



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Planning Committee (North)

Tuesday, 2nd June, 2020 at 5.30 pm
via Remote Video Link

Councillors:

Matthew Allen	Liz Kitchen
Andrew Baldwin	Richard Landeryou
Tony Bevis	Gordon Lindsay
Toni Bradnum	John Milne
Alan Britten	Colin Minto
Karen Burgess	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. **Election of Chairman**
2. **Apologies for absence**
3. **Appointment of Vice Chairman**
4. **To approve and time of the meetings of the Committee for the next year**
5. **Minutes**

7 - 14

To approve as correct the minutes of the meetings held on 21 April and 5 May 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.)

6. **Declarations of Members' Interests**

To receive any declarations of interest from Members of the Committee

7. **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:

8. **Appeals** 15 - 16

Applications for determination by Committee:

9. **DC/19/1639 - Scout Hall, 104 Bishopric, Horsham** 17 - 30

Ward: Trafalgar

Applicant: Synergie Estates Ltd

10. **DC/20/0616 - 20 Comptons Lane, Horsham** 31 - 38

Ward: Forest

Applicant: Mr Ian Brazier

11. **DC/19/2574 - Bodywise Gym and Studios, 16 Church Street, Warnham** 39 - 46

Ward: Itchingfield, Slinfold and Warnham

Applicant: Ms Aida Pecelyte

12. **DC/20/0618 - Land at the junction of East Street, Burnt House Lane and Lambs Green Road, Chowles, Rusper** 47 - 56

Ward: Colgate and Rusper

Applicant: Thames Water Utilities Ltd

13. **DC/20/0552 - The Council Offices, Park House, North Street, Horsham** 57 - 62

Ward: Denne

Applicant: Horsham District Council

14. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

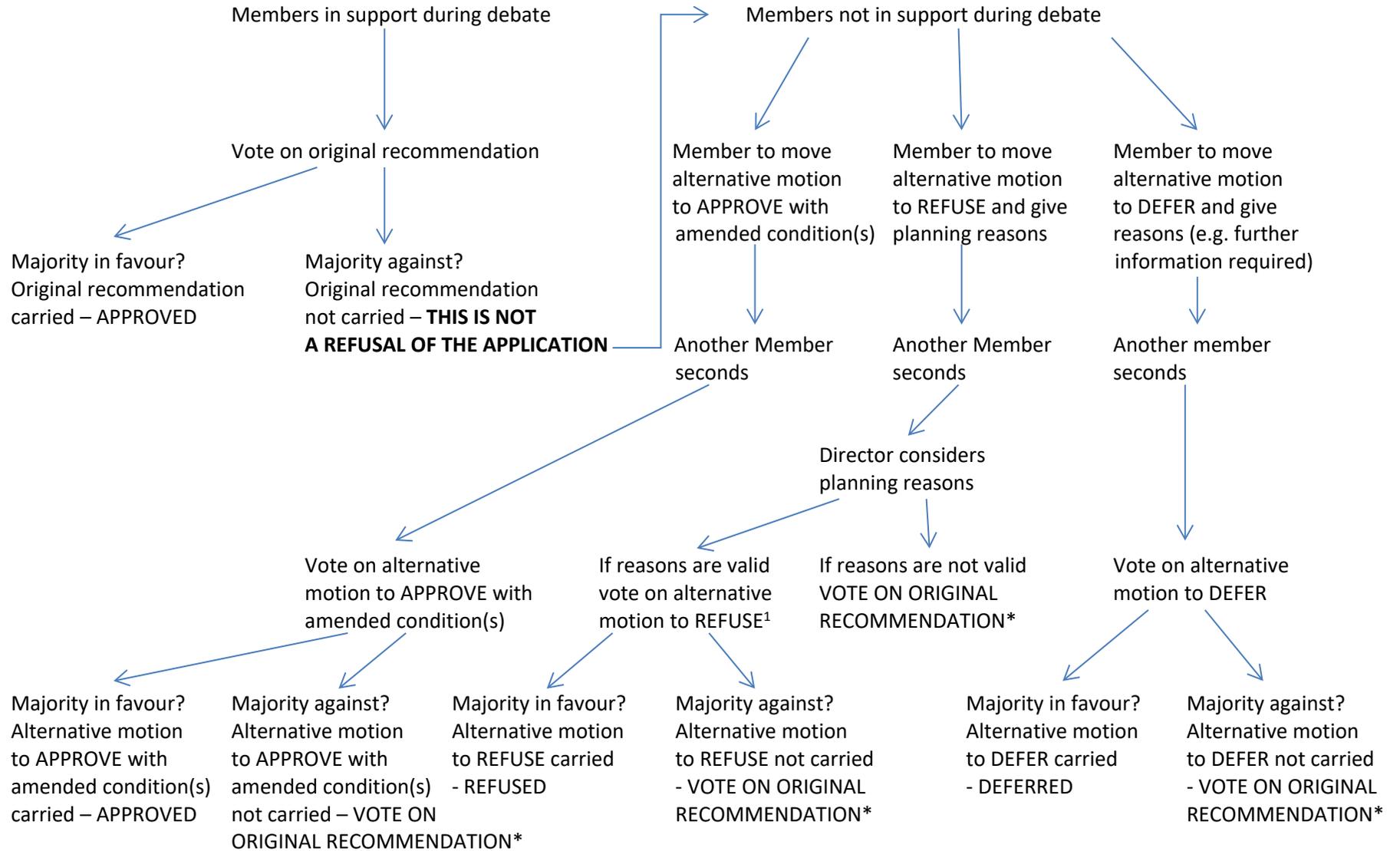
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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>

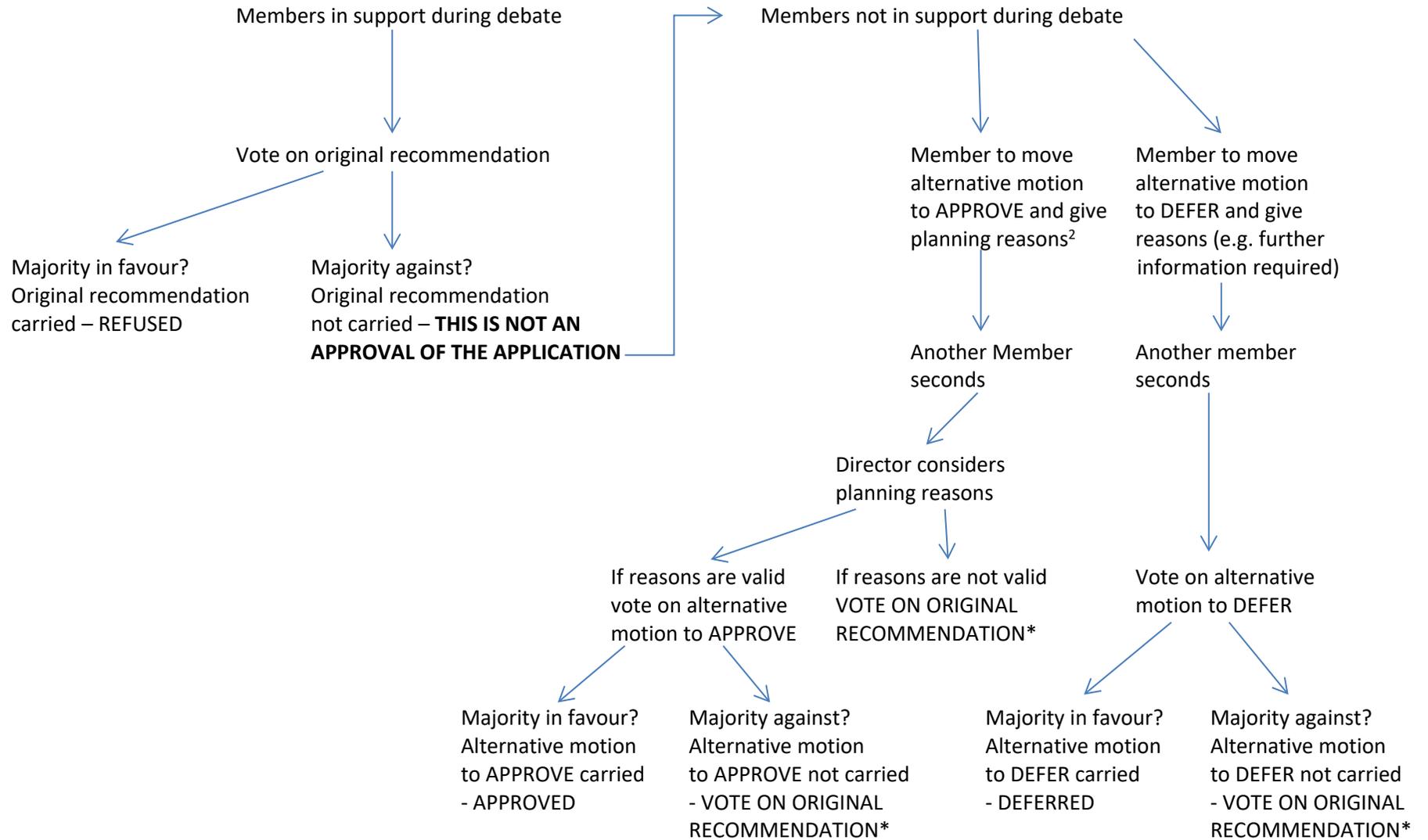
Original recommendation to APPROVE application



*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)
21 APRIL 2020

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

Apologies: Councillors: Alan Britten, Roy Cornell, Christine Costin, Gordon Lindsay and Colin Minto

PCN/86 **MINUTES**

The minutes of the meeting of the Committee on 3 March were agreed to be an accurate record and would be signed by the Chairman at a later date.

PCN/87 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/88 **ANNOUNCEMENTS**

There were no announcements.

PCN/89 **APPEALS**

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

PCN/90 **DC/19/1389 - DUN HORSE INN, BRIGHTON ROAD, MANNINGS HEATH**

The Head of Development reported that this application sought permission for the change of use at ground floor level from a pub to two 1-bedroom flats and one studio flat. The proposed external alterations would not significantly change the appearance of the building. Permission for two first-floor flats, accessed via an external staircase, had been approved under DC/17/2294.

The application site was located within the built-up area of Mannings Heath and was the former Dun Horse public house on the corner of Brighton Road and Pounds Lane. The site is surrounded by residential properties, including some Grade II Listed Buildings.

