



Planning Committee (North)

Tuesday, 7th April, 2020 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:	Karen Burgess (Chairman)	
	Liz Kitchen (Vice-Chairman)	
	Matthew Allen	Richard Landeryou
	Andrew Baldwin	Gordon Lindsay
	Tony Bevis	John Milne
	Toni Bradnum	Colin Minto
	Alan Britten	Christian Mitchell
	Peter Burgess	Godfrey Newman
	Roy Cornell	Louise Potter
	Christine Costin	Stuart Ritchie
	Leonard Crosbie	David Skipp
	Brian Donnelly	Ian Stannard
	Ruth Fletcher	Claire Vickers
	Billy Greening	Belinda Walters
	Frances Haigh	Tricia Youtan
	Tony Hogben	

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 - 10

To approve as correct the minutes of the meeting held on March 2020
(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)

3. **Declarations of Members' Interests**

To receive any declarations of interest from Members of the Committee

4. **Announcements**

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

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

- | | | |
|-----|---|---------|
| 5. | Appeals
Applications for determination by Committee: | 11 - 12 |
| 6. | DC/19/1389 - Dun Horse Inn, Brighton Road, Mannings Heath
Ward: Nuthurst and Lower Beeding
Applicant: Mr Freddy Goodall | 13 - 26 |
| 7. | DC/19/2500 - Land adjacent to Heathtolt Cottages, Park Lane, Maplehurst
Ward: Nuthurst and Lower Beeding
Applicant: Mr Simon Burrough | 27 - 40 |
| 8. | DC/19/2336 - Sandygate, Sandygate Lane, Lower Beeding
Ward: Nuthurst and Lower Beeding
Applicant: Mr and Mrs Michael Lewis | 41 - 52 |
| 9. | DC/19/0700 - 50 Barrington Road, Horsham
Ward: Forest
Applicant: Mr P Everitt | 53 - 66 |
| 10. | Urgent Business
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances | |

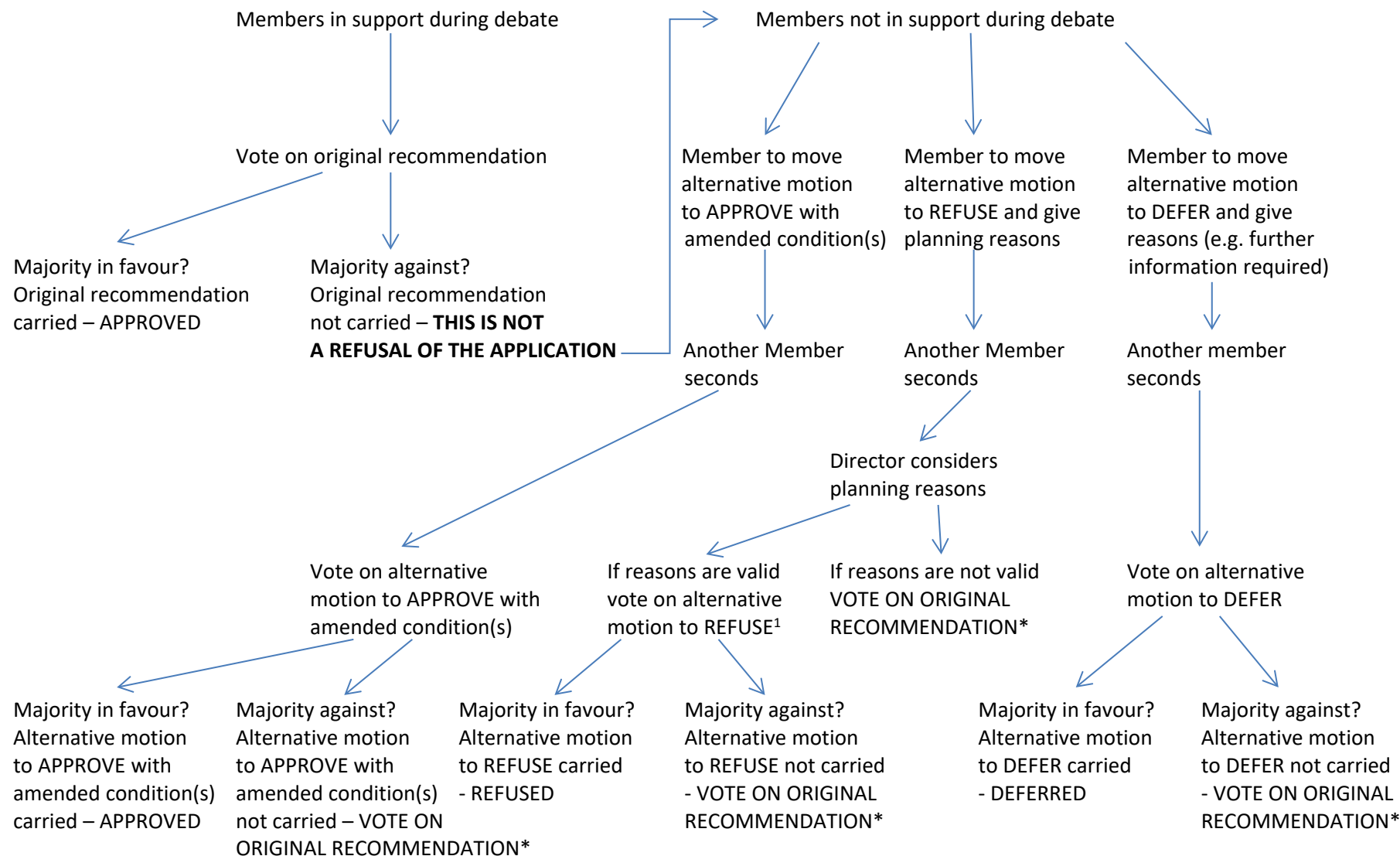
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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 5 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>

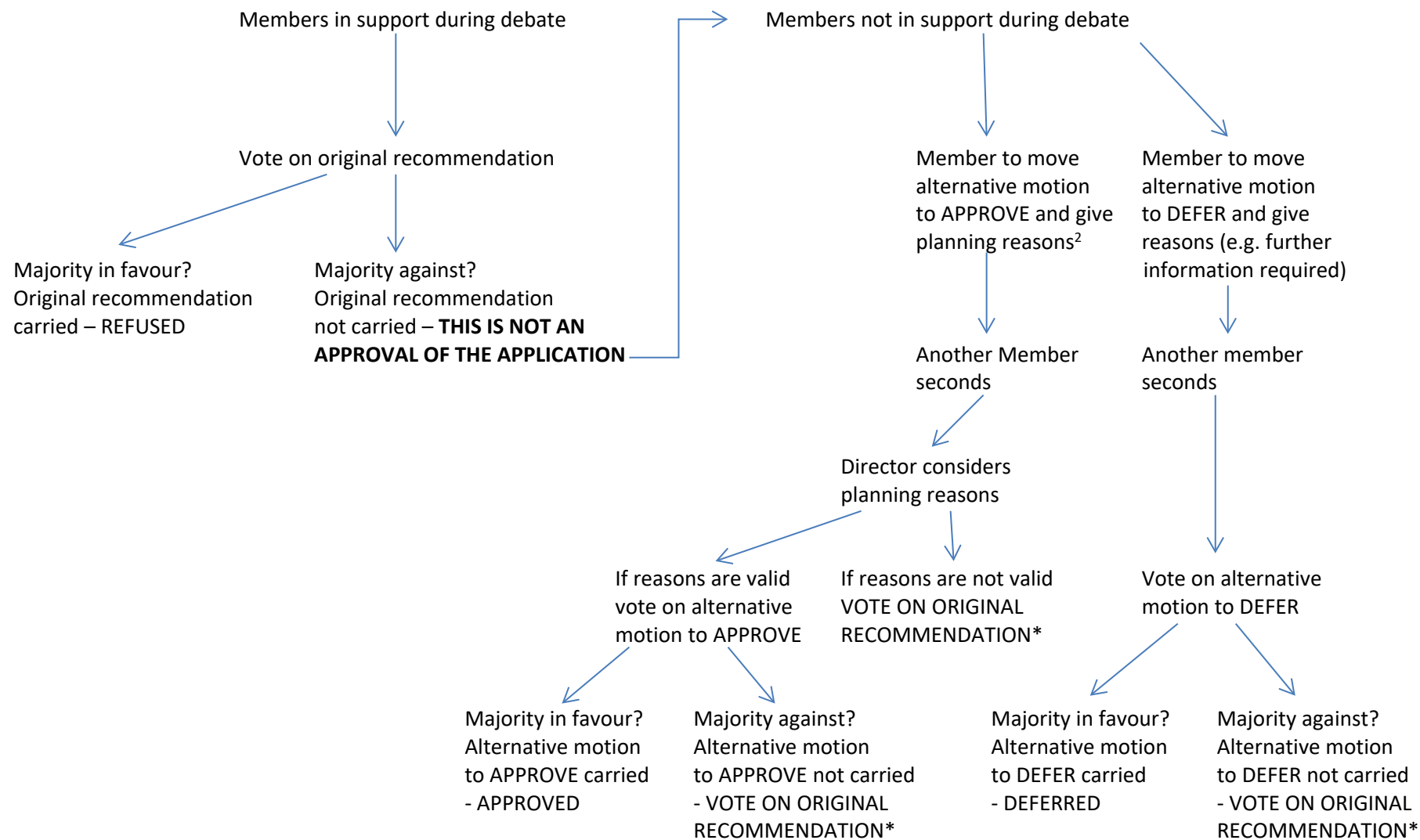
Original recommendation to APPROVE application



*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)
3 MARCH 2020

Present: Councillors: Karen Burgess (Chairman), Liz Kitchen (Vice-Chairman), Matthew Allen, Andrew Baldwin, Tony Bevis, Toni Bradnum, Alan Britten, Peter Burgess, Roy Cornell, Christine Costin, Brian Donnelly, Ruth Fletcher, Billy Greening, Frances Haigh, Richard Landeryou, Gordon Lindsay, John Milne, Colin Minto, Christian Mitchell, Godfrey Newman, Louise Potter, Stuart Ritchie, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Leonard Crosbie, Tony Hogben and David Skipp

PCN/80 **MINUTES**

The minutes of the meeting of the Committee held on 4 February were approved as a correct record and signed by the Chairman.

PCN/81 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/82 **ANNOUNCEMENTS**

There were no announcements.

PCN/83 **APPEALS**

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

PCN/84 **DC/18/2231 - GHYLL HOUSE FARM, BROADWATER LANE, COPSAL**

The Head of Development reported that this application sought permission for the demolition of three dwellings and associated buildings, retention of existing ponds and erection of four dwellings (net gain of one dwelling), associated improved access and provision of hardstanding, parking, landscaping and garden and amenity space. Sixteen car parking spaces, including detached garages, and eight cycle spaces were proposed.

The application site was located outside any built-up area to the east of Broadwater Lane and was surrounded by countryside and woodland with sporadic residential development. It was immediately to the west of a new development of six houses. Access was via a track off Broadwater Lane. The dwellings on the site were vacant and in disrepair.

The Parish Council objected to the application. There had been nine representations objecting to the application. One member of the public and a Parish Council representative both spoke in objection, and the applicant's agent addressed the Committee in support of the proposal.

Members noted the planning history of the site and considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; external design and appearance; amenity of future occupants; trees and landscaping; heritage impacts; ecology; and highways considerations.

Members noted that the footprint of the proposal would be smaller than the existing buildings, and discussed the positive environmental impact and landscape improvements that the scheme would provide. Members weighed these material considerations against concerns regarding the housing mix and that the proposal would be a departure from planning policy. After careful consideration Members concluded that, given the specific circumstances, the benefits weighed in favour of the proposal and the application was acceptable.

Members sought reassurance that the landscaping would enhance biodiversity and retain existing hedgerows. It was therefore agreed that condition 11 be amended accordingly.

RESOLVED

That planning application DC/18/2231 be granted subject to the conditions as reported, with an amendment to Condition 11 to require the details of all hard and soft landscaping works to include the retention of the hedgerows, and for the landscaping plan required under Condition 11 to be agreed in consultation with the Local Member.

PCN/85 **DC/19/2389 - GODFREYS OF HORSHAM, WORTHING ROAD, SOUTHWATER**

The Head of Development reported that this application sought permission for alterations to the car showroom and workshop buildings at Godfreys, including two large sliding doors and three tall windows. The southern end of a building would be demolished to allow access to additional parking at the rear.

The application site was located within the built-up area of Southwater on the West of Worthing Road. The car showroom and workshop were currently vacant. The wider site included a petrol station and convenience store.

