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Development Management (North) Committee

Tuesday, 1st November, 2016 at 6.00 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:	Liz Kitchen (Chairman)	
	Karen Burgess (Vice-Chairman)	
	John Bailey	Tony Hogben
	Andrew Baldwin	Adrian Lee
	Toni Bradnum	Christian Mitchell
	Alan Britten	Josh Murphy
	Peter Burgess	Godfrey Newman
	John Chidlow	Connor Relleen
	Roy Cornell	Stuart Ritchie
	Christine Costin	David Skipp
	Leonard Crosbie	Simon Torn
	Jonathan Dancer	Claire Vickers
	Matthew French	Tricia Youtan

You are summoned to the meeting to transact the following business

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	3 - 12
To approve as correct the minutes of the meeting held on 4 th October 2016	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	
To consider the following reports of the Development Manager and to take such action thereon as may be necessary:	
5. Appeals	13 - 14
Applications for determination by Committee:	

- | | | |
|-----|---|----------|
| 6. | DC/16/1329 - Land North of Old Guildford Road, Broadbridge Heath (Ward: Broadbridge Heath) Applicant: Mr Tod | 15 - 36 |
| 7. | DC/16/1844 - Broadbridge Heath Sports Centre, Wickhurst Lane, Broadbridge Heath (Ward: Broadbridge Heath) Applicant: Horsham District Council | 37 - 56 |
| 8. | DISC/16/0110 - 1 Hayes Lane, Slinfold (Ward: Itchingfield, Slinfold & Warnham) Applicant: Mr James Harris | 57 - 68 |
| 9. | DC/16/1939 - Camping World, Hornbrook Park, Brighton Road, Horsham (Ward: Forest) Applicant: Mr Richard Bradley | 69 - 80 |
| 10. | DC/16/1016 - Park North and North Point, North Street, Horsham (Ward: Horsham Park) Applicant: North Street Horsham Development LLP | 81 - 98 |
| 11. | TPO/1490 - Land at Warnham Village Hall, Hollands Way, Warnham (Ward: Itchingfield, Slinfold & Warnham) | 99 - 104 |
| 12. | 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 Item 2

Development Management (North) Committee 4 OCTOBER 2016

Present: Councillors: Liz Kitchen (Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, Roy Cornell, Christine Costin, Leonard Crosbie, Jonathan Dancer, Matthew French, Tony Hogben, Adrian Lee, Christian Mitchell, Josh Murphy, Godfrey Newman, Brian O'Connell, David Skipp, Claire Vickers and Tricia Youtan

Apologies: Councillors: John Chidlow, Connor Relleen, Stuart Ritchie and Simon Torn

Also Present:

DMN/43 APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

That Councillor Karen Burgess be appointed Vice-Chairman of the Committee for the rest of the Council year.

DMN/44 MINUTES

The minutes of the meeting of the Committee held on 6th September were approved as a correct record and will be signed by the chairman at a future meeting.

DMN/45 DECLARATIONS OF MEMBERS' INTERESTS

Member	Item	Nature of Interest
Councillor Roy Cornell	DC/16/1944	Personal and Prejudicial – he is the Cabinet Member for Waste, Recycling and Cleansing

DMN/46 ANNOUNCEMENTS

There were no announcements.

DMN/47 APPEALS

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

DMN/48 **DC/16/1073 - LAND NORTH OF OLD GUILDFORD ROAD, BROADBRIDGE HEATH (WARD: BROADBRIDGE HEATH)**

The Development Manager reported that this reserved matters application for the residential element of outline planning permission DC/13/2408 sought permission for 165 dwellings, including 66 affordable units, and access. The application included: parking; landscaping; open spaces within the scheme and around the edge of the development; allotments; and attenuation basins. Permission DC/13/2408 also included a 60-bedroom care home, which would be determined through a separate reserved matters application.

The proposed housing mix comprised: 13 1-bedroom flats; three 2-bedroom flats; four 2-bedroom bungalows; 26 2-bedroom houses; 11 3-bedroom bungalows; 58 3-bedroom houses, 37 4-bedroom houses; and 13 5-bedroom houses. There would be two blocks of flats and the dwellings would be of traditional design.

The application site was outside but adjacent to the built-up area of Broadbridge Heath and comprised two fields, through which ran a public footpath beside a line of hedgerow and trees. The footpath continued along the northern boundary. A listed building, Swan Ken, was 70 metres from the north-west corner, and another listed building, Mulberry Place, lay 165 metres to the east.

It was noted by the Committee that condition 7 had been amended to read: No development shall take place until details of screen walls and/or fences including those protecting the landscape buffers have been submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected. Thereafter the screen walls and/or fences shall be retained as approved and maintained in accordance with the approved details.

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

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. It was noted that the scheme had been amended to address concerns that had been raised by the Arboricultural Officer. Since publication of the report concerns regarding parking layout, that had been raised by the Highways Authority, had been addressed.

Broadbridge Heath Parish Council objected to the application. The neighbouring Warnham Parish Council had raised no objection. Whilst fourteen letters of objection had been received during three consultation periods, it was noted that amendments made to the scheme had overcome a number of concerns raised by objectors. One member of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the design and character of the streetscene and its impact on the character of the surrounding area; trees and landscaping; highways; the amenity of existing and future occupiers; heritage assets; open space; affordable housing provision; ecology; and drainage.

RESOLVED

- (i) That a legal agreement, in the form of a Deed of Variation, be entered into to amend the legal agreement attached to DC/13/2408. That the completion of the legal agreement be delegated to the Development Manager.
- (ii) That Subject to amendments to the parking layout, the conditions set out in the officer report (with amended condition 7) and completion of (i), planning application DC/16/1073 be approved.

DMN/49 **S106/16/0009 - LAND WEST OF WORTHING ROAD, SOUTHWATER**
(WARD: SOUTHWATER) APPLICANT: MRS OLIVIA FORSYTH

The Development Manager reported that this application sought permission to modify the legal agreement attached to DC/14/0590, which had granted outline permission for 540 dwellings and 54 retirement flats with parking and landscaping.

There were a number of modifications proposed, as set out in the report, including: removal of the requirement to carry out improvement works to Pollards Hill; amendment to the definition of 'Application' to include all reserved matters; a reduction in the number of affordable housing units with age-occupancy restrictions; amendments to the trigger points for supplying specifications for a number of facilities including the sports area and pavilion, pitches, skate park, play areas and some parking areas; and amendments to trigger points for delivery of bus shelters.

The application site was located outside but adjacent to the built-up area boundary of Southwater to the west of Worthing Road.

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

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council raised no objection to the application. No further letters of representation had been received.

Members considered the officer's planning assessment and the impact that the proposed amendments would have on the approved scheme.

RESOLVED

That a legal agreement, in the form of a Deed of Variation, be entered into to amend legal agreement S106/16/0009 attached to DC/14/0590.

The amendments to include:

- Removal of requirement to carry out A24 Pollards Hill Junction Improvement Works
- Inclusion of clauses to allow the provisions of the Legal Agreement to apply to subsequent S73 applications for the variation of conditions, at the discretion of the Council
- Amendment to 'Plan 2' showing the A24 Hop Oast Junction Improvement Works
- Amendment to the trigger points for approval of Specifications for the Sports Area, Sports Club Car Park, Sports Pavilion, Cricket Pitch, Football Pitch, Tennis Courts, Multi-Use Games Area (MUGA), Skateboard/BMX park, NEAP, First LEAP, Church Car Park and Bus Shelters
- Amendment to the trigger points for delivery of the Bus Shelters.

DMN/50 **S106/16/0007 - MARTIN GRANT HOMES DEVELOPMENT SITE, RUSPER ROAD, IFIELD (WARD: RUSPER & COLGATE) APPLICANT: MATTHEW SPILSBURY**

The Development Manager reported that this application sought permission to modify the legal agreement attached to DC/13/0368, which had granted permission for 36 dwellings and access. The modification would reduce the level of affordable housing to 25% (nine shared-ownership units) and remove the requirement for a commuted sum of £180,000 towards off-site provision of affordable housing. The legal agreement currently required nine 2-bedroom affordable rented flats and two 3-bedroom shared ownership houses.

A viability assessment had been undertaken to support the proposed reduction in affordable housing provision.

The application site was located in Ifield, south of Rusper Road on the boundary of Horsham and Crawley. Ifield Golf & Country Club lay to the west, and there was residential development directly to the south of the site. The site had been cleared but development of the site had not commenced.

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

The response from the Council's Housing Manager, and the review of the applicant's viability assessment, as contained within the report, were considered by the Committee.

The applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issue for consideration in determining the proposal was whether the reduction in affordable housing provision was acceptable, taking into account the reasons why the development had stalled and the viability rationale supporting the proposed variation.

RESOLVED

That a legal agreement, in the form of a Deed of Variation, be entered into to amend the legal agreement attached to DC/13/0368 with regard to affordable housing provision, to allow for:

- Reduction of the provision of on-site affordable housing to 25% of the total units, which equates to 9x 2-bed flats of Shared Ownership tenure.
- Removal of the requirement to provide a financial contribution of £180,000 (index linked) towards off-site affordable housing.
- Insertions of a review mechanism to require a financial contribution towards affordable housing should the scheme accrue additional value above that set out in the viability report.

DMN/51 **DC/16/1944 - HOP OAST DEPOT, WORTHING ROAD, HORSHAM (WARD: SOUTHWATER) APPLICANT: HORSHAM DISTRICT COUNCIL**

(Councillor Roy Cornell declared a personal and prejudicial interest in this application as he was the Cabinet Member for Waste, Recycling and Cleansing. He withdrew from the meeting and took no part in the determination of the application.)

The Development Manager reported that planning permission had been granted by the DMC (North) on 10 May 2016 for a replacement workshop building and adjoining single-storey office.

This application sought a minor material amendment to this permission to revise the finished floor level. The proposed drainage design had increased the height of the floor levels in relation to the nearby datum point. Due to the change in the finished floor level, the main access would be altered to include a ramp and stairs.

The application site was located at the interception of the A24 and B2227 Hop Oast Roundabout. There were no residential properties within the immediate vicinity of the application site.

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

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council objected to the application.

Members considered the officer's planning assessment and the impact that the proposed amendments would have on the approved scheme.

RESOLVED

That Planning application DC/16/1944 be granted subject to the conditions as set out within the officer's report.

DMN/52 **DC/16/1213 - HOME FARM COTTAGE, DENNE PARK, HORSHAM (WARD: SOUTHWATER) APPLICANT: MRS DIANA MCKNIGHT**

The Development Manager reported that this application sought outline permission for the construction of a detached two storey 3-bedroom dwelling to the south of Home Farm Cottage. The applicant had indicated a maximum height of 6.2 metres, with solar panels on its flat roof. There would be a three bay car port to the east. The building would be sustainably designed to 'Passive House Plus' standards.

The application site was located outside the built-up area to the east of Worthing Road and was accessed from private track shared by Horsham Gold and Fitness Club. There was a public footpath east of the site and the Park & Ride facility was on the opposite side of Worthing Road.

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

The Parish Council had not commented on the proposal. There had been no letters of representation received. The two Local Members for Southwater objected to the proposal on the basis that it was contrary to housing and countryside policies. The applicant and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were the principle of development and its impact on the character and appearance of the surrounding area.

RESOLVED

That planning application DC/16/1213 be refused for the following reasons:

- 01 The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to Policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
- 01 The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would result in the consolidation of sporadic development within the countryside which would be detrimental to the visual amenities of the surrounding area and would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.

DMN/53 **DC/16/1531 - HORSHAM DISTRICT COUNCIL CHANGING ROOMS, BENNETTS FIELD, BRIGHTON ROAD, HORSHAM (WARD: HORSHAM PARK) APPLICANT: HORSHAM DISTRICT COUNCIL**

The Development Manager reported that this application sought consent for the refurbishment of the existing changing rooms to create two hipped roofs, with solar panels, with alterations to existing door openings throughout the building.

The application site consisted of a detached single storey flat-roofed building to the south of Bennett's field, a recreation ground within the built-up area of Horsham.

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

RESOLVED

That planning application DC/16/1531 be granted subject to the conditions as listed within the officer's report.

DMN/54 **DC/09/2101 - LAND SOUTH OF BROADBRIDGE HEATH, OLD WICKHURST LANE, BROADBRIDGE HEATH (WARD: BROADBRIDGE**

HEATH) APPLICANT: COUNTRYSIDE PROPERTIES

The Head of Community & Culture reported that this application sought permission to vary the legal agreement attached to planning permission DC/09/2101 for the erection of 963 dwellings and community facilities on land south of Broadbridge Heath, Old Wickhurst Lane.

The variation would amend a number of clauses in the legal agreement in order to speed up delivery of the sports pitches and outdoor sports facilities to the south of Broadbridge Heath Leisure Centre. There had been changes to the outline plans, and in order to facilitate the delivery of the outdoor facilities these changes had to be reflected in the legal agreement.

The variation would also enable the delivery of an appropriate pavilion, larger and more costly than originally intended, in time for the 2017/18 football season. In order to do this the two MUGA pitches would be provided by the Council rather than Countryside Properties.

Members were verbally advised:

- That an amendment had been proposed to the officers report in respect of amendments also sought to the original S106 Agreement in respect of Public Art provision.
- The original Agreement required details of public art to be provided at each reserved matters application ie for each phase of the development, however this was not done and Countryside have submitted details now.
- If details had been submitted at reserved matters stage it would have gone out to public consultation. There are no more reserved matters applications to be made and in order that the Council can deal with the public art submission the wording of the agreement needs to be modified. The agreement still requires that the public art specification includes details of consultations with the District Council, local community groups and individuals and other parties.

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

The response from the Head of Community & Culture, as contained within the report, was considered by the Committee.

The Parish Council, which had been party to conversations regarding the rationale for the variation, raised no objection to the application.

Members considered the officer's planning assessment which indicated that the key issue for consideration in determining the proposal was the impact of the proposed variation on the delivery of the sports pitches and outdoor sports facilities. Members were advised that the proposal would ensure best value and the long term sustainability of the new sports ground.

RESOLVED

That a legal agreement, in the form of a Deed of Variation, be entered into to amend the legal agreement attached to DC/09/2101 with regard to the delivery of the pavilion, sports pitches and outdoor sports facilities along with further amendments to introduce a new trigger point for the provision of public art.

The meeting closed at 7.25 pm having commenced at 6.00 pm

CHAIRMAN

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Development Management Committee (North)

Date: 1st November 2016



**Horsham
District
Council**

Report by the Development Manager: APPEALS
Report run from 22/9/16 to 19/10/16

1. Appeals Lodged

I have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/16/1662	47 Blakes Farm Road Southwater Horsham West Sussex RH13 9GH	5 th October 2016	Permit	
DC/15/1944	Landfall Farm Emms Lane Barns Green Horsham West Sussex RH13 0QG	6 th October 2016	Split	
DC/16/0827	Land To The Rear of 76 - 78 Rusper Road Horsham West Sussex	17 th October 2016	Refuse	
DC/16/1186	73 Eversfield Road Horsham West Sussex RH13 5JS	17 th October 2016	Refuse	

2. Live Appeals

I have received notice from the Department of Communities and Local Government that the following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/16/0978	26 Patchings Horsham West Sussex RH13 5HL	Fast Track	26 th September 2016	Refuse	

3. Appeal Decisions

I have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/15/2624	13 - 15 Queen Street Horsham West Sussex RH13 5AA	Written Reps	Dismissed	Refuse	
DC/15/2460	Butlers Cottage Tower Hill Horsham West Sussex RH13 0AQ	Written Reps	Dismissed	Refuse	
DC/15/2682	Agricultural Barn North of Windover Waterlands Lane Rowhook West Sussex	Written Reps	Allowed	Refuse Prior Approval	



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 1 November 2016

DEVELOPMENT: Redevelopment to provide 70 bed residential care home (Use Class C2), 8 extra care apartments (Use Class C2) and 3 extra care bungalows (Use Class C2), proposed access road, parking, landscaping and other associated works

SITE: Land North of Old Guildford Road Broadbridge Heath West Sussex

WARD: Broadbridge Heath

APPLICATION: DC/16/1329

APPLICANT: Mr Tod

REASON FOR INCLUSION ON THE AGENDA: The development represents a departure from the Development Plan

RECOMMENDATION: To delegate authority to the Development Manager to grant planning permission subject to the completion of a relevant S106 agreement and conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The principle of a care home on this site was established by an earlier outline application (DC/13/2408) which was granted on appeal and established the principle of a 60 bed care home with associated detached staff accommodation. That outline permission also established the land use of the site, the building heights and the position of the vehicular access for any ensuing reserved matters application. This application is not a reserved matters application pursuant to that outline application, but a full application seeking permission for a different form of development.
- 1.2 The means of access to the site determined as part of the outline application is the same access now proposed.
- 1.3 The application is a full application proposing the following elements:
 - i) Erection of a 2 1/2 storey 'H' shaped block comprising a 70 bed care home. This lies on the rear part of the site, sited so that the two main wings of accommodation run in a north-south direction linked in the middle by the 'community' elements of the home. At ground floor level that includes the main entrance, dining facilities, bistro, hair salon, and ancillary admin uses, at first floor two lounges, cinema, quiet room, activities room and a library. The second floor is

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incorporated into the roof space in the east facing wing and incorporates a kitchen, laundry, staff facilities, plant and storage space. The rooms are between 15 sqms – 19.6 sqms in size and each room includes an en-suite shower room. At ground floor level each room has direct external access to a small patio. At the front of the building lies the parking for the care home and tucked into one corner of the scheme a bin store and cycle store.

