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# Planning Committee (North)

Tuesday, 6th June, 2023 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:	Peter van der Borgh (Chairman)	
	Tony Bevis (Vice-Chairman)	
	Colette Blackburn	Liz Kitchen
	Martin Boffey	Richard Landeryou
	James Brookes	Dennis Livingstone
	Len Ellis-Brown	Jay Mercer
	Nigel Emery	John Milne
	Ruth Fletcher	Colin Minto
	Chris Franke	Jon Olson
	Anthony Frankland	Sam Raby
	Nick Grant	David Skipp
	Kasia Greenwood	Jonathan Taylor
	Warwick Hellowell	Clive Trott
	Tony Hogben	Mike Wood
	Alex Jeffery	Tricia Youtan

You are summoned to the meeting to transact the following business

Jane Eaton  
Chief Executive

## Agenda

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	Page No.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 14
To approve as correct the minutes of the meeting held on 4 April and 24 May 2023. <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	

4. **Announcements**

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

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

5. **Appeals** 15 - 18  
Applications for determination by Committee:
6. **DC/22/0096 Roundstone Park, Worthing Road, Southwater** 19 - 56  
Ward: Southwater North  
Applicant: Churchill Retirement Living
7. **DC/22/2313 Sussex House, North Street, Horsham** 57 - 68  
Ward: Denne  
Applicant: Mr Paul Craig
8. **DC/23/0338 Acacia House, 110 Manor Fields, Horsham** 69 - 80  
Ward: Roffey South  
Applicant: Mr Chris George
9. **DC/23/0354 Morriswood, Old Holbrook, Horsham** 81 - 88  
Ward: Colgate & Ruser  
Applicant: Mr Anthony Hogben
10. **DC/22/2368 Park Place, Horsham** 89 - 100  
Ward: Denne  
Applicant: Mr Brian Elliot
11. **Urgent Business**  
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

# Agenda Annex

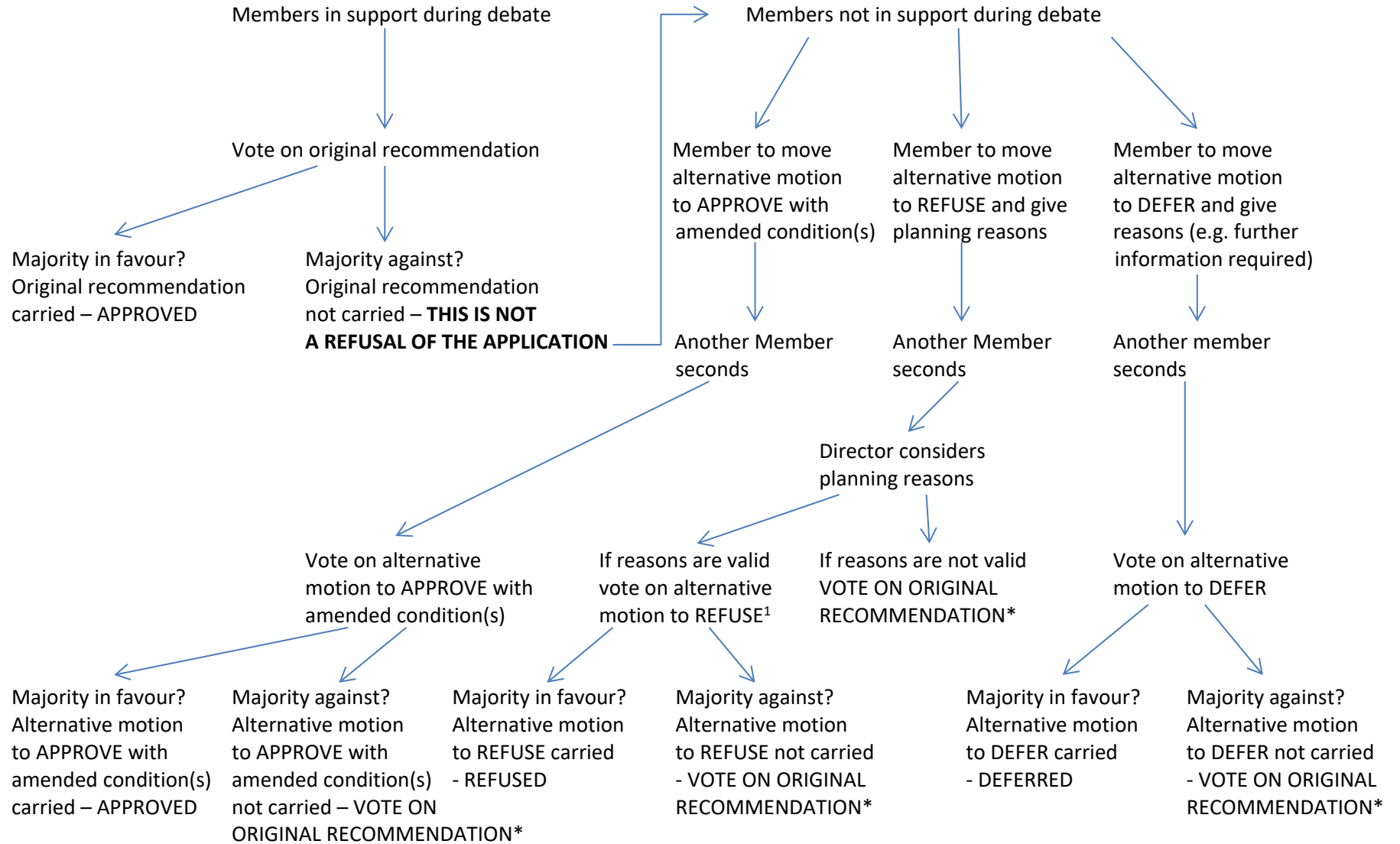
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

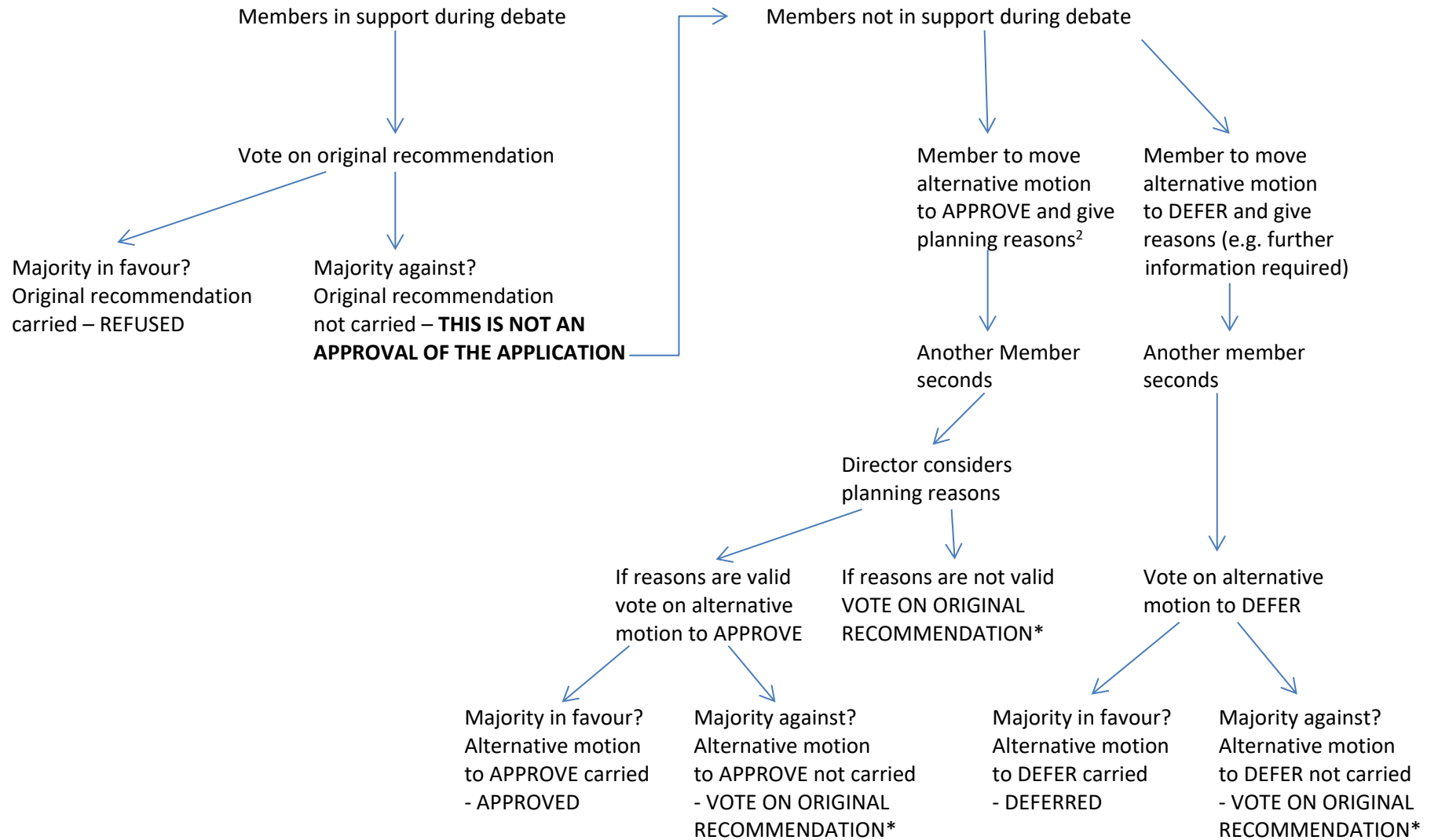
**Original recommendation to APPROVE application**



\*Or further alternative motion moved and procedure repeated

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

**Original recommendation to REFUSE application**



\*Or further alternative motion moved and procedure repeated

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

**Planning Committee (North)**  
**4 APRIL 2023**

Present: Councillors: John Milne (Chairman), Tony Bevis, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, Ruth Fletcher, Tony Hogben, Liz Kitchen, Gordon Lindsay, Colin Minto, Christian Mitchell, Sam Raby, Stuart Ritchie, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Clive Trott, Matthew Allen, Andrew Baldwin, Martin Boffey, Christine Costin, Billy Greening, Richard Landeryou, Tim Lloyd, Jon Olson, Louise Potter and David Skipp

PCN/62 **MINUTES**

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

PCN/63 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/64 **ANNOUNCEMENTS**

There were no announcements.

PCN/65 **APPEALS**

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

PCN/66 **DC/22/0096 ROUNDSTONE PARK, WORTHING ROAD, SOUTHWATER**

The Head of Development & Building Control reported that this application sought permission for the erection of 36 two-storey retirement living apartments and six retirement cottages, including a Lodge Manager's office, communal facilities, a guest suite, parking and landscaping. The existing access off Worthing road would be upgraded and resurfaced. There would be 25 parking spaces for the dwellings.

The presenting officer clarified that the pedestrian crossing referred to in paragraph 6.26 of the report had the potential to include a refuge island, which could be secured through the Legal Agreement, if Councillors considered this necessary and appropriate.

Since publication of the report, an addendum had been circulated and published advising of an additional condition regarding the standard time

implementation of three years. The addendum also advised that two further objections had been received.

The application site was located within the built-up area of Southwater, north of the village centre. It comprised the former sales and servicing area for Roundstone Caravans, which had vacated the site. The vehicular access provided access to the Park Homes site to the east.

The Parish Council were broadly supportive but had a number of concerns. There had been 11 representations from neighbouring residents objecting to the application (including the two mentioned in the addendum), and five representations in support.

The applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to aspects of the application.

Members considered the consultees' responses and the officer's planning assessment, as set out in the report. There was concern that proposed on-site parking was insufficient and would result in overspill parking into busy neighbouring streets, and they were not convinced that the older average age of residents would signify fewer vehicle users.

With regards to road safety, Members agreed that a crossing with refuge to access the bus stop would be essential, and that WSCC should be asked to consider a pelican crossing instead, and other improvements such as yellow lines to prevent nearby on-street parking should be explored. It was therefore proposed and seconded that the application be deferred. The motion was carried.

#### RESOLVED

That planning application DC/22/0096 be deferred:

- (i) so that WSCC can explore options for further pedestrian improvements to the Worthing Road, such as yellow lines, a pedestrian crossing and a refuge island; and
- (ii) so that the applicant can consider the provision of more disabled and visitor parking spaces.

PCN/67 **DC/22/0302 SONY DADC UK LIMITED, SOUTHWATER BUSINESS PARK, WORTHING ROAD, SOUTHWATER**

The Head of Development & Building Control reported that this application sought permission for the demolition of warehouse buildings and redevelopment to provide seven employment units for a range of employment uses. Ancillary offices, yard areas, parking and landscaping were included in



the application. Access would be from the existing entrance at the north end of the site.

Since publication of the report, an addendum had been circulated and published setting out amendments to five of the conditions, which had been agreed following discussions with the applicant. In addition, condition 35 could be removed as the revised conditions included control of fixed plant and equipment.

The application site was located within Southwater Business Park, an established business park comprising several large business units, within the built-up area of Southwater. The site had been unused since the current owners ceased operations in 2018.

The Parish Council objected to the application. There had been no representations from members of the public. A representative of the Parish Council spoke in objection to the application.

Members considered the consultees' responses and the officer's planning assessment, as set out in the report.

Members weighed the benefits to the local economy against their concerns that the proposed hours of operation, including for delivery and despatch, would have a detrimental impact on neighbouring amenity, given the proximity of residential homes, including those built in recent years. It was noted that HDC Environmental Health had also objected to the proposed unfettered hours of operation. Members supported the HDC Environmental Health recommended hours of delivery and despatch. Members also sought better pedestrian and cyclist access to units 2 and 3.

Following comments regarding the condition of the Mill Strait roundabout, it was agreed that **an Informative** would be added to the decision notice requesting options for improvements and repairs to the Mill Straight roundabout be explored.

#### RESOLVED

That planning application DC/22/0302 be granted subject to the conditions as reported, with amendments to the following conditions:

- (i) Condition 33 to be amended in line with the Environmental Health Officer's recommendations, so that no despatch or receipt of deliveries shall take place from the site except between:
  - Monday to Friday 7.00am – 8.00pm;
  - Saturday 7.00am – 6.00pm;
  - Sunday/Bank Holidays none
- (ii) Condition 21 to be amended to secure safe pedestrian and cycle access to units 2 and 3.

PCN/68 **DC/21/2180 WOODFORDS, SHIPLEY ROAD, SOUTHWATER**

The Head of Development & Building Control reported that this outline application sought permission for up to 73 new dwellings (C3 use) and retention of existing farmhouse building (Woodfords), associated public open space, landscaping, drainage and highway infrastructure works, including a new vehicular access from Shipley Road.

Since publication of the report, an addendum had been circulated and published setting out further information on water neutrality in response to the public re-consultation on the water neutrality report, which had received 27 additional objections. The recommendation had also been amended to take into account the need for updated ecology surveys because those submitted for the site almost three years ago would soon require updating.

The application site was located to the east of Shipley Road, approximately one mile south of the centre of Southwater. The site boundaries were mostly mature hedgerows and trees and there was an area of ancient woodland about 40 metres from the site. There was some development north of the site, which ran close to Shipley Road.

The Parish Council objected to the application. There had been 49 representations objecting to the application in addition to the 27 received in response to the re-consultation.

One member of the public spoke in objection to the application and the applicant and the applicant's agent both spoke in support. A representative of Shipley Parish Council and a representative of Southwater Parish Council both spoke in objection to the application.

Members considered the consultees' responses and the officer's planning assessment, as set out in the report.

Members considered whether the reason for refusal of application DC/20/2564, on the grounds of insufficient information in relation to water neutrality, had been overcome. They considered the evidence and proposed measures in the applicant's Water Neutrality Statement, and discussed the extent to which these could be enforced or achieved. Members discussed the importance of ensuring that the Water Neutrality Statement was legally robust and deliverable, and they were concerned that proposals to offset water-use by retrofitting properties in Crawley Borough would be difficult to monitor as such measures could be reversed.

It was therefore proposed and seconded that the application be deferred. The motion was carried.

A question was also raised regarding the technical viability of the quoted storage capacity of water harvesting systems outlined in paragraph 3.5 of the addendum.

It was also requested that the speed limit on Shipley Road, which was currently 60mph, be reviewed in the light of new WSCC guidance.

RESOLVED

That planning application DC/21/2180 be deferred in order to:

- (i) seek legal advice regarding the monitoring and enforcement of the water neutrality off setting measures. Reassurance required that measures are in place and enforceable in perpetuity;
- (ii) review the speed limit on Shipley Road in light of new WSCC guidance; and
- (iii) seek technical guidance on rain water harvesting (e.g. can they be installed in the roofs of the dwellings).

PCN/69 **DC/22/1878 36 WARREN DRIVE, SOUTHWATER, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the erection of a two-storey 3-bedroom detached dwelling, with a single integral garage, three off-street parking spaces and access via the driveway for 36 Warren Drive.

The application site was located within the built-up area of Southwater and was part of the side/rear garden of the host property, which had a garden larger than most of the neighbouring sites.

The Parish Council objected to the application. There had been 25 representations objecting to the application, and a report on behalf of the neighbouring property. One letter in support had been received.

One member of the public spoke in objection to the application and a representative of the Parish Council also spoke in objection to it. The applicant's agent addressed the Committee in support of the proposal.

Members considered the consultees' responses and the officer's planning assessment, as set out in the report. Members discussed the proposed parking and access arrangements and were concerned that the parking spaces on the application plan would be impractical for daily use and lead to additional on-street parking. They also noted the proximity of the access to the neighbouring property's front door. They were concerned that highway safety was compromised by inadequate parking arrangements and access.

It was therefore proposed and seconded that the application be refused. The motion was carried.

RESOLVED

That planning application DC/22/1878 be refused for the following reasons:

The proposed access is considered inappropriate and of poor design, resulting in a detrimental impact on residential amenity and safety, contrary to policies 33 and 40 of the HDPF (2015).

*The meeting closed at 8.15 pm having commenced at 5.30 pm*

CHAIRMAN

**Planning Committee (North)**  
**24 MAY 2023**

Present: Councillors: Colette Blackburn, Martin Boffey, Peter van der Borgh, James Brookes, Len Ellis-Brown, Nigel Emery, Ruth Fletcher, Chris Franke, Nick Grant, Kasia Greenwood, Warwick Hellowell, Tony Hogben, Alex Jeffery, Liz Kitchen, Richard Landeryou, Dennis Livingstone, Jay Mercer, John Milne, Colin Minto, Jon Olson, Sam Raby, David Skipp, Jonathan Taylor, Clive Trott and Mike Wood

Apologies: Councillors: Tony Bevis, Anthony Frankland and Tricia Youtan

PCN/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Peter van der Borgh be elected Chairman of the Committee for the ensuing Municipal Year.