The Parish Council had objected to the application and had stated that a representative would like to address the Committee in objection to the application. This was the sole reason the application was being considered by the Committee. However, no one had registered to speak or been available to attend. There had been no further representations to the public consultation.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; the character and appearance of the proposal and its impact on the visual amenities of the street scene; the effect of the development on the amenity of adjoining properties; and parking, transport and highways.

Members raised no objections to the application.

RESOLVED

That planning application DC/19/2389 be granted subject to the conditions as reported.

The meeting closed at 6.00 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (NORTH)

Date: 7th April 2020



Report on Appeals: 20/02/2020 – 26/03/2020

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/19/2530	Redgates, Burnthouse Lane, Lower Beeding, Horsham, West Sussex, RH13 6NN	20-Feb-20	Application Refused	N/A
DC/19/1847	Land Adjacent To The Crabtree Inn, Brighton Road, Lower Beeding, Horsham, West Sussex, RH13 6PT	03-Mar-20	Application Refused	N/A
DC/19/1846	Prongers Orchard, Land To The South of Village Hall, Leechpond Road, Lower Beeding, RH13 6NR	03-Mar-20	Application Refused	N/A
DC/19/2318	1 Motto Cottages, Sandhills Road, Barns Green, Horsham, West Sussex, RH13 0PU	16-Mar-20	Application Refused	N/A
DC/19/2216	Spinroute Ltd, CCM Depot, Rusper Road, Ifield, Crawley, West Sussex, RH11 0LQ	19-Mar-20	Application Refused	N/A
DC/19/1824	19 Hernbrook Drive, Horsham, West Sussex, RH13 6EW	19-Mar-20	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/19/1232	Furlong Farm, Rusper Road, Ifield, West Sussex, RH11 0LN	Written Representation	06-Mar-20	Application Refused	N/A
DC/18/2215	The Mount, Ifield, RH11 0LF	Informal Hearing	09-Mar-20	Application Permitted	Application Refused
DC/19/1958	Old House Farm, The Street, Slinfold, Horsham, West Sussex, RH13 0RS	Written Representation	10-Mar-20	Application Refused	N/A
DC/19/2117	Pemberley, Copsale Road, Maplehurst, Horsham, West Sussex, RH13 6QY	Written Representation	26-Mar-20	Application Refused	N/A
DC/19/2477	Copsale Stables, Copsale Road, Copsale, West Sussex, RH13 6QU	Written Representation	26-Mar-20	Prior Approval Required and REFUSED	N/A
DC/19/2551	Former Milking Parlour, New Brook Farm, Nuthurst Road, Maplehurst, West Sussex	Written Representation	26-Mar-20	Application Refused	N/A

3. Appeal Decisions

HDC have received notice from the Ministry of Housing, Communities and Local Government that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/18/1268	Christs Hospital School, The Avenue, Christs Hospital, Horsham, West Sussex, RH13 0LJ	N/A	Withdrawn	Application Permitted	Application Refused
DC/19/1864	17 Cedar Drive, Southwater, Horsham, West Sussex, RH13 9UF	Fast Track	Appeal Allowed	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee (North)

BY: Head of Development

DATE: 7 April 2020

DEVELOPMENT: Change of use from (A4) pub to 3.No (C3) flats on ground floor and external alterations.

SITE: Dun Horse Inn Brighton Road Mannings Heath Horsham West Sussex RH13 6HZ

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/19/1389

APPLICANT: **Name:** Mr Freddy Goodall **Address:** Dun Horse Inn, Brighton Road Mannings Heath RH13 6HZ

REASON FOR INCLUSION ON THE AGENDA: Nuthurst Parish Council have requested to speak on the application at Planning Committee.

More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with 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 Planning permission is sought for the change of use of the former Dun Horse Inn public house at ground floor level from use class A4 (drinking establishments) to use class C3 (dwellinghouses) to form three self-contained flats. The proposals would facilitate the creation of two 1-bed flats and one studio flat. Flat one would have a gross internal area (GIA) of 47sqm, Flat 2 would have a GIA of 35sqm and Flat 3 would have a GIA of 44sqm.
- 1.3 The proposals include external alterations to facilitate the conversion of the ground floor of the building to residential units, however the overall form and appearance of the building would be largely retained. It is noted that the submitted plans indicate an external staircase which would provide access to the first floor. This has been approved under application reference number DC/17/2293, which granted permission for the creation of two flats to the first floor of the building, as well as external alterations.

DESCRIPTION OF THE SITE

- 1.4 The application site comprises the former Dun Horse Inn public house, which consists of an existing two storey building located on the corner of Brighton Road and Pound Lane within the village of Mannings Heath. The entire site lies within the built-up area of Mannings Heath, defined as a smaller village within the Horsham District Planning Framework (Policy 3). The elevations of the building are white rendered with brick quoin detailing at ground and first floor levels. First and second floors are delineated by a brick string course with a base level brick and black painted rendered plinth. The building sits under a pitched roof with clay tiled roof, with window timber/metal windows.
- 1.5 A tarmacked area to the front of the public house has historically been used for parking associated with the public house. The property is not listed and is not located within a conservation area. It is noted that an application to designate the Dun Horse Inn as an Asset of Community Value was refused by Horsham District Council in October 2019.
- 1.6 The first floor of the building has planning permission for the creation of two residential units, with works having commenced on site. It is also noted that land adjacent to and located north of the Dun Horse Inn is subject to a separate application under planning reference DC/17/2294 for the construction of a two storey dwelling, which was granted at appeal.
- 1.7 There is a grade II listed building located on Brighton Road known as 'Chumleigh' which lies opposite the Dun Horse Inn, with a pair of cottages known as 'The Old Smithy' and 'Red Cottage' to the north-east of the site also grade II listed. The site is surrounded by residential properties.
- 1.8 The southern boundary of the High Weald Area of Outstanding Natural Beauty (AONB) lies to the north of the application site, on the opposite side of Pound Lane. There is a mature tree subject to a Tree Preservation Order within the application site as well as other trees subject to Tree Preservation Orders to the east and south of the application site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework.

RELEVANT PLANNING POLICIES

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

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

Policy 1 - Strategic Policy: Sustainable Development.

Policy 2 - Strategic Policy: Strategic Development.

Policy 3 - Strategic Policy: Development Hierarchy.

Policy 9 - Employment Development

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

Policy 26 - Strategic Policy: Countryside Protection.

Policy 31 - Green Infrastructure and Biodiversity.

Policy 32 - Strategic Policy: The Quality of New Development.

Policy 33 - Development Principles.

Policy 34 - Cultural and Heritage Assets.

Policy 40 - Sustainable Transport.
Policy 41 - Parking.
Policy 42 - Strategic Policy: Inclusive Communities.
Policy 43 - Community Facilities, Leisure and Recreation.

2.5 **Nuthurst Parish Neighbourhood Plan:**

Policy 10 - Housing Design.
Policy 11 - Community Facilities.

2.6 **Nuthurst Parish Design Statement.**

PLANNING HISTORY AND RELEVANT APPLICATIONS

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

DC/17/2293	Erection of external staircase to side elevation and installation of 1x dormer windows to southern and northern roof slopes in connection with creation of 2 x 2 bed flats. Refurbishment of ground floor public House (A4) incorporating external alterations to fenestration and demolition of external toilet block.	Application Permitted on 04.05.2018
DISC/19/0179	Approval of details reserved by conditions 3,4 and 5 to approved application DC/17/2293	Application Permitted on 13.09.2019
DC/17/2294	Erection of a two storey three bedroom detached house on the former public house garden amenity space	Application Refused on 29.08.2018 Allowed on appeal 25 April 2019.

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 Heritage Officer:** Comment.

Although the pub is not designated I do think it would meet the criteria for local listing being an attractive roadside hostelry and a landmark building. The current proposal does not concern me in terms of the impact on the character of the building although I do wish to avoid white plastic windows. I have suggested a condition to prevent the architectural interest of the building being diluted.

OUTSIDE AGENCIES

3.3 **Southern Water:** No objection.

Please be aware that the building is already built over an existing public sewer. If the works to be carried out will alter the existing foundation line or depth it will be necessary for the applicant to contact Southern Water.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public

could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. Southern Water requires a formal application for a connection to the foul and surface water sewer to be made by the applicant or developer.

3.4 **WSCC Highways:** No objection.

Access and Parking

No access or parking is associated with this proposal. The WSCC Car Parking Demand Calculator indicates that at least 2 car parking spaces may be provided for this proposal.

Parking will have to be accommodated on-street. The LHA notes that the “triangle” at the junction with Brighton Road and Pound Lane is not allocated as parking due to being within maintained highway. Historically, this area has been used for parking for the public house and this is not anticipated to change following this proposal.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals 4 accidents within the vicinity of site. However, these were not attributed to road layout. Therefore there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

Whilst the junction does not benefit from road protection markings, any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988 (Leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (Wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.

The LHA anticipates that the change of use from A4 to C3 would result in a reduction in material use and parking demand at the site. The LHA advises the inclusion of cycle parking to promote the use of sustainable alternative modes of transport.

Sustainability

The site is situated in Mannings Heath, approximately 1.4 miles southeast of Horsham. A garage/shop is within walking distance from the site. Schools are situated approximately 10 minutes from the site by cycle. Bus stops near the site offer connections to Horsham and Brighton every 30 minutes, as well as occasional services towards Haywards Heath.

Cycling is a viable option in the area. Secure and covered cycle storage was not demonstrated in the plans. The inclusion of cycle parking in the plans increases the sustainability of the site by offering alternative modes of transport to the private car.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts 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.

PUBLIC CONSULTATIONS

3.5 **Nuthurst Parish Council:** Objection.

- The planning application contravenes the aspiration in Section 4.2 of the Parish’s Neighbourhood Plan.
- The provision of three flats on the ground floor represents an over-development of the property.

- There is no provision for parking and there are concerns about the likely extent of parking on the public highway and the consequent danger to public safety at the junction of Pound Lane and the A281.

Since this application has proved highly controversial, the Parish Council requests that this application is passed to the Planning Committee North for determination.

Some residents present expressed a strong desire to re-establish the Dun Horse Inn as a public house or other community use and therefore, the Parish Council has agreed to submit an application to re-register the Dun Horse Inn as an Asset of Community Value and this will be forwarded once the nomination form has been completed. The action is intended to give residents time in which to set up a Community Group/Organisation and to put forward to Brunswick Developments a feasible financial proposal to retain the building as a public house or other community use.

PUBLIC CONSULTATIONS

- 3.6 A total of 49 letters of objection from 46 separate households/bodies have been received for this application. The nature of this objection can be summarised as follows:
- Loss of a community facility
 - Overdevelopment of the site
 - No on-site parking would create additional cars on the road
 - Justification for loss of pub not sufficient
- 3.7 A total of 10 letters of support from 9 separate households have been received for this application. The nature of these letters of support can be summarised as follows:
- The pub has been vacant for a number of years and has deteriorated in terms of appearance.
 - Provision of small dwellings would allow people onto the property market.
- 3.8 A total of 3 letters neither objecting or supporting the application have been received.

MEMBER COMMENTS

- 3.9 None Received.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:
- The principal of development in this location.
 - The character of the development and the visual amenities of the street scene.

- The amenities of the occupiers of adjoining properties.
- Highways impact and other material considerations.

Principle of Development

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that the district has a distinct settlement pattern which should be retained and enhanced. It states that development will be permitted within towns and villages which have a defined built up area boundary, where any development will be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy set out within the policy. The application site is located within the defined built up area of Mannings Heath and the provision of residential accommodation in this location is considered acceptable subject to all other material considerations.
- 6.3 The proposal would facilitate the creation of two 1-bed flats and one studio flat. These are considered to be small by virtue of the facilities and space available and would be in-line with point 4.2 of the Vision, Objectives & Land Use Planning Policies section of the Nuthurst Parish Neighbourhood Plan, which states that '*a mix of dwelling types including particularly smaller dwellings for young families and starter homes for younger people*', should be provided. The proposed development would utilise an existing building and it is considered that it would provide the type of accommodation which the Parish are seeking through the provisions of their neighbourhood plan.

