proposed out of centre store will have a significant adverse impact on the vitality and viability of Horsham town centre. Evidence submitted by Lidl in response to the objection argues that Waitrose trades above average levels which is supported by the Horsham Town Retail & Leisure Study 2017, a background document to the HDPF. Lidl also state that the objection provides no explanation to support Waitrose claim. In addition, information contained in Lidl's Planning & Retail Statement states that financial impact of the application is greater for Sainsbury's and M&S, neither of which have objected to date. The Horsham Town & Leisure Study 2017 details that despite the expansion of 'deep discount' stores such as Aldi and Lidl fundamentally changing consumer shopping behaviour, there has been growth of the 'premium' end of the convenience goods market, with both Waitrose and M&S Food growing in store numbers. The HDPF background document also states that despite the announced programme of underperforming larger-format stores such as Tesco and Morrisons it is clear that Sainsbury's Horsham continues to perform strongly.

On balance it is considered that the application will support the ongoing vitality and viability of Horsham town by encouraging appropriate development which is accessible and well connected to the town centre. Promotion and encouragement of activities in the town centre, so that they continue to be the prime focus for the community, will be supported. Indeed, para 116 of the NPPF (2018) states that local authorities "should not seek to prevent competition between different operators". The Horsham Town Retail & Leisure Study 2017 also states that the baseline capacity projections in the analysis are based on current market shares, identifying capacity for new convenience and comparison goods floorspace. The study also identifies the strength in performance of convenience and comparison good floorspace, all of which are overtrading and stronger than the last analysis in 2010.

**HDC Economic Development:** No objection (summarised)

Priority 1, of the economic strategy, encourages inward investment within the district to continue to develop the local economy, and the proposed development would meet this criteria. Further to this, the proposal would help to create jobs for the local area which is part of Priority 3, Skills and Employment. The type of job on offer would be accessible to local residents and those looking to get back into employment.

The proposed location of the new store would extend the offer available within Horsham town and provide a retail location to the north of the town centre, where currently very little retail exists. This development would appear to satisfy 2 of the priorities on the economic strategy and develop the offer available to those north of the town centre. Economic Development strongly supports this application.

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

Deliveries, by their very nature are sporadic, vary in noise frequency and volume and can be more intrusive for those reasons. The close proximity of the delivery bay to the domestic dwellings in Westcourt, particularly those at first floor level, has been recognised by the Acoustic Consultant.

The screening shown is for a 2 metre high acoustic fence for the whole of the North East Boundary which is considered reasonable to accommodate parking noise.



The 3 metre high fence adjacent to the delivery bay on the latest plan should be extended for the full length shown on the plan, currently it seems to stop short (according to the colour key on the plan). The screen should be absorbent rather than reflective, this will complement the 'enclosed loading bay dock' as described in the Noise Impact Assessment (para. 7.1). However I still have concerns regarding the noise impact of lorry movements and ancillary activities upon the adjacent dwellings particularly those parts above ground floor level. The most effective control is time limitation in this regard, particularly as the Noise Impact was assessed on weekdays only (Monday to Wednesday) and not including weekends when additional noise would have greater impact. So in my view there is a very real need to control delivery and associated activities. Given that noise from the delivery of goods is closely associated with loading and unloading which can go on for some time after the vehicle arrives, plus lorries waiting to gain access to the loading bay.

For these reasons the following conditions would be most appropriate:

1. Deliveries, including loading, unloading and associated activities be permitted between the hours of 07.00 and 22.00 Mondays to Fridays, 08.00 to 20.00 Saturdays and 10.00 to 16.00 Sundays and public holidays
2. The 3 metre high acoustic barrier at the loading bay be of the absorbent type and extended for the distance shown on the Agents plan.
3. Vehicle reversing broad band alarms only are permitted.
4. Within 1 month of the date of commissioning all approved plant and equipment a noise assessment shall be carried out to confirm (or otherwise) that the noise rating level has met the day and night time standards approved. The post installation noise assessment, including mitigating measures, shall be submitted to and approved by the Local Planning Authority. Any additional steps required to mitigate any increase in noise levels shall be implemented.

**HDC Drainage Engineer:** No Objection

**HDC Arboricultural Officer:** No Objection

OUTSIDE AGENCIES

**Horsham Forest Neighbourhood Council:** No Objection

**WSCC Highways:** No Objection (summarised):

The highway authority has no objection to the application, based on a review of the Transport Statement and supplementary information.

Visibility splays at the site entrance

The splays shown are acceptable and the applicants have committed to maintaining pedestrian visibility. The forward visibility requested in the road safety audit has not been provided and this must be shown at detailed design stage. A Section 278 highways agreement will be needed to build the road access.

Road safety audit (RSA) and road safety audit response report

The RSA raised several secondary issues and the consultant has agreed to address all of these during detailed design. We are happy to accept the RSA.

Parking restrictions on Foundry Lane

The consultant states that these will be maintained in a modified form to take account of the new road access.

Pedestrian crossing facilities on Foundry Lane

The consultant has carried out a technical assessment of the demand for new formal crossing facilities on Foundry Lane using data already in the transport assessment. While no

formal crossing is required, the consultant has committed to providing an improved uncontrolled crossing, shown in outline on drawing B/LIDLHORSHAM.1/02. The crossing, or an alternative, must be included for approval in any Section 278 application.

Conditions requested on access, drainage, parking and turning, construction traffic (parking), wheel cleaning facilities for construction vehicles, and a revised travel plan.

**Southern Water:** No Objection

**West Sussex County Council (Lead Local Flood Authority):** No Objection

**Horsham District Cycling Forum:** Comment (summarised):

Concerned cycle parking on site should be better placed. Given the likelihood of external displays of goods, we ask that the applicant replace one of the car parking spaces for cycle racks. The cycle spaces should be well lit and continuously covered by CCTV. On this site on Foundry Lane, there may be traffic concerns so the development needs to make full use of cycle traffic and the local facilities. To improve local cycle facilities we will ask that s.106 monies be provided.

**Horsham Society:** Comment (summarised): Support.

The site has been a long standing eyesore in Kings Road area. Have concerns regarding elevation treatment of the development which should be carefully considered, to ensure they blend with their surroundings. Should incorporate some soft landscaping.

#### MEMBER CONSULTATIONS

**Cllr Roy Cornell** has raised no objection to the proposal

#### PUBLIC CONSULTATIONS

**Twenty (20) no. letters of support from twenty (20) different residential addresses have been received.** The letters raise the following comments (summarised);

- Out of town location of the store will allow grocery shopping without going into town or driving to Broadbridge Heath. Avoiding going into town would help those with disabilities and parents with babies.
- This new discount food store option will provide competitive prices and healthy competition for the three supermarkets in town. Lidl stores do not have pharmacies, butchers, delicatessen, fishmonger, or café.
- The location of store will allow customers to walk, cycle or bus to it, which is important given the high parking charges in Horsham town centre. Currently have to travel by car to other towns for a Lidl store, which is unsustainable.
- The disused former Dreams unit is an eyesore and very prominent. Proposed design will be improvement in keeping with other developments. It will re-invigorate this area in need of regeneration.
- This brownfield site has been used for retail before. A trading business is better than overdevelopment of unaffordable housing.
- Would create full and part time jobs.
- Will not have any adverse effects on local properties.
- Adequate car parking will be provided. Parking provision will be comparable to Lidl stores in Crawley and Dorking.

**Ten (10) no. letters of objection from ten (10) different residential addresses have been received.** The letters raise the following issues:-

- Unwarranted soliciting from Lidl to support their application.
- Lidl purchased the land opposite (Horsham Gates) to stop another retailer locating there.

- Lidl bring nothing new or extra to shopping experience.
  - Interested to understand detail of Retail Impact Assessment.
  - Sainsburys and Tesco have lost market share to discount retailers such as Lidl. Lidl is not complementary but a competitor.
  - Horsham is already well served by Sainsburys, Tesco, and Waitrose and multiple convenience retail stores. No need for further supermarkets.
  - North of Horsham already well served with convenience stores, Co-op, Budgens, and two no. Tesco Express.
  - Site should be developed for affordable homes for local residents and not another supermarket.
  - Current job market in Horsham is buoyant. Additional minimum wage jobs would not have same beneficial impact as elsewhere and not what Horsham needs. Site should be developed for pharmaceutical research and production facilities, financial services.
  - Overdevelopment.
  - Inadequate parking provision proposed on site. Proposal will lead to increase in on-street parking in Foundry Lane. Parking at comparable Lidl store at Three Bridges congested during peak times.
  - Existing highway infrastructure inadequate. Additional vehicle trips associated with proposal will worsen existing traffic congestion at Horsham Gates roundabout, with queuing at peak times at junctions of North Street, Foundry Lane, Kings Road and Harwood Road. This includes if deliveries sent to avoid the low bridge and jack knife round the corner. Comparable traffic conditions caused by Tesco Express at Crawley Road/Kings Road roundabout.
  - Without additional pedestrian crossings, there would be inadequate access to the store from North Street, Station Road, or Harwood Road without crossing Foundry Lane, a very busy road
  - Potential highway safety issue would arise from increased on-street parking and traffic congestion.
  - Cycle parking looks awkward to use.
- Elevation treatment should be carefully considered to ensure it blends with surroundings.
- Design should incorporate some soft landscaping.
  - Would generate rubbish, which is not controlled at other Lidl stores.
  - Would like reassurance adjacent trees will not be adversely affected. Concerned about delivery area impinging the Root Protection Areas; will require a lot of engineering to satisfy relevant British Standard.
  - Increased light and noise from late and weekend opening hours, air conditioning and refrigeration units, and illuminated signage.
  - All night deliveries would be unacceptable, will these be restricted in consideration of neighbours?
  - Would generate air pollution to the detriment of residents and air quality.

**Objection received FirstPlan on behalf of Waitrose Ltd (reported in full):-**

Waitrose has an existing store located within Horsham Town Centre Primary Shopping Area. The Waitrose store is located adjacent to the John Lewis store on Albion Way and commenced trading in 2015. Having reviewed the applicant's Planning and Retail Statement, Waitrose is concerned that the proposed out of centre Lidl store will have a significant adverse impact on the vitality and viability of Horsham town centre.

The application proposes a new 1,161sqm Lidl store located 1.1km to the north east of Horsham Town Centre. The applicant's own assessment advises that the proposal will have a cumulative impact of -13.7% on Horsham Town Centre (including a -7.6% impact on the Waitrose store and a -17.4% impact on the town centre Sainsbury's store). As a general rule of thumb, any impact over 10% is considered significant. The applicant seeks to justify this significant detrimental impact on the basis that existing foodstores in the town are currently overtrading and the proposed development will help to reduce this.

Horsham Town Centre is indeed a strong centre, which is performing well. The success of the town can be attributed to a number of factors including careful strategic planning and investment. The opening of the Waitrose/ John Lewis stores has been a key part of this and the Horsham Town Retail & Leisure Study 2017 confirms that the development has been a positive contributor to the role and attraction of Horsham and has helped consolidate and strengthen the primary catchment area of Horsham as a destination.