PCN/2 **ELECTION OF VICE CHAIRMAN**

RESOLVED

That Councillor Tony Bevis be elected Vice-Chairman of the Committee for the ensuing Municipal Year.

PCN/3 **TIMES OF MEETINGS FOR THE MUNICIPAL YEAR**

RESOLVED

That meetings of the Committee be held at 5.30pm for the ensuing municipal year.

*The meeting closed at 6.54 pm having commenced at 6.51 pm*

**CHAIRMAN**

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## Planning Committee (NORTH)

Date: 6<sup>th</sup> June 2023



**Horsham  
District  
Council**

Report on Appeals: 23/03/2023 – 23/05/2023

### 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/22/2107	Holmbush Manor Farm Hayes Lane Slinfold West Sussex RH13 0SL	04-Apr-23	Application Refused	N/A
DC/22/0942	Slinfold Stud Land Opposite Whitbreads Farm Stane Street Slinfold RH13 0RE	04-May-23	Application Refused	N/A
DC/22/1052	Lower Broadbridge Farm Billingshurst Road Broadbridge Heath Horsham West Sussex RH12 3LR	09-May-23	Application Refused	N/A
DC/22/1917	21 Calvert Link Faygate West Sussex RH12 0AF	19-May-23	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/22/0074	6 Yarrow Close Horsham West Sussex RH12 5FP	Written Representation	14-Apr-23	Application Refused	N/A
DC/22/1249	6 Yarrow Close Horsham West Sussex RH12 5FP	Written Representation	14-Apr-23	Non-determination	N/A
DC/22/1204	Hoes Farm Cowfold Road (A272) Shipley RH13 8PF	Written Representation	14-Apr-23	Application Refused	N/A
DC/22/1182	10 Middle Street Horsham West Sussex	Written Representation	20-Apr-23	Application Refused	N/A
DC/22/0104	8 Merryfield Drive Horsham West Sussex RH12 2AB	Written Representation	26-Apr-23	Application Refused	N/A
DC/22/0950	Hele Farm Sandhills Road Barns Green Horsham West Sussex RH13 0PU	Written Representation	28-Apr-23	Application Refused	N/A
DC/22/1190	Swaynes Farm Barn Guildford Road Rudgwick Horsham West Sussex RH12 3JD	Written Representation	05-May-23	Application Refused	N/A
DC/22/0829	Stonehouse Farm Handcross Road Plummers Plain Horsham West Sussex RH13 6NZ	Written Representation	10-May-23	Application Permitted	Application Refused



### 3. Appeal Decisions

HDC have received notice from the Planning Inspectorate that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/22/1598	The Haven Cottage The Haven Billingshurst West Sussex RH14 9BG	Fast Track	Appeal Allowed	Application Refused	N/A
DC/22/1303	5 Fordingbridge Close Horsham West Sussex RH12 1JN	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/22/0756	Amiesmill Farm Kerves Lane Horsham West Sussex RH13 6RL	Written Representation	Appeal Dismissed	Prior Approval Required and REFUSED	N/A
DC/21/0912	Annexe at 1 Oakwood Cottages Hooklands Lane Shipley RH13 8PY	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/2226	1 Home Farm House 46 Springfield Road Horsham West Sussex RH12 2PD	Written Representation	Appeal Dismissed	Prior Approval Required and REFUSED	N/A
DC/22/0883	Corner of Brighton Road and Tanyard Close Horsham West Sussex	Written Representation	Appeal Dismissed	Prior Approval Required and REFUSED	N/A
DC/21/1832	Land Parcel 520329 137805 Capel Road Rusper West Sussex	Written Representation	Appeal Dismissed	Application Refused	N/A

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 6<sup>th</sup> June 2023

**DEVELOPMENT:** Demolition of existing buildings and erection of 36 Retirement Living Apartments and 6 Retirement Cottages, including a Lodge Manager's office, communal facilities, a guest suite, parking and landscaping.

**SITE:** Roundstone Park, Worthing Road, Southwater, West Sussex

**WARD:** Southwater North

**APPLICATION:** DC/22/0096

**APPLICANT:** **Name:** Churchill Retirement Living **Address:** Churchill House 6  
Chertsey Road Byfleet KT14 7AG

**REASON FOR INCLUSION ON THE AGENDA:** Deferred from June Planning Committee North for amendments.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 This planning application was considered at the April Planning Committee North meeting. The April committee report is attached as an addendum. The application was deferred from the meeting for the following reasons:

- To explore options for further pedestrian improvements to Worthing Road, such as yellow lines, a pedestrian crossing and a refuge island.
- To consider more disabled and visitor parking spaces.

1.3 Following discussions with the applicant and WSCC Highways, amended details have been submitted to address the deferral reasons as follows:

- An additional 3 parking spaces have been added to the proposal. The total number of parking spaces is now 28 spaces, of which 6 are now disabled/accessible spaces and 1 is for visitors.

## DESCRIPTION OF THE SITE

- 1.4 The application site is located in Southwater within the built-up area boundary to the north of the Village Centre. The site itself comprises of the former sales and servicing area which was associated with Roundstone Caravans. Roundstone Caravans have gone into administration and have vacated the site. There is an existing building which was the former shop which is set back within the site. The remainder of the site was used for caravan sales and is now cleared. The site is separated from Worthing Road by a ditch. There is telegraph pole at the front of the site, on Worthing Road, with a wire cutting across the site to the south. A large mature tree is at the entrance of the site.
- 1.5 The site measures 0.56 ha and is bound to the west by Worthing Road. To the immediate east of the site lies the park homes site. To the north and south are the rear gardens of residential dwellings. The site has an existing vehicular access which dissects the site in two, providing a vehicular access through to the Park Homes site to the east.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

### 2.3 National Planning Policy Framework

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 18 - Retirement Housing and Specialist Care  
Policy 19 - Park Homes and Residential Caravan Sites  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

- 2.5 **Supplementary Planning Guidance:**  
 Planning Obligations and Affordable Housing SPD (2017)  
 Community Infrastructure Levy (CIL) Charging Schedule (2017)
- 2.6 **Parish Design Statement:** Southwater Parish Design Statement
- 2.7 **Planning Advice Notes:**  
 Facilitating Appropriate Development  
 Biodiversity and Green Infrastructure
- 2.8 RELEVANT NEIGHBOURHOOD PLAN

**Southwater Neighbourhood Plan (June 2021).** The most relevant policies to this proposal are as follows:

- SNP1 – Core Principles
- SNP2 – Proposals for Residential Development
- SNP4 – Keeping Our Roads Moving
- SNP9 – Home Standards
- SNP10 – Residential Space Standards
- SNP12 – Outdoor Play Space
- SNP13 – Enhancing Our Non-Motorised Transport Routes
- SNP14 – Adequate Provision of Car Parking
- SNP15 – Driving in the 21st Century
- SNP16 – Design
- SNP17 – Site Levels
- SNP18 – A Treed Landscape

2.9 PLANNING HISTORY AND RELEVANT APPLICATIONS

SQ/30/02	Demolition of existing workshops shops and offices erection of new single and 2-storey workshops retail area and offices	Application Permitted on 09.05.2002
SQ/84/01	Demolition of existing workshops, shops & offices & erection of new two-storey workshops, retail area & offices	Application Permitted on 28.09.2001

**3. OUTCOME OF CONSULTATIONS**

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)
- 3.2 **WSCC Highways:** Comment. A pedestrian refuge may be able to be accommodated but this would have to be designed by the applicant to ensure there is sufficient carriageway width to provide a suitably wide enough refuge and that the retained carriageway running lanes are appropriate. The Highway Authority view is that it is not essential that this is provided. If the applicant does propose a pedestrian refuge the revised design would have to be run past the road safety auditors as it is a change to the design that has not been audited.

PUBLIC CONSULTATIONS:

Representations:

- 3.3 **2** additional objections have received from adjacent properties on the following grounds:

- The retirement homes should be accommodated in the new Berkeley homes scheme.
- The proposal would add to the water neutrality issue.
- The proposal will lead to a loss of amenity for adjacent properties.
- Lack of parking.

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

#### **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 This planning application for 36 retirement living apartments and 6 retirement cottages was considered by the Planning North Committee in April 2023. The application was deferred for consideration of the following:
- To explore options for further pedestrian improvements to Worthing Road, such as yellow lines, a pedestrian crossing and a refuge island.
  - To consider more disabled and visitor parking spaces.
- 6.2 The applicant has now submitted details to seek to address the reasons for deferral. The purpose of this report is to assess the amended details to ascertain whether the reasons for deferral have been adequately addressed. The original April committee report is attached as an addendum. The original committee report goes through all planning considerations in detail and outlines all comments received.

##### Parking provision

- 6.3 At the April committee, councillors expressed concern regarding the lack of parking the proposal included. Particular concern was raised regarding the lack of disabled spaces and on-site visitor spaces. To address this concern, the applicant has submitted an amended plan which indicates additional parking spaces. The amendments are as follows:
- The number of parking spaces has been increased by 3, now totalling 28.
  - 1 of the new spaces is for a visitor space.
  - The reconfiguration allows for 5 additional disabled spaces creating a total of 6.
- 6.4 The provision of the additional 3 car parking spaces has been achieved through minor amendments to the layout. The position of the retirement flats and cottages remain as proposed either side of the central access road. The additional spaces have been partly

provided by reducing the amount of landscaping proposed. This results in the loss of a tree proposed under the landscaping scheme to the central area. Despite the loss of some elements of landscaping to provide the additional car parking spaces, the proposal would still provide adequate landscaping around the site, including the parking area. A strong line of landscaping and new trees is still proposed to the front of the site onto Worthing Road. The amendment to include additional parking spaces would not be detriment of the overall appearance of this proposal.

- 6.5 Given the loss of one proposed tree to accommodate the additional car parking spaces, the proposal now results in 42 new trees proposed. In accordance with Policy SNP18, this results a deficit of 33 trees which are not being provided. As outlined in the April committee report, Policy SNP18 requires these trees to be provided elsewhere within the Parish. A commuted sum is required in lieu of this deficit so these trees could be supplied elsewhere. The number of trees now required to be provided elsewhere within the Parish has now increased from 32 to 33 as a result of the increase in parking. The details regarding the trees to be provided off site and the contribution required would be secured through a legal agreement, in the event that permission is granted.
- 6.6 In relation to the overall number of parking spaces provided, the increase in 3 spaces is welcomed and addresses the concerns of the councillors. The ratio of parking spaces provided is now 0.66 spaces per unit. The applicant has stated that this significantly exceeds the level of demand in a typical Churchill Retirement Living development which is stated as 0.28 spaces per unit.
- 6.7 As outlined in the April committee report, substantial evidence has been submitted to justify the lower levels of parking provision, including examples of where the applicants have successfully defended its position at appeal. Moreover, West Sussex County Council Highways have advised that this level of parking is appropriate for the development. With the additional spaces, it is considered that the concerns identified at the April committee have been adequately addressed.

#### Worthing Road Pedestrian Improvements

- 6.8 At the April committee, concern was raised that the future elderly residents of this proposal would have difficulty in safely crossing Worthing Road. The proposal includes improvements to the pavements in the form of tactile crossings and an extension to the footway, but this was not considered adequate. Councillors enquired as to the possibility of a zebra crossing in this location however the Highways Department have commented that a zebra crossing or yellow lines are not feasible in this location. A higher form of crossing such as a signalised (puffin/pelican) would also not be considered in this scenario. Those types of crossings are only generally considered where there are higher flows of pedestrian movements. Given the relatively infrequent use of a crossing point in this location, because it only provides a connection to a bus stop rather than an onward connection elsewhere, a signalised crossing would not be considered safe.
- 6.9 To allow safe crossing, WSCC Highways have commented that a new pedestrian refuge may be able to be accommodated here. However, this would have to be designed by the applicant to ensure there is sufficient carriageway width to provide a suitably wide enough refuge and that the retained carriageway running lanes are appropriate. The Highway Authority view remains that it is not essential that this refuge is provided. If the applicant does propose a pedestrian refuge the revised design would have to be assessed by road safety auditors as it is a change to the design that has previously been audited.
- 6.10 The applicant has responded that they have received their own professional advice that a refuge cannot be safely accommodated due to the carriageway width of Worthing Road. The applicants state that the provision of a refuge would impede the transit of buses and HGV's that use Worthing Road. WSCC Highways Officers have only speculatively advised

that the refuge is feasible but have not offered a definitive position on the matter. In addition, WSCC Highways have stated that a pedestrian refuge is not necessary to make the proposed development acceptable. The requirement to deliver a pedestrian refuge would therefore not meet the statutory tests for planning obligations.

- 6.11 The scheme does include proposed tactile crossing to the pavements on Worthing Road and an extension to the footway. This would improve pedestrian access for Worthing Road. Whilst a pedestrian refuge would further improve pedestrian access, it is not considered necessary to make the application acceptable in highway safety terms. In addition, there is doubt as to whether a pedestrian refuge could be safely delivered here and the applicant has received their own advice that this is not feasible from a highway safety perspective. As such, the applicant has commented that the provision of a refuge island is not feasible in terms of highway safety and is not required for this application.

### Conclusion

- 6.12 With the additional 3 car parking spaces (now a total of 28 spaces), the concerns regarding car parking provision have now been addressed. The additional car parking has been achieved with minimal impact on the appearance of the proposal. Overall, the concerns of the April committee regarding parking provision have been addressed through amendments to the parking layout.
- 6.13 In relation to further pedestrian improvements to Worthing Road, the provision of a crossing or refuge island to Worthing Road have been explored by the applicant as required by the April committee. Unfortunately, a crossing or a pedestrian refuge have been ruled out by WSCC Highways and the applicant for reasons of feasibility. However, these measures are not necessary to make the application acceptable and as such the lack of these measures does not constitute a reason for refusal. It is therefore felt that the requirements of the April committee to explore further pedestrian improvements to Worthing Road has been fulfilled.

## **7. RECOMMENDATIONS**

- 7.1 To approve planning permission, subject to the conditions set out below and a legal agreement to secure the following:
- Details to secure a contribution for 33 trees to be provided elsewhere within the Parish.
  - A contribution of £646,349 towards affordable housing within the District.
  - Details of management and maintenance of the facility as retirement homes with communal facilities.

### Conditions:

1. **Plans Condition.**
2. **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3. **Pre-Commencement Condition:** No development, including any works of demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:
  - i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;



- ii. Details of how residents will be advised of site management contact details and responsibilities;
- iii. Detailed site logistics arrangements (to include details shown on a plan), 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);
- iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
- v. The method of access to and from the construction site;
- vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc;
- vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
- viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).
- ix. Details of measures to reduce impacts on biodiversity features.

The demolition and construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

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).

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

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

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

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

5. **Pre-Commencement Condition:** The development hereby approved shall not commence until a Private Water Supply Management Plan (PWSMP) has been

submitted to and approved in writing by the local planning authority. The PWSMP shall include, but not necessarily be limited to, the following information:

- i. Detail on the likely contaminants associated with the rainwater harvesting system.
- ii. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- iii. Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- v. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vi. Detail on the continuity of supply during dry periods extending beyond 35 days.
- vii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

Reason: To avoid an adverse impact on public health and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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 biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Survey Note (Tyler Grange, January 2023) and the Preliminary Ecological Appraisal and Ecological Impact Assessment ((Tyler Grange, January 2022) 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 prior to occupation and all features shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

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

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

8. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a revised Noise Assessment has been submitted, with details of appropriate ventilation, has been submitted to and approved by the Local Planning Authority in writing. The approved details hereby permitted shall be implemented prior to occupation and thereafter retained as such.

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

9. **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

10. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

11. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

12. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policies 40 and 41 of the Horsham District Planning Framework.

13. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority and retained as such thereafter.

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

14. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details of the types and locations has been submitted to and approved by the Local Planning Authority. The approved details shall be provided and retained at all times for their designated purpose.

Reason: To provide EV charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to mitigate the impact of the development on air quality within the District in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until as a Travel Information Pack for all new occupants of the development has been submitted to and approved in writing by the Local Planning Authority.

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

16. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
  - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
  - Details of all hard surfacing materials and finishes
  - Details of all boundary treatments

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 or retained 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).

17. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been 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).

18. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme of air quality mitigation has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

19. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until 1 no. fire hydrant to BS750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant or stored water supply shall thereafter be retained as such.

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

20. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Note (Tyler Grange, January 2023) and the Preliminary Ecological Appraisal and Ecological Impact Assessment (Tyler Grange, January 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

21. **Regulatory Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

22. **Regulatory Condition:** No part of the development hereby permitted shall be first occupied until the highway works (including dropped kerbs) to Worthing Road, shown on drawing no.536.0036.004) have been completed.

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

23. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the first floor side elevation of the south western cottage (rear of 1 Green Close) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: To protect the amenities of adjoining residential properties from loss of privacy and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

24. **Regulatory Condition:** The development hereby permitted shall be implemented strictly in accordance with the Arboricultural Assessment and Method Statement and Tree Protection Plan.

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

25. **Regulatory Condition:** The development hereby permitted shall be occupied only by:  
- Persons aged 60 or over; or

- A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or
- Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died; or
- Any other individual expressly agreed in writing by the Local Planning Authority.

Reason: To limit the use of the development for elderly occupants in accordance with Policies 18 and 41 of Horsham District Planning Framework (2015).

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

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

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

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

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**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 4<sup>th</sup> April 2023

**DEVELOPMENT:** Demolition of existing buildings and erection of 36 Retirement Living Apartments and 6 Retirement Cottages, including a Lodge Manager's office, communal facilities, a guest suite, parking and landscaping.

**SITE:** Roundstone Park Worthing Road Southwater West Sussex

**WARD:** Southwater North

**APPLICATION:** DC/22/0096

**APPLICANT:** **Name:** Churchill Retirement Living **Address:** Churchill House 6 Chertsey Road Byfleet KT14 7AG

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

By request of Councillor Vickers and Greening

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

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

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 This planning application seeks permission to redevelop the site for 36 retirement living apartments including communal facilities, access, car parking and landscaping and 6 cottages. The mix for the apartments comprises of 25 no. one bedroom apartments and 11 no. two bedroom apartments. The six cottages each have two bedrooms. The cottages and apartments would be two-storeys high buildings with pitched and barn hipped roofs.

1.3 Vehicular access into the development is proposed to be off Worthing Road. The existing route through the site to the existing Park Homes site to the immediate east is to be retained.

This access is proposed to be upgraded and resurfaced. The 36 retirement flats are located to the north side of the access with the 6 cottages to the south side of the access. As amended, the proposal includes 18 parking spaces for the retirement flats and 7 parking spaces for the cottages. The scheme includes landscaping around the flats and cottages.