The elevations are very traditional in form with brick, render and tile hung facades and pitched tiled roofs. The front elevations incorporate a clearly identifiable main entrance in the centre of the front elevation, with terrace at first floor above looking out across the site. The height is maintained at a maximum of just under 9m, including the wing which accommodates a second floor. This is the same height as permitted for two storey development on the adjacent site and less than the permitted height for 2 ½ storey development on that site.

The care home is set back well into the site, it would lie 12m at the closest point and 35m at the furthest from the rear boundary, 7.4 – 15.2m from the westernmost flank boundary, - adjacent to the footpath and landscaped strip that runs through the site and 8.5-12m from the edge of the tree screen on the eastern boundary.

- ii) Erection of a 2 ½ storey block of extra care apartments. This block sits side on to Old Guildford Road facing onto the access road into this site. Six x 2-bedroom flats and 2 x 1-bedroom flats are proposed. The elevations are traditional in form, with render, brick and tile hung elevations and a pitched tiled roof. The main entrance faces onto the access road. The building contains a second floor within the roofspace and dormer windows are proposed on the flank and rear elevation to illuminate this accommodation. The building would be just under 9m in height. The block would lie 23 m from the trees at the front of the site and would have parking spaces allocated on either side of the building. Amenity space is allocated at either side of the building.

The apartments would lie between 23 and nearly 49m from the front boundary which lies towards the rear of the tree line along the Old Guildford Road and between 4 – 11.6m from the easternmost tree line. This block sits back 5-14m from the adjacent access road and 35.5m from the front of the care home. These apartments lie broadly in the position shown on the original outline illustrative plan for the staff accommodation.

- iii) Erection of three 1 ½ storey extra care bungalows: these are sited in front of the care home and would be positioned to the west of the entrance road and around one of the planted seating areas lying within the site. The bungalows form one pair of semi-detached 2 bed units lying parallel to the westernmost boundary and a single 2 bed unit lying parallel to the Old Guildford Road. Each unit would benefit from a private garden. The design of the elevations is once again of traditional form with brick elevations and a pitched tiled roof and decorative tile hanging on the flank elevations and the porch.. Dormer windows are proposed in the front facing roofspace to illuminate the first floor bedroom.

The southernmost bungalow lies between 6 – 18m from the southernmost tree line along the highway, whilst the semi-detached bungalows to the north west lie between 4.4-7.8m from the westernmost site boundary. They face onto the access road at a distance of approximately 21-22m and lie 10m from the front of the care home.

Parking for the bungalows lies in a small parking area just inside the site, opposite the extra care apartments.

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- 1.4 The scheme provides a range of care alternatives across the site – from residential care within the care home environment to the additional care provided within the apartments and bungalows. These differing facilities aim to accommodate both fit and frail older residents providing an environment in which older people may live independently and also receive care and support services when required. The site aims to address a range of needs, types of accommodation, opportunities for social interaction and continued independence. The range of facilities sited within the care home would also be available to the residents of the apartments and bungalows.
- 1.5 The existing site is well contained by significant levels of planting along the southern and eastern boundaries. The western and northernmost boundaries will be subject to planting to delineate those boundaries – a significant tree screen along the northern boundary between the proposed care home and the bungalows which form part of the adjoining residential alongside a hedgerow; hedgerow planting along the boundary where the bungalows adjoin the footpath leading along the site from Old Guildford Road and more mature planting and hedgerow along that boundary where adjacent to the care home.
- 1.6 Within the site a mixture of trees, hedgerows and flower gardens are proposed. The only private gardens would form part of the bungalows development – all other units relying on communal amenity space. A network of footpaths is proposed around the site
- 1.7 The development overall provides 40 parking spaces.
- 1.8 The scheme provides parking in four groups around the site:
- 27 spaces for the care home allocated in a group offset towards the eastern boundary in front of the care home
 - 3 spaces for the apartments lying between the apartments and the parking for the care home
 - 5 spaces for the apartments lying directly to the south of the apartment block
 - 5 spaces for the bungalows lying between the entrance and the bungalows themselves to the western side of the access road.

DESCRIPTION OF THE SITE

- 1.9 The site lies adjacent to, but outside the settlement boundary of Broadbridge Heath and comprises a single arable field lying to the north of the Old Guildford Road. Adjacent to the western edge of the site lies an existing tree/hedgerow line which runs in a northerly direction and within which runs a public right of way. This meets another footpath to the north beyond the site boundary which is also an identified public right of way. The site gently slopes downhill towards the northern boundary. The site boundaries provide a good degree of mature planting on the southern and eastern boundary whilst the other two boundaries are open.
- 1.10 Mulberry Place, a grade II listed building, lies some 93 metres plus, to the east of the site behind a significant screen of intervening tree planting.
- 1.11 Broadbridge Heath is identified as a small town/larger village within Policy 3 of the Horsham District Planning Framework. It has a good range of services and facilities together with reasonable public transport access. It continues to undergo substantial levels of development pursuant to previous planning approvals located in and around Old Wickhurst Lane.

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2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

National Planning Policy Framework

- 2.2 Building a strong, competitive economy (Section 1)
Promoting sustainable transport (Section 4)
Delivering a wide choice of high quality homes (Section 6)
Requiring good design (Section 7)
Promoting healthy communities (Section 8)
Meeting the challenge of climate change, flooding and coastal heritage (Section 10)
Conserving and enhancing the natural environment (Section 11)
Conserving and enhancing the historic environment (Section 12)

Technical guidance to the National Planning Policy Framework

Planning Practice Guidance

RELEVANT COUNCIL POLICY

- 2.3 Horsham District Planning Framework

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 Home and Specialist Care)
Policy 24 (Strategic Policy: Environmental Protection)
Policy 25 (Strategic Policy: The Natural Environment and Landscape Character)
Policy 26 (Strategic Policy: Countryside Protection)
Policy 31 (Green Infrastructure and Biodiversity)
Policy 32 (Strategic Policy: The Quality of New Development)
Policy 33 (Development Principles)
Policy 34 (Cultural and Heritage Assets)
Policy 35 (Strategic Policy: Climate Change)
Policy 37 (Sustainable Construction)
Policy 38 (Strategic Policy: Flooding)
Policy 39 (Strategic Policy: Infrastructure Provision)
Policy 40 (Sustainable Transport)
Policy 41 (Parking)
Policy 42 (Strategic Policy: Inclusive Communities)
Policy 43 (Community Facilities, Leisure and Recreation)

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 None

PLANNING HISTORY

DC/13/2408	Outline application for the erection of up to 165 residential dwellings (use class C3) including affordable housing, a 60-bed care home (use class C2) with separate staff	Refused, and Allowed on Appeal
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accommodation, two new vehicular accesses, associated infrastructure, groundworks, open space and landscaping (Outline)
(Development affects the setting of a Listed Building)

DC/16/1073

Reserved Matters application for the residential element of outline planning permission DC/13/2408, comprising 165 residential units, including 66 affordable units, and associated, parking, landscaping and open space

Members resolved to grant permission, subject to legal agreement and outstanding parking layout issues.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Arboricultural Officer:** No objection

The revision of the siting of the 'problem' dwellings close to the trees on the SW corner of the site is much improved. Clearly the garden attendant to the single dwelling will suffer from some shading problems, but not now to an extent that I consider would clearly lead to irresistible post development pressures upon the lime trees explained in my previous reports to you.

Other concerns have previously been attended to satisfactorily.

Accordingly I am now happy to register NO OBJECTION to the proposals, my previous objections being withdrawn.

- 3.3 **Collections Supervisor:** Comment

Possible concern over visibility splays for refuse vehicle access and the following bin provision should be accommodated:

For single dwellings 1 to 5 residents the provision is 1x140L wheeled bin for refuse emptied weekly and for 6 or more residents the entitlement is 1 x 240L wheeled bin. 1x 240L bin for recycling and 1 x 240L (smaller are available by request) garden bin emptied fortnightly alternate weeks.

I see no provision for clinical waste therefore individual residents who require the use of incontinence pads these can only be placed into the general waste if the waste is none hazardous and these should be double bagged.

Dimensions

Bin	Width(mm)	Depth(mm)	Height(mm)
140 litres	480	553	1075
240 litres	585	730	1080
240 litres	585	730	1080

Therefore 70 residents care home will require 9 x 1100 litre refuse bins & 15 x 1100 litre recycling bins.

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Communal bins stores

Bin stores should be constructed so that there is plenty of room to move the bins inside the bin cupboard and for residents to fill the bins without stretching over one bin to get to an empty one.

The door sizes should be of good sized doors allowing plenty of room to get the bins in and out without damaging them.

There should be no steps to pull the bins up or down either in or out of bin stores although low gradient slopes are acceptable. Waste storage areas should have impervious floors and have provisions for washing down bins. Suitable gullies should be incorporated for receiving polluted effluent.

The trade waste bin area will require additional space to collect and return the bins to their bin areas.

Bin	Width (mm)	Depth (mm)	Height (mm)
1100 litres	1275	980	1370

The auto-track swept path analysis for vehicular manoeuvrability meet with Horsham Council refuse strategy.

Officer Comment: Additional details of visibility splays have been submitted and any update in this respect will be reported to Committee.

3.4 **HDC Strategic Planning:** No objection

The site is located to the north of Broadbridge Heath and to the north of the Old Guildford Road. The site is designated as Countryside and as such, the proposal would normally be assessed against Policy 26 of the HDPF.

Policy 18 of the HDPF relates to Retirement and Specialist Care and confirms 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.

It is noted that there is a detailed planning history on this site that includes an outline planning application (DC/13/2408) for the erection of up to 165 residential dwellings (use class C3) including affordable housing, a 60-bed care home (use class C2) with separate staff accommodation, and associated infrastructure/access, which was refused by Horsham District Council in 2014, although this planning application was later allowed on appeal in March 2015. As part of the approved plans of the previous appeal, it is noted that a 60-bed care home was indicatively proposed to be erected in the southeast corner of the application site near to the main proposed vehicular access from the Old Guildford Road. The positioning of the residential care home would not be altered substantially as part of the proposed scheme. It is considered that the principle of the development has already been established and would not be fundamentally altered through this planning application, although the proposed scale and activity of the site would need to be considered further subject to a site visit and detailed analysis by the Case Officer. As this site had permission at the time of adoption of the HDPF it is regarded as a housing site that is already permitted in accordance with Policy 15 (2) so it is part of the strategic housing supply.

It is noted that the building(s) proposed would appear to be larger in terms of footprint than those originally proposed under the approved outline planning application (DC/13/2408).

After a site visit, the Case Officer would be best placed to assess whether the scheme would still accord with policies concerning design and amenity, such as Policies 25, 31, 32 and 33, particularly with regards to the scale, massing and design of the buildings and the general layout of the application site.

3.5 **HDC Strategic Planning Drainage:** Comment

With reference to the above mentioned planning application, I have no further comments or observations to make. Previous applications (DC/13/2408 & DISC/16/0126) for drainage comments which addressed drainage across this and the neighbouring site. The submitted details did not encompass the scheme now proposed and therefore a drainage strategy must be submitted prior to the commencement of any development.

3.6 **HDC Environmental Health: (Summarised):** No objection subject to conditions
No objections to this proposal in principle. However, there are a number of residential properties in close proximity and in order to mitigate any adverse environmental impacts, the applicant will need to exercise suitable controls. I make recommendations for conditions regarding both the construction phase and operational phase of development.

3.7 **HDC Landscape Officer:** Comment

I have reviewed the information for the above application and whilst the level of information provided gives an idea of the landscape strategy proposed, further landscape details are expected as per the HDC validation checklist for full applications and should be provided. These should include full planting and hard landscape details, written hard and soft (NBS) specification landscape and management plan, details of the fencing and seating proposed, proposed and existing levels plan and details on the water features.

With regards the landscape strategy I have the following comments:

- additional 3no trees should be added along the access road to reinforce the 'avenue of trees' feel and improve the amenity of the space. Two no trees located at the entrance lawn and one further within the planting bed above the top eastern car park and to the west of the stairs on the care home eastern wing. These trees (currently shown as T1, Liquidambar styraciflua) should be of 30-35cm girth for immediate effect and to improve the amenity of the space from day 1
- swathes of bulbs should also be added to the open spaces to add interest, particularly along the access road lawns and to the back of the bungalows bin store.
- the planting scheme and design of the 'tranquil seating area' needs to be revised and enhanced as at the moment the space has very little to offer of interest. The design could explore the use of grasses to create 'rooms' within the space rather than the central seating arrangement, add texture and colour through planting to create a space where the user wants to sit in and reflect.
- the cluster of parking create a very urbanising feel to the development, particularly the top eastern car park. The introduction of trees within the parking spaces should be explored to soften the space
- the intended surfacing material for the access footpaths is not clear from the key

OUTSIDE AGENCIES

3.8 **WSCC Highways: (Summarised)** No objection subject to conditions

The same means of vehicular access for the current application is proposed as was approved for the outline scheme. Whilst the current application seeks a greater quantum of development, the previously approved access arrangement (namely a 6 metre radii bellmouth junction with 5.5 metre carriageway width) is considered appropriate to serve that now proposed.

It is apparent that the Stopping sight distances can be achieved within the existing limits of the public highway. Visibility splays of 2.4 by 51 metres to the east and 49 metres to the west should be secured via condition.

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In terms of vehicle movements, 60 rooms are already permitted. Traffic generation during the network peak hours from the proposed care home is very low amounting to 12 two way movements in the AM network peak hour and 21 movements in the PM network peak. On this basis, it's accepted that the development would give rise to an increase in vehicle trips on the local highway network, however these would disperse quickly.

Other matters such as accessibility by sustainable modes remain unchanged from the development already permitted. Car parking has been considered against the WSCC Parking Standards. The number of spaces exceeds that which would typically be required for a development of this size and nature. The internal road measures 5.5 metres, as such this could accommodate some overflow parking if the need arises.

The National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. On the basis of the development that has permission, and viewed against the information presented, the Local Highway Authority are content that no severe impacts would result

If minded to approve this application, conditions relating to visibility splays, vehicle parking and turning and construction management plan are suggested.

3.9 **WSCC Strategic Planning:**

The following contributions are required:

Libraries: £2,955

Fire & rescue £1,080

Total Access Demand £18,960: An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

3.10 **WSCC Flood Risk Management: (Summarised)** No objection subject to conditions

The majority of the proposed site is at low risk from surface water flooding or ground water flooding.

There is no FRA/Drainage Strategy included with this application. The application form states that the site will be drained using 'pond/lake' and 'main sewer'. We would expect an FRA/Drainage Strategy to be included with this application to clearly show how the run off from the development will be restricted to pre-development Greenfield run-off rates and meet the requirements of the NPPF, PPG and associated guidance documents.

SuD's seek to mimic natural drainage systems and retain water on or near to the site, when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible.

SuD's offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. The range of SuD's techniques available means that a SuD's approach in some form will be applicable to almost any development. Recommends conditions

3.11 **Ecology:** Objection

We have reviewed the information available on the Planning Portal, in particular the Phase 1 Habitat Survey Report by Ecoconsult, dated May 2016.

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Roosting bats:

This report confirms that the tree line to the south of the site has potential to support roosting bats, but states that these trees are being retained. However, the arboricultural information suggests that trees T9 and T10 are scheduled for removal. Further information is required to confirm whether these trees will be removed (to allow access to the site), and, if so, whether they have potential to support roosting bats. If they do, additional surveys will be required in accordance with BCT guidelines (2016) to confirm the presence or likely absence of roosting bats, and to inform any mitigation or licensing requirements.