Loss of Community Facility

- 6.4 Paragraph 92 of the NPPF states that '*decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments*'.
- 6.5 Policy 9 of the HDPF relates to Employment Development and states '*Redevelopment of employment sites and premises outside Key Employment Areas, must demonstrate that the site/premises is no longer needed and/or viable for employment use*'.
- 6.6 Documents submitted in support of the application detail that the pub/premises was put on the market in May 2015 with Leisure Property Specialists Fleurets for £495,000 plus VAT. As a result of limited interest, the asking price was subsequently reduced to £450,000 plus VAT in July 2015. There was again limited interest from leisure/pub operators and, as a result, the premises was eventually sold to a local investor. The pub has been vacant since February 2016.
- 6.7 Crickmay Chartered Surveyors were subsequently instructed to provide advice in respect of the marketing of the premises on an 'all enquiries' basis in August 2018 and commenced marketing (to exclude the side garden) in October 2018. The premises was actively marketed using a variety of resources and techniques. There were 19 enquiries, all on the basis of the freehold of property and none by any commercial occupiers seeking to take a lease of the ground floor of the property. In addition, only three parties enquired on the basis of the property's existing use as a public house. From feedback provided by enquirers, the premises were considered to be too small with no provision for an appropriate kitchen to provide food to diversity the service offer from a 'wet' pub and a lack of visitor parking posed a significant issue.
- 6.8 In addition to the marketing activities which have taken place, the applicant has also provided a viability assessment for the premises (undertaken by Savills) which concludes that '*...the public house is commercially unviable now and in the long term.*' This report has been independently considered by a third party consultant appointed by the Council. The

independent assessment concludes that the inputs and assumptions used by Savills are on the whole reasonable and that the information provided in terms of income is reasonable and in terms of expenditure not overstated. It is advised that *'In our opinion the public house is likely to make a loss and, on that basis, unlikely to be viable for investment as a going concern'* and *'...we conclude that it is unviable for the site to be retained as a public house.'*

- 6.9 It is considered that appropriate steps have been taken to market the site as an on-going concern as a public house, and that the suitability of the site for a continued A4 have been explored. On the basis of the information available, it is considered that the proposal would comply with Policy 9 of the HDPF as it has been demonstrated that the site/premises is no longer viable for employment use.
- 6.10 Policy 43 of HDPF states *'In addition to supporting facilities or services located in accordance with the Development Hierarchy and Strategic Development locations, sites located outside built-up areas will be supported where this is the only practicable option and where a suitable site well-related to an existing settlement exists.'* It continues *'Proposals that would result in the loss of sites and premises currently or last used for the provision of community facilities or services, leisure or cultural activities for the community will be resisted unless equally usable facilities can be conveniently provided nearby'*.
- 6.11 Policy 43 of the HDPF also sets out that it will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as; appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier. Where it cannot be demonstrated that such a loss is surplus to requirements, a loss may be considered acceptable provided that:
- 'a. an alternative facility of equivalent or better quality and scale to meet community needs is available, or will be provided at an equally accessible location within the vicinity; or*
 - b. a significant enhancement to the nature and quality of an existing facility will result from the redevelopment for alternative uses on an appropriate proportion of the site.'*
- 6.12 A recent application by Nuthurst Parish Council to designate the Dun Horse Inn as an Asset of Community Value was rejected/refused by the Council in October 2019. The application was rejected/refused for the following reasons:
1. The property has not been used as a community facility/public house for over three years and is currently boarded up.
 2. The property would require significant investment to bring it back to community use.
 3. The pub garden has been sold with planning permission for a residential dwelling.
 4. An application has been agreed for flats on the second floor and that an application is pending for change of use of the ground floor to residential accommodation.
 5. The property was previously an asset of community value but was removed from the list after it was sold. No community group expressed an interest in bidding to purchase the asset.
- 6.14 The reasons as detailed above are still considered to be relevant in the consideration of this planning application. The site has not been occupied as a pub for over four years, and at the time of a case officer site visit in September 2019 had fallen into a poor state of repair. As confirmed within the viability assessments, it is considered that significant investment would be required to bring a pub use back to the premises. It is also noted that development to provide flats at first floor level and a dwelling within the side garden have reduced the desirability and functionality for the premises to operate as a public house.
- 6.15 It is considered that there are other facilities within the locality which provide public/community facilities similar to those provided historically by the Dun Horse Inn. For

example, The Black Horse Inn on Nuthurst Street provides food and outdoor amenity space and is located a short distance away from the application site. It is considered that such a premise would be accessible for local residents as well as attracting 'destination' customers travelling through the district.

- 6.16 Taking the above into account, whilst it is regrettable to see the loss of a community facility within Mannings Heath, it is considered that appropriate steps have been taken to market the site as an on-going concern as a public house, and that the suitability of the site for a continued A4 have been explored. In addition, it is considered that there are other facilities within the locality which provide public/community facilities similar to those provided historically by the Dun Horse Inn. As such it is considered that the proposal complies with the relevant policies of the HDPF and guidance provided within the NPPF.

Design, Appearance and Landscape Impact

- 6.17 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.18 Policy 34 of the HDPF states that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. The proposal would be required to ensure it has no adverse effect upon the historic character and appearance of the listed building or its setting.
- 6.19 Only minor alterations to the external appearance of the building are proposed to facilitate the change of use of the ground floor of the building to residential. At the time of a case officer site visit, the ground floor windows were boarded up however it is noted that new uPVC windows have now been installed at ground and first floor levels in line with permission given under planning reference DC/17/2293 for the change of use of the first floor to residential.
- 6.20 Notwithstanding the use of uPVC windows which generally provide bulkier proportions, the overall form and appearance of the building will be largely retained. It is therefore considered that the proposal would preserve the existing character and appearance of the building and the wider streetscene, and accords with the relevant local and national policies, including those within the Nuthurst Parish Neighbourhood Plan and Nuthurst Parish Design Statement.
- 6.21 The nature and extent of external alterations proposed to facilitate the creation of three flats at ground floor level are not considered so significant as to result in any substantial or appreciable harm to the character and appearance of the site or the wider setting including designated heritage assets within the immediate vicinity. As such, there is considered to be no conflict with policies 25, 32, 33 or 34 of the HDPF.
- 6.22 It is noted that the Council's Conservation Officer has provided comments, suggesting that a condition relating to the proposed new windows to be installed shall be imposed. Notwithstanding the comments provided, given that the windows installed at ground floor level match those installed at first floor level, which have been previously been agreed, it is not considered appropriate in this case to require windows of a different design or material to be installed.

Impact on Neighbouring Amenity

- 6.23 Policy 33 of the HDPF additionally states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

- 6.24 The proposed development would be contained at ground floor level and would largely utilise existing window and door openings to facilitate the creation of the three flats, with only minor alterations proposed. Given that no other external alterations are proposed, apart from general restoration works, and the fact that the new accommodation would be provided at ground floor level, it is not considered that the scheme would contribute to any harmful impact on the privacy or amenity of the occupiers of the neighbouring residential property or users of adjoining land.

Highways and Parking Considerations and Implications

- 6.25 The proposal does not involve any alterations to the existing access and parking arrangements. West Sussex County Council (WSCC) as the Local Highway Authority have advised that the existing triangle of land at the junction of Pound Lane and Brighton Road is publicly maintained highway although they are aware the land has historically been used for parking purposes in association with the public house. This area has not therefore been included in the application site boundary as parking in this location cannot be allocated to any proposed use at the site.
- 6.26 An inspection of the latest collision data supplied to WSCC by Sussex Police reveals four recorded injury accidents in the locality of the junction. From an inspection of accident data, WSCC have advised that it is clear that this was not due to any defect with the junction or existing parking arrangements and whilst the junction does not benefit from road protection markings, any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988 (leaving vehicles in a dangerous position on the road including verge) and/or Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway). Both of these measures would be enforced by Sussex Police.
- 6.27 The flats will not be allocated any parking spaces. The WSCC Car Parking Demand Calculator provides that two spaces should be provided for the proposed residential use. This is a reduction in demand over the existing permitted use where the existing flat and guest bedrooms could see a demand for six spaces. It is therefore considered that, whilst no allocated spaces are to be provided for future occupiers of the flats, parking demand and capacity impact on the nearby road network would be reduced over the existing permitted/historic use of the site as a public house with associated guest facilities.
- 6.28 It is therefore considered that it would be difficult to substantiate highway safety or capacity grounds to resist the proposal to convert the ground floor of the former Dun Horse Inn to residential. WSCC do not consider that proposals are contrary to paragraph 32 of the National Planning Policy Framework. For these reasons, and while objections to the application on highway safety grounds are noted, it is considered that no further information on this matter is necessary to inform the acceptability of proposal in highway safety terms. It is therefore considered that the proposed use of the ground floor of the site as residential accommodation would accord with policies 40 and 41 of the HDPF.

Conclusion

- 6.29 In conclusion, the proposal would represent an appropriate form of development, utilising an existing building, which is no longer considered to be viable to function as a public house, within a sustainable location for residential development. The proposals would not have a detrimental impact on the surrounding area or the prevailing character of the streetscene, the amenities of adjacent occupiers, or the existing parking and highways configuration within the locality. The proposals are therefore considered to accord with national guidance and local plan policies and is recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.30 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	125	125	0
Total Gain			
Total Demolition			0

- 6.32 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.33 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 planning permission subject to the following conditions:

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

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

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and with Policy 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided for that dwelling. The facilities shall thereafter be retained for use at all times.

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

- 5 **Regulatory Condition:** The materials and finishes of all new external walls/infill walls 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).

- 6 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with the

permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

- 7 **Regulatory Condition:** The details pertaining to the replacement windows to be installed shall be fully implemented in accordance with the approved details submitted and approved under planning reference DISC/19/0179.

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

- 8 **Regulatory Condition:** The details pertaining to a Construction Method Statement shall be fully implemented in accordance with the approved details submitted and approved under planning reference DISC/19/0179.

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

- 9 **Regulatory Condition:** No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority

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

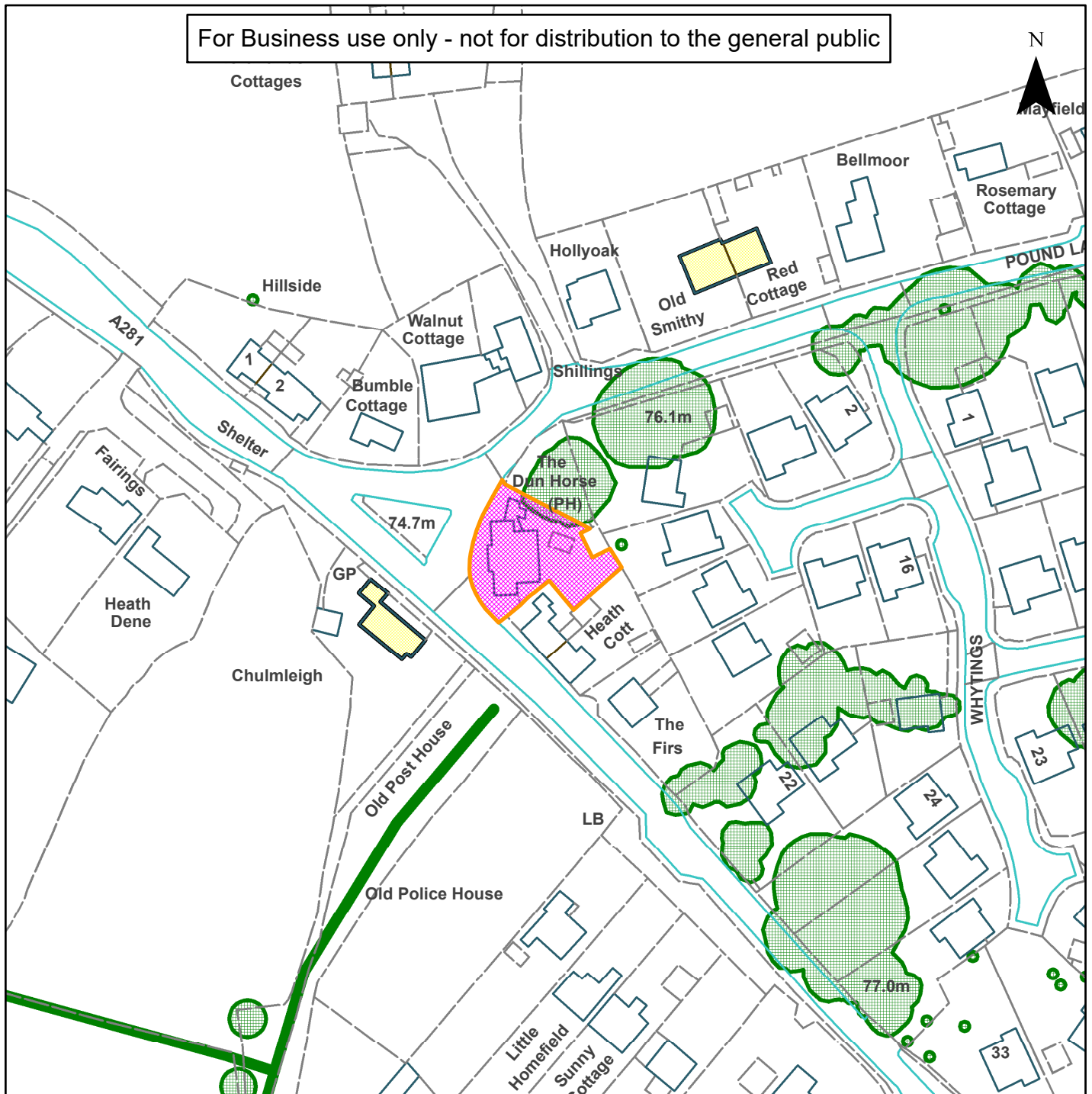
Background Papers: DC/19/1389

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Dun Horse Inn, Brighton Road, Mannings Heath