The viability and viability of Horsham town centre is undoubtedly boosted by the presence of the Waitrose foodstore and the same can be said for the Sainsbury's on Worthing Road, both of which act as important anchors to the wider centre.

Despite Horsham town centre's favourable position, it remains vulnerable to the challenges which all 'traditional' high streets are currently facing as a result of significant changes in consumer shopping behaviour, and continued competition from out of centre retailers and internet sales. In recent months, the difficulties faced by high street retailers have been well reported in the national press with many household names announcing store closures. Within this, the convenience retail sector is experiencing particularly challenging times.

It is essential that the Council consider the impact of the proposed out of centre Lidl store within this wider economic context. National and local planning policy affords strong policy protection for town centres. The adopted Horsham District Planning Framework is clear that:

*The active promotion of a Town Centres First strategy will best serve the economic health of our town and village centres and the longer term interests of customers and other town centre users in the face of future economic changes and competitive challenges.*

The proposed Lidl will draw significant levels of trade away from the town centre at a time when town centres need active, meaningful policy protection. The fact that existing town centre foodstores are trading well does not mean that they should not benefit from this protection. Indeed, the success of these stores plays an important role in supporting the health of the centre as a whole.

We therefore request that the Council carefully assesses the current Lidl application in light of their Town Centre First strategy.

#### **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 ASSESSMENT**

- 6.1 The main issues to consider in the determination of this application are the principle of the redevelopment for a supermarket in land use terms and its impact upon the vitality and viability of Horsham town centre and the wider District; the quality of the design and impact on the townscape character; the impact on the amenity of existing neighbouring occupiers; the impact of the development on the setting of the nearby Listed Building; whether adequate

drainage and safe vehicular and pedestrian access can be provided to the site, and the impact of the development on highway and pedestrian safety.

### **Principle of redevelopment for retail use**

- 6.2 The HDPF sets the strategy for growth within the District to 2031. It sets out the land and facilities to enable employment, including retail, growth in the town into the future.
- 6.3 This proposal is a redevelopment of an existing comparison goods retail unit within the Built up Area Boundary of Horsham Town, the broad principle of which accords with HDPF policy 3 (Development Hierarchy). The site is brownfield land; in an accessible urban location; and is broadly compatible with Horsham Town vision objectives under Policy 5. The site sits adjacent, but outside, of the designated Key Employment Area on Foundry Lane Industrial Estate which is protected under HDPF Policy 9.
- 6.4 Given the existing comparison goods retail use of the site, it is not considered that its redevelopment for a convenience retail use would impinge harmfully on the operations of the adjacent units on the Foundry Lane Industrial Estate. These are occupied, primarily, as trade counter/factory warehouses as demonstrated by Howdens Joinery and other similar businesses nearby. This conclusion is subject to highway capacity and access safety issues being satisfactorily addressed, particular in terms of potential demand for on-street parking, conflict with vehicular movements along Foundry Lane, and additional trip generation on the Horsham Gates roundabout as discussed below. Provided this is demonstrated, the proposal would not imperil the viability of the adjacent businesses, and so not conflict with the Foundry Lane Estate policy protection; nor would it undermine longer term aspirations for future development on Hurst Road and Nightingdale Road.
- 6.5 The principle of providing a convenience retail unit on the site (as opposed to a comparison goods retail unit) falls to be considered against the national planning policy related to town centre uses (such as retail) as set out in paragraphs 85 to 90 of the National Planning Policy Framework (NPPF).
- 6.6 Paragraph 85 instructs Local Planning Authorities (LPAs) to define a hierarchy of town centres to promote their long term vitality and viability. This is achieved, in part, by defining the extent of the town centre. Paragraph 85 goes on to instruct that where suitable viable town centre sites are not available for main town centre uses, appropriate edge of centre sites that are well connected to the town centre should be allocated instead. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre.
- 6.7 Paragraph 86 instructs LPAs to apply a sequential test to planning applications for main town centres uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centres uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.8 Paragraph 87 sets out that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 6.9 Finally, paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

- 6.10 For retail purposes, the NPPF defines retail as a 'main town centre use' and 'edge of centre' as a 'location that is well connected to, and up to 300 metres from, the primary shopping area.'
- 6.11 National policy related to out of centre locations is reflected in the Horsham District Planning Framework in policy 13 Town Centre Uses. Policy 13 states proposals for main town centre uses, including new retail superstores should be located in town centres. Proposals for main town centre uses outside the defined town centre will be permitted only when a sequential test has been applied. Broadbridge Heath is recognised as the only "out of centre" location for main Town Centre uses in the District.
- 6.12 Local Plan Policy 13 is in compliance with national policy set out in the NPPF, in that it takes a town centre first approach to significant retail development and only allows out of centre development as proposed here where the sequential test permits.
- 6.13 The applicant (Lidl) views the current proposal as a 'legacy' site, as the proposed sales area and car parking provision is substantially below what they would normally consider for present site acquisitions. Lidl's stated standard format is now between 1,325 sq m and 1,689 sq m net sales area, with 120+ car parking spaces, together with specifics on building design and HGV loading bay. By comparison this proposal is for 1,000sqm sales floor area and 51 parking spaces.
- 6.14 As the site is not within the defined Town Centre of Horsham, and does not meet the definition of an 'edge of centre' site by virtue of being more than 300m from the Primary Shopping Area of Horsham, it constitutes an 'out-of-centre' development required to meet the sequential test under paragraph 86 of the NPPF Policy 13 of the HDPF.
- 6.15 The applicants have submitted a sequential test analysis of available sites within the defined town centre and on land that meets the definition of 'edge of centre' (i.e. within 300 metres of the primary shopping area of the centre as defined by the NPPF). The applicants have set out that there are no distinct elements of the proposed store that can be viably provided on an alternative site, because the store cannot be 'broken' up'. As such the parameters of the sequential test have been focused on sites capable of accommodating a store of the minimum circa 1616 sq m gross total floor area currently being proposed, with associated servicing arrangements and parking for at least 51 cars.
- 6.16 Applying the sequential test, the applicant's retail assessment indicates there are no realistic alternatives to the current proposed site in Horsham town centre or on any other edge of centre site. Using the NPPF test criteria of availability; suitability; and viability, the applicant dismiss the seven identified potential alternative options. The feasibility of these taking account of the applicant's appraisal is set out below:-

*Swan Walk*

- 6.17 This a genuine town centre site identified in the Local Plan for retail development, within the Primary Shopping Area of the town centre and allocated primary frontage. The shopping centre is undergoing partial redevelopment, including the provision of a 1,600 sq metre gross unit at 'mall' level. This is close to the minimum requirement stated for the sequential search. The applicant's appraisal of this site states that the configuration and arrangement of the unit militates against Lidl use. Whilst officers are not fully convinced by this argument, it is understood that an 'anchor' retail offer has been secured, so the site is no longer available.

*Piries Place*

- 6.18 The redevelopment of Piries Place is currently underway. The proposed scheme is for a leisure led scheme including hotel, cinema and restaurants. The 8 units range from 280 sqm to 372 sqm. The site is available and, according to Lidl, has long been considered. However

none of the units are able to provide a suitably sized store with level car parking reserved for the use of Lidl customers.

*Co-op/Pets Corner, Guildford Road*

- 6.19 At some 200 metres from the edge of the Primary Shopping Area, this site qualifies as an edge of centre site. However, it is too small to accommodate even the already reduced Lidl requirements. Furthermore, the new Pets Corner unit is occupied on leasehold running to 2032. On this basis, it is not considered available, suitable or viable.

*Dreams unit, Albion Way*

- 6.20 Likewise, this building is also an edge of centre. It is occupied by Dreams on a 10 year lease from August 2016. There is no indication that Dreams would be interested in vacating the unit. The feasibility of a discount store (such as Lidl) is highly questionable as the unit is too small and there is no designated surface level car parking available, which would put Lidl at a disadvantage in comparison to nearby competitors. Lidl state this disadvantage would be of such significance to render the use unviable.

*Pets at Home/Majestic Wine Warehouse, A281/ Barelott Road*

- 6.21 Whilst edge of centre, this site measures only 0.23 hectares so is undersized compared to the application site (which measures 0.37 hectares) to accommodate the development. Leases run to 2022. There is no suggestions that either retailer is seeking to vacate or been undertaking market disposals.

*Units on Queen Street*

- 6.22 Even if it were possible to combine units, the size and configuration would be deficient.

*National Types and Autocar, Denne Road*

- 6.23 The site is only 0.06 ha and so is inherently unsuitable.
- 6.24 Officers have considered the applicant's assessment of the above sites and agree with their findings. There are no other sites within or to the edge of the town centre that should form part of the sequential test. Accordingly it is considered that there are no sequentially preferable sites within the Town Centre or edge of centre that meet the nationally set criteria of availability, suitability and viability.
- 6.25 As explained previously, paragraph 85 of the NPPF states if sufficient town centre and edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre without adverse harm to the vitality and viability of the retail hierarchy arising.

- 6.26 In respect of identifying 'need' under paragraph 85, the applicant's assessment concludes that the proposed Lidl store would, in part at least, be at the expense of the turnover of existing supermarkets or those planned in the area, should these proceed. Lidl's submitted forecast capacity for convenience expenditure growth in the area bears this out, but from Lidl's assessment the minimum impact of the forecast £3.98m convenience good turnover of the Lidl supermarket would be on the out of centre Tesco at Broadbridge Heath (£1.6m). Even so, the impact on the viability of this store would be marginal -2.2 % reduction in turnover at the site being the largest. Lidl conclude that this would not be sufficient to jeopardise the viability of the Tesco store, which is in any event an out-of-centre store.

- 6.27 The impacts on existing town centre stores are of most relevance in policy terms. However the impacts of the proposed Lidl store, alone, on turnover on the Waitrose and Sainsbury's

and M&S stores in the Horsham town centre, are also shown to be not significant; -1.9% (£1.4m) from Sainsbury's; -1.6% (£0.3m) from Waitrose; -2.4% (£0.1m) from the M&S store in the Swan Walk Centre.