The current level of ecological information submitted remains insufficient to allow an adequate assessment of ecological impacts upon protected species against relevant planning policies. Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before the planning permission is granted.

Should the LPA be minded to approve the application, conditions are suggested relating to reptile mitigation and a lighting strategy.

3.12 **Southern Water:** No objection subject to condition

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water system and as a result increase the risk of flooding in and around the existing area, contrary to para 109 of the NPPF.

Should the Local Authority be minded to approve the application conditions are suggested.

PUBLIC CONSULTATIONS

3.13 **Broadbridge Heath Parish Council:** Objection

- this is a significant increase in the size of the development compared to the outline approval – an increase of 56% bed space
- the proposed buildings have a larger footprint than the outline approval indicated
- the main building and apartments are overbearing – particularly to near neighbours
- as a consequence of this overdevelopment, the car park plan is not suitable. There is insufficient parking
- there is concern for safety: there should be double yellow lines at the entrance to the development.

3.14 Two letters of objection have been received, which include the following points:

- inappropriate location for a care home...
- loss of trees
- loss of wildlife habitat
- adverse impact on setting of a listed building
- lack of parking
- adverse impact on neighbouring amenity through overshadowing
- lack of infrastructure such as schools
- three storey development is too high
- adverse highways impact

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The principle of a 60 bed care home on this site has been established by outline planning permission reference DC/13/2408. The main planning issues therefore are: density; design/impact upon character of the streetscene; impact upon the adjacent highway network; impact upon neighbours amenities; trees and landscaping; impact upon nearby heritage assets; ecology, drainage and infrastructure.

Density:

- 6.2 The NPPF does not provide guidance on specific densities that should be achieved. Rather this makes reference to recognising the different roles and character of different areas and seeks as a general point to make the best use of land.

- 6.3 Concern has been expressed by the Parish Council that the current scheme represents overdevelopment of the site particularly since it represents a much higher level of development than had previously been approved on appeal. The point has been made that this provides for an additional 56% increase in room space compared with the outline approval. This scheme provides for an additional 10 rooms in the care home and 11 bungalows/flats within the wider scheme. This represents an increase of an additional 21 units so a 35% increase in the number of units available compared to the indicative original scheme.

- 6.4 For conventional residential schemes a density calculation merely gives a comparison in respect of the surrounding area of the level of development. It is however only a numerical comparison and a high density will only equate to an overdevelopment if the scheme gives rise to problems or conflicts with policies or the character of an area as a result of the proposed density: the number itself is only ever an indication, not the problem. In this case it would not be usual to characterise such development by a count of individual rooms. In order to conclude on whether the amount of development proposed is acceptable, a detailed assessment is required of the design and appearance of the development, and whether the proposal complies with the development framework, in particular whether it integrates satisfactorily with the existing character of the area. This is discussed below.

Design/Impact upon Character of Surrounding Area:

- 6.5 The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and should contribute positively to making places better for people.

- 6.6 This is interpreted at a local level by Policies 32 and 33 of the Horsham District Planning Framework (HDPF). Policy 32 seeks to ensure high quality inclusive design for all developments providing an attractive, functional, accessible, safe and adaptable environment. New development should complement locally distinctive character and contribute to a sense of place both in the buildings and spaces and the way they integrate

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with their surroundings. Policy 33 seeks to ensure that the scale, massing and appearance of development is of a high standard of design and layout and relates sympathetically to the built surroundings.

- 6.7 The surrounding area to this site has a range of property types and designs, so there is no particular style that this site needs to complement. The unifying character is that the surrounding area takes a generally traditional approach to design with brick and render facades and pitched tiled roofs. There are a variety of densities and ages of properties in the close locality. This site therefore has no clear character that it needs to reflect or replicate.
- 6.8 Individually the proposed buildings are of an acceptable design and scale to respect that of the adjacent settlement. As detailed above, the height of the buildings is no greater than any on the adjacent proposed housing site, indeed they would be lower than the 2 ½ storey dwellings and no higher than the 2 storey dwellings, which will in due course characterise most of that site. The proposed heights will be characteristic of the wider area. It should be noted that the height of the buildings would comply with the maximum expressed height in the outline application.
- 6.9 The design of the individual buildings is also acceptable - using materials in a way that would reflect the generally domestic and traditional built form of Broadbridge Heath. The mass and bulk of the care home would undoubtedly be significantly larger than any surrounding dwellings – but such a matter was not, as a principle, objectionable to the Appeal Inspector when granting outline permission for a 60 bed care home. If 10 rooms were removed from this building it would result in a negligible difference to the scale of the building now under consideration. So it can be concluded that the scale of the care home is acceptable.
- 6.10 Likewise if the eight additional care apartments and the three bungalows are considered separately they also represent, individually, acceptable forms of development. Their general design and scale would fit comfortably within the general character of Broadbridge Heath. As before, their heights would be wholly sympathetic to the surrounding development. The care apartments are shown in broadly the location of the staff accommodation shown in the illustrative outline application drawing.
- 6.11 If acceptable individually, we must then consider any problems/lack of compliance with identified standards that the scheme generates as a whole. As can be seen from the consultee comments above, the scheme complies with those policies seeking to protect existing trees and the amenities of future residents as a result of any potential conflict between residents and the existing surrounding trees; (it is of course acknowledged that two trees will need to be removed to accommodate the new vehicular access, but that was agreed as part of the outline application). WSCC do not raise objection in respect of the proposed parking levels or access details; sufficient space has been provided for the servicing of the development in relation to the Council's refuse strategy; despite the presence of a listed building adjacent to the site the Inspector determining the outline application did not consider that a 60 bed care home and staff accommodation would adversely affect the setting of the listed building. Given the separation of the site from that listed building and the nature of the wooded landscape separating the two sites it is not considered that the additional changes now proposed would materially affect that conclusion; the Council's Landscape Architect makes recommendations that could be implemented as part of a comprehensive planting scheme to be secured by condition. Reference has been made to the urbanising effect of the car parking area to the south of the care home. This would be screened from the north of the site by the care home, the south partially by the care apartments and to the east by the woodland planting. Its impact outside the site would therefore be limited. Overall it is not considered that any of the comments made would preclude the development of the site in a manner that would be contrary to established standards.

- 6.12 The Development Plan does not identify specific spatial standards for care homes.. This scheme has been developed after consultation between the applicant and a care provider and therefore reflects the standards that the end user considers to be acceptable for the facilities being proposed. Therefore, it is reasonable to assume that the standard of accommodation for future residents would accord with relevant standards.
- 6.13 It must be considered then if the development represents a acceptable form of development in terms of impact on nearby residents and the character of the surrounding area. The site is largely screened from views outside the site from the southern and eastern directions – other than such views as would be visible along the new access road into the site and that which would be available around and in between the dwellings fronting Old Guildford Road to the west of the site. Realistically that is confined to views available between the frontage planting on the site and 2 Old Guildford Road. Views of parts of the development will be available but complete views of the whole scheme will only be available from the footpath that runs alongside the site and from the northern boundary where adjacent to the Bellways development site. Proposed tree planting will in due course obscure and soften parts of those views. In the meantime the site will reveal 4 buildings of differing scales, set within open space – both hard and soft landscaping and set against a backdrop of significant scaled mature tree planting on the eastern and southern boundaries. The facilities are not set within extensively landscaped grounds, but it is considered that there is sufficient space between the individual buildings and between the buildings and the site boundaries around them to create a built environment that would not appear cramped. The inclusion of this land within the settlement has been accepted , by virtue of the outline approval for the development of the site and in that context the level of development proposed would represent an efficient use of land. The previously permitted outline scheme would have resulted in a more spacious environment than currently proposed, but it is not unacceptable in its current form – simply different to the previous scheme.

Neighbours Amenities:

- 6.14 The NPPF at paragraph 17 seeks to ensure that new development secures a good standard of amenity for all existing and future occupants of land and buildings. At a local level Policy 33 of the HDPF refers to the need to ensure that new development is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land for example through overlooking or noise.
- 6.15 The nearest property to the site is 2 Old Guildford Road, which lies on the opposite side of the public footpath which runs northwards adjacent to the site from the Old Guildford Road. That house fronts onto Old Guildford Road and lies between 3 – 4.5m from the adjacent public right of way. That house has side windows at first floor level which appear to be windows to en-suite facilities. The flank of the house would lie approximately 16.5m from the rear elevation of the nearest bungalow which lies broadly level with the rear garden of the house. It would lie approximately 32.5m from the nearest corner of the care home which would lie 17m from the nearest part of the rear garden of the house. The bungalow would not have any rear facing windows above ground floor level so there would be no privacy or overlooking issues in respect of the nearby house. The nearest point of the care home would have first floor windows facing towards the front of the site and therefore towards no 2 Old Guildford Road. However at the distance involved this could not be said to constitute a significant level of overlooking or loss of privacy. The outlook for the residents of 2 Old Guildford Road and indeed the neighbouring houses will change as a result of this scheme and that immediately to their rear (the Bellways scheme for 165 dwellings). However with the separation distances involved this would amount to a change in outlook rather than harm to the privacy or amenity of the neighbouring residents.

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- 6.16 Any other residents within the vicinity of the site are so far removed from the site that their amenities, whilst changing, would not be adversely affected by the scheme. Overall it is considered that this scheme would comply with both national and local policies seeking to protect both future and existing residents amenities from the adverse impacts of new development.

Trees and Landscaping:

- 6.17 The NPPF requires the planning system to contribute to and enhance the natural and local environment recognising the value that woodland and landscaping can play in creating an attractive environment.
- 6.18 Policy 33 of the HDPF refers to the presumption in favour of retention of existing important landscape and natural features for example trees, hedges, banks and watercourses.
- 6.19 In the case of the application site the most important trees lie around the edges of the site – there is a significant belt of trees forming a small area of woodland that lies on the eastern edge of the site and into the adjacent listed house Mulberry Place. The care home and apartments are set back a sufficient distance from those trees, that their survival is secured. The front of the site has a significant belt of trees that lie adjacent to the highway and apart from the two required for removal to enable provision of the access road they also lie a sufficient distance from the proposed development to ensure their ongoing survival. Members are reminded that the two trees that need to be removed for the access were agreed as part of the outline application. The only other significant trees within close proximity to the site lie outside the site boundary adjacent to the Bellways scheme so are not affected by this project.
- 6.20 The scheme does propose additional new planting around the site, the detail of which is to be secured by condition.
- 6.21 Overall this aspect of the scheme is considered to be policy compliant.

Highways:

- 6.22 The NPPF seeks to ensure that new development is sustainable in terms of facilitating sustainable transport options which encourage less use of the private motor vehicle.
- 6.23 Locally Policy 40 of the HDPF refers to the commitment to provide a community connected by a sustainable transport system. The location of the development on the edge of Broadbridge Heath has already been accepted and in terms of its proximity to the facilities available within the village is considered a sustainable location for new development. Policy 41 seeks to ensure that sufficient parking is provided in accordance with specified standards.
- 6.24 The principle of a care home in this location is established and therefore it must be considered to be a sustainable location for such development. Parking is provided around the site for the three different care options, with a total parking provision of 40 spaces,. The largest car park provides 27 spaces and lies more centrally within the site and services the care home whilst more modest parking areas for both the bungalows and apartments lie closer to the site entrance. The level of parking proposed meets the required standards and the County Highways Authority raises no objections, indeed commenting that the amount of parking exceeds that required for a development of this type.
- 6.25 The level of vehicular activity is considered acceptable and it is clear that a safe access can be created onto the Old Guildford Road with the required visibility splays. Revised plans are being considered in respect of the refuse strategy and if necessary a condition

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can be attached to any permission requiring the approval of visibility splays prior to the commencement of use.

6.26 Overall this aspect of the scheme is considered to be policy compliant.

Impact upon Heritage Assets

6.27 The NPPF requires that the significance of any heritage assets that may be affected by a proposal be assessed. The desirability of sustaining and enhancing the significance of heritage assets should be considered. At a local level Policy 34 of the HDPF recognises that heritage assets are an irreplaceable resource and that such assets should be positively managed and their setting protected.

6.28 The grade II listed building at Mulberry Place is situated to the east of the application site behind a belt of mature trees. There is no direct line of sight between this site and Mulberry Place and the potential for impact upon the setting of this building, resulting from the development of this site, was considered at the outline stage. The development shown on the current application may be of a greater magnitude than that forming part of the outline application, but is not so significantly higher or greater in bulk or mass as to cause a different impact upon Mulberry Place. This scheme does not alter the previous conclusion that development of a care home and associated development in this location would not cause significant harm to this heritage asset. Therefore this aspect of the relevant policies of the HDPF and NPPF are considered to be complied with.

Ecology:

6.29 The NPPF and Policy 31 of the HDPF seek to ensure that new development contributes to the enhancement of existing biodiversity and takes opportunities to enhance this where possible.

6.30 This matter was considered as part of the outline application when the Inspector concluded that in the medium term the impact of the scheme would be beneficial – with new habitats being created to replace the arable fields.

6.31 The Council's Ecology Consultant raises concerns about the impact of the development upon bats and reptiles, in particular the absence of any survey to establish whether bats roost in the trees to be removed along the front boundary to create access. This does not acknowledge that the principle of the development of the site, and that access in this location, has already been established. As such, it would be possible for these trees to be removed without further surveying, in the event that the extant outline permission were to be followed through. However, it is noted that the previous permission was based on ecological surveys carried out in 2013, and in that time, bats could well have begun to use these trees for roosts. Therefore, while in most circumstances sufficient survey information to demonstrate the presence or otherwise of protected species and therefore inform mitigation strategies would be necessary before granting permission, it is considered in this case that requiring the relevant survey work and approval of suitable mitigation prior to commencement strikes a reasonable balance between the need to protect the interests of biodiversity and the fact that the extant permission could be utilised without such information. The Ecology Consultant recommends three conditions that should be applied if permission is recommended to overcome these concerns and that is the approach recommended in this circumstance. The conditions will ensure that the presence of any protected species will be established prior to the commencement of development and the appropriate mitigation then undertaken to minimise the impact of development.

6.32 In view of the existing outline approval and the impacts of that upon the ecology of the site, it is considered that subject to relevant conditions to establish the presence of protected species prior to the commencement of development and the associated mitigation that the

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development would accord with both national and local policies seeking to protect biodiversity on the site.

Drainage:

- 6.33 The NPPF and HDPF (Policy 38) both seek to give priority to those sites with the lowest risk of flooding and to ensure that new development incorporates the use of sustainable drainage systems where feasible.
- 6.34 This site lies in flood zone 1, a categorisation which applies to most sites and which denotes the lowest risk of flooding.
- 6.35 WSCC request details of the flood risk and drainage strategy and details of the SuDS system and advise that development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles have been submitted to the Local Planning Authority and approved. This matter can be satisfactorily dealt with by means of an appropriately worded condition.

Infrastructure:

- 6.36 The NPPF and HDPF at Policy 39 seek to ensure that new development should make a contribution towards the impacts arising from the development. In this case the scheme generates the following contributions:
Libraries: £2,955
Fire & rescue £1,080
Total Access Demand £18,960: An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.
Relevant contribution towards CIL compliant Amenity Open Space and outdoor facilities in respect of the 8 extra care flats and the three bungalows.
- 6.37 The scheme is not providing conventional housing falling with Use Class C3 and therefore does not fall within the remit of Policy 16 of the HDPF, or form a continuing care retirement community, which would be required to make affordable provision under Policy 18, therefore the proposal is not required to make an affordable housing contribution either on-site or by way of a contribution.
- 6.38 A legal agreement has not been completed and that needs to be provided prior to the grant of any permission. This is reflected within the recommendation.

Conclusion:

- 6.39 The site lies outside the existing identified settlement boundary, but the principle of development has been established as part of a 2013 outline planning application determined on appeal, which established permission for a 60 bed care home and associated staff accommodation on this site.
- 6.40 The proposed scheme is not a reserved matters application pursuant to that outline application, but a full application seeking permission for a larger care home and for extra care apartments and bungalows rather than separate staff accommodation.
- 6.41 The care home and apartments would sit alongside a scheme for 165 new homes recently reported to Committee and resolved to grant approval subject to the completion of outstanding matters including a legal agreement. The character of this site and that adjacent, which are currently open fields, would change completely as part of the approved

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and proposed schemes, but would be compatible with the general character of development within Broadbridge Heath.