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Organisation	Horsham District Council
Department	
Comments	
Date	26/03/2020
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee (North)

BY: Head of Development

DATE: 7 April 2020

DEVELOPMENT: Erection of 6.No two storey semi-detached dwellings, creation of parking and new access onto Park Lane with associated landscaping

SITE: Land Adjacent To Heathtolt Cottages Park Lane Maplehurst RH13 6LL

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/19/2500

APPLICANT: **Name:** Mr Simon Burrough **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: At the request of Nuthurst 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 full planning permission for the erection of six dwellings arranged in three pairs of semi-detached dwellings. The proposed dwellings would be set back from the public highway in a continuous build pattern from west to east.
- 1.3 The proposed dwellings would comprise 3no. pairs of semi-detached dwellings oriented to face north, and would be set back from the adjacent properties of Heathtolt Cottages by approximately 4m. Each pair dwellings would share an access from Park Lane, with an area of hardstanding provided for 2no. vehicles each. Private amenity space would be provided to the south of the site, which would be separated by 1.2m high post and rail fencing and hedging, with closeboarded fencing located to the south.
- 1.4 The built form of each pair of dwelling would measure to a total length of 19.6m and a total depth of 9.1m, with an additional single storey porch addition projecting to a depth of 1.5m to the north. The proposal would incorporate a hipped roof measuring to an overall height of 9.4m, and would incorporate pitched gable projections above the eaves to the frontage. Each dwelling would benefit from an attached garage that would sit under a hipped roof, set down from the eaves of the main dwelling. The proposal would be finished in facing brick and clay hanging tiles, with tiles to the roof. Solar panels would be located on the southern roof slope of each dwelling.
- 1.5 The proposed dwellings would provide kitchen/dining/living room, w.c, store, and garage to the ground floor, with 3no. bedrooms (one with ensuite) and bathroom to the first floor.

DESCRIPTION OF THE SITE

- 1.6 The application site is located to the south of Park Lane, outside of the designated built-up area boundary. The site comprises an area of agricultural land which slopes down to the south. Residential properties are located to the north and west of the site, with an agricultural access track located to the east. The wider area is characterised by open countryside, with linear residential development located to the west of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.4 Neighbourhood Plan:

Nuthurst Parish Neighbourhood Plan

- Policy 1: A Spatial Plan
- Policy 8: Land adjacent to Heathtolt Cottages
- Policy 10: Housing Design

2.5 Parish Design Statement:

Nuthurst Parish Design Statement

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 There is no recent planning history relating to the site.

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 Drainage Engineer:** No Objection
- 3.3 **HDC Waste Services:** No Comment
- 3.4 **Environmental Health Officer:** No Objection subject to conditions

OUTSIDE AGENCIES

- 3.5 **WSCC Highways:** No Objection subject to conditions
- 3.6 **Southern Water:** No Objection

PARISH COUNCIL

- 3.7 **Nuthurst Parish Council:** Objection.

The Parish Council objected to the original application and the 22 January amendment and suggested that the applicant should submit amended plans to address the issues raised. The applicant submitted amended plans on 7 February 2020 but provided no explanation as to how the plans had been amended. Detailed scrutiny of the amended plans has demonstrated that the applicant has dealt with one issue raised by the Parish Council, namely there is now an extension of the pavement along Park Lane as required by policy 8v of the Neighbourhood Plan.

However, the applicant has not dealt with the main issue raised by the Parish Council. The ridge height of the houses is still nearly 9.5m, approximately 1.5m higher than the adjacent Heathtolt Cottages in contravention of policies 8ii and 10 of the Neighbourhood Plan.

Therefore the Parish Council continues to object to this amended application for the reasons given below.

This site is allocated for development in Policy 8 of the Nuthurst Neighbourhood Plan (NP) for 3 or 4 pairs of 2 or 3 bed semi-detached houses which are similar in style and sympathetic to the existing Heathtolt Cottages.

The application consists of 3 pairs of identical 3 bed semi-detached houses and in this respect the application complies with the NP.

A full assessment of conformity with the requirements of the NP for this further amended application is provided in the appendix.

This assessment concludes that the application complies with the policies/provisos in the Parish's "made" NP but with one exception:

The application does not comply with policies 8ii and 10 because the ridge height of nearly 9.5m is much higher than the adjacent semi-detached houses which have a ridge height of approximately 8m, creating a greater roof area and bulkier appearance which does not reflect the scale and height of the adjacent semi-detached houses. Nor are these high, bulkier houses sympathetic to a countryside location

Whilst the Parish Council would like to be in a position to support this amended application for a site allocated for development in its NP, it cannot support the present proposal because of the contraventions of policies 8ii and 10 of the NP.

The Parish Council recommends that the developer submits a further amended application with houses showing much lower ridge heights comparable with the adjacent Heathtolt Cottages. This would result in much smaller roof areas and bulkiness so that the houses reflect the scale and height of the adjacent Heathtolt Cottages and are more sympathetic to the rural environment.

If the developer makes this recommended change, the Parish Council would support the application.

PUBLIC CONSULTATIONS

- 3.8 10 letters of objection, from 6 households, have been received to the application, which raise the following concerns:
- Ridge height excessive.
 - Footprints larger than adjacent properties.
 - Out of keeping with character of area.
 - Possibility for rooms to be added in roof space, which will reduce the affordability of the properties for local families.
 - Lack of affordable housing on the site.
 - Highway safety concerns.
 - Increase in traffic using Park Lane.
 - Noise disturbance to local residents.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main considerations material to this application relate to:
- Principle of Development.
 - Design and Appearance.
 - Amenity Impacts.
 - Highways Impacts.

Principle of Development:

- 6.2 Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The application site is located outside of the defined built-up area boundary, and as such is considered countryside in policy terms.
- 6.3 The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the HDPF seeks to retain the

existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

- 6.4 Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 6.5 The application site has been allocated within the Nuthurst Parish Neighbourhood Development Plan under Policy 8 (Land adjacent to Heathtolt Cottages, Maplehurst). This policy states that residential development of 0.375ha of land adjacent to Heathtolt Cottages will be permitted provide that:
- i) the scheme comprises primarily 2 or 3 bedroom semi-detached houses with integral garages in line with existing building line;
 - ii) the style is similar/sympathetic to the existing Heathtolt Cottages;
 - iii) access is made to the scheme using one access point onto Park Lane for each pair of houses;
 - iv) the scheme layout and landscape scheme retain the existing trees/hedge at front; and
 - v) the transport assessment on the scheme has full regard to extending the existing pavement on Park Lane to serve the development.
- 6.6 The application seeks full planning permission for the erection of six semi-detached 3-bed dwellings, built along a continuous build line, with an access point onto Park Lane serving each pair of dwellings. The existing tree/hedge is retained to the frontage, and a Transport Assessment has been provided which takes regard of extending the footpath to the frontage.
- 6.7 The proposed development is considered to adhere to the criteria as stated within Policy 8 of the Nuthurst Parish Neighbourhood Development Plan, and as an allocated site within the made Neighbourhood Plan, would also comply with Policy 4 of the Horsham District Planning Framework. As such, the proposed development is considered acceptable in principle, subject to all other material considerations.

Design and Appearance:

- 6.8 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.9 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.10 Policy 8 of the Nuthurst Parish Neighbourhood Development Plan states that development should comprise primarily 2 or 3 bed semi-detached houses with integral garages in line with

the existing building line, and that the style is similar/sympathetic to the existing Heathtolt Cottages.

- 6.11 The application site is located to the east of a ribbon of residential development comprising Heathtolt Cottages, which are built along a continuous build line, set back from the public highway. The site is located within a transitional area which separates the informal and undeveloped countryside to the east from the hamlet of Maplehurst to the west. While sporadic residential development is located to the north of the site, the application site has a greater relationship with the Cottages to the west. As such, it would be anticipated that any development reflect the character, proportions, and build line of Heathtolt Cottages, particularly given the prominence of the location.
- 6.12 Initial concerns were raised with the proposed development, particularly in respect of the build line and the scale, footprint, and proportions of the proposed dwellings. The staggered build line as previously proposed was not considered to reflect the character and visual amenities of the area, and was considered to result in a layout and build line that would juxtapose and detract from the recognisable linear form of development. Given the prominence of the site, the development would be particularly apparent from the approach, with the previous layout unreflective of the wider pattern of development. Although recognised that the proposed layout would lessen the prominence and dominance of the built form, the relationship with the adjacent properties of Heathtolt Cottages was considered to weigh in favour of a continuous build line, with the previous build line therefore considered to detract from the character and visual amenities of the street scene, and is not considered to reflect the build pattern of the surroundings, or the existing build line. In addition, it was considered that the scale and footprint of the proposed dwellings would not appropriately reflect that of the adjacent dwellings of Heathtolt Cottages. The overall scale and extent of the proposed dwellings was considered to result in proportions that would not reflect that of the existing dwellings to the west, with the size of the proposal resulting in the staggered build line as proposed. Concerns were also raised in respect of the overall height of the proposed dwellings, which were considered to extend to a greater height than the adjacent properties.
- 6.13 Following these concerns, the proposed development was amended to take consideration of the adjacent build pattern, as well as the scale and proportions of the neighbouring properties. The proposed dwellings would comprise three pairs of semi-detached dwellings oriented to face north, and set back from the adjacent properties of Heathtolt Cottages by approximately 4m. Each pair of dwellings would share an access from Park Lane, with an area of hardstanding provided for two vehicles each. The built form of each pair of dwelling would measure to a total length of 19.6m and a total depth of 9.1m, with an additional single storey porch addition projecting to a depth of 1.5m to the north. The proposal would incorporate a hipped roof measuring to an overall height of 9.4m, and would incorporate pitched gable projections above the eaves to the frontage. Each dwelling would benefit from an attached garage that would sit under a hipped roof, set down from the eaves of the main dwelling. The proposal would be finished in facing brick and clay hanging tiles, with tiles to the roof. Solar panels would be located on the southern roof slope of each dwelling.
- 6.14 While it is recognised that the dwellings would be set back from the existing build line, the proposal would nonetheless result in a continuous build line, albeit to an approximate 4m set back. As such, when viewed from the street scene, the proposed development would maintain the build line, with the additional dwellings considered as a continuation of the recognised build pattern. Given that the application site lies on the eastern edge of the unclassified settlement, the site relates to both the built form to the west and the open countryside to the east. Given this context, the proposed set back is also considered to reduce the prominence of the built form within the setting, and is considered to help transition between the denser development to the west and the sporadic development to the east. The build pattern is therefore considered to appropriately reflect that of the adjacent Cottages, while also maintaining and reinforcing the characteristics of the wider rural setting.

- 6.15 The proposed dwellings are considered to appropriately reflect the form and vernacular of the nearby properties, with the design and proportion of the dwellings reflecting those to the immediate west of the site. As such, the proposed dwellings are considered to be an appropriate extension of the build character and pattern, utilising features and form that reflects and reinforces the townscape character of the street. It is recognised that the proposed dwellings would extend to a slightly greater height than the nearby properties, however given the set back from the frontage and build line, it is not considered that this would be overtly perceptible from the street scene.
- 6.16 The proposed development is considered to reflect and reinforce the townscape character of the locality, with the siting and orientation of the dwellings considered to relate sympathetically to the built pattern and characteristics of the street scene. The scale, mass, and proportions of the dwellings are considered to appropriately reflect that of the immediate neighbouring properties, with the finish and appearance considered to reflect the build characteristics of the wider locality. As such, the proposal is considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policies 4 and 10 of the Nuthurst Parish Neighbourhood Development Plan.