The Parish Council objected to the proposal. There had been 49 public consultation responses, from 46 households, objecting to the application and ten letters of support, from nine households, as set out in the report. Three letters of comment had also been received. Since publication of the report a further three letters of objection, from two households, and one letter of support had been received, none of which raised additional issues.

Three members of the public spoke in objection to the proposal. The applicant and two members of the public all spoke in support the application. Their statements were read out by an officer on their behalf. A representative of the Parish Council addressed the Committee; whilst the Parish Council had originally objected to the application, they had reconsidered it and their statement advised that four councillors opposed the application and six supported the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its character and the visual amenities of the street scene; the amenity of neighbouring occupiers; and highways considerations.

Members noted that the public house had been closed for three years and concluded that the proposed three flats in this sustainable location were acceptable.

In response to Members' concerns regarding local housing needs, Officers agreed that an **Informative** should be added to the decision notice requesting that the flats to be made available to members of the local community in the first instance.

RESOLVED

That planning application DC/19/1389 be granted subject to the conditions as reported

PCN/91 **DC/19/2500 - LAND ADJACENT TO HEATHTOLT COTTAGES, PARK LANE, MAPLEHURST**

The Head of Development reported that this application sought permission for the erection of six two storey semi-detached 3-bedroom dwellings, set back from adjacent properties along Park Lane, with 12 parking spaces (two for each dwelling) and a new access.

The application site was agricultural land located to the south of Park Lane, outside the built-up area boundary, but on a site allocated in the Nuthurst Neighbourhood Plan. There were residential properties to the north and linear residential development to the west, with the wider area characterised by open countryside

The Parish Council objected to the proposal. There had been ten public consultation responses, from six households, objecting to the application. Two members of the public spoke in objection to the application and the applicant's agent spoke in support of the proposal. Their statements were read out by an officer on their behalf. A representative of the Parish Council spoke in objection to the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; amenity impacts; and highways impacts.

Members discussed the proposal in the context of the Nuthurst Neighbourhood Plan, in particular Policy 10 regarding scale and density. Members noted that Condition 13 regarding General Permitted Development would prevent extension or adaptation of the dwellings without further planning permission.

Members sought reassurance that the height of the proposed dwellings would be in keeping with the existing neighbouring cottages, as reflected in the submitted plan. To overcome concerns regarding the difference in height between the proposed and existing buildings, it was agreed that a condition regarding slab levels would be added.

RESOLVED

That planning application DC/19/2500 be granted subject to the conditions as reported, with the following additional condition regarding how slab levels related to neighbouring properties:

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

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

PCN/92 **DC/19/2336 - SANDYGATE, SANDYGATE LANE, LOWER BEEDING**

The Head of Development reported that this application sought permission for the erection of a 3-bedroom house within the side garden of an existing dwelling. A new vehicular access onto Sandygate Lane to allow for an in-out configuration serving both dwellings was proposed.

The application site was located on the southeast side of Sandygate Lane, outside the built-up area of Lower Beeding. The access to the site was shared with Cedar Lodge, the neighbouring property.

The Parish Council neither supported or objected the proposal. There had been 18 public consultation responses, from 15 households, in favour of the application, and one letter of objection had been received. Both applicants addressed the Committee in support of the proposal. Their statements were read out by an officer on their behalf. A representative of the Parish Council, which took a neutral stance on the application, also addressed the Committee.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its character and the visual amenities of the street scene; neighbouring amenity; and highways considerations. It was noted that insufficient information had been submitted regarding potential odour nuisance from the nearby Waste Water Treatment Plant, and that the Highways Authority had received insufficient information regarding the access to the site.

Members concluded that the proposal was contrary to a number of policies within the HDPF and that there was no justification for this development outside the built-up area boundary.

RESOLVED

That planning application DC/19/2336 be refused for the reasons set out in the report.

PCN/93 **DC/19/0700 - 50 BARRINGTON ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the change of use of a detached former butcher's cold-store to a two storey 2-bedroom dwelling, and the erection of a single storey front extension. The former butcher's had been converted to a dwelling. Permission DC/17/1337 to convert the site into a 1-bedroom dwelling remained extant.

The Committee were advised that, in response to comments regarding bats roosting at the application site, the recommendation to approve the application had been amended to: to delegate to the Head of Development for approval, in consultation with the Chairman, Vice Chairman and Local Members, to allow for an ecology appraisal to be submitted and the Council's Ecologist to be consulted..

The application site was located within the built-up area of Horsham on the west side of Barrington Road, close to the junction with Depot Road. The surrounding area was predominantly residential.

The Neighbourhood Council objected to the proposal. There had been 13 public consultation responses, from nine households, objecting to the

application. Two letters from the same address raising some concerns had also been received. Three member of the public spoke in objection to the proposal and the applicant's agent spoke in support of it. Their statements were read out by an officer on their behalf.

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; neighbouring amenity; and highways impacts.

Members raised a number of concerns regarding the scale of the proposal in relation to the size of the site and proximity of neighbouring properties, including its detrimental impact on the existing boundary wall.

Members concluded that the proposal would lead to an overdevelopment of the site and was therefore unacceptable.

RESOLVED

That planning application DC/19/0700 be refused for the following reasons:

The proposal would lead to a cramped form of development which would be harmful to the character and appearance of the surrounding area. The proposal would therefore be contrary to policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

The meeting closed at 8.10 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (North)
5 MAY 2020

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

Apologies: Councillors: Tricia Youtan

Absent: Councillors: Roy Cornell and Richard Landeryou

PCN/94 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/95 **ANNOUNCEMENTS**

There were no announcements.

PCN/96 **APPEALS**

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

PCN/97 **ITEM WITHDRAWN FROM AGENDA - LAND AT WELLCROSS FARM, BROADBRIDGE HEATH**

The Chairman stated that this item had been withdrawn from the agenda.

PCN/98 **DC/20/0169 - THE RISING SUN, 41 PONDTAIL ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the erection of 1 non-illuminated fascia sign, 1 non-illuminated hanging sign and 1 non-illuminated free standing car park sign.

The application site was located on the eastern side of Pondtail Road in North Horsham and formed part of a former public house (The Rising Sun). Works for the conversion of the building to a children's nursery had commenced under planning permission DC/17/1704.

To the west of the site along its rear boundary was an embankment leading to a railway line. The railway line was approximately 3 to 4m above the site level. To the south was a detached bungalow (39 Pondtail Road) within the grounds

of this adjacent to the application site boundary was a single storey double garage. To the north of the site was 43 Pondtail Road, its garage was adjacent to the boundary with the application site. Other properties in the vicinity of the site were detached houses on both sides of the road; those on the eastern side being set back significantly from the road.

North Horsham Parish Council objected to the application. There had been 14 representations objecting to the application which were received across both consultation periods. (NB the removal of the illumination was after both consultation periods ended).

A statement by the applicant in support of the application was read to the Committee. There were no further speakers.

The ward Councillors stated that any signage must not obscure the signs for the nearby mini roundabout and bus stop.

Members were concerned about the fact that a mosaic sign of a rising sun from the former pub, was no longer there and sought assurance it would be replaced, as had been discussed with the applicant. In response to Members' concerns regarding the loss of the mosaic, Officers agreed that an **Informative** should be added to the decision notice requesting that the mosaic be put back up on the front of the building.

RESOLVED

That planning application DC/20/0169 be granted subject to the conditions as reported.

The meeting closed at 5.54 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee (NORTH)

Date: 2nd June 2020



**Horsham
District
Council**

Report on Appeals: 23/04/2020 – 19/05/2020

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/19/2132	Shiprods Manor Bashurst Hill Itchingfield Horsham West Sussex RH13 0PD	23-Apr-20	Application Refused	N/A
DC/18/1622	Beckley Stud Reeds Lane Southwater Horsham West Sussex RH13 9DQ	06-May-20	Application Permitted	Application Permitted

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/18/1734	Coombe Wood Forest Road Colgate Horsham West Sussex RH12 4TB	Written Representation	30-Apr-20	Application Refused	N/A
EN/19/0433	Stafford House Bonnetts Lane lfield Crawley West Sussex RH11 0NX	Written Representation	01-May-20	Notice served	N/A
DC/19/2530	Redgates Burnthouse Lane Lower Beeding Horsham West Sussex RH13 6NN	Written Representation	13-May-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/19/0905	Upper Bottle House Stane Street Slinfold Horsham West Sussex RH13 0RE	Written Representation	Appeal Dismissed	Application Refused	Application Refused
DC/19/0455	Birchenbridge House Brighton Road Mannings Heath Horsham West Sussex RH13 6HY	Written Representation	Appeal Allowed	Application Refused	N/A



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 02 June 2020

DEVELOPMENT: Demolition of existing buildings and erection of a detached two storey dwelling.

SITE: Scout Hall 104 Bishopric Horsham West Sussex RH12 1QN

WARD: Trafalgar

APPLICATION: DC/19/1639

APPLICANT: **Name:** Synergie Estates Ltd **Address:** Reginald Court 1 Winton Close Ferring Worthing West Sussex BN12 6FD

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.

At the request of the Local Ward Member.

RECOMMENDATION: That planning permission be approved subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks planning permission to demolish the existing single storey former Scout Hut building and erect a three-bedroom chalet bungalow style detached dwelling. The proposed dwellinghouse would have a width of approximately 12.1m when viewed from the western front elevation and an overall depth of approximately 12.1m. The proposed dwelling would have an overall height of approximately 6.9m to the ridge.
- 1.2 The proposed materials to be used in the construction of the dwelling include clay face brickwork and tile hanging to the external walls, clay roof tiles and white painted timber framed fenestration. The proposal would facilitate the creation of a kitchen/dining room, living room, 1no en-suite bedroom and WC facilities at ground floor level and 2no en-suite bedrooms and a walk-in wardrobe at first floor level
- 1.3 A minimum gap of approximately 3.75m would be preserved between the dwelling and the southern boundary; a minimum gap of 5.85m would be retained to the northern boundary; with a gap of approximately 4.3m to the front eastern boundary of the site. The proposal would represent an overall increase in ridge height between the existing building to be

demolished and the proposed dwelling of approximately 2.3m. The overall Gross Internal Area (GIA) for the proposed dwellinghouse is calculated at 168 square metres.

- 1.4 The site does not benefit from vehicular access and the dwelling would not benefit from on-site parking. The proposed dwelling would instead be served by an existing pedestrian access from Bishopric.
- 1.5 The proposals have been amended as part of the application process to reduce the overall height of the dwelling and to reduce the massing of the dwelling at roof level.