- 6.42 Although this is a full application, it is relevant to note that the development would comply with the outline parameters considered acceptable in terms of building height and the position of the access. The scale of the buildings would be necessarily larger than a single domestic unit but their design, footprint, position in relation to site boundaries and general appearance and height would ensure that they fit comfortably alongside the existing and the new built form in this part of Broadbridge Heath.
- 6.43 A number of matters still need to be addressed, including details of landscaping, drainage and ecology mitigation/enhancement, but these can be satisfactorily resolved by means of the use of appropriate conditions.
- 6.44 Overall, this scheme represents a departure from the Development Framework insofar as it proposes development on land outside the settlement boundary. However the principle of the development of the site has been established by the extant outline permission. Whilst this scheme represents a greater level of development than envisaged by the outline application, the scheme would be compliant with those policies seeking to ensure a satisfactory form and character of development that is sympathetic to the character of the adjacent settlement, thus representing a sustainable form of development.

7. RECOMMENDATIONS

7.1 To delegate authority to the Development Manager to grant permission subject to the completion of a S106 agreement and appropriate conditions:

1. A condition listing the approved drawings
2. 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. Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The submitted details shall include water drainage designs and calculations for the site, based on sustainable drainage principles. The drainage designs should demonstrate that the surface water run off generated up to and including the 100 year, plus 45% for climate change, critical storm event will not exceed the run-off from the current site following the corresponding rainfall event. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure the development has access to adequate infrastructure and does not increase the risk of flooding around the local area, in accordance with the provisions of the National Planning Policy Framework and the Policy 38 of the Horsham District Planning Framework.

4. Prior to the commencement of development or any preparatory works, a Reptile Mitigation Strategy shall be submitted to the Local Planning Authority for approval in writing. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: To provide ecological protection and enhancement in accordance with NPPF and Policy 31 of the Horsham District Planning Framework.

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5. No external lighting shall be erected or placed on the site other than in accordance with, a lighting strategy to reduce impacts on foraging and commuting bats which should be prepared through consultation with the applicants ecologist and submitted to and approved in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with NPPF and Policy 31 of the Horsham District Planning Framework.

6. Prior to the removal of the trees to provide the access road, a bat survey shall be carried out to establish the potential for the trees scheduled for removal to accommodate roosting bats. A proposed scheme of enhancement and mitigation informed by the survey results shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of these trees. The development shall thereafter be carried out in accordance with the approved mitigation and enhancement details.

Reason: To provide ecological protection and enhancement in accordance with NPPF and Policy 31 of the Horsham District Planning Framework.

7. Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Reason: To ensure the development has access to adequate infrastructure and does not increase the risk of flooding around the local area, in accordance with the provisions of the National Planning Policy Framework and the Policy 38 of the Horsham District Planning Framework.

8. Prior to the first occupation of the development, visibility splays of 2.4m by 51 metres to the east and 49 metres to the west shall be provided and shall be thereafter maintained, with no obstruction, including vegetation, above the height of 0.6m within the visibility splay.

Reason: In the interests of highways safety and to accord with the provisions of the NPPF and Policy 40 of the Horsham District Planning Framework.

9. Prior to the first occupation of the site the access road, turning heads and parking spaces shall be provided in accordance with the details hereby approved and shall thereafter be retained in perpetuity for these purposes.

Reason: In the interests of highways safety and to prevent additional on street parking in accordance with the provisions of the NPPF and Policies 40 and 41 of the Horsham District Planning Framework.

10. Prior to development above ground floor slab level details shall be submitted to and be approved in writing by the Local Planning Authority of the proposed external building materials. The scheme shall be implemented in accordance with the approved materials.

Reason: To ensure a satisfactory appearance upon completion in accordance with the provisions of Policies 32 and 33 of the Horsham District Planning Framework

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) 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 rear roofslope of bungalows facing 2 Old Guildford Road of the development without the prior permission of the Local Planning Authority pursuant to an application for the purpose.

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

- 12 Before development commences precise details of the finished floor levels of the development in relation to a nearby datum point shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

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

- 13 Prior to the occupation of any part of the development hereby approved full details of all hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Such details to include full planting and hard landscape details, written hard and soft (NBS) specification, landscape and management plan, details of the fencing and seating proposed, proposed and existing levels plan and details of the water features. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory development and in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 No development, including works of any description, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:

(a) All required arboricultural works, including permitted tree felling and surgery operations and above ground vegetative clearance within such areas set out for development as indicated on the approved site layout drawing to be completed and cleared away;

(b) All trees on the site targeted for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012). Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 15 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the

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Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

- 16 The occupation of the site shall be restricted to a use falling with the Use Class C2 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure the creation of a development with the appropriate parking and spatial standards in accordance with the provisions of the Horsham District Planning Framework.

NOTE TO APPLICANT

You are advised of the need to enter into a formal agreement with Southern Water to provide the necessary infrastructure referred to in condition 3.

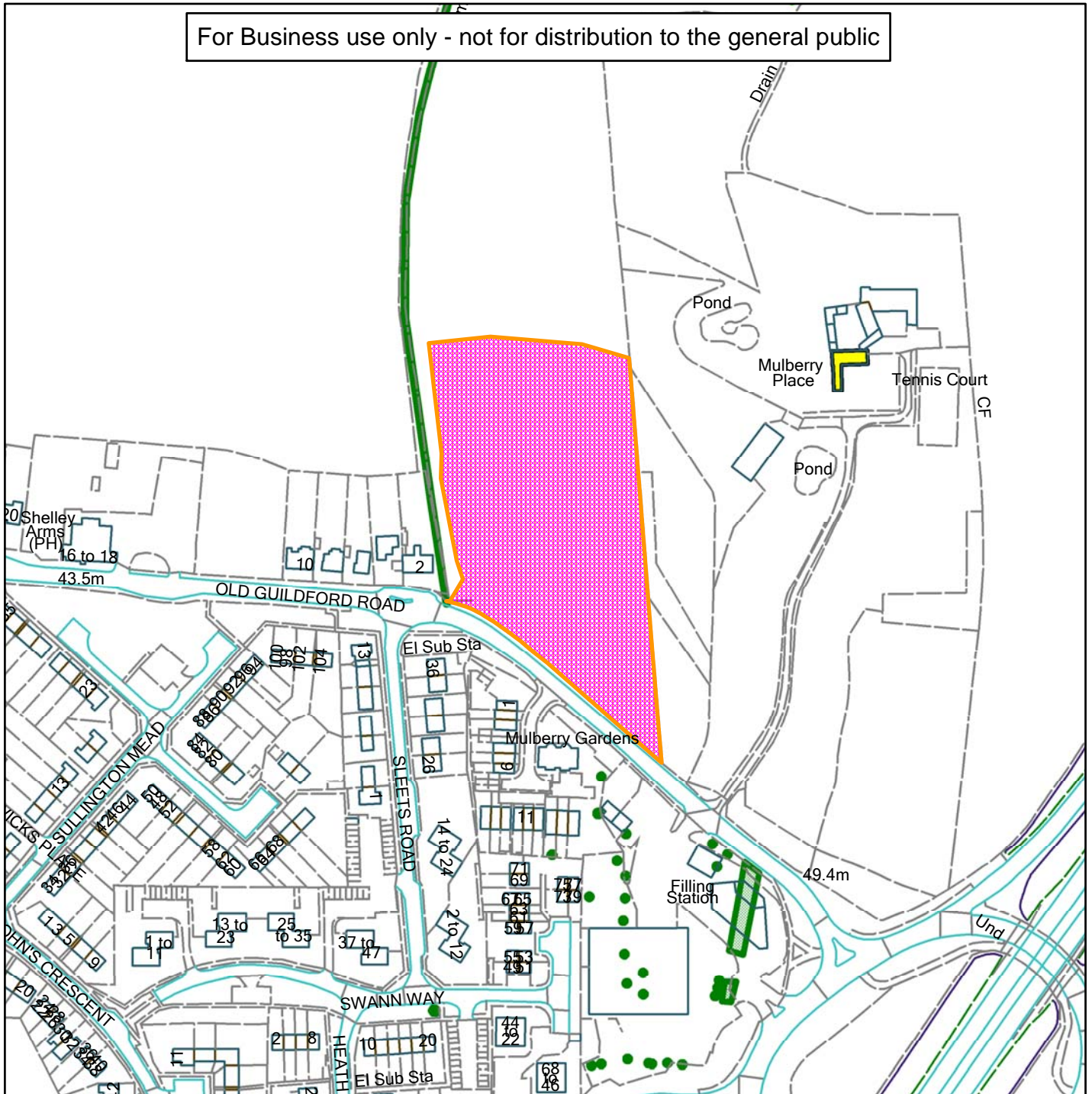
Background Papers:

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Land North of Old Guildford Road

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Organisation	Horsham District Council
Department	
Comments	
Date	20/10/2016
MSA Number	100023865

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**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

- TO:** Development Management Committee (North)
- BY:** Development Manager
- DATE:** 1 November 2016
- DEVELOPMENT:** Demolition of existing leisure centre and associated facilities, demolition of existing Bowls Club canopy and existing external sports pitches.
Erection of new 2- storey leisure centre with associated parking, landscaping and facilities
- SITE:** Broadbridge Heath Sports Centre Wickhurst Lane Broadbridge Heath Horsham
- WARD:** Broadbridge Heath
- APPLICATION:** DC/16/1844
- APPLICANT:** Horsham District Council
- REASON FOR INCLUSION ON THE AGENDA:** Council's own application
- RECOMMENDATION:** Grant permission, subject to the referral of the application to the Secretary of State

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application comprises the following elements:
- Demolition of the existing leisure centre – except a portion of the existing indoor sprint track known as ‘the Tube’, of approximately 30m in length, so involving a loss of (4337 sqm)
 - The original application proposed the use of the tube for storage purposes, that has now been amended to a multi use sports area
 - Removal of the MUGAs that lie between the leisure centre and the bowls club (to be replaced by the MUGAS recently approved on land to the south of the centre)
 - Construction of new leisure centre (3787 sqm) with associated landscaping and parking
- 1.2 The centre will provide for a range of facilities including the ancillary facilities that ensure the operation of the centre such as offices and plant room. In terms of facilities for use by the general public however the following are amongst those proposed:
- 6 court sports hall (currently three)
 - Party room
 - Multi use room and store
 - Activity space (say clip and climb) and store

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Studio for dance and store

Sensory room

Treatment rooms (3)

Studios and stores

Fitness suite including free weights area and changing

Group cycle studio

Retention of part of 'the tube' for multi use, including some indoor athletics use. This would lie on the western side of the car park and would not be attached to the new centre.

Retention of the athletics canopy adjacent to the athletics track – as a free standing structure

- 1.3 The centre has been designed with its principal elevation facing south towards the future MUGAs, sports pitches and football pavilion and incorporates the main entrance to the leisure centre. To the south between the centre and the adjacent sports pitches/MUGAs would lie a series of seating terraces. Parking of 174 spaces would lie to the west of the building on the site of the existing centre, adjacent to the athletics track. The retained portion of 'the Tube' would lie on the western side of the site adjacent to the track and separated from the leisure centre by the proposed car park. Cycle parking is proposed at the front and rear of the building.
- 1.4 Externally the centre adopts a contemporary approach which the architect describes as a "series of boxes (i.e. the sports hall box, fitness suite box, studio box)" each with a separate identity and use of materials.
- 1.5 The first view of the centre when approaching by road would be that facing the Tesco car park. The north western corner incorporates the fitness suite and weight room at first floor which has been designed to provide visual interest on the north and west facing elevations with views of the fitness suite available through the glazed façade and views outside from within the fitness suite. This element of the centre would comprise glazed panels framed by close boarded timber. Sitting to the east of the fitness suite the upper levels of the sports hall would project, with its vertical 'hit and miss' timber façade (i.e. timber slats). When viewed from the Tesco car park the ground floor of the sports hall would have a brick façade with the timber façade at the upper floors only. At ground floor level a mixture of glazing and aluminium cladding would provide the walls for the ground floor party room and plant room which sit beneath the fitness suite. The southern elevation would incorporate glazing with strong horizontal timber boarding and horizontal hit and miss timber cladding at first floor level across some of the glazed areas. The entrance to the centre would be recessed beneath the first floor timber and glazed facades. The elevation facing towards the Bowls Club would include the brick/timber clad sports hall towards the front of the building with the rear part of that elevation comprising solid walls (fibre board) to accommodate changing facilities and studios behind. The mass of this solid walling would be broken up by horizontal timber cladding.
- 1.6 Signage incorporating the name of the centre would be integrated into the vertical timber 'hit and miss' cladding on the sports hall facing onto the Tesco car park.
- 1.7 A report to Cabinet in November 2015 entitled "Proposals for the Redevelopment of Broadbridge Heath Leisure Centre" provides useful background to this current planning application. It proposed that

"the major facility should be located at the current site of the Broadbridge Heath Leisure Centre (BBHLC). This centre will complement the satellite provision in the market towns of Billingshurst, Southwater, Steyning, Henfield and Storrington and the major "wet side" services at The Pavilions in the Park in Horsham. The site will comprise of a new leisure centre conjoined with the existing indoor Bowls Centre plus five new Multi Use Games Areas (MUGAs). It will also retain the existing athletics track. The Centre will adjoin a new recreation ground comprising, football pitches, pavilion, open access ball court, skate park

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and informal recreation area which is being created on section 106 land (s106) to the south of the centre in order to meet the needs of the local population.

Both the Business Case and the more recent analysis identify the benefits of creating a strategic location for dry-side provision and that this should be at Broadbridge Heath. It can accommodate a wider range of sports and recreational activity, generating much higher levels of participation and achieves longer term value for money.

Although studies show that the district is well served with sports facilities to meet the needs of the current population, this infrastructure will not have the capacity to cope with the predicted population growth unless additional facilities are provided. It is critical to maximise the capacity of BBHLC so that it takes account of these factors.

A single large Centre (supported by satellite provision in the market towns) provides economies of scale to the operator and the Council and justifies investment in a wide range of facilities, both indoor and outdoor, to create a sporting and leisure hub. Broadbridge Heath is the preferred location because the current site is in the Council's ownership, the area has good transport links, it serves a rapidly growing population in the locality and is adjacent to the S106 land which provides an opportunity to serve a wider range of sports and leisure activities".

- 1.8 The report considered 5 options for the provision of leisure facilities and this application is the result of that study. Not only were the needs and desires of existing users considered against the potential of a new facility to meet the needs and desires of new users as a result of the growing population, but the projected revenue implications of each option were also considered. This report also considered the implications of the proposed scheme against paragraph 74 of the National Planning Policy Framework (NPPF), which deals with the retention of existing sport and recreational facilities. It also considered the financial implications of each option against the current financial situation. In simple terms whilst the current facility is a net drain on the Councils budget the proposed scheme would turn that around and provide an annual net gain.

DESCRIPTION OF THE SITE

- 1.9 The site lies within the built-up area of Broadbridge Heath and comprises land stretching from directly adjacent to the Bowls Centre up to the edge of the athletics area to the west of the existing leisure centre. It incorporates the existing leisure centre and MUGAs.
- 1.10 The southern boundary adjoins the land being developed for sports pitches, the northern boundary adjoins the access road to the Bowls Centre and adjacent Tesco car park. Beyond 'the tube' and spectator stand which is being retained lies the running track with football pitch in the middle. To the south of the running track lies the residential development by Countryside Properties which is currently being completed. To the east of the Bowls Centre lies the A24.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework

Building a strong, competitive economy (Section 1)
Promoting sustainable transport (Section 4)

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Delivering a wide choice of high quality homes (Section 6)
Requiring good design (Section 7)
Promoting healthy communities (Section 8)
Meeting the challenge of climate change, flooding and coastal heritage (Section 10)
Conserving and enhancing the natural environment (Section 11)
Conserving and enhancing the historic environment (Section 12)

Planning Practice Guidance

RELEVANT COUNCIL POLICY

2.3

Horsham District Planning Framework

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 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 35 (Strategic Policy: Climate Change)
Policy 37 (Sustainable Construction)
Policy 38 (Strategic Policy: Flooding)
Policy 39 (Strategic Policy: Infrastructure Provision)
Policy 40 (Sustainable Transport)
Policy 41 (Parking)
Policy 42 (Strategic Policy: Inclusive Communities)
Policy 43 (Community Facilities, Leisure and Recreation)

RELEVANT NEIGHBOURHOOD PLAN

2.4 None

PLANNING HISTORY

HR/181/85	Erection of a retail store & sports centre with playing pitches, running track and parking area	Permitted
WN/2/85	Reg.4 - 70000 sq.ft. retail store with anc. car parking & landscaping together with provision of enhanced recreational facilities (outline)	Permitted
BB/11/94	Erection of an indoor bowls centre	Permitted
BB/2/95	Extension to long jump pit building	Permitted
DC/07/2751	Variation of Condition 6 under application HR/7/85 (also WN/2/85) and Condition 8 under application HR/181/85 (also WN/33/85) to vary the hours of operation of the recreational facilities to Monday-Friday 07.00 to 00.00, Saturday 09.00 to 00.00 and Sunday 09.00 to 23.00	Permitted

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DC/16/1263	Development of 5no MUGA playing pitches with associated floodlights, fencing and access footpath on open land south of Broadbridge Heath Leisure Centre.	Permitted
DC/16/2272	Erection of covered stand for spectator seating and 8no 15m high floodlight columns for use ancillary to football pitches.	Pending consideration

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 **Environmental Health Officer: (Summarised)** No objection subject to conditions
Although there are no objections to this application in principle this department is mindful of the increased developments surrounding the current site. I understand that the nearest noise sensitive building will be 95 m west of the new leisure centre.