- 6.28 Lidl assess that these losses would be on top of diversions of trade caused by the committed strategic development scheme on land to the north of Horsham. In this scheme, a total of 6,400 sqm of retail floorspace was approved; anticipated to be broken into two food stores of 3,400 sqm net large and 1,500sqm net smaller, as well as smaller local retail units.
- 6.29 Cumulatively, Lidl assesses that the combination of the North Horsham permission and this proposed new store will have a significant impact of 13.7% (£15m) on Horsham Town Centre (including a -7.6% (£1.6m) impact on the Waitrose store and a -17.4% (£13m) impact on the town centre Sainsbury's store. These are significant impacts however Lidl assesses that the greater proportion of impact has already been accepted in granting the North Horsham planning permission, as has the resultant potential cumulative impact on the land use pattern and function of Horsham town centre.
- 6.30 Lidl have identified a need for a discount foodstore to serve the central/southern area of Horsham, and have advised in their supporting documents that they are in discussions with developers about opening a store in the North Horsham development. The North Horsham store allocation is not a designated centre under local plan policy 13; the stores are, primarily, to serve the residents of the new community, as well as existing employment areas and housing areas in the north of Horsham. The North Horsham site is not considered suitable to meet the need in the central/southern part of Horsham, and the timescales for deliverability of a food store is uncertain. It is not considered the development of a Lidl store on the current application site would prejudice the delivery of another foodstore (deep discount or not) in North Horsham.
- 6.31 Lidl partly explain the very limited impacts of their proposed store as due to it filling a currently unmet gap in the local market – that of a deep discount store, selling a limited range of own brand goods, as the nearest deep discounters are some distance away at Crawley (Lidl and Aldi) and Worthing (Lidl). It is not a “one stop shop” where all or most convenience shopping needs can be met. Because the comparison goods sales are a subsidiary element and their composition always changing they, likewise, report that impacts on local comparison goods stores are very modest. To this extent the store is complementary rather than competitive with the existing town centres and out of centre stores.
- 6.32 When judging the significant (10% plus) impacts on Horsham Town centre and Sainsbury's store, it is important to consider the findings of Council's own recent Retail Study (March 2017). This study assessed the current performance of Horsham town centre and out-of-centre retail floorspace in the wider urban area. Horsham was judged to be a strong centre, performing well with a strong turnover and improve market share. The study analysis identified that the foodstores and town centre non-food floorspace were all overtrading. Crucially, in its conclusion, the study identified a capacity for new convenience and comparison goods floorspace in Horsham town centre and wider urban area over the HDPF plan period to 2031, due to population and expenditure growth.
- 6.33 From the evidence from the study, this translates to an identified need for 7,033 sq m net of convenience goods floorspace by 2021 rising to 8,022 sq m net by 2031; and 4,074 sq m net of comparison goods floorspace by 2021 rising 18,378 sq m net by 2031. Whilst the majority of this identified retail 'need' has been directed toward the North Horsham Strategic Allocation, there remains a residual 'need' that is outstanding.
- 6.34 The Study recommended that the location of any new retail development should be subject to the sequential test and guided by the overall 'Town Centres First' Strategy. The development proposal put forward by Lidl has demonstrated that the sequential approach



has been applied, and been the subject of, and has satisfied, the sequential test, which is the mechanism used to test compliance with national 'town centre first' policy.

- 6.35 So, in giving the appropriate weighted balance to all considerations, including the careful assessment undertaken by Lidl setting out the proportion of impact that would be derived from the proposed Lidl store, and in light of the Council's own evidence that identifies capacity to support further comparison and convenience goods floorspace in Horsham town centre and wider urban area, officers consider, on balance, that it would be difficult to sustain an argument that the Town Centre or these other stores would be seriously prejudiced by the Lidl scheme.
- 6.36 The economic value of the proposal is also a material consideration that weights in favour of development with Lidl reporting that 40 people will be employed at the store.

#### Conclusion on Principle

- 6.37 The new store would be located within the Built up Area Boundary of Horsham Town to accord with Policies 3 and 5, and would not result in harm to the viability of the adjacent Foundry Lane Key Employment Area.
- 6.38 Whilst the new store is an out of centre location, the Council's Retail Leisure Study 2017 has identified capacity for new convenience and comparison goods floorspace. The applicant has submitted a retail assessment which bears this out, and the findings of which satisfy the sequential test requirements set out in paragraphs 86-90 of the NPPF and policies 9 and 13 of the HDPF. The introduction of a new convenience retail unit in this part of the town is considered to meet an identified need and would not detrimentally impact on the vitality or viability of the Horsham Town Centre as a result or equivalent retail offers in the area. In light of this, the proposal of development of the site for retail use is acceptable in terms of national and local plan policy, and can be supported in principle subject to all other material considerations as discussed below.

#### **Quality of Design and Impact on Townscape Character**

- 6.39 Whilst the existing commercial units fit into the industrial/commercial character of the area north of Kings Road, the demolition of these rather functional, standard warehousing units would not harm the character of the area in townscape terms, instead providing an opportunity for new and better quality buildings to enhance the appearance of the site and wider area.
- 6.40 The proposed building seeks to replicate the functional appearance of the existing structure, comprising an expansive, relatively low rise retail shed with still larger surface car park and some modest boundary and integral soft landscaping. The format is understandably driven by operational requirements or the prospective occupiers and customer convenience. However paragraph 127 of the NPPF and Policy 32 of the HDPF set the policy standard that all development should add to the overall quality of the area; is visually attractive as a result of good architecture, layout and landscaping; and is sympathetic to the surrounding built environment to maintain a strong sense of place to create attractive, welcoming and distinctive places to live, work and visit.
- 6.41 Overall, the proposed development broadly follows the latest Lidl 'house' style in its massing, form and architectural treatment. As such, it is not that different in form from the rather utilitarian industrial and commercial buildings that typify Foundry Lane and, to this extent, will not look substantially out of place whilst this remains the prevailing character of the immediate area north of the Kings Road. The main access would be from the rear western corner, with the entire western façade glazed. The two storey element would be set to the eastern side of the site, clad in grey panelling reflective of the previous building's

appearance. Of particular concern is the treatment of the 58m long southeast elevation fronting Kings Road which on initial submission comprised a long wall with no windows or active frontage.

- 6.42 Following discussions with Officers, the applicant has made some modest concessions to improve the building's design. These include additional soft landscaping and some articulation on the Kings Road street frontage with the introduction of decorative brick panelling. The new glazed shop front will now partially wrap around onto the Kings Road frontage to provide an element of active frontage to this otherwise solid elevation. In addition two new high level windows have been added to the Kings Road elevation, however these are of little benefit in providing for an improved active frontage given their high level restricting any views into the building from this main road.
- 6.43 Whilst the amendments have served to improve the appearance of the building, nevertheless it is considered that the proposal fails to take the opportunity to appreciably raise the standard of design and townscape of the site or immediate area. This is particularly evident on the 58 metre length of blank elevation facing Kings Road which, although now better articulated with brick and render detailing, nevertheless presents an extended building frontage with no openings or sense of activity. Given the site sits on a busy roundabout at the junction of two main arterial routes into central Horsham from residential areas to the north east, this elevation would be highly visible in approaches from the southwest, northeast and from Harwood Road to the east. Consequently it is disappointing that the maximising of internal layouts and sales areas has necessitated a design that provides no sense of activity within the building or sense of natural surveillance of an extended section of footway.
- 6.44 Following negotiations, additional soft and hard landscaping has been secured to the prominent south corner of the site in the form a planted bed, as well as to the northern tip alongside the new electricity substation. Additionally 4 no, plantings are now proposed on the Kings Road elevation. New hard landscaping paving is proposed around the perimeter of the store. Final details of all landscaping are to be secured by condition.
- 6.45 In respect of the protected trees that sit close to the northern boundary with Westlands, the Council's tree officer is satisfied that the impact of the development on the protected trees would be acceptable, with no material harm to their health and longevity likely to arise.
- 6.46 It is not considered that the proposal would impact on or otherwise harm the setting of the Grade II listed Horsham railway station, give the separation distance, elevated bridge, and curvature of North Street set between, in compliance with the requirements of Policy 34 and Chapter 16 of the NPPF.
- 6.47 Overall the proposed development does not serve to improve the townscape character of the area beyond replacing a disused retail shed with a new structure. Whilst the absence of any active frontage to the extended Kings Road elevation is disappointing, and fails to take the opportunity to improve the quality of the area as required by local and national policy, ultimately this is of neutral impact when compared to the impact of the existing building and car park on the townscape of the area. The new store building would be of scale and layout that would be comparable to other commercial buildings in Foundry Lane, and its design generally represents a small improvement upon these. It is not therefore considered that the proposed building, despite its weaknesses as described, would result in material harm to townscape character and visual amenity of the surrounding area such that the refusal of permission should be recommended.

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

- 6.48 The site is established in a longstanding industrial/commercial area flanked by business uses to the west and north, and by residential flats to the northeast and southwest. The intensity

of the proposed use and its associated operational hours would principally impact adjacent neighbours, both business and residential.

- 6.49 The most sensitive relationship would be between the new store building and those neighbouring occupiers of Westlands and Grove House that abut the site to the northeast. The impacts would principally result from comings and goings associated with customer trade and deliveries, with the delivery bay proposed close to the northeast site boundary with Westlands and Grove House. It is noted that the existing building has no dedicated delivery/loading area, however give the nature of comparison goods stores, it is unlikely that significant daily deliveries were undertaken. The orientation of Westlands avoids the presence of principal windows facing due south towards the delivery bay and car park, however Grove House is more sensitive as the building's orientations means its private rear habitable rooms face over the rear of the site. The close proximity of the delivery bay to the domestic dwellings in Westlands, particularly those at first floor level, has been recognised by the Acoustic Consultant instructed by the applicant, and two sets of acoustic fencing has been proposed to mitigate noise spillage from the delivery bay and car park. One of these fences forms a 2m northeast boundary to the site, whilst the other immediately flanks the delivery bay to a height of 3m.
- 6.50 The Council's Environmental Health considers the screening shown for a 2 metre high acoustic fence for the whole of the North East Boundary reasonable to accommodate parking noise. The 3 metre high fence adjacent to the delivery bay on the amended plan should, however, be extended for the full length shown on the plan, as currently it stops short. The screen should be absorbent rather than reflective, this will complement the 'enclosed loading bay dock' as described in the Noise Impact Assessment. Final details of the fencing arrangement to address these matters can be secured by condition.
- 6.51 Notwithstanding the acoustic screening, the Council's Environmental Health has concerns regarding the noise impact of lorry movements and ancillary activities upon the adjacent dwellings, particularly those parts above ground floor level. In light of these concerns there remains a very real need to control delivery and associated activities and restrict the trading and delivery hours to minimise potential late night and early morning noise disturbance, in reflection of the sensitivity of these receptors in order to safeguard their amenities. It is equally necessary to ensure noise and disturbance generated by the plant and machinery proposed behind screens on the roof of the building do not exceed acceptable tolerances. Conditions are recommended accordingly, in particular to restrict store trading hours to 8am – 10pm Monday to Saturday and 10am – 6pm Sundays, and delivery hours to 7am – 10pm Mondays to Fridays, 8am to 8pm Saturdays and each Bank/Public holiday, and 10am to 4pm Sundays.
- 6.52 A Service Delivery Management Plan is also considered necessary to ensure that manoeuvring by large vehicles to reverse to either enter or exit the serve bay does not have a detrimental impact on the amenities of neighbours, through good practice such as restricting the use of vehicle reversing road ban alarms. This is recommended by condition.
- 6.53 A Construction Environmental Management Plan (CEMP) is also recommended by condition to help reduce noise, dust, and disturbance impacts during the construction phase. This would include limiting the hours of construction and deliveries, and control of the parking of contractors vehicles and storage of materials. The controls and measures of this CEMP would be sufficient to safeguard the amenities of existing residents.
- 6.54 A comprehensive lighting plan for the site has been provided which clarifies that the intensity of illuminance is limited to the confines of the site, thereby avoiding harm to neighbouring amenities.
- 6.55 Overall, and subject to the recommended conditions being applied, particularly those limiting trading and delivery times, the proposed development would have an acceptable impact on

the amenities of adjacent residents and businesses in accordance with Policies 32 & 33 of the HDPF.

