



Email: committeeservices@horsham.gov.uk
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Planning Committee (North)

Tuesday, 4th December, 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.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 14
To approve as correct the minutes of the meeting held on 6 November 2018 <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

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

5. **Appeals** 15 - 16

Applications for determination by Committee:
6. **DC/18/1849 - Little Homefield, Brighton Road, Mannings Heath** 17 - 34
Ward: Nuthurst
Applicant: Manheath Limited
7. **DC/18/1599 - Land west of Northgate, Christs Hospital** 35 - 48
Ward: Southwater
Applicant: c/o Savills (UK) Ltd
8. **DC/18/1746 - Melita, 19 Richmond Road, Horsham** 49 - 56
Ward: Horsham Park
Applicant: Mr Mark Watkinson
9. **DC/18/0794 - Glen Arun, 9 Athelstan Way, Horsham** 57 - 70
Ward: Forest
Applicant: Lifestyle Care UK Ltd
10. **DC/18/2212 - Easteds Barn, Easteds Lane, Southwater** 71 - 82
Ward: Southwater
Applicant: Catherine Tobin
11. **DC/18/1742 - 3 Chalice Walk, High Street, Rusper** 83 - 90
Ward: Rusper & Colgate
Applicant: Mr and Mrs Maynard
12. **DC/17/2123 - Evolution Fitness, Gladstone Road, Horsham** 91 - 104
Ward: Horsham Park
Applicant: Mrs Sam Stocker
13. **Urgent Business**
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

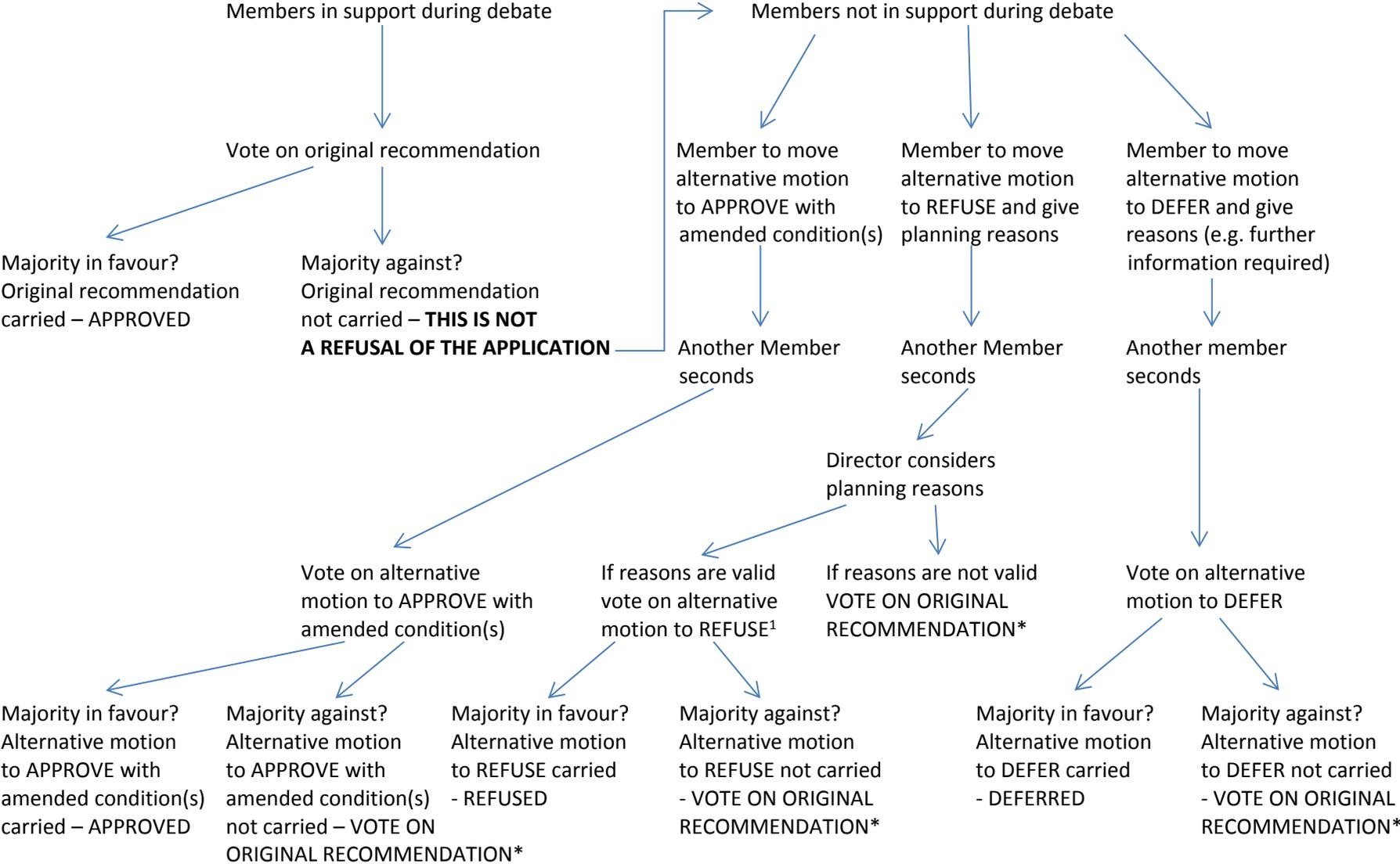
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

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

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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

Planning Committee (North)
6 NOVEMBER 2018

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

Apologies: Councillors: John Bailey, Christine Costin, Jonathan Dancer, Matthew French and Adrian Lee

Absent: Councillors: Josh Murphy, Connor Relleen and Simon Torn

PCN/50 **MINUTES**

The minutes of the meeting of the Committee held on 2 October were approved as a correct record and signed by the Chairman.

PCN/51 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/18/1563 – Because the applicant was a serving Councillor, the Chairman stated that she had no tendency or inclination that could prevent impartial consideration of the application, and would listen to views of all sides before deciding how to vote. This also applied to DC/18/1520 because the application involved land owned by the same Member.

This statement applied to all other Councillors attending the meeting, with the exception of Councillor Peter Burgess who declared a personal and prejudicial interest. He spoke on DC/18/1563 and then left the meeting and took no part in the determination of the item. Councillor Leonard Crosbie also declared an interest and chose to leave the meeting during the determination of DC/18/1563 and took no part in the determination of this item.

DC/18/1921 – Councillor Tony Hogben declared and disclosable pecuniary interest because he was the applicant. He withdrew from the meeting and took no part in the determination of the item.

DC/18/1921 - Because the applicant was a serving Councillor, the Chairman stated that she had no tendency or inclination that could prevent impartial consideration of the application, and would listen to views of all sides before deciding how to vote. This applied to all other Councillors attending the meeting.

PCN/52 **ANNOUNCEMENTS**

There were no announcements.

PCN/53 **APPEALS**

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

PCN/54 **DC/18/1792 - GREAT VENTORS DEVELOPMENT SITE, COOLHURST CLOSE, MONKS GATE**

The Head of Development reported that this application sought permission for the erection of five dwellings and associated works on an eastern parcel of land within a site allocated in the Nuthurst Parish Neighbourhood Plan (NPNP). The western parcel had been granted planning permission (DC/15/1946 and DC/17/0667) and works on this western parcel had begun.

Matters for consideration under this outline application were the principle of the development and access via Coolhurst Close (using the new access from Nuthurst Road granted under DC/15/1946) with all other matters reserved for future determination. The indicative housing mix comprised: one 2-bedroom bungalow; two 3-bedroom houses; and two 4-bedroom houses. A financial contribution in lieu of affordable housing had been secured for the western parcel of the site.

The application site was located in Monks Gate adjacent to the A281. It formed part of a paddock associated with Great Ventors Farm east of the site. There was mature vegetation and trees on the northern and southern boundaries, with open countryside to the south. There were dwellings immediately to the northwest along the A281, and other dwellings beyond.

Since publication of the report comments had been received from the Council's Strategic Planning team that sought to clarify Policy 5 within the NPNP regarding the number of dwellings that could be allocated to the site, and how the NPNP related to policies within the Horsham District Planning Framework. Public speakers were given the opportunity to read these comments before speaking, and the Chairman asked the Development Manager to read the statement to the meeting before Councillors determined the item.

The Parish Council raised a number of objections to the application. There had been 60 objections, 42 of which were received within the consultation period. Monks Gate Residents Association had also objected to the proposal. Since publication of the report there had been a further objection; details of this and the officer response, as set out in an addendum to the report, were noted. Three members of the public spoke in objection to the application and the applicant and one member of the public 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; character and appearance; its impact on neighbouring amenity; affordable housing; highways impacts; drainage; and ecology.

Members noted concerns regarding the number of dwellings proposed and considered these in the context of policy advice as set out in the report and in the addendum. With regards to neighbouring amenity it was noted that details of the proposal would be considered under a reserved matters application. After careful consideration Members concluded that at the proposal was acceptable.

Members were advised of an amendment to the recommendation, as set out in the addendum to the report, to ensure that the legal agreement is completed in a timely manner

RESOLVED

- (i) That a legal agreement be entered into to secure affordable housing financial contributions.
- (ii) That on completion of (i) above, planning application DC/18/1792 be determined by the Head of Development with a view to approval.
- (iii) In the event a suitably worded legal agreement has not been completed by 6 February 2019, or other later date as agreed by the Head of Development, to refuse the application in consultation with local Members.

PCN/55 **DC/18/1584 - STAFFORD HOUSE, BONNETTS LANE, IFIELD, CRAWLEY**

The Head of Development reported that this application sought permission for the change of use from residential dwelling to mixed-use residential unit, religious meeting hall and place of worship. The application included a part single storey, part two storey rear extension, a glazed link between the extension and Stafford House, and internal alterations to create a two storey meeting hall. There would also be alterations to access and car parking for 80 vehicles.

The application followed the refusal of DC/17/1827 by the Committee in January 2018 (minute no. PCN/77 (09.01.2018) refers). The current application sought to address the reasons for refusal by removing a window, submitting a Noise Assessment and providing an updated Supporting Statement.

The application site was located in the countryside to the north of Ifield at the junction of Bonnetts Lane and Charlwood Road. There was a bungalow to the rear of Stafford House and dwellings on the other side of the Charlwood Road. The site was approximately 170 metres from the boundary with Crawley Borough and residential properties in Langley Green and Ifield. Stafford House

was currently being used for prayer meetings by the local Shia Muslim community.

The Parish Council objected to the application. There had been 130 objections from 120 households. 166 letters of support, from 106 households, had also been received. One member of the public spoke in objection to the application and one member of the public, the applicant and the applicant's agent all addressed the Committee in support of the proposal.

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

Members weighed the community benefits of the scheme against the harm and concluded that the current application had not overcome the previous reasons for refusal and the harm to amenity and character of the locality caused by intensification of use of the site would outweigh the benefits.

RESOLVED

That planning application DC/18/1584 be refused for the following reason:

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

PCN/56 **DC/18/1520 - LAND BETWEEN TRUNDLE MEAD AND APRIL RISE, COX GREEN, RUDGWICK**

The Head of Development reported that this application sought permission for a new access road off Cox Green to enable access to the proposed development of 57 houses on fields at Windacres Farm. It would include two lanes, a pavement and grassed area. This outline permission was for access, with other considerations, including design and landscaping, for future determination.

The proposed dwellings would be within Waverley Borough Council boundary and in the jurisdiction of Waverley Borough Council. The boundary with Horsham cuts across the application site, requiring the application for part of the access to be determined by this council. The site was in north Rudgwick within the built-up area, largely surrounded by detached houses in substantial grounds.

The Council's consultation response to Waverley Borough Council's application for 57 houses was set out in an addendum to the report. The addendum also advised that a legal agreement was recommended to replace Condition 5 to ensure that the access road would only be constructed if the proposed 57 houses were to be developed.

The Parish Council objected to the application. A total of 137 objections had been received, including one from the Rudgwick Preservation Society. Three members 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: highway safety and access; design; impact on amenity; drainage; landscape; and ecology. Members were advised of an amendment to the recommendation, as set out in the addendum to the report, to ensure that the legal agreement is completed in a timely manner. Members concluded that the proposal was acceptable.

RESOLVED

- (i) That a legal agreement be entered into to secure the provision of the access road only in conjunction with the proposal for housing at Windacres Farm (Waverley Borough Council ref: WA/2018/1458).
- (ii) That on completion of (i) above, planning application DC/18/1520 be determined by the Head of Development with a view to approval.
- (iii) In the event a suitably worded Legal Agreement has not been completed by 6 February 2019, or other later date as agreed by the Head of Development, to refuse the application in consultation with local Members.

PCN/57 **DC/18/1563 - WINDACRES FARM, CHURCH STREET, RUDGWICK**

The Head of Development reported that this application sought retrospective permission for a side extension to an agricultural building for storage of agricultural machinery and animal feed. The agricultural building did not benefit from planning permission.

An appeal had been lodged against non-determination of this planning application and therefore Members were asked to make a recommendation to the Planning Inspectorate regarding the Council's intended determination had the appeal not been submitted.

The application site was located to the northeast of Rudgwick village, approximately 100 metres outside the built-up area, 400 metres east of Church Street. Details of the site and background to the application were noted by the Committee.

The Parish Council objected to the application. Four objections had been received. One member of the public spoke in objection to the application. Councillor Peter Burgess addressed the Committee in support of it and then withdrew from the meeting.

Members considered the background to the application and the officer's planning assessment which indicated that the key issues for consideration were the principle of the development and whether there was a need for the agricultural barn and extension in this location.

The Committee resolved that the press and public be excluded from part of the meeting so that they could consider items the publication of which would be likely to disclose exempt information, on the grounds that they involve the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Paragraphs 2, 3 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended). The press and public were invited to return to the meeting before the determination of the item.

RESOLVED

To recommend to the Planning Inspectorate the Council's intention to refuse planning application DC/18/1563 for the following reasons:

- 01 The application seeks planning permission to extend an agricultural barn that does not benefit from planning permission. The principle of the proposed extension fails to accord with the plan-led strategy of the HDPF, and is therefore contrary to section 70(2) of the Town and Country Planning Act (1990) as well as the requirements of paragraphs 2, 11, 12 and 47 of the National Planning Policy Framework (2018).
- 02 The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the resulting 880m² agricultural storage building is required to support the agricultural needs of the wider holding at Windacres Farm, therefore the development does not accord with the requirements of Policies 10, 25 and 26 of the Horsham District Planning Framework (2015).

PCN/58 **DC/18/1921 - MORRISWOOD, OLD HOLBROOK, HORSHAM**

The Head of Development reported that this application sought permission for a variation of Condition 3 (relating to opening times) of previously approved application DC/17/0445 (Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking). The variation would extend the approved hours so that it opens half an hour earlier on weekdays and Saturdays; stays open until 7pm on

Saturdays instead of 4.30pm; and opens on Sundays from 9am to 6pm (currently the pool is closed on Sundays and Bank Holidays).

The application site was located in the countryside on the western side of Old Holbrook Road in an area of sporadic development north of the A264 and the built-up area of Horsham.

The consultation response from Environmental Health, as contained within the report, was noted by the Committee. The Parish Council raised no objection to the application. No other representations had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: impact on highways and on the amenities of neighbouring residents. Members concluded that the extended hours would have a minimal impact and the variation was therefore acceptable.

RESOLVED

That planning application DC/18/1921 be granted subject to the conditions and reasons as reported.

The meeting closed at 7.20 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee North

Date: 4th December 2018

Report on Appeals: 25/10/2018 – 21/11/2018

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/18/1260	Packing Station Holmbush Manor Farm Hayes Lane Slinfold West Sussex	09/11/2018	Refused	N/A
EN/18/0170	Windacres Farm Development Site Church Street Rudgwick West Sussex	21/11/2018	N/A	N/A
EN/18/0398	Windacres Farm Development Site Church Street Rudgwick West Sussex	21/11/2018	N/A	N/A
DC/18/1389	9 Thistle Way Southwater Horsham West Sussex RH13 9GX	21/11/2018	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/17/1607	18B - 20 Comptons Lane Horsham West Sussex RH13 5NY	Written Representation	08/11/2018	Refused	N/A
DC/17/2384	Bilbets Rushams Road Horsham West Sussex	Written Representation	08/11/2018	Refused	N/A

3. Appeal Decisions

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/18/0768	26 Pollards Drive Horsham West Sussex RH13 5HH	Fast Track	Dismissed	Refused	N/A



**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee

BY: Head of Development

DATE: 04 December 2018

DEVELOPMENT: Demolition of the existing outbuildings and erection of 6no. 3 bedroom dwellings with associated parking and private amenity served via approved access from Brighton Road.

SITE: Little Homefield Brighton Road Mannings Heath Horsham West Sussex RH13 6HZ

WARD: Nuthurst

APPLICATION: DC/18/1849

APPLICANT: **Name:** Manheath Limited **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

RECOMMENDATION: To approve application subject of Legal Agreement for affordable housing contribution

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the demolition of the existing outbuildings, and the erection of 6 no. semi-detached 3-bed dwellings. The proposed dwellings would be positioned along a continuous build line sited from north to south, and would comprise 3no. pairs of semi-detached dwellings.