DESCRIPTION OF THE SITE

- 1.6 The application site comprises a single-storey former scout hut building within the built up area of Horsham within a Town Centre location. The existing building is currently vacant and appears to be in a bad state of repair. The existing building is made up of a felt roof, stock brick facing to the external walls and UPVC framed fenestration. The site is located off the Bishopric and located to the rear of residential properties along the Bishopric, Springfield Crescent and Rushams Road. The site is surrounded by mainly residential development to all boundaries. The existing building has an overall footprint/GIA measuring approximately 224sqm.
- 1.7 The site is accessed off The Bishopric and has no vehicular access. The site has an overall area (excluding the access path) measuring approximately 702sqm. The existing access is along a footpath located between Collingwood Batchellor and No 102 Bishopric. Directly along the footpath to the east is the residential property of No 96 Bishopric, where the wall of the dwelling and 1.8 metre high fence on the boundary of the rear garden forms part of the footpath boundary. A small car park and bin store for Collingwood Batchellor are located on the western side of the entrance. There are two Tree Preservation Orders (TPO) trees located on the site.
- 1.8 It is noted that the properties directly to the south of the site making up Richmond Mews are considered to be backland development to the properties located along Bishopric and were granted planning permission in 2015 under planning reference DC/14/2653. As such, the application site is not visible from any public vantage points

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development.
- Policy 2 - Strategic Policy: Strategic Development.
- Policy 3 - Strategic Policy: Development Hierarchy.
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character.
- Policy 31 - Green Infrastructure and Biodiversity.
- Policy 32 - Strategic Policy: The Quality of New Development.
- Policy 33 - Development Principles.
- Policy 40 - Sustainable Transport.
- Policy 41 - Parking.
- Policy 42 - Strategic Policy: Inclusive Communities.

Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

2.4 Horsham Town Design Statement

RELEVANT NEIGHBOURHOOD PLAN

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

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/12/61	Entrance lobby and toilets	Application Permitted on 06.06.1961
HU/120/54	Scout hut	Application Permitted on 20.07.1954
HU/405/62	Extension to provide storage space	Application Permitted on 10.01.1963
HU/8/71	Extension to covered storage area	Application Permitted on 19.01.1971
DC/13/1884	Change of use of Scout Hut for D2 use in the evenings and D1 use during the day for operation as a pre-school	Application Permitted on 01.04.2014

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Arboriculture Officer:** No Objection.

3.3 **HDC Environmental Health:** Recommend a revised Construction Management Statement be secured.

OUTSIDE AGENCIES

3.4 **Neighbourhood Council:** No comments received.

3.5 **WSCC Highways:** No Objection. A nil car parking provision is proposed for this development. The WSCC Car Parking Demand Calculator has indicated that a property of this size in this location would create a demand for 2 car parking spaces. Consequently, car parking would have to be accommodated on-street.

3.6 Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be considered a detriment to highways safety. Bishopric is sided by single and double yellow lines in places and is also subject to a residents permit holder parking scheme. The LHA does not anticipate that highways safety will be detrimentally affected through the proposed nil car parking

provision. The LHA may wish to consider the potential impacts of this development on on-street parking from an amenity point of view.

- 3.7 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. Conditions suggested. Conditions relating to a Construction management Plan and Cycle Storage recommended.
- 3.8 **Southern Water:** No Objections raised. Formal application required for connection to the public sewer.
- 3.9 **Archaeology:** No Objection. Despite the central location of the proposed development within the historic town, a recent modern building currently occupies the area of the proposed development and therefore it is likely that any below ground archaeological remains would be extensively disturbed. Therefore, no historic environment conditions are recommended.

PUBLIC CONSULTATIONS

- 3.10 47 letters of objection were received from 21 separate households/bodies. The nature of these objections can be summarised as follows:
- Overshadowing and loss of light to neighbouring properties
 - Loss of privacy – windows of proposed property will look directly into neighbours properties and gardens
 - Overbearing on neighbouring properties
 - Overdevelopment – proposed property are too large for the plot and disproportionately high compared to surrounding properties
 - The character and design of the dwelling not in keeping with the area – proposed development is out of keeping with the surrounding area
 - Impact on Trees and landscaping
 - Impact on Ecology

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:
- Principle
 - The character of the dwelling and the visual amenities of the street scene
 - The amenities of the occupiers of adjoining properties

- The existing parking and traffic conditions in the area
- The quality of the resulting residential environment for future occupiers

Principle

- 6.2 Policy 43 of the Horsham District Planning Framework states that, *“proposals that would result in the loss of sites and premises currently or last used for the provision of community facilities or services, leisure or cultural activities for the community will be resisted unless equally usable facilities can be conveniently provided nearby. It will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as; appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier.”*
- 6.3 The site currently benefits from an unrestricted Class D2 use but is currently vacant and in a poor general state of repair. As part of the application marketing details have been provided which state that the site was marketed for its existing use, which would include activities such as a gymnasium or dance studio, from July 2017 for a period of approximately 10 months. Whilst interest in the site was shown its location, access and state of repair prevented an alternative tenant for the premises being found
- 6.4 It is considered that the site has been sufficiently marketed for its existing Use Class and there are no reasons to believe continued use in its current condition and use is feasible. It is further noted that the site has not been used for an extended period of time, and that the Scouts benefit from the use of other sites within Horsham and the wider district, including the 1st Roffey Scout HQ off Crawley Road, the 2nd Horsham Scouts on Swindon Road, the 3rd Horsham Scout Group at the Holbrook Community Centre and Beacon Hill Scout Campsite on Tower Road Faygate, as well as others. The loss of the application site would not therefore be expected to hinder or prejudice continued Scouting activity in the District.
- 6.5 The application site is within the built-up area of Horsham, and within a central location, where the principle of residential development on the site would be supported by Policy 3 of the HDPF.

Character and appearance

- 6.6 Horsham District Planning Framework (HDPF) Policies 32 and 33 seek to promote development of high quality and inclusive design for all development in the district, ensuring that it is complementary of local distinctive character and heritage, integrating with their surroundings. Furthermore, these policies ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant, relates sympathetically with the built surroundings.
- 6.7 The existing building to be removed occupies a significant footprint, measuring approximately 234sqm and is considered to be of little architectural merit. The proposed dwelling would have a footprint of approximately 133sqm. The proposal would comprise a chalet-bungalow style design, with a Sussex half hipped roof design and traditional materials proposed to the exterior.
- 6.8 There is a wide range of dwelling types, designs and forms within the immediate vicinity, with plot sizes and orientations similarly varied. The site comprises a backland location which would not be visible in views from the public realm. In views from adjoining properties the dwelling, despite its increased height in relation to the existing building (of approximately 2.3 metres), would be viewed alongside and in conjunction with similarly sited development to the south, with the proposed ridge height lower than a number of surrounding properties.
- 6.9 The proposed design approach and separation from shared site boundaries is considered to be appropriate and would not have any adverse impact on the prevailing character or

appearance of the locality. The visual impact of the proposal is therefore considered to accord with policies 32 and 33 of the HDPF.

Impact on neighbouring amenity

- 6.10 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.
- 6.11 The proposed dwelling would be located approximately 3.75m away from the southern boundary of the site, 5.85m from the northern boundary of the site and 4.3m from the eastern boundary of the site. Minimum distances of approximately 10.8m, 29.5m and 43.7m would be preserved to the windows serving habitable rooms to the neighbouring properties to the south, east and west respectively. These distances would adhere to Horsham Design Guidance with regards to new developments and the relationships with existing properties.
- 6.12 Taking the above into account, as well as the positioning of the proposed dwelling to the north-north-east of the existing properties to the south within Richmond Mews, it is considered that the proposal would not result in any unacceptable overshadowing or overbearing. The proposed windows at first floor level would face away from the closest properties to the south and taking into account the distances maintained this relationship to existing properties is considered to be acceptable.
- 6.13 It is noted that a number of objections have been raised with regards to the access and the fact that construction vehicles and machinery would not be able to access the site. In addition, these objections also raised issues with regards to disruption and nuisance from the proposed construction phase. While these comments are noted it is considered that given that construction machinery would not be able to access the site, the proposed dwelling would have to be constructed with smaller machinery and by-hand and as such, whilst potentially prolonging the construction phase, it is considered that there would be less disruption and nuisance caused in terms of noise and dust generation. In any event it is not reasonable to refuse an application due to the short term noise and disturbance which may be attributed to the construction phase. A condition is however recommended to secure a Construction Management Plan and this would minimise the potential for unacceptable harm to amenity as a result of demolition and construction activities at the site.
- 6.14 As such, taking into account the height of the proposed dwelling, the distances maintained to neighbouring properties, its orientation of the proposed windows and necessary demolition and construction methods, it is considered that the proposed development would adhere to Policy 33 and would be acceptable on amenity grounds.

Quality of the resulting environment for future occupiers

- 6.15 It is considered that the proposed development would provide adequate indoor and outdoor living space for future occupants. Suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking and other properties would not appear as overbearing on the proposed dwelling. As such, it is considered that there would be an appropriate quality level of environment for the future occupiers of the proposed dwelling in accordance with Policy 33 of the HDPF (2015).

Parking, transport and highways implications

- 6.16 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users.
- 6.17 The proposed development would not include any on-site parking provision due to the fact that the only access to the site is via a pedestrian walkway from Bishopric. The site is though within a central and sustainable town centre location with access to numerous public transport links, and it is noted that a number of adjoining properties on Bishopric do not benefit from on-site parking. On-street parking is available along Bishopric through the residents permit holder parking scheme, and existing parking restrictions would prevent parking in locations which could be harmful to highway safety.
- 6.18 It is considered that a single dwelling, with similar parking arrangements to existing properties in the immediate vicinity, would not result in either a nuisance for occupants of surrounding properties or a severe impact on the highway network. The parking demand generated by the proposal would need to be accommodated on surrounding streets, where there is no evidence to suggest any existing situation which would be exacerbated as a result of this current proposal. It is also noted that the proposed development has potential to create a lesser demand for travel than the current use of the site.
- 6.19 With regards to access, it is noted that WSCC have stated that residents should not have to carry waste more than 30m to a refuse point and a fire appliance should be able to get within 45m of the building from the Highway. Whilst these points are acknowledged, it is considered that the provision of a dwelling or any other use on site would not be dissimilar to the existing situation on site in this regard. Waste currently needs to be brought to the end of the access lane and fire services cannot access the site as a result of its pedestrian access. It is considered that appropriate and necessary measures would be controlled through the Building Regulations, and it is not necessary to duplicate such measures as part of this planning application.
- 6.20 Whilst it is noted that construction management details have been submitted, it is considered that a condition requiring full details of this are submitted as per the recommendations of WSCC Highways. With this provision in place and taking the above considerations into account, overall, the proposal is considered to be acceptable on highway and transport grounds, in accordance with policies 40 and 41 of the HDPF.