## DESCRIPTION OF THE SITE

- 1.4 The application site is located in Southwater within the built-up area boundary to the north of the Village Centre. The site itself comprises of the former sales and servicing area which was associated with Roundstone Caravans. Roundstone Caravans have gone into administration and have vacated the site. There is an existing building which was the former shop which is set back within the site. The remainder of the site was used for caravan sales and is now cleared. The site is separated from Worthing Road by a ditch. There is telegraph pole at the front of the site, on Worthing Road, with a wire cutting across the site to the south. A large mature tree is at the entrance of the site.
- 1.5 The site measures 0.56 ha and is bound to the west by Worthing Road. To the immediate east of the site lies the park homes site. To the north and south are the rear gardens of residential dwellings. The site has an existing vehicular access which dissects the site in two, providing a vehicular access through to the Park Homes site to the east.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 4 - Strategic Policy: Settlement Expansion  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 18 - Retirement Housing and Specialist Care  
Policy 19 - Park Homes and Residential Caravan Sites  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

- 2.5 **Supplementary Planning Guidance:**  
Planning Obligations and Affordable Housing SPD (2017)  
Community Infrastructure Levy (CIL) Charging Schedule (2017)
- 2.6 **Parish Design Statement:** Southwater Parish Design Statement
- 2.7 **Planning Advice Notes:**  
Facilitating Appropriate Development  
Biodiversity and Green Infrastructure
- 2.8 RELEVANT NEIGHBOURHOOD PLAN

**Southwater Neighbourhood Plan (June 2021).** The most relevant policies to this proposal are as follows:

- SNP1 – Core Principles
- SNP2 – Proposals for Residential Development
- SNP4 – Keeping Our Roads Moving
- SNP9 – Home Standards
- SNP10 – Residential Space Standards
- SNP12 – Outdoor Play Space
- SNP13 – Enhancing Our Non-Motorised Transport Routes
- SNP14 – Adequate Provision of Car Parking
- SNP15 – Driving in the 21st Century
- SNP16 – Design
- SNP17 – Site Levels
- SNP18 – A Treed Landscape

### 2.9 PLANNING HISTORY AND RELEVANT APPLICATIONS

SQ/30/02	Demolition of existing workshops shops and offices erection of new single and 2-storey workshops retail area and offices	Application Permitted on 09.05.2002
SQ/84/01	Demolition of existing workshops, shops & offices & erection of new two-storey workshops, retail area & offices	Application Permitted on 28.09.2001

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)
- 3.2 **HDC Environmental Health:** Comment:
  - The Noise Assessment (dated 11<sup>th</sup> January 2023) has not sufficiently addressed the concerns of the Environmental Officer. There is concern regarding suitable ventilation and the impact of noise on the exposed side of the development.
  - An Air Quality Assessment is required in support of the application.
  - Conditions are recommended in relation to the rain water harvesting system, land contamination and the submission of a Construction and Environmental Management Plan.
- 3.3 **HDC Ecology:** No objection subject to conditions.
- 3.4 **WSCC Highways:** No objection.
- 3.5 **Southern Water:** Comment:

- The exact position of any public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
- Southern Water have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.
- Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

3.6 **Natural England:** No objection subject to mitigation.

#### PUBLIC CONSULTATIONS:

3.7 Parish Comments: Southwater Parish are broadly supportive of the proposed development. However, there are several policy conflicts with the Southwater Neighbourhood Plan:

- **Highways and Parking:** The Parish have concerns that the lack of safe crossing from the development to the opposite bus stop (Roundstone Caravan Park Bus Stop) will make it hard for future older residents to safely reach bus services heading north to Horsham. Currently the submission does not 'actively promote alternative modes of transport' to the car as required by SNP4.1. From a review of the proposed site plan no traffic calming measures are proposed. Inadequate car parking (including electric vehicle charging) is proposed.
- **Building and Space Standards:** SNP12.1 requires major development to provide appropriate play areas and associated equipment on site, or where this is not possible ensure that suitable off-site provision can be secured by a commuted sum payment. This proposal should therefore either look to provide appropriate outdoor equipment on site, or of contribute towards off-site provision.
- **Treed Landscape:** The proposal needs to accord with Policy SNP18 and provide sufficient trees on or via a commuted sum.

#### Representations:

3.8 **9** objections have received from adjacent properties on the following grounds:

- The buildings are too high.
- Loss of trees.
- Overdevelopment.
- Lack of infrastructure to support additional housing.
- Highway impacts.
- Loss of amenity of adjacent properties.
- Inappropriate design.
- Type of fencing proposed.

3.9 **5** in support have also been received on the following grounds:

- This is a brownfield site and there is a lack of this type of housing.
- Design is in keeping with the surrounding area.
- Greater use of buses.

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

## 6. PLANNING ASSESSMENTS

### **Principle of Development:**

6.1 Policy 3 of the Horsham District Planning Framework (2015) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.

6.2 The application site is located within the built-up area of Southwater, which is categorised as a 'Small Town / Larger Village' within the settlement hierarchy set out under Policy 3, with a good range of services and facilities, strong community networks and local employment provision.

6.3 As the site is located within the defined built-up area boundary of Southwater there is a presumption in favour of sustainable development, subject to any proposal being of a nature and scale to maintain the characteristics and function of the settlement. In relation to the former use, the loss of existing caravan sales use is considered appropriate given that this is not a dedicated area for retail or employment uses. In addition, the business has now ceased to operate and the site is currently vacant. The use of this unused brownfield land for an appropriate alternative sustainable use would be encouraged.

6.4 In principle therefore, a proposal for the residential use of this site is acceptable. In order for the planning application to be acceptable as a whole an assessment of all other material considerations must be made.

### **Retirement Living:**

6.5 The Planning Statement states that 'retirement living apartments' means '*specifically designed housing suitable for older people who want to maintain the independence and privacy that comes with having a home of their own but no longer want or need a family sized house. This proposal is for age-restricted one and two bedroom apartments designed to help people remain independent, safe, secure and sociable for as long as possible.*' In planning terms these units are classed as C3 (Dwellings) developments and not care homes, nursing homes, extra-care or other needs based accommodation.

6.6 The Planning Statement goes on to state that the key differences between this proposal and mainstream housing are as follows:

- The provision of extensive communal areas where neighbours can socialise, host visitors and be part of a likeminded community. This is centred on the 'Owner's Lounge'.
- The presence of a Lodge Manager to look out for people's welfare, be a point of call if help is needed, make sure the communal areas are well maintained.
- A limited number of entrances, usually one, that is close to the Lodge Manager. This keeps the community secure and allows passive surveillance of the entrance area.
- A lift to all floors (for the flats) with level access throughout.

- Each apartment with its own front door giving privacy whenever desired.
  - A guest room which can be booked by residents for visitors.
  - A digital 'Careline' support system in all apartments for emergency support 24 hours a day, 365 days a year.
  - Communal grounds with landscaped external space.
  - Communal upkeep and maintenance including the exterior of the building landscaping.
  - Reduced reliance on cars due to sustainable locations close to amenities.
  - Mobile scooter buggy store.
  - Communal areas usually amount to 30% of the internal area.
- 6.7 The statement outlines that the apartments are sold by the applicant with a lease containing an age restriction which ensures that only people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55, can live in the development. To secure this requirement, a planning condition is recommended stating that each of the apartments hereby permitted shall be occupied only by:
- Persons aged 60 or over; or
  - A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or
  - Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died; or
  - Any other individual expressly agreed in writing by the Local Planning Authority.
- 6.8 In addition, the details of the ongoing management and maintenance of the development is required to be submitted for approval via an obligation in a legal agreement. This would outline how the facility would operate, including details of maintenance of the communal areas and guest suite.
- 6.9 The principle of retirement housing on this site is generally supported and this carries weight above that which would be attributed to general housing. It is acknowledged that there is a growing need across the Horsham District for residential accommodation for all types of people, including an identified need for new accommodation for older people and people with continuing care needs. The latest Strategic Housing Market Assessment (SHMA, 2019) shows significant expected growth in the population of older people, with the numbers of people aged 65 or over in Horsham expected to grow by 61% by 2039. As such, there is clearly an identified need for retirement housing in the District.
- 6.10 Policy 18 of the HDPF relates specifically to this type of accommodation and states that *'proposals for development which provide retirement housing and specialist care housing will be encouraged and supported where it is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network.'* This site is within the built-up area of Southwater and within walking distance of Southwater village centre to the south (approx. 720m walk away). The scheme is therefore considered to accord with Policy 18 in terms of accessibility. Overall, the provision of retirement housing in this location is considered appropriate in principle in accordance with Policies 3 and 18.
- Design and Landscape Impacts:**
- 6.11 Policy 25 of the HDPF seeks to preserve, conserve and enhance the landscape and townscape character of the district, taking into account individual settlement characteristics, and maintaining settlement separation. Policy 32 requires development to complement locally distinctive characters and to contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings. Policy 33 requires development to be locally distinctive in character and respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors).

- 6.12 Policy SNP16 of the Southwater Neighbourhood Plan (SNP) also states all development must be of high quality design. In Southwater this means:
- (a) Facing buildings with locally sourced materials, or materials equivalent to those that would historically have been sourced locally wherever possible.
  - (b) Encourage a variety of complementary vernaculars to encourage contextually appropriate design and diversity in our building stock.
  - (c) Using Secure by Design principles to ensure developments are safe to live in, supported by natural surveillance.
  - (d) Making sure the design of new development actively responds to other properties in the vicinity ensuring no unacceptable impacts on residential amenity occur.
- 6.13 The proposal is for two types of retirement housing separated by the retained access road through the site. The housing to the northern side of the site is proposed as a two-storey block in a horseshoe shape with a parking area to the inside area of the building. This building would be two-storeys tall with a pitched roof. The proposed materials would be part cedar boarding, a red tiled roof, part brick elevations, upvc windows and doors. This building includes first floor balconies to the east and west elevations. Balconies are also proposed to the internal facing elevations over the car park area. The flats in this block would benefit from communal outside space around the building.
- 6.14 To the southern side of the site, 6 cottages are proposed. These are formed of three pairs of semi-detached houses. Each house would have its own private garden area. These dwellings would also be two-storeys in height with cat slide roofs. Sympathetically designed dormers windows are proposed to the front elevations of each dwelling at first floor level. The dwellings are a mix of brick and cedar cladding, each with a tiled roof.
- 6.15 In relation to the surrounding area, the character is typically defined by a mix of single-storey detached dwellings positioned closely together to the south and east, with larger 2 storey detached and semi-detached dwellings located to the north. Approximately 120m to the south of the site there is the Broadacres residential development site which has a mix of 2-3.5 storey dwellings, the tallest of which is located to the north and is visible from the site. The two storey scale of this proposal will therefore sit comfortably in this context. As stated in the Planning Statement, the predominate building material of the existing residential context is red brick and the building typology is traditional. The main brick is often supplemented by tile hanging and weatherboarding, as can be seen in the relatively new development at Broadacres.
- 6.16 Overall, it is felt that the design of the proposed development would match the residential character of the surrounding area. It is also felt that the proposed buildings are appropriately set within the site with landscaped areas. The proposal retains the existing ditch at the front of the site, setting the built forms back from Worthing Road. The proposal would therefore form a sympathetic addition in the street scene in accordance with the above policies.
- 6.17 Policy SNP18 of the SNP states that '*major development must provide a minimum of one new tree (conforming to British Standard BS 3936-1 / Standard 8-10cm girth) per 40m<sup>2</sup> of floor space created. This should be provided on-site or off-site within the Plan Area if there is nowhere suitable within the site. Measures will be implemented on any permissions granted to secure these trees and their survival. If these trees cannot be provided on site, and the applicant is unable to deliver the trees at an alternative location within the Plan Area, a commuted sum may be paid in lieu of tree planting.*'
- 6.18 Southwater Parish have referenced this policy in their comments. The large Oak tree (Category B) on site is to be retained as part of the proposal. Two trees (Category C) will be felled to enable this development. Policy SNP18 requires these to be replaced with trees of greater environmental value on site or elsewhere within the Plan Area. Trees planted should be suitably mature and, as a minimum, conform to British Standard BS 3936-1 / Standard

10-12cm girth. The Parish note that 5 new trees are proposed along the street frontage, which is welcomed.

6.19 The Parish go on to state that the proposed development will result in 2995m<sup>2</sup> additional floorspace on the site. To comply with policy SNP18, the applicant should be proposing to plant 75 new trees on site or elsewhere within the Parish. The Parish state that if the applicant is unable to deliver the trees on site, or at an alternative location within the Plan Area, a commuted sum may be paid in lieu of tree planting. In response, the agents have commented that the Landscape Strategy Masterplan provides for 43 trees with a combination of fruit trees, ornamental trees, street trees and native trees. In addition to this is hedgerow planting, shrubs and wildflower planting. If recommended for approval, a planning condition could be imposed to ensure their maintenance.

6.20 With 43 trees proposed, in accordance with Policy SNP18, this results a deficit of 32 trees which are not being provided. As such, these trees are required to be provided elsewhere within the Parish. A commuted sum is required in lieu of this deficit so these trees could be supplied elsewhere. The Parish have asked the applicants for details of the tree planting, including potential locations, number of trees to be provided, financial compensation and maintenance schedule. The details regarding the trees to be provided off site and the contribution required would be secured through a legal agreement, in the event that permission is granted.

#### **Highways and Access**

6.21 Policy 40 of the HDPF states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport.

6.22 The site fronts onto Worthing Road, which is a two-way, single carriageway road subject to a 30mph speed limit. The site is accessed currently from Worthing Road, via a bellmouth style access, shared between the former caravan dealer and the static caravan homes to the east of the site. This access will be retained to access both the proposed development and the park homes to the rear of the site. The proposed access is in the form of bellmouth junction that measures 4.7m in width, with 8.6m radii to the north and 10m radii to the south. A 1.5m wide footway is proposed to the south of the access leading into the site and linking into the existing footways on Worthing Road.

6.23 West Sussex County Council as the Highway Authority have commented that the visibility splays are achievable in accordance with the 30mph speed limit as outlined within the Transport Statement.

6.24 In relation to trip generation and highway impact, WSCC have commented that the TRICS database has been interrogated to estimate the likely number of trips generated by the site's former uses and the trips generated by the proposed development. It is estimated that the former uses generated 20 trips in the AM peak hour, 17 trips in the PM peak hour and 218 trips during total daily. The proposed development generates 4 trips in the AM peak hour, 5 trips in the PM peak hour and 76 trips during total daily. Therefore, the proposed development is estimated to generate 16 fewer trips in the AM peak hour, 12 fewer trips in the PM peak hour and 142 fewer trips during total daily. It is anticipated that the proposed development would result in a significant reduction in trip generation when compared to the existing use. Therefore, the Highway Authority consider the proposed trips would not cause an intensification of the local highway network.

6.25 Following correspondence from Southwater Parish Council additional information was requested regarding the provision of a pedestrian crossing to the bus stop on the western side of Worthing Road. The Parish also sought clarification from the Highway Authority on the trip generation.



- 6.26 As a result, the applicant has submitted a plan indicating the provision of a pedestrian crossing with dropped kerbs and tactile paving to the bus stop on the western side of Worthing Road. A Stage 1 Road Safety Audit (RSA) of the crossing point, which assesses the road safety implications of this new crossing, has been undertaken and the designer's response has been now submitted and signed off from WSCC. It is recommended that the provision of this crossing is secured via a suitably worded condition to ensure its delivery.
- 6.27 Overall, the Local Highway Authority 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. The scheme is therefore in accordance with the NPPF (paragraph 111) and Policy 40 of the HDPF, and that there are no transport grounds to resist the proposal.
- Parking Provision:**
- 6.28 Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users. Policy SNP14.1 of the Southwater Neighbourhood Plan states that residential development must include provision for adequate off-road parking spaces in accordance with the following criteria:
- (a) Apart from one bedroom flats which shall have one allocated parking space, every dwelling will provide, for use associated with that dwelling, 2 parking spaces and one additional parking space for each additional bedroom over a total of three, with an upstairs study counting as a bedroom within its curtilage (or within the development).
  - (b) The proposed solution should avoid car parking dominating the street-scene. Therefore parking should be to the side rather than in front the property.
- 6.29 As amended, the proposal includes 18 car parking spaces for the flats and 7 spaces for the cottages. This is considerably lower than would normally be expected for an application for standard housing and would not be in accordance with the above Parish policy on parking, which would expect some 59 parking spaces. In this case this application is for retirement living where it is commonplace that parking demand is lower than for normal housing, for reasons including an absence of dependants. Policy SNP14.1 does not directly address demand from retirement living accommodation therefore officers consider it to be reasonable to review the applicant's evidence to support the number of parking spaces they propose. The Highway Authority have similarly commented that the County Parking Standards do not have a specific standard for retirement flats and that these types of applications are assessed on a case-by-case basis. In these circumstances, it is not uncommon for the Highway Authority to rely on, but critically assesses, the information provided by the applicant which seeks to justify the proposed level of car parking.
- 6.30 The applicant states that in this development they are providing 0.5 spaces per retirement flat and 1 space per cottage. They state that research undertaken at previous Churchill Retirement Living developments identifies an average car parking demand of only 0.28 spaces per apartment and therefore based on this information conclude that the provision of 0.5 spaces per flat is sufficient to cater for the likely demand. Of the 8 sites the applicant has surveyed only one site (Lord Roseberry Lodge, Epsom) has a higher parking ratio (0.52 spaces per flat) than is proposed within this application. The Highway Authority have commented that they have no reason to doubt this information from the applicant or evidence to disprove that the proposed level of parking is unacceptable for this type of development.
- 6.31 As a further check WSCC have reviewed the TRICS database (the survey database used to establish trip generation). The database includes details of sites and their parking provision. From reviewing the retirement flat land use, in broadly comparable locations across the country, this shows that there are five sites. These show varying parking ratios with two sites providing 1 space per dwelling with the others providing the following:

- Yarmouth Road, Norwich – 48 dwellings with 21 spaces. This is a parking ratio 0.438 spaces per flat.
- Chapel Lane, Monkseaton, Whitley Bay – 27 dwellings with 18 spaces. This is a parking ratio 0.667 spaces per flat
- Sewardstone Road, Walthamstow – 40 dwellings with 12 spaces. This is a parking ration 0.300 spaces per unit.

6.32 The Highway Authority have commented that this shows that there are other locations where parking ratios have been provided well below 1 space per flat. Whilst the 0.28 spaces per development quoted as an average at the other Churchill Retirement Living sites appears low, the Highways Authority do not consider that a provision of 0.5 spaces is unreasonable, based on the evidence provided.