### **Access, Parking and Highway Safety**

- 6.56 In general terms, the site is sustainably located, being located within reasonable walking distance of the town centre, residential estates and bus, rail and cycle routes.
- 6.57 At the request of the Local Highway Authority, a Stage 1 Road Safety Audit has been undertaken for the new vehicular access point off Foundry Lane, and amended plans have overcome the issues identified. The development proposals will provide a new simple priority junction arrangement located approximately halfway along the Foundry Lane site frontage for use by customers, staff and delivery vehicles. Satisfactory visibility splays of 2.4m x 43m at the point of access shown in both directions are achievable, commensurate with Manual for Streets requirements for a 30 mph speed limit carriageway of Foundry Lane. The boundary treatments would not exceed a vertical height of 0.6m. The Highway Authority have raised no objection to this arrangement subject to the final details and the completion of the recommendations set out in Road Safety Audit out on the site, to be secured by condition.
- 6.58 Existing parking restrictions along Foundry Lane will continue to be applied. As requested by the Local Highway Authority, improved pedestrian crossing facilities on Foundry Lane will come forward to facilitate the development. An uncontrolled pedestrian crossing, comprising dropped kerbs and tactile paving will be provided over Foundry Lane near the envisaged desire line for pedestrians access the site from the south. This is considered a betterment to the existing situation with no current provision in terms of dropped kerbs/tactile paving and high levels of HGV movements means it offers a poor environment for pedestrians.
- 6.59 Pedestrian access will be further provided directly from the footways bounding the site, with a boundary brick wall to be removed to provide improved access to the site from predicted pedestrian desire lines and negating the requirement for pedestrians accessing the site to pass through the store car park. Adequate access for those with mobility difficulties is provided in terms of level access to and within the building and provision of parking spaces for the mobility impaired and parent child spaces, close to the building.
- 6.60 The proposed servicing of the site is also considered satisfactory, subject to receipt of a Service Delivery Management Plan to be secured by condition. The plan will be expected to include details to ensure that manoeuvring by large vehicles does not have a detrimental impact on the safety of other car park users, and consider restricting delivery hours outside of peak hours to minimise the chance of conflict with departing HGVs and drivers using Foundry Lane.
- 6.61 The cycle provision put forward would satisfy the number of cycle parking spaces outlined by West Sussex County Council Guidance (which states, for A1 uses, 1 space per 100sqm should be provided for staff and 1 space per 100sqm should be provided for customers, totalling storage for 20 bikes). Realistically, the uptake of public transport and cycling will be limited by the need to carry shopping or cycle to a large shop. As currently proposed 10 secure and covered cycle parking (5 stands) for customers will be provided at the south west end of the store. To address the local highway authority request for 20 bike provision, it is now proposed to provide 10 additional spaces for staff cycles within the store building – these will be in two tier wall mounted racks within the warehouse area. A Travel Plan designed to further minimise reliance on the motor car is also recommended by the local highway authority by condition.
- 6.62 Overall, the scheme would provide for 51 car parking spaces. Given the sustainable location of the development, this is considered an appropriate level of parking across the site to avoid overspill parking in the local road network. A construction management plan will be necessary to minimise disruption to traffic flow and safety and is secured by condition.

- 6.63 In terms of traffic flows, whilst traffic on the Horsham Gate junction is generally free flowing, it is often congested at peak times and the development will add to pressure on the bottleneck of the railway bridge.
- 6.64 The critical periods in terms of traffic impact on the adjacent highway network are the weekday PM peak when traffic flows are at their greatest and Saturday late morning/midday when traffic attraction to the site is greatest. Traffic surveys indicated that during the weekday afternoon peak hour traffic occurred around 5pm – 6pm whilst the Saturday peak hour occurred around 11am – noon.
- 6.65 When considering trip generation, it is important to consider trip generation associated with any existing or consented/permitted use where the vacancy is relatively recent. The existing use of the site has the potential to generate approx. 73 vehicular trips during weekday evening peak and 107 trips during Saturday peak. By comparison, the proposed store is expected to generate approximately 119 vehicular trips during the weekday PM peak and 165 trips during the Saturday peak. 78 – 80% of the trips are indicated to be undertaken as vehicle occupant (driver or passenger).
- 6.66 It is important to acknowledge that some of the trips to the food store would already be on the local highway network either diverted from slightly afar, transferred from nearby roads or passing by on adjacent roads, with the new food store simply providing an alternative destination.
- 6.67 There is queuing on most arms of the Horsham Gates junction during the peak hours, typically on Kings Road, Harwood Road and North Street northbound. The data indicates only ten new vehicles would pass through this junction in each peak hour from the development. The applicant's transport consultant considers the effect on these additional vehicles to be negligible on the operation of the Horsham Gates gyratory. The Local Highway Authority does not dispute this, and raises no objection to the proposed development. It considers there to be adequate spare capacity in the local road network exists to accommodate the associated additional vehicle movements, so avoiding severe residual cumulative impacts on the road network.
- 6.68 One HGV is expected to the maximum number of delivery vehicles on site at any one time. The largest expected delivery/service vehicle expected would be a 16.5 metre articulated vehicle. Swept path analysis for an articulated delivery vehicle safety access the site, delivering to the loading bay and leaving the site in a forward gear is provided.
- 6.69 The submitted transport assessment indicates 30 collisions (Jan 2013 to Dec 2017) were reported for the highways bounding the application site and nearby connecting junctions/carrageways (21 slight, 9 serious and none fatal). However the Local Highway Authority has considered this data, and raised no objection to the proposal on the grounds of highway safety.
- 6.70 The Travel Assessment predicts that 50 pedestrian movements would be generated during the weekday evening peak and 44 movements during the Saturday peak. The majority of pedestrians would access the proposed foodstore would do so from the south in the vicinity of the Horsham Gates junction and hence are likely to need to cross Foundry Lane to access the store at the point where the new crossing is proposed. The presence of the crossing will provide for a safe crossing point for pedestrians
- 6.71 In summary, the proposal meets the relevant test of the Local Plan and national policy, being capable of enjoying adequate access across all modes. As amended, the site arrangements would avoid unacceptable impact on highway safety, subject to the requirements stipulated by the Local Highway Authority being secured by condition, in accordance with Policies 40 and 41 of the HDPF.

## Drainage

- 6.72 Measures to minimise surface water run-off have been included within a drainage strategy. The Council's Drainage Engineer has confirmed the proposed drainage strategy is acceptable and appropriate and that the final details could be controlled through condition.

## Conclusion

- 6.73 The replacement of the existing comparison goods retail unit with a discount convenience retail unit would not prejudice the vitality or viability of the adjacent Foundry Lane Industrial Estate and would support Horsham town as the focal point for development within the district. The proposal will generate some employment which is of real benefit and the land is brownfield and sustainably located.
- 6.74 The site is 'out of centre' in retail terms however sufficient supporting evidence has been submitted to demonstrate that no sequentially preferable town centre or edge of centre sites are available, and no significant harm to the town centre retail offer would result. Conditions to limit the scope of the store are proposed to provide additional safeguards. There is no evident quantitative need for another supermarket in the Horsham area but a deep discounter as proposed would in many ways complement the existing and proposed local retail offer.
- 6.75 The site is well served by road and access/parking arrangements are satisfactory. Provisions earmarked in the Safety Audit, together with the Travel Plan, are critical to ensuring access by public transport, cycle and foot is adequate and key junctions are not overloaded.
- 6.76 The proposal does exhibit shortcomings in the merit of the building design, in particular on the absence of an active frontage to Kings Road. However, overall, the design of the development is comparable to the other buildings in Foundry Lane and therefore the impact of the proposal on the character of the built environment would be broadly neutral. Any harm to adjacent neighbours is considered to be limited by virtue of the orientation and layout of the proposed store on the site and the operational restrictions enforceable by planning condition. Impacts can be suitably protected through the suggested conditions to control hours of construction operation and to secure final design and landscape details.
- 6.77 It is considered no material harm would arise onto other material planning considerations, including; neighbouring amenity, parking and highway safety, drainage, and the setting of the Grade II listed railway station. Subject to the recommended conditions and other safeguards, the proposal is acceptable, taking account of the Development Plan and all other material considerations as describe above.

## 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
Large Format Retail	1616	2080	0
		<b>Total Gain</b>	
		<b>Total Demolition</b>	<b>2080</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

That planning permission be approved, subject to the following conditions:

### Conditions:

1. **Regulatory Condition:** Approved Plans List
2. **Regulatory (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 Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and relevant phase. The CEMP shall provide for, but not be limited to:
  - i. Description of the construction programme, definitions and abbreviations and project description and location;
  - ii. Details of how residents will be advised of site management contact details and responsibilities
  - iii. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials
  - iv. Details regarding anticipated number, frequency and types of vehicles used during construction, parking or site operatives and visitors, deliveries, and storage;
  - v. Method of access and routing of vehicles to and from the construction site
  - vi. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
  - vii. Locations and details for the provision of wheel washing facilities, street cleaning apparatus and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

**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 and in the interests of highway safety in accordance with Policies 24 and 33, 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal by way of a Sustainable Drainage System (SuD) methodology that would also restrict surface water draining onto the public highway has been submitted to and approved in writing by the Local Planning Authority. The SuD drainage strategy so approved shall be completed prior to the occupation of the dwelling houses hereby permitted.

**Reason:** As this matter is fundamental to ensure that the development is properly drained and in the interests of road safety to comply with Policies 38 and 40 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 finishes of the building (including the various cladding types and coping, walls, roofs, and glazing) has been approved by the Local Planning Authority in writing, and all materials and finishes 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, the Travel Plan June 2018 Final 04 Prepared by Mayer Brown Limited shall be implemented as specified within the approved document. Thereafter the development hereby approved shall not operate other than in full compliance with the approved document.

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

7. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, visibility splays for the access serving the development shall be provided in accordance with details (including details of any planting to be removed) which have been submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

8. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all retained and proposed planting and seeding, including 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 establishment
- Hard surfacing materials – layout, colour, size, texture, coursing, levels
- Walls, and other supporting structures – location, type, heights and materials
- Minor artefacts and structures – including, location and type of electricity substation, street furniture, planters, bollards, refuse and other storage units, lighting columns and lanterns

The approved landscaping 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).

9. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the car park layout, covered staff and customer cycle parking, site access facilities, and uncontrolled pedestrian crossing facilities on Foundry Lane shall be constructed, surfaced and laid out with respective allocations demarked out, in accordance with the approved plans and Road Safety Audit and shall be thereafter retained as such.