1.3 Plots 1 and 2 would be positioned to the north of the site, and would be oriented to face west. The proposed built form would measure to a length of 13.95m and a maximum depth of 10.3m, and would incorporate a pitched roof measuring to an overall height of 8m. A single storey porch overhang would project from the frontage to a height of 3.1m, with a one and a half storey projection to the north, set down from the main ridgeline at a height of 6.3m. The proposed dwellings would measure to a total floor area of approximately 116sqm and 92sqm respectively, and would incorporate rear amenity space to the east. The proposed dwellings would be finished in facing brick and tile hanging, with clay tiles to the roof.

- 1.4 Plots 3 and 4 would be positioned centrally within the site, and would be oriented to face west. The proposed built form would measure to a length of 10.6m and a depth of 10.3m, and would incorporate a hipped roof measuring to an overall height of 8.3m. A single storey porch overhang would project from the frontage to a height of 3.2m, with rear amenity space provided to the east. The proposed dwellings would measure to a total floor area of approximately 93sqm, and would be finished in facing brick and tile hanging, with clay tiles to the roof.
- 1.5 Plots 5 and 6 would be positioned to the south of the site, and would be oriented to face west. The proposed built form would measure to a length of 13.95m and a depth of 10.3m, and would incorporate a pitched roof measuring to an overall height of 8m. A single storey porch overhang would project from the frontage to a height of 3.1m, with a one and a half storey projection to the north, set down from the main ridgeline at a height of 6.3m. The proposed dwellings would measure to a total floor area of approximately 92sqm and 117sqm respectively, and would incorporate rear amenity space to the east. The proposed dwellings would be finished in facing brick and tile hanging, with clay tiles to the roof.
- 1.6 The proposed access would extend along the western boundary of the site, with a turning head provided to the southern section of the site. Plots 1 and 6 would incorporate an attached garage, with additional parking space to the north and south respectively, with 2no. spaces provided in tandem for Plots 2-5.

DESCRIPTION OF THE SITE

- 1.7 The application site is positioned to the west of Brighton Road, and lies within the built-up area of Manning Heath. The application site is positioned to the south of residential development that fronts Brighton Road, and lies directly adjacent to the strategically allocated site known as 'Land Opposite The Dun Horse' which has approval under reference DC/16/1753 for 8 no. dwellings. The site currently includes a number of utilitarian buildings which are positioned centrally in the site, with the remainder of the site having recently been cleared of vegetation.
- 1.8 The application site consists of a triangular plot of approximately 0.3ha in area positioned to the rear of the frontage dwellings. The site is defined by a mix of boundary treatments, including hedging and closeboarded fencing, with a public footpath running directly along the western boundary of the site.
- 1.9 The wider surroundings encompass a mix of residential development and open countryside, defining the area as a semi-rural locality. The main settlement of Mannings Heath is positioned to the north of the application site, with the surroundings to the south, east and west of the site defined by open, undulating countryside.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.2 **National Planning Policy Framework**

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

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- 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 40 - Sustainable Transport
- Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

2.4 Nuthurst Neighbourhood Development Plan 2015-2031

- Policy 1: A Spatial Plan
- Policy 4: Land opposite Dun Horse Public House, Mannings Heath
- Policy 10: Housing Design
- Policy 14: Green Infrastructure and Biodiversity

2.5 Nuthurst Parish Design Statement 2017

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/1753	Proposed residential development for 8 dwellings with associated parking and amenity space	Permitted Application on 01.06.2017
DC/18/1245	Demolition of the existing outbuildings and erection of 8x dwellings with associated parking and private amenity land	Withdrawn Application on 06.08.2018

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

3.2 **HDC Strategic Planning: No Objection**

On balance, it is considered that there is no policy objection for the erection of six dwellings at the application site. While the site does not fully accord with Policy 4 of the Nuthurst Neighbourhood Plan (the site is not fully located within the strategic allocation boundary), the site is located within the defined built-up area of Mannings Heath, and would contribute towards meeting the identified need of housing in the Parish. This is also in accordance with paragraph 59 of the NPPF which seeks to significantly boost housing supply, and is considered to meet Policy 3 of the HDPF.

3.3 **HDC Landscape Architect: No Objection**

Subject to ensuring that the appearance of the boundary treatment facing the new access is broadly in line with that proposed under the neighbouring planning approval to ensure a cohesive street scene.

3.4 HDC Conservation: No Objection

It is considered that the proposed dwellings are sufficiently distanced from the Listed Building to not affect its setting.

3.5 HDC Environmental Health: No Objection

The submitted Ground Investigation Report is based on limited intrusive investigations, and does not include the area of the existing outbuildings associated with metal working. The number of soil samples is not sufficient to form a statistically valid assessment of ground contamination at the site. If the application is approved, it is recommended that conditions in respect of land contamination be attached.

3.6 HDC Drainage Engineer: No Objection

The surface water drainage strategy proposed is acceptable. The Applicant should be advised that any discharge to the local watercourse might require 'Ordinary Watercourse Consent'.

OUTSIDE AGENCIES

3.7 WSCC Highways: No Objection

The Local Highways Authority does not consider that the proposal would have a severe impact on the highway network, and therefore the proposal would not be contrary to National Planning Policy Framework, and there are no transport grounds to resist the proposal.

Parking is provided at two spaces per dwelling, with the WSCC Parking Demand Calculator outlining that a maximum demand of 14 spaces would be generated by this proposal. The Applicant has provided a total of 12 parking spaces, generating a shortfall of 2 spaces, one of which would be considered a visitor parking space. The Local Highway Authority does not consider that overspill parking would occur within Brighton Road given the frequency of movements associated with the road and the nature of the highways as an 'A' classified road which does not lend itself to on street parking. Therefore, consideration of additional parking pressure within the application site itself would need to be given.

In terms of the internal layout, the applicant has outlined within the associated Transport Statement that it would be possible for emergency and refuse vehicles to turn within the turning head provided. The manoeuvre albeit rather tight would provide sufficient turning to allow refuse and emergency vehicles to egress the site in a forward gear, in line with Manual for Streets standards and Schedule 1, Part H of the Building Regulations (2000).

3.8 WSCC Public Rights of Way: No Objection

3.9 Ecology Consultant: No Objection – It is noted that the site was clear prior to the Ecology Survey, so the assessment of the impact is limited. Based on the Tree Report by Harper Tree Consulting, it appears as though a number of trees have potential to support roosting bats. Additional tree planting should be included within the proposals to compensate for the loss of mature trees and vegetation.

3.10 Southern Water: No Comment

PUBLIC CONSULTATIONS

3.11 **Nuthurst Parish Council:** Objection for the following reasons:

- Site is potentially outside of the built-up area boundary
- Site is not allocated in the made Neighbourhood Plan
- Additional 6no. dwellings are not needed in the Parish
- The application constitutes inappropriate backland development
- Road safety implications entering and leaving the site
- Development of residential gardens is inappropriate
- Development would remove the gradual transition from the built environment to the countryside beyond
- Layout of the dwellings is unsympathetic to the setting and introduces an urbanising feature
- Does not reflect the scale of surrounding buildings
- Do not benefit from adequate amenity space
- Site is covered in an unacceptable amount of buildings and hardstanding
- Adverse impact on heritage assets
- Encroachment of Public Right of Way

3.12 A total of 67 objections were received from 57 separate households, and these can be summarised as follows:

- Not allocated in the 'made' Neighbourhood Plan
- Road safety concerns
- Outside of built-up area boundary
- Encroachment on the countryside
- Insufficient amenity space
- Noise issues
- Overdevelopment of the site
- Inappropriate backland development
- No identified need for the dwellings given 5-year housing land supply
- Creation of precedent
- Loss of woodland
- Flooding issues
- Contrary to 'made' Neighbourhood Plan

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The application seeks full planning permission for the demolition of the existing outbuildings, and the erection of 6 no. semi-detached 3-bed dwellings. The proposed dwellings would be positioned along a continuous build line sited from north to south, and would comprise 3 no. pairs of semi-detached dwellings.

Principle of Development

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.
- 6.3 Paragraph 68 of the NPPF states that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area...to promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes..."
- 6.4 The majority of objections received make reference to the adopted Nuthurst Neighbourhood Development Plan (NPNP), and the unallocated nature of the application site within it. As stated within Policy 1 of the Nuthurst Neighbourhood Development Plan 2015 - 2032, development proposals within the built-up area boundary of Mannings Heath will be permitted, provided they accord with the other provisions of the NPNP and Horsham District Council's adopted development plan. The housing figure provided within the Nuthurst Parish Neighbourhood Plan does not reflect a definitive upper limit to acceptable housing numbers, albeit that it provides a future supply of land which is suitable, available, and achievable for housing development. Policy 15 of the HDPF makes provision for windfall sites, with Policy 3 of the HDPF stating that development will be permitted within built-up areas provided it is of an appropriate nature and scale to maintain characteristics and function of the settlement.
- 6.5 In terms of the overall housing needs for Nuthurst Parish, paragraph 60 of the NPPF states that a housing needs assessment should identify the minimum number of homes needed. This is also reflected within paragraph 4.12 of the NPNP which states that:
- 'In overall terms, the indicative total number of houses specifically provided for in the NPNP is approximately 50 over the plan period....As the policy allows for sustainable development proposals in the form of windfall and other sites within the Built up Area Boundary of Mannings Heath and the confines of Maplehurst, Monks Gate and Nuthurst, the total number of dwellings consented over the plan period will be greater than the number resulting from the allocations of the NPNP.'*
- 6.6 In addition, paragraph 3.36 of the Examiner's Report for the Nuthurst Parish Neighbourhood Plan, the Examiner makes it clear that the housing figure contained within the supporting text for each policy is not prescriptive and is given as a range.
- 6.7 On this basis, neither the Development Plan nor the Nuthurst Parish Neighbourhood Plan can place an absolute cap on development. The Government have made it clear that an absolute cap on numbers of new homes is not justified, particularly if proposals are acceptable in all other respects. The District's housing targets are a minimum, and development cannot be refused when this target has been reached; with the same principle applicable to Local Needs Assessments.
- 6.8 As stated within paragraph 4.12 of the Nuthurst Parish Neighbourhood Plan, paragraph 4.12 states that Policy 1 "allows for sustainable development proposals in the form of windfall and other sites within the Built-Up Area Boundary of Mannings Heath..."

- 6.9 The application site lies within the designated built-up area of Mannings Heath, categorised as a "Smaller Village" within Policy 3 of the HDPF. The application site forms part of the existing settlement of Mannings Heath where development proposals that are of an appropriate nature and scale to maintain characteristics and function of the settlement are considered acceptable. There is a presumption in favour of sustainable development within the built-up area, and as such, the proposed residential development is considered acceptable in principle, subject to all other material considerations.

Design and Appearance

- 6.10 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.11 Policy 10 of the Nuthurst Parish Neighbourhood Plan (NPNP) states that the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of surrounding buildings. Residential development proposals should make use of high quality building materials and finishes, and include adequate functional private garden space appropriate to dwelling size and type.
- 6.12 The wider surroundings are characterised by dwellings that front the public highway, set within relatively large and spacious plots. It is acknowledged that there are limited examples of smaller terrace and semi-detached dwellings within the locality, with these dwellings set within a linear build pattern fronting the public highway. It is noted that the recent approval directly north of the application site is designed with 2 no. pairs of semi-detached dwellings positioned to the rear of the site, however, these form a book-end to the ribbon of development along this section of Brighton Road, and is considered to relate to the built pattern and character of the surroundings.
- 6.13 The application site forms a backland setting to the rear of the frontage dwellings that are positioned along Brighton Road. While noted that the build pattern of the proposal would contrast the recognised layout of surrounding development in the wider locality, it does follow the form and layout of the site approved at the Land Opposite the Dun Horse under planning approval reference DC/16/175, and acts as a continuance to the frontage of this approved development. The proposal does also make efficient use of land. The site is screened from wider views, and reads more with the domestic curtilages of the surrounding residential development than the open countryside. The resulting built form is considered to sit comfortably within the context of the site, and given its relatively screened nature, is not considered to result in landscape harm to the justify a reason for refusal.
- 6.14 A number of objections have been raised in respect of the design and vernacular of the proposed dwellings, and how these are not considered to relate to the established character and appearance of dwellings within the locality.
- 6.15 Policy 10 of the NPNP states that development should reflect the architectural and historic character and scale of the surrounding buildings, with the Nuthurst Parish Design Statement outlining that new development should have houses of varied design which are sympathetic to the locality and neighbouring houses.
- 6.16 It is acknowledged that the surrounding area is characterised by an eclectic array of dwellings of a variety of styles and vernacular. The residential dwellings incorporate a mix of materials

including brick, tile hanging, cladding and render, with the recently approved dwellings at the adjacent site incorporating brick and tile hanging to all elevations. The proposed dwellings are considered to be of a style, vernacular, and appearance that would utilise materials and finishes recognised within the locality, and as such it is considered that the proposed dwellings would be of a character and appearance that would relate sympathetically to the local character of the surroundings and neighbouring houses.

- 6.17 The proposed development is considered to be of a number, scale, design, and appearance that would relate sympathetically to the character of the site and build pattern of the locality, and is therefore considered to accord with Policies 32 and 33 of the Horsham District Planning Framework and Policy 10 of the Nuthurst Parish Neighbourhood Plan.

Trees and Landscaping

- 6.18 Policy 33 of the HDPF states that development should relate sympathetically with the built surroundings and landscape, and should presume in favour of the retention of existing important landscape and nature features, and use high standards of landscaping where appropriate.
- 6.19 The application site has been cleared prior to the submission of the current application, with the proposal seeking to retain the boundary trees and hedge along the perimeter. It is proposed to lay the rear amenity space to grass, with hardstanding provided to the frontage.
- 6.20 Given the context of the surroundings, it is considered that proposal would relate to the character of the locality, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Heritage Impacts

- 6.21 Paragraph 193 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.22 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.23 Policy 34 of the Horsham District Planning Framework states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.
- 6.24 The Grade II Listed Building known as Chumleigh is positioned to the north-west of the application site. The building fronts Brighton Road, and is positioned within a triangular plot separated from the application site by an area of woodland.
- 6.25 Following consultation with the Councils Conservation Officer, it is considered that the proposed development would be of a sufficient distance from the Listed Building so as not to affect its setting. No objection on heritage grounds are therefore raised to the proposal.

Amenity Impacts

- 6.26 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.27 The proposed dwellings would be positioned to the rear of the ribbon of residential dwellings that sit along Brighton Road, with the proposed development positioned along a staggered build line running from north-east to south-west. The proposed dwellings would be positioned between approximately 25m and 35m from the frontage dwellings, with the closest dwelling of Plot 1 incorporating a first floor bathroom window to be obscure glazed.
- 6.28 The proposed dwellings would be positioned an appropriate distance from the existing ribbon of residential development to the north-east, and are considered to be oriented in a manner that would reduce the potential for overlooking into the residential amenity areas of these dwellings. It is therefore considered that given the context of the site, and its relationship with the neighbouring properties, it is considered that the proposed development would result in limited harm to the amenities of the neighbouring properties on and off the site.
- 6.29 The proposed dwellings would be positioned along a slightly staggered build line and oriented at a slight angle. It is recognised that this would result in a degree of mutual overlooking, however this is not considered to be to such a degree to be harmful to the amenities and sensitivities of the proposed dwellings.
- 6.30 It is therefore considered the proposed development would not result in material harm to the amenities and sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.31 Policy 41 states that development should provide safe and adequate access and parking, suitable for all users. Policy 10 of the NPNP also states that residential development should include adequate off-street parking so as to minimise any need for on-street parking.
- 6.32 The proposed development would utilise an access recently approved in connection with the residential development at Land Opposite the Dun Horse under reference DC/16/1753. It is proposed to accommodate 14 no. unallocated parking spaces, with a turning head to provide access and turning on site.
- 6.33 The proposal would utilise the existing access, as permitted under DC/16/1753, which following consideration by WSCC Highways, is considered to provide safe and adequate access for all users. The WSCC Parking Demand Calculator suggests that a total of 14 parking spaces would be required for the proposed development, comprising 12no. allocated spaces and 2no. visitor spaces. The proposal seeks to provide a total of 14no. car parking spaces, and as such would provide sufficient parking for the anticipated requirements.
- 6.34 It is therefore considered that the proposed development would provide safe and adequate access, suitable for all users, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Ecology

- 6.35 The applicant has submitted an Ecological Appraisal by Crossman Associates reference M1143.001 Issue 3 dated 12 July 2018. The report outlines that the site has been recently cleared and is mostly occupied by bare ground, with features on site including grassland, boundary hedgerow, a defunct pond, and a cluster of makeshift buildings. It states that the site supports nesting birds, while the buildings and boundary trees do not support roosting

bats. The recommendations state that precautionary vegetation removal in relation to nesting birds should take place, with incorporation of new bird nesting features, and protection of boundary features with incorporation of a low level lighting scheme.

- 6.36 Following consultation with the Ecologist, no objection is raised to the proposed development subject to the recommendations as outlined in the report being carried out. It is therefore recommended that should the application be approved, conditions relating to the carrying out of works and lighting be attached.