6.33 The concerns raised by the Parish regarding the proposed level of car parking are fully understood and has been carefully considered by officers as at face value the level of parking provision does appear lower than would be expected for a development of this size. However, it is clear from the evidence provided that retirement flats generally have significantly lower levels of car parking associated with them when compared to other residential uses and both the applicant and WSCC Highways have provided information on parking ratios at other sites which corroborate this. In the event visitor parking demand at any point over weekends exceeds onsite capacity, there is opportunity for overspill parking in nearby residential streets which are a sufficient distance to preclude their use by residents of the development, however the data supplied indicates this is unlikely.

6.34 In addition, the site benefits from bus public transport provision and is close to all necessary day-to-day facilities at Southwater including a GP surgery, bank, pharmacy, cafes, post office and shops some 700m to the south. The applicant is also providing a crossing point to access the bus stop opposite the site which provides for regular busses into Horsham. In this regard the site is in a sustainable location with occupants not needing to be reliant on a car for everyday needs.

6.35 It should be further noted that whilst occupancy would be limited to persons over 60 years of age, the applicants have stated that the average age of purchasers of their apartments is 79 and occupants are typically widows, with their decision to move into a retirement home led by their existing property becoming too large to maintain, the death of a partner/spouse, and/or the acceptance of the need to give up car ownership/use. Whilst this cannot be corroborated, officers are of the view that this information is helpful in explaining why parking demand will not be the same or similar to standard housing.

6.36 As such, officers conclude that the low level of parking provision for these retirement flats has been sufficiently evidenced and justified by the applicant, and the Highway Authority strongly recommended against refusing the application on transport grounds due the level of car parking.

**Affordable Housing and Housing Mix:**

6.37 Policy 18 of the HDPF states that proposals for ‘continuing care retirement communities’ will be support in appropriate locations which include ‘affordable’ provision to meet identified needs, or where this is not possible, provide an appropriate commuted sum lieu of on-site units. For on-site provision, this proposal would be expected to provide 35% affordable housing in accordance with Policy 16 of the HDPF.

6.38 A report on affordable housing and viability accompanies the application. This outlines that this proposal does not include any on-site affordable units. The applicant has commented that there are additional costs associated with delivering retirement housing as opposed to standard open market housing. In this case around 25% of floor space is proposed for communal facilities such as the owner’s lounge and guest accommodation. This is

unsaleable floor area which therefore reduces income. In addition, the applicant has stated that retirement accommodation has a reduced sales rate, due to the smaller section of the market that is eligible, increasing borrowing and empty property costs. Overall, the report outlines that on site delivery of affordable housing is not practicable due to issues relating to the affordability of service charges and achieving a sustainable long-term management arrangement on site.

- 6.39 As part of the application process, officers have sought the independent review of the viability report from Bespoke Property Consultants (BPC). Based on a policy compliant scheme with affordable housing, BPC agree that the scheme is marginally unviable. This assessment concurs with many of the assumptions relied upon in the submitted viability and affordable housing report in respect of cost calculations and expected sales values. Given the development is for retirement living with associated service charges for occupiers, officers are of the view that an appropriate commuted sum in lieu of on-site units is appropriate in this instance.
- 6.40 Based on the Planning Obligations and Affordable Housing SPD (2017), the sum in lieu of affordable housing is calculated at £280.00 per square metre. On the basis of a square meterage of 2308.39sqm (which excludes communal areas) for this development, a policy compliant contribution for this development is £646,349. The applicant has agreed to this figure. Therefore, in the event that planning permission is granted, this contribution towards off-site affordable housing would be secured through a legal agreement.
- 6.41 In relation to the housing mix, the one and two bedroom units would be in accordance with the latest housing market assessment and would provide small units of accommodation appropriate for residents looking to downsize.

#### **Residential Amenity**

- 6.42 Policy 33 of the HDPF states that development should ensure it is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land, for example through overlooking and noise, whilst having regard to the sensitivities of the surrounding development.
- 6.43 The site is surrounded by existing properties to the north, south and east. In relation to the properties to the east, these would be separated from the proposed units by distances in excess of 18m such that the two storey nature of the proposal would not significantly affect the amenity of these properties. In relation to the existing properties to the north of the site, these are closer to the common boundary with the site. However, given the set back and orientation of the main part of the development to the northern boundary of the site at some 10m, the two-storey building proposed would not result in a significant impact on the amenity of these adjacent properties in relation to loss of light, outlook, overlooking or an increased sense of enclosure. The closest part of the development to the northern boundary would include north facing windows (one serving a kitchen and the other secondary to the main living room), both of which would be overlooking the front parking area of Boyajian but would not otherwise harm private amenity space.
- 6.44 The arrangement of the proposed six cottages to nos. 1-3 Green Close to the southern boundary is sufficiently distanced to avoid loss of light and outlook, whilst first floor rooms facing 1-3 Green Close are studies and ensuites served by high level rooflights sufficient to retain suitable privacy. No first floor side windows are proposed to the cottage immediately adjacent to 1 & 2 Green Close, and a condition is recommended to remove the opportunity for any such windows in the future to protect their privacy.
- 6.45 The Council's Environmental Health has commented that the submitted Noise Assessment has not sufficiently addressed their concerns regarding traffic impact from the Worthing Road. It is though considered that within the built-up area boundary, adjacent to existing dwellings, this is a suitable location for housing with the development is suitably set back

from Worthing Road with the retained ditch in place. To address the concerns of the Environmental Health officer, a condition is recommended requiring full details of ventilation and noise impact on the western side of the development adjacent to Worthing Road.

### **Ecology**

- 6.46 There are no statutory designated sites of nature conservation interest located within or immediately adjacent to the application site boundary. The site is within a bat sustenance zone and in support of the application, the applicant has submitted a Bat Survey and Ecological Impact Assessment. The Council's consultant Ecologist has reviewed these documents and is satisfied that the likely impacts upon designated sites, protected and Priority species and habitats is appropriate with the identification of appropriate mitigation. A Biodiversity Net Gain metric has been submitted indicating a net gain of some 21% for habitat units and 318% for hedgerows which would be delivered by onsite planting and the enhancements secured by condition. Subject to conditions to secure the mitigation measures outlined, the proposal is considered appropriate in relation to its ecological impact.

### **Water Neutrality**

- 6.47 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.48 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.49 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.50 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.51 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as additional housing units) must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley. Until a wider offsetting strategy is developed to address this issue (which is not expected to be in

place until next year and is likely to only apply to sites allocated in the new local plan), all new development must demonstrate that it can be water neutral in its own right.

- 6.52 In support of the submitted water-neutrality statement the applicant has provided 50 meter readings concerning the period of February 2018 to July 2022. The meter reading concerns the commercial unit subject of this application, together with ~86 residential park homes contained within the wider Roundstone Park site rear of the site. The commercial unit subject of this application ceased trading circa February 2021 with no retail (or other commercial) activity having taken place since this date.
- 6.53 In order to ascertain a baseline associated with the commercial use the applicant has assessed initial usage for the period of February 2018 - February 2020 and prior to the imposition of Covid-19 'lockdown' restrictions, which would have likely impacted upon the scale and nature of commercial activity and associated water-consumption.
- 6.54 The proposed development would provide 25x 1-bedroom units and 17x 2-bedroom units. The submitted WNS models an occupancy rate of 1.18 for the proposed 1-bedroom units and 1.47 for the proposed 2-bedroom units, yielding an expected 30x 1-bed occupants and 25x 2-bed occupants with regard to the balance of 1 and 2-bed units respectively proposed.
- 6.55 The occupancy rate advanced, therefore, is lower than that anticipated for general market housing within the District, with occupancy rates extrapolated from Census data, being 1.32 for a 1-bedroom unit and 1.88 for a 2-bedroom unit respectively.
- 6.56 The proposed development, however, would provide specialist accommodation in the form of retirement housing which would not be available to younger age-groups as reflected within District-wide statistics. It is a reasonable presumption that those occupying retirement housing will have fewer resident dependents (and, therefore, smaller householder sizes) relative to the general open-market.
- 6.57 In support of the occupancy rates specifically advanced the applicant has assessed existing occupancies for 1 and 2-bed retirement units within 10 developments managed by the applicant within the South East. This data equates to a retirement population of 531 persons across 413 total retirement units (encompassing both 1 and 2 bed types). This data is considered sufficient to provide a reliable representation of occupancy rates for the sizes of retirement accommodation as proposed and as an alternative to occupancy rates attributable to general market housing within the District.
- 6.58 The conclusions of the water neutrality statement are as follows:
- The baseline usage associated with the previous retail use is considered to be 3,850 litres/day.
  - Before mitigations are applied it is anticipated that the proposed development would consume 6,050 litres/day.
  - The proposed mitigations would reduce mains-water consumption to 3,312.63 litres/day. The proposed mitigations would be the provision of appliances to meet specified standards of efficiency and the provision of a rainwater-harvesting and supply system to support W/C use and external usage associated with the proposed development.
  - The net-difference between baseline and proposed consumption is considered to be -537 litres/day. The proposed development, therefore, would achieve net-neutrality in respect of the use of mains-water.
- 6.59 As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body when undertaking an appropriate assessment of the proposals. Having considered the Council's appropriate assessment, Natural England concurs with the conclusion that the development would be water neutral.

### **Drainage**

- 6.60 The site is located within Flood Zone 1, meaning a less than 1 in 1000 annual probability of river or sea flooding which is the lowest classification of fluvial flood risk. The application includes a Flood Risk & Drainage Technical Note to determine the potential flood risks associated with the site to provide a suitable strategy for the disposal of surface and foul water from the proposed development. Runoff generated by the building, access road and external hard paving will be collected via rainwater pipes and gullies and be conveyed into proposed attenuation tanks. Foul flows generated by the proposed development will drain through a new private foul network and will discharge to Southern Water's adopted 175mm diameter foul sewer within Worthing Road as per existing conditions.
- 6.61 The details outlined in the Technical Report are considered appropriate in relation to foul and surface water disposal. This is subject to a formal application for a connection to the public foul sewer to be made by the applicant to Southern Water.

### **Air Quality**

- 6.62 The application site is not located within or close to either of the district's defined Air Quality Management Areas (AQMAs). An Air Quality Assessment (AQA) was not submitted with this application. Key air quality consideration during the construction phase of development is dust emissions emanating from demolition, earthworks and construction. It is considered that mitigation in the form of a Construction Management Plan to include measures to reduce dust emissions (such as dust monitoring, dust suppression/screening etc) could reasonably be secured by condition. During the operational phase, the development is not expected to generate substantial vehicle movements, and the effect on air quality on the surrounding area is judged to be 'not significant'.
- 6.63 Subject to the inclusion of a condition to secure an Air Quality Management Plan to demonstrate costed mitigation measures, as well as a condition to secure a Construction Environmental Management Plan (CEMP) as set out in the Air Quality Assessment report, it is considered that the proposal would not further reduce air quality in the local area, in accordance with Policy 24 of the HDPF and Paragraph 186 of the NPPF.

### **6.64 Climate Change and Sustainability**

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The Planning statement details several measures which seek to build resilience to climate change and reduce carbon emissions, including:

- Providing shared facilities for a large number of residents in a single building which makes more efficient use of material and energy resources.
- All areas of the building will be lit using low energy lighting and where applicable utilise daylight and movement sensor controls.
- Placement of the proposal in sustainable location, accessible to local shops and facilities by non-motorised modes of transport.
- Making efficient use of available land.
- Opportunities for biodiversity net gain.
- Inclusion of street trees, shrubbery and open spaces within the site.
- Dedicated refuse and recycling storage capacity.
- Provision of dedicated cycle parking facilities.
- Improved pedestrian links to existing networks
- Provision of electric vehicle charging points.
- Limiting water consumption through the installation of water efficient appliances and rain water harvesting.

6.65 Subject to the implementation of these measures (either within the design of the site or secured by condition); the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

### **Heritage Impact**

6.66 Policy 34 of the HDPF also states that heritage assets are an irreplaceable resource which require preserving. The nearest listed building is location approximately 90m to the north of the site, separated from the site by existing houses. Give this distance, the proposal would not result in a detrimental impact on the setting of this heritage asset.

### **Southwater Parish Comments**

6.67 The parish commented that they are broadly supportive of the proposal but have raised concerns regarding the following:

- Highways and Parking: The Parish have concerns that the lack of safe crossing from the development to the opposite bus stop (Roundstone Caravan Park Bus Stop) will make it hard for future older residents to safely reach bus services heading north to Horsham. Inadequate car parking (including electric vehicle charging) is proposed.
- Building and Space Standards: SNP12.1 requires major development to provide appropriate play areas and associated equipment on site, or where this is not possible ensure that suitable off-site provision can be secured by a commuted sum payment. This proposal should therefore either look to provide appropriate outdoor equipment on site, or of contribute towards off-site provision.
- Treed Landscape: The proposal needs to accord with Policy SNP18 and provide sufficient trees on or via a commuted sum.

6.68 As outlined in the report, the low level of parking has been appropriately evidenced and addressed to the satisfaction of the Highway Authority. Details of EV charging spaces is required by condition. The proposal has also been amended to include dropped kerbs to allow a pedestrian crossing area to access the bus stop on the west side of Worthing Road, as requested by the Parish. The Parish's request for play equipment for this proposal is not considered relevant to a proposal for retirement housing. The scheme also includes appropriate outdoor space for the future residents of the scheme. In relation to the policy on a Treed Landscape, the applicants have included as many trees as possible on site and have committed to providing the remaining requires trees, via a commuted sum, elsewhere within the parish.

### **Conclusion**

6.69 It is considered that the loss of the former caravan sales use is acceptable and that the proposed development would provide much needed housing for older people in a sustainable location. The proposal is also considered appropriate in relation to design and its appearance in the context of the surrounding area and would not result in a harmful effect on the amenity of any adjacent properties which would warrant refusal of the application. The proposal is also considered appropriate in terms of its ecological impacts and drainage / flooding. Whilst the scheme offers a low level of parking, this has been evidenced as appropriate for this type of use and no highway objections have been raised. The proposal overall accords with the requirements of the HDPF and Southwater Neighbourhood Plan.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

6.70 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017. **This development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
	2367	642	1725

<b>Total Gain</b>	<b>1725</b>
<b>Total Demolition</b>	<b>642</b>

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

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

## **7. RECOMMENDATIONS**

7.1 To approve planning permission, subject to the conditions set out below and a legal agreement to secure the following:

- Details to secure a contribution for 32 trees to be provided elsewhere within the Parish.
- A contribution of £646,349 towards affordable housing within the District.
- Details of management and maintenance of the facility as retirement homes with communal facilities.

### Conditions:

#### **1. Plans Condition.**

2. **Pre-Commencement Condition:** No development, including any works of demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
- ii. Details of how residents will be advised of site management contact details and responsibilities;
- iii. Detailed site logistics arrangements (to include details shown on a plan), 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);
- iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
- v. The method of access to and from the construction site;
- vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc;
- vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
- viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).
- ix. Details of measures to reduce impacts on biodiversity features.

The demolition and construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

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).



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

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

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

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

4. **Pre-Commencement Condition:** The development hereby approved shall not commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the local planning authority. The PWSMP shall include, but not necessarily be limited to, the following information:

- i. Detail on the likely contaminants associated with the rainwater harvesting system.
- ii. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- iii. Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- v. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vi. Detail on the continuity of supply during dry periods extending beyond 35 days.
- vii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

Reason: To avoid an adverse impact on public health and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

5. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Survey Note (Tyler Grange, January 2023) and the Preliminary Ecological Appraisal and Ecological Impact Assessment ((Tyler Grange, January 2022) 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 prior to occupation and all features shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

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

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

7. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a revised Noise Assessment has been submitted, with details of appropriate ventilation, has been submitted to and approved by the Local Planning Authority in writing. The approved details hereby permitted shall be implemented prior to occupation and thereafter retained as such.

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

8. **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water

calculator or equivalent. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

9. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

10. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

11. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policies 40 and 41 of the Horsham District Planning Framework.

12. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority and retained as such thereafter.

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

13. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details of the types and locations has been submitted to and approved by the Local Planning Authority. The approved details shall be provided and retained at all times for their designated purpose.

Reason: To provide EV charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to mitigate the impact of the development on air quality within the District in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

14. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until as a Travel Information Pack for all new occupants of the development has been submitted to and approved in writing by the Local Planning Authority.

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

15. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

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

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 or retained 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).

16. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been 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).

17. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme of air quality mitigation has been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

18. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until 1 no. fire hydrant to BS750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant or stored water supply shall thereafter be retained as such.

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

19. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Note (Tyler Grange, January 2023) and the Preliminary Ecological Appraisal and Ecological Impact Assessment (Tyler Grange, January 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

20. **Regulatory Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

21. **Regulatory Condition:** No part of the development hereby permitted shall be first occupied until the highway works (including dropped kerbs) to Worthing Road, shown on drawing no.536.0036.004) have been completed.

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

22. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the first floor side elevation of the south western cottage (rear of 1 Green Close) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: To protect the amenities of adjoining residential properties from loss of privacy and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

23. **Regulatory Condition:** The development hereby permitted shall be implemented strictly in accordance with the Arboricultural Assessment and Method Statement and Tree Protection Plan.

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

24. **Regulatory Condition:** The development hereby permitted shall be occupied only by:
- Persons aged 60 or over; or
  - A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or
  - Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died; or
  - Any other individual expressly agreed in writing by the Local Planning Authority.

Reason: To limit the use of the development for elderly occupants in accordance with Policies 18 and 41 of Horsham District Planning Framework (2015).