Amenity Impacts:

- 6.17 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.
- 6.18 Each pair of dwellings would be located along a continuous build line, set back from the nearest neighbouring property of 8 Heathtolt Cottages by approximately 4m. No side windows are proposed, with a 1m gap maintained between the flank elevation and the boundary to each property.
- 6.19 While acknowledged that the proposed development would introduce additional residential receptors into the area, it is recognised that the existing dwellings of Heathtolt Cottages share a mutual degree of overlooking. While the proposed dwellings would be set back from the rear elevation of the adjacent properties, it is recognised that no side windows are proposed to the western flank wall of Plot 1. Given the separation distance and the orientation of the dwellings, it is considered that only oblique views would be possible from the first floor windows on the rear elevation. Such relationship is not considered to result in any further material harm than the existing situation, and it is not therefore considered that the proposal would result in harm through overlooking or loss of privacy.
- 6.20 The proposed development is considered to accord with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

- 6.21 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.22 Policy 8 of the Nuthurst Parish Neighbourhood Development Plan states that development will be permitted where access is made to the scheme using one access point onto Park Lane for each pair of houses.
- 6.23 The proposed dwellings would comprise three pairs of semi-detached dwellings oriented to face north, and would be set back from the adjacent properties of Heathtolt Cottages by approximately 4m. Each pair dwellings would share an access from Park Lane, with an area of hardstanding provided for two vehicles each.

- 6.24 Following consultation with WSCC Highways, it is considered that the proposed accesses would be appropriate to support the development, and it is not considered that the proposal would result in a material intensification that would result in harm to the function or safety of the highway network. Each dwelling would benefit from an adequate number of off-road parking spaces in accordance with the WSCC Car Parking Demand Calculator. However, it is noted that visitor spaces have not been shown, and it would be anticipated that two additional spaces be provided per driveway to accommodate visitors.
- 6.25 The proposal would extend the footpath across the frontage of the development, connecting the development to the existing footpath. This is welcomed, and is considered to be compliant with the provisions of Policy 8 of the Nuthurst Parish Neighbourhood Development Plan.
- 6.26 Given the need for visitor spaces, it is considered reasonable and necessary to impose a condition seeking the submission of details in respect of the access and parking arrangements. While noted that these details have been submitted, following consultation with the Local Highways Authority, the proposed layout is considered inadequate. The imposition of a details condition would overcome the concerns raised, and would enable an appropriate provision of visitor parking. Subject to this condition, it is considered that the proposal would accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Conclusion

- 6.27 The proposed development is considered acceptable in principle, and is considered to accord with the provisions of Policy 8 of the 'made' Nuthurst Parish Neighbourhood Development Plan. Following amendments to the scheme, it is considered that the proposed development would reflect the built pattern, character and appearance of the locality, and particularly the adjacent dwellings of Heathtolt Cottages. The layout and orientation of the proposed development has also taken appropriate consideration of potential amenity impact through overlooking and loss of privacy. Subject to conditions relating to parking layout, which should provide additional visitor parking spaces, it is considered that the proposal would not result in harm to the safety and function of the public highway network. It is therefore considered that the proposal would accord with all relevant local and national planning policies.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.28 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.29 **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	753.9		753.9
Total Gain			
Total Demolition			

- 6.30 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.31 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 planning permission 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-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 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 development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 5 **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).

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

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

- 7 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body 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).

- 8 **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).

- 9 **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
- A written outline soft specification, including ground preparation, cultivation and other operations associated with plant and grass establishment
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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).

- 10 **Pre-Occupation Condition:** Notwithstanding the details submitted, prior to the first occupation of any part of the development hereby permitted, a plan showing the layout of the proposed development and the provision of car parking spaces (including visitor spaces) for vehicles shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 11 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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

- 12 **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).

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

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

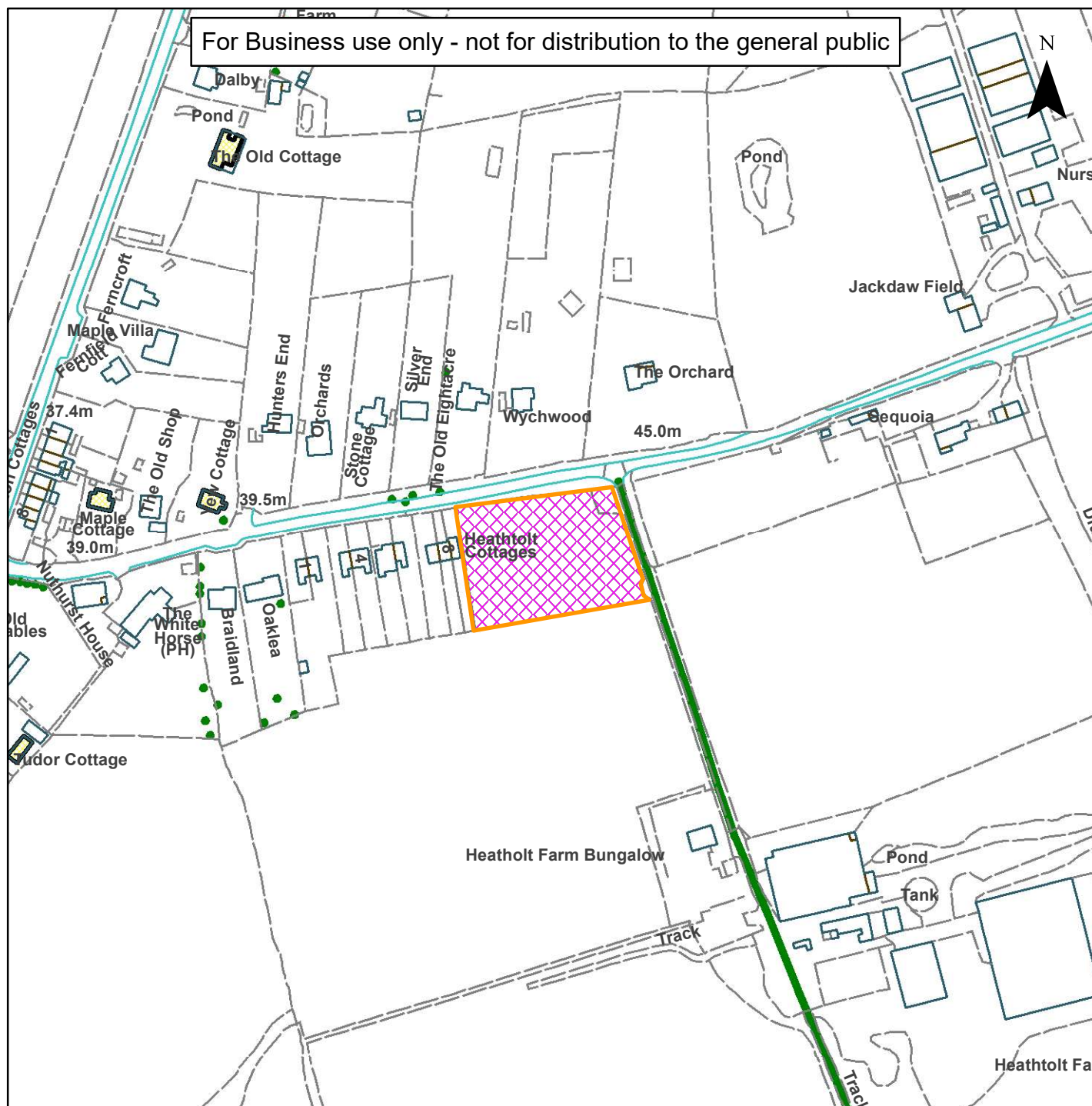
- 14 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

Background Papers: DC/19/2500.



Land adjacent to Heathtolt Cottages, Park Lane, Maplehurst



Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	26/03/2020
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee (North)

BY: Head of Development

DATE: 7 April 2020

DEVELOPMENT: Erection of a 3.No bedroom, two storey dwelling and creation of new vehicular access

SITE: Sandygate Lane Lower Beeding Horsham West Sussex RH13 6LR

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/19/2336

APPLICANT: **Name:** Mr and Mrs Michael Lewis **Address:** Sandygate, Sandygate Lane Lower Beeding RH13 6LR

REASON FOR INCLUSION ON THE AGENDA: More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To refuse planning permission.

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 the erection of a two-storey dwellinghouse to be located within the side garden area of the existing dwellinghouse known as Sandygate and the creation of an additional vehicular access point onto Sandygate Lane. The proposed dwelling would include a sitting room, a kitchen/dining room, a utility room and a study at ground floor level and three bedrooms and three bathrooms at first floor level.
- 1.3 The proposed dwellinghouse would have an overall width of approximately 13m and an overall depth of approximately 12.4m. The proposed dwelling would have an overall maximum height to the ridge of approximately 7.8m. The proposed dwelling would incorporate front dormers and front and rear gabled elements with a traditional style to its appearance. The proposed dwelling would have Gross Internal Area (GIA) measuring approximately 204sqm.
- 1.4 As part of the proposals, a new vehicular access would be created to serve the existing and proposed dwellings allowing for an in-out configuration to serve both dwellings. Additional hardstanding for parking along with landscaping are also proposed.

DESCRIPTION OF THE SITE

- 1.5 The application site comprises a two storey dwellinghouse located on the south-eastern side of Sandygate Lane, Lower Beeding. The site is not located within any defined built up area and is therefore considered to be located within the countryside. The existing dwellinghouse on site is made up of stock brick and cladding to the external walls, a tiled roof and uPVC fenestration.
- 1.6 The existing property benefits from a spacious curtilage with large side and rear garden areas. The site is accessed via an existing access from Sandygate Lane which also serves the neighbouring property to the north east known as Cedar Cottage. The boundary of the site with Sandygate Lane is made up of mature hedging.
- 1.7 It is noted that the Lower Beeding Wastewater Treatment Works is located approximately 190m from the boundary of the application site to the south-east.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development.
Policy 2 - Strategic Policy: Strategic Development.
Policy 3 - Strategic Policy: Development Hierarchy.
Policy 4 - Strategic Policy: Settlement Expansion.
Policy 15 - Strategic Policy: Housing Provision.
Policy 16 - Strategic Policy: Meeting Local Housing Needs.
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character.
Policy 26 - Strategic Policy: Countryside Protection.
Policy 32 - Strategic Policy: The Quality of New Development.
Policy 33 - Development Principles.
Policy 40 - Sustainable Transport.
Policy 41 - Parking.

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The parish of Lower Beeding was designated as a Neighbourhood Development Plan Area was in December 2015. At present there is no plan for the parish.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 No recent or relevant planning history.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTTEES

3.2 **HDC Environmental Health:** Comment/Additional Information Requested.

Given the distance between the application site's southern boundary and the sewage treatment works (approximately 220m) and taking into account the prevailing wind direction (south westerly) we are of the view that there is unlikely to be a significant loss of amenity to the proposed development as a result of the proximity of the sewage treatment works. We note however that the application site does lie within Southern Water's 500m buffer zone, we would therefore have no objection to their request for an odour impact assessment to be submitted in support of the application.

OUTSIDE AGENCIES

3.3 **WSCC Highways:** Additional Information Requested.

The Local Highway Authority has been re-consulted following the submission of a statement from the applicant regarding the proposed access.

The applicant has indicated that the proposed access will be 4.5m wide, however whilst the access point to the proposed site appears to be this width, drawing no. 1836.2/02 (Block Plan) at 1:200 scale demonstrates an access width of 11.55m at the carriageway edge. Drawing no. 1836.2/05 (Highway Survey) at 1:1000 scale also demonstrates an access width of 11.55m. As stated previously, the access width at the edge of the carriageway should be no wider than 6.4m. No additional plans have been provided for this re-consultation, as such comments provided on 5th December 2019 would still be relevant and a revised plan demonstrating a maximum width of 6.4m at the carriageway edge is requested.

As previously requested, the applicant's ownership boundary is required to be demonstrated on the Highway Survey Plan in order to assess whether the visibility splays interfere with third party land. Splays crossing into third party land cannot be maintained in perpetuity. The LHA acknowledges the applicant's statement, stating that the splays do not enter into third party land, however, this is required to be demonstrated on the proposed plans.

The Local Highway Authority is not in a position to make a full assessment of the access arrangements, including any improvement, until the matters raised in the LHA's previous response have been addressed.

3.4 **Southern Water:** Objection.

Southern Water objects to the proposed development. In determining the application, we ask that the Planning Authority take into account the provisions of National Planning Policy Framework (NPPF) regarding the encroachment of development towards existing potentially polluting uses.