A noise assessment has been submitted as part of the application which assessed noise from plant noise, leisure centre noise breakout and MUGA pitches. Controls include restriction on hours of operation and sealed doubled glazed windows. The report predicts that noise levels generated at the site should be no louder than the existing background noise at the nearest noise sensitive property.

Broadbridge Heath Football Club who competes in the Sussex County League currently shares the leisure centre and I understand that the new facility will continue with this arrangement. No mention has been made to noise from public address (PA) systems or crowd noise. If a public address system is to be installed it is recommended that prior to the commencement of the development, details of a scheme to protect neighbouring residential properties from noise from the proposed activities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented in full prior to the development being operated and shall thereafter be permanently maintained in full accordance with the approved details.

Although this level of football attracts small crowds, noise from bursts of crowd cheering and chanting can have an impact on neighbouring residents. In the absence of any recognised guidelines specific to the assessment of the impact on residents of noise from sports stadia, it has been necessary to consider the ways in which effects of noise can be reduced to an acceptable level. Generally there is little that can be done to control vocal noise from crowds. In order to reduce the spectator noise impact I recommend planning conditions to prevent spectators from taking air horns, drums, trumpets, etc. into the stadium.

A Light Impact Assessment has been provided for the application of the MUGA pitches which states that the proposed sports lighting installation will achieve the illuminance levels required to allow various sports to be played outside of daylight hours.

Mitigation measures should also be included for any other pitches for the prevention of light pollution and light trespass and to safeguard the living conditions of local residents. It is recommended that prior to the commencement of the development precise details of any other floodlighting should be submitted to and approved in writing by the Local Planning Authority.

In addition, it is recommended that the external facilities are not illuminated outside of the hours of 08:00 – 22:00 Monday to Sunday.

Additionally conditions are recommended addressing the following issues:

- construction and demolition
- hours of use on grounds maintenance
- refuse collection
- hours of use on external activities

- 3.2 **HDC Strategic Planning: Drainage:** No objection subject to condition
I have no overall objections to the drainage strategy proposed therefore until detailed design information has been submitted at the appropriate planning stage, suitable drainage conditions should be applied that include securing the implementation and maintenance of the SuDS features to ensure they remain effective for the lifetime of the development.
- 3.3 **HDC Landscape Officer:**
Comments awaited
- 3.4 **HDC Access Officer (Summarised):** Comments were provided at the design stage and no further comments to add.

OUTSIDE AGENCIES

- 3.5 **Ecology: (Summary):** No objection subject to condition
No objection subject to a condition requiring any building or vegetation clearance taking place outside the bird nesting season
- 3.6 **Sussex Police:** Comment
The applicant's attention is drawn to the website www.securedbydesign.com which will provide the applicant with in-depth crime prevention advice.
- 3.7 **WSCC Flood Authority: (Summary)** Recommends conditions
The proposed development is shown to be at 'negligible' risk from ground water flooding based on the current mapping. Where the intention is to dispose of surface water via filtration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as a risk.

The FRA for this application proposes that permeable paving and underground cellular storage would be used as the primary method to restrict the run off from the development. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents. Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

- 3.8 **WSCC Highways: Summarised)** No objection subject to conditions
I have reviewed the Design and Access Statement, the Transport Statement and Travel Plan and confirm that no highway objections are raised to the proposal. Access would be retained from the north via the existing Tesco roundabout at the junction of Old Wickhurst

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Lane and the current Broadbridge Heath bypass. This latter road is now carrying less traffic as a result of the completion of the new east-west link road to the south which will allow the current bypass to be closed to through traffic in due course. It will also improve the capacity of the existing Tesco roundabout leading to lower waiting times and shorter queue lengths on the side road.

As regards parking, I note that 174 new car parking spaces would serve the site plus a new traffic circulation and drop-off area. This all looks satisfactory and the amount of car parking should be adequate bearing in mind that the site is located in a sustainable location with good pedestrian, cycle and bus access to nearby neighbourhoods. A condition relating to a travel plan is recommended.

3.9 **Sport England: (Summarised)** Objection

Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF. It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years. The FA feel that there is insufficient detail contained within this application that satisfies the FA and Sussex FA that the replacement playing field and sports pavilion is adequate to meet the needs of Broadbridge Heath FC and will be constructed and fully operational prior to the loss of any existing facilities. Whilst it acknowledges a wider development of the site including the construction of grass pitches on adjacent open space this element is subject to final agreement between the neighbouring residential developer and Horsham DC. The two applications are inextricably linked as the football club are at risk of displacement should the linked scheme fail to progress to an acceptable standard or be delayed. There is insufficient design detail contained within this application relating to the football elements of the scheme. For example, should changing rooms not be close enough to the existing pitch, this will cause Broadbridge Heath FC to lose their ground grading, meaning they will be displaced from the site. This prejudices the use of the playing pitch within the running track.

England Athletics state that although the indoor tube will be retained on a smaller scale, the opportunity for continuation of current usage will be lost entirely with the building to become a storage area. Although a small part of the building will be used for toilets accessible from the outdoor track, the specialist facility which has local, county and regional significance will be lost completely.

The Tube currently provides specialist indoor training opportunities for pole vault, horizontal jumps, a throwing cage, with a spiked floor for technical events sprints and hurdles, all of which will be lost. The venue is also used for coach education and development workshops on a local and national level. Without seeing a programming example, there is nothing available to confirm a view that athletics provision will be re-provided within the sports centre. However, with the time and space for athletics which will be lost should the Tube become a storage area, it would be logical to assume that fitting this time into a sports hall designed primarily for badminton, would be difficult to achieve. Therefore, England Athletics do not feel that there is adequate replacement in the designs for the current indoor provision used by our sport which will be lost.

An alternative storage solution which would allow the tube to be retained for athletics use would be actively encouraged from England Athletics. This will mitigate for the likely limited access available in the new sports hall.

The Lawn Tennis Association notes that the proposed surface is Porous Macadam Polymeric. In the LTA's opinion this is not as suitable a surface for tennis as normal Porous Macadam. The LTA would therefore be of the opinion that the proposed surface is not an adequate replacement of the existing facilities

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Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

PUBLIC CONSULTATIONS

3.10 **Broadbridge Heath Parish Council**

Comments awaited

3.11 64 letters of objection received from members of the public and users of The Tube including the Broadbridge Heath Leisure Centre Joint Users Group (BJUG), the Sussex Schools Athletics Association, the Burgess Hill runners, the Shipley Bowmen, the BBHLC 50 Plus Group, the Blue Star Harriers and a number of coaches and athletes who use this facility, raising the following objections:

- Lack of compliance with paragraph 74 of the NPPF insofar as the replacement scheme does not represent the provision of equivalent or better facilities than existing.
- Loss of the tube represents the loss of an important regional athletics facility with the nearest other such facility being in Sutton
- A number of athletics activities that currently take place would not be able to continue if the retained part of the tube is to be used for storage
- The position of the cycling facilities are too far from the entrance,
- The location of the scheme does not integrate well with existing cycling routes
- Conflict between access to the cycle storage areas and the public car park
- The councils usage figures are misleading
- the over 50 group has over 450 members who account for 5% of all visits to the centre each year (the largest off peak user of the centre) whose usage would be adversely affected by the proposed changes: having to squeeze an ever growing membership into a smaller space with potential difficulties arranging a schedule to provide for all current activities
- Lack of adequate replacement café facilities: with only pre-prepared snacks and sandwiches rather than freshly made salads, snacks and sandwiches
- Unacceptable treatment of HAODS – such as to require their relocation – which is only on a temporary basis at present. They could be wholly retained at the leisure centre if the Tube were retained in its entirety.

3.12 *Officer Comment:* The changes made to the application in respect of the use of the Tube have been re-advertised and the outcome of the re-consultation will be reported to committee.

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

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

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

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

6. PLANNING ASSESSMENTS

6.1 The main issues concern the principle of the loss of the existing facilities considered against paragraph 74 of the NPPF, design/impact upon surrounding streetscene, parking/access/impact upon the highway, neighbours amenities and ecology.

6.2 Principle of Development/NPPF Considerations:

Section 8 of the NPPF addresses the issue of promoting healthy communities. Paragraph 74 of this specifically addresses the issue of the loss/replacement of open space, sports and recreational buildings and land and states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

6.3 Policy 43 of the HDPF addresses the delivery of and access to leisure facilities. It advises that the provision of new or improved community facilities will be supported particularly where they meet the needs of local communities. Proposals that will result in the loss of sites and premises will be resisted unless equally usable facilities can be conveniently provided nearby. It will be necessary to demonstrate that continued use of a community facility or service is no longer feasible taking into account factors such as appropriate marketing, the demand for the use of the site or premises, its quality and usability and the identification of a potential future occupier. Where it cannot be demonstrated that such a loss is surplus to requirements Policy 43 addresses this issue in the same way as para 74 of the NPPF.

6.4 The application, as originally submitted, resulted in the conclusion by Sport England that the replacement facility would not represent an equivalent or better facility than existing and therefore that the scheme would not comply with the NPPF, thus requiring HDC to refer the scheme to the Secretary of State, if it is resolved to grant permission.

6.5 In response to the objections received the Council has amended the scheme to change the use of the retained part of 'the tube' from storage to a mixed use facility. Additional information regarding the facilities and timing of the provision of those facilities in close proximity to the leisure centre has also been provided; seeking to overcome the concerns expressed. At the time this report was written, Sport England have yet to consider the amendments and this report is therefore written against the background of an objection by Sport England. Any revised comments received relating to the amended scheme will be reported to the Committee as an update to this report.

6.6 Sport England's current concerns relate to three issues:

1. Loss of the Tube – a county wide athletics facility which forms part of the existing leisure centre and which lies adjacent to the athletics track.

6.7 The existing centre includes an indoor sprint track within that part of the leisure centre known as 'the tube'. It lies adjacent to the running track and access can be gained both from the track and from the existing leisure centre. It is large enough to provide other facilities on and alongside the track including long/triple jump, high jump, pole vaulting, trampolining, throwing nets for discus and shot, javelin net, climbing ropes, wall bars,

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general conditioning equipment such as weights and medicine balls and space for sportsball events for juniors.

- 6.8 It provides a regional facility particularly useful for winter training with the nearest other such facilities being in Sutton and Ashford. We are advised by users that coaches from Hastings to Portsmouth and Horley to Brighton use the facility as well as being home to the Horsham Blue Star Harriers.
- 6.9 The original application sought to retain approximately just under a 30m length of the Tube (the existing length being providing a 60 m spring track), located on the western side of the car park to be used for storage. Following the objection from Sport England the application has been amended to retain this element of the Tube for an informal multi use space. In effect that means that it could be retained for use by athletes for some of their activities. In particular it will provide an indoor space that can provide shelter and assembly during inclement weather and a very useful warm up space and suitable area for general conditioning work. Whilst it would not be long enough for some of the athletics disciplines or high enough for pole vaulting, with creative use of rebound boards and other training aids such as jump mats there are opportunities for a wide range of training facilities to be provided. All other activities that currently take place in 'the Tube' will benefit from improved or comparative facilities within the new Leisure Centre. At the time of writing this report, the change of use for the retained end of 'the Tube', which will also provide significant opportunities for other sports and recreation activities other than athletics, was undergoing a re-consultation and the responses of Sport England and those who had previously objected to its loss to storage are unknown. Those responses will be provided as an update to this report at the Committee meeting.
- 6.10 It is clear from the results of the consultation exercise that this facility is a valuable regional facility that HDC is not planning to replace elsewhere should this scheme go ahead and nor is it understood that any other body would replace this facility if it were lost. However the Council is not under any statutory obligation to provide this facility and would not require permission to close it.
- 6.11 The leisure complex in its current form, including this facility, is a loss making enterprise. This does not explicitly form part of the paragraph 74 considerations. However, as a Council, the decision has been taken to seek to make the leisure centre an economically sustainable venture which includes the reduction of 'the Tube' facility.
- 6.12 Very simply, the new centre seeks to provide for a wider and greater level of activities for the local population, for a population who are not higher level competitors, but who are local to the Broadbridge Heath area. Whilst the revised scheme retains part of 'the Tube' for some indoor athletics uses, the new scheme will inevitably result in the loss of some of the athletics training facilities which are valued by those competing at a higher level from both the Broadbridge Heath area and also from around the county and beyond. It is useful to consider how this was addressed in the report to Cabinet in November 2015:

"The loss of the Tube will have an impact on a relatively small number of athletes. However, the provision of a multi-use sports hall, enhanced fitness suite and additional studios will increase annual attendances at the centre from just over 200,000 to over 400,000 during the first 4 years after it is opened.

Additionally, athletes will retain the 'all weather' track and field outdoor facility with access to extra usage times once the football club is relocated.

Whilst it is accepted that not providing the indoor track represents the loss of a specialist facility, this does not prevent the nurturing and developing of local talent. Additionally, the new proposal will mean it will be possible to accommodate children within the main hall and provide a competitive element through sports hall athletics sessions.

Although this by no means replaces the current indoor track, it does mean that athletics remains well catered for against other local authorities in the region.

On the basis that a six court hall is considered to meet more of the diverse needs of a growing population than the Tube would, it is assessed that the gains from this proposal outweigh the loss and for this reason, HDC is confident that its proposal for Option 3 fully complies with NPPF (Para 74)".

- 6.13 Considering the paragraph 74 provisions it is clear that the facilities are not surplus to requirement, they must then be considered in terms of the quantity and quality of provision, the location and whether the need for what would be offered clearly outweighs the loss of some of the athletics activities that 'the Tube' currently offers.
- 6.14 It is a difficult assessment when effectively one sport/activity is being weighed against another. Taking the whole proposal into account, this scheme would provide a financially secure facility (rather than a loss making facility) and therefore a facility which would have a more likely assured longevity; it would provide a wide range of activities which would appeal to the local general population and as a result of the increase in level of provision, of for example the fitness suite and badminton courts, would provide greater access to those activities for local residents. In conjunction with the MUGAs that have already been approved (application ref DC/1263) and the pitches and pavilion for which permission will be/is being sought (no application yet submitted for the pavilion and pitches), the complex will provide a comprehensive local leisure facility for local residents. Against this there would be less provision of some specialist athletics facilities for both local and more distant users.
- 6.15 Other objections received in respect of the leisure centre concern the loss of the existing facility for the Horsham Amateur and Operatic Drama Society (HAODS), the proposal for a smaller kitchen and the loss of the existing clubroom for the badminton club. Alternative temporary facilities for HAODS are currently under discussion and it is anticipated that this issue will be resolved before the existing centre is closed.
- 6.16 A kitchen/store and servery to service the café is now proposed, albeit that may not be as large as existing facilities. The existing facility can be hired out for private events and whilst the smaller kitchen may preclude that use, the neighbouring Bowls centre has a kitchen and facilities that could be used, so that overall a good level of provision within the immediate area will be maintained.
- 6.17 The badminton club have exclusive use of part of the existing centre with access to other users of the centre being prevented. The proposed leisure centre is a public facility and it is not proposed to replicate this 'private club' element of the existing facility. However, the centre will provide greater access to more badminton courts for the general population and the club, which represents a positive outcome for the sport of badminton.
- 6.18 To conclude therefore on the first part of Sport England's objection regarding the loss of 'the Tube', a balance must be struck between retention of specialist facilities serving a limited number of users, additional facilities that would serve a wider proportion of the local population, and the need for the facility to be economically viable to ensure its longevity and on-going provision. It is the Officers' view that the current proposal strikes such a balance, and that while the reduced offer of athletics facilities within 'the Tube' is not ideal, the current proposal would result in significant public benefits that outweigh this loss.