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

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

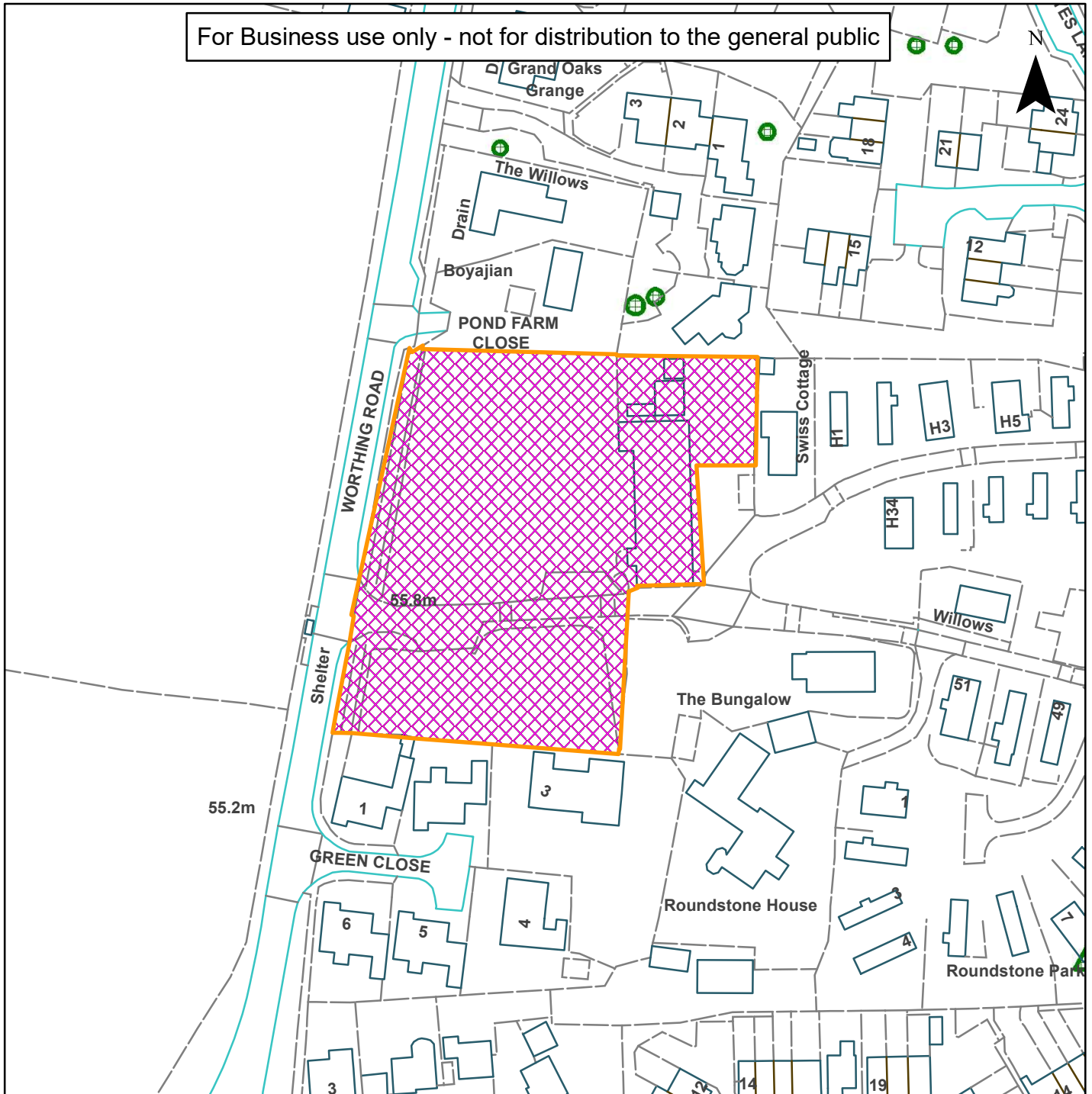
26. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, B & E of Part 1 of Schedule 2 of the order shall be erected,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

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



Roundstone Park, Worthing Road, Southwater, West Sussex

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**Scale:** 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	24/05/2023
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 6<sup>th</sup> June 2023

**DEVELOPMENT:** Variation of Condition 1 of previously approved application DC/21/0207 (Construction of two ground floor flats with associated alterations including external alterations to the additional floor under prior approval application DC/21/0236) Relating to the external elevations of the property.

**SITE:** Sussex House, North Street, Horsham West Sussex RH12 1RQ

**WARD:** Denne

**APPLICATION:** DC/22/2313

**APPLICANT:** **Name:** Paul Craig **Address:** care of agent Melton Lodge, Rusper Road, Newdigate RH5 5BX

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

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

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 Permission is sought under Section 73 of the Town and Country Planning Act 1990 to amend planning permission DC/21/0207. Section 73 permits minor material amendments to be made to approved applications by way of removing or varying conditions attached to a planning permission. Previously, for Sussex House, permission has been granted for an additional fourth floor to the building to form 8 flats by way of application DC/21/0236 (which granted prior approval for the additional storey) and full application DC/21/0207 (which granted permission for a number of associated external alterations to the building). The additional storey and associated external alterations to the building have now been built but not in accordance with approved details (as detailed below).

1.3 Under DC/21/0207, permission was granted for the following external alterations:

- The insertion of balconies to the front, side, and rear elevations
- The insertion of additional windows
- Erection of timber fencing to the rear of the building to create rear garden curtilage
- Revised parking area to the front and rear of the building

- Erection of bike and bin stores to the rear elevation
- A replacement 1m high timber wall to the front and sides of the site
- Retention of a TPO tree to the front along with proposed landscaping. Existing trees to the rear to be retained along the southern boundary.

1.4 Following the granting of permission, it became clear that the works had not been completed in accordance with the planning permission, namely:

- The height of the building with the additional floor has increased by 0.8m from 12.7m to 13.5m
- The layout of the car / cycle parking area to the front and rear have been altered.
- The additional floor has not been built to match the existing building's existing wall dimensions.
- The front balconies have been built as solid metal structures.
- The entrance sign above the main front entrance is different in design.
- The glazed balconies to the south (rear) elevation are larger additions to a height of 1.65m. Doors have been provided to access the south facing balconies.
- Cladding to the front windows and ground terraces are not the approved timber and are glazed with cladding.
- The front boundary wall has been built in brick.
- No balconies have been added to the rear and side (north facing) elevation.

1.5 This current application seeks to retain the appearance of the building and car park areas as built, with some additional works proposed to tidy up its appearance including:

- Provision of an angled step-in to the junction between the additional floor and the existing building to the northern elevation to replicate the existing junction at ground floor level.
- The pressed aluminium flashing to the building matches the balconies in grey however there are exposed areas of concrete which stand out. These are to be painted in grey to match aluminium flashing.
- To the inset front elevation (southern side), a brick rainscreen is proposed with a soldier course detail. This would be to the junction between the additional floor and existing building.

1.6 It should be noted that a concurrent application (DC/23/0576) has been submitted for amendments to the prior approval permission (DC/21/0236) which granted the additional floor to the building. The current application for amendments to the prior approval permission will consider the principle of the additional floor with the increased height. The increased height of the building is not a consideration under this committee application as it is be considered under the above separate concurrent application.

#### DESCRIPTION OF THE SITE

1.7 The application relates to a four-storey building sited on the south-eastern side of North Street, Horsham. The building was former offices and is located within the built-up area of Horsham. The building has now been largely converted to 30 flats with a car park to the front and rear. The front elevation onto North Street includes balconies. The top floor flats also include balconies to the side (south facing elevation).

1.8 The site includes an access directly onto North Street to an off-street parking area. The site also includes a rear car park accessed via Chichester Terrace. There are several listed buildings nearby which are to the west side of North Street. The site is set a significant distance from these properties. A single copper beech tree is sited to the front of the building. This is subject of a tree preservation order (TPO/0346).

1.9 The surrounding area is characterised by a mixture of residential properties and commercial / office buildings within a close distance to the town centre. The Capitol theatre venue abuts

the site immediately to the north. Horsham railway station is located nearby to the north-east of the site. The site is within the proposed conservation area for North Street as identified in the Horsham Blueprint Business Neighbourhood Plan 2019-2036.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

#### 2.3 National Planning Policy Framework

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

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

#### 2.8 RELEVANT NEIGHBOURHOOD PLAN

##### **Horsham Blueprint Business Neighbourhood Plan 2019-2036.**

- Policy HB1: Location of Development
- Policy HB2: Meeting Local Housing Needs
- Policy HB3: Character of Development
- Policy HB4: Design of Development
- Policy HB5: Energy Efficiency and Design

#### 2.9 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1003	Prior approval for change of use of offices (Class B1a) to form 20 apartments	Prior Approval Required and permitted on 20.07.2020
DC/21/0207	Construction of two ground floor flats with associated alterations including external alterations to the additional floor under prior approval application DC/20/0236.	Approved on 16.04.2021
DC/21/0236	Prior notification for the erection of one additional floor to create 8 flats.	Prior Approval Required and PERMITTED on 07.04.2021
DC/22/0637	Variation of Condition 1 of previously approved application DC/21/0207 (Construction of two ground floor flats with associated alterations including	Approved 10.06.2022

DC/23/0576

external alterations to the additional floor under prior approval application DC/21/0236) Relating to the front windows, door locations and sizes.

Amendments to prior approval permission DC/21/0236 (Prior notification for the erection of one additional floor to create 8 flats) including removal of Condition 2 (materials).

Under consideration

- 2.10 In addition to the above, five applications have been refused and the following appeals dismissed for alterations to the building, including proposals for two additional floors (refs: DC/21/2296, DC/20/1686, DC/20/1696, DC/20/2357 & DC/20/2389). It should be noted that whilst all appeals were dismissed the Inspector did not agree with all of the Councils concerns.

### 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.

#### CONSULTATIONS

- 3.2 **WSCC Highway Authority:** No highway concerns.

- 3.3 **Southern Water:** No comment.

#### PUBLIC CONSULTATIONS

- 3.4 **12** representations have been received from 9 separate adjacent properties objecting to the proposal on the following grounds:

- The proposed changes are not considered minor material amendments.
- The balconies result in overlooking of adjacent properties.
- The total height of the building has increased.
- Access to the balconies should not be permitted. The proposal includes two additional doors to the balconies facing south.
- The proposal results in a wonky third floor.
- The proposal results in overdevelopment.

- 3.5 **Horsham Society:** Strongly Object. The changes are not considered minor and should not be approved. The objections from Denne Neighbourhood Council and local residents are supported. It is not acceptable for the applicant to carry on work with changes hoping for retrospective approval.

- 3.6 **Denne Neighbourhood Council:** Object:

1) The overall height of the building, which is higher than the permitted application DC/21/0207, appears dominant in relation to the Capitol and the street scene. North Street is an important gateway entrance into the town and this development contravenes HDPF Policy 33, points 3 & 4.

2) The vertical metal supports for the balconies on the front elevation were not part of the permitted design and do not appear on the elevation plan. HDNC considers the supports are too dominant, creating a strong vertical feature which resembles scaffolding and clashes with the horizontal aspect line of the balconies. This new design detracts from the street scene and contravenes Policy 33, point 3. If the balconies are unsafe without further support they should not have been permitted at all and could be replaced by Juliet balconies.

3) The balcony on the S/W elevation impacts the residents of 3,5 and 7 Norfolk Road. 24 hour access to the balcony has twice been refused as it would contravene Policy 33 (Points 2 & 3) of the HDPF 2015. HDNC disagrees that removal of Condition 13 of DC/21/0207 would entail 'no loss of privacy to adjacent neighbours' and considers this condition should be retained.

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

#### **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 Sussex House was constructed in accordance with planning permission HU/340/78 and was occupied as Class E(c) offices until August 2019. Prior approval was then granted in July 2020 to convert the offices into 20 dwellings (DC/20/1003). In September of 2020, the Government introduced additional prior approval developments to the General Permitted Development Order (2015, as amended), including the erection of roof extensions to existing offices for proposed residential use (Schedule 2, Part 2, Class AB).
- 6.2 The applicant then submitted a Class AB prior approval application for the erection of an additional storey to the existing building (DC/21/0236) which was subsequently granted. A concurrent application (DC/21/0207) granted permission for various external alterations to the additional storey and the rest of the building, as itemised above at paragraph 1.3, as the prior approval process does not allow for these matters to be considered under the prior approval application.
- 6.3 Following the two approvals, the additional floor and alterations to the building were implemented, however it then became clear that the works had not been implemented in accordance with the approvals. The additional floor had been built higher than the prior approval, the external alterations were not as approved and the car park layout was different (see paragraph 1.4 above). As such, the applicant has submitted two further applications to seek to amend the original prior approval and planning permission to accord with what has been built on site.
- 6.4 As an amendment to an existing permission, the principle of the development has been established therefore the main material considerations are the impacts of the changes on the appearance of the building, surrounding area, and neighbouring amenity. This application does not propose any alterations to the internal layout of the proposed flats.

### Design and Appearance:

- 6.5 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan states that development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings.
- 6.6 With respect to the change in the appearance to the building itself (as built), when compared to approved permission, the most striking difference is the front elevation onto North Street. Under the approval, the building was shown with balconies to the first, second and third floors. These balconies were shown as separate additions with timber cladding. The front window surrounds and raised terrace at ground floor level were also supposed to be built with timber cladding. As built, the balconies have been constructed as more imposing structures connected at all floors with metal posts. The balconies and windows do not include the approved timber cladding and are fully glazed. It should also be noted that under the previous appeals for this building for two additional floors (refs: DC/20/1696, DC/20/1686, DC/20/2357 & DC/20/2389), the Inspector commented that balconies to the front were acceptable and would not be dissimilar to those on nearby buildings. The alterations were considered to add interest and 'would not be harmful to the street scene'.
- 6.7 The additional floor has also been built slightly higher than the approval. As approved, the overall height of the building was 12.7m. As built, the overall height is now 13.5m. As discussed, the principle of the additional floor and the increase in height is being considered under a concurrent application (DC/23/0578).
- 6.8 The additional floor has been built with matching brickwork. However, the additional floor has not been built to follow the lines of the existing building. The additional floor protrudes slightly beyond the existing wall line to the south elevation and is also slightly inwards of the north elevation and at the rear. This gives the building a somewhat awkward and top heavy appearance. To try and rectify the anomalies to the building, this proposal includes the following:
- Provision of an angled step-in to the junction between the additional floor and the existing building to the northern elevation to replicate the existing junction at ground floor level. This would give the building more symmetry to this side.
  - The pressed aluminium flashing to the building matches the balconies in grey however there are exposed areas of concrete which stand out. These are to be painted in grey to match aluminium flashing.
  - To the inset front elevation (southern side), a brick rainscreen is proposed with a soldier course detail. This would be to the junction between the additional floor and existing building. This would also tidy up the appearance of the building.
- 6.9 To the north elevation, a drainpipe extends up the side of the building. The drainpipe extends slightly over the top floor projection and also appears as an awkward addition. The applicant has stated that this drainpipe cannot be better placed. To the north elevation adjacent to the side addition of the Capitol Theatre, it is felt that the drainpipe does not detrimentally impact on the appearance of the building and does not need to be removed. The proposal also includes a more modern entrance sign above the inset doorway to the front elevation. Dwarf walls have also been built around the front car park and finished in dark grey. These elements are also considered appropriate.
- 6.10 As with the front elevation, to the rear a brick rainscreen is proposed with a soldier course detail. This would be to the junction between the additional floor and existing building which currently protrudes. This would again tidy up the appearance of the building.

- 6.11 In relation to the car park layout, the layout as built is largely the same as approved with access from the front and rear. The protected TPO is retained on site and the approved cycle parking is located to the southern side of the front park. The car parking spaces have increased from 24 spaces to 27 spaces (with electric vehicle charging spaces to the rear) through slight amendments to the layout. The scheme also retains the approved refuse bin storage area to the rear. The layout includes a stepped entrance to the front. Overall, the amendments to the car park layout are considered appropriate and result in additional car parking spaces for this development.
- 6.12 With respect to the appearance of the building itself, the changes to the building result in a more of a modern appearance with more prominent balconies. This is considered to be appropriate in the context of North Street and this change to the appearance of the building is considered acceptable. In addition, with the minor alterations proposed, the appearance of the building will be suitably improved. As such, the proposal is considered appropriate in terms of its design and in accordance with the above policies.

Impact on Residential Amenity:

- 6.13 Policy 33(2) 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. Sussex House is set relatively centrally within the plot, set between The Capitol to the north-east, and Norfolk House to the south-west. To the south, the site sides on to the rear elevations of Nos. 3-9 Norfolk Road. The existing boundaries between these properties and the site is formed of 1.8m high brick wall with existing sporadic planting on the neighbours' side and is sited between 16m and 24m from the neighbours' rear boundaries.
- 6.14 Under the previous proposals, the impact of the proposal for an additional floor was assessed and considered appropriate. The top floor is set back to the south elevation to limit any overbearing impact on the properties to the south. To the front elevation, the balconies and windows would face North Street and do not overlook any existing properties. This also the case with the elevation facing north onto the side of the Capitol Theatre.
- 6.15 As with the approved scheme, the current application includes a balcony area to the top floor which faces south. Glazed screens have been constructed to a height of 1.65m above the floor level of the terraces. The terraces are only 1.2m wide and would offer an external amenity space for these top floor flats facing south.
- 6.16 Under DC/21/0207, condition 13 prevented the use of the balconies by future residents. This was to protect the amenity of the properties to the south. Since this decision, a separate appeal has been dismissed for a further floor to the building to form 2 flats (DC/21/2296). The appeal was dismissed on the grounds that the proposal did not achieve water neutrality however under this appeal further balconies were proposed facing south to the proposed fourth floor additional storey. The Inspector considered that the addition of further balconies with 1.7m glazed balustrades was appropriate. The appeal was not dismissed on these grounds.
- 6.17 As such, taking into account the appeal decision of DC/21/2296, the use of the existing balconies for the third floor flats facing south is also considered appropriate, provided the 1.65m obscure glazed balustrades remain in place. With the glazing in place, there are very limited views to the south. Given the appeal decision and glazing screening, the removal of condition 13 of DC/21/0207 to allow use of the balconies is considered appropriate under this application. This is subject to the retention of the obscure glazed screens.
- 6.18 The scheme has been built without any of the approved balconies to the rear and side (north facing) balconies. These balconies would have created external amenity space for these flats. The site is close to Horsham Park which would provide outside space for the use of

the future residents of these flats. In addition, the balconies were not required to make this application acceptable in planning terms.

#### Water Neutrality:

- 6.19 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.20 For this proposal, as works have commenced on site, the approved development can be taken as a viable fall back. This scheme does not increase the number of units already approved on this part of the site, therefore water consumption will not increase as a result of these amendments. As such, the grant of planning permission would not adversely affect the integrity of the Arun Valley sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

#### Climate change:

- 6.21 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Water consumption limited to 110litres per person per day
  - Requirement to provide full fibre broadband site connectivity
  - Refuse and recycling storage
  - Cycle parking facilities
  - Electric vehicle charging points

#### Highways Impact and Parking

- 6.22 In relation to highways impact, the proposal retains the existing accesses to the front and rear as approved. WSCC Highways have not raised any concerns regarding this proposal. The level of car parking indicated has been increased slightly to 27 spaces, when compared to the existing permission. This increase takes into account the 30 flats now approved for this building. This level of parking is considered appropriate for this town centre site given its location and the opportunities for sustainable transport links nearby. It should also be noted that the level of parking previously proposed was considered below the required level for 30 units.
- 6.23 The cycle store to the front is two-tier bike store finished in grey weatherboarding and is set adjacent a side wall in the front car parking area. Under the approvals for the additional floor to the building (DC/21/0207 & DC/21/0236), a cycle store in this location was approved. The store would serve all of the building and would provide provision for 12 cycles. This is considered appropriate given the constraints of the site. It should also be noted that the ground floor rear flats include their own outside secure areas for cycle storage. Whilst larger than the typical cycle store, the two-tier bike would be an appropriate addition in the street scene, set back from the street within the car park area.