The proposed development is located approximately 190 metres of the Lower Beeding Wastewater Treatment Works. A precautionary buffer zone distance of 500 metres from the perimeter fence of the WWTW has been used for the purposes of this planning consultation response.

Due to the potential odour nuisance from a Waste Water Treatment Works, no habitable development should be located within the 1.5 OdU odour contour of the WWTW. An Odour survey will need to be carried out to a specification agreed with Southern Water to identify and agree the 1.5 OdU contour.

PARISH COUNCIL

3.5 **Parish Council Consultation:** Comment.

The Parish Council were neutral on the development as there was no clarity on the Community Infrastructure Levy and questions were raised regarding the addition of access to the road.

PUBLIC CONSULTATIONS

3.6 18 letters of support were received from 15 separate households. The nature of these supporting letters can be summarised as follows:

- Appropriate design for the location.
- Sustainable development, close to local amenities and services.
- Provides affordable housing.
- Allows a local family to stay in the area.

3.7 1 letter of objection was received. The nature of this objection can be summarised as follows:

- Outside of built-up area.
- Not allocated within the neighbourhood plan.
- Additional access not appropriate or safe.
- Will give impression of urbanisation given scale of proposal.

MEMBER COMMENTS

3.8 None Received.

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

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

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

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

6. **PLANNING ASSESSMENTS**

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.
- Highways impact and other material considerations.

Principle of development

6.2 The application site lies in a countryside location, outside of the defined built-up area of any settlement. Given this location, the initial principle of the proposal needs to be considered in the context of Paragraph 79 of the NPPF and policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (HDPF).

- 6.3 Paragraph 79 of the NPPF seeks to promote sustainable development in rural areas and advises that new isolated homes in the countryside should be avoided unless there are special circumstances. On the basis of the available information, it is not apparent that the schemes architectural quality would be sufficient to significantly enhance its immediate setting, and the proposed dwelling, by virtue of its design, size and positioning, would be a clearly noticeable feature in the landscape, which currently benefits from an open feel and undeveloped nature. It is not therefore considered that the proposal could be regarded as a special circumstance under Paragraph 79 of the NPPF that would allow the construction of an isolated dwelling in the countryside to be supported. It is also considered that whilst being outside of any defined built-up area, the site is within a cluster of residential properties on the edge of Lower Beeding, and on this basis cannot be considered as 'isolated' as per the requirements of Paragraph 79 of the NPPF.
- 6.4 Policies 3 and 4 of the HDPF set out that development will be permitted within the towns and larger villages in the District which have defined built up areas, and outside of these areas, the expansion of settlements will be limited to those sites that are, amongst other criteria adjoining a settlement edge and allocated in either the local plan or a neighbourhood plan. The application site is located within the countryside, outside of any defined settlement, and is not allocated for residential development within the HDPF or a 'made' Neighbourhood Plan (no current neighbourhood plan covering the parish of Lower Beeding). The proposal for the construction of a new dwelling in this location does not therefore meet the aims of these policies.
- 6.5 The site is situated outside of any of the defined settlement as categorised under Policy 3 of the HDPF. The principle of the proposed development outside of any defined built-up area boundary is contrary to the overarching spatial strategy and principles of the NPPF and HDPF. As the site lies outside of any defined built up area, it is therefore considered to be within a countryside location in policy terms. In such a countryside location, the proposal is required to be considered against Policy 26 of the HDPF which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale, whilst in addition meeting one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. The proposed development does not meet any of the criteria set out in the policy, nor is it considered to be essential to its countryside location. No information as to how the proposal would meet Policy 26 of the HDPF have been put forward by the applicant.
- 6.6 Whilst it is noted that the site is located in close proximity to the built-up area of Lower Beeding, the site is considered to be rural in nature following assessment of this during an Officer site visit and analysis of long views along Sandygate Lane, with only sporadic development within the vicinity of the site either side of Sandygate Lane. It is noted that there are bus stops along Sandygate Lane, however the services are infrequent. It is therefore considered that future occupiers of the proposed dwelling would likely be highly dependent on the use of private vehicle in order to access services and facilities.
- 6.7 Recent appeals decisions have backed up the approach taken by the Council in respect of sites outside of built-up area boundaries, particularly in rural locations such as this, and where proposals have been considered to be contrary to the locational strategy policies of the HDPF and result in an unsustainable form of development. Within these appeals, whilst acknowledging the proximity to built-up area boundaries, Inspectors were of the opinion that allowing development in these locations, without robust justification, would conflict with the fundamental purpose of the settlement boundaries, as set out in the strategic policies within the HDPF.
- 6.8 In addition, the Council can demonstrate a full 5-year housing land supply against the required number of dwellings per annum, which has been corroborated by the Annual Monitoring Review (AMR) produced at the end of December 2019, which confirmed that the

Council can demonstrate a 111% 5-year housing land supply against the Horsham District Planning Framework requirement.

- 6.9 It is noted that supporting information has been provided stating that the proposed dwelling would be occupied by the applicant's son and family, who currently live locally, however require larger accommodation and wish to remain in Lower Beeding. Whilst this is acknowledged, this is not considered to be a material planning consideration that would outweigh the harm as identified above. Indeed, it is noted that the strategic housing developments currently being built out and occupied within the District would meet this kind of demand, without the need for further housing development, as this application proposes. As such, there are no arguments presented which would provide the proposed development for a new dwelling in this location with any credible justification for a departure from local and national planning policies.
- 6.10 It is considered that the scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements as set out in the HDPF. The proposal for a new dwelling on the site is not considered to be essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development in this location. Additionally, the site has not been allocated for housing within a 'made' neighbourhood plan and has therefore not been deemed to be appropriate for housing at a local level.
- 6.11 For the reasons set out, it is considered that the proposed development would not accord with the core principles of sustainable development, contrary to policies 1, 2, 3, 4, 15 and 26 of the Horsham District Planning Framework. It is also considered that the proposed development would not be of such exceptional quality or innovative design as to meet the tests of Paragraph 79 of the National Planning Policy Framework, and is not considered to be isolated as required by this section of the NPPF.
- 6.12 It is therefore recommended that the application is refused on the grounds that the proposed dwelling is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Plan. Therefore, the proposal represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework and guidance within the NPPF.

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

- 6.13 Paragraph 131 of the NPPF states that – 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'
- 6.14 Policy 32 of the HDPF requires high quality design that complements the locally distinctive character of the district and contributes a sense of place in the way they integrate with their surroundings. Policy 33 of the HDPF sets out the Council's development principles in order to conserve and enhance the natural and built environment. The policy, amongst other criteria, requires proposals to 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, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views and be locally distinctive in character and respect the character of the surrounding area.
- 6.15 The proposed dwelling would consist of brickwork to the external walls, a tiled roof and UPVC fenestration. The proposed dwellinghouse would be designed with front former windows and front and rear gabled elements. It is considered that the proposed dwelling would be appropriately and sympathetically designed, scaled and sited within the plot, allowing for appropriate outdoor amenity space. The overall proposals with regards to the design and

scale of the dwelling and the resultant curtilage, would be in keeping with the existing residential properties within the vicinity.

- 6.16 Looking within the wider street scene from Sandygate Lane, whilst visible from this perspective, the proposed dwelling is considered to be of an acceptable design and would relate appropriately when viewed against existing development within the immediate area.
- 6.17 Overall, it is considered that the proposal as submitted would result in a sympathetic and appropriate addition to the site and would be in keeping with the character of the countryside location in design terms. The proposals are therefore considered to be in accordance with the NPPF and Policies 25, 32 and 33 of the Horsham District Planning Framework (2015) in this regard.
- 6.18 Notwithstanding the suitability of the proposed design of the dwelling, this does not outweigh the conflict with the development plan with regards to the principle of development in the countryside as detailed above.

Impact on neighbouring amenity

- 6.19 Policy 33 of the HDPF additionally states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties. Given the relationship of the proposed dwelling with neighbouring properties, and the distances maintained, it is considered that the proposals would not have a detrimental on the amenities of neighbouring properties.
- 6.20 It is noted that the submitted plans indicate that there would be three side facing windows to the south-west facing elevation of the proposed dwelling at first floor level which would each serve the three bedrooms. These windows would be considered to be secondary windows to these rooms, and the plans indicate that two would be fitted with stained glass. As the level of privacy to be provided is not clear from the submitted details, and given that one of the windows has not been marked as proposing to have stained glass, it is considered that had this application been recommended for approval, a suitable condition would be added requiring full details of the glazing for these windows prior to occupation.
- 6.21 Taking the above into account, the proposed development is therefore, considered to be in accordance with Policy 33 of the HDPF (2015) in this regard.

Quality of the resulting environment for future occupiers

- 6.22 The Lower Beeding Wastewater Treatment Works (WWTW) is located to the south-east of the site at a distance of approximately 190m. Southern Water have advised in this instance that the application site would fall within a precautionary 500m buffer zone for new habitable development.
- 6.23 Whilst it is considered that the proposed development would provide adequate indoor and outdoor living space for future occupants, and that suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking or overbearing impacts, concern is raised as to the potential impact of the WWTW.
- 6.24 Due to the potential odour nuisance from a Waste Water Treatment Works, Southern Water have advised that no habitable development should be located within the 1.5 OdU odour contour of the WWTW and that an odour survey would be required to a specification agreed with Southern Water to identify and agree the 1.5 OdU contour. This is standard advice provided by Southern Water for developments within the proximity of WWTW's.
- 6.25 The Council's Environmental Health Department have advised that given the distance maintained and the prevailing wind direction (south westerly) they are of the opinion that

there is unlikely to be a significant loss of amenity to the future residents of the property as a result of the proximity of the sewage treatment works. Notwithstanding this, given the requirements of Southern Water and the advice given, the Council's Environmental Health Department have no objection to the request for an odour impact assessment to be submitted in support of the application and to demonstrate whether there would be any impact.

- 6.26 Whilst it is acknowledged that there is existing residential development in closer proximity to the WWTW when compared to the location of the proposed dwelling, given that an odour survey has not been submitted in support of this application, it is considered that there is insufficient information has been submitted with the application to accurately assess whether future occupiers of the proposed dwelling would be adversely affected by the Waste Water Treatment Works. The application is therefore considered to be contrary to Policy 33 of the Horsham District Planning Framework in this regard.

Parking, transport and highways implications

- 6.27 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users. The proposals include the creation of a new access to the serve the existing and proposed dwellings. The existing access would be retained, allowing for an in-out configuration, with the existing access acting as the entrance and the proposed access acting as the exit onto Sandygate Lane.
- 6.28 West Sussex County Council as the Local Highway Authority have advised that the proposed access does not meet their width requirements and have also requested a Highway Survey Plan be provided in order to assess whether the visibility splays interfere with third party land. Given that the requested information has not been provided, and the fact that this section of Sandygate Lane has an unrestricted 60mph speed limit, it is considered that there is insufficient information submitted with the application to accurately assess whether the proposed access would meet the standards as set by WSCC and whether the access would provide safe entry/exit to and from Sandygate Lane. The application is therefore considered to be contrary to Policies 40 and 41 of the Horsham District Planning Framework.

Conclusion

- 6.29 It is considered that the proposal, for the erection a new dwelling, would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements as set out in the HDPF. The proposal for a new dwelling on the site is not considered to be essential to its countryside location and consequently represents an inappropriate, unsustainable and unacceptable form of development in this location.
- 6.30 Additionally, the site has not been allocated for housing development within a 'made' neighbourhood plan and is therefore not currently deemed to be appropriate for housing at a local level. Whilst the proposal would be acceptable on design grounds, with no significant adverse impact on neighbouring amenity, it is not considered that these material considerations would outweigh the principle objection to the development of a dwellinghouse in the countryside.
- 6.31 In addition, insufficient information has been provided in support of the application to satisfy the requirements of Southern Water, the Council's Environmental Health department and the Local Highway Authority with regards to potential odour nuisance and whether the proposed access provides a safe vehicular entry/exit off Sandygate Lane.
- 6.32 The proposal is therefore considered contrary to policies 1, 3, 4, 26, 33, 40 and 41 of the Horsham District Planning Framework, as well as guidance and advice provided within the NPPF, and the application is therefore recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.33 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.34 **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	204	0	0
Total Gain			
Total Demolition			204

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

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is refused for the following reasons:

Reasons for Refusal:

1. The proposed dwelling is located in a countryside location, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or an adopted neighbourhood plan. The Council is able to demonstrate a 5-year housing land supply and consequently the proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements of the District. Furthermore, the proposed development is not essential to its countryside location. Consequently, the proposal for a new dwelling on the site represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015) and guidance within the National Planning Policy Framework (2019).
2. Insufficient information has been provided in support of the application to demonstrate that future occupiers of the proposed dwelling will not be adversely impacted by reason of odour nuisance from the nearby Waste Water Treatment Works. The proposal is therefore considered contrary to Policy 33 of the Horsham District Planning Framework (2015).
3. Insufficient information has been provided in support of the application to demonstrate that the new access onto Sandgate Lane meets the requirements of the Local Highway Authority in terms of the width of the site access, and to demonstrate that appropriate visibility splays can be provided. The proposal is therefore considered contrary to Policies 40 and 41 of the Horsham District Planning Framework (2015).