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

10. **Pre-Occupation Condition:** The use hereby permitted shall not commence until a Noise Management Plan 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, collections and servicing (including details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries). The Noise Management Plan shall be implemented and complied with thereafter for the duration of the use/development.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

11. **Pre-Occupation Condition:** Within 1 month of the date of first operation of all plant and equipment a post installation noise assessment shall be submitted and approved in writing by the Local Planning Authority to confirm (or otherwise) that the noise rating level has met the relevant day and night time British Standards set out within the Acoustic Consultants Ltd Noise Impact Assessment ref. 7167/BL Revision B dated June 2018). Any additional attenuation measures required to mitigate any increase in noise rating levels shall be implemented within 1 month of approval of the post installation noise assessment.

Thereafter, all approved plant and equipment and associated attenuation measures shall be retained and maintained in accordance with the agreed operating specifications.

**Reason:** In order to protect the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

12. **Pre-Occupation Condition:** Notwithstanding the submitted drawings, no deliveries shall take place unless and until the following has been installed on the site in accordance with full details, including technical specifications, submitted to and approved in writing by the Local Planning Authority:

- 2 metre close boarded acoustic timber fence (min density of 10 kg/mf) to extend the full length of north boundary
- 3 metre high acoustic barrier of absorbent type adjacent to the delivery bay to extend the full length of retaining wall, have been installed on the site.

The acoustic fence/barriers so approved shall be retained and maintained in situ thereafter.

**Reason:** In order to protect the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

13. **Regulatory Condition:** All works shall be executed in full accordance with the approved Arboricultural Impact Assessment/Method Statement titled Tree Survey and Arboricultural Impact Assessment dated 1<sup>st</sup> May 2018 Ref: JSL3052 by RPS

**Reason:** To ensure the successful and satisfactory retention of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework

14. **Regulatory Condition:** The premises hereby permitted shall not be open for trade or business except between the hours of:

08:00 and 22:00 of the same day, each day Monday to Saturday; and  
10:00 and 18:00 of the same day, each Sunday

**Reason:** In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15. **Regulatory Condition:** No deliveries or collections including waste and recycling shall take place except between the hours of:

07.00 and 22.00 of the same day, each day Monday to Friday,  
08.00 and 20.00 of the same day Saturday, and each Bank/Public holiday  
10.00 to 16.00 of the same day, each Sunday

**Reason:** In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16. **Regulatory Condition:** No buildings on the site shall be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with the approved plans.

**Reason:** In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

17. **Regulatory Condition:** No work for the implementation of the development hereby permitted shall be undertaken on the site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no work on Sundays or Public Holidays.

**Reason:** In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

18. **Regulatory Condition:** 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.

**Reason:** To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any

pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

19. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the retail unit hereby permitted shall not be sub-divided and no mezzanine floor shall be inserted except by express planning permission granted by the Local Planning Authority.

**Reason:** To limit the retail diversion impact of the proposal on the viability and vitality of the Horsham Town centre in accordance Policy 13 of the Horsham District Planning Framework (2015)

20. **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 for Use Class A1 only and for no other purposes 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 highway safety and safeguarding residential amenities under Policy 33 of the Horsham District Planning Framework (2015).

21. **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 externally located plant or equipment other than that shown in the approved plans shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

22. **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 external lighting other than that shown in the approved plans shall be installed without the prior approval of the Local Planning Authority. All lighting shall be turned off outside of approved trading hours.

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

23. **Regulatory Condition:** No adhesives, sales or display cabinets and/or advertisements shall be applied, fixed or placed against the glazing of the store building hereby approved.

**Reason:** In the interests of securing an active frontage along the Kings Road and visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015)

24. **Regulatory Condition:** No more than 20% of the net sales area of the retail store building hereby permitted shall be used for sale of comparison goods.

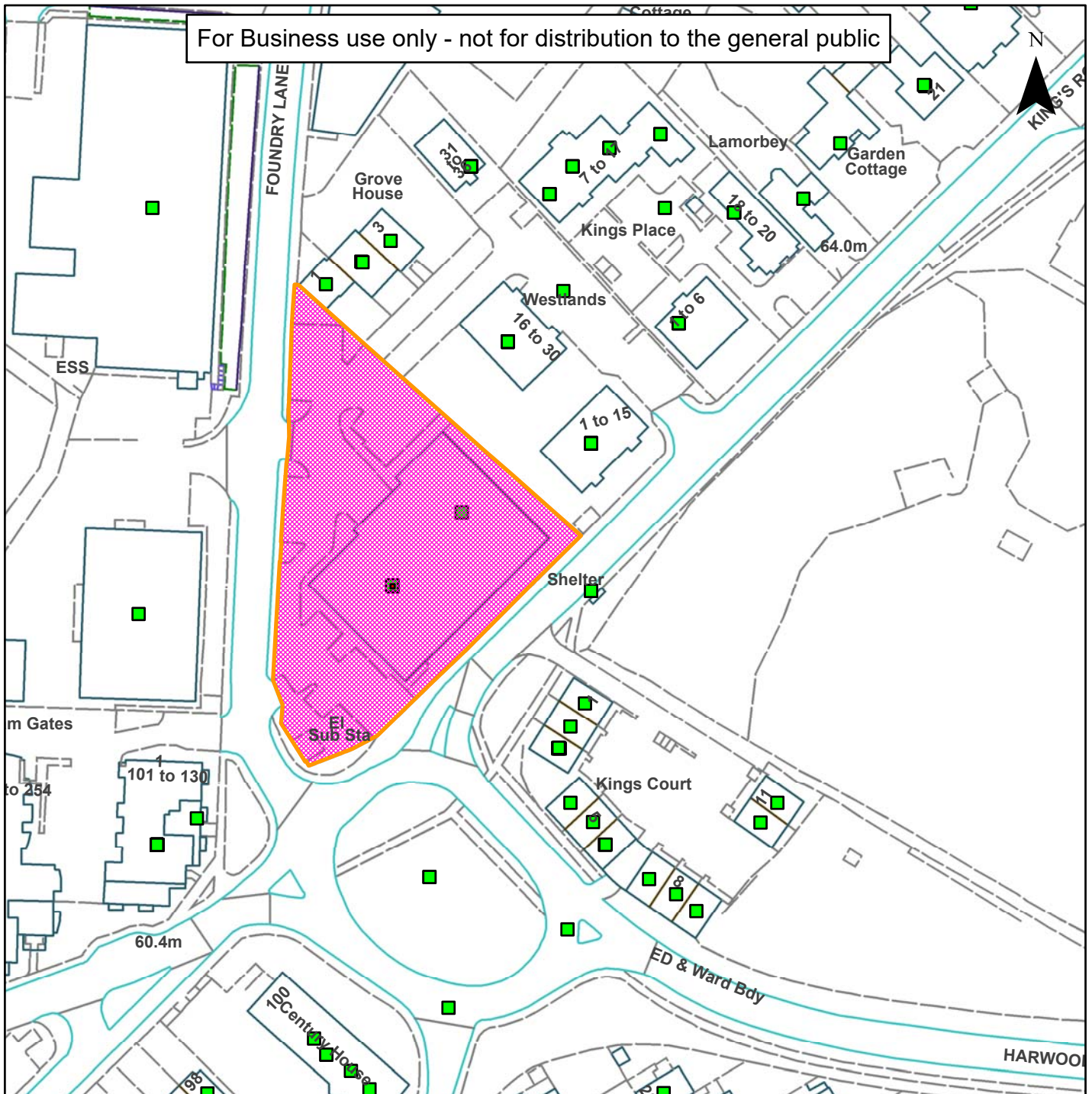
**Reason:** For avoidance of doubt and to limit the retail diversion impact of the proposal on the viability and vitality of the Horsham Town centre in accordance Policies 12 and 13 of the Horsham District Planning Framework (2015)





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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/09/2018
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 02 October 2018

**DEVELOPMENT:** Proposed change of use from indoor rifle range to Gymnasium (Class D2) and associated external works including creation of a new entrance with canopy to rear, side fire exits with associated escape ramp to northern side. Installation of 3x roof lanterns and 3x wall mounted air conditioning units to rear elevation.

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

**WARD:** Holbrook East

**APPLICATION:** DC/18/1433

**APPLICANT:** **Name:** Mr Matthew Russell **Address:** The Holbrook Club, North Heath Lane Horsham RH12 5PJ

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the officer's recommendation.

**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 Full planning permission is sought for the change of use of the existing indoor rifle range building to a Gymnasium (Class D2) together with associated external works. The proposed external works would include the provision of a new main entrance to the building to the eastern elevation with an canopy over; the provision of side fire escapes to the northern and southern elevations, with an access ramp to the northern fire exit; installation of three roof lanterns and the installation of three air conditioning units to the eastern rear facing elevation.
- 1.2 It is noted that this application is a re-submission of a similar previously approved scheme under planning reference number DC/14/0270, which was granted planning permission by the Planning Committee in May 2014. The permission was not though implemented and has since expired.

#### DESCRIPTION OF THE SITE

- 1.3 The Holbrook Club is located on the east side of North Heath lane in the built up area of Horsham. The site comprises a number of buildings in association with its leisure use and also provides fitness classes, racket and other sports as well as business and event venue spaces.
- 1.4 The application refers to the building to the north of the main clubhouse building itself. It is a long narrow flat roof building currently located to the north of the main building. To the front of the building is a car parking area and there are a number of trees along the road frontage and to the north. The area is predominantly residential; however there is an industrial estate on the opposite side of the road to the west.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### 2.2 National Planning Policy Framework

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

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

#### 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/0270	Proposed change of use from rifle range to Gymnasium (Class D2) and associated external works including new entrance lobby, new fire escape door, new windows, three No. glazed roof lights and 3 No. wall mounted external air conditioners	Application Permitted on 19.06.2014
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## 3. OUTCOME OF CONSULTATIONS

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

### INTERNAL CONSULTATIONS



- 3.2 **HDC Environmental Health:** No objection in principle, however conditions suggested regarding air conditioning units

#### OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection. The LHA does not raise any parking capacity or highway safety concerns to the proposals.

- 3.4 **Parish Council Consultation:** No objection to the change of use, however, in light of the previous use of the building request that any contamination found as a result of firearms activity is removed.

#### PUBLIC CONSULTATIONS

- 3.5 19 separate letters of objection were received for this application; 16 of which have stated they are members of the Holbrook Club. The nature of these objections can be summarised as follows -

- Concerns raised with regards to parking capacity
- The proposals would result in a loss of rifle/shooting associated facilities
- Discrepancies on the application form
- Potential Impact on Neighbouring amenity
- Existing gymnasiums within the Holbrook Club site should be utilised

- 3.6 17 separate letters of support were received for this application. The nature of these letters of support can be summarised as follows –

- Current gym is very small, additional facilities would be a positive for the club
- Good for the community

#### MEMBER COMMENTS

- 3.7 The Local Members, Cllr Burgess and Cllr Baldwin, provided comments in support of the proposals.