Conclusion:

- 6.24 Subject to the retention of the obscure panels to the south side balcony areas, the proposal would not result in a significant impact on the amenity of any adjacent properties. With the amendments proposed, the proposal is also considered appropriate in relation to its appearance and highway safety / parking.

**7. RECOMMENDATIONS**

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

Conditions:

**1 List of the approved plans.**

- 2 Post Occupation Condition:** Within 2 months of the date of this permission, details showing the following shall be submitted to the Local Planning Authority for approval:

- Provision of an angled step-in to the junction between the additional floor and the existing building to the northern elevation to replicate the existing junction at ground floor level.
- Provision of a brick rainscreen with a soldier course detail to the junction between the additional floor and existing building which currently protrudes to the front (south side) and rear projection.

The details as approved shall be implemented within 4 months of the date of the approval of the details and thereafter retained.

Reason: To improve the appearance of the building in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan.

- 3 Post Occupation Condition:** The exposed areas of concrete to the front elevation shall be painted dark grey within 4 months of the date of this permission to match the existing aluminium flashing and balconies.

Reason: To improve the appearance of the building in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan.

- 4 Regulatory Condition:** Prior to the first occupation of each dwelling hereby permitted, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 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).

- 5 Regulatory Condition:** No part of the development hereby permitted shall occupied until the approved car parking arrangement (including a minimum of 2no electrical vehicle charging points) have been provided on site. The charging points shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 6** **Regulatory Condition:** The beach tree protected by a TPO shall be retained during construction works, in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012). The protection measures shall be implemented prior to the commencement of any works on and be retained until all works have been completed.

Reason: To ensure the protection of the beech tree (tree preservation order no 0346) to ensure the tree is retained for the benefit of the amenity of the area in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7** **Regulatory Condition:** The obscure glazed screens to the south facing elevation (as shown on drawing nos: 2211SU\_R0\_300 & 101) shall be to a height of 1.65m above finished floor level and shall be retained as such thereafter.

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

- 8** **Regulatory Condition:** The approved refuse and recycling shall be provided and retained in accordance with the approved details. The facilities shall thereafter be retained for use at all times.

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

- 9** **Regulatory Condition:** The approved cycle store shall be provided and retained in accordance with the approved details. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 10** **Regulatory Condition:** 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: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

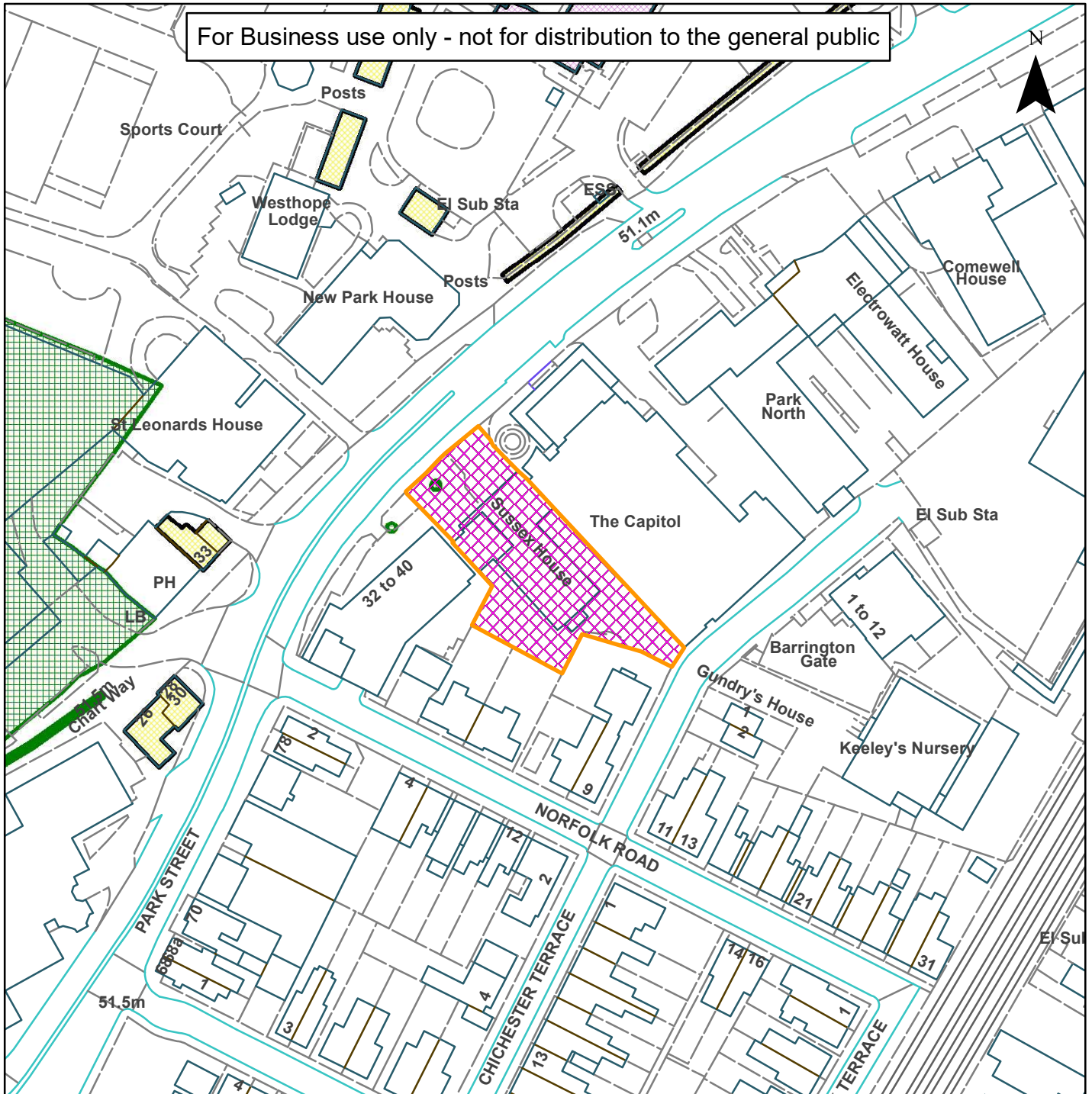
- 11** **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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



Sussex House, North Street, Horsham, West Sussex, RH12 1RQ

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	24/05/2023
SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 6<sup>th</sup> June 2023

**DEVELOPMENT:** Conversion of existing 8-bedroom detached dwelling into 4no 1-bedroom self-contained flats for supported living for adults.

**SITE:** Acacia House, 110 Manor Fields, Horsham, West Sussex, RH13 6SG

**WARD:** Roffey South

**APPLICATION:** DC/23/0338

**APPLICANT:** **Name:** Mr Chris George **Address:** 1 Castlefield Court Church Street Reigate RH2 0AH

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

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

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.2 This application seeks planning permission to convert an existing eight-bedroom dwelling into four one-bedroom self-contained flats for supported living for adults (C3 use). Each flat would have a living room, kitchen, bedroom and wet room/ bathroom. Flats 1 and 3 would share the existing front entrance with the communal entrance hall leading to flat 1 at ground floor Flat 3 at first floor. Flats 2 and 4 will have their own separate private entrances with flat 2 accessed from the front elevation and flat 4 the southern side elevation. A staff area consisting of an office and staff WC would also be accessed via a new door on the southern elevation. The Design and Access Statement anticipates that residents would be supported by four staff during the day and 2 overnight staff.
- 1.3 Some minor elevation amendments are proposed including the removal of a garage door and the replacement of existing windows throughout with double glazed, aluminium framed windows with white polyester powder coating and replacement composite doors. Photovoltaic panels are proposed to be installed on the southwest and southeast elevations of the dwelling.

- 1.4 To the front of the dwelling it is proposed to extend the existing brick paved driveway into the existing grassed area to provide additional parking/ turning space for 4-5 cars. To the rear of the property, one of the existing sheds will be removed and a bin store will be created.

#### DESCRIPTION OF THE SITE

- 1.5 Acacia House (110 Manor Fields) is located within the Built-Up-Area boundary of Horsham on the junction of Manor Fields with Harwood Road. To the south of the site across the Harwood Road is Owlbeech and Leechpool Woods which fall within the High Weald Area of Outstanding Natural Beauty. To the east of the site is the Harwood Road allotments. Within the site and straddling the neighbour at 108 Manor Fields to the north is a Tree Preservation Order that covers a group of 13 boundary trees. The surrounding area consists of other residential dwellings of varying sizes.
- 1.6 The site consists of an extended detached residential property and curtilage with private rear garden and front driveway. The property has been extended to provide 8 bedrooms.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

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

#### **The National Planning Policy Framework (NPPF)**

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 18 - Retirement Housing and Specialist Care  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 4.3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

**Neighbourhood Plan:**

No relevant neighbourhood Plan.

**Planning Advice Notes:**

Facilitating Appropriate Development  
Biodiversity and Green Infrastructure

**PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/10/2665	Detached double garage ancillary to main dwelling	Application Refused on 16.02.2011
NH/46/95	Two-storey extension to provide granny annexe Site: Acacia House 110 Manor Fields Horsham	Application Permitted on 21.06.1995

**3. OUTCOME OF CONSULTATIONS**

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

**INTERNAL CONSULTATIONS**

**None received**

**OUTSIDE AGENCIES**

**WSCC Highways:** No Objection

**Southern Water:** No Objection

**Natural England:** No Objection subject to appropriate mitigation being secured.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. You, as the competent authority, should ensure conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations.

## PUBLIC CONSULTATIONS

### **North Horsham Parish Comments:** Objection

Inappropriate development for the location and concern over the proposed plan for parking

### Member Comments:

None received

### Representations

Eleven letters of objection have been received from eight local addresses. These objections are summarised as:

- Highways safety concerns for road users and pedestrians. Concerns in relation to road entrance, safety and capacity. Yellow lines should be applied at the road junction so drivers can see oncoming vehicles.
- Pressure on on-street parking.
- Non- Domestic Use. With the number of staff proposed is this actually a non-domestic use with 10 plus employees.
- Difficult to believe this will be water neutral
- Quiet residential area- noise concerns and out of character. Other more appropriate sites in the District
- Cumulative impact of house conversions in the area as a result of this being allowed. Impact on cars, noise, pollution, extra policing
- Over development
- Changing demographics of the area.

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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



## 6. PLANNING ASSESSMENTS

### Principle of Development:

- 6.1 Policy 3 of the HDPF states that *'development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement'*.
- 6.2 Policy 18 of the HDPF states that *'proposals for development which provide retirement housing and specialist care housing will be encouraged and supported where it is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network'*.
- 6.3 Policy 42 Strategic Policy: Inclusive Communities of the HDPF advises that positive measures which help to create a socially inclusive and adaptable environment for a range of users to meet their long term needs will be encouraged and supported. Particular account will be taken of the need to address the requirements stemming from (amongst others) people with additional needs, including the disabled or those with learning disabilities.
- 6.4 The application site lies within the built-up area of Horsham, the main town within the District, within a sustainable location close to local facilities and services and the wider public transport network. The site is located within a five minute walk of the shopping parade on Crawley Road where there is a Co-op, a Post Office, a Chemist and other community facilities including the Roffey Millennium Hall. Littlehaven Station is a 17 minute walk away (approx.) and Crawley Road and Harwood Road are both on bus routes to Horsham and Crawley Town Centres,. It is also noted that Chesterton Court is situated nearby, a supported living development for elderly residents.
- 6.5 It is noted that the applicants (Active Prospects) are a Registered Community Benefits Society which enables people with learning difficulties, mental and physical health needs to live in their own home within the community with support provided to meet the residents needs on an individual basis. The flats will meet the NHS 'Transforming Care' programme's aim of helping people to leave institutions, and to work with them in their own residence to reduce the need for inpatient services and out-of-area placements. Each resident will have their own tenancy agreement and will have funding for personalised support.
- 6.6 The provision of three additional dwellings through the conversion of one large dwelling to four dwellings would be appropriate to the nature and scale of the settlement and is therefore acceptable in this location, subject to all other material considerations. This is considered to be the case whether for 'supported living' or 'independent living' in this location.
- 6.7 In addition the application would propose a net gain of 3 new dwellings which would be considered to contribute towards the Council's identified housing shortfall through a previously unidentified windfall site.
- 6.8 In principle it is not considered necessary to add a condition to limit the use of the flats for supported living accommodation only, given the site's sustainable location and overall compliance with the development plan if approved for any type of C3 residential accommodation.

### Design and Appearance:

- 6.9 Policy 32 and 33 of the HDPF seeks to ensure that the development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seeks to ensure that the scale, massing and appearance of development

relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

- 6.10 Acacia House sits in a prominent location in the streetscene at the entrance to Manor Fields. The property has already been extended and appears as a larger than average property when compared to other properties as you move along the street. The external amendments to the property would be minimal and maintain the existing character of the property without increasing its size of visual impact within the streetscene. The most visible external amendments would include the addition of another front door to the front elevation, removal of the existing garage door and the replacement of all windows and doors. The proposal also includes the installation of solar panels to the roof.
- 6.11 The driveway would be extended slightly into the existing grassed area but maintain its sweeping shape and existing access point. The impact of this small extension to the front driveway area would be minimal within the streetscene. Bin and cycle storage would be suitably provided at the rear of the site.
- 6.12 The proposal is therefore considered to represent a series of modest amendments to the appearance of the existing property. with these considered to be of a design, form and scale which is appropriate to the residential character and appearance of the existing dwelling and wider streetscene. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

#### **Neighbour Amenity Impacts:**

- 6.13 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.
- 6.14 Concern has been raised in relation to the increase in noise and disturbance from the conversion. Whilst it is acknowledged that there will be an additional three residential units on the site, due to their size this is unlikely to yield a significant number of additional residents on the overall site which would be out of keeping with the area. The subdivision of the property within this residential location would not therefore, as a matter of course, create significant potential for harmful levels of noise or disturbance that would warrant the refusal of planning permission.
- 6.15 It is not considered that the use of the property would be significantly materially different to the existing residential use, and while noted that associated staff movements and activities has some potential to result in additional activity and movements, it is not considered that this would result in such degree to be out of character with the residential locality. The proposal seeks an unrestricted C3 use which reduces the number of bedrooms within the building from 8 down to 4. It is acknowledged that residents have raised concerns in relation to the amount of visitors that the proposed use will generate. However, as the number of future residents will be so low it is unlikely that there would be any detrimental amenity impact from visiting family and carers above and beyond the existing arrangement.
- 6.16 It is considered that the siting, scale and nature of the proposed alterations would not result in any unacceptable harm to neighbouring amenity, with the resulting relationship between properties largely reflecting the existing arrangement, which would not be unusual or unexpected in an established residential location such as this.
- 6.17 The relevant standard for this type of single occupancy unit as set out in the Nationally Describer Space Standards is a minimum gross internal floor area of 39m<sup>2</sup>. This is achieved on all units which range from 42.5m<sup>2</sup> to 57m<sup>2</sup>. Each flat has good access to natural light and ventilation through the provision of good sized windows to all habitable rooms and would have access to the large rear garden.

### **Highways Impacts:**

- 6.18 Policies 40 and 41 of the HDPF states that development should provide a safe and adequate access, suitable for all users.
- 6.19 Residents have raised concerns in relation to the capacity of the site to cater for the parking demand of the development as well as on street parking capacity and safety.
- 6.20 The proposal is essentially for four one-bedroom residential flats. The West Sussex Parking Calculator calculates the parking requirement on the site to be 0.9 spaces per flat, plus 0.2 spaces per dwelling for visitors. This totals 4.4 spaces. The site plan shows that this can easily be accommodated within the hardstanding to the front of the property which shows capacity for 4-5 vehicles.
- 6.21 However, the intended use of the flats is as supported living for adults therefore the prospective residents will be unlikely to have their own vehicles given their needs. The parking area to the front of the site would therefore be used by the four onsite staff and visitors to the flats instead. In this regard the 4-5 spaces available on the site will be sufficient to cater for this demand, with further on-street parking available if needed.
- 6.22 Whilst it is understood that existing residents have concerns around the existing parking arrangements and safety of the street, it is not considered that this development would significantly impact on the amount of cars parking on the street such as to create a highway safety or capacity issue. Further, any demand for street parking resulting from this proposal would not be of a frequency which would be considered likely to harm neighbouring amenity, over and above the existing situation.
- 6.23 The proposal includes a designated cycle shed (re-use of existing) and 2x EV charging points.

### **Water Neutrality**

- 6.24 The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.
- 6.25 An advice note from Natural England (September 2021) advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.26 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction. The baseline figures have been provided as 682 litres per day (249m<sup>3</sup> per year) and based on evidenced water bills from 5 October 2021 to 31 August 2022. The submitted Water Neutrality Statement includes efficiencies to fixtures and fittings including reduced flow taps, dual flush WCs, no baths, and low water usage washing machines and dishwashers to reduce per person water consumption to 104.7 l/p/day. This equates to 418.8 l/day for the four single-occupancy flats. The Statement also calculates the water consumption from the onsite and visiting staff based on standard office consumption rates of 45 l/p/day, equating to a further 234 l/day consumption. The overall site consumption is therefore calculated to be 653 l/day (238.4m<sup>3</sup> per year), below the site's existing annual water consumption.

- 6.27 As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body when undertaking an appropriate assessment of the proposals. Having considered the Council's appropriate assessment, Natural England concurs with the conclusion that the development would be water neutral. In accordance with the requirements of the Habitats Regulations an appropriate assessment has been completed which concludes that subject to securing the above mitigation, the development proposals would not result in an adverse impact on the integrity of the Arun Valley sites, in accordance with Policy 31 of the HDPF and paragraph 180 of the NPPF.

**Conclusions:**

- 6.28 The proposed development is considered to accord with the relevant local and national policies. The conversion will provide a net gain of three additional units towards the Council's housing land supply, delivery smaller units that are likely in demand and can be used as specialist housing. The proposal is considered to have no substantive amenity impacts on local residents, would not harm highway safety, would provide for adequate parking provision, and is water neutral. The application is therefore recommended for approval.

**7. RECOMMENDATIONS**

Conditions:

1 Plans list

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

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

- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
  - ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities
- The approved details shall be adhered to throughout the construction period.

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

- 4 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality statement (Doherty Energy received 17th April Ref E1303-WNS-03). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 5 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan MFS-AHP-0-XX-SI-A-0404 P01 Proposed Site Plan and shall be thereafter retained as such.