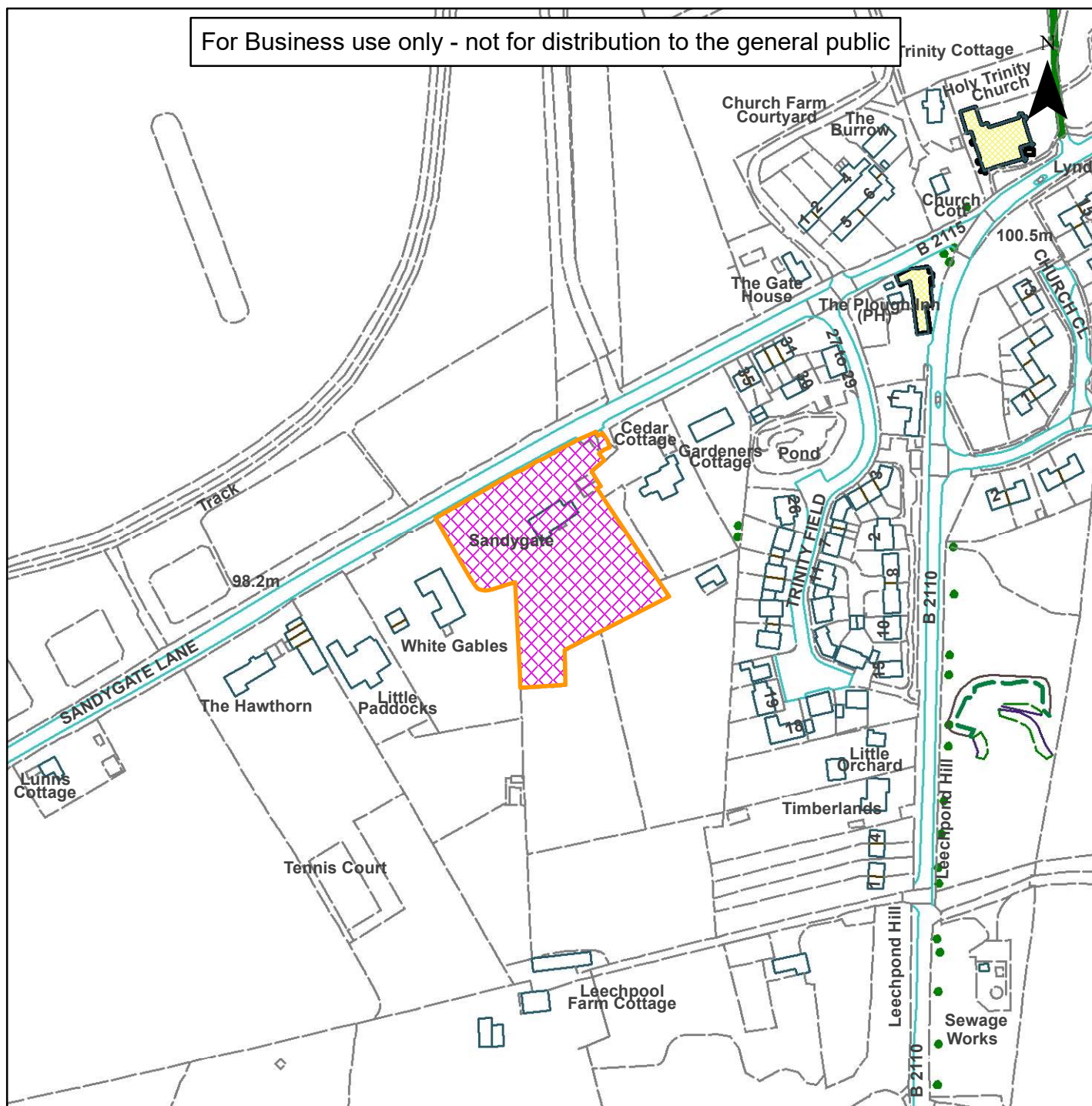
Background Papers: DC/19/2336

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Sandygate, Sandygate Lane, Lower Beeding

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	26/03/2020
SA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee (North)

BY: Head of Development

DATE: 7 April 2020

DEVELOPMENT: Change of use of detached butchers cold store to a two storey dwelling and erection of a single storey front extension.

SITE: 50 Barrington Road Horsham West Sussex RH13 5SN

WARD: Forest

APPLICATION: DC/19/0700

APPLICANT: **Name:** Mr P Everitt **Address:** C/o agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with 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 conversion of the cold store associated with the former butchers at 50 Barrington Road (now residential) into a two storey dwelling, with the addition of a single storey extension to the front elevation.
- 1.3 The conversion would involve the subdivision of the structure, including excavation works at ground floor level in order to facilitate the proposed two floors, as well as the installation of a centrally placed pitched dormer window to the front elevation and two roof lights to the rear. The proposed extension, projecting some 4.3m west from the cold store, would also be excavated at ground floor level, and would be characterised by a flat roof with parapet walls, with all external materials proposed to match the existing cold store.
- 1.4 In its entirety, the proposed dwelling would house one bedroom, a lounge/dining room, kitchen and two bathrooms at ground floor level, and one bedroom at first floor level. To the front of the dwelling a walled courtyard, measuring approximately 3.7m in length, would provide amenity space for future occupiers, in addition to bin and cycle storage areas. A fence, running the width of the site, would be erected to screen this courtyard area from the rear of 50 Barrington Road, with the proposed hard-surfaced car parking area comprising the

space in between. The pedestrian and vehicular access, to the north side of 50 Barrington Road, would remain as existing.

- 1.5 The proposal has been amended during the course of the application. It was initially proposed for the design of the dwelling to form an inverted 'L' shaped footprint. Due to amenity and overdevelopment concerns raised by the Case Officer this has been subsequently revised to a more square-shaped footprint, as detailed, reducing the overall size and front projection of the proposed dwelling.

DESCRIPTION OF THE SITE

- 1.6 The application site lies to the west of Barrington Road, at the northern end close to the junction with Depot Road. The road is one way from south to north. The frontage property on the wider site consists of a semi-detached late Victorian building that was previously a retail unit (butchers) which has subsequently been converted to residential use. To the rear yard of the site (now fenced off), within the site boundaries, is a derelict cold store, which was previously used for outside storage associated with the former butchers. It is the conversion of the cold store that is subject to this application.
- 1.7 The area surrounding the application site is predominantly residential in nature, and the site itself is surrounded on all boundaries by garden areas associated with neighbouring dwellings. These areas are predominantly screened from view at ground level by existing boundary treatments, which consist of full height brick walls at the northern and southern boundaries, in addition to the sides of the existing cold store, and high close boarded fencing at the western boundary. The rear of the existing cold store comprises the eastern boundary of the site. The neighbouring property, 48 Barrington Road, is an electrical repair shop. The site falls within the built-up area boundary of Horsham.
- 1.8 It is noted that several proposals for various redevelopments of the cold store have been previously approved, and refused, at the site. The most recent preceding application (application reference DC/17/1337), for the conversion of the cold store to a two storey, one bedroom dwelling, was approved in August 2017. As per condition 2 of this application, planning permission for this development remains extant until 08.08.2020.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.4 Neighbourhood Plan

Forest Neighbourhood Council is part of the unparished area of Horsham and, along with Denne Neighbourhood Council and Trafalgar Neighbourhood Council, forms part of the

designated Horsham Blueprint Business Neighbourhood Forum. There is currently no 'made' plan for this area.

2.5 **Parish Design Statement**

The Horsham Town Design Statement SPD (2008) identifies Barrington Road, Depot Road and Burford Road as Character Areas with impressive late Victorian villas and large long gardens on the south side of Depot Road. Materials used are generally slate or clay tile roofs with brickwork below and architectural detailing. Planning issues include the need to retain the continuity of basic design and features. Severe traffic and parking problems are noted in this area and particularly Barrington Road.

PLANNING HISTORY AND RELEVANT APPLICATIONS

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

HU/231/00	Conversion of cold store into 1 one bed house	Application Permitted on 20.11.2000
HU/353/01	Conversion of cold store into 1 x 2 bed house	Application Permitted on 13.11.2001
DC/05/0185	Conversion of former butchers shop to a 1 bed flat	Application Refused on 21.03.2005
DC/05/0195	Amendment to planning permissions HU/231/00 and HU/353/01 (conversion of cold store into 1 dwelling) including revisions to roof and alterations	Application Refused on 09.03.2005
DC/06/0914	Change of use of retail shop to residential flat	Application Permitted on 09.10.2006
DC/08/0913	Change of use from former butchers cold store to a 2-bed dwelling	Application Permitted on 07.11.2008
DC/10/0318	Demolition of butchers cold store and construction of 2 new flats (1 x 1-bed and 1 x 2-bed)	Application Refused on 20.04.2010
DC/10/2343	Conversion and alteration of a disused outbuilding to form two 1 bedroom flats on land at rear of 50 Barrington Road	Application Refused on 05.01.2011
DC/17/0130	Change of use and conversion from redundant butchers cold store to a two bedroom dwelling.	Application Refused on 21.04.2017
DC/17/1337	Proposed change of use and conversion from redundant butchers cold store to a one bedroom dwelling. (Amendments to previous application DC/17/0130).	Application Permitted on 08.08.2017

3. OUTCOME OF CONSULTATIONS

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

3.2 **Forest Neighbourhood Council:** Objection.

There is insufficient space available at the site for the proposed extension. The planning permission that has already been approved (DC/17/1337) is the most that is acceptable considering the size of the site.

INTERNAL CONSULTATIONS

3.3 **HDC Environmental Health:** No Objection.

Provided the relevant conditions as on DC/17/1337 are also attached to this application.

OUTSIDE AGENCIES

3.4 **WSCC Highways:** No Objection.

The LHA does not consider that the proposal would have a severe detrimental impact on highway safety. The LPA may wish to consider the impact of overspill on-street parking nearby from an amenity perspective. A condition has also been advised for the provision of secure covered cycle storage.

3.5 **Southern Water:** Comment.

Southern Water requires a formal application for a new connection to the public foul and surface water sewer to be made by the applicant or developer. The Council's technical staff should also comment on the adequacy of the proposals to discharge surface water to the local watercourse.

PUBLIC CONSULTATIONS

- 3.6 13 letters of representation were received, from 9 different addresses, objecting to the proposal based on the following grounds:

- Detrimental impact on neighbouring amenity due to overlooking/loss of privacy, overshadowing and increased light and noise.
- Inadequate on-site parking likely to lead to further on-street parking.
- Access is too narrow and will displace existing off-street parking for 50 Barrington Road.
- Detrimental impact on the character and appearance of the surrounding area.
- Poor design.
- Overdevelopment of the site.
- Impact on existing boundary wall.
- Bin storage area to rear of no. 50 Barrington Road compromised.
- Proposal not compliant with nationally described space standards.
- The building is derelict and therefore may be a roost for bats.

- 3.7 2 letters of representation received, from the same address, which offered comments neither supporting nor objecting to the proposal. The comments made can be summarised as follows:

- Concerns over accessibility to the site and potential damage to boundary walls.
- Concerns over the displacement of existing off-street parking.
- Concerns over the feasibility and timeframe of the construction process.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main considerations material to this application relate to:
- The principle of development.
 - The character and appearance of the proposed dwelling.
 - The amenities of the occupiers of adjoining properties.
 - The highways impact of the proposal.

Principle of Development

- 6.2 The application site falls within the built-up area of Horsham and is within the three primary areas of growth (Horsham, Southwater and Billingshurst) as set out within the policy hierarchy of the Horsham District Planning Framework (HDPF). Planning permissions for several redevelopments of the cold store have been previously approved at the site, including the most recent application (DC/17/1337) for the conversion of the cold store to a one bedroom, two storey dwelling, for which planning permission remains extant. As such, the principle of residential use, including the conversion of the cold store into a two storey dwelling, has already been established. In principle, the proposed development is therefore considered to be acceptable, subject to assessment against all other relevant policy related criteria and satisfactory details, as listed below.