Affordable Housing Contribution

- 6.37 Policy 16 of the Horsham District Planning Framework relates to meeting housing needs. In particular, part 3 of this policy relates to the provision of affordable housing for all residential development of 5 or more dwellings. Part 3.b) states that on sites of between 5 and 14 dwellings, the Council will require 20% of dwellings to be affordable, or where on site provision is not achievable, a financial contribution equivalent to the cost to the developer of providing the units on site would be anticipated.
- 6.38 Since the adoption of this policy, the NPPF has been revised, with paragraph 63 stating that "the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)."
- 6.39 While the revised NPPF does not allow for contributions for less than 10 dwellings, it is considered that the application site forms a subdivided part of the wider site of Land to the North of Dun Horse. Although it is acknowledged that both sites were purchased separately following the initial permission, it is evident that the sites would be developed together, and would share an access. Given these factors, it is considered that the application site and the adjacent site (subject of planning approval DC/16/1753) would be sufficiently connected to be considered as part of a whole.
- 6.40 On this basis, paragraph 4 of Policy 16 of the HDPF would be relevant, where it is stated "*if a development site is sub-divided so as to create two or more separate development schemes one or more of which falls below the relevant threshold, the Council will seek an appropriate level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the site*". As such, a financial contribution for the 6no. dwellings would be required, and would be subject of a Legal Agreement.
- 6.41 As required by the Planning Obligations and Affordable Housing Supplementary Planning Document September 2017, the financial contribution is calculated at a rate of £155 per square metre of Gross Internal Area of all 6no. units. As such, the financial contribution for the proposed development would total £91,600.35.

Conclusion

- 6.42 The proposed development is considered to be acceptable in principle, and is considered to be of a scale, number, layout and appearance that would relate sympathetically to the character of the semi-rural locality. The proposal would not result in harm to the amenities of neighbouring properties, and is not considered to result in harm to the function and safety of the public highway network. The proposal is therefore considered to accord with Policies 1, 2, 3, 25, 32, 33, 34, and 41 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	590.97		590.97
	Total Gain		
	Total Demolition		167.26

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

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

7. RECOMMENDATIONS

7.1 To approve the application, subject of the following conditions:

- 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-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

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

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following

the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until vehicle wheel-cleaning facilities have been installed at the site entrance(s). The vehicle wheel-cleaning facilities shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: As this matter is fundamental in the interests of road safety and visual amenity in accordance with Policies 33 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 walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

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

- 7 **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 existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures set out in Section 4 of the Ecological Appraisal by Crossman Associates dated 14.08.2018

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. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted,

felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 8 **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan AAL-18-217-P01 rev A received 05.10.2018 and shall be thereafter retained as such.

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

- 9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling in accordance with drawing number AAL-18-217-P01 rev A received 05.10.2018. 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).

- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 11 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** Notwithstanding the provisions of Class F of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no hard surfacing (other than that shown on the plans hereby approved) shall be erected or constructed forward of the principal elevation of any dwelling without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** All works of demolition, construction and ancillary activities, including deliveries and dispatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

- 14 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Ecological Appraisal reference M1143.001 dated 14.08.2018 and received 31.08.2018.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

- 16 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement by Harper Tree Consulting dated 21 August 2018 and received on 31.08.2018.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** All works shall be executed in full accordance with the Drainage Strategy Report reference A18305C dated August 2018 and received on 31.08.2018.

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

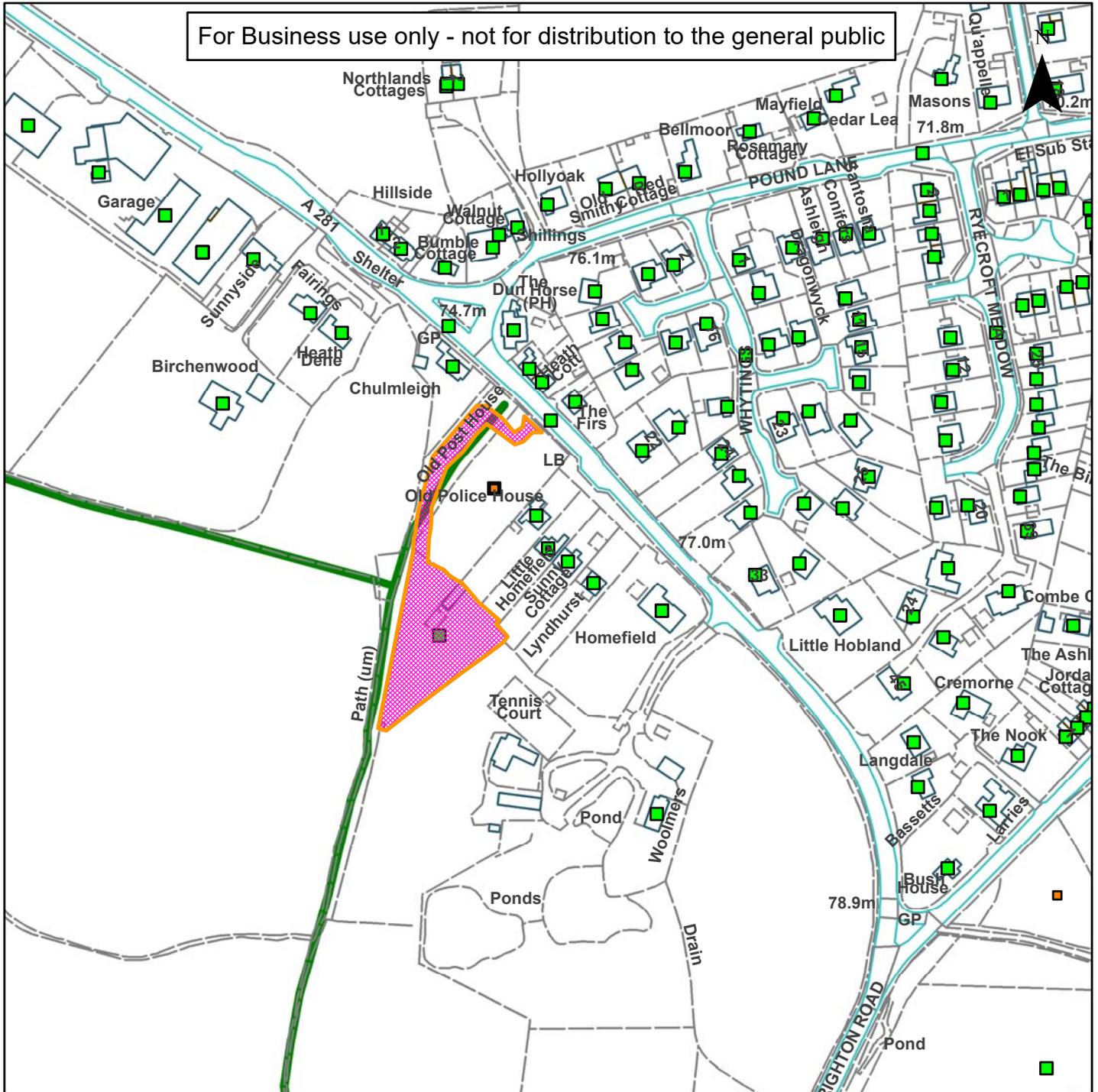
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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	22/11/2018
MSA Number	100023865

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**Horsham
District
Council**

PLANNING REPORT **COMMITTEE**

TO: Planning Committee (North)

BY: Head of Development

DATE: 04 December 2018

DEVELOPMENT: Erection of 2 no. dwellings with associated landscaping and car parking to the land west of Northgate house.

SITE: Land West of Northgate Christs Hospital Horsham West Sussex RH13 0LD

WARD: Southwater

APPLICATION: DC/18/1599

APPLICANT: **Name:** C/O Savills (UK) Ltd **Address:** C/O Savills (UK) Ltd Exchange House Petworth GU28 0BF

REASON FOR INCLUSION ON THE AGENDA: At the request of Cllr Vickers and Cllr Chidlow.

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of 2no. detached 3-bedroom dwellings, along with associated access and parking.

1.3 The proposed dwellings would be set back from Christs Hospital Road, and would be positioned in line with the build line of Northgate. Unit 2 would be positioned in parallel with Northgate, with Unit 1 positioned at a slight angle, parallel to the south-western corner of the application site.

1.4 Unit 1 would comprise a detached two storey 3-bed dwelling that would be oriented to face south. The proposed dwelling would measure to a length of 7.7m and a depth of 8m, and would incorporate a hipped roof measuring to an overall height of 8.6m. A two storey gable feature is proposed to the western elevation, addressing King Edward Road. The proposal would be finished in brick with stone detailing, with a red clay tile roof. The proposed dwelling would provide a living room/kitchen, and w.c to the ground floor, with 3no. bedrooms and bathroom to the first floor.

1.5 Unit 2 would comprise a detached two storey 3-bed dwelling that would be oriented to face south. The proposed dwelling would measure to a length of 7.7m and a depth of 8m, and would incorporate a hipped roof measuring to an overall height of 8.6m. A two storey gable feature would project from the southern elevation, with a flat roof porch overhang also proposed to this elevation. The proposal would be finished in brick with stone detailing, with

a red clay tile roof. The proposed dwelling would provide a living room/kitchen, and w.c to the ground floor, with 3no. bedrooms and bathroom to the first floor.

- 1.6 The proposed development would incorporate private amenity space for each dwelling positioned to the north of each unit. This amenity space would measure approximately 250sqm in area and would be laid to grass and separated by a 1.8m high closeboarded fence. An area of grass and new planting would be positioned along the frontage of the site, with the addition of a footpath serving both the new dwellings, and the street.
- 1.7 A total of 4no. parking spaces are proposed to the north of the site, laid out in tandem to provide 2no. parking spaces for each dwelling. The access would extend from King Edward Road and would be laid to gravel.

DESCRIPTION OF THE SITE

- 1.8 The application site lies within a triangular plot to the north of Christs Hospital Road and south-east of Station Road, within the built-up area of Christs Hospital.
- 1.9 The site consists of flat open space, which is privately owned, and bound by metal railings and wooden posts, and measures to a total area of approximately 0.16 hectares. The site comprises grassland, with a cluster of trees to the
- 1.10 The wider surroundings are characterised by linear residential development fronting the public highway, with the direct neighbour of Northgate positioned to the east of the application site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

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

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 40 - Sustainable Transport

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

2.5 Southwater Neighbourhood Development Plan

Pre Submission Draft Plan (Regulation 14)

- SNP1 - Southwater's Core Principles
- SNP9 - Lifetime Homes Standards
- SNP10 - Residential Space Standards
- SNP13 - Growing our Cycling and Walking Network
- SNP14 - Adequate Provision of Car Parking
- SNP15 - Driving in the 21st Century
- SNP16 - Design
- SNP17 - Site Levels
- SNP18 - A Treed Landscape
- SNP19 - Parish Heritage Assets
- SNP23 - Use of Community Infrastructure Levy Funds

2.6 Southwater Parish Design Statement 2011

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.7 No relevant planning history

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** Comment.

The illustrated close-boarded fencing is not an appropriate boundary treatment for this location, with hedges similar to those in the vicinity preferred. In addition, the exterior finish and frontage of the dwellings does not integrate well with the residential development on the west, or Northgate to the west.

OUTSIDE AGENCIES

3.3 **WSCC Highways:** No Objection.

The proposed site would be accessed via the creation of a new crossover onto King Edward Road, an unclassified road. The visibility splays proposed would be sufficient given this context, and is therefore not anticipated to cause a highway safety concern in this location.

The application proposes a paved footway leading from the proposed vehicle crossover along the site boundary to the front of the dwellings, with an additional paved footway along Christs Hospital Road. Both of these proposed footways are located in highway boundary and would require a Section 278 Agreement.

The proposed plan indicates that a total of 4no. parking spaces will be provided for the development, through the provision of tandem parking spaces. These parking spaces appear to meet the minimum specifications as set out in Manual for Streets. A turn on site is preferred, however there is insufficient space to accommodate this. Furthermore,

neighbouring properties on King Edward Road have similar arrangements, and are operating without evidence of safety concern.

3.4 **Ecology Consultant:** No Objection.

No ecological harm assuming that the existing trees and shrubs are retained.

3.5 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

3.6 A total of 7 objections were received from 4 separate households, and these can be summarised as follows:

- Loss of community space
- Overdevelopment of the site
- Traffic and access issues
- Loss of hedging and trees

PARISH COUNCIL

3.7 **Southwater Parish Council:** No Objection.

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

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

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

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

6. PLANNING ASSESSMENTS

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

- The character of the dwelling and the visual amenities of the area
- Heritage impacts
- Impact on highway safety
- The amenities of the occupiers of adjacent properties

Principle of Development

6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.

6.3 Paragraph 68 of the NPF states that "*small and medium sized sites can make an important contribution to meeting the housing requirement of an area...to promote the development of a good mix of sites local planning authorities should...support the development of windfall*

sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes..."

- 6.4 The application site lies within the designated built-up area of Christs Hospital, categorised as a 'Smaller Village' within Policy 3 of the HDPF. The application site forms part of an existing settlement where development proposals that are of an appropriate nature and scale to maintain characteristics and function of the settlement are considered acceptable. There is a presumption in favour of sustainable development within the built-up area, and as such, the proposal is considered acceptable in principle, subject to all other material considerations.

Design and Appearance

- 6.5 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.6 Policy SNP16 of the Draft Southwater Neighbourhood Plan states that all development within the Parish must be of high quality design that: uses locally sourced materials, or equivalent materials to those that would historically been sourced locally; encourages a variety of complimentary vernaculars to encourage diversity in our building stock; and makes sure the development actively responds to other properties within the immediate area around the site.
- 6.7 The application site forms a transitional zone between the higher density development to the east and the semi-rural ribbon development of dwellings to the west. The context of the site therefore reinforces the semi-rural character of the area, providing a gap between the more suburban developments. The openness of the site is considered to contribute significantly to the character of the area, acting as a transition space between the built form and open surroundings, with any proposal required to strike a balance between the scale of development and the impact upon the visual amenities of the street scene and landscape character of the area.
- 6.8 The wider locality is characterised by an eclectic array of properties comprising detached, semi-detached and terraced dwellings, built along a continuous build line that fronts the highway. There is no definable built character within the locality, although it is recognised that development responds to the architectural vernacular and appearance of Christs Hospital School. The ribbon of development to the west of the site comprises two storey semi-detached dwellings of a relatively rural vernacular, with the residential dwellings to the east consisting of a more modern estate comprising primarily terraced dwellings. Materials and finishes within the locality include facing brick and render, with examples of tile cladding and stone also present.
- 6.9 The proposed dwellings would be set back from Christs Hospital Road, and would be positioned in line with the neighbouring dwelling known as Northgate. Unit 2 would be positioned in parallel with Northgate, with Unit 1 positioned at a slight angle, parallel to the south-western corner of the application site. The proposed dwellings would measure to a footprint of approximately 55sqm each, and would incorporate a hipped roof measuring to an overall height of 8.6 metres, slightly set down from the dwelling known as Northgate to the east.
- 6.10 Initial concerns were raised by Officers in respect of the scale, massing and bulk of the proposed dwellings, and the impact this would have on the character and visual amenities of the street scene. Following these concerns, the proposed dwellings have been reduced in

size, with the removal of a number of projecting features. The overall design and appearance of each dwelling has also been amended to reflect similar features within the wider locality, with the units repositioned to provide a greater spacing between, reflective of similar development along King Edward Road.

- 6.11 The proposal has sought to retain the openness of the site by positioning the dwellings in line with the building line of Northgate to the east. This is considered to be a reasonable approach which would maintain a sense of openness along the frontage of the site, and would mitigate the prominence of the built form, particularly when viewed along the approach from the south-west.
- 6.12 Although acknowledged that the 2no. dwellings would be located within a prominent position, particularly when viewed from the approach, it is considered that the proposed dwellings would sit comfortably within the context of the street scene, with the set back from the frontage, siting and spacing between the dwellings, considered to reflect the prevailing built pattern of the surroundings. The dwellings would extend to a height that would be stepped between the neighbouring properties to the east and west, with the staggered position providing a greater visual connectedness between the wider surroundings.
- 6.13 Following revisions to the design of the dwellings, which removed a number of overhanging features and repositioned the gable features, the dwellings have now been designed to address the street frontage, with greater visual relief and interest. The dwellings are considered to be of a scale and form that reflects the distinctively local vernacular of Christs Hospital, with the features and finish of the dwellings considered to sit comfortably within the context of the surroundings.
- 6.14 The proposed dwellings are considered to be of a scale, siting and form that would retain the openness of the site, and would relate sympathetically to the built pattern and character of the wider surroundings. In addition, it is considered that the proposed dwellings have been designed to appropriately address the street, with the built form reflective of the locally distinctive vernacular within the locality. The proposed development is therefore considered to accord with policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Trees and Landscaping

- 6.15 Policy 33 of the HDPF states that development should relate sympathetically with the built surroundings and landscape, and should presume in favour of the retention of existing important landscape and nature features, and use high standards of landscaping where appropriate.
- 6.16 Policy SNP18 of the Draft Southwater Neighbourhood Plan states that development proposals must not result in loss or damage of woodland as identified on the Neighbourhood Plan Map unless no alternative is available.
- 6.17 A group of trees are located to the northern section of the site, which are designated as woodland under Policy SNP18 of the Draft Southwater Neighbourhood Plan. These trees are sought to be retained as part of the proposal, and are considered to contribute to the semi-rural character of the application site and wider locality. The retention of these trees is considered to maintain the verdant and semi-rural character of the site, and retain the landscape character of the area.
- 6.18 It is also proposed to plant new trees and shrubs to the frontage of the dwellings, with the western boundary of Unit 1 defined by a newly planted hedge. This planting is considered to soften the appearance of the development, in a manner that would retain the verdant character and openness of the application site.

- 6.19 It is therefore considered that the proposed development would relate sympathetically with the built surroundings and landscape, and would therefore accord with Policy 33 of the Horsham District Planning Framework (2015) and Policy SNP18 of the Draft Southwater Neighbourhood Plan.