Other Considerations

Impact on Trees

- 6.21 It is noted that there are a cluster of trees located along the southern boundary of the site, which are the subject of a blanket Tree Preservation Order (TPO). Given the distances maintained between the proposals and the nature of the development, it is considered that the proposals would not have a detrimental impact on the existing trees within and adjacent to the site.

Ecology

- 6.26 An Ecology Impact Assessment has been provided with this application which identifies that the site is considered to be of low ecological value and that there would be no detrimental impact on any species or wildlife. The Council's Ecology Consultant has raised no objections to the proposals and suitable conditions have been recommended to ensure ecological mitigation measures and enhancements are put in place.

Archaeology

- 6.27 Policy 34 of the HDPF states that proposals shall ensure appropriate archaeological research, investigation, recording and reporting of both above and below-ground archaeology, and retention where required, with any assessment provided as appropriate. It is noted that the site is located within an Archaeological Notification Area. The Council's archaeology consultant has not raised any objections to the proposals and as such, the proposals are considered to be acceptable in this regard.

Conclusion

- 6.28 Overall, the proposed dwelling would represent an appropriate form of development, replacing a redundant commercial building within this residential area which would be positioned appropriately within the curtilage of the site. Given the mixture of building designs and built forms within the area, the proposals would not be out of keeping with the surrounding area and the prevailing character of the street scene. The proposals would be acceptable in terms of the impact on neighbouring amenity and highways matters and, on balance, would not be out of keeping with the surrounding area and the prevailing character of the street scene, in accordance with Policy 25, 32 and 33 of the Horsham District Planning Framework (2015).

6.29 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	168	224	0
		Total Gain	-56
		Total Demolition	224

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

Conditions:

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

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

- 3 **Pre-Commencement Condition:** No development shall commence until 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:** The development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management shall include details of, but not be limited to, the following relevant measures:

- i. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
- ii. Details regarding parking of site operatives and visitors, deliveries, and storage;
- iii. The method of access to and from the construction site
- iv. Locations and details for the provision of wheel washing facilities
- v. loading and unloading of plant and materials
- vi. storage of plant and materials used in constructing the development
- vii. the erection and maintenance of security hoarding, where appropriate
- viii. measures to control the emission of dust and dirt during construction
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works

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 and highway safety during construction and in accordance with Policies 33 and 40 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, doors and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

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

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

- 8 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Roost Assessment Report (Cherryfield Ecology, March 2020), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Planning Framework.

- 9 **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).

- 10 **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 sizes densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures

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).

- 11 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling has been made in

accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 12 **Regulatory Condition:** All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Roost Assessment Report (Cherryfield Ecology, March 2020). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species), s17 Crime & Disorder Act 1998 and in accordance with Policy 31 of the Horsham Development Framework.

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

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

- 14 **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 and E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

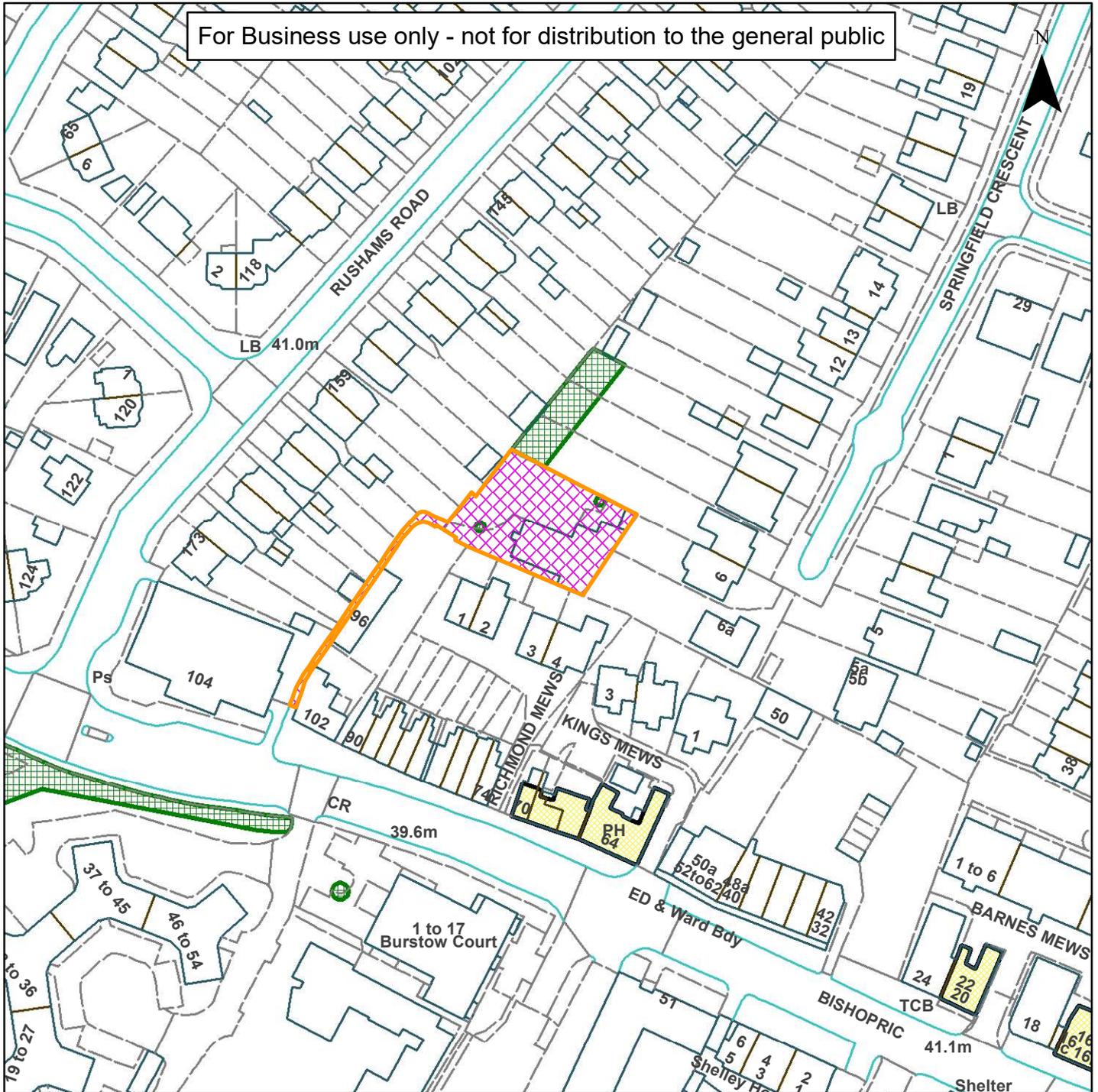
Background Papers: DC/19/1639

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Scout Hall, 104 Bishopric, Horsham

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Organisation	Horsham District Council
Department	
Comments	
Date	20/05/2020
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development

DATE: 18.05.2020

DEVELOPMENT: Demolition of existing roof and erection of a first floor and erection of a single storey rear extension

SITE: 20 Comptons Lane Horsham West Sussex RH13 5NY

WARD: Forest

APPLICATION: DC/20/0616

APPLICANT: **Name:** Mr Ian Brazier **Address:** Waterside Barn Howick Farm The Haven Nr Billingshurst RH14 9BQ

REASON FOR INCLUSION ON THE AGENDA: At the request of the Local Ward Member

RECOMMENDATION: That planning permission be approved subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This current application seeks to extend the existing building in order to create a two-storey dwelling which includes a single storey side/rear extension to the east elevation.

DESCRIPTION OF THE SITE

- 1.2 The application site accommodates a detached single storey bungalow within the defined built up area of Horsham. The area is mainly residential and comprises medium to large detached and semi-detached houses. Many of the surrounding dwellings are two-storey in height and set within sizeable plots with gardens extending approx. 50m to the rear, as with the host dwelling. Separation between buildings along Comptons Lane is variable and the flank walls of the host dwelling are approximately a metre from side boundaries as are the flank walls of neighbouring dwellings 18b and 22.
- 1.3 The gradient of the land at this part of Comptons Lane is an up slope from west to east, such that the ground floor level of the neighbour to the west (18b) is at a lower level than the ground floor level of the existing dwelling at no.20, and to the east no.22 is at a higher level than no.20.
- 1.4 The site is long and narrow in shape and the front of the dwelling is located approximately 12m from the sidewalk along Comptons Lane. This is characteristic of the properties on this side of the road which has resulted in long and narrow rear amenity spaces. Front boundary treatment comprises a low level wall and mature vegetation. The side and rear

boundary treatment comprises of a timber boarded fence, trees and shrubs. The site sits in an overall residential context of detached dwellings of varying form and appearance.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 **National Planning Policy Framework**

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

2.4 RELEVANT NEIGHBOURHOOD PLAN

There is no made plan

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1306	Erection of a single storey side extension and part second storey extension	Application Refused on 22.08.2019
DC/17/1607	Demolition of existing bungalow. Erection of 3x detached two storey dwellings with double carport, associated parking, hardstanding and landscaping.	Application Refused on 23.02.2018 – Dismissed on Appeal 22.01.2019
DC/16/2514	1 No. detached replacement dwelling and 1 No. detached and 1 No. pair of semi-detached dwellings at land to rear of 18b-20 Comptons Lane.	Application Refused on 16.01.2017

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

PUBLIC CONSULTATIONS

3.2 Six representations have been received in support of the application for the following reasons:-

- The proposed new structure to replace the existing dilapidated dwelling will be very much in keeping with the street scene;
- The proposed extension and addition of a first floor to the existing bungalow will make it more in keeping with the street scene in this section of Comptons Lane. Existing properties in this locality are unique and diverse in design and construction;
- Improves the street scene in that area, replacing a bungalow of little architectural merit with a much better looking dwelling.