Character and Appearance

- 6.3 Policies 32 and 33 of the HDPF seek to promote development of high quality and inclusive design, ensuring that it is complementary of locally distinctive character and heritage, integrating with their surroundings. Additionally, Policy 33 of the HDPF also ensures 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 conversion of the cold store into a two storey dwelling, including the installation of a dormer window to the front elevation, roof lights and the necessary ground excavations, was approved under application DC/17/1337. As this aspect of the current proposal makes no significant further alterations to these approved designs, including maintaining a similar external material schedule and identical ridge height, it is considered that its acceptability in terms of character and appearance has already been established. The application must therefore be assessed in relation to the proposed extension, and whether its development would have a significantly detrimental impact upon the character and appearance of the proposed dwelling or, conversely, the surrounding built environment.
- 6.5 The proposed extension, matching the cold store in width, would project some 4.3m from the front wall of the cold store and measure approximately 3.05m in height – mitigated somewhat by the proposed 0.25m reduction in ground level. It would be characterised by a flat roof with parapet walls, with all external materials proposed to match the existing cold store.

- 6.6 Being of a greater depth than the existing cold store, on paper the proposed extension would constitute a visually prominent addition to the building, especially when viewing the proposed north and south (side) elevations. It is considered, however, that much of this visual bulk would be mitigated by the existing 2m high brick side boundary walls, which would be built upon to form the sides of the proposed extension (Note that the ownership of these walls is not a relevant consideration in the planning process). That is to say, that much of the side profile of the proposed extension already exists, as the extension would only increase the height of the existing boundary walls by approximately 0.85m. It is not considered that this increase would significantly alter the existing character or appearance of the site when viewed from surrounding perspectives. Additionally, it is considered that the flat roof, although not characteristic of the existing building or surrounding area, would be a satisfactory compromise that further reduces the bulk and overall scale of the proposed dwelling. The external materials of the extension, proposed to match the existing cold store, are also deemed to be acceptable. Taking into account all of the above, it is therefore considered, on balance, that the scale, massing and appearance of the building, whilst somewhat visually discordant in plan form, would not be significantly detrimental to the existing cold store.
- 6.7 Whilst not located in a conservation area, it is noted that the application site lies within the Depot Road (west), Barrington Road, and Burford Road Character Area, identified in the Horsham Town Design Statement SPD (2008) as an area with impressive Victorian residential architecture. The proposed development, by virtue of its design and appearance, would not be in keeping with this distinctive surrounding character. However, taking into account the location of the proposed dwelling, a backland plot set back a considerable distance from Barrington Road, and predominantly screened from public view, this is not considered to be of such substantial weight so as to warrant refusal of the application. Due to its siting, the proposed dwelling would not significantly alter the existing character and appearance of the surrounding built environment or be detrimental to its preservation.
- 6.8 Taking into account all of the above, namely the existing boundary treatments, low roof height, matching exterior materials, and backland siting of the development, it is considered that, overall, and on balance, the proposed extension would not have a significantly detrimental impact on the existing building or surrounding built environment, and is therefore considered to be acceptable in terms of design, appearance and character.

Impact on Neighbouring Amenity

- 6.9 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.
- 6.10 The site of the proposed dwelling is surrounded on all boundaries by garden and amenity areas associated with neighbouring dwellings. These areas are predominantly screened from view at ground level by existing boundary treatments, which, as noted above, consist of 2m high brick walls at the northern and southern boundaries, in addition to the sides of the existing cold store, and high close boarded fencing at the western boundary. The rear of the existing cold store comprises the eastern boundary of the site. It is noted that several letters of objection have been received regarding the anticipated detrimental impact of the proposed dwelling on neighbouring amenities, specifically in terms of overlooking, overshadowing, and envisaged increases in light and noise.
- 6.11 The nearest residential property to the proposed dwelling is 50 Barrington Road, which, following amendments to the application, would be located approximately 10m to the west at the closest point. Under the previously approved application DC/17/1337, for the conversion of the cold store into a two storey dwelling, no amenity concerns relating to this property were raised. The principal of installing a front-facing dormer window to the cold store, which was included as part of the DC/17/1337 application, has therefore been previously established as

acceptable, and it is considered that, whilst the current proposal makes slight amendments to the positioning and design, the conclusions reached in relation to this aspect of the proposal remain valid. Furthermore, in terms of the windows to be installed as part of the proposed extension, whilst the separation distance between 50 Barrington Road and the proposed dwelling will be reduced, it is considered that the installation of a new close boarded fence, as indicated on the amended plans, would provide sufficient and effective screening at the ground floor level between the two properties, mitigating any perceived impacts of overlooking or loss of privacy.

- 6.12 In terms of neighbouring properties to the north and south, the proposed extension would rise approximately 0.85m above the existing height of both brick walls, which run the length of the application site. Considering the separation distances between these boundary walls (and therefore the sides of the extension) and surrounding neighbouring properties, in addition to the relatively modest increase in height, flat roof of the development, and lack of side windows, no detrimental impact on neighbouring amenity is anticipated. The south facing side window, proposed to be installed as part of the conversion of the cold store, has been prior approved under application DC/17/1337. It is recommended the condition requiring it to be obscurely glazed is carried forward from that application, mitigating against concerns regarding potential overlooking.
- 6.13 The proposed dwelling would have no effect on the rear boundary of the site, which already consists of the rear wall of the cold store. Whilst two roof windows are proposed to be installed to the rear roof, this will not result in downwards looking towards garden areas and its angle would not result in overlooking to habitable rooms of numbers 7 and 8 Burford Road. The proposal is therefore not considered to be contrary to the aims of Policy 33 of the HDPF in terms of neighbouring amenity.

Highways Impact

- 6.14 Policy 40 of the HDPF requires development to provide safe and suitable access for all. In addition, Policy 41 of the HDPF requires new development to be accompanied by adequate parking facilities.
- 6.15 The application proposes no change to the existing pedestrian and vehicular access, to the north side of 50 Barrington Road, which was deemed acceptable as part of application DC/17/1337. As the principle of the access (and by extension the displacement of existing off-street parking) has already been established, the potential highways impact of the proposal must be assessed in relation to the proposed extension, specifically regarding the increase in number of bedrooms and reduction in size of the car parking area.
- 6.16 Whilst the proposed extension would increase the number of bedrooms at the property from one to two, it is considered that, in light of what has already been deemed acceptable under previous applications and with no objections from the Local Highway Authority, the anticipated increase in parking provision would not be great enough to be significantly detrimental to the existing situation. The proposed off-street car parking area, whilst reduced in size, would also remain fit for purpose. Furthermore, while the representations regarding parking provision are noted, the site lies within a controlled parking zone (with permits required to park on the street) and a mechanism therefore exists to restrict street parking should the need arise.

Other Matters:

- 6.17 Two letters of objection were received with regards to the supposed inadequate ceiling height at first floor level. The submitted plans indicate that the proposed head height at first floor level within the proposed dwelling would range from 1.2m to 2.1m in height. With consideration to this in planning terms, this in itself is not considered sufficient reason to justify a refusal of this application, whilst it is also noted that this is not a reduction to what

has been permitted under the previous application DC/17/1337. Furthermore, it is anticipated that future occupiers/buyers will be aware of the first floor height restriction and future living conditions prior to occupation. The floorspace of the two bedrooms is also deemed adequate to meet the technical requirements of the nationally described space standard.

Conclusion

- 6.18 For the reasons outlined above in this report, the proposed development is not considered to be contrary to the relevant aims of the local planning policy framework and is therefore recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.19 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.20 **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	70		70
Total Gain			
Total Demolition			

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

7. RECOMMENDATIONS

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

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

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

- 4 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished ground and floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the HDPF.

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

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding, where appropriate
- v. The provision of wheel washing facilities if necessary
- vi. Measure to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby residential occupiers during construction and in accordance with Policy 33 of the HDPF.

- 6 **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 HDPF.

- 7 **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 have been submitted to and approved, in writing, by the Local Planning Authority:

- (a) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminant 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 an contamination to all receptors that may be affected, including those off site
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the HDPF.

- 8 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until 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).

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

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

- 10 **Pre-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).

- 11 **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 approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any 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).

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

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

- 13 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary walls and/or fences shall have

been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the HDPF.

- 14 **Pre-Occupation Condition:** The building/extension hereby permitted shall not be occupied until the window(s) at south on Plan A.201 Rev A have been fitted with obscured glazing. No part of that/those window(s) that are/is 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).

- 15 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 16 **Regulatory Condition:** Access to the flat roof over the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policy 33 of the Horsham District Planning Framework (2015).

- 17 **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).

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

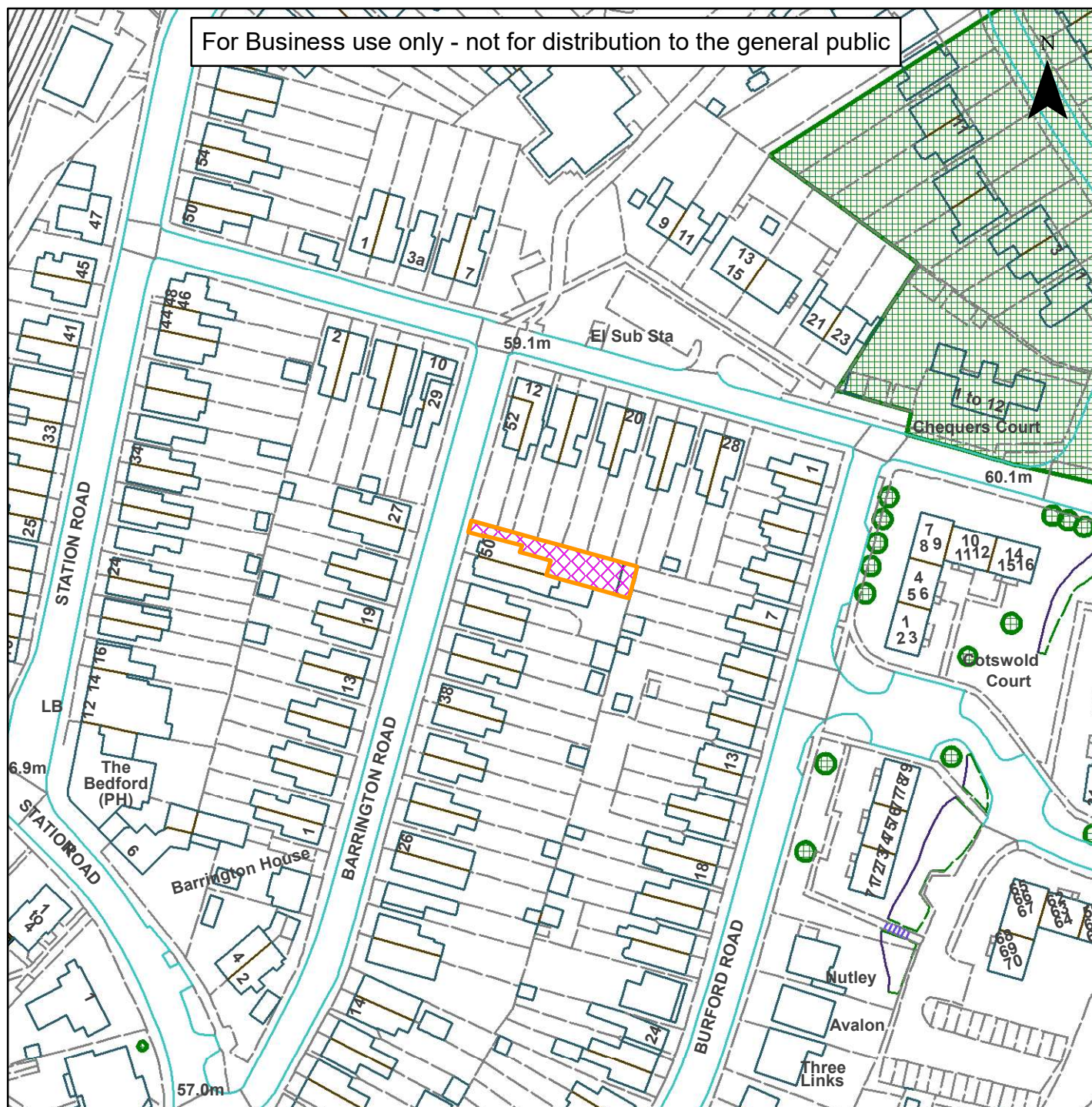
Reason: In the interest of visual amenity and due to the constraints of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays

and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

Background Papers: DC/19/0700



Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	26/03/2020
MSA Number	100023865

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