Amenity Impacts

- 6.20 Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.21 SNP16 of the Draft Southwater Neighbourhood Plan states that development should not result in unacceptable harm to the amenities of existing and proposed buildings, particularly with regard to privacy, outlook, and sunlight.
- 6.22 The proposed dwellings would be positioned at a distance of approximately 18 metres from the neighbouring properties to the east and west, with a first floor landing window proposed to the western elevation of Unit 1 and no windows proposed to the eastern elevation of Unit 2.
- 6.23 It is considered that the siting and orientation of the proposed dwellings has taken sufficient consideration of the neighbouring properties to the east and west, as well as the relationship between the proposed dwellings themselves, so that the proposed development would not result in harm to the amenities or sensitivities of neighbouring properties or occupiers of land. It is therefore considered that the proposed development would accord with Policy 33 of the Horsham District Planning Framework (2015) and Policy SNP16 of the Draft Southwater Neighbourhood Plan.

Heritage Impacts

- 6.24 Paragraph 194 of the NPPF sets out that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'*
- 6.25 This follows the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'* In applying Section 66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.26 Policy 34 of the HDPF states that development should reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.
- 6.27 The Grade II* Listed Building of Christs Hospital School is positioned to the south-east of the application site, with the sports fields associated with the school located directly adjacent to the site. Given the distance between the application site and the nationally designated heritage assets, it is not considered that the proposal would result in harm to the setting or significance of the Listed Building, and therefore there is no conflict with Policy 34 of the HDPF.

Highways Impacts

- 6.28 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.29 Policy SNP14 of the Draft Southwater Neighbourhood Plan states that residential development must include provision for adequate off-road parking spaces in accordance with the following criteria: every dwelling will provide 2 parking spaces and one additional parking space for each additional bedroom over three; and the proposed solution should avoid car parking dominating the street scene. In addition, Policy SNP13 states that proposals that relate solely to new or improved cycle and pedestrian pathways will normally be supported. Proposals will not be supported where there will be an adverse impact on safety; directness; access and connections; attractiveness; or convenience of existing routes.
- 6.30 The development proposes the formation of an access and parking area to the north-west of the site, extending from King Edward Road, with the provision of 4no. tandem parking spaces (2 per dwelling). A new footpath is also proposed to the south and west of the application site, to provide greater permeability and safer connection with the wider locality.
- 6.31 Following consultation with West Sussex County Council as the Local Highway Authority, it is considered that the proposed vehicular access to the north-west of the application site would provide sufficient visibility splays, and would therefore not be anticipated to cause a highway safety concern. Furthermore, the proposed vehicular parking spaces would be of an appropriate size for the anticipated use. It is therefore considered that the proposed access and parking arrangement would provide safe and adequate access and parking to meet the needs of the development.
- 6.32 The proposed footpaths are considered to provide a greater and safer accessibility through the site and are therefore considered to be of benefit. However the proposed footpaths would partly fall within highways land and would therefore require a Section 278 Agreement with the West Sussex County Council. Notwithstanding this, it is considered that the proposed footpaths would be provide safe and adequate access to the site and surroundings.
- 6.33 The proposed access, parking and footpath connections are considered to provide safe and adequate access, suitable for all users. As such, the proposal is considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policy SNP13 of the Draft Southwater Neighbourhood Plan.

Other Matters

- 6.34 It is noted that a number of objections have raised concerns with the loss of publically accessible community space. While the application site acts as an open space, no public footpaths run through it, it is privately owned and it has not been designated as a Local Green Space within the Draft Southwater Neighbourhood Plan. It is therefore considered that limited weight can be given to its loss in this regard.

Conclusion

- 6.35 The proposed development is considered to be of a number, scale, design, and appearance that would retain the openness of the site, and would sit comfortably within the context of the wider locality. The proposal is not considered to result in harm to the amenities or sensitivities of neighbouring properties, and would not result in severe harm to the function or safety of the highway network. As such, the proposal is considered to accord with Policies

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.36 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.37 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	210.56	0	210.56
Total Gain			
Total Demolition			

- 6.38 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.39 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:

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

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

- 4 **Pre-Commencement Condition:** No development shall commence until vehicle wheel-cleaning facilities have been installed at the site entrance(s). The vehicle wheel-cleaning facilities shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: As this matter is fundamental in the interests of road safety and visual amenity in accordance with Policies 33 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 walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

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

- 7 **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 existing trees and planting to be retained;
 - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
 - Details of all hard surfacing materials and finishes;
 - Details of all boundary treatments;
 - Details of all external lighting.

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. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 8 **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan 1010 rev F received 25.10.2018 and shall be thereafter retained as such.

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

- 9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for

that dwelling in accordance with drawing number 1010 rev F received 25.10.2018. 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).

- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 11 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

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

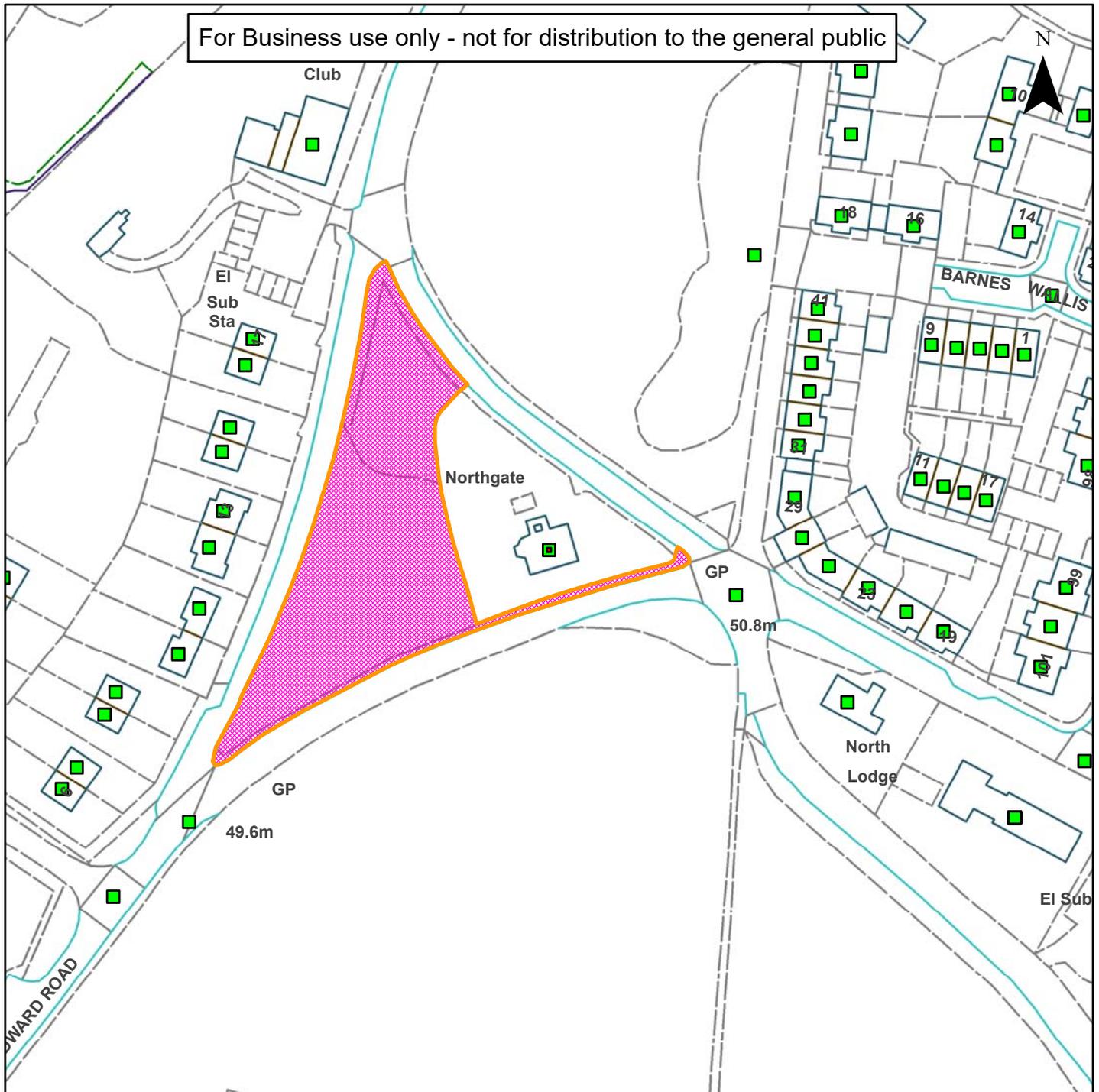
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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	22/11/2018
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee (North)

BY: Head of Development

DATE: 4 December 2018

DEVELOPMENT: Erection of open front porch, single storey rear extension and proposed loft conversion including installation of two dormer windows and a roof light to south east elevation and one dormer window and roof light to north west elevation.

SITE: Melita 19 Richmond Road Horsham West Sussex RH12 2EG

WARD: Horsham Park

APPLICATION: DC/18/1746

APPLICANT: **Name:** Mr Mark Watkinson **Address:** 6 York Close Southwater RH13 9XJ

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received within the consultation period which have raised material considerations contrary to the recommendation of the Head of Development.

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks planning permission for the construction of an open fronted porch, single storey rear extension and a loft conversion which would involve the installation of one dormer window and a roof light to south east elevation and one dormer window and roof light to north west elevation.
- 1.3 The works will provide a master bedroom suite at second floor level, including the provision of a covered balcony. The ground floor will be reconfigured, including an extension to provide an enlarged open plan kitchen/dining area and an open porch to the front elevation.
- 1.4 The proposed porch would be built adjacent to the flank wall of the garage and would project 2m from the front wall of the property and would have a width of 1.8 metres. The proposal would be partly open sided. The proposed roof would be mono-pitched and would, in addition, run along the front elevation, replacing the existing mono-pitched roof over the bay window. The proposal would not project forward of the established building line set by the front wall of the double garage.

- 1.5 The proposed single storey rear extension would have a depth of 2.4 metres and a width of approximately 6.8 metres and would align with the flank wall of the host dwelling which is situated approximately 1 metre from the side boundary. The existing rear wall of the dining room and kitchen would be removed to create kitchen/dining area and the extension would open onto the rear amenity space. The proposed roof would have a roof ridge height of 3.3 metres and would be part hipped-shaped and part flat, the latter of which would be fitted with a sunken roof lantern.
- 1.6 The dormer windows to the front and rear elevations would have pitched roofs and would be set down from the ridge of the property. The dormer to the front elevation would be set down from the ridge by some 0.15 metres, while the dormer to the rear would be set down from the ridge by some 0.3 metres. Both dormer windows would be some 1 metre from the eaves of the property.
- 1.7 In addition, a balcony with set-back windows and doors would be positioned in the gable wall of the rear elevation. The doors and windows would be set back 1 metres from the rear elevation to create the balcony.

DESCRIPTION OF THE SITE

- 1.8 The application site comprises a two storey detached dwelling with an integrated double garage facing Richmond Road in Horsham. A single storey outbuilding is located on the rear boundary and adjoins the neighbour's outbuilding to create an 'L' shaped structure. A section of the front amenity space is paved and used for the parking of vehicles. The site sits in a conservation area and within a residential context of both Victorian and Edwardian buildings. The application dwelling was built in the 1980's and, although a more recent construction, does enjoy a similar architectural style to the surrounding buildings.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.3 **The National Planning Policy Framework (NPPF)**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 No neighbourhood plan has yet made for the combined Horsham Blueprint Neighbourhood Forum Area which comprises the unparished Denne, Forest and Trafalgar neighbourhoods.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 There is no recent relevant planning history for the property.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation:** No objection.
Initially raised concerns due to the number and size of the dormer windows in the street elevation as these would crowd the roof and draw undue attention to themselves resulting in a failure to preserve the character of the conservation area. However following amendments to the scheme was satisfied that the character of the conservation area would be preserved. Conditions recommended with regard the windows and the roof.

PUBLIC CONSULTATIONS

- 3.3 Objections were received from the Wimblehurst Road Residents Association and the occupiers of 12 properties within the conservation area. In total 12 letters of objection were received along with 1 letter of support. The objections can be summarised as follows:
- Installation of skylights at the front of the property is out of keeping with the architecture in the conservation area and contravenes the conservation area status.
 - The third level of development is out of proportion and inappropriate to the 80's built property and other properties in the conservation area and is intrusive and extreme.
 - The windows in the third level of development would result in overlooking, loss of privacy, light pollution and would be overbearing and detrimental to the amenities of occupiers of adjacent properties.
 - Proposed roof lights and dormer windows are out of character with the surrounding properties.
 - Increased size of house is overdevelopment.
 - No consultation with the neighbours undertaken with regard the proposals.
 - Additional traffic would be attracted to the site.

PARISH COUNCIL

- 3.4 **Horsham Denne Neighbourhood Council:** Objection.
- The proposed skylights were of concern unless shown there were other skylights on other properties within the conservation area and were they acceptable in the conservation area.
 - The size, materials to be used and future use of the rear balcony.
 - The size of the windows behind the balcony being over large when compared to those of neighbouring properties.
 - The rear balcony, due to its narrow depth has no practical use and is a design feature.
 - The conservation officer requested that conservation roof lights be utilised.

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

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

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

6. PLANNING ASSESSMENTS

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

- The character of the dwelling and the visual amenities of the area
- The amenities of the occupiers of adjacent properties

Policy Background

6.2 Policy 33 of the Horsham District Planning Framework (HDPF) states that development shall be required to, *inter alia*, ensure it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property through, for example, overlooking or noise; ensure the scale, massing and the appearance of the development is of a high standard of design and relates sympathetically with the built surroundings and respects the character of the surrounding area. In addition, where applicable, development must take account of relevant design statements and use high standards of building materials.

6.3 Policy 34 of the HDPF states, *inter alia*, that development in conservation areas is consistent with the special character of those areas.

Impact on the Character of the Area

6.4 The proposal seeks planning permission for the erection of an open porch, a single storey rear extension and a loft conversion which would include the installation of dormer windows and roof lights to the front and rear elevations.

6.5 The proposed loft conversion would create a third level of habitable space to the host dwelling. The host dwelling is sandwiched between two Victorian dwellings which each have three levels of accommodation and views over the rear amenity spaces of those properties fronting Wimblehurst Road.

6.6 With regard to the concerns raised by objectors concerning the proposed roof lights, attention is drawn to applications DC/13/0321 (20 Richmond Road) and DC/17/2362 (36 Richmond Road) which sought approval for the insertion of rooflights into their respective roofs. Both applications were permitted and the roof lights have since been installed. It is not therefore uncommon within Richmond Road to observe rooflights within the roofs of the properties.

6.7 The proposed form and design of the proposed extensions would reflect existing elements of the host dwelling. As a result, it is considered that the proposed front and rear extensions and loft conversion would not create a building which would appear unsightly or discordant in relation to the street scene and its surroundings. In views from adjoining properties the proposed front and rear extensions would not appear an overly prominent extension in relation to bulk of the existing building.

6.8 It is therefore considered that the proposed extensions would not have a significant negative impact on the host dwelling, the street scene or the character of the area. As such there would be no conflict with the Council's design guidelines or policies 33 and 34 of the Horsham District Planning Framework.

Impact on Neighbours

6.9 As a result of the siting and layout to the adjoining properties it is considered that the proposed single storey front and rear extensions would have no significant harm to residential amenity of the neighbours.

- 6.10 Objections have been raised relating to loss of privacy and overlooking which would emanate from the proposed loft conversion. There are rear facing windows at the third level in both properties on either side of the host dwelling which currently overlook some of the objectors' properties and, given the context of the site in a built-up area, a degree of mutual overlooking currently takes place. It is therefore considered that the proposed rear facing dormer and balcony would not significantly affect current levels of overlooking and loss of privacy.
- 6.11 In addition, the nearest objector would be some 35 metres from the host dwelling which is considered to be an acceptable separation distance and would facilitate the reduction of potential amenity impacts. Furthermore several properties contain vegetation in their rear amenity spaces which would help screen and further dilute potential impacts as would the outbuildings to the rear.
- 6.12 For the reasons outlined above it is considered that the proposal complies with the Policy 33 of the Horsham District Planning Framework in terms of the potential impact on the occupiers of the neighbouring dwellings.

Conclusion

- 6.11 The proposal is considered to be of an acceptable design, form and scale appropriate to the character and appearance of the existing dwelling and would not harm the character or appearance of the Conservation Area. It is considered that the scale and siting of the front and rear extensions and the conversion of the loft space to habitable accommodation with the insertion of dormer windows and conservation roof lights would not prevent any significant impact on the amenities of adjoining occupiers. The proposals would comply with Policies 33 and 34 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

- 7.1 It is recommended that the application is approved subject to appropriate conditions as set out below:

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 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved drawings and application form.

Reason: To enable the local planning authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition:** The roof lights hereby permitted shall be metal framed and sit flush with the roof slope.

Reason: To ensure that the significance of the designated heritage asset and the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No relevant works shall commence until the following details have been submitted to and approved in writing by the local planning authority. The works must not be executed other than in complete accordance with these approved details.
- a) Drawings to a scale not smaller than 1:5 fully describing:
 - i) New windows of which the drawings must show:
 - materials; cross section of frame, transom, mullions, glazing bars; formation of openings including reveals, heads, sills; method of opening and method of glazing.
 - ii) Dormer details including sections through:
 - roof ridges, valleys, eaves and verges.