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2. Lack of co-ordination between the loss of the existing changing facilities for Broadbridge Heath FC and the provision of new facilities.

- 6.19 The primary concern is that the football team lose access to changing facilities whilst using the existing pitch and/or the existing pitch and changing facilities so that the team could not compete temporarily until new facilities become available.
- 6.20 The team currently play on a pitch in the middle of the athletics track with their changing facilities in the leisure centre, immediately adjacent. Both the pitch and changing facilities need to be of a certain standard and lie within a certain distance of each other in order to be FA compliant.
- 6.21 A new pitch and pavilion will in due course lie on land to the south of the existing/proposed leisure centres and it is understood that the standard of the pitch and the pavilion will aim to meet the standards required by the FA to enable Broadbridge Heath FC to continue playing at the required standard. At the time of writing this report an application has been received for the floodlights and stands proposed as part of that development, although the main application for the pitches and pavilion is awaited. The discussions held between the Council, the club and the FA have all been aimed at making the facilities fully FA compliant.

The application for football pitches will seek permission for various works including the provision of three sports pitches, a pavilion for use by the Broadbridge Heath football club and ancillary works such as fencing, access road etc. As a result of the uncertainty about the submission date of that application it is unclear precisely upon which date the new pitch and pavilion would be available for use, should planning permission be forthcoming. Whilst the existing pitch can be retained until such time as the new pitch is available for use, clearly the existing leisure centre will have to be demolished to allow for provision of parking and that, in Sports England view, could leave a gap in provision of changing facilities.

- 6.22 If necessary, temporary facilities could be provided within the required distance of the existing pitch and to the required standard, to bridge the gap between the demolition of the existing leisure facility and the completion of the new pavilion. This particular issue could be dealt with by means of the provision of temporary changing facilities to cover that period between the existing leisure centre being demolished and the new facilities being available should the development programme make that necessary. A condition to this effect forms part of this recommendation. This approach was not available to Sport England when making their comments and is under discussion with them.
- 6.23 Works are already taking place preparing the land to the south of the leisure centre for the new pitches - with the land having already been levelled and with drainage now being laid before a final top surface is laid and seeded. It is hoped that the drainage works will be completed so that a first seeding can take place this year (weather permitting) and that this will be supplemented or will be carried out at the start of next year in order to provide a playing surface at the earliest opportunity. These works are being inspected by the Council and thus far the scheme under construction is considered to be an acceptable standard to meet FA regulations. Since the works are underway and subject to an inspection by the FA ahead of their required use, it is unclear precisely when the pitch will become available for use by the club. However the existing pitch can be retained until that time.
- 6.24 This land will be transferred to the Council in due course pursuant to the terms of the original S106 agreement for the wider development site. It is not considered therefore that the club will be without a pitch, which would be regulation compliant, at any point.
- 6.25 In summary it is considered that with the use of a condition to ensure provision of temporary changing facilities, if necessary, and with the existing and proposed pitches, that the Council is able to demonstrate the continuity required of facilities for the

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Broadbridge Heath football club, such as to overcome the objections of Sport England. Certainly when considered against the provisions of paragraph 74 the proposed facilities would result in a better quality and quantity of facilities compared to those being lost.

3. The potential loss of a suitable tennis surface on the MUGAs (DC/16/1263)

- 6.26 The Lawn Tennis Association (LTA) have commented that the proposed surface on the MUGAs (already approved by Committee under reference DC/16/1263) would be a porous macadam polymeric surface. This is not considered as suitable a surface for tennis as normal porous macadam and the LTA therefore consider that this is not an adequate replacement for the existing facilities.
- 6.27 The outdoor MUGAs at Broadbridge Heath Leisure Centre have always been Type 4 polymeric surfaces which have proved very popular with users and very flexible for the range of activities undertaken at the Centre. In 2015 interim resurfacing took place leaving the surfaces as purely macadam with a view to adding the polymeric top surface at a later date. The decision has been taken not to proceed with this in light of the replacement option.
- 6.28 The existing MUGAs which were originally three courts have been reconfigured to provide four courts, two in an east-west direction and two in a north–south direction. The new MUGA provision will provide five courts.
- 6.29 Consideration was given to the type of surface to be provided with the new provision and in particular potentially providing a number of 3g synthetic turf courts. Following a detailed review and taking account of representations from user groups and the operator, the decision was taken to replace the MUGAs with the same surface as previously in place, namely Type 4 polymeric. Account was also taken of the specific mixed programming requirements for the Centre and MUGA provision elsewhere in the catchment area.
- 6.30 In conclusion on the matter of Sport England’s third objection, it is therefore considered that the permitted MUGAs are an appropriate replacement for the existing courts.

Design/Impact upon Surrounding Streetscene

- 6.31 The NPPF as part of the core planning principles requires high quality design. This is expanded in Section 7 of that document where good design is considered as being indivisible from good planning and should contribute positively to making places better for people. It advises however that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 6.32 At a local level, Policies 32 and 33 seek to achieve the same result, ensuring that new development provides an attractive, functional, accessible, safe and adaptable environment.
- 6.33 The character of the wider existing area is one of different characters:
– the leisure/commercial area which incorporates the site, the athletics track, Bowls Club and that area to the north with the Tesco Store, Petrol Station and all the associated parking
- the residential development currently under construction to the south of the leisure centre and athletics track.
- the open land to the south which will in due course form the sports pitches

This Centre will relate to all these areas but in terms of built form, most closely to the area to the north of the new dwellings and sports pitches.

The character of the buildings within which the new centre will lie are functional and of little architectural merit or interest.

- 6.34 By contrast the proposed new leisure centre would offer an attractive, contemporary design which would, by virtue of the design and arrangement of uses internally and externally, create a building that relates well to its surroundings by creating views into and out of the site and building, creating an attractive focal point within this part of Broadbridge Heath.
- 6.35 The adjacent Bowls club is the only other building in close proximity to the site with which this new Centre has to interact. By its very nature the new Centre will create a substantial building with a bulk and mass that is hard to disguise. However, because the adjacent building is also a bulky 'boxy' design this becomes less of an issue and the design can more easily reflect the nature of the use. The design that has been chosen, using a number of 'boxes', with different layers and materials allows the bulk of the sports hall to be broken up with different levels around it. The variety of materials provides interest to the elevations and allows the centre to provide interaction with its surroundings, facilitating views in and out of the centre in a way that the current centre and the bowls club do not: for instance views of the fitness suite would be available from across both adjacent car parks; likewise the café would be visible from outside the site. This makes the centre more interesting and welcoming than the current leisure centre which presents quite an enclosed space when viewed from outside.
- 6.36 The external areas around the building provide a range of the essential requirements such as parking, pedestrian access, cycle racks and seating areas although with relatively modest amount of green open space. However subject to a detailed planting/landscaping plan the impact of that space could be maximised to create a modest green space in front and to the rear of the centre to soften the bulk and mass of the leisure centre. Given the level of hard landscaping around the wider site this would be an enhancement of the built form.
- 6.37 Overall it is considered that this design would be a positive benefit to the character of the surrounding area and that this aspect of the scheme would comply with both national and local policy objectives.

Parking/Access/Impact upon the Highway

- 6.38 Central to the NPPF is the aim to secure a sustainable future and that includes ensuring that facilities are located in a sustainable position and that sustainable modes of transport are encouraged.
- 6.39 At a local level Policy 40 of the HDPF seeks to re-balance the transport network in favour of non-car modes of transport and ensuring that development is appropriate in scale to the existing transport infrastructure, integrated with the wider network of routes including public rights of way and cycle paths, and provides safe and suitable access for all vehicles pedestrians, cyclists, public transport and the delivery of goods.
- 6.40 The proposed centre would be located within the settlement boundary in close proximity to existing shops, the new village centre and significant levels of existing and new housing nearing completion. It would make provision for sufficient new parking but would lie adjacent to an existing supermarket with significant levels of parking and close to the Bowls club with its own car park. It is clear therefore that the users of this centre would have sufficient parking available and would not therefore be required to park in either the adjacent residential areas nor on the public highway such as to cause any obstructions to the free flow of traffic. No objections are raised by the Highways Authority to the levels of traffic expected to attend this site.

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- 6.41 The nearby residential areas are still being developed but include some cycle routes that could be used by those seeking to visit the site. Certainly sufficient provision is made for the parking of bicycles around the site with good access to the entrance. In terms of access on foot the adjacent residential areas will include access in due course to this centre. Certainly the centre lies within walking distance of large numbers of residents (existing and future) and this location was broadly determined as the site of a new leisure centre when the adjacent Countryside Properties development was determined by application reference DC/09/2101.
- 6.42 The site is well served by the local bus network and overall this site is considered to represent a sustainable location, with the means to access the site by other means than the private car and to be compliant with the overall locational strategy of both national and local planning policies.

Neighbour Amenities

- 6.43 The NPPF sets out as one of the core planning principles a good standard of amenity of all existing and future occupants of land and buildings. At the local level Policy 33 of the HDPF seeks to do likewise whilst being more specific about the types of harm that it seeks to prevent or avoid.
- 6.44 The Countryside Properties development currently being completed will place flats and houses in close proximity to the existing leisure centre, being located to the south west of the Centre and directly to the south of the running track and football pitch in the centre of the running track. Therefore as existing those future residents would experience noise and disturbance that arises from the use of the facilities currently in situ.
- 6.45 The scheme under consideration would move the leisure centre further from those residents, placing a car park on the site of the existing centre. It will however form part of a larger redevelopment of this part of the site for leisure purposes which will involve new pitches and a pavilion all of which were identified and agreed as part of the original outline application and all of which are likely to have a greater impact upon those residents than the centre or car park. The new leisure centre entrance would be placed at the rear of the building facing onto the pitches so some noise may be apparent to nearby residents as people enter and leave the centre, but that is not expected to be at such levels that it would at any time of the day/night be unacceptable. Likewise, noise is likely to be evident from cars using the car park, but again not at such levels as to constitute a nuisance or loss of amenities to the nearest residents.
- 6.46 Visually the southern boundary around the running track is formed by a well planted embankment, which reduces the direct line of sight to the car park from those nearest dwellings currently under construction. The centre itself would be far enough away from any dwellings not to be considered visually intrusive.
- 6.47 Overall it is not considered that the scheme would adversely affect any residents' amenities significantly and that this aspect of the scheme would be policy compliant.

Ecology:

- 6.48 The NPPF seeks to ensure that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible. At a local level Policy 31 of the HDPF seeks to achieve likewise.
- 6.49 The wider site includes the potential for nesting birds and a condition is proposed to ensure that any development involving potential disturbance to birds takes place outside the bird nesting season. Subject to such a condition there are not objections to the scheme in this respect.

Conclusion:

- 6.50 This application seeks permission for the demolition of the existing leisure centre and the erection of a new leisure centre with part retention of 'the Tube' with associated parking and landscaping facilities.
- 6.51 Concern has been expressed regarding the loss of 'the Tube', a facility providing opportunities for indoor athletics at a regional level. In response to those concerns the application has been amended to retain part of 'the Tube' for multi-use purposes which will allow the continued use for some athletics activities. Considering the wider and long term benefits that the revised scheme as a whole would provide to the wider community, it is considered that this change is sufficient to make this scheme compliant with both national and local policies. The comprehensive development will ensure the provision of facilities that are significantly improved in terms of quantity and quality to those currently on offer and where losses are involved, in respect of a particular sport or activity, these would be offset by alternative provision, the need and benefits of which to the wider community would clearly outweigh the loss of particular facilities.
- 6.52 The scheme would also secure the continued use of the existing football pitch until a new pitch is available including the use of changing facilities – which, if necessary are to be provided on a temporary basis to secure continuous provision, detailed to be secured by condition.
- 6.53 The wider site has been identified for some years as the location for a new leisure centre and it will relate comfortably with the adjacent leisure uses and nearby residential development currently under construction. It would lie further from that residential development than the current centre and is not anticipated that there will be any loss of amenities to those residents resulting from the operation of these facilities. Nor is it expected that the use of the centre will conflict with the adjacent use of the Bowls club or supermarket.
- 6.54 The design of the centre is considered to represent an attractive building that will be an enhancement of the surrounding area, providing a contemporary facility as part of the re-development of the site and its surroundings to provide a range of sporting and leisure activities.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be granted, subject to referral to the Secretary of State, and subject to appropriate conditions:

- 1 Approved Plans
- 2 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 Prior to the development of the site above the ground floor slab level, details shall be provided in writing to and be approved in writing by the Local Planning Authority of the proposed external materials. The scheme shall be implemented in accordance with the approved details.

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Reason: To ensure a satisfactory appearance upon completion in accordance with the National Planning Policy Framework and Policies 32 and 33 of the Horsham District Planning Framework.

- 4 Prior to the occupation of any part of the development hereby approved full details of all hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development and in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 Prior to the first use of the approved leisure centre site the approved access, parking and turning facilities for vehicles shall be provided, be available for use and shall be retained for those purposes thereafter.

Reason: To ensure satisfactory facilities are provided for access and the parking and turning of motor vehicles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 6 The premises shall not be open for trade or business except between the hours of 7am-midnight Monday - Friday, 9am- midnight on Saturdays and 9am - 11pm Sundays.

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

- 78 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works,
 - measures to limit noise and dust emissions from the site during demolition and construction works.

Reason: In the interests of highway safety and the amenities of the area.

- 8 Prior to the first use of the leisure centre details shall be submitted in writing to and be approved by the Local Planning Authority of all external lighting. The scheme shall be implemented in accordance with the approved details.

Reason: To protect the character and amenities of the area in accordance with the provisions of Policy 33 of the Horsham District Planning Framework.

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- 9 To avoid risk of harm to potentially nesting birds, removal of any trees and/or shrubs should be undertaken between September and the end of February when birds have ceased nesting. If this is not possible, and clearance is required to be removed between March and August, an Ecologist should check for active bird nests no more than seven days before works commence, and any active nests found should be protected as advised by the Ecologist until the birds have finished nesting

Reasons: To provide ecological protection and enhancement in accordance with NPPF paragraph 118 and Policy 31 of the Horsham District Planning Framework.

- 10 Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water drainage and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the proposed SuDS scheme, providing details of its future and ongoing maintenance. The drainage designs should clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The scheme shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to protect water quality and to ensure the future maintenance of the surface water drainage system to comply with the NPPF and Policy 38 of the Horsham Development Planning Framework 2015.

- 11 The proposed grounds maintenance shall take place only between the hours of 0900 - 1800 hours Mondays to Saturdays and at no time on Sundays or bank holidays.

Reason: To protect the amenities of nearby residents in accordance with the provisions of Policy 33 of the Horsham District Planning Framework.

- 13 The leisure centre hereby approved shall only open between the hours of 0700 – 2300 hours Mondays to Saturdays and 0900 – 1100 hours on Sundays and Bank Holidays.