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

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

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

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

### 6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:

- The principle of the change of use
- The character of the development and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties

- The existing parking conditions and any highway safety implications

### **Principle of development**

- 6.2 The premises is currently used as a rifle range which the applicant has advised has 45 members and is utilised for approximately 10-12 hours per week. While this facility would be lost as a result of the proposal the applicant has advised that Horsham Rifle Club have confirmed they would welcome any displaced members, and it is understood that a transition of membership would take place to assist with this. There are no specific policies within the HDPF which seek to retain sui generis uses, such as a rifle range, and given the above there is no objection in principle to the proposed change of use.
- 6.3 Policy 42 of the Horsham District Planning Framework (HDPF) is supportive of developments which enhance/upgrade community facilities, and, with regard to the provision of sport and recreation facilities, states that these should be approved provided the development is in keeping with the character and amenity of the area and is located within reach of residential communities.
- 6.4 The proposed change of use would create additional activity space at the site which, the applicant has advised, would provide flexible space which would supplement existing facilities on the site. The provision of a gymnasium would have a broad community interest and given its location within an established sports and community facility is considered to be acceptable.
- 6.5 The application site is located within the built-up-area of Horsham in a sustainable location accessible by various modes of transport. One of the core principles of the NPPF is to 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services, to meet local needs. In addition Section 8 of the NPPF seeks to 'deliver social, recreational facilities and service the community needs'. The proposed use would provide a valuable service for adults, children and families, in a sustainable location.
- 6.6 As the site is within a sustainable location, within walking distance from the centre of Horsham and well served by public transport, the principle of the development is considered to accord with the relevant sections of the National Planning Policy Framework and Policies 42 and 43 of the Horsham District Planning Framework.

### **Character and appearance of the proposal and visual amenities of the street scene**

- 6.7 Horsham District Planning Framework Policies 32 and 33 seek to promote development of high quality and inclusive design for all development in the district, ensuring that it is complementary of local distinctive character and heritage, integrating with their surroundings. Furthermore, these policies ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant, relates sympathetically with the built surroundings.
- 6.8 The proposed alterations to the building would primarily be located to the rear and sides of the building. The existing building is set back considerably from the public highway to the west with the existing car park located in between. Given the mixture of buildings types, in terms of design and scale making up the complex of the Holbrook Club, it is considered that the proposed external alterations would not have a detrimental impact on the host building or the character of the wider area. As such, the proposed external works to the building are considered to be modest in nature and would be in accordance with Policies 32 and 33 of the Horsham District Planning Framework.

### **The effect of the development on the amenity of adjoining properties**

- 6.9 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. It is not anticipated that the proposed change of use or the proposed external works to the building would have an adverse impact upon the amenity of any residents as the leisure facility is already well established and the works are contained within the existing complex. The site consists of indoor and outdoor sports facilities and it is considered that the proposal would not significantly intensify the use of the site beyond that of the existing facilities.
- 6.10 Three air conditioning units would be installed externally to the eastern elevation of the existing building. The proposed air conditioning units would be screened by existing mature landscaping to the northern boundary of the site, providing a buffer to the nearest residential properties located to the north. The closest air conditioning unit to the north of the building would be located approximately 17m away from the closest residential property. HDC's Environmental Health department have provided comments in this regard stating that they have no objections to the proposals subject to appropriate conditions relating to the operating times and maintenance of the air conditioning units to ensure that noise levels are kept at an appropriate level.
- 6.11 It is therefore considered that the proposed development would not have a detriment impact on the amenity of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework.

#### **The effect of the development on existing parking and traffic conditions in the area**

- 6.12 The application site is located within a sustainable location within walking distance of public car parks and has close links to the public transport network. The proposals do not include any alterations to the existing access into the site or the car parking provision. It is not anticipated that the proposed change of use would result in a marked increase in vehicle numbers with respect to the existing use by members of the rifle club.
- 6.13 16no car parking spaces have been indicated on the submitted plans, however it is noted that no alterations to the existing parking provision serving the Holbrook Club are proposed as part of this application and the proposed external alterations to the building would not impact on the parking area. WSCC Highways have been consulted on the application and they have no objections to the proposal. As such, it is considered that there would not be any parking or highways safety concerns associated with the change of use of the building in question.

#### **Conclusion**

- 6.14 Overall, the proposal does not raise any policy concerns and would not have a detrimental impact on the make-up of the existing building, the wider site or the visual amenities of the street scene. The proposals would not result in any harmful impact on neighbouring amenity beyond that of the existing use of the site and are considered to be acceptable on parking and highway safety grounds. The application is therefore recommended for approval.

## **7. RECOMMENDATIONS**

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

- 1 A list of the approved plans

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

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

- 3 **Pre-occupation Condition:** Prior to the commencement of the Gymnasium (Class D2) use hereby permitted a full product specification and maintenance schedule for the air conditioning units shall be submitted to and approved by the Local Planning Authority in writing. The maintenance schedule shall thereafter be fully implemented and adhered to in accordance with the approved details.

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

- 4 **Regulatory Condition:** The air conditioning units hereby approved shall not operate outside of the opening hours of the Holbrook Club.

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

- 5 **Regulatory Condition:** The gymnasium building following the change of use hereby approved shall not be open for trade or business except between the hours of 06:00 and 23.30 Monday to Friday inclusive, Saturdays 07:00 to 21:00 and Sundays 08:00 to 21:00, in line with the current opening hours of the Holbrook Club.

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

- 6 **Regulatory Condition:** All external windows and doors shall be kept closed whilst amplified sound equipment is in operation within the building.

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

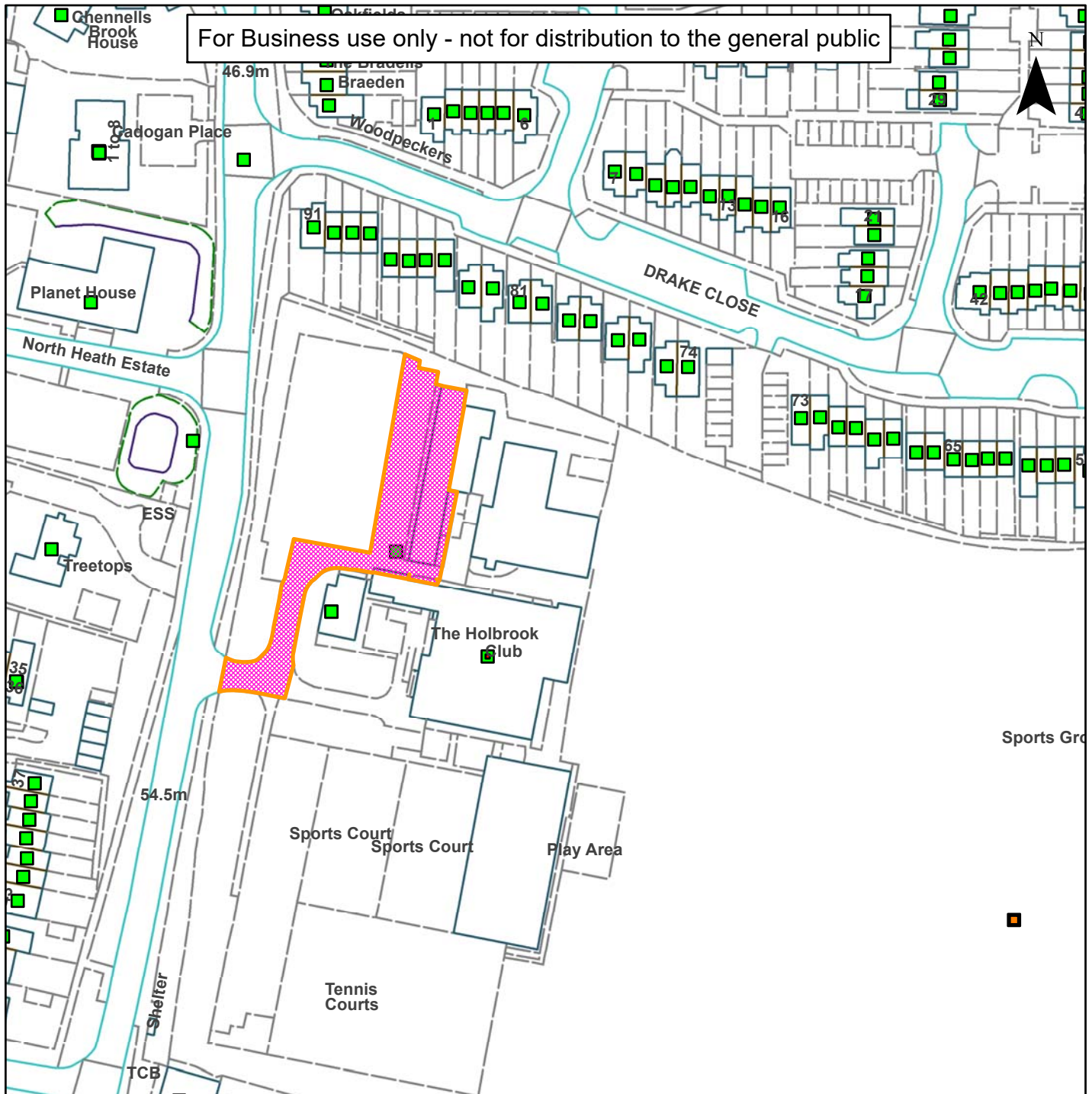
- 7 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected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

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).

Background Papers: DC/18/1433



Not Set



Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	20/09/2018
MSA Number	100023865

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North  
**BY:** Head of Development  
**DATE:** 2 October 2018  
**DEVELOPMENT:** Variation of Conditions 4 and 7 to previously approved DC/11/1660  
**SITE:** Enterprise House 80 Lambs Farm Road Horsham West Sussex RH12 4JH  
**WARD:** Roffey North  
**APPLICATION:** DC/18/0055  
**APPLICANT:** **Name:** Mr Celebi **Address:** 80 Lambs Farm Road Horsham RH12 4JH

**REASON FOR INCLUSION ON THE AGENDA:** At the discretion of the Head of Development

**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 a variation of condition 4 of planning permission DC/11/1660, this condition states:-

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

*Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

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

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

1.4 Changes are also proposed to the previously approved ventilation and extraction details as required under condition 7 of DC/11/1660, which stated that

*Prior to the use hereby permitted commencing, the extraction and ventilation system hereby approved shall be constructed and thereafter retained and maintained all strictly in accordance with the approved details and the maintenance regime set out in the*

*application details for the life of the development, unless the prior written agreement of the Local Planning Authority is obtained for any variation.*

*Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

- 1.5 It is advised by the applicant that since the original commencement of use they have installed a new, purpose designed professional ESP ventilation and extraction system which is considered to be industry standard good practice equipment and has been expressly chosen as a system because it should cope comfortably with smells arising from pizza cooking and protect amenity from smell and noise. Some issues have been identified however, with regards to the maintenance of the system and changing of the carbon filters which has led to complaints from local residents regarding the impact on amenity.
- 1.6 The applicant seeks to agree the details of the ventilation system in situ, and re-condition the ventilation system to ensure the precise technical operation and maintenance of the system, in order to ensure effective management of odour and to overcome the concerns raised in regards to impact on amenity. The applicant's wish to work with the Local Planning Authority and Environmental Health Department to secure acceptable conditions in respect of the ventilation system.