3.3 One objection has been received objecting to the application for the following reasons:-

- The redeveloped bungalow, by virtue of its increased height and bulk, would constitute inappropriate development which would be disproportionate and out of scale, form and character with the host dwelling;
- The proposed development, by reason of its siting, scale and bulk, would be unreasonably overbearing when viewed from 18B Comptons Lane and would create an unacceptable sense of enclosure due to over dominance;
- Impact on neighbouring solar panels;
- Impact of side elevation windows;
- Space between dwellings.

3.4 **Forest Neighbourhood Council:** No Objection, but aware of the neighbours' concerns regarding this application and the detrimental effect that the shadowing of their solar panels will have. We believe there are certain regulations with regard to this problem of overshadowing and, although we do not have the technical expertise to make an informed judgement, would expect HDC to have the ability to determine the application in accordance with the regulations.

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

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

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

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

6. PLANNING ASSESSMENTS

Background

6.1 An earlier planning application on the site for backland development and a replacement two-storey frontage building (in place of the existing bungalow) was refused and dismissed at appeal under ref: DC/17/1607. This decision did not though raise any concerns in respect of the principal of a two-storey frontage building on the application site.

6.2 A subsequent application, ref: DC/19/1306, sought to extend the existing building in order to create a two-storey dwelling. This was refused planning permission for the following reason:-

The development, by reason of its design, form and scale, would represent an unduly dominant and visually intrusive addition to the street scene and would fail to sufficiently reflect the established character and appearance of the immediate surroundings. The proposal would create an awkward visual relationship with adjoining properties and would cause significant harm to the character and appearance of the site and wider surroundings. The proposal would therefore detract from the visual amenities of the locality, and is contrary to Policy 33 of the Horsham District Planning Framework (2015).

6.3 This current application again seeks to extend the existing building in order to create a two-storey dwelling, with amendments made to reduce the scale of the building from that proposed under the above (refused) application. Most notably, the height of the proposed

building has been reduced from 9 metres to 7.5 metres; with the roof form now proposed to be hipped rather than gabled, thus reducing the visual mass of the building at roof level.

Character and appearance

- 6.4 The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the Local Development Plan. Policy 33 of the HDPF states that development shall be required to ensure it is designed to avoid unacceptable harm to the amenity of occupiers of nearby property through, for example, overlooking or noise; ensure the scale, massing and the appearance of the development is of a high standard of design and relates sympathetically with the built surroundings and respects the character of the surrounding area. In addition, where applicable, development must take account of relevant design statements and use high standards of building materials.
- 6.5 Horsham Council's Design Guidance Advice Leaflet No.1: House Extensions, dated May 2008, states that an extension should be of a scale which is sympathetic to and does not overpower the original building.
- 6.6 The properties in this part of the southern side of Comptons Lane are mainly two-storey dwellings set within sizeable elongated plots. A preceding appeal decision on the site (ref: DC/17/1607) found a two-storey dwelling on the site to be appropriate to the existing character of the Lane. The current application has addressed the reason for refusal of the previous application (DC/19/1306) in that the height of the proposed building has been reduced from 9 metres to 7.5 metres; with the roof form now proposed to be hipped rather than gabled, thus reducing the visual mass of the building. As a result, the height and massing would not now be considered to stand out as an unduly intrusive or dominant addition, sufficient spacing is retained to shared boundaries and the proposed materials are considered acceptable in a location where such details are already variable.
- 6.7 For the reasons outlined above, and taking into account the planning history of the site, it is considered that the development would not have any adverse impact of the visual amenities of the locality, and accords with the above policies.

Impact on Neighbouring Amenity:

- 6.8 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.9 The main bulk of the extended building would reflect the front and rear building lines of the adjoining properties; this siting would be sufficient to ensure the key outlook, to the front and rear, would be unaffected. The dwelling would be clearly visible from adjoining properties given the considerable rear gardens to the south, however, it is considered that in residential amenity terms, the dwelling would not appear overbearing or result in a harmful loss of light or outlook. The front and rear facing windows largely reflect the existing arrangement which exists without apparent harm elsewhere on Comptons Lane. It is though considered necessary that side facing windows to the west elevation are obscurely glazed to prevent overlooking, and an appropriate condition is recommended.
- 6.10 The roof form of the extended two-storey dwelling reduces toward the rear of the plot, and this arrangement is considered sufficient to maximise the potential for solar gain to the solar panels affixed to the roof of the neighbouring property. While the proposal would represent an increase in height and massing above that currently existing it is considered that the proposed design pays sufficient regard in order to avoid any unacceptable impact on the adjoining panels.

- 6.15 It is noted that a concern was raised in respect of party wall matters and possible encroachment over the boundary with 22 Comptons Lane to the east. While these concerns are noted, the submitted plans are considered sufficient to indicate the development to be contained within the existing site boundaries, with party wall and property rights matters dealt with outside of the planning process.
- 6.16 The off-street parking space available at the frontage of the site and garage would facilitate parking for at least 3 cars and are considered sufficient to cater for the increase in bedrooms from 3/4 to 5, and no harmful displacement of vehicles onto the highway is considered likely to result from the proposal.

Conclusion:

- 6.17 It is considered that this scheme has addressed the previous reason for refusal, principally by reducing the roof height from 9m to 7.5m and with a redesigned hipped roof form to the front. It is therefore considered that the design, form and scale of the proposed development would not be harmful to the character and appearance of the site and wider surroundings, and no unacceptable impact would result for occupants of adjoining properties. The proposal is considered to be compliant with Policies 32 and 33 of the HDPF.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted subject to the following conditions:-

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

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

- 3 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until the west elevation windows (as shown on drawing no DE855-A/105 REV P1) have been fitted with obscured glazing. No part of those windows less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

- 4 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

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

Background Papers: DC/20/0616
DC/19/1306
DC/17/1607

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**Horsham
District
Council**

**PLANNING COMMITTEE
REPORT**

TO: Planning Committee North

BY: Head of Development

DATE: 02 June 2020

DEVELOPMENT: Variation of Condition 4 of previously approved application WN/40/85 (Removal of condition 1 on WN/5/83 and c/u of 2nd floor massage room and gym in association with dance studios) to allow for a change to the opening times of the premises to 6.30 - 21.30 Monday to Friday, 8.30am to 21.30 Saturday and 9.00 - 18.00 on Sunday

SITE: Bodywise Gym and Studios 16 Church Street Warnham Horsham West Sussex RH12 3QW

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/19/2574

APPLICANT: **Name:** Ms Aida Pecelyte **Address:** c/o Agent, ITPS, Springfield Road Horsham, RH12 2PD

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 resolve to grant planning permission subject to expiration of the public consultation period and delegation to the Head of Development to consider any representations received as a result of that consultation.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks permission to extend the existing opening hours of the premises, as set out below:-

Existing		Proposed	
Monday to Friday	08:30 to 21:30	Monday to Friday	06:30 to 21:30
Saturdays	08:30 to 21:30	Saturdays	08:30 to 21:30
Sundays	No opening	Sundays	09:00 to 18:00

1.2 The application would therefore result in an additional two hours each morning Monday to Friday, Saturday opening to remain as existing, with new opening between 08:00 and 18:00 on Sundays.

DESCRIPTION OF THE SITE

- 1.3 The application site relates to the commercial premises known as Bodywise Gym at 16 Church Street, Warnham and is located within the built up area boundary of the village. The site is also located within the wider Warnham Conservation Area and there are a number of Grade II listed properties within the vicinity. The site is set over three storeys and is accessed via a courtyard area fronting onto Church Street. The surrounding area is made up of a mixture of residential and commercial properties and all benefit from varying designs and built forms. To the rear of the site is a major housing development by Shanley Homes which is currently being built out. The building is configured in an 'L' shape and is made up of stock brick, timber framed and UPVC fenestrations and a tiled roof as well as a flat roof area.
- 1.4 The lawful use of the entire premises is as a gymnasium (within Use Class D2) with associated ancillary facilities, *which include a café and hairdressers*. In addition the existing lawful opening hours are between the hours of 08:30 and 21:30 Monday to Saturday (inclusive) and at no times on Sundays. This use and opening hours were confirmed as being lawful through a recent certificate of lawfulness, ref: DC/19/1689.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 **National Planning Policy Framework**

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

Policy 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 41 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

2.4 **Warnham Neighbourhood Plan (2017-2031)**

Policy W5: Design of residential development (insofar as criteria (b) of this policy relates to neighbouring amenity).

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1689

Application to confirm the continuous use of the entire premises for (D2 Use Class) purposes as a gymnasium with associated and ancillary facilities for a period in excess of ten years and to confirm the opening hours for the entire premises of 8:30 - 21:30 Monday to Saturday inclusive and at no times on Sundays. (Certificate of Lawful Development - Existing)

Application Permitted on
19.11.2019

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 Conservation:** No objection.

3.3 **Environmental Health:** No objection. However, in order to mitigate any adverse environmental impacts suitable controls are necessary to minimise noise, and conditions are recommended.

OUTSIDE AGENCIES

3.4 **WSCC Highways:** 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.

PARISH COUNCIL

3.5 The Parish Council recommend that a 12 month temporary permission is granted.

PUBLIC CONSULTATIONS

3.6 Thirteen (13) representations have been received objecting to the proposal for the following reasons:-

- Noise disturbance;
- Parking issues;
- Light pollution;
- Commercial use not appropriate to the surrounding area.