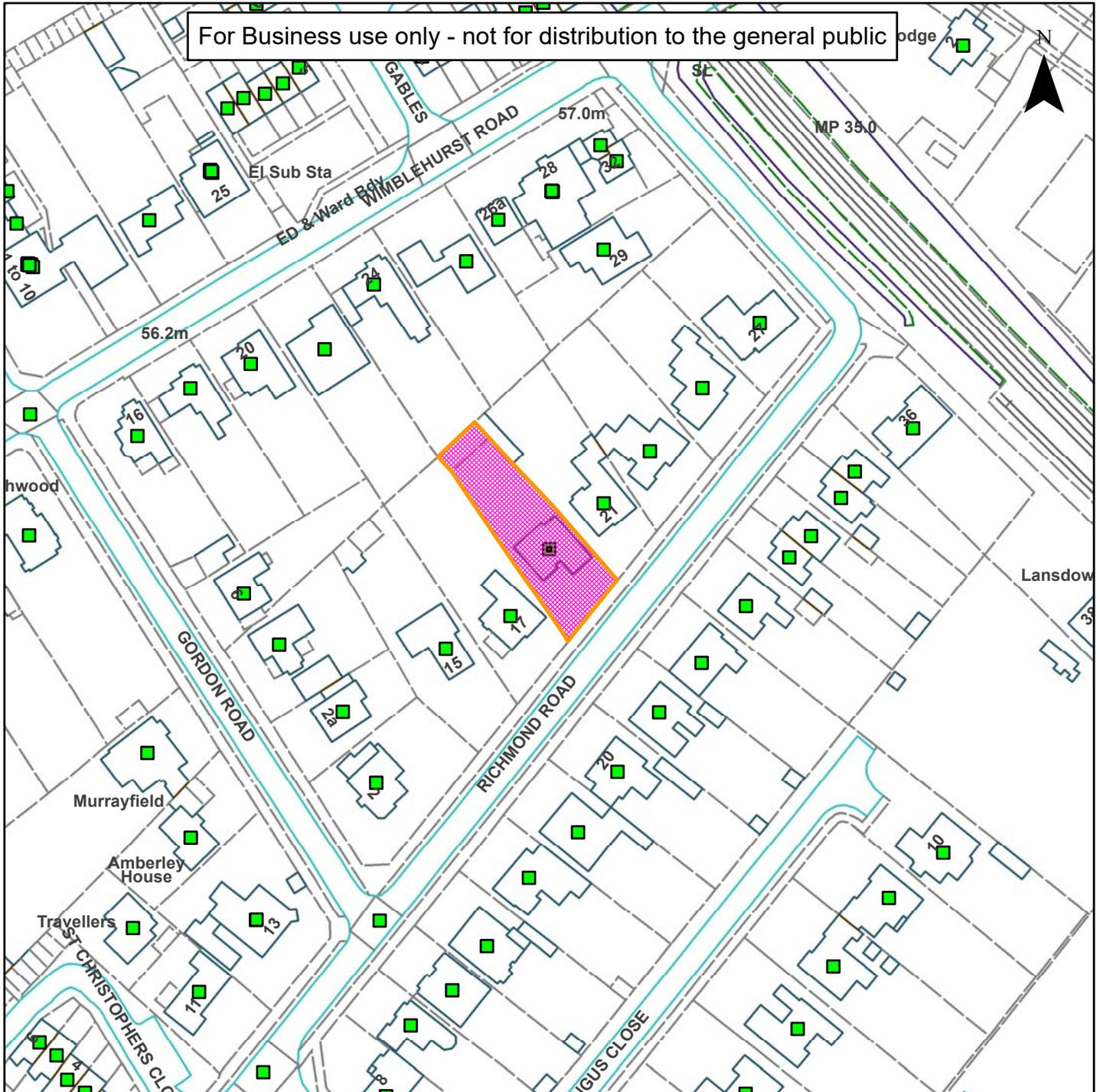
Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset and the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses and to comply with Policy 34 of the Horsham District Planning Framework (2015)

Background Papers: DC/18/1746



Not Set

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	22/11/2018
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 4 December 2018

DEVELOPMENT: Demolition of existing single storey accommodation and erection of single storey and two storey extensions with associated external works

SITE: Glen Arun 9 Athelstan Way Horsham West Sussex RH13 6HA

WARD: Forest

APPLICATION: DC/18/0794

APPLICANT: **Name:** Lifestyle Care UK Ltd **Address:** Glen Arun 9 Athelstan Way Horsham West Sussex RH13 6HA

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received within the consultation period which have raised material considerations contrary to the recommendation of the Head of Development.

RECOMMENDATION: To grant planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application proposes an extension to an existing care home which includes the demolition of the existing single storey extension to the south of the building and the construction of a single storey extension and first floor extension to the east of the building and a two storey extension to the south and west of the building.
- 1.2 The proposed extensions would incorporate a total floor area of 586.5m² which would incorporate 20 additional bedrooms to be used for nursing accommodation and residents. Within the accompanying Design & Access Statement the Applicant states that the replacement and additional accommodation is required *“to maintain the level of service and to extend the Home’s particular expertise, additional nursing accommodation is required to prevailing standards.”*
- 1.3 Amended plans have been submitted during the consideration of this application which have reduced the two storey extension on the eastern side of the building to a single storey extension in order to lessen the impact on the setting of the adjacent listed building to the east. The existing single storey extension on the eastern side of the building would be increased to a two storey extension with a crown roof. Amended plans have also been received which have repositioned first floor windows in the northern and eastern elevations

of the two storey extension on the eastern side of the building to avoid overlooking to the easterly neighbouring property. The amended plans have been re-consulted upon with representations summarised in section 3.9 of the report.

- 1.4 The proposed two storey extension to the south and west of the existing building would extend approximately 12.5m to the west, 18.8m to the south and be 8.2m in height, incorporating a hipped roof. The single storey extension to the eastern side of the building would extend 17m in length to the east, 10 metres in width and 5.3m in height, incorporating a pitched tiled roof. A glazed link would connect the single storey extension to the proposed two storey extension with a crown roof on the eastern side of the building. The two storey extension to the east would extend 11.8m to the east, 10m in width at its widest point and 6.7m in height.
- 1.6 No changes are proposed to the existing vehicular access to the site. 8 additional parking spaces would be provided to the western side of the building to provide additional off-street parking and this would include 1 disabled parking space. The total parking spaces on site would increase from 10 spaces to 18 spaces.

DESCRIPTION OF THE SITE

- 1.7 The application site is located on the southern edge of Horsham town and within the built up area boundary. The site is accessed from Athelstan Way, which joins Brighton Road (A281).
- 1.8 The site is located within a residential estate and borders open farm land to the south west. The site is covered by a group Tree Preservation Order TPO/70 and this relates to any trees still on the site since 1961 when the order was made.
- 1.9 A Grade II Listed Building (Half Timbers, 118 Brighton Road) is located directly to the east of the application site.
- 1.10 The application site comprises a two storey brick building which was built in the 1960's and is now used as care home specialising in end of life care. The building was extended with single storey extensions to the southern end of the building in the mid-eighties. A conservatory and patio with outdoor seating is located to the south of the building.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework (NPPF July 2018)

Chapter 1 - Achieving Sustainable Development

Chapter 4 - Decision Making

Chapter 12 - Achieving Well Designed Places

Chapter 15 - Conserving & Enhancing the Natural Environment

Chapter 16 - Conserving & Enhancing the Historic Environment

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 9 - Employment Development

- Policy 18 - Retirement Housing and Specialist Care
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

2.3 Horsham Blueprint Neighbourhood Forum has been designated as a Neighbourhood Development Plan Area and are in ongoing discussions with Horsham District Council to progress to Reg 14 stage. As such, there is currently no Neighbourhood Plan in place in this area and no relevant draft Neighbourhood Plan Policies to consider in the determination of this application.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/11/0334	Solar Panels and single storey extension	Application Permitted on 12.04.2011
HU/156/03	Single-storey extension	Application Permitted on 27.06.2003
HU/310/01	Erection of 1 bungalow and garage	Application Permitted on 17.10.2001
HU/154/01	Erection of 1 bungalow & garage (outline)	Application Permitted on 06.06.2001

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **Arboricultural Officer:** No Objection, subject to a condition requiring specific tree protection measures to be submitted and approved.

3.3 **HDC Landscape Architect:** No Objection

3.4 **HDC Conservation:** Comment. Concerns raised in respect of the original plans submitted and the overbearing impact that the proposed two storey extension to the eastern side of the building would have to the Grade II listed building, Half Timbers.

In response to the amended plans, the crown roofed two storey extension is not an attractive addition to the east elevation. The single storey east wing is acceptable, yet it is still considered that the extension of the care home would compromise the setting of 118 Brighton Road. This harm should be weighed against the other public benefit as described in paragraph 196 of the NPPF.

3.5 **HDC Environmental Health:** No Objection

OUTSIDE AGENCIES

3.6 **Ecology Consultant:** Comment. In response to the amended plans, further clarification required relating to the potential of the various sections of the building that will be directly or indirectly impacted to support roosting bats. Confirmation also required that the Preliminary

Ecological Appraisal has been completed in accordance with Guidelines for Preliminary Ecological Appraisal (Chartered Institute of Ecology and Environmental Management, 2017).

3.7 WSCC Highways: No Objection

A site visit has been undertaken by the County Council Highways Officer who has advised that the proposed extensions to the care home would not materially change the existing car parking situation within Athelstan Way. The Highways Officer has also confirmed that there has been no recorded traffic accidents in the last 3 years from the point of access to the junction with A281.

PUBLIC CONSULTATIONS

3.8 Forest Neighbourhood Council: No Objection, but this is not a clear-cut decision. There may be further impact on their environment and lifestyle. Certainly there is a continuing need for further accommodation for elderly people, although the residents are largely bed-bound. Careful attention seems to be being paid to the area, trees, outlook etc. Parking and traffic issues remain, regard should be made to including double lines.

3.9 11 letters of representation has been received in objection to this application. The concerns raised are summarised below:

- Overdevelopment of the site
- Loss of residential amenity to Half Timbers, Dumgoyne House, 3 Paget Close & Homleigh
- Loss of light and overbearing to 11 Athelstan Way & 3 Paget Close
- Additional noise and light disturbance to neighbouring residents
- Further affect the distinctiveness and setting of the Grade II Listed Building, Half Timbers
- Increased traffic will cause further parking problems in the road and restrict access for emergency vehicles
- Loss of trees and habitats

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

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

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

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

6. PLANNING ASSESSMENTS

Principle

6.1 The NPPF encourages Councils to provide for a full range of housing for different groups in the community. Policy 18 of the HDPF advises that specialist care accommodation will be supported and encouraged where it is accessible by foot for public transport to local shops, services, community facilities and the wider public transport network. This policy

recognises that an ageing population will result in a continuing need to provide a range of appropriate retirement accommodation in suitable locations.

- 6.2 The application site is located within the built up area and on the southern outskirts of Horsham. Within walking distance of the site there is Bennetts Field Recreation Ground 150m to the north-east and a Express Supermarket Store 150m to the east. The site is also within walking distance (160m) from St Leonard's Road bus stop on Brighton Road which provides a bus route from Horsham Town Centre to Brighton City Centre.
- 6.3 This care home specialises in end of life care where a high proportion of the residents are bed bound or have limited mobility, and therefore these nearby facilities and services are unlikely to be used by the majority of the residents. However, the sustainable location of the site and bus transportation links close to the site would benefit nursing staff and visitors to the site. In principle therefore, and subject to compliance with all other aspects of the HDPF, the extension of the existing nursing home is considered to be acceptable.

Scale, Design and Appearance

- 6.4 The proposed extensions would comprise a substantial enlargement of the existing building to the south. Some outdoor garden and seating space would be maintained to the south and east of the care home for the use of residents. The proposed extensions would be located towards the southerly rear aspect of the building and would therefore be less prominent from the street scene perspective.
- 6.5 The two storey extensions to the eastern and western sides of the building would be visible from Athelstan Way to the north, yet their set back position, some 40 metres from the road would ensure no harmful impact on the visual amenities of the area. The crown roof to the first floor extension on the eastern side of the building is considered to be a particularly unattractive addition to the building. However as the ridge line of the crowned roof is set down 1.5 metres from the ridge of the existing building it would not be viewed from any public vantage point.
- 6.6 The proposed extensions would be visible from the rural land to the west above the hedge and trees along the western boundary of the site which are to be retained. The proposed two storey extensions would however be viewed in the context of the existing two storey residential development and would not be harmful to rural landscape to the west.
- 6.7 It is therefore considered that the proposed extensions are acceptable in design terms and would not result in any adverse harm to the character and appearance of the area.

Impact on Heritage Asset

- 6.8 Paragraph 193 of the NPPF sets out that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).' Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.9 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that '*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*'. In applying s.66, the identification of harm to a listed building or its setting therefore leads to a strong presumption against the grant of planning

permission. As a requirement of statute, the application of s.66 carries significant importance and weight in the planning balance.

- 6.10 To the south-east of the site lies the Grade II Listed Building, Half Timbers (118 Brighton Road). Half Timbers is now completely surrounded by modern 20th century development which has significantly diluted its historic setting, albeit the setting does allow some sense of separation and detachment. The original plans submitted with this application proposed a two storey extension to the easterly side of the building that would have sat within 5 metres of the westerly site boundary of the listed building. There were concerns that this proximity would have had an overbearing impact on the neighbouring listed building.
- 6.11 In response to these concerns amended plans were received which reduced the eastern two storey extension to a single storey extension. To accommodate the loss of rooms associated with the reduction of the two storey extension to a single storey extension on the eastern side of the building, the proposal has increased the existing single storey extension located further north on the eastern side of the building to a two storey extension with a crown roof.
- 6.12 The proposed single storey extension to the eastern side of the building would be distanced 5 metres from the boundary with Half Timbers to the east. The reduction in the height of the proposed easterly side extension from 7 metres to 5.3 metres reduces the overall bulk of the proposed extension and the sense of overbearing to the setting of the listed building to the east. The retained hedge and tree planting along the eastern boundary would provide screening of the single storey extension when perceived from the rear garden of High Timbers. Taking into account that the historic setting of the listed building has already been diluted by the modern 20th century residential development, it is considered that the level of harm caused by the proposed extensions to the setting of the neighbouring listed building would be 'less than substantial'.
- 6.13 While the Council's Conservation Officer has noted that the proposal would cause some harm to the setting of 118 Brighton Road this harm would be weighed against the public benefit of the proposal, as described in paragraph 196 of the NPPF. In this case the proposed extensions would provide 20 additional rooms for the elderly and staff within an established care home located within the built up area. The proposed development would provide expansion of a valuable care home facility and substantial public benefits for the elderly and those requiring end of life care. The public benefits are sufficient to meet the tests of paragraph 196 of the NPPF, and weigh significantly in favour of the proposed development.

Impact on neighbouring amenity

- 6.14 The site is located within a residential estate and is surrounded by residential development. The closest neighbouring properties that would be affected by the proposed extensions comprise 3 Paget Close and Half Timbers to the east, Dumgoyne House to the south and 11 Athelstan Way to the west.
- 6.15 The first floor crowned roof extension to the eastern side of the care home would be located 3.5 metres from the rear garden of the neighbouring property, 3 Paget Close. At the western end of this neighbour's rear garden is a children's play area and play equipment. The first set of amended plans showed two first floor windows within the northern elevation of the first floor eastern extension that would have directly overlooked the children's play area within the easterly neighbour's garden. With a separation distance of 3.5 metres between the closest first floor window within the extension and the easterly neighbour's garden this would have caused a direct loss of privacy to the rear garden of the neighbouring occupiers at 3 Paget Close. Amended plans have been received which have re-positioned one of the northern first floor windows to the eastern elevation within the eastern first floor extension. The remaining eastern first floor window and the first floor

window on the northern elevation of the first floor extension would be angled away from the neighbouring rear garden serving 3 Paget Close. The re-positioning of these windows would ensure no direct overlooking or loss of privacy to the easterly neighbour's garden.

- 6.16 The first floor crowned roof extension to the eastern side of the care home would measure 6.7 metres high and sit 1.5 metres lower than the ridge line of the existing building. The proposed first floor extension to the east would be visible from the rear gardens of the neighbouring properties to the east, yet would not be perceived as overbearing to the neighbouring properties to the east given the lower ridge height of the extension in comparison to the existing building.
- 6.17 The proposed two storey extension to the eastern side of the care home has now been reduced to a single storey extension. The single storey extension would be distanced 5 metres to the boundary with the neighbouring rear garden serving Half Timbers. The hedge along the eastern boundary is proposed for retention yet would need some pruning as identified within the Arboricultural Report submitted. The retained hedge along the eastern boundary would predominantly screen the proposed single storey extension. It is considered that the proposed reduction of the eastern side extension to a single storey extension would overcome any loss of privacy or overbearing to neighbouring property, Half Timbers.
- 6.18 To the south, the nearest first floor window within the southern rear elevation of the extension would be located 7 metres from the boundary with the southerly neighbouring property, Dumgoyne House. The tree planting and screening which would be retained is more substantial along the southern boundary and would provide screening of the proposed extension. It is therefore considered that the proposed extension would cause no harmful loss of privacy to the neighbouring occupiers to the south.
- 6.19 The neighbouring bungalow to the west, 11 Athelstan Way, has a rear garden which is orientated south and lies adjacent to the south-western corner of the application site. The proposed two storey extension would be located 6.6 metres from the rear garden of the westerly neighbouring property at the closest point. The position of the proposed two storey extension to the western side of the building is orientated away from the westerly neighbouring garden which would lessen its prominence when viewed from the westerly neighbouring bungalow and garden. Taking this into account, it is not considered that the proposed extension would cause any harmful loss of amenity to the occupiers of the neighbouring property to the west.