#### DESCRIPTION OF THE SITE

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

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

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)**

HDPF1 - Strategic Policy: Sustainable Development  
HDPF 12 – Vitality and Viability of Existing Retail Centres  
HDPF13 – Town Centre Uses  
HDPF33 - Development Principles

#### RELEVANT NEIGHBOURHOOD PLAN

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



## 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/10/1724	Change of use to a food takeaway	Application Refused on 22.12.2010
DC/11/1660	Change of use from retail/office (Use Class A1/B1) to a hot food takeaway (Use Class A5) and erection of associated chimney to side elevation to service extract duct	Application Permitted on 03.05.2012
DC/15/1398	New position for ducting and the construction of a chimney to match the existing wall; a gate aligned with the west elevation of the building is to be removed	Application Permitted on 08.09.2015
DC/17/0168	Variation of Condition 4 to previously approved application DC/11/1660 to extend permitted opening hours	Application Refused on 04.01.2018

## 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.
- 3.3 It is confirmed that the system proposed in the Application would meet the level of odour abatement appropriate for the premises, as indicated by the Defra guidance's risk assessment. It is also confirmed that while a number of Statutory Nuisance complaints from local residents remain open as active investigations, this Service's monitoring in the area around Pizza Plus has to this point not substantiated that a Statutory Nuisance is occurring. To this end, our intention is to undertake verification monitoring once the planning process has completed and it has been established that the system has been installed as proposed.
- 3.4 It is pleasing to note that the Applicant has engaged the services of a professional kitchen ventilation designer in Purified Air, who has assessed the development using Annex C of the Defra Guidance. Although this process appears to have been applied correctly and the design of the proposed system offers satisfactory performance in line with its conclusions, indicating that a high level of odour control is required, it has been noted that the premises' permission granted via DC/11/1660 required a system to be installed that offered an equivalent 'Very high level' of control.
- 3.5 Given the number of ongoing odour complaints this Service continues to receive from local residents, we are concerned that the Application now seeks to secure a level of odour control which is lower than this original permission, in a residential area which the Planning Committee had previously considered sensitive.
- 3.6 However, this is not a basis for this Service to object to the Application based on the information submitted and without further instruction; It is therefore recommended that the maintenance regime for the proposed system previously submitted on the 7<sup>th</sup> March 2018 is secured by Condition, in addition to consideration being given to the comments made regarding DC/17/0168 dated 28<sup>th</sup> Feb and 6<sup>th</sup> Sept 2017.

## OUTSIDE AGENCIES

- 3.7 **WSCC Highways:** No Objection

## PUBLIC CONSULTATIONS

- 3.8 6 representations have been received objecting to the application on the following grounds:
- Loss of amenity noise and smell and litter
  - Trading hours
  - Performance of the Ventilation Extraction System
  - Traffic generation
  - Access and Parking
  - Impact on grass verge
  - Tackling Obesity and Health Inequalities
- 3.9 Petition received with 156 signatures supporting the application.
- 3.10 **North Horsham Parish Council:** No objection but reiterate its view regarding concerns of the potential nuisance from cooking smells and would like reassurance that the ventilation system is adequate and working at maximum capacity to reduce unwanted odours.

## 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 Permission was originally granted for the change of use from a retail /office (use A1/B1) to a hot food takeaway (use Class A5) with the erection of a chimney to the side elevation to provide extract and ventilation in May 2012, ref: DC/11/1660. The application was granted subject to conditions in respect of opening hours (as set out in paragraph 1.2) and adequate ventilation and extraction equipment.
- 6.2 A previous application, ref: DC/18/1584, to vary the opening hours condition was considered by Planning Committee North on the 5<sup>th</sup> December 2017. While this application was recommended for approval it was refused for the following reason:-
- 'The proposal would cause unacceptable harm to the amenity of nearby residents and is therefore contrary to Policy 33 of the Horsham District Planning Framework (2015).'*
- 6.3 The current application again seeks planning permission to vary the opening hours, and condition 4, and also to vary condition 7. These conditions state:-

Condition 4:-

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

*Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

Condition 7:-

*Prior to the use hereby permitted commencing, the extraction and ventilation system hereby approved shall be constructed and thereafter retained and maintained all strictly in accordance with the approved details and the maintenance regime set out in the application details for the life of the development, unless the prior written agreement of the Local Planning Authority is obtained for any variation.*

*Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

- 6.4 The current application has been referred to Planning Committee North due to the previous decision on the same site for a comparable proposal. The number and nature of representations received on the application would not have required the application be determined by Members.

Impact on amenity

- 6.7 The proposed increase in opening hours would result in the takeaway being open for 1 additional hour each night Monday to Saturday inclusive, and additionally between the hours of 09:00 and 22:00 on Sundays and Bank holidays, when currently it remains closed during these periods. The applicants have cited opening hours of other similar A5 establishments with longer opening hours and wish to amend their opening hours in order to compete with these businesses.
- 6.8 The opening hours of the neighbouring one stop shop are until 23:00hrs and as such the proposed opening hours for the hot food takeaway are considered to be comparable. A previous appeal decision on the site for the takeaway, ref: DC/10/1724, is considered to remain relevant to this application. In the appeal decision the Planning Inspector notes that given the opening hours of the neighbouring 'One Stop' shop it would be a generator of activity well into the evening. If a developments opening hours were similar there would be no activity later than that which already occurs, and the effect on neighbours living conditions would be acceptable. It is considered that the situation outlined above would remain applicable to the current proposal, which would generate a level of activity at a time when activity already exists in the locality.
- 6.9 The ventilation system proposed in the application would meet the level of odour abatement appropriate for the premises, as indicated by the Defra guidance's risk assessment. It is therefore considered that there would be insufficient planning reasons to warrant the refusal of the application on these grounds. A revised condition is recommended (no. 4) to ensure the appropriate management of the odour control equipment.
- 6.10 The objections from local residents received throughout the planning process from local residents with regard to noise, odour, traffic and parking nuisances and the efficiency of the ventilation system have been noted and considered. The Council's Environmental Health

Department have advised that they will continue to monitor the site to establish whether there is any statutory nuisance but to date, from the investigations carried out, these claims have not been substantiated.

- 6.11 Notwithstanding the above, the Council's Environmental Health department have advised that should the application currently under consideration be recommended for approval that appropriate conditions be imposed including the submission of a Noise Management Plan to identify and control noise breakout after 23:00pm Monday to Saturday inclusive and at any time the premises are open on Sundays or bank holidays.

#### WSCC Highways

- 6.12 From a highway safety point of view there are no proposed changes to access and no changes to parking accompanying this application. The Local Highways Authority (LHA) advise that the change in hours is unlikely to attract any extra vehicular trips on the network that could be considered to have a severe impact. In respect of the governing policy Paragraph 32 of the National Planning Policy Framework (NPPF) which states, *Development should only be prevented or refused on transport grounds where the residual; cumulative impacts of development are severe*. It is not considered that the change in hours would have a severe impact; the LHA would therefore have no grounds on which to object to this application.

#### Conclusion

- 6.13 It is not considered that the increase in the hours of opening would result in a significant difference to the level of activity and traffic movements associated with the use of the existing A5 unit and the variation of conditions would not result in significant harm to neighbouring amenity.

## **7. RECOMMENDATIONS**

- 7.1 Grant planning permission subject to conditions.

1 A list of the approved plans

2 **Regulatory Condition:** The premises shall not be open for trade or business except between the following hours;

Monday - Saturday - 0900 - 2300 hours;

Sunday - 0900 - 2200 hours;

Bank Holidays - 0900 -2200 hours

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

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

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

4. **Regulatory Condition:** The use and ventilation details hereby permitted shall operate in accordance with the submitted details including maintenance programme and regime submitted by Kobane metal Limited on the 7<sup>th</sup> March 2018. Thereafter, the ventilation system shall be operated and 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).

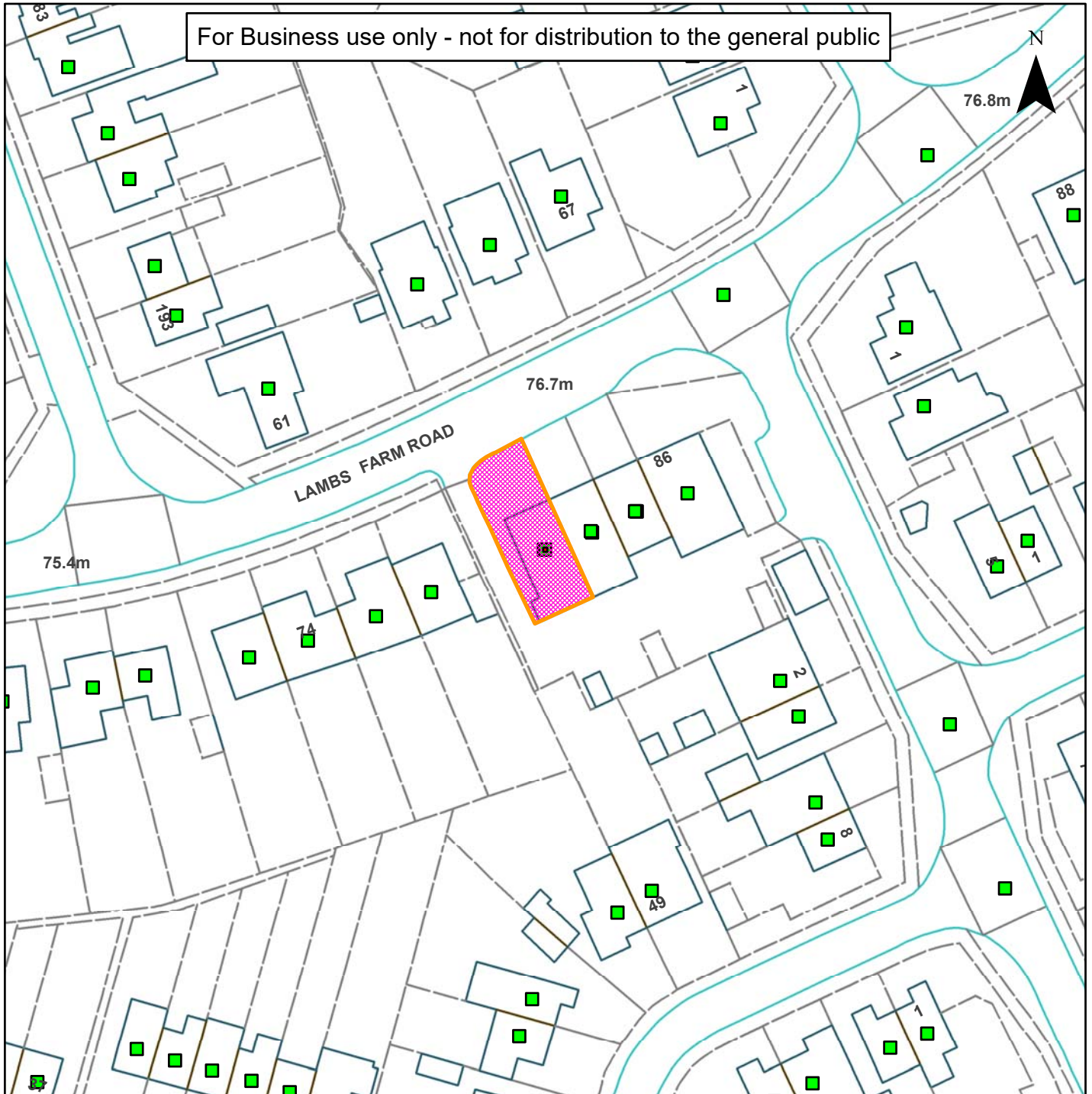
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Comments	Not Set
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MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 2 October 2018

**DEVELOPMENT:** Full application for the change of use of a 6 bedroom house of multiple occupation (HMO) (Class C4) to an 8-bedroom house of multiple occupation (Sui Generis).