3.7 Two representations have been received supporting the application for the following reasons:-

- The gym is part of the local community;
- The earlier opening would allow people with full-time jobs to attend.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The application premises occupies a backland site located between existing residential properties, with the access derived from Church Street and a courtyard style arrangement surrounded by residential dwellings. The existing premises has an established lawful use as a gymnasium (and ancillary related uses) with opening hours between 08:30 and 21:30 Monday through Saturday. The proposal would allow for earlier opening from 06:30 on Monday to Friday, with Saturday opening remaining as existing, and new opening on Sundays between 09:00 and 18:00. As a result of the existing relationship between the site and surrounding properties the proposed extended opening hours have potential to create noise and disturbance for occupants of surrounding properties, and this is the key issue of consideration.
- 6.2 Policy 33 of the HDPF, Development Principles, seeks to ensure that proposals avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.3 It is acknowledged that the nature and location of the commercial use has potential to cause noise and disturbance for adjoining residents, with such impacts arising from both the use of the premises and access and egress arrangements.
- 6.4 It is considered that noise from within the premises is controllable and that hard measures are possible to reduce the potential for noise spillage. The Council's Environmental Health Team has advised that measures to restrict the hours during which amplified noise can be played within the premises and to ensure that windows are kept closed, should be secured. It is therefore considered that amplified noise can be restricted so that it can only be played between the hours of 08:00 to 21:30 Monday to Friday; 10:00 to 21:30 on Saturdays; and 10:00 to 18:00 on Sundays. In addition, a further condition is recommended to require the window openings to the gym and studio areas to be kept fixed shut at all times. It is considered that this approach would minimise the potential for noise and disturbance from the use during the extended opening hours being sought, and that the extended opening hours would not as a matter of course be expected to result in such an increase in noise and disturbance as to result in an unacceptable impact on amenity.
- 6.5 The gym use also includes outdoor equipment at ground floor level. It is considered the use of this equipment during the extended times being sought would potentially create an unacceptable impact on neighbouring amenity. A condition is therefore recommended to prevent outdoor activities, except for access and egress, except between the hours of 08:00 to 20:00 Monday to Friday; 10:00 to 18:00 on Saturdays; and 10:00 to 16:00 on Sundays. These hours are considered acceptable, having regard to the scale of the outdoor equipment, to minimise the potential for unacceptable harm to neighbouring amenity.
- 6.6 It is acknowledged that the need to access and egress the premises also has potential to impact on neighbouring amenity, and that controlling this activity is more difficult than preventing noise from spilling out the building. It is though considered that the scale of the premises and the additional opening hours being sought would not result in a magnitude of impact which would warrant a refusal of planning permission. A condition is recommended to secure a noise and light management plan, with the aim to secure a series of measures to minimise the potential for unacceptable impacts from activities to the front of the premises.
- 6.7 The existing lawful use of the premises creates a demand for travel, and in particular parking, which cannot be catered for within the site boundaries. The Highway Authority has been consulted on the application and advised that there are comprehensive parking

restrictions in the vicinity of the site which would prohibit parking in places which would be detrimental to highway safety; this is reflected by no recorded injury accidents in the vicinity of the site over a 5-year period. While the premises generates a need for on-street parking there is no evidence to suggest the existing use creates a level of demand which is detrimental to either highway safety or neighbouring amenity, or that the extended hours would materially alter this. The Highway Authority has advised that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. There are considered to be no reasons to take a different view and as a result there are considered to be no transport grounds to resist the proposal.

Conclusion

- 6.8 It is considered that the impact of the proposed extended opening hours can be mitigated through a number of conditions relating to operating practices both within and outside the premises, and that subject to these conditions no unacceptable harm to neighbouring amenity would result from the proposal. It is though recognised that despite the conditions put forward the relationship of the application site to adjoining properties is such that impacts may persist. In recognition of this the applicant has suggested a temporary planning permission may be an appropriate way forward, in that it would allow the new business hours to take place and the resulting impacts to be monitored. This approach is supported by the Council's Environmental Health Team.
- 6.9 It is considered, having regard to the nature of the site and on the basis of the consultations and representations received, that it would be reasonable to grant a temporary period of 12 months. This would allow the extended opening hours, and related restrictions secured through condition, and give the applicant an opportunity to carry out noise monitoring prior to any submission of a subsequent application for a permanent extension of the opening hours. This approach would allow the Local Authority to assess any complaints and establish whether the premises is suited to the proposed hours on a permanent basis. It is therefore recommended that planning permission be granted on a temporary 12-month basis and subject to the conditions set out in Section 7 below.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to the following conditions -
1. **Time Condition:** The opening hours hereby permitted, and as set out in condition 3, shall cease on the date of 12 months from the granting of this permission, after which the previously approved operational hours under of 08:30 – 21:30 Monday to Saturday with no opening on Sundays shall be restored and thereafter complied with.

Reason: In order to monitor noise impacts during the extended operational time periods and in the interests of the amenity of the occupiers of nearby dwellings, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

2. **Regulatory Condition:** Within 2 months of the date of this decision a noise and light management plan shall be submitted to the Local Planning Authority for its written approval. The plan shall set out measures to minimise the potential for noise and disturbance from access and egress to the premises and to ensure internal and external lighting is minimised. The measures set out the approved plan shall be adhered to throughout the duration of the opening hours hereby permitted.

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

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

06.30 and 21.30 Monday to Friday;
08:30 and 21:30 on Saturdays; and
09:00 and 18:00 on Sundays.

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

4. **Regulatory Condition:** No amplified or other music shall be played in the premises outside the following times:-

08:00 to 21:30 Monday to Friday;
10:00 to 21:30 on Saturdays; and
10:00 to 18:00 on Sundays

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

5. **Regulatory Condition:** No outdoor activities, other than access and egress, shall take place outside of the following times:-

08:00 to 20:00 Monday to Friday;
10:00 to 18:00 on Saturdays; and
10:00 to 16:00 on Sundays

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

6. **Regulatory Condition:** The windows to the gym and studio areas, as identified on drawing nos. AP1 and AP2, shall be kept shut at all times.

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

Background Papers: DC/19/2574
DC/19/1689

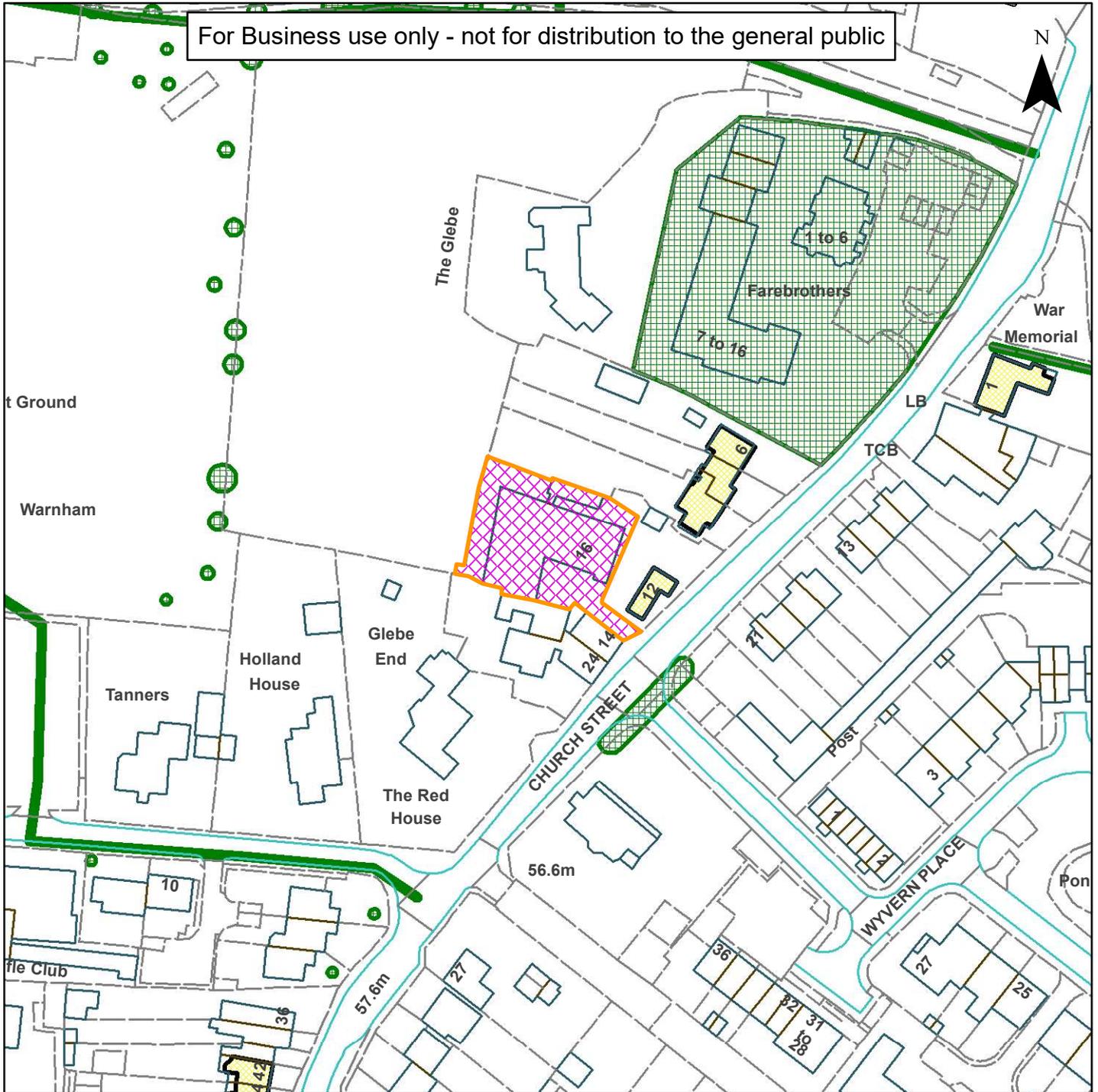
11) DC/19/2574



**Horsham
District
Council**

Bodywise Gym, 16 Church Street, Warnham

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	20/05/2020
MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 2 June 2020

DEVELOPMENT: Installation of surfaced highway lay-by

SITE: Land at The Junction of East Street, Burnt House Lane and Lambs Green Road Chowles Rusper West Sussex RH12 4RG

WARD: Colgate and Rusper

APPLICATION: DC/20/0618

APPLICANT: **Name:** Thames Water Utilities Ltd **Address:** Clearwater Court Vastern Road Reading RG6 4EH

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: That planning permission be approved subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission to install a surfaced lay-by on land near the Junction of East Street, Burnt House Lane and Lambs Green Road, Rusper. The proposed layby would facilitate off-highway parking in connection with a new below ground wastewater pumping station, for reasons connected with the ongoing operation of the pumping equipment and associated rising main.

DESCRIPTION OF THE SITE

- 1.2 The application site is the highways verge on the west side of Lambs Green Road (a C class highway), immediately southwest of the junction with East Street/BurntHouse Lane. The site is in a rural location and currently comprises an informal layby and amenity grassland with some standing trees. The land surrounding the application site is primarily agricultural in character and there are open fields to the east across Lambs Green Road.
- 1.3 There are scattered residential properties in the area and the nearest neighbouring dwellings are across East Street to the north. Adjacent to the site to the west is Chowles Farm containing residences and Chowles Farmhouse is approximately 100m to the southwest.