Highways

- 6.20 The proposal would involve the removal of a detached garage within the western part of the site and the formation of 8 additional car parking spaces (incorporating 1 disabled parking space). 7 additional spaces would be provided to the west of the existing building and 1 additional space would be located to the north of the existing building entrance on the western side of the building. This would increase the car parking provision on the site from 10 spaces to 18 spaces.
- 6.21 The proposed extension would provide 20 additional rooms in comparison to the existing provision within the care home and would result in a greater demand for parking in this location. Additional information has been requested in relation to the anticipated increase in staffing levels associated with the proposed extension. It has been confirmed that 7 additional staff would be employed comprising 3 staff within the morning shift, 2 staff within the afternoon shift and 2 staff within the night shift. It is also anticipated that the requirement for visitor parking to the care home would increase with the additional rooms proposed.

- 6.22 The West Sussex County Parking Standards & Transport Contributions Methodology 2003 specifies the parking standards for non-residential developments. For care or elderly person care homes the County Council requirements are 1 car parking space for visitors at a ratio of 1 space for 8 residents and 1 additional car parking space for staff based on a ratio of 1 space per 5 residents. On the basis of the 20 additional rooms provided within the proposed extensions, this would require an additional 7 car parking spaces. As 8 additional car parking spaces would be provided, the proposed development would meet these parking standards. The County Council Highways Authority have advised that whilst the increase in rooms would result in a greater demand for parking, this intensification would not give rise to a highway safety issue. The existing access is also considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity.
- 6.23 The Highways Authority have confirmed that care homes are not normally associated with significant traffic volumes and it is considered unlikely that there would be an increase in on-street parking as a result of this proposal. However, it is acknowledged that one of the main concerns raised in the letters of representations received relate to the lack of car parking serving the existing care home and the strain this has put on on-street parking within the road. It is difficult to ascertain whether the on-street parking pressures within the road is from users of the care home or by others given its close proximity to Horsham town. A site visit has been undertaken by the County Council Highways Officer who has advised that the proposed extensions to the care home would not materially change the existing car parking situation within Athelstan Way. The Highways Officer has also confirmed that there has been no recorded traffic accidents in the last 3 years from the point of access to the junction with A281.
- 6.24 Officers note that there were a number of vehicles parked on-street particularly at the western end of Athelstan Way and either side of the vehicular entrance to the site on different occasions when visiting the site. From an amenity perspective, this is not considered to be unusual within a residential road close to the town centre where there are often lower levels of off-street parking provided due to its sustainable location and access to public transport. It is therefore considered that any marginal increase in off-street parking associated with the proposed extensions to the care home would not result in any harmful impact on visual amenity within the area.

Impact on trees

- 6.25 The site is covered by a group Tree Preservation Order TPO/70 which covers the wider area of Athelstan Way, Paget Close and Weald Close and only protects trees that were present at the time the order was made in 1961.
- 6.26 The proposal would involve the removal of four small trees, within the existing garden area to the south and west of the existing care home. The proposal would also involve the pruning of the mixed species hedge along the eastern boundary of the site. These trees are small, and of no public amenity merit; they are also too young to be protected by the tree preservation order on the site. The proposal would not therefore result in any harm to protected trees within the site.
- 6.27 Adjacent to the southern boundary of the application site within the neighbouring garden of Dumgoyne House there are several large trees which are protected by an individual tree preservation order TPO/0041, dating from 1973. These include 3 large Ash trees which are of public amenity value when viewed from the south, the area around Kentwyns Drive. The south-west corner of the proposed southerly rear extension would be the only part of the development that would breach the root protection area of these trees. The Council's Arboricultural Officer considers that this encroachment to be acceptable and has requested a condition be included requiring the tree and ground protection measures to be submitted and approved by the Council prior to the commencement of development.

Ecology

- 6.28 A Preliminary Ecological Appraisal has been submitted to support this application. The initial survey that has been undertaken has not identified any protected species on the site, yet suggests a set of precautionary measures, such as timing construction activities outside bird nesting season and ensuring site clearance is done with care.
- 6.29 The Council's Ecology Consultant has requested confirmation that the Ecological Appraisal has been undertaken within the required guidelines and clarification relating to the potential of the various sections of the building that will be directly or indirectly impacted to support roosting bats. At the time of writing this report no response has been received in relation to these points. Any further comments or documents will be reported by Officers at the Planning Committee.
- 6.30 Bats are protected under the Wildlife & Countryside Act 1981 and the Conservation of Habitat & Species Regulation 2017 which states that it is a criminal offence to deliberately harm a bat, group of bats or bat roost. The Preliminary Ecological Appraisal confirms that the external inspection of the existing roof and soffits that has been undertaken indicated no evidence of bats roosting within the loft spaces. The Appraisal recommends that prior to the commencement of any works a visual inspection of the internal loft spaces should take place within the existing building to confirm the absence or presence of bats at that time. A planning condition is included which requires the development to be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the submitted Preliminary Ecological Appraisal. This will ensure that adequate inspections are undertaken to confirm the absence or presence of bats within the existing roof space which are protected by legislation.

Conclusion

- 6.31 In this case, the proposed extensions would comprise the expansion of a valuable care home facility and substantial public benefits for the elderly and those requiring end of life care. The public benefits are considered sufficient to meet the tests of paragraph 196 of the NPPF, and weigh significantly in favour of the proposed development when balanced against the 'less than significant' harm to the setting of the grade II listed building, Half Timbers to the east. The amended plans submitted have addressed the loss of privacy concerns raised to the neighbouring property to the east. The proposed extensions would therefore cause no overlooking or overshadowing to neighbouring residential properties. The proposal would also not cause any harm to protected trees within or surrounding the site.
- 6.32 It has been acknowledged that there are currently a number of vehicles parked on-street within the road, however the proposed extension would not be considered to create a significant increase in on-street parking. Any marginal increase in on-street parking is not considered to cause any visual amenity concerns.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	868	0	868
		Total Gain	659.24

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

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

7. RECOMMENDATIONS

7.1 To grant planning permission subject to appropriate conditions

1. List of approved plans and documents.
2. **Standard 3 Year Time Limit 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 the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
 - i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
 - ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

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

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

5. **Pre-Commencement Condition: Arboricultural Protection Details Required:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement incorporating the information detailed below has been submitted to and approved in writing by the Local Planning Authority.

- all trees/hedgerows on site and adjacent to the site to be retained during construction works
- measures to provide for their protection throughout all construction works
- specific details regarding the protection of the ground in the area of the site
- details of existing concrete removal
- temporary ground planting

The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

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

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

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

7. **Pre-Occupation Condition: Hard and Soft Landscaping (details required):** 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 existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting

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. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

8. **Pre-Occupation Condition: (Car Parking):** The extensions hereby permitted shall not be occupied until the car parking spaces have been constructed and made available for use in accordance with approved drawing number 8248/REV 3(2) submitted on the 13th September 2018. The car parking spaces permitted shall thereafter be retained as such for their designated use.

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

9. **Pre-Occupation Condition: (Cycle Parking):** Prior to the first occupation of any part of the development hereby permitted, details of secure [and covered] cycle parking facilities for the staff and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The building hereby permitted shall not be occupied or 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).

10. **Regulatory Condition: Arboricultural Method Statement: Implementation** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Tree Protection Plan Statement dated December 2017.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

11. **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

12. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Preliminary Ecological Appraisal dated December 2017.

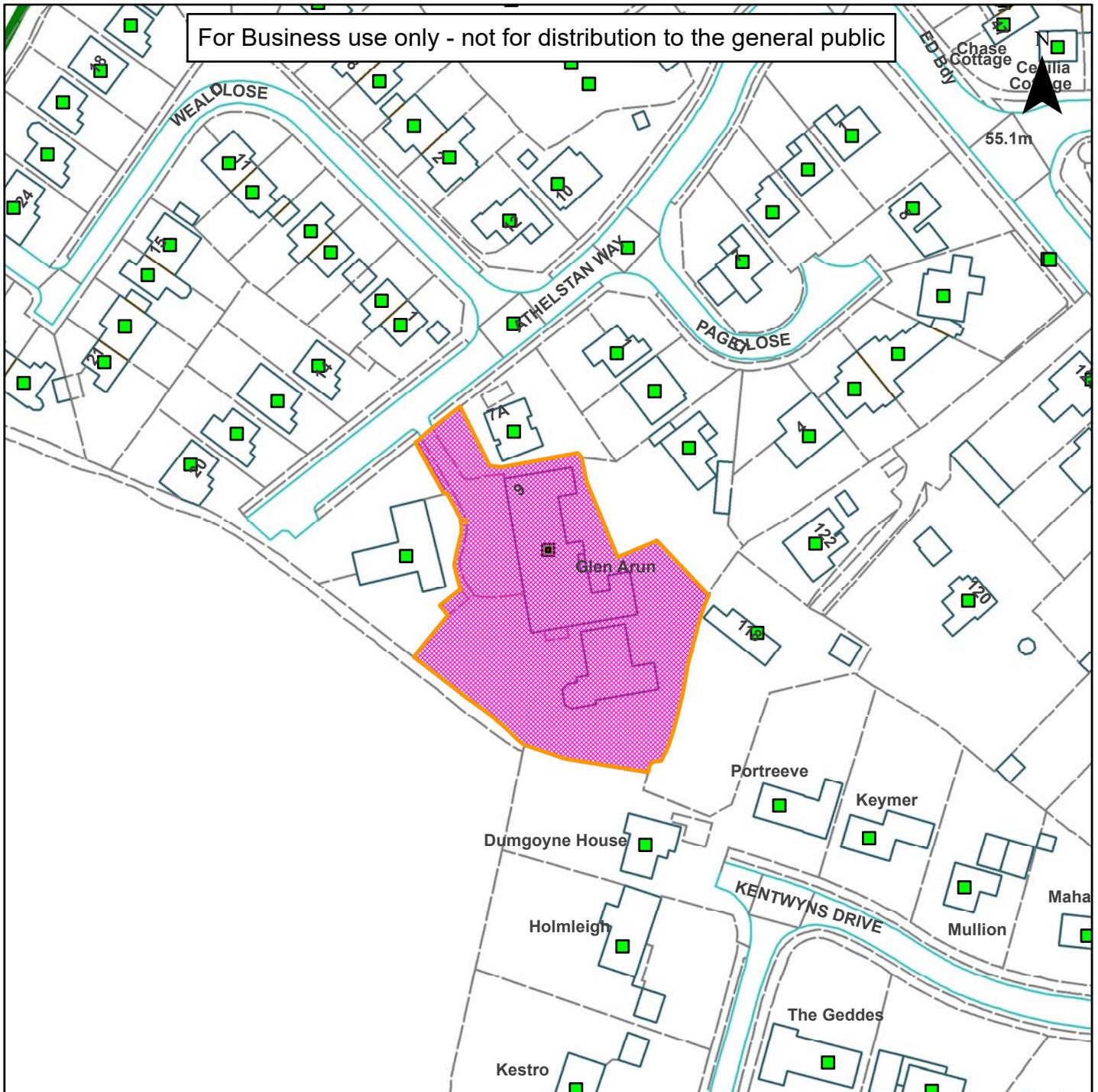
Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

Background Papers: None relevant



Not Set

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	22/11/2018
MSA Number	100023865

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**Horsham
District
Council**

**PLANNING COMMITTEE
REPORT**

TO: Planning Committee (North)

BY: Head of Development

DATE: 04 December 2018

DEVELOPMENT: Erection of an entrance porch and changes to existing fenestration. Internal sub-division by the installation of a first floor and staircase; internal partitioning; relocation of kitchen and WC facilities.

SITE: Easteds Barn Easteds Lane Southwater Horsham West Sussex RH13 9DP

WARD: Southwater

APPLICATION: DC/18/2212

APPLICANT: **Name:** Catherine Tobin **Address:** Beeson House Lintot Square Southwater Horsham RH13 9LA United Kingdom

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Full planning permission is sought for external alterations to the existing Easteds Barn Building on Easteds Lane in Southwater to facilitate its change of use to a children's nursery. The proposed alterations include the creation of a pitched roof entrance canopy consisting of oak columns with brick plinths and matching timber cladding.

1.3 The proposals also includes additional windows and alterations to the existing fenestration to include:

- the addition of 2no dormer windows and 2no new windows at first floor level, amendments to existing first floor windows, addition of 2no windows and alterations to the existing double doors to form new double doors with side glazed panels at ground floor level to the east facing elevation;
- the addition of 2no windows at first floor level and the addition of 3no windows at ground floor level to the north facing elevation;
- the additional of 1no window at first floor level and 2no windows at ground floor level to the to the south facing elevation and;
- the additional of 3no windows at ground floor level to the west facing elevation.

- 1.4 The proposed additional and amended windows and doors would all be timber framed to match the existing fenestration. The overall design, form and dimensions of the host building would remain unchanged.

DESCRIPTION OF THE SITE

- 1.5 The site contains a single storey timber clad, barn like structure with a brick built outshot all under a clay tiled roof. The site has vehicular access from Easteds Lane sited directly to the west of the existing building and pedestrian access from Nutham Lane to the east. The site benefits from a car park that adjoins the building which has 22 parking spaces. The building is made up of timber cladding to the external walls, as well a stock brickwork to a single storey extension, timber framed fenestration and doors and a plain tiled roof. A single storey extension to the western side of the building was permitted under planning reference DC/11/2502 in 2013.
- 1.6 The surrounding area is predominantly residential although a playground and large area of open space is situated to the south of the site. The site is within the built up area boundary of Southwater. It is noted that the application building/site has unrestricted D1 (non-residential institutions) and D2 (assembly and leisure) use which was granted permission; also under planning reference DC/11/2502.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

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

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Southwater Parish are currently in the process of formulating a Neighbourhood Plan as of November 2018.

PARISH DESIGN STATEMENT

- 2.6 Southwater Parish Design Statement.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 The most recent and relevant planning history for the site is as follows:

SQ/14/92	Erection of 135 dwellings (including 15 social units) conversion of barn to meeting room,car park,open space, access,assoc.works (outline)	Application Permitted on 16.06.1993
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SQ/61/95	Erection of community building and 23 space car park	Application Permitted on 30.08.1995
DC/11/2502	Single storey extension to existing building and variation of Condition 10 of SQ/61/95 (Use of building for meeting room purposes only), to facilitate use of overall premises for general D1 (Non residential Institutions) and D2 (Assembly and Leisure) purposes at Easteds Barn	Application Permitted on 22.10.2013
DC/13/1561	Modification of Planning Obligation S106 0596 relating to planning permission SQ/14/92 (Erection of 135 dwellings (including 15 social units) conversion of barn to meeting room, car park, open space, access, associated works (Outline)) in accordance with Clause 5 of the draft form of Supplemental Agreement annexed to this application	Application Permitted on 23.10.2013
DISC/14/0066	Discharge of condition 2 and 4 on DC/11/2502	Application Permitted on 14.07.2014

3. OUTCOME OF CONSULTATIONS

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

PUBLIC CONSULTATIONS

- 3.2 13 letters of objection were received for this application from 11 separate households. The nature of these objections can be summarised as follows:
- Concerns raised with regards to parking capacity and access
 - Impact on neighbouring amenity
 - Overall design and appearance of the building
 - Impact on trees and wildlife
 - The proposals actually include/should be for a change of use

PARISH COUNCIL

- 3.3 **Southwater Parish Council:** This is a Parish Council application therefore it will refrain from comment. The Plan was shown to the residents present for transparency reasons.

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

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

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

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

6. PLANNING ASSESSMENTS

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

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

Principle of development

- 6.2 The proposed external alterations would facilitate internal alterations and reconfiguration works to the building to facilitate its use to a children's nursery. The proposed building is located within the built up area of Southwater, where the Horsham District Planning Framework (HDPF) states that development should be contained, unless there is a specific and justifiable need outside of the built up area boundaries. As the proposal is for external alterations only and does not propose a change of use, the principle of development is considered acceptable subject to consideration of the impact of the proposed alterations to the exterior of the building.

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

- 6.3 Policies 32 and 33 of the HDPF 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.
- 6.4 The proposed alterations to the building primarily relate to fenestration changes and the creation of a canopy over the existing entrance into the building. The existing entrance is located within a later single storey extension. Given the overall size of the host building, the existing extension appears as a subservient element to the building. The proposed canopy would have a gabled roof design to match the single storey extension with a matching pitched angle. Given that the proposed canopy would project modestly to the north and the fact that it would be set down from the ridge of the single storey extension, it would appear as a sympathetic and coherent addition to the front of the building.
- 6.5 The proposed fenestration additions and alterations are considered to be modest in nature and the additions and would not be disproportionate in scale and character to the existing fenestration currently present on site. The 2no dormer windows are considered to be modest in size when viewed against the large host building and overall the proposed fenestration changes are considered to be acceptable and would not have a detrimental impact on the building.
- 6.6 Looking from the streetscene, although the building is visible from a public vantage point when viewed from Easteds Lane and Nutham Lane, it is largely screened by existing mature landscaping. As such, it is considered that the proposed external alterations to the building would not have a detrimental impact on the surrounding area of wider streetscene.
- 6.7 For the reasons outlined above, it is considered that the proposals are therefore considered to be in accordance with policies 32 and 33 of the HDPF.