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

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the rear garden for that dwelling as shown on MFS-AHP-0-XX-SI-A-0404 P01 Proposed Site Plan. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until 2x fast charge electric vehicle charging point have been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling in accordance with drawing number MFS-AHP-0-XX-SI-A-0404 P01 Proposed Site Plan. 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).

- 9 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the Application Form received 23.02.2023.

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

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of minimum 30 megabytes per second through full fibre broadband connection has been provided to the premises.

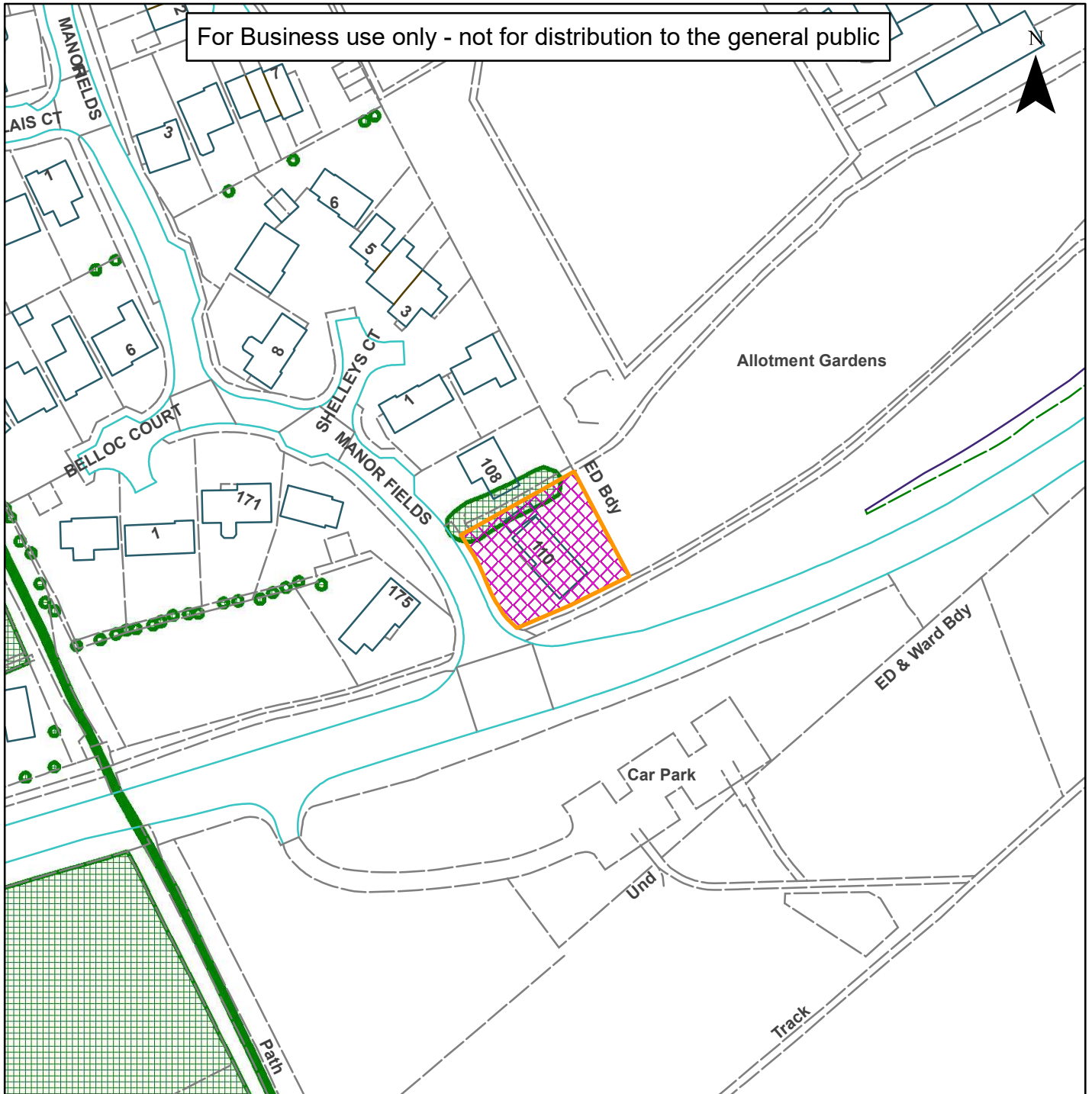
Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

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Acacia House, 110 Manor Fields, Horsham, West Sussex, RH13 6SG

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 6<sup>th</sup> June 2023

**DEVELOPMENT:** Variation of Condition 3 of previously approved application DC/18/1921 (Variation of Condition 3 of previously approved application DC/17/0445 (Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking) Relating to changes to opening times)

**SITE:** Morriswood, Old Holbrook, Horsham, West Sussex, RH12 4TW

**WARD:** Colgate and Rusper

**APPLICATION:** DC/23/0354

**APPLICANT:** **Name:** Mr Antony Hogben **Address:** Morriswood Old Holbrook Horsham West Sussex RH12 4TW

**REASON FOR INCLUSION ON THE AGENDA:** The Applicant is a Councillor

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

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

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The application seeks to vary condition 3 of planning approval reference DC/18/1921 to extend the opening hours of the swimming pool during the week. It is also proposed to allow opening of the swimming pool on Bank Holidays.

1.3 Condition 3 of planning approval reference DC/18/1921 currently states:

*“The use of the swimming pool for commercial purposes shall only take place between the hours of 08:00 to 19:00 on Monday to Friday; 08:00 to 18:00 on Saturday; 09:00 and 18:00 on Sunday; and not at any time on Bank or Public Holidays.*

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

1.4 The current application seeks to extend the approved opening hours to 07:00 to 19:00 Monday to Sunday, including Bank Holidays.

### DESCRIPTION OF THE SITE

- 1.5 The site forms part of the residential property known as Morriswood, which is situated on the western side of Old Holbrook Road. It sits amongst sporadic development north of the A264 and the nearby settlement of Horsham.
- 1.6 The site comprises a two storey dwelling (including an attached single storey swimming pool building) together with various single storey outbuildings and a tennis court. The swimming pool building, which is the subject of this application, is L-shaped in plan-view and adjoins the southern and western elevations of the dwelling. A portion of the building provides a swimming pool together with associated changing rooms. In terms of adjoining land uses, the site is bounded on all sides by undeveloped land which appears to be in agricultural use.
- 1.7 The site has a single existing vehicular access from Old Holbrook Road, which serves as a principal route between Horsham and smaller settlements to the north. The site lies approximately 1km north of the A264.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- Policy 11 - Tourism and Cultural Facilities
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities
- Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 North Horsham Parish is not a designated Neighbourhood Plan Area.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/0445	Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking	Application Permitted on 11.05.2017
DC/18/1921	Variation of Condition 3 of previously approved application DC/17/0445 (Use of an existing swimming	Application Permitted on 09.11.2018

pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking) Relating to changes to opening times.

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

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

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Arboricultural Officer:** No tree related concerns
- 3.3 **HDC Environmental Health:** No complaints received regarding this property and no adverse comments to make.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection

#### PUBLIC CONSULTATIONS

- 3.5 **North Horsham Parish Council:** No Objection

#### Representations

- 3.6 1 letter of support was received, and this can be summarised as follows:  
- The additional hours are needed
- 3.7 1 letter of objection was received, and this can be summarised as follows:  
- There have been discharges of chlorinated water into a ditch causing flooding on nearby land and potentially impacting on the ecology of the watercourse

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

### **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 seek to vary condition 3 of planning approval DC/18/1921 to extend the opening hours of the swimming pool during the week, and to allow for opening on Bank Holidays.

### **Principle of Development**

- 6.2 Previous planning approval DC/17/0445 established the principle of the use of the existing swimming pool and changing rooms for a mixed private and commercial purpose. Under this application it was considered that the proposal would meet a potential need of young people in the local community, therefore helping to create a socially inclusive and adaptable environment. This planning approval was subject to conditions, including restriction on opening hours to 09:30 to 19:00 on Monday to Friday; 08:30 to 16:30 on Saturday; and not at any time on Sundays or on Bank or Public Holidays.
- 6.3 A subsequent application under planning reference DC/18/1921 sought to extend the opening hours to 08:00 to 19:00 on Monday to Friday; 08:00 to 18:00 on Saturday; 09:00 and 18:00 on Sunday; and not at any time on Bank or Public Holidays. The supporting information outlined that there is a high demand for private swim lessons within the District, resulting in an extended customer wait list. The extended opening hours sought to facilitate a greater number of lessons in order to accommodate this demand, and it was considered that such hours would not result in harm to the amenities of neighbouring occupiers or the function and safety of the public highway network.
- 6.4 The current proposal seeks to extend these opening hours further in order to accommodate early morning classes and classes on Bank Holidays. It is outlined within the Cover Letter that this is due to the continued demand for swimming lessons locally and the number of customers currently on the waiting list. It is outlined that opening on Bank Holidays would accommodate families who work shifts or those with shift pattern changes, as well as working parents more generally. Opening on Bank Holidays would allow greater flexibility in meeting these needs.
- 6.5 The principle of the use has been established by the previous application, with the alterations to the openings hours considered to support and address the demand for swimming lessons locally. The proposal is therefore considered acceptable in principle, subject to all other material considerations.

### **Impact on Highways**

- 6.6 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.7 The application seeks to extend the opening hours of the swimming pool facility to allow for a greater number of classes throughout the day. It is understood from the previous submission that a maximum of 12 clients are seen per hour, resulting in associated vehicle movements of approximately 12 an hour. In addition to this, the teachers generally work a 4-5 hour shift, arriving 30 minutes prior to the first class to set up, and remaining 30 minutes after their last class to clean up. This results in minimal additional vehicular movements a day.
- 6.8 It has been previously established that the existing access to the site is satisfactory, with good visibility obtainable in both directions. It was thereby considered that the increase in

vehicular movements to the site would not therefore be expected to create a highway safety hazard.

- 6.9 It is acknowledged that the proposed extension to the opening hours would result in additional trips and vehicular movements to and from the site. However, given the limited capacity of the swimming pool, these additional trips would not occur at the same time as existing trips, and as such would not intensify the use of the swimming pool during existing hours of operation. Rather the additional low number of trips would take place only during the additional opening hours.
- 6.10 On this basis it is not considered that the proposed extended opening hours would intensify the use of the site such that it would result in a severe cumulative impact on the function of the highway network or highway safety concerns, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

### **Amenity Impacts**

- 6.11 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.12 The mixed commercial and private use of the swimming pool, and the resulting impact on the amenities of the neighbouring properties was considered under the original approval under reference DC/17/0445. It was concluded at this stage that the pool building and parking area were a sufficient distance from the neighbouring properties (some 135m from the nearest neighbouring boundary) so that the use would not adversely affect the living conditions of the nearby residential properties. There have been no material changes to the spatial context following this planning approval.
- 6.13 The Council's Public Health and Licensing Officer considered extended openings hours under the previous variation of condition application, where no objection was raised in regard to noise or disturbance. The additional opening hours have been considered by the Council's Public Health and Licensing Officer and no objections have been identified.
- 6.14 It is therefore considered that the proposed additional hours of use of the swimming pool would not harm the living conditions of surrounding occupiers, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

### **Other Matters**

- 6.15 It is noted that an objection has been received raising concerns regarding the discharge of chlorinated water and the resulting impact on flooding. This has been raised with the Council's Environmental Health Team. The extension to the opening hours is not considered to result in a greater risk of flooding over the existing situation and it is not anticipated that this would result in adverse harm in this regard.

### **Conclusion**

- 6.16 The extended opening hours as proposed are considered to be acceptable in principle, and are not considered to result in harm to the amenities of neighbouring occupiers or the function and safety of the public highway network, in accordance with development plan policies.

## **7. RECOMMENDATIONS**

7.1 To approve the application, subject to the following conditions.

Conditions:

1 **Approved Plans**

2 **Regulatory Condition:** The car parking spaces as indicated on approved layout plan submitted 05.04.2017 shall be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 41 of the Horsham District Planning Framework (2015).

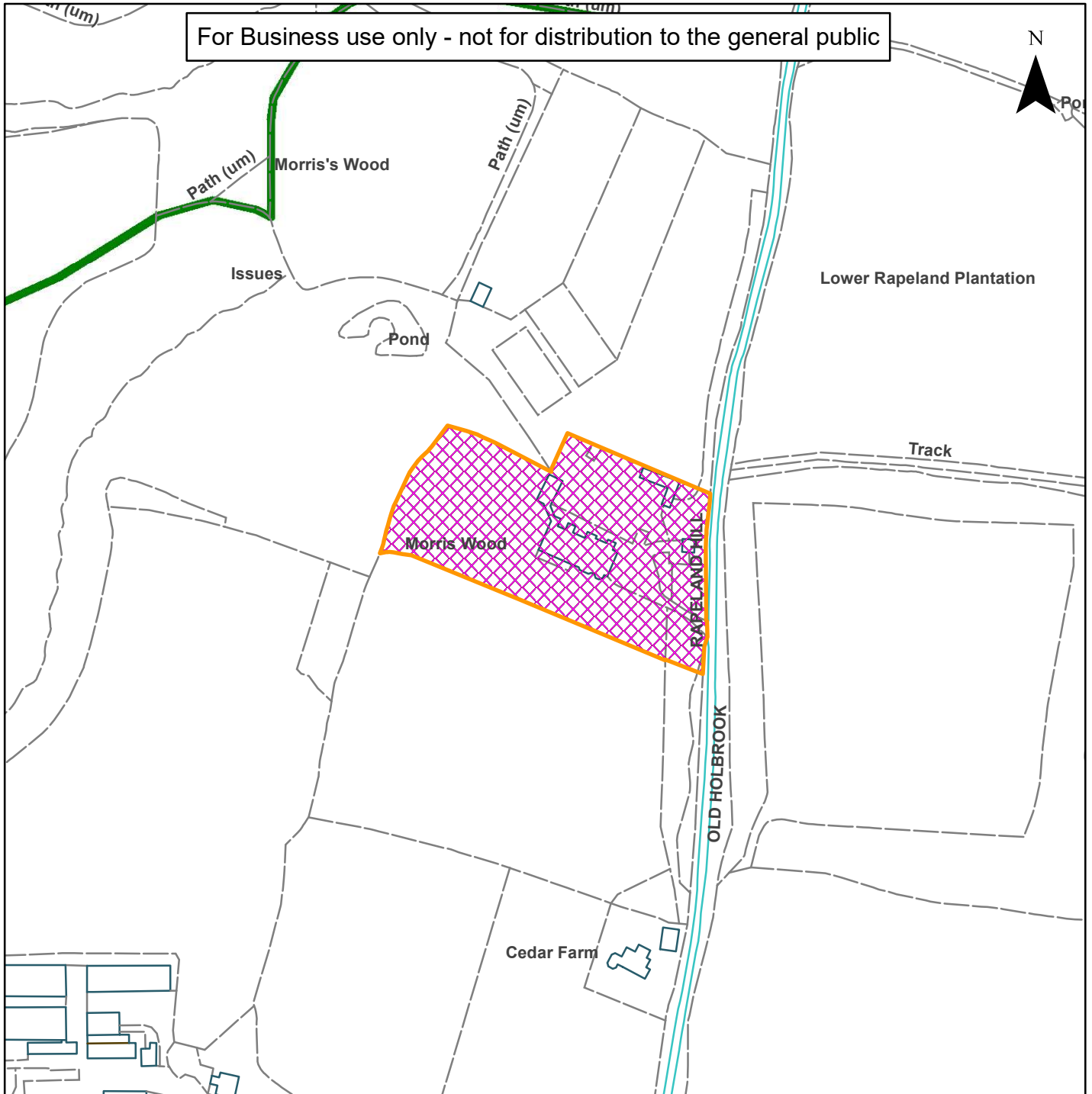
3 **Regulatory Condition:** The use of the swimming pool for commercial purposes shall only take place between the hours of 07:00 to 19:00 daily.

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



Morriswood, Old Holbrook, Horsham, West Sussex, RH12 4TW

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**Horsham  
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## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 6<sup>th</sup> June 2023

**DEVELOPMENT:** Provision of an enclosed bin store and associated soft landscaping for Piries Place Car Park.

**SITE:** Park Place, Horsham, West Sussex, RH12 1NY

**WARD:** Denne

**APPLICATION:** DC/22/2368

**APPLICANT:** **Name:** Mr Brian Elliot **Address:** Parkside Chart Way Horsham West Sussex RH22 1RC

**REASON FOR INCLUSION ON THE AGENDA:** By request of Councillor Peter Burgess

The proposal has been submitted by Property Services at Horsham District Council

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

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application has been proposed in full and seeks permission for the erection of a bin store to serve the adjoining flats at Burton's Court, Horsham. The bin store would be located in Park Place and would be sited next to the Piries Place Car Park.
- 1.2 The bin store is proposed to be brick built (Ibstock Ivanhoe Cream bricks to match Piries Place Car park), with 2.5m high walls. No roof is proposed. Landscaping is proposed in the vicinity of the bin store, to include the provision of box level planters (relocated from the existing car park planters), and a new tree surrounded by a resin bound porous surface.
- 1.3 The store would be segregated internally to provide 2 separate bin storage areas, each with the capacity to accommodate 6no. 1100l bins (12no. bins in total). Each section of the store would be accessed by double access gates which would be lockable, and wash-down gulleys would be provided within the stores. Residents of Burtons Court would be able to access the store utilising a push button access system with a code known only to residents. Collection from each of the 2 bin stores would be by Horsham District Council on an

alternate weekly basis. The bin store would be managed by Southern Housing who manage the flats.

## DESCRIPTION OF THE SITE

- 1.4 The site is located within Horsham town centre and is directly adjacent to the Piries Place Car Park which was rebuilt in 2019. The bin stores are proposed to serve the adjoining 33no. flats (Burton's Court, owned and managed by Southern Housing). The site is on land owned by WSCC Highways and is located around 18m from the edge of the Horsham Conservation Area. The site is close to a number of shops and other services along Park Place, as well as residential flats above the shops (including nos. 1-7 Parkway House).