- 1.4 The verge area is an adopted highway but the landowner is unknown with the parcel of land unregistered on the Land Registry. The application site is located within Flood Zone 1 where there is a low risk of flooding. A small watercourse (Rusperhouse Gill) is approximately 3m to the west of the application site at its closest point and joins the Baldhorns Brook approximately 150m to the south.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 24 - Strategic Policy: Environmental Protection

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 39 - Infrastructure Provision

Policy 40 – Sustainable Parking

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 There is no made plan

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/2046

Construction of 2 laybys - Lambs Green Road

Withdrawn 13.11.19

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No objection.

EXTERNAL CONSULTATIONS

- 3.3 **WSCC Highways:** No objection. 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.

PARISH COUNCIL

- 3.4 **Parish Council:** Objection. There is no clear need for the layby. An HGV would be clearly seen by road users which will be travelling slowly due to the approaching junction. Open laybys are an opportunity for passing motorists to fly tip, which is an increasing issue in rural areas and has already been an issue in this location while work is being undertaken. An open layby is also an opportunity for overnight parking, possibly linked to parking for Gatwick Airport.

PUBLIC CONSULTATIONS

- 3.5 18 representations were received objecting to the application for the following reasons:-

- Fly tipping/Litter is an existing problem and the proposal will exacerbate this;
- Encourages overnight HGV parking/Gatwick parking;
- A layby is not needed as the site has been in operation for a number of months with no reported accidents and is only needed on an infrequent/ad hoc basis;
- The size of the proposed layby is too big;
- Hedges/trees important to wildlife

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

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

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

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

6. PLANNING ASSESSMENTS

Background

- 6.1 This application seeks permission to construct a layby adjacent to the highway to facilitate formalised off-street parking for use in connection with a new below ground wastewater pumping station (which has been installed under permitted development) at the junction southwest of East Street and Burnt House Lane and the west side of Lamb's Green Road. The lay-by would have a maximum length of approximately 21 metres and a width of approximately 3.5 metres, and would be constructed using Type 3 Sub-base overlaid with Porous Asphalt with finished levels to match the existing road surface of Lamb's Green Road.
- 6.2 The pumping station has been installed as part of a new below ground pipeline to transfer wastewater flows from the existing Rusper Sewage Treatment Works (STW) to the Crawley STW catchment area, where land levels prevent gravity flows. The Rusper STW currently serves a population equivalent of around 400 and discharges both treated effluent and storm overflow discharges to the Baldhorns Brook, a tributary of the River Mole.
- 6.3 The applicant had advised that the pumping station requires operational access for intermittent maintenance visits, which may include in the future heavy plant capable of lifting the pumping equipment from the below ground chamber to allow inspection and removal for off-site maintenance. Further, in the event of an equipment failure at the

pumping station a tanker would be parked in the layby to undertake emergency pumping of wastewater in order to prevent potential adverse environmental impacts such as sewage flooding and pollution. The layby has been designed to allow for the size of tanker that would be required, with the layby size and shape dictated by the need to manoeuvre the tanker safely off and on the main carriageway without creating a hazard. In the event that emergency pumping is required, hoses will be in use and a safe access off the main carriageway is necessary as hoses will be required to prevent a safety risk to users of the highway and Thames Water personnel.

- 6.4 A preceding application for a layby was withdrawn in November 2019, ref: DC/19/2046. Following this withdrawal the scheme was amended in order to reduce the extent of tree and hedgerow loss, reduce any impact on the privacy of the neighbouring property to the west and to propose a single layby (rather than two linked laybys).

Principle

- 6.5 Policy 24 of the HDPF advises that the District's environment will be protected, including maintaining or improving the quality of any watercourses; with Policy 39 of the HDPF aimed at providing adequate infrastructure capacity to serve existing and new development.
- 6.6 As set out above, the proposed layby would provide access to a new wastewater pumping station, which is integral to the new sewer rising main and an essential part of the wastewater infrastructure serving the surrounding area; enabling treated effluent discharges to the Baldhorns Brook to cease. The applicant, Thames Water has a legal obligation under the Water Framework Directive to reduce phosphorus levels in the waterbody to achieve Good waterbody status.
- 6.7 The proposed layby would contribute to the efficient servicing and ongoing maintenance of this wastewater infrastructure, and would clearly represent an improvement over the informal arrangement which currently exists at the site. The principle of the development is considered to accord with the above policies, and is acceptable subject to detailed considerations.

Character and appearance

- 6.8 Policy 25 of the HDPF states that the natural environment and landscape character of the District will be protected. Policy 26 advises that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development.
- 6.9 As part of the application two individual trees would be removed with partial removal of two tree groups. The trees identified for removal are individually of low amenity value and do not benefit from any statutory protection. Elsewhere on the site existing trees would be retained wherever possible, with pruning where necessary, in order to provide natural screening. As part of the application process discussions have taken place with the applicant in order to improve the landscaping proposals being put forward, and to secure replacement planting to compensate for lost trees and to provide enhanced visual screening along the western boundary with a neighbouring residential property. The amended planting proposals, which have significantly benefitted from advice by the Council's Landscape Officer, include a native hedgerow along the western boundary of the proposed layby and pumping station with native woodland edge planting to the west of the hedgerow.
- 6.10 It is considered that the presence of a layby along this section of highway would not result in any demonstrable harm to the visual amenities of the locality, with the landscaping scheme appropriate and sufficient to ensure any short views of the site are mitigated where

necessary through additional and enhanced natural screening. The visual impact of the proposal is therefore considered acceptable and would accord with the above policies.

Ecology / Biodiversity

- 6.11 Policy 31 of HDPF sets out that development proposals will be required to contribute to the enhancement of existing biodiversity. Where felling of trees is necessary, replacement planting with a suitable species will be required.
- 6.12 An Ecological Impact Assessment has been submitted with the planning application which notes that the site comprises amenity grass and species poor hedgerows with some trees. The site is considered to be of low ecological value with limited potential for any protected species to be affected and is not subject to any nature conservation designations. The assessment includes details of appropriate mitigation and implementation of best practice measures and these would be secured through condition.
- 6.13 It is considered that the proposed development, subject to an appropriate condition, would have no adverse impact on nature conservation, habitats or species and forms part of a wider development that will contribute towards an improvement in water quality. The proposed development is therefore considered to be in accordance with Policy 31 of the HDPF.

Impact on Neighbouring Amenity

- 6.14 Policy 24 of the HDPF sets out that developments will be expected to minimise impacts on residential amenity, including with respect to noise, odour, air and light pollution.
- 6.15 The proposals have been amended to minimise the extent of tree and vegetation clearance and to maximise the extent of retained visual screening. The proposed lay-by will be at ground level and the landscape planting proposals will provide visual screening along the western boundary of the layby and pumping station to minimise any adverse impact to visual amenity of nearby residential properties.
- 6.16 The applicant has advised that the pumping station would be visited approximately once per month as part of its planned maintenance regime. In any case the use of the layby for the parking of vehicles would not be expected to result in a degree of harm, by way of noise, disturbance or privacy etc., which would be unacceptable or warrant a refusal of planning permission, particularly given the existing informal arrangement which exists at the site. The pumping station itself did not require planning permission and is not subject of this application.
- 6.17 There are concerns expressed from residents that an open layby may be affected by fly-tipping and anti-social activities. The advice from the Highways Authority is that as the land is within the statutory highways verge an application to stop-up the layby (i.e. to install bollards such that the layby is available exclusively for Thames Water access) would not be supported. It is considered that the layby would not facilitate or inevitably lead to an increase in fly tipping, which is ultimately an illegal activity irrespective of any decision made on this application. It is therefore considered that the risk of fly tipping, or any other illegal activity on the site, would not be such that a refusal of planning permission could be justified. A condition is though recommended to secure a scheme, such as signage, to discourage anti-social activities and this approach is considered acceptable to the scale and nature of the scheme.
- 6.18 There are no existing drainage gullies along Lambs Green Road. The existing road slopes downwards from north to south and runoff at present naturally drains into the verges on both sides. The proposed layby will drain towards the existing carriageway and the natural drainage of the existing road will be used. Permeable asphalt has been chosen to minimise

the impact on the drainage of the existing road. The permeable lay-by is intended to act as storage before runoff drains to the existing road rather than acting purely as a soakaway.

Highways Safety

- 6.19 Formal pre-application with the Highways Authority has been undertaken in respect of the layby proposals and the advice received (ref: PRE-125-19) is included within the planning application submission. The pre-application advice from the LHA advised that the proposed site for the layby falls within the designated highway verge and an application to 'stop-up' the layby is not supported by the Highways Authority. For this reason, it is not proposed to install bollards to prevent public access.
- 6.20 The Local Highways Authority was consulted and in responses dated 17th April and 15th May it advised that this proposal would have not an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. There are considered to be no reasons to take a different view and, accordingly, there are no transport grounds to resist the proposal. The LHA have recommended an informative should be applied to obtain all appropriate consents from West Sussex County Council to cover the off-site highway works prior to commencement of works.

Conclusion

- 6.21 The development is considered to accord with relevant local and national planning policies and is recommended for approval.

7. RECOMMENDATIONS

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

Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3 **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted details of measures to discourage anti-social activities such as fly tipping and overnight parking shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall be put in place prior to the first use of the development and shall be retained as such thereafter.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).
- 4 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Ecological Impact Assessment (EclA) *Stantec-AMP6 Rusper Intermediate Pumping Station Option4*; dated 17.03.2020.

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

- 5 **Regulatory Condition:** The landscaping scheme, as set out on the approved plans, shall be fully implemented in accordance with the approved details within the first planting season following the first use of any part of the development hereby permitted. 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 the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **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).

- 7 **Regulatory Condition:** No works relating to the construction 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 and not at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

NOTES TO APPLICANT

WSSC Local Highway Authority:

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Wildlife Protection

The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

Birds

The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

Bats

The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: equiries@bats.org.uk, <http://www.bats.org.uk/>.