**SITE:** 10 Wellwood Close Horsham West Sussex RH13 6AL

**WARD:** Roffey South

**APPLICATION:** DC/18/1277

**APPLICANT:** **Name:** Mr Malcolm Crabbe **Address:** Hollies Pigbush Lane Horsham RH14 0QY

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Cllr Cornell

**RECOMMENDATION:** To Grant Planning Permission

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application is seeking planning permission to change the use of the existing dwellinghouse to an 8-bed house in multiple occupation (HMO), and therefore a change of use from Class C3 to sui generis. The proposal does not entail any external alterations, with the property having been recently extended under application ref: DC/17/0965 for a two-storey side extension.
- 1.2 The HMO would provide a communal kitchen and lounge with 3 en-suite bedrooms at ground floor level, with a further 5 en-suite bedrooms at first floor level. The site features a hardstanding which provides off-street parking for 4 vehicles to the eastern boundary, with a further single-space to the western boundary.

#### DESCRIPTION OF THE SITE

- 1.3 The application site comprises a two-storey semi-detached dwelling within an almost rectangular plot on the southern side of Wellwood Close. The site is within the built up area of Horsham with the surroundings dominated by residential dwellinghouses of a broadly consistent design and scale.

The existing building is currently occupied as a 6 bedroom HMO property. No external changes are proposed to the building as the proposal is to occupy two existing rooms which are not currently used as bedrooms.

## 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 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 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

2.4 There is no made plan for North Horsham Parish

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/0965	Erection of a two storey side extension	Application Permitted on 21.07.2017
DC/17/2297	Non material amendment to previously permitted application DC/17/0965 (Erection of a two storey side extension). Addition of small window on left hand elevation.	Application Permitted on 09.11.2017

## 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 Arboricultural Officer:** No Comment

3.3 **HDC Housing:** No Comment

### OUTSIDE AGENCIES

3.4 **WSCC Highways:** No objection on transport grounds sufficient to resist the proposal

### PUBLIC CONSULTATIONS

3.5 16 representations were received objecting to the application for the following reasons:-

- Parking
- Overdevelopment
- Privacy, Light and noise disruption

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

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

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

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

## **6. PLANNING ASSESSMENTS**

- 6.1 The main issues are:

- The principle of a change of use
- Impact on amenity
- Highway Impact
- Other matters

### Principle

- 6.2 The dwelling is currently in use as a 6-bed HMO within Use Class C4. This use did not require planning permission as there is permitted change of use between dwellinghouses and a small HMO (which allows up to 6 persons). The proposal therefore seeks permission for an additional 2-bedrooms, and a larger HMO.
- 6.3 The HDPF does not contain any specific policies (or supporting text) for houses in multiple occupation, with Policy 15, Housing Provision, setting out the general need for housing across the District. However what is clear is that the HDPF supports a mix of housing sizes, types and tenures to meet the needs of the District. It is also necessary to consider the proposed use against the National Planning Policy Framework (2018) (NPPF). While the NPPF does not contain specific policies on HMOs it recognises the need for housing to reflect the size, type and tenure demands for different groups in the community.
- 6.4 The site lies within a densely populated area of residential dwellings of varying types and sizes, and comprise an existing dwelling, outdoor space, and parking facilities. The proposal would essentially enlarge an existing HMO and would not therefore alter the balance or mix of properties within the location. It is therefore considered that the proposal would not be at odds with planning objectives of creating balanced communities, and the proposal would provide a type of housing for which there is likely to be an undocumented need within the District.
- 6.5 The principle of the proposed use is already established through a permitted change of use and the further expansion by two further bedrooms is considered acceptable in this location and would not result in any adverse impact on the prevailing character of the area. The key issues raised by the proposal are therefore the impact on amenity, for both future occupants and neighbouring residents, and the impact on highways.

### Impact on Amenity

#### *Neighbouring Residents*

- 6.6 The application site is already in use as a 6-bed HMO, with the proposal essentially relating to the addition of 2 extra bedrooms. It is considered that the enlarged HMO, and the associated increased occupation of the building, would not inevitably result in increased

noise or disturbance for occupants of adjoining properties. The outdoor area is of modest dimensions and any use would be alongside similar amenity spaces, this would reduce the potential for impact to adjoining residents. It is therefore considered that refusal of the proposal on the basis of increased noise or disturbance could not be justified, and any future complaints would be most appropriately be investigated under Environmental Health legislation.

#### *Future Occupants*

- 6.7 HMOs are guided by separate legislation (under the Housing Act 2004) and this sets out the definition of HMOs and controls the standard and safety of accommodation, with internal requirements for room sizes and cooking/washing facilities set out in Private Sector Housing standards. For planning purposes it is considered that the proposal would provide an acceptable standard of accommodation for future occupants, with all bedrooms being en-suite and communal space available at ground floor level (and within the rear garden).

#### Highway Impacts

- 6.8 A number of representations have been received raising concerns relating to the impact of the use on highways, particularly in respect of the demand for on-street parking. It is acknowledged that on-street parking is in heavy demand and this is influenced by short-term displaced parking associated with neighbouring schools.
- 6.9 In respect of HMOs the Highway Authority's parking standards stipulate a maximum of 0.5 spaces per bedroom; the proposal would therefore likely result in an increased demand for 1 additional car parking space. While the proposal has potential to increase the number of cars parking at the property the site provides 5 off-road parking spaces which is greater than the anticipated maximum demand. There is no evidence that the existing use is creating capacity problems in the immediate surrounds.
- 6.10 It is considered that the proposal would not have a severe impact on the highway network, and no significant issues of displaced parking are anticipated having regard to the nature of the use, the parking standards adopted by West Sussex County Council, and the level of off-street parking already provided on site. While the concerns of neighbouring residents are appreciated it is considered that there are no transport grounds to resist the application (and the additional 2-bedrooms).

#### Conclusion

- 6.12 The site already comprises a HMO and the additional 2-bedrooms would not result in harm to the character of the area, and would not give rise to demonstrable harm to the amenities of the occupants of neighbouring properties or highway safety.

## **7. RECOMMENDATIONS**

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

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

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

- 3 **Pre-Occupation Condition:** The hereby approved use shall not commence unless and until provision for the storage of refuse/recycling has been made 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).

- 4 **Pre-Occupation Condition:** The hereby approved use shall not commence unless and until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The use shall not be commenced until the approved cycle parking facilities 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).

- 5 **Regulatory Condition:** The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy 41 of the Horsham District Planning Framework (2015).

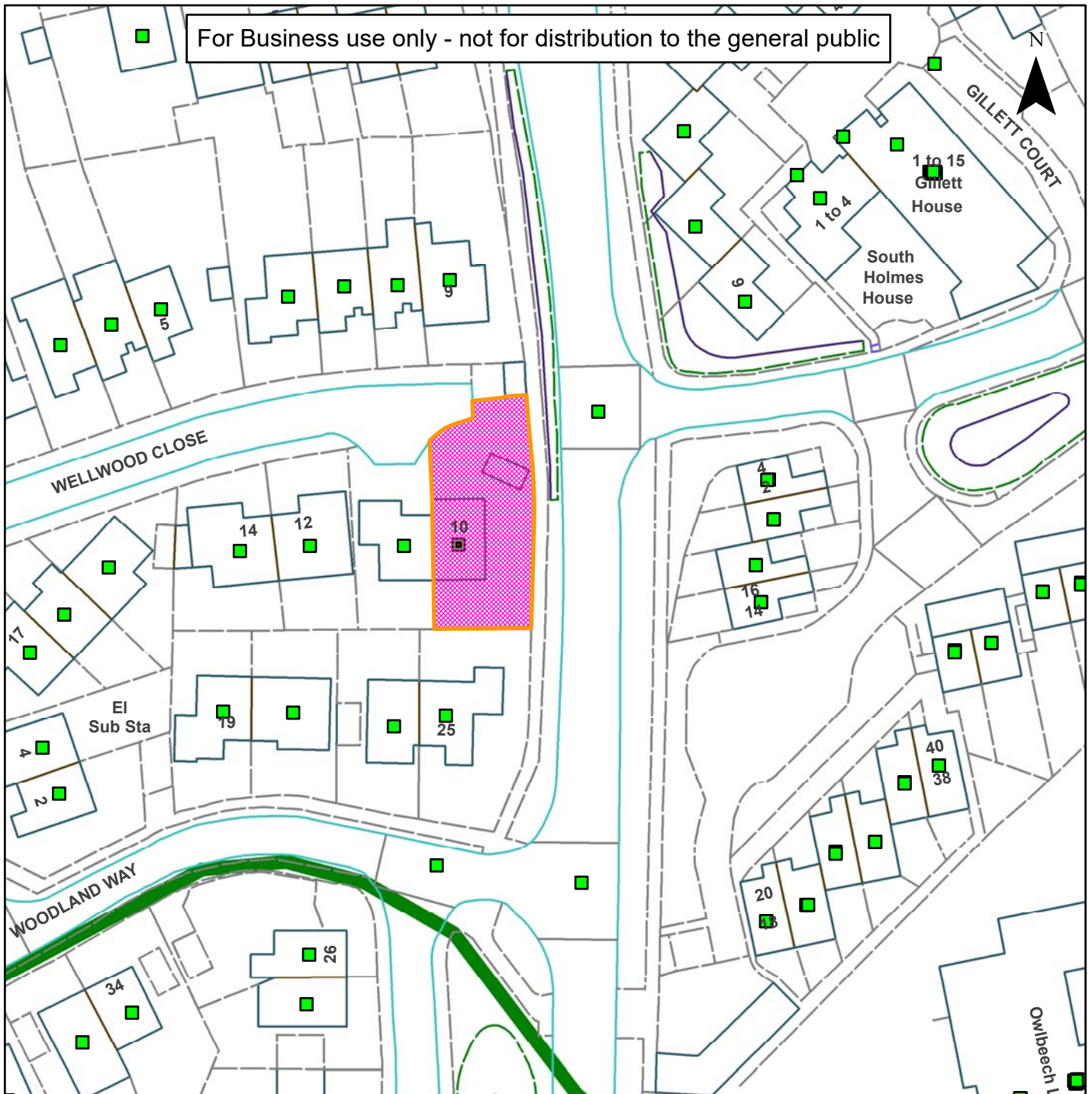
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Case Officer: Pauline Ollive

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