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework (NPPF, 2021)**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 24 - Strategic Policy: Environmental Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

#### **Supplementary Planning Guidance**

Horsham Town Plan SPD (2007)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

#### **Planning Advice Notes:**

Facilitating Appropriate Development (FAD, 2022)

Biodiversity and Green Infrastructure (2022)

- 2.4 RELEVANT NEIGHBOURHOOD PLAN

#### **Horsham Blueprint Neighbourhood Plan (December 2022)**

Policy HB1: Location of Development

Policy HB3: Character of Development

Policy HB4: Design of Development

Policy HB6: Retaining and Enhancing the Vitality and Viability of Horsham Town Centre

Policy HB7: A Welcoming Public Realm

Policy HB10: Green and Blue Infrastructure and Delivering Biodiversity Net Gain

Policy HB12: Encouraging Sustainable Movement

2.5	<b>PLANNING HISTORY AND RELEVANT APPLICATIONS</b>	
DC/17/2511	Demolition of existing car park deck and replacement with new Ground floor + 4 deck (G+4) public car park incorporating new lighting, electrical services and new public conveniences. Parking spaces totalling 517no. including Accessible Bays, Parent and Child Bays and Electric Vehicle charging bays. (Regulation 3 Application)	Application Permitted on 07.02.2018
DC/20/0656	Erection of enclosed bin stores and associated soft landscaping for Burtons Court	Withdrawn on 27.04.2020
DC/20/1226	Erection of enclosed bin stores and associated soft landscaping for Burtons Court	Application Permitted on 04.12.2020

### 3. OUTCOME OF CONSULTATIONS

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

3.1 **HDC Landscape Architect:** No Objection

3.2 **HDC Conservation:** No Objection

3.3 **HDC Environmental Health:** No Objection (subject to conditions)

3.4 **HDC Waste Collections:** Comment

[Summary]: We would ask for a roof to be put on the bin store to prevent waste being thrown over the top and fly tipping. The developer will be responsible for purchasing 12 x 1100lt bins to replace the existing bins which are damaged. Lighting to be provided in each bin store.

3.5 **Archaeology Consultant:** No Objection

3.6 **WSCC Highways:** No Objection

The land subject of this application is within publicly maintained highway. This road is low trafficked, and subject to a 30-mph speed limit. the proposed will not reduce the width of the existing Footway arrangements. The road must be 'Stopped Up' and have its highway rights extinguished. An informative note is recommended to advise the applicant to contact the DFT Nation Transport Casework Team to commence the 'Stopping Up' process. In summary, no highway safety or capacity concerns have been identified.

3.7 **WSCC Fire and Rescue Team:** Comment

[Summary]: There is a fire hydrant located exactly where the bin store is intended to be positioned. The fire hydrant will need to be available to operational fire crews 24/7 with no obstructions when needing to operate the hydrant. If the fire hydrant needs to be moved, this will need to be consulted on and agreed with Southern Water at the developer / owner's expense.

3.8 **Denne Neighbourhood Council:** No Objection

[Summary of Final Comments following amended plan]: The response from the HDC Assistant Landscape Officer addresses the concerns that Horsham Denne NC had regarding the area between the two access points to the bin store, and the planters, we therefore have no objection to this amended application.

[Summary of Initial Comments]: The proposed location is not ideal, but as a secure store is essential it is considered acceptable, and the proposed design and materials are an improvement. We have the following queries and comments. Hold objection raised until answers to the following are provided:

1. The site is WSCC Highway's land - confirm if permission from WSCC is required.
2. Consider a direct path between both bin areas.
3. Reconsider existing planters - planting will not survive behind the bin store wall.
4. Consider rainwater inside the bin store - have the surface levels been checked.

### 3.9 PUBLIC CONSULTATIONS

3no. letters have been received in connection with the proposal. 1no. letter welcomed the provision of a purpose-built bin store noting it would be an improvement on the existing situation; but highlighted some concerns and suggestions for improvement (relating to drainage, security and landscaping). 2no. of the letters object to the proposal, citing the following reasons (summarised):

- A better site for the bins would be in the car park itself. There is a lack of evidence that the reasons for not locating bins within the car park are valid
- The proposed store is costly (£100k), compared to converting spaces in the car park
- The proposal is an afterthought, looks tatty
- The store is proposed in Park Place which is land owned by WSCC. No indication that WSCC are willing to release the land or the cost of purchasing it
- The land is a designated highway, so will alter vehicle access
- The size of the structure will take up free road space
- No drainage details provided to explain how rainwater will drain away
- Existing surface gulley would be blocked
- No water supply so cannot be cleaned properly
- No roof so rainwater will collect inside, and rubbish can be thrown over the walls
- A path is needed between the two doors to protect the landscaping.

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

5.1 It is acknowledged that the bin store is located in a prominent town-centre location, whereby some anti-social activities (such as fly tipping or rough sleeping) is possible. An assessment of this is made in full in the report below, but subject to the inclusion of necessary security measures such as lockable gates, it is not considered that the development would be likely to have any significant impact on crime and disorder.

## 6. PLANNING ASSESSMENTS

### Principle of Development

- 6.1 The proposal is for a dedicated bin store to serve residents of the flats in Burton's Court (owned and managed by Southern Housing). The structure would be located in the town-centre, well within the built-up area boundary of Horsham. The proposal seeks to improve the social and environmental conditions for residents of Burton's Court, and the general public alike, and is therefore considered to accord with the overarching aims of the National Planning Policy Framework (NPPF) and Policy 1 of the Horsham District Planning Framework (HDPF) to achieve sustainable development. As such, the principle of development in this location is acceptable, and a presumption in favour of this development is applied as the starting point. The overall acceptability of the proposal will depend on the assessment of all other material matters, and whether any harm identified would be outweighed by the benefits in the planning balance.

### Need

- 6.2 The need for a dedicated bin store to serve residents of Burton's Court has been evident since the re-development of Piries Place Car Park in 2018/19. Previously to the erection of the new car park, the Burton's Court bins were located on the ground floor of the old car park. When the car park was re-developed the design did not include re-provision for the Burton's Court bins. The bins have since been located in an informal manner in the alleyway between Park Place and Park Way, and at the northern end of Park Place, partially screened by temporary metal hoardings. The current situation is not secure and is unsightly. As such, it is judged that the need for a permanent solution is required. A proposal for a new bin store located in the gap between the two Burton's Court blocks (facing Park Way) was approved by the Council under DC/20/1226. This store only had the capacity for half the bins needed to serve the flats (6no. 1100l bins) but was approved nevertheless in order to remove unsightly bins from Park Place. It is understood that this option cannot now be pursued due to cost. As such, a revised solution is needed.

### Location

- 6.3 The applicant's Planning Statement explains that whilst a bin store was previously located within the ground floor level of the old car park, the management of this arrangement was problematic because it was often used for rough sleeping, and the store suffered from fires. In addition, rubbish often overflowed to the adjacent street, and it was difficult to access for regular cleaning.
- 6.4 It is understood that location options have been explored at length by the applicant, including discussions with the Council's Head of Place, and Members. A previous proposal in 2020 for two separate bin stores (one located in the 'gap' between the two Burtons Court blocks, and another in Park Place) was discounted, and the associated planning application DC/20/0656 was subsequently withdrawn. A subsequent proposal for a single bin store in the gap facing Park Way was approved under DC/20/1226, but as above, it is understood that this option cannot now be pursued. This option only provided space for 6no. bins, which fell short of the required number of bins needed for the flats.
- 6.5 A proposal for a bin store within the car park has also been discounted in light of the management difficulties experienced in the past (including rough sleeping, antisocial behaviour, fire hazard, and difficulties cleaning). In addition, it is understood that owing to the fire hazard, it is not possible to insure the bins if they were located within the car park.
- 6.6 As such, the applicant is pursuing the current proposal, which places a single purpose-built bin store for 12no. 1100l bins at the far northern end of Park Place, adjacent to the car

park. Officers are of the opinion that this is not an ideal location but given the reasons above, it is accepted that the store cannot be located in the car park itself. Whilst Officers are of the view that a small bin store could still be acceptable in the gap between the two Burtons Court blocks (facing Albion Way), it is also understood that this would only be able to accommodate 6no. bins meaning that another bin store would be required in any case to fulfil the needs of the flats. Given the lack of alternative options, it is therefore accepted that the proposed location for the bin store in Park Place is the best feasible solution.

- 6.7 The consultation response received from the WSCC Fire and Rescue Team highlights that the proposed location of the bin store sits above an existing fire hydrant which would be obscured as a result of the development. As such, the fire hydrant would need to be relocated, and this will need to be consulted on and agreed with by Southern Water and WSCC at the applicant's expense. A condition has been drafted to ensure the fire hydrant in question is been appropriately relocated prior to commencement of development to ensure access to water for firefighting is available at all times.

#### Design and Landscaping

- 6.8 The bin store has been designed to accommodate 12no. 1100l bins (6no. for waste and 6no. for recycling) which is in line with the number of bins required to meet the needs of the 33no. flats. The two bin types would be separated in different sections of the structure to prevent cross contamination. The store is basic in design, with 2.5m high brick walls (with brick to match the exterior of the car park). The 2.5m walls are design to be high enough to discourage rubbish being tossed over the walls and fly tipping. The store has no roof, and this is to avoid the creation of an enclosed store which is said to be more attractive to rough sleepers and vermin. The bins would have lids (as standard) to prevent rubbish getting wet, and to contain odours. The doors to the store would be locked and accessible by a push button access system with a code known only to residents of Burton's Court.
- 6.9 The store has been designed to be as small as it can be. The design is basic, but results in a functional bin store that is accessible to Burton's Court residents. The use of matching bricks will help to blend the building into the car park behind. The location of the bin store would require the removal of an existing tree which was planted when the car park was redeveloped in 2019. The proposed landscaping shows a replacement tree at the front of the bin store building which would help to obscure the bin store to some degree, and would improve the street scene which is welcomed. In addition, existing low-level planters are proposed to be repositioned from the car park boundary to the front of the new bin store.
- 6.10 The Council's Landscape Architect is satisfied with the landscaping proposals, but suggests that details of planting (including numbers, species etc, and maintenance details) are provided by condition before the store is brought into use. It has been suggested that a climbing plant is included in the planter located at the side wall, so it softens the blank façade. This is considered to be a reasonable suggestion, and a planning condition has been drafted to require the submission of detailed planting proposal including the species of tree to be planted.
- 6.11 The site is located outside of, but approximately 18m from the edge of the Horsham Conservation Area which is located along the southern end of Park Place and encompasses East Street and its surrounds. The Council's Heritage Officer notes that whilst the proposal would be located outside of the Conservation Area, it would be viewed within its setting, particularly from the southern half of Park Place. Despite this, the Heritage Officer is of the view that the proposal improves the current situation, and subject to matching brickwork and inclusion of appropriate soft landscaping, no objection is raised on heritage grounds.

#### Amenity / Maintenance

- 6.12 The Council's Environmental Health Officer (EHO) has been consulted with regard to noise and other environmental health impacts. The EHO has confirmed that no objection is raised on amenity grounds, provided that a robust bin store management and maintenance plan is submitted which details how (and by whom) the store will be kept clean, tidy and pest-free. The requirement for such a plan has been drafted as a condition.
- 6.13 The Planning Statement notes that maintenance responsibilities would lie with the owners of Burton's Court (Southern Housing). As above, if the application was permitted, the submission of a detailed bin store management plan would be secured by condition. Provided that the maintenance plan is robust and secures measures that must be taken to keep the store clean, secure, and pest-free; the impact on neighbouring amenity would be lessened to an acceptable level.

#### Highways Impact

- 6.14 The application site (Park Place) is designated Highways Land controlled by West Sussex County Council and is a low-trafficked unclassified road with a 30mph speed limit. As the proposed bin store would result in an obstruction to the Highway, it would need to be formally 'Stopped Up' in order to be exempt from potential future enforcement action which could be made under the Highways Act 1980. The Stopping-Up process is a separate legal process independent from the planning stage, and the grant of planning permission does not prejudice the outcome of the Stopping-Up application (and visa-versa). It is understood that WSCC are not likely to object to the Stopping-Up process subject to diversion of the utility service cover located nearby. The utility service cover would need to be relocated on highways land so that it can be accessed at all times, and details of this must be agreed with WSCC Highways prior to commencing the Stopping-Up process. An informative note has been drafted to advise the applicant to contact the DFT Nation Transport Casework Team to commence the 'Stopping Up' process.

#### Drainage

- 6.15 The bin store is proposed with no roof, so rainwater would fall within the store. In order for this water to drain away (as well as any water used to wash the stores), wash-down gully's within each section of the bin store are indicated on submitted plan P04. These gulleys would connect to the existing system of pavement gulleys on Park Place and would direct surface water to the existing drainage network. The Council's Drainage Engineer has no concerns with the proposed gulleys and has raised no objection to the proposal.

#### Water Neutrality

- 6.16 The bin store would not result in additional mains water consumption therefore it will not result in a significant effect on water supplies to the Arun Valley sites, so no mitigation is required. The development has therefore been screened-out of the need to proceed to stage 2 Appropriate Assessment as it will not result in an adverse impact on protected species or their habitats.

#### Conclusion

- 6.17 It is acknowledged by Officers that a solution to the existing bin storage problem on Park Place is required, and it is accepted that the proposed bin store will provide a functional and permanent structure that will address the current informal and unsightly situation. It is considered that use of matching bricks as well as appropriate landscaping proposals will help to soften the appearance of the store, and over time will help it to blend into the wider street scene.
- 6.18 The concerns raised in the 2no. letters of objection received from members of the public are noted and the matters raised have been addressed in this report. It is noted that Denne

Neighbourhood Council does not object to the proposal. In summary, Officers are of the view that the proposed bin store will provide a purpose-built, enclosed, lockable and easily accessible location for communal bins for the residents of Burton's Court, which would result in the removal of the poorly located and unsightly bins currently placed in Park Place, and this benefit weighs in great favour of the proposal. It is accepted that the proposed location is the only practical option for a bin store to serve the residents of Burton's Court, and as such, the application is recommended by Officers for approval.

## 7. RECOMMENDATIONS

7.1 To grant planning permission, subject to the conditions listed below.

### Conditions:

#### 1. Plans list

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

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

3. **Pre-Commencement Condition:** No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority detailing the relocation of the existing fire hydrant located within the site boundary to an appropriate location in consultation with West Sussex County Council Fire and Rescue Service.

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

4. **Pre-Occupation Condition:** Prior to the first use 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 proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of the ongoing maintenance of the planting
- Details of all hard surfacing materials and finishes

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 or retained 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).*

5. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, a Bin Store Management Plan shall have been submitted to and



approved in writing by the Local Planning Authority. The Bin Store Management Plan shall include details regarding the ongoing management and maintenance of the bin store, including a regular cleaning/repair schedule and details of the responsible party, and all operation of the bin store shall thereafter take place in accordance with the approved Plan.

*Reason: To enable the Local Planning Authority to control the ongoing quality of the development in the interests of neighbouring and visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

6. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, details of any internal lighting within the bin store shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the internal lights, and means by which the lights are illuminated (sensory or manual switch).

*Reason: To safeguard the amenities of the site and surrounds in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).*

7. **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the submitted Proposed Bin Store Plan [drawing number: 21B14-HNW-01-ZZ-DR-A-2200 P05 ] unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development commencing.

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

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

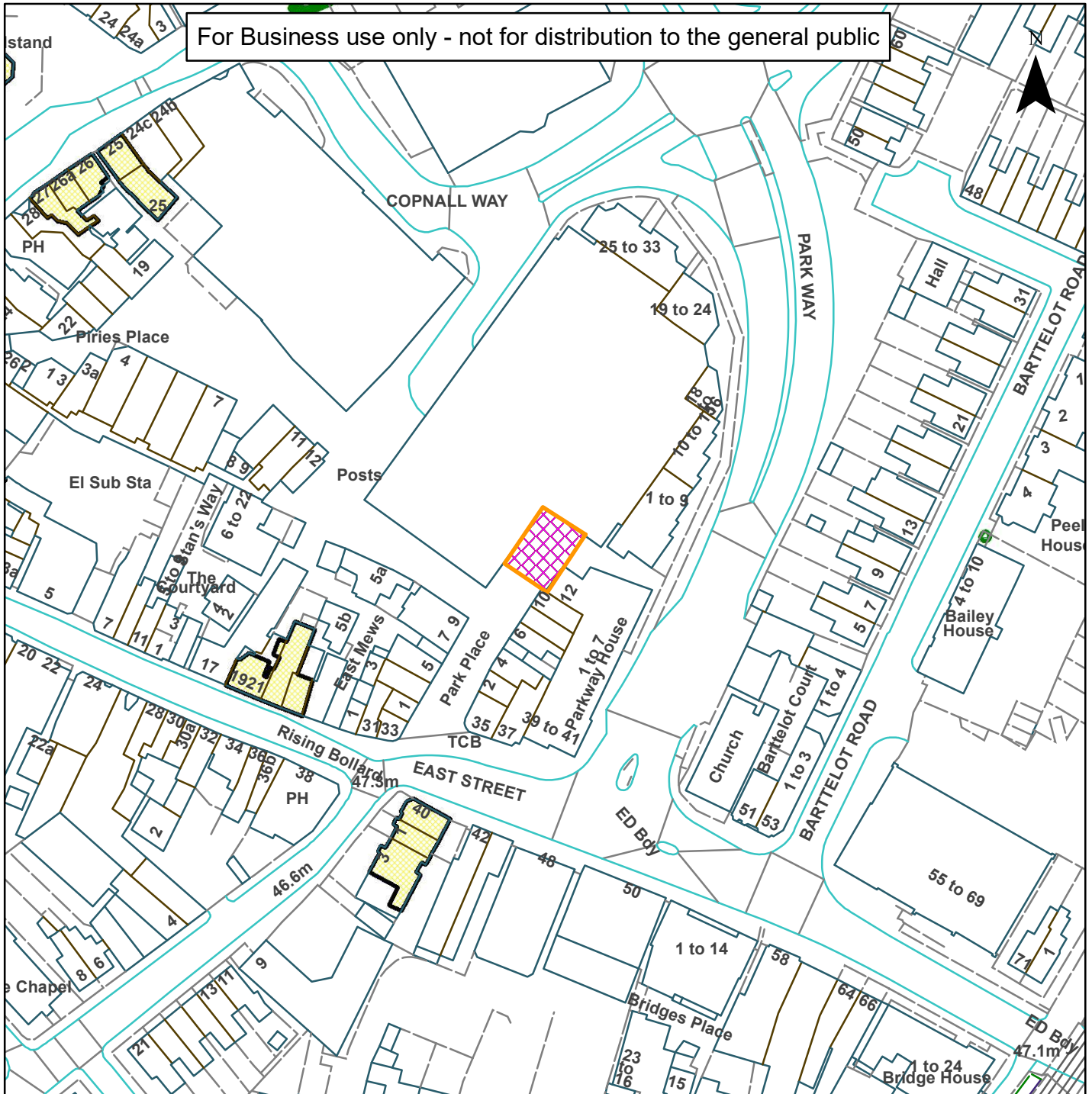
*Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

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Organisation	Horsham District Council
Department	
Comments	
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