Background Papers: DC/20/0618

12) DC/20/0618

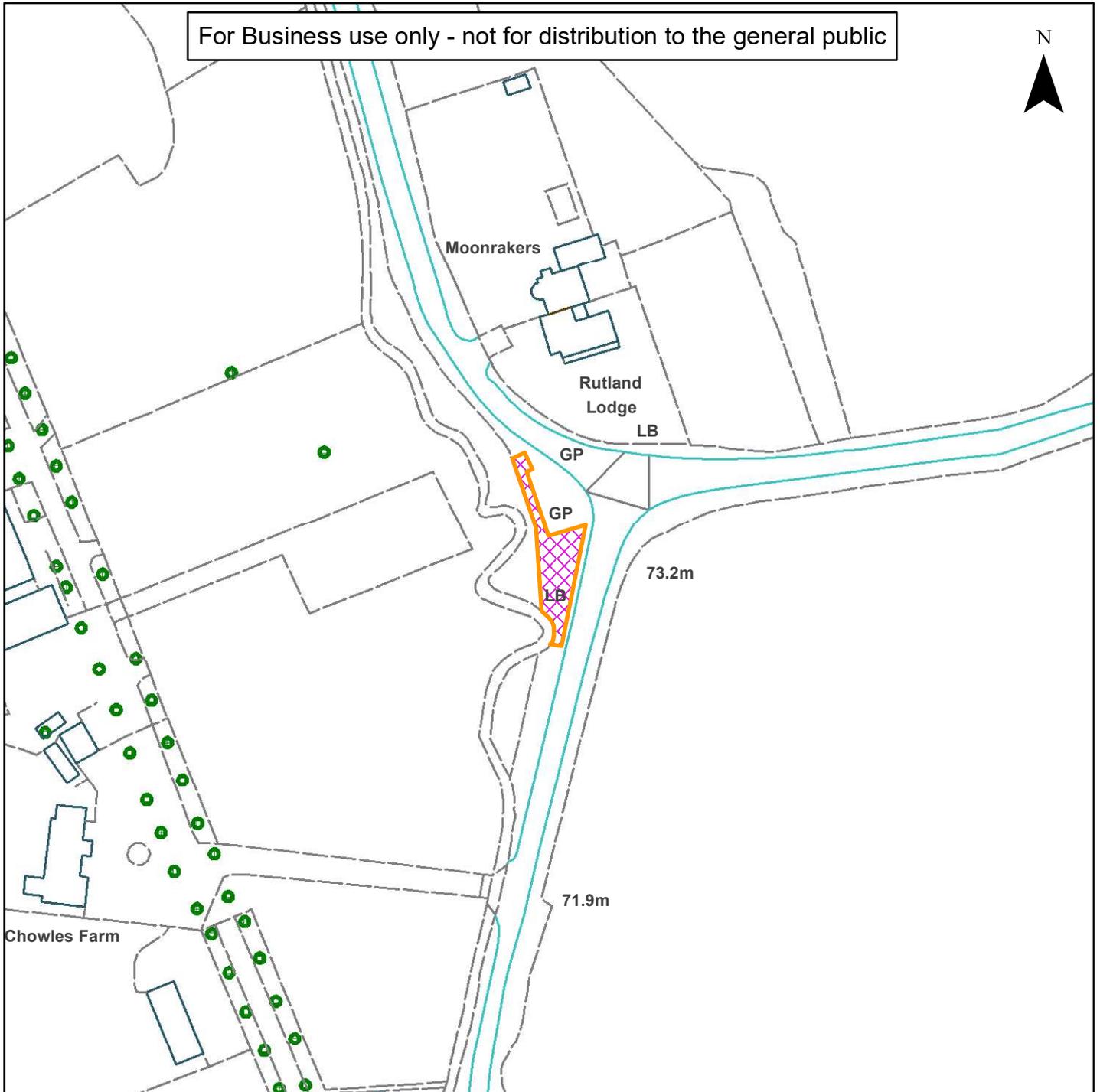


Horsham District Council

Installation of surfaced highway lay-by, Rusper, RH12 4RG

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 02 June 2020

DEVELOPMENT: Replacement of existing entrance lobby with a glass lobby with automatic sliding doors and glass manifestation. Removal of blank imitation door panel on the wall next to the lobby and its replacement with panelling to match the surrounding walls (Listed Building Consent)

SITE: The Council Offices Park House North Street Horsham West Sussex RH12 1RL

WARD: Denne

APPLICATION: DC/20/0552

APPLICANT: **Name:** Horsham District Council **Address:** Parkside North Street Horsham RH12 1RL

REASON FOR INCLUSION ON THE AGENDA: The applicant is Horsham District Council.

RECOMMENDATION: That listed building consent be approved subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks Listed Building Consent to replace the existing entrance lobby with a glass lobby with automatic sliding doors and glass manifestation, together with the removal of blank imitation door panels on the wall next to the lobby and its replacement with panelling to match the surrounding walls.

DESCRIPTION OF THE SITE

- 1.2 Park House is a Grade II* listed building situated on North Street in Horsham, adjacent to Horsham Park. The building, which is currently used as offices, dates from the 17th century and is a two-storey mansion house with an attic. It is likely that Park House was built on the site of an early farmhouse. The front of the building pre-dates the rear facing the park. The style and details of the east façade suggests that the mansion was started in the 1670's and extended at a later date. The east façade has a 'William and Mary' style with elongated windows and quoin features. Whereas the garden façade is more classical than the front and Early Georgian in style. The building includes modern additions and has also been extensively altered internally.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.2 **National Planning Policy Framework**

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

RELEVANT NEIGHBOURHOOD PLAN

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

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 There have been numerous consents for internal alterations dating back to the 1950's, none of which are directly relevant to this application.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Conservation:** No Objection. The building has been altered and restored in the recent past following a fire and the area affected by this proposal was altered at that time. The proposed alterations will not result in the removal of, or damage to historic fabric nor will they prevent an understanding or appreciation of the significance of the historic house.

OUTSIDE AGENCIES

- 3.3 **Historic England:** No Comment

PUBLIC CONSULTATIONS

- 3.4 **Denne Neighbourhood Council:** No objection.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 Paragraph 193 of NPPF (2018) states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).”
- 6.2 This is reflected by Policy 34 of the Horsham District Planning Framework (HDPF) which states that works to listed buildings should reinforce the special character of the historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques.
- 6.3 The application proposes to make several internal alterations to the Park House which is a Grade II* listed building. The proposed alterations relate to the relatively modern additions which were built in the 20th century and would not affect any historic fabric. The alterations include the replacement of existing entrance lobby with a glass lobby with automatic sliding doors and glass manifestation, together with the removal of a blank imitation door panel on the wall next to the lobby and its replacement with panelling to match the surrounding walls.
- 6.4 It is considered that the proposed works, by reason of their nature, detail and location within the building, would not result in any adverse impact on the significance of the Listed Building, and would preserve its special interest.

7. RECOMMENDATIONS

- 7.1 It is recommended that listed building is granted subject to the following conditions:-

1. A list of the approved plans
2. **Standard Time Condition:** The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

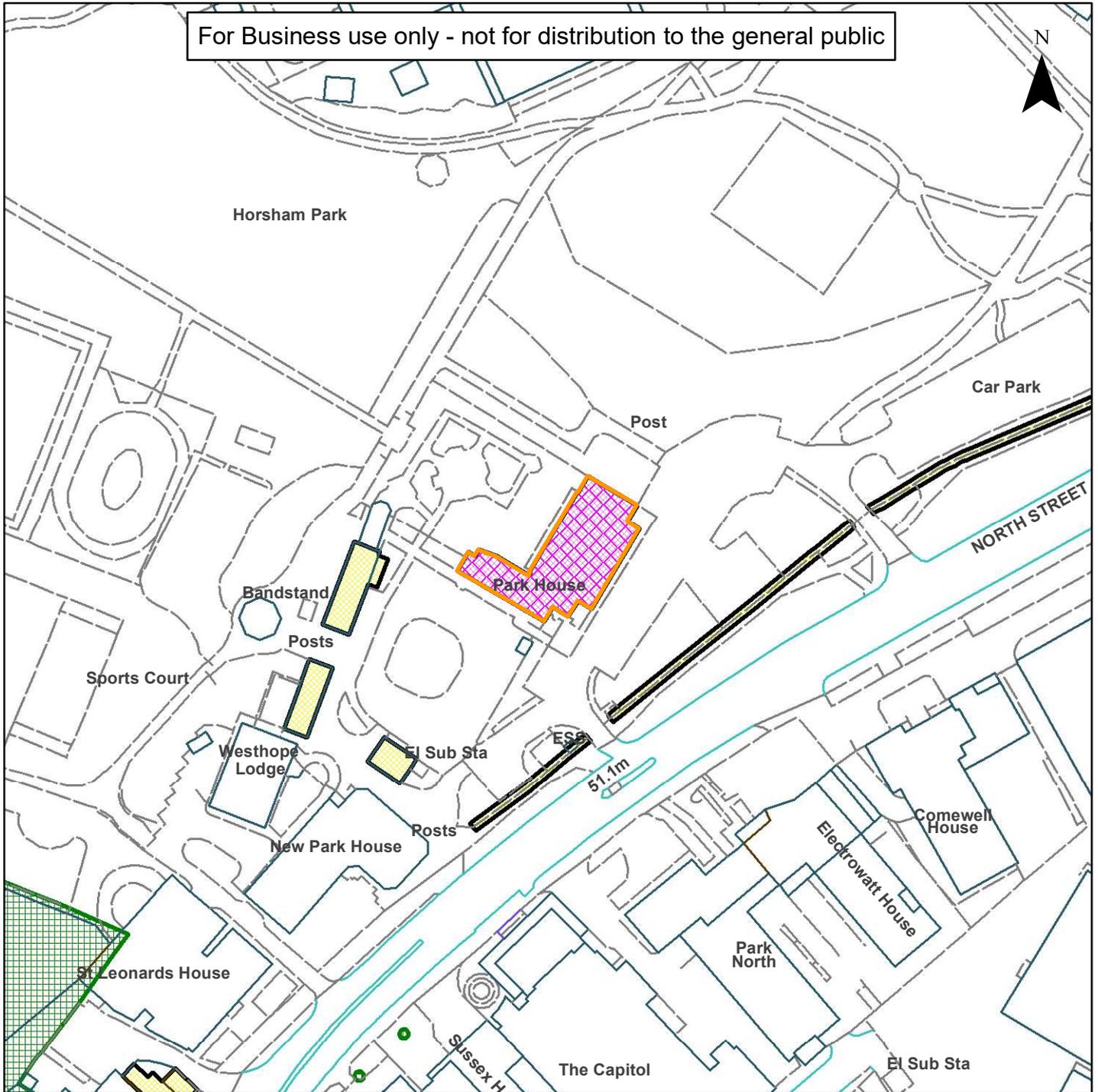
Background Papers: DC/20/0552

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The Council Offices, Park House, North Street, Horsham

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