The effect of the development on the amenity of adjoining properties

- 6.8 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.9 It is noted that there are residential properties in close proximity to the existing building located to the north and east. 2no windows are proposed to the north facing elevation at first floor level and 2no windows are proposed to the east facing elevation at first floor level, as well as the proposed dormer windows. The proposed first floor windows proposed to the north facing elevation would serve a changing room and staff room. Given the proximity to the neighbouring properties to the north, it is considered appropriate to attach a condition requiring that these windows be obscure glazed, with no openings less than 1.7m above the floor level of the room that they would be serving.
- 6.10 The proposed first floor windows and dormers to the east facing elevation of the building would be located approximately 20 metres away from the nearest property to the east at 1 Nutham Lane. Looking at the orientation of 1 Nutham Lane, the proposed windows to Easteds Barn would primarily face onto the western side wall of the dwelling, which does not contain any windows serving habitable rooms. Given the angle to the front windows of the neighbouring dwelling, it is considered that the proposal would not result in any harmful overlooking. The proposed first floor window to the south facing elevation would look onto the existing playground/field and does not raise any amenity concerns.
- 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.

Other Matters

- 6.12 It should be noted that whilst it is not the subject of this application the Planning Officer has sought legal advice with regards to the existing use of the building following representations received from members of the local community. Following receipt of comments from the Council's Legal team it is considered that the building currently has an unrestricted D1 and D2 use which was granted permission under planning reference DC/11/2502 in 2013. As such, it is considered that any specific use falling within D1 and D2 can lawfully operate from the building/site without the requirement of planning permission for a change of use.

Conclusion

- 6.13 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 situation on site. 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:** The building shall not be used/occupied until all of the windows at first floor level to the north facing front elevation on Plan number 003 REV B, received 19 November 2018 have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

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

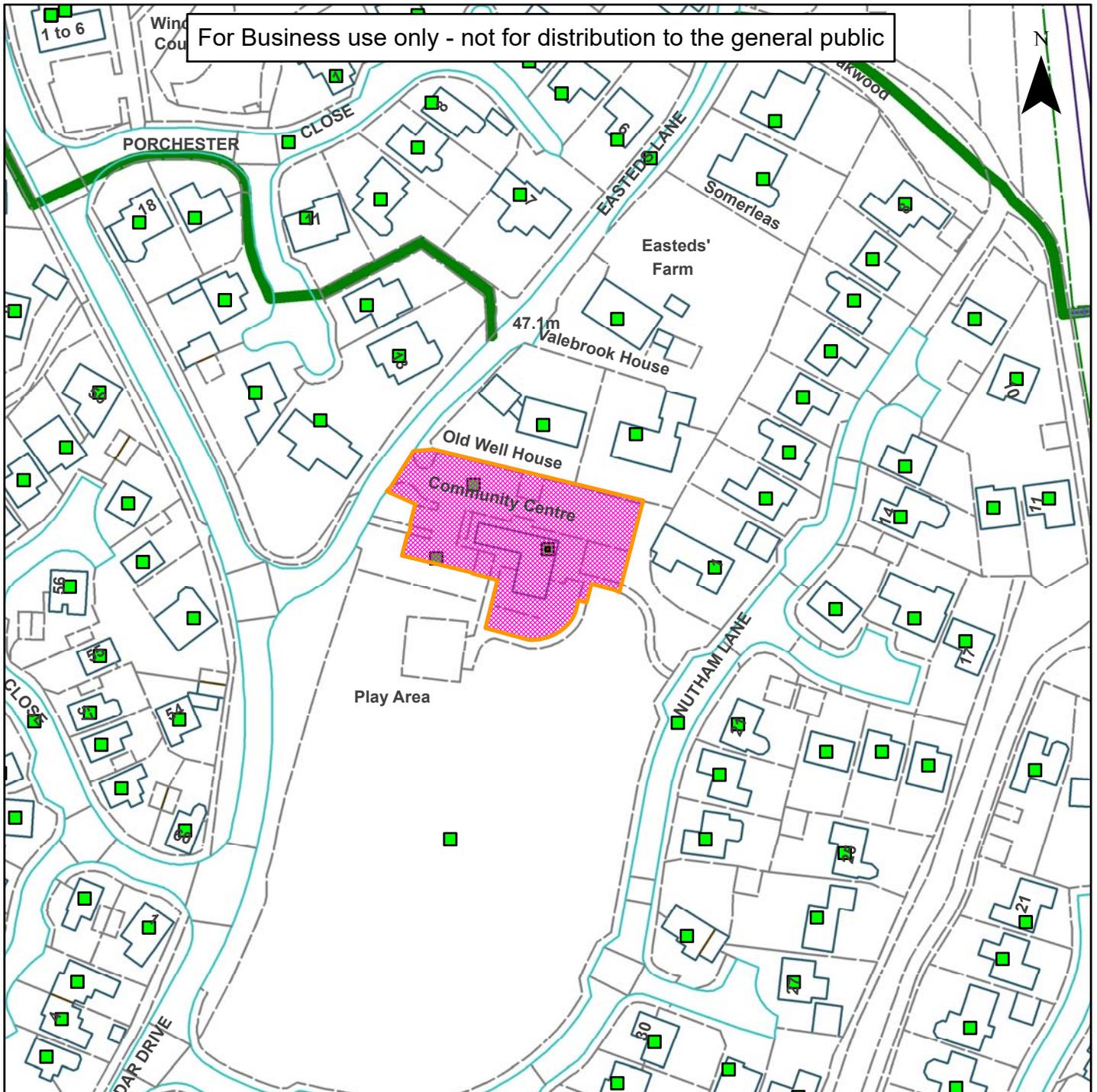
Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/2122



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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	22/11/2018
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AGENDA ITEM 5 - DC/18/2212

Easteds Barn, Easteds Lane, Southwater, Horsham, West Sussex, RH13 9DP

Additional consultation responses and representations:

Comments have been received From West Sussex County Council (WSSC) Highways Department and Horsham District Council's (HDC) Environmental Health Department and four additional letters of objection have been received since the committee report was published.

WSSC Highways have raised no objection and state:-

The site will provide a maximum of 35 child places under the nursery use. The LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

As previously advised, the LHA recommend that the nursery implement a Travel Plan. The floor area of the building would fall below the threshold for a Travel Plan Statement as set out by the Department for Transport within their withdrawn but not superseded guidance on Indicative Thresholds for Transport Assessments. However, such a document would assist in the promotion of measures to encourage parents and staff where possible to travel by sustainable transport, reducing car dependency.

If the LPA are minded to approve the application, a condition securing a travel plan statement for the proposed use would be advised. In the event of there being no other planning controls on the number of children attending the nursery there would be a highways benefit in securing such matters via a suitably worded condition in line with the children numbers proposed in the submitted planning documents (35).

HDC's Environmental Health Officer has stated:-

It has been confirmed that the Application is not seeking a Change of Use allowing the building to be used as a children's nursery, as the premises already benefits from a permitted D1 Use Class. This point is relevant as this Service has concerns regarding potential noise from the nursery impacting the nearest neighbouring properties, whereby we would have normally recommend that a Noise Management Plan be produced by the Applicant and approved by the Authority prior to the business starting operation.

However, the Applicant is advised that having planning permission or complying with any imposed planning Condition does not necessarily prevent action from being taken by the Local Authority or members of the public to secure the abatement, restriction or prohibition of Statutory Nuisances actionable under the Environmental Protection Act 1990 or any other statutory provision. I would therefore invite the Applicant to consider entering voluntarily into agreement with the Local Authority

to offer a similar level of protection from disturbance that a Noise Management Plan secured by Condition would have. Additional conditions are recommended pertaining to ventilation and extraction, external lighting, external plant and hours of building works.

4 additional objections have been received since the report was finalised. New comments raised can be summarised as follows:-

- There is still a question over to what the permitted use of the building/site and whether it currently has a use allowing for a day nursery.
- The proposal would constitute a material change of use and this should be part of the consideration of the application.
- D2 use for the building/site granted illegally by HDC.
- The amount of parking available within the site would be reduced by virtue of the intended use, drop offs and deliveries raising safety concerns.

Officer response:

As detailed within the committee report, the application is seeking external alterations to the existing Easteds Barn building only and is not seeking a change of use of the building / site. The building / site has a D1 and D2 use as granted under planning reference number DC/11/2502. The related Section 106 agreement (as amended under reference DC/13/0561) refers to the use of the site for “community purposes”, the agreement does not though contain a specific definition of the expression “community purposes” and there is no definition of the expression “community purposes” within the Planning Acts. The use of the building / site as a children’s day nursery within Use Class D1 would not, in the absence of any enforceable definition, contravene the use of the site for “community purposes”.

In respect of highways it is acknowledged that the proposed external alterations would facilitate the creation of additional floorspace at first floor level, and this would potentially allow for more children to use the building as part of a day nursery when compared to how many children could use the building in its current state. In the context of the existing lawful use of the building it is though considered that the external and internal alterations would not be of a magnitude which would result in a significant increase in the overall level of activity on the site, particularly given the ground floor is already capable of being used as a day nursery.

The application site is located within the built up area of Southwater which is considered to be a sustainable location; a bus service runs along Cedar Drive to the west of the application site and there is bus stop located in very close proximity, approximately 35m away from the entrance to the site. In addition, given that the site is located within a predominantly residential area, it would not be unreasonable to expect a number of children to be dropped off on foot.

Notwithstanding the above, it is considered necessary, appropriate and reasonable to include an additional condition requesting a Travel Plan be agreed prior to the first use of the new first floor level within the building. The aim of the Travel Plan would be to encourage sustainable forms of transport to and from the nursery, and this measure is considered sufficient to overcome representations received as part of the application process. The additional recommended condition is set out below:-

The first floor of the building shall be not be brought into use until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The Travel Plan shall thereafter be implemented in accordance with the approved details.

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

The matters raised by HDC's Environmental Health Officer are noted and it is again reiterated that a change of use is not sought under this application. In addition, the external alterations, for which planning permission is sought would not create significant potential for noise with the additional floorspace contained within the existing building profile and any noise spill therefore controllable. In the event that complaints were received in the future they could be investigated and addressed through separate Environmental Health legislation. An informative is recommended to advise the applicant to liaise with the Council's Environmental Health Team to agree measures which would reduce the potential for any disturbance to adjoining residents.

In respect of the remaining issues raised in the additional representations, the committee report notes that the permitted use of the building is based on the wording within the decision notice for planning application reference number DC/11/2502 and the wording within the decision for the amended Section 106 agreement, reference DC/13/0561. As established in these documents the site has unrestricted D1 and D2, the additional representations do not raise new considerations on this matter.

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee
BY: Head of Development
DATE: 4 December 2018
DEVELOPMENT: Erection of a single storey side extension
SITE: 3 Chalice Walk High Street Rusper Horsham West Sussex RH12 4FA
WARD: Rusper and Colgate
APPLICATION: DC/18/1742
APPLICANT: **Name:** Mr and Mrs Maynard **Address:** 3 Chalice Walk Rusper West Sussex RH12 4FA

REASON FOR INCLUSION ON THE AGENDA: At the request of the Parish Council.

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for a single storey side extension to the north side of the house following the demolition of the existing lean-to extension.

1.3 The proposed extension would project from the side of the dwelling by a further 3 metres when compared to the existing lean-to extension and would be set back by a minimal amount from both the front and rear elevations of the existing property.

1.4 The existing extension has a mono-pitch roof, with the extension proposed to have a gable end roof form, with an increased height to the ridge of some 1.2 metres. The proposal would increase the habitable living space of the dwelling at single storey level.

DESCRIPTION OF THE SITE

1.5 The application property is one of a semi-detached pair that lies within a relatively new courtyard development of 3 bedroomed dwellings. Access to the courtyard is from the High Street via an undercroft. The application dwelling is a one and a half storey building with first floor accommodation built into the roof space. The property has dormer windows to the front and rear elevations and is constructed of stock brick, with weatherboarding to the first floor and elements of the existing extension, with a clay tiled roof.

- 1.6 The property is located within the built up area boundary of Rusper and within the Rusper Conservation Area. To the north of the site is St Mary Magdalene's Church, a grade 1 ecclesiastical listed building, which is screened by a mature vegetative boundary between the Church and the Chalice Walk. To the west of the property is the extended graveyard and to the east is 4 Chalice Walk. To the south of the property is the other half of the building (2 Chalice Walk) and to the southeast and east are the remaining properties within the Chalice Walk courtyard development.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 **National Planning Policy Framework**

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

- 2.5 Supplementary Planning Guidance:
N/A

RELEVANT NEIGHBOURHOOD PLAN

- 2.6 The Parish of Rusper was designated as a Neighbourhood Development Plan Area on 18 February 2016 however to date there is no 'made' neighbourhood plan for the Parish.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 The most recent and relevant planning history relating to the site is as follows:

DC/13/0657	Demolition of existing garages and erection of 4 new houses with associated parking and amenity space (Full Planning)	Application on 17.06.2014	Permitted
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3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation:** No Objection.
No additional harm would result on the Conservation Area or the setting of the listed Church due to the position of the extension in the context of the main house and the boundary treatment between the graveyard and the dwelling.

PUBLIC CONSULTATIONS

- 3.3 4 emails/letters of objection, from 1 household, have been received objecting to the application on the following grounds;
- Loss of light and overshadowing.
 - Loss of privacy.
 - Overly dominant.
 - Loss of view.

PARISH COUNCIL

- 3.4 **Rusper Parish Council:** Object.
- Impact on neighbouring property
 - Impact on St Mary Magdalene's Church

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:
- The character of the dwelling and the visual amenities of the area
 - The amenities of the occupiers of adjacent properties

Impact on the character of the dwelling and the visual amenities of the area

- 6.2 Policy 33 of the Horsham District Planning Framework (HDPF) states, amongst other criteria, that extensions should have regard to their natural and built surroundings in terms of their design, scale and character. An extension should be of a scale which is sympathetic to and does not overpower the original building.
- 6.3 The application would involve the erection of a pitch roofed extension to the side of the house that is 3 metres wide and 7.9 metres deep and would replace an existing lean-to extension. The proposed extension would be set back by a minimal distance from both the front and rear elevations of the existing property and would be sited approximately 4 metres from the northern side boundary of the property which adjoins St Mary Magdalene's Church which is grade I listed.
- 6.4 Whilst the proposed extension is larger than that that is currently to the side elevation of the property, it is considered to be of a scale that would not overly dominate or overwhelm the existing property or adversely affect its character and appearance. The plot is of a size that can comfortably take an extension of the size proposed without appearing as an

overdevelopment of the plot and as such it is considered to represent a sympathetic and appropriate addition to the property.

- 6.5 Given its location within a small courtyard development, the proposal, which would not be seen from the wider public vantage points, is not considered to have an adverse impact on either the setting of the adjacent grade I listed church or the conservation area. The Council's Conservation Officer has raised no objection to the application. The extension will be seen within the context of the main house and wider modern courtyard development and there is mature planting between the site and the adjoining churchyard. As such it is considered that there would be no adverse impact, as a result of the extension of the property, on setting of the adjacent listed building and the conservation area.

Amenities of the occupiers of adjacent properties

- 6.6 Policy 33 relates to development principles and requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise.
- 6.7 The extension to the property will be constructed to the side elevation and therefore the neighbour most affected by the proposal will be 4 Chalice Walk. The application property and the adjoining neighbour are set at right angles to each other and there is a distance of some 8 metres between the properties. 4 Chalice Walk does not have any windows within its side elevations and is separated by a close boarded timber fence. The proposed extension will have no windows within its front elevation which faces towards 4 Chalice Walk.
- 6.8 Given the relationship of the properties it is not considered that the relationship as currently experienced by both properties would alter significantly and there would be no loss of privacy as a result of the proposal.
- 6.9 Whilst it is acknowledged that there would be a change in the relationship between the two properties in terms of the extent of development within the side garden area of 3 Chalice Walk, it is not considered that the extension as proposed will result in a loss of light or have an overbearing impact on the occupiers of the adjacent property.
- 6.10 It is therefore considered that the extension as proposed is acceptable in terms of its impact on neighbouring amenity and would not result in any significant or material adverse impact on the residential amenities of the occupiers of the adjacent property sufficient to warrant refusal of the application.

Conclusion

- 6.11 For the reasons outlined above, it is considered that the proposed single storey side extension would not adversely affect the character and appearance of the existing property or its setting within the wider streetscene, would not result in harm to the setting of the adjacent listed building or the conservation area and would not significantly affect the privacy or amenity of the occupiers of the neighbouring property. The application is therefore considered to comply with the relevant policies as set out in the HDPF and is therefore recommended for approval.