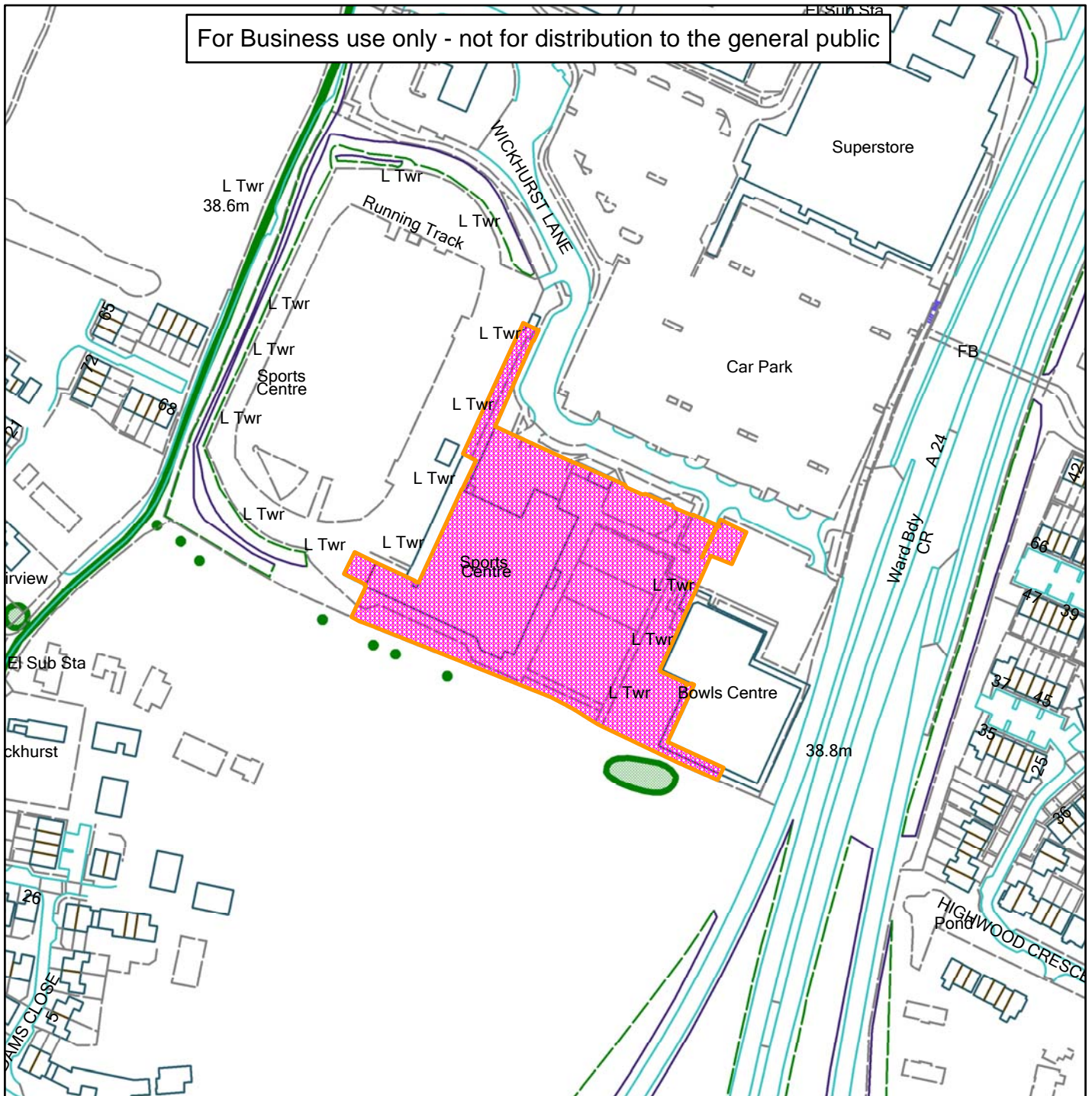
Reason: To protect the amenities of nearby residential occupiers in accordance with the provisions of policy 33 of the Horsham District Planning Framework.

Background Papers:



Broadbridge Heath Sports Centre

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	20/10/2016
MSA Number	100023865

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**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)
BY: Development Manager
DATE: 1 November 2016
DEVELOPMENT: Approval of details reserved by conditions 6 and 7 on DC/13/2042
SITE: 1 Hayes Lane Slinfold Horsham West Sussex
WARD: Itchingfield, Slinfold and Warnham
APPLICATION: DISC/16/0110
APPLICANT: Mr James Harris

REASON FOR INCLUSION ON THE AGENDA: More than 5 letters of representation received contrary to Officer recommendation

RECOMMENDATION: Confirm compliance with Conditions 6 and 7

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 This application seeks to agree the details in respect of Conditions 6 and 7 attached to planning application reference DC/13/2042 which related to the development of the site to provide 23 x dwellings, vehicular and pedestrian access and a range of community measures including a replacement football pitch with improved drainage levelling, new car parking and upgraded access to serve the existing recreation ground, new tennis pavilion and siting for additional tennis court, with associated works and landscaping.

1.2 Condition 6 stated that:

Prior to the commencement of development, details of the phasing strategy for the development hereby permitted shall be submitted to and approved, in writing, by the Local Planning Authority. The submitted strategy shall include: the intended order of phases for each of the elements of the development; details of the alterations to the existing vehicular accesses onto the public highway; details of the internal road layout; and the means of construction access for each phase. The development shall thereafter proceed only in accordance with the approved phasing strategy details.

1.3 The submitted details indicate that:

- Phase 1 – Works to provide the community Facilities on the existing sports ground, taking approximately 16-18 weeks.

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Phase 2 – Commencement of construction of housing on the northernmost part of the site, anticipated to run between November and January.

Phase 3 – Commencement of the construction of housing on the southernmost part of the site. This phase would commence 2nd January 2017. These two phases (2 and 3) would take approximately 60-64 weeks

- The access to the completed community area and the house on plot 23 will be via the access to Cherry Tree Farm with access to the completed residential scheme units 1 – 22 via Maydwell Avenue, accessed from the Hayes Lane end of the road.
- The road layout follows that shown as part of the originally approved scheme with two separate accesses as described above.
- The means of construction access would be to Phases 1 and 3 from Maydwell Avenue (from its western end where it adjoins the A29) and Phase 2 via Maydwell Avenue where it adjoins Hayes Lane.

1.4 Condition 7 stated that:

Prior to the commencement of development, including any works of demolition, until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate, but not necessarily be restricted to, the following matters:

- *the anticipated number, frequency and types of vehicles used during construction;*
- *the method of access and routing of vehicles during construction;*
- *the parking of vehicles by site operatives and visitors;*
- *the loading and unloading of plant, materials and waste;*
- *the storage of plant and materials used in construction of the development;*
- *the erection and maintenance of security hoarding;*
- *the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);*
- *measures to control the emission of dust and dirt during demolition and construction,*
- *lighting for construction and security;*
- *details of public engagement both prior to and during construction works.*

1.5 The submitted details indicate that:

- The anticipated construction traffic volume amounts to 35 construction vehicles each way per day with a maximum of an additional 20 construction staff cars per day. It is anticipated that deliveries would be made during the hours of 9.30am – 3pm and that the types of lorries used would range from small vans to fixed axel delivery lorries. We are advised that articulated lorries will not be used due to access restrictions, however it is not possible to quantify precisely the number and type of each vehicle to be used.
- As referred to above, construction traffic for phases 1 and 3 would gain access to the site via Maydwell Avenue where it passes through the adjacent industrial estate to the rear of the Hayes Lane properties. Phase 2 would be accessed via Maydwell Avenue where it adjoins Hayes Lane. The submitted details show that construction traffic would be routed via Stane Street and Hayes Lane – so would not be routed through the village of Slinfold, but via the rural roads to the south of the village.

It appears that when the original application was considered that the applicants had indicated that they would utilise the adjacent industrial estate to gain access to the site and thus avoid the use of Hayes Lane and that part of Maydwell Avenue which adjoins Hayes Lane. As controlling the use of public highways falls outside the remit of planning control, the approach did not form part of any legal agreement or condition and is therefore not binding upon the applicant.

- The submitted plan indicates that the parking for site operatives and visitors would be on an existing gravelled area to the rear of properties in Hayes Lane which would be accessed via Hayes Lane and Maydwell Avenue during phase 1; during Phase 2 in a compound lying at the rear of phase 2 where it adjoins the industrial estate – again accessed via Hayes Lane/ Maydwell Avenue and during phase 3 in a compound adjacent to the rear boundary of the site where it adjoins the industrial estate. Again this would be accessed via Hayes Lane/Maydwell Avenue. During phase 1 and most of phase 3 construction traffic would be routed via Maydwell Avenue where it crosses through the industrial estate. The exception being at the end of phase 3 when the final two plots are being built and which lie in the path of the construction route from the industrial estate. Phase 2 would bring traffic through Hayes Lane/Maydwell Avenue.
- The loading/unloading of materials would take place within the site for all three phases - with plant/materials storage facilities during phases 2 and 3 being located in the middle of the site during phase 2 and towards the southern boundary during phase 3. Both compounds lying adjacent to either a parking area or the access road through the estate. The materials will be delivered as close to the storage area as possible and would then be moved by forklift truck to the storage area. All such activities to be supervised by a Banksman. During Phase 1 the plant and machinery used in that phase will be stored either within the materials storage area or at the top of the ramp adjacent to the football pitch.
- Security hoarding around the site would comprise Heras fencing around the majority of the site boundaries with close boarded fencing or hoarding along the boundary with the industrial estate and around the Maydwell Avenue entrance to the site.
- Wheel washing facilities comprising the use of high pressure hoses would be located adjacent to the access ramp for Phase 1 into the sports fields and adjacent to Maydwell Avenue for phases 2 and 3.
- the control of dust and dirt will include management of earth stockpiles, sheeting of vehicles transporting materials to and from the site, limitation of traffic speeds within the site, surfacing of the haul roads as early as possible in the programme, haul roads to be regularly cleaned, wheel cleaning facilities into local roads, water spraying during earth moving and excavations during dry weather, drop heights of materials when being loaded/unload will be minimised, regular clearing of site roads and public roadways, storage compounds screened to prevent wind whipping, activities that are inherently dusty ie stone cutting, will be carried out only in certain areas or restricted to certain times in order to limit the impacts and sited away from the site boundary or screened if more practical.
- Lighting is only proposed to be installed to ensure a safe well lit route for pedestrian access to and from the site during the winter months.
- Public Engagement would include maintaining communication with neighbours via letter drops every 8 weeks and signage as a minimum. The developer participates in the Considerate Contractors Scheme which includes consideration of a number of issues as detailed above and including contact with surrounding residents. The leaflets will provide the site managers details

DESCRIPTION OF THE SITE

- 1.6 The application site lies to the west of Hayes Lane, adjacent to but outside of the built-up area boundary of Slinfold, a medium village as defined within the Horsham District Planning Framework (HDPF). The site is situated to the rear of properties No's. 1 to 25 and Halland Cottage, Hayes Lane, wraps around Cherry Tree Farm and then comprises a plot to the rear of Spinners, Hayes Lane and includes the existing recreation ground. The total site extends to approximately 3.37 hectares.
- 1.7 The northern section of the site is accessed from the eastern portion of Maydwell Avenue, which currently provides access to the rear of a number of the properties along Hayes Lane and the existing car parking area serving the football and tennis clubs. Maydwell Avenue continues further to the west through the Business Park and links up to the A29. This western portion of Maydwell Avenue forms the vehicular access point for the Business Park.
- 1.8 The southern section of the site is accessed via the existing driveway to Cherry Tree Farm and comprises an area of land to the rear of Spinners, Hayes Lane and the existing recreation ground which provides a grassed football pitch, 3 No. hardsurfaced tennis courts and a single storey red brick pavilion building shared between both the football and tennis clubs.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012) (NPPF)
 - Section 4: Promoting sustainable transport
 - Section 6: Delivering a wide choice of high quality homes
 - Section 7: Requiring good design
 - Section 8: Promoting healthy communities
 - Section 10: Meeting the challenge of climate change, flooding and coastal change
 - Section 11: Conserving and enhancing the natural environment
- 2.3 National Planning Policy Guidance (2014)
Technical Guidance to the NPPF (2012)

RELEVANT COUNCIL POLICY

- 2.4
 - Policy 1: Strategic Policy: Sustainable Development
 - Policy 24: Strategic Policy: Environmental Protection
 - Policy 33: Development Principles
 - Policy 40: Transport

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Slinfold Parish have been designated as a Neighbourhood Plan Area and produced their pre submission draft in April 2016

PLANNING HISTORY

DC/13/2042 Redevelopment of site to provide 23 x dwellings, vehicular and pedestrian access and a range of community measures including a replacement football pitch with improved drainage levelling, new car parking and upgraded access to serve the existing recreation ground, new tennis pavilion and siting for additional tennis court, with associated works and landscaping Granted

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 **HDC Environmental Health Officer: (summarised)**

As discussed the broad principles in the CEMP are fine. Further details have been provided in the form of a Construction Environmental Management Plan and Construction Noise and Vibration Control document. I can confirm that I raise no objections in respect of this submission.

With respect to the traffic movements its unlikely that routing of construction traffic via Stane Street and Hayes Lane into Maydwell Avenue will result in unacceptable impacts in terms of the statutory standards for road traffic noise or air quality. However if you are minded to permit this I would recommend that this routing traffic should be limited to the construction phase only and should be discontinued as early as practical.

OUTSIDE AGENCIES

3.2 **WSCC Highways: (Summarised)**

There will be up to 35 daily movements during the construction phase. Some traffic will enter the site via Hayes Lane from the A29 junction with parking provided on site for contractors. Deliveries will take place in the off peak hours from 09.30 to 15.00. The applicant will need to liaise with the local area highway manager on any temporary closures or service connections. Having considered the information provided, the details from the highway perspective are considered acceptable.

I suggest we add a Section 59 Agreement to the CEP: having assessed the road further and the construction of Hayes Lane, the applicant would be required to enter into a Section 59 agreement under the 1980 Highways Act. Such an agreement would enable the Local Highway Authority (LHA) to recover from the developer the cost of repairing any damage that occurs to the highway as a consequence of the development. The developer should seek early engagement with the WSCC Asset Management team to prepare the s59 agreement before works fully commence.

With regards to the access onto Hayes Lane, it is my understanding that the signing is advisory. The applicant has stated that they intend to bring construction materials to the site during the off peak period which is preferable and with a maximum of 35 daily movements. Other than asking for a dedicated drop off facility where materials are transferred to smaller vehicles such as vans and then taken to the site, I don't think there is much more we can ask for here.

PUBLIC CONSULTATIONS

3.3 Slinfold Parish Council:

Slinfold Parish Council strongly objects to the proposal put forward as the proposed access via Hayes Lane totally goes against everything that has been promised to the Parish Council and Slinfold residents and we understand too that assurances were given to HDC that construction traffic would not access the site this way. WSCC was consulted and whilst they did not object, their no objection was based on a case put forward by Slinfold LLP to access the site via Maydwell Avenue.

Slinfold LLP (the applicant for DC/13/2042) has confirmed recently that “specific assurances were given to the Parish Council, local residents and HDC that access would be through the Business Park. All the rights to use the benefit of the Business Park are in place and available for A2Dominian to use”

As provision has been made to allow for access through the Business Park (Maydwell Avenue), the PC feel very strongly that HDC and WSCC should hold the developer to that.

In addition, the PC agrees that access via Hayes Lane is totally unsuitable, the Lane is very narrow and not suitable for construction traffic, we understand that access to Phase 1 (shown as a green arrow) is via a part privately owned drive and there are restrictions over access to Phases 2 and 3 (shown as blue arrow). Has the developer received the necessary permissions to use these roads for access?

Also, problems were raised as part of the initial WSCC Strategic Planning consultation and a road safety audit raised concerns with regard to visibility and street car parking. This is still a problem

3.4 49 letters have been received in response to the first consultation with a further 12 received as a result of the re-consultation raising the following summarised objections:

- Noise
- Pollution
- An existing sign advises that Hayes Lane is ‘Unsuitable for HGV’s’
- The road is a narrow country lane which is single width in part – this would lead to highways safety issues
- Conflict with walkers, cyclists, horse riders and others using Hayes Lane.
- Damage to the public highway
- As part of the original consent the applicant confirmed use of the industrial estate to access the development site.
- Impact upon ecology on the site
- No time limit on the inconvenience experienced by residents

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main issues concern the principle of access to the site to implement planning permission DC/13/2042, impact upon resident's amenities and impact upon highway safety.

The Principle of Access to the Site:

- 6.2 Conditional planning permission was granted for the redevelopment of this site – subject to a number of conditions controlling the details of the scheme and the manner in which the scheme would be implemented. The conditions under consideration now being two of the conditions seeking to control the manner in which the scheme would be implemented. Reference has been made by objectors to the fact that at the original application stage the applicant committed to using an access route through the Industrial Estate to the rear of Hayes Lane to access the site rather than the surrounding public highway. However this was not confirmed by condition or part of a legal agreement, as planning control cannot extend to restricting access to public highways. So whilst a CEMP cannot restrict the use of a highway it can set out the preferred route for vehicles to ensure site operatives are aware of this. Therefore the principle of the development of the site has been found acceptable subject to the agreement by the Council of the Phasing Details and the Construction Management Plan (CMP) with no specified access route to the site.
- 6.3 The phasing condition was attached to ensure that the development is constructed as approved and in the interests of controlling the impact of the development during construction. The reason given for the CMP was in the interests of highways safety and the amenities of the area.
- 6.4 Any conditions attached to a planning permission must meet the following tests: be necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects. In the case of conditions 6 and 7 the Council cannot refuse confirmation of compliance with these conditions and thus prevent development unless the impact of the details under consideration would be significantly harmful to the amenities of the area or cause highway safety issues that would represent a danger to the use of the adjacent highway. These issues are considered below, but the principle of access to this site to carry out the development previously approved has been established by the existing extant permission, in relation to which there was no highway related objection, and therefore cannot be refused as a matter of principle because the applicant now seeks to utilise a different access, compared to that previously indicated.