7. RECOMMENDATIONS

- 7.1 It is recommended that the application is approved subject to appropriate conditions as set out below:

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

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

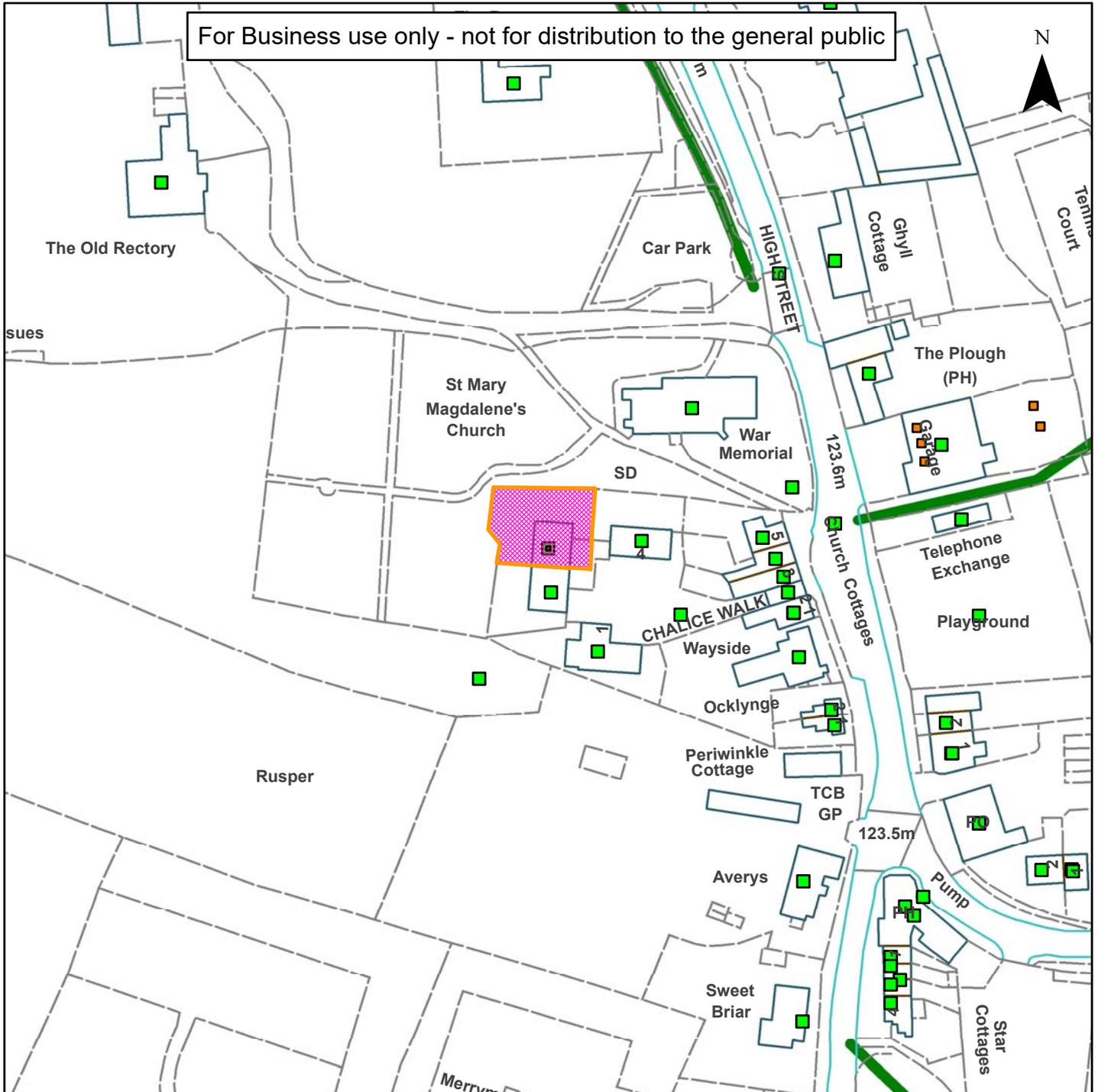
Background Papers: DC/18/1742

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Organisation	Horsham District Council
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Comments	Not Set
Date	22/11/2018
MSA Number	100023865

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**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Planning Committee (North)

BY: Head of Development

DATE: 4 December 2018

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

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

WARD: Horsham Park

APPLICATION: DC/17/2123

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

REASON FOR INCLUSION ON THE AGENDA: Following receipt of a Noise Management Plan, Ward Councillors have requested a decision is made at committee.

RECOMMENDATION: To grant planning permission subject to appropriate conditions.

1. CASE DETAILS

- 1.1 The case concerns Evolution Gym, who have been operating from the application site since 2016. The gym provides coaching through workouts, open gym sessions and Pilates classes, involving weightlifting, gymnastics and 'high intensity interval training'. Equipment within the gym includes a fixed rig for resistance exercises (such as pull-ups) located in the rear part, as well as free weights, weighted balls, training mats, ropes and step boxes, located in the open front area. The flooring is covered in a thick rubber matting and double-glazed uPVC windows have been fitted to the northern elevation.
- 1.2 Prior to the current occupants (Evolution Gym), the building was in use by Curves Gym, a 'ladies only' gym and weight-loss management centre, involving cardio, strength training and stretching, with an associated focus on diet and meal planning advice. Approval for a change of use to a 'fitness centre' was granted in 2007 (DC/07/0272), subject to a number of planning conditions including provision of cycle parking, limited opening hours, restrictions over air-con and external lighting and a parking management scheme. Condition 6 of planning consent DC/07/0272 restricts the use of the 'back room' to a changing room and in connection with the instructions of weight-loss program only
- 1.3 It is noted that prior to its conversion to a fitness centre in 2007, the application site has had a historic commercial history, with references to an earlier retail warehouse (pool services and sales) operating from the site, and wider industrial / warehouse use before this, including

storage use for motor parts. The building appears to date from the late Victorian / Early Edwardian era and may have been a stable block.

- 1.4 The Council's Environmental Health team has been involved with the application site over the last two years, responding to a noise complaint at a neighbouring residential property, relating to impact / vibrations created by weights being dropped at the gym. The Council's officers have been proactively involved with the management at the gym in order to address these concerns, undertaking site visits to neighbouring properties and the application site, and offering to install noise measuring/monitoring equipment at adjacent properties.
- 1.5 As a result of this involvement, the Council's Environmental Health Officers have been able to secure mitigation measures against potential undue noise events experienced at neighbouring residential properties, and are satisfied that any residual harm has been adequately mitigated and can be controlled on an ongoing basis. Mitigation measures include the heavy-grade rubber matting, use of the weighted balls moved to another part of the building, free weights also moved to the front part of the building, sound deadening material in the step boxes, installation of the uPVC windows, limited use of music, and more control and guidance on how the weights are dropped. Furthermore, the gym operates strictly in accordance with the restrictions in opening hours imposed under DC/07/0272, with no classes after 8pm (Mon- Fri) and midday on Saturdays.
- 1.6 The current planning application concerns the use of the back room area (deep end) in a way that differs from the stated use set out under Condition 6 of DC/07/0272, as it would appear that prior to the current occupants taking on the premises, this separating internal wall had been removed. Evolution Gym therefore operates as a single use space, with WC's store rooms and lockers provided at the front of the building, and effectively breaches this planning condition.
- 1.7 At the time of an Officer site visit to Evolution Gym, at the end of 2017, a fixed rig / frame was installed in the deep end of the premises, which is used for resistance work (pull-ups, chin-ups etc).
- 1.8 A site visit was also carried out at the neighbouring property, 34 Hurst Road, which includes an annexe at the rear that adjoins the application site by way of a party wall, and where the main area of concern is considered to lie with regard to the use of the gym within the deep end of the building. This annexe is laid out with a garage adjoining the party wall at the ground floor. Above, the open plan studio living space (living / dining / bed room) adjoins the party wall. The annexe has a small kitchen, hallway and bathroom located at ground floor, adjacent to the garage. At the time of the site visit, the annexe was not occupied and no noise was audible, although it is unknown if the gym was open and/or holding a class at the time.
- 1.9 Planning history reveals that this annexe was permitted as incidental accommodation to the main house at No.34 in 1989 (HU/458/89), with a planning condition that restricts independent occupation (cond 4). Condition 8 also required submission of details to secure adequate sound insulation of the annexe along the Party Wall with the application site, which conformed to the relevant Building Regulations at the time. Planning records show these details were submitted, showing a stud wall to be constructed with voids filled with 100mm fiberglass quilt and plasterboard.
- 1.10 Officers note that this annexe is now provided with an independent address point, although there is no associated planning consent to sever the 'incidental' tie and create a self-contained independent dwelling.
- 1.11 The current planning application was submitted following complaints received in relation to the use at the premises operating apparently in breach of the planning consent. Following

investigations by Enforcement Compliance Officers, it was considered that there had been no breach in the use of the premises, but that the removal of the separating wall to the deep end / back room resulted in a breach of condition 6. The current planning application seeks to regularise this breach.

- 1.12 In January 2018, the Planning Committee considered the application to remove condition 6 attached to DC/07/0272 to allow Evolution Gym to use the deep end of the building as part of the open plan gym. Members sought to delegate the final decision back to Officers following receipt of a satisfactory Noise Management Plan, with a view of this forming part of an enforceable planning condition that would subsequently allow for monitoring and control.
- 1.13 Noise Management Plans are usually submitted with licensing applications for variations or new premises licenses, dealt with by the Council's Public Licensing and Environmental Health Department. These typically set out any identified source issues of noise, such as loud music, smoking areas, open windows, pub gardens, patrons leaving a premises, and then seek to detail measures by which these potential sources of noise are to be controlled or mitigated. These might include limited opening hours, not using a beer garden after a certain hour, keeping windows and doors closed, taking deliveries at certain hours.
- 1.14 Following consultations with Officers, the applicant has since undertaken to submit a Noise Management Plan (August 2018), with the details of this having been accompanied by an acoustic survey and report, which was commissioned by the Applicant. This report sets out that air-borne noise transmission between the application site and the neighbouring annexe at No.34 Hurst Road was measured. Details show a significant noise reduction value, of an air-borne noise source, between the two premises.
- 1.15 The submitted Noise Management Plan in this instance, has identified the following noise sources:
1. Music Playing;
 2. Fitness Weights Dropping;
 3. Box Jump Reverberation;
 4. Ball impacts against the party wall;
 5. General Conversation.
- 1.16 On 5 October 2018, the Council received a public representation on behalf of a number of neighbours to the site, from an independent Acoustic Consultant, raising the following concerns with the submitted documents and the Council's assessment of the data:
- Test report previously submitted is only appropriate for the assessment of sound insulation between two residential dwellings and reports a level of sound insulation that would barely pass the minimum standard under the Building Regulations (Approved Document E);
 - Test carried out and performance criterion used is unsuitable for assessment of sound insulation between a residential dwelling and adjoining building in commercial use, particularly when that use includes impact sound transmission from heavy weights and amplified noise;
 - Other irregularities with the technical documentation.

2 CONCLUSION

- 2.1 The Council's Officers have reviewed the details submitted in the Noise Management Plan and confirm that these form a robust and satisfactory means of controlling potentially undue

noise / vibration events at the premises. Although it is interesting to note that the testing shows a significant reduction in air-borne noise between the two premises indicating a good level of sound insulation along the party wall, Officers refer to the initial noise complaint which was investigated by the Council concerning vibration / impact noise, caused mainly by the dropping of weights.

- 2.2 If approved as part of the planning application, the Noise Management Plan would be an enforceable document, and the mitigation measures set out are clear and unambiguous.
- 2.3 Reference must be made to the wording of Condition 6 attached to DC/07/0272, which is subject to this planning application, which restricts use of the 'back room' (deep end) only. The Council is not contesting the general way in which the premises is occupied and accepts that its use as a gym is in compliance with the change of use approved in 2007 as a 'fitness centre'.
- 2.4 Officers fully acknowledge that there is no requirement for the gym to conform with Building Regulations Part E, which largely deals with the conversion of buildings into dwellings or for new-build dwellings. However, it is noted that the adjacent annexe at No.34 would have been required to ensure it complied with relevant standards at the time of conversion, fully aware that the party wall adjoined a commercial / industrial building.
- 2.5 In assessing the details submitted as part of the Noise Management Plan, Officers are satisfied that the measures included, seeking to address potentially undue noise events in the deep end, would adequately prevent undue harm occurring to neighbouring residential properties, taking note of the 'incidental' residential nature of the approved annexe at No.34 and not primary habitable living space.
- 2.6 In conclusion, Officers acknowledge that the regulatory planning conditions, including the restricted opening hours which the gym currently adheres to, and the ongoing implementation of the Noise Management Plan, would be robust and enforceable in controlling any potentially unreasonable harm to neighbouring residential amenity.
- 2.7 It is therefore recommended that the removal of condition 6 of DC/07/0272 is approved, subject to the recommended conditions.

3. RECOMMENDATIONS

- 3.1 It is recommended that planning permission is approved subject to the following conditions:

- 1 **List of Approved Plans**

- 2 **Regulatory Condition:** The Development hereby approved shall be implemented at all times in full accordance with the Noise Management Plan received on 02 August 2018.

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

- 3 **Regulatory Condition:** No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

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

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

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

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

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

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Development Manager

DATE: 9th January 2018

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

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

WARD: Horsham Park

APPLICATION: DC/17/2123

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

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

RECOMMENDATION: To permit subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

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

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

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

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

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

DESCRIPTION OF THE SITE

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

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

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

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/07/0272

Change of use from retail warehouse to fitness centre

Application Permitted on 02.07.2007

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** Comment:-

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

PUBLIC CONSULTATIONS

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

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

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

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

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

3.5 4 letters of support have been received:-

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

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

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

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

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

6. PLANNING ASSESSMENTS

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

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

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

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

Amenity Impacts:

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

Conclusions and Planning Balance:

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

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

7. RECOMMENDATIONS

7.1 To permit subject to conditions

1 List of Approved Plans

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

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

3 **Regulatory Condition:** No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

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

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

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

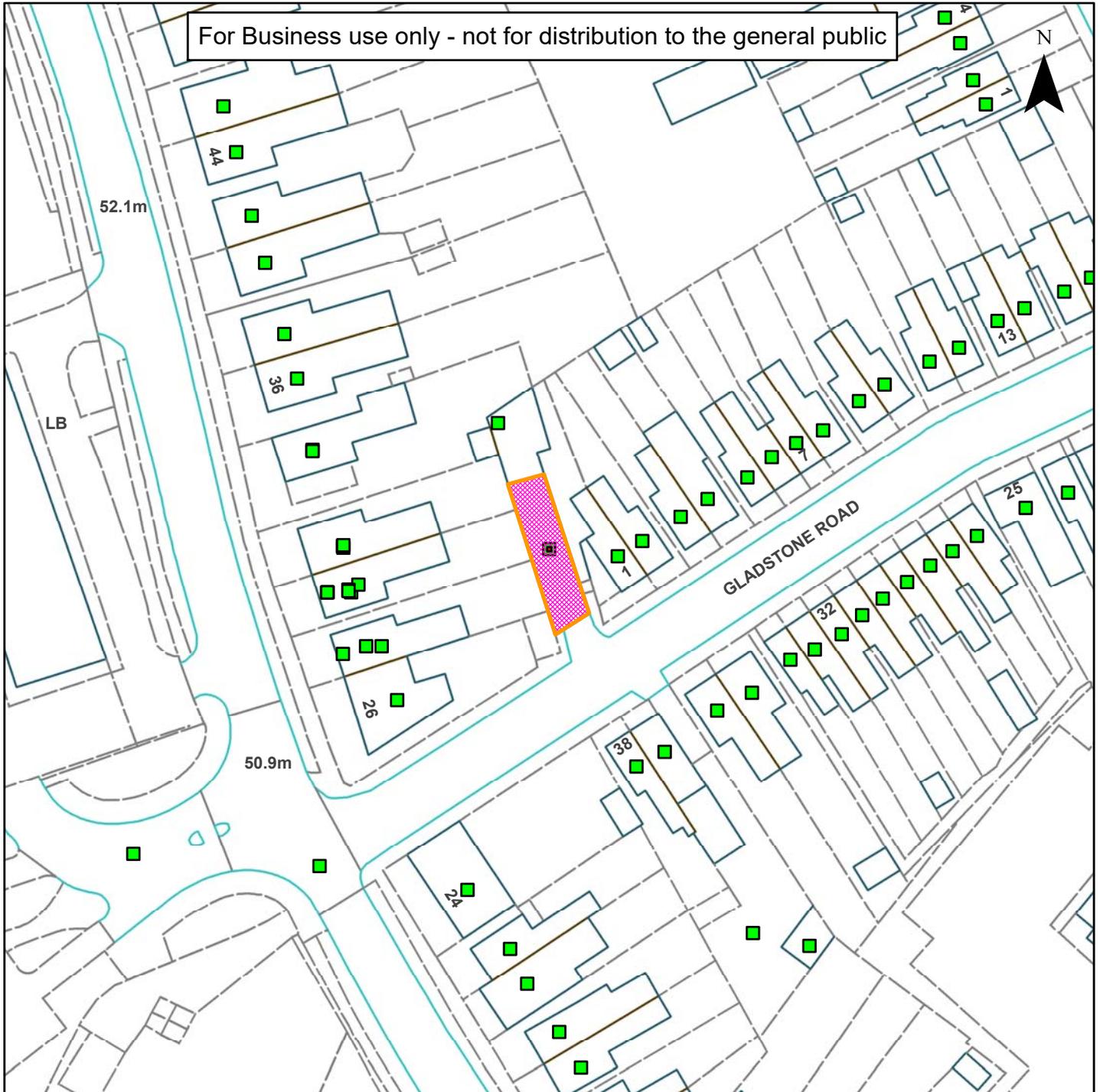
Reason: To safeguard the amenities of neighbouring properties in accordance with policy 33 of the Horsham District Planning Framework (2015).

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



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