Impact upon the Amenities of the Area:

- 6.5 One of the core planning principles within the NPPF is to seek a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.6 Policy 33 of the Horsham District Planning Framework seeks to ensure that developments shall be required to ensure that they are designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development. This criteria however is to be considered in terms of the completed development and how it interacts with its surroundings – this policy does not specifically address the impact of the construction of a development.
- 6.7 The phasing condition seeks to build out the community works first turning to the commencement of residential works approximately 1 month into the first phase. Thereafter the two residential phases would follow on from each other – moving across the site developing from the northern part of the site to the central part of the site. This is considered acceptable – the works to phase 1 being accessed from the industrial estate

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and providing relatively little impact upon local residents other than the traffic drawn to the site belonging to those working on the site. This delivers the important community works first and is to be supported.

- 6.8 The CMP proposes that some construction traffic be routed via Hayes Lane for phase 2 and then into Maydwell Avenue. The precise length of time for this routing is unknown – it depends upon the eradication of Japanese Knotweed that lies adjacent to the access proposed from the industrial estate into this site. It is hoped that the site upon which the knotweed lies will be cleared for use in January 2017, but that will not be known until next year. The proposed routing via Hayes Lane would potentially involve traffic lights being installed to control traffic through those parts of Hayes Lane of insufficient width to allow two lanes of traffic –the precise details of such works would be subject to discussion with the County Highways Authority.
- 6.9 The potential impact upon residents are additional noise and disturbance and inconvenience of construction traffic and vehicles belonging to those working on the site passing along Hayes Lane and then Maydwell Avenue before entering the construction site for a period of some months – until the Japanese Knotweed has been confirmed as eradicated (at which point the industrial estate could be used to route construction traffic). Whilst this use of Hayes Lane would undoubtedly be different and greater than that currently taking place, it is not considered that the levels of noise, disturbance or other harm would be so significant as to warrant refusing the condition details of this application. The Council's Environmental Health Officer confirms that he would raise no objections in this respect. It would undoubtedly change the character of the lane for the duration of its use, introducing construction traffic where normally this is either very limited or non-existent, however, the planning system is unable to control the use of public highways, and, in addition, the Highways Authority have not raised any objection to the proposed routing.
- 6.10 Development sites across the District involve construction traffic using both urban and rural roads – whilst resulting in a temporary change in environment this would never be sufficient for a normal scale of development to warrant a refusal on amenity grounds. Such an approach could potentially prevent significant development from taking place. In this instance whilst sympathetic to the changes that have taken place compared to the routing understood to have been proposed as part of the original application, the developer cannot be forced through the planning system to stand by any such proposals. Therefore this case has to be judged on its individual merits and the resulting impact is not considered to be so significant as to warrant a refusal.
- 6.11 The other elements of the CMP are considered to be acceptable and to minimise as far as possible the impacts upon local residents. Details have not been submitted of the proposed lighting around the site and therefore this condition can only be discharged in part.
- 6.12 It is considered that the scheme, whilst causing a difference in the environment around Hayes Lane for the duration of the use by construction traffic, would not be so harmful to individual amenities as to warrant a refusal of permission.

Highways Safety:

- 6.13 Condition 7 was imposed partly in respect of concerns about highways safety. The routing of the construction traffic has been assessed by the County Highway Authority and they raise no objections subject to a S59 Agreement being completed by the applicant to ensure that any damage to the public highway by the construction traffic is compensated.. The issue of highway safety is not a subjective issue, rather one that is judged by reference to technical standards. Therefore whilst residents may be concerned about the potential impacts of this proposal, if the Highways Authority is satisfied that the scheme can be

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accommodated without causing any adverse highway safety issues then objections on these grounds would be very difficult to sustain.

- 6.14 It is considered that the proposed use of Hayes Lane to access the development site during the construction of Phase 2 would not result in dangerous or harmful highways conditions and the scheme is therefore considered to be acceptable in this respect.

7. RECOMMENDATIONS

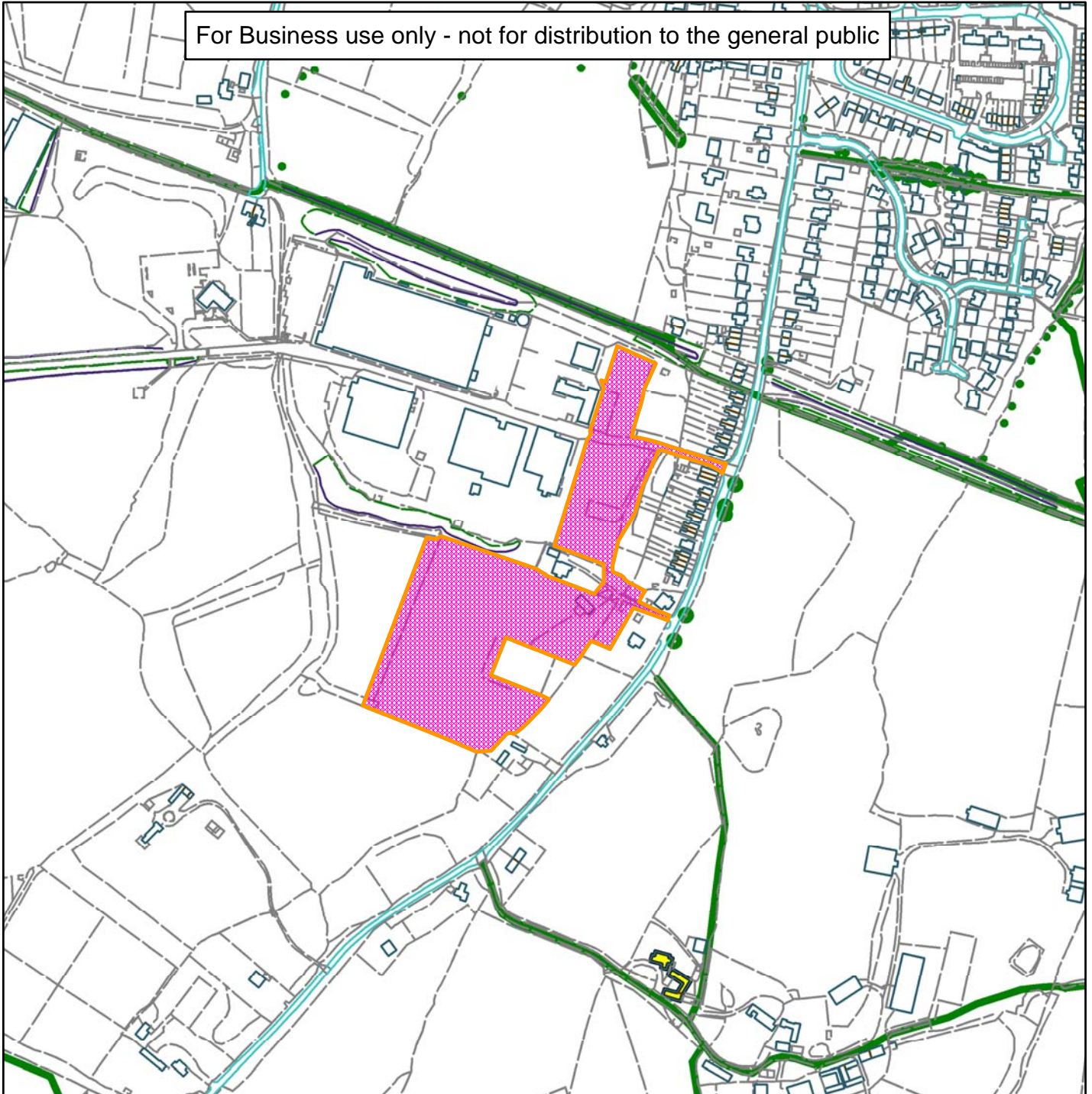
- 7.1 To approve the phasing details submitted in respect of Condition 6 and to approve the details in respect of Condition 7 in part: Details of lighting have not been submitted so will need to be submitted as part of a separate application in order to complete the approval of Condition 7. It is recommended that the determination of lighting as part of Condition 7 be delegated to officers.

Background Papers: DC/13/2042

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Organisation	Horsham District Council
Department	
Comments	
Date	20/10/2016
MSA Number	100023865

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**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee

BY: Development Manager

DATE: 01 November 2016

DEVELOPMENT: Proposal for a 20m(W) x 40m(L) x 7m(H) temporary structure (marquee housing ice rink, cafe, bar and reception) to be erected for 101 days between 21st October 2016 and 30th January 2017. The structure will be removed completely after 30th January 2017. Temporary change of use (from A1 to mixed use) for Christmas Fantasia including Christmas market between 26th November and 2nd January.

SITE: Camping World Hornbrook Park Brighton Road Horsham

WARD: Forest

APPLICATION: DC/16/1939

APPLICANT: Mr Richard Bradley

REASON FOR INCLUSION ON THE AGENDA: More than 5 letters of representation have been received within the statutory consultation period, contrary to the Officer's recommendation, and; Councillors Bradnum and Newman have requested the item to be brought forward to the Planning Committee.

RECOMMENDATION: Subject to the highways issues being resolved to grant planning permission, subject to conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Temporary planning permission is sought for a change of use to the site from an existing A1 outdoor tent display and retail area, to a mixed use ice skating rink with fayre ground rides/attractions, and seasonal Christmas Market. The ice rink would operate for a total of 101 days (21st October 2016 to 29th January 2017) running from 10am to 9pm every day, and the Christmas Market/Event would run for a total of 22 days (26th to 27th November, 3rd to 4th December, 10th to 11th December, 17th to 24th December, and 26th December 2016 to 2nd January 2017) opening from 10am and closing at 10pm every day. The ice rink would be enclosed within an 800m² marquee, which would include a café and bar, sited close the entrance of the site. The market/fayre would occupy the remaining outdoor area, including approximately 15 small retail huts, a 12m high Ferris wheel, inflatable slide, and a child's car track. Temporary permission for the site is sought between the 21st October 2016 to the

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2nd January 2017. The site's use would be reverted back to A1 following the end of the event dates.

DESCRIPTION OF THE SITE

- 1.2 The application relates to an outdoor retail display area serving an A1 retail unit (Camping World). The proposal site is approximately 4,600m² (0.46 hectares), and is sited to the rear of the retail unit, at the south-western corner of the Hornbrook Park retail estate. Hornbrook Park serves four retail units: Hillier's Garden Centre, Petworld, Wenban Smith, and Camping World, all of which share a central car parking area with a maximum capacity of 250 parking spaces. The site is located approximately 160m east of the built up area, within the open countryside. The surrounding area to the west of the site is characterised suburban development, including some housing that sit outside of the built-up area, whereas the area to the east of the site is rural, and sparsely developed. The site is heavily screened to the south and the west, including tall hedging and fences, and evergreen trees.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012)
NPPF1 - Building a Strong, Competitive Economy
NPPF3 - Supporting a Prosperous Rural Economy
NPPF7 - Requiring Good Design
- 2.3 National Planning Policy Guidance (March 2014)

RELEVANT COUNCIL POLICY

- 2.4 The following policies of the Horsham District Planning Framework (2015) are considered to be relevant:
HDPF1 - Strategic Policy: Sustainable Development
HDPF2 - Strategic Policy: Strategic Development
HDPF7 - Strategic policy: Economic Growth
HDPF10 - Rural Economic Development
HDPF11 - Tourism and Cultural Facilities
HDPF 26 - Strategic Policy: Countryside Protection
HDPF33 - Development Principles
HDPF40 - Sustainable Transport
HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The site is located within the boundary of the Horsham Blueprint Neighbourhood Forum which was confirmed as a designated Neighbourhood Forum area in June 2015. The Forum is currently preparing a Regulation 14 Pre-Submission Plan. As the Forum is in early stages of producing a Neighbourhood Plan, no weight can be given to this process at this stage in the determination of this application.

PLANNING HISTORY

HR/51/80	Industrial units Comment: Outline (From old Planning History)	REF
HU/334/88	Use of building to include sales of camping and caravan goods (From old Planning History)	PER

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **Landscape Architect** – No objection.
- 3.3 **Community and Culture** – Supports application, which would provide an excellent temporary benefits to the town’s sport, recreation, leisure, and trade.
- 3.4 **Strategic Planning** – Supports application, the principle of leisure and commercial development has already been established on the Hornbrook Trading Estate, including the adjacent Hilliers Garden Centre. The temporary development, supporting tourism and the economy will take place on previously developed land and it complies with the NPPF and the policies in the HDPF.
- 3.3 **Public Health and Licencing** – suggested condition relating to protecting neighbouring amenity from noise.

OUTSIDE AGENCIES

- 3.4 **Sussex Police** – No objection.
- 3.5 **West Sussex County Council Highways** – Objection, on the following grounds:
- Road safety and turning movements concerns
 - Free flow traffic obstruction
 - Poorly justified Transport Management Plan
 - Resultant queuing on A281
 - Insufficient alternative transport
 - Insufficient car parking
 - Concerns regarding to transport in and out of the site when dark

PUBLIC CONSULTATIONS

- 3.6 **Forest Neighbourhood Council** – No objection.
- 3.7 Ten letters of representation have been received from nearby occupants – nine objecting, and one neither objecting nor supporting the proposal, on the following grounds:
- 12 hour noise disturbances from machinery and visitors every day for 14 weeks
 - Overlooking from Ferris Wheel into residential garden area
 - Insufficient parking accommodation will result in congested roads
 - Resultant increased traffic throughout area

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- Inappropriate location for a Christmas market
- Market would have an adverse impact on trade within the main town

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The principal issues in the determination of the application are:
- a) Principle of the development
 - b) Visual impact within countryside
 - c) Impact on neighbouring amenity
 - d) Highway safety

Context

- 6.2 Planning permission was granted in 1988 for the use of the site and associated building as a retail unit for the sales of camping and caravan equipment. Therefore, the approved use of the site is A1. Generally, a temporary change of use is not required to any site, providing that the temporary use does not exceed 28 days per calendar year, or 14 days in the case of a market use. Further to this, there is no permitted use class change to the proposed use from the approved A1 use. As the proposed ice rink would operate for a total of 101 days, the market/event for 22 days, and would be in the curtilage of a building, the proposal would exceed the stipulations as defined within Schedule 2, Part 4 of the General Permitted Development Order (2015) – temporary planning permission is therefore required.

Principle of the development

- 6.3 Policy 10 of the Horsham District Planning Framework relates to rural economic development, and states that enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social, and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity, will be supported in principle. Any development should be appropriate to the countryside location.
- 6.4 Policy 11 of the Horsham District Planning Framework relates to tourism and cultural facilities, and states that Measures which promote tourism and enhance local cultural facilities, including recreation based rural diversification, will be encouraged. Any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District.
- 6.5 Historic planning records indicate that the site has been in retail use for the sales of camping and caravan equipment since 1988 (HU/334/88). The proposed temporary use for

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an ice skating rink and seasonal Christmas market event would temporarily cease the retail use on the site until the final day of the event on the 30th January 2017. Following this date, the existing approved retail use would be reinstated.

- 6.6 The proposed temporary use of the site is considered contribute to a strong, responsive, and competitive economy, which would also result in supporting a strong and vibrant community. Whilst the site is located outside of the main town of Horsham, the event would have connections to the main town – the proposed café/bar within the ice rink, and individual retails huts (which would be operated by local retailers) will contribute to the regeneration and intensification of an existing employment site on a temporary basis.
- 6.7 The event would enhance the attractiveness of the place in terms of tourism, and provide an alternate seasonal economy. Due to the temporary nature of the event, it is not considered that the development would result in any harmful conflict with the vitality the existing retail centres. The temporary development is also expected to promote tourism and enhance local cultural facilities, due to the proximity of the site in relation to the centre of the main town, and would revert back to the approved retail use after the 30th January 2017. The development would therefore have positive economic and social benefits.

Visual Impact

- 6.8 The site is located outside of any defined built-up area, approximately 160m east of the Horsham built-up area boundary. Therefore, the site is located within the open countryside, in which the Council's countryside protection policy would be applied. Policy 26 of the Horsham District Planning Framework states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Proposals must be of a scale appropriate to its countryside character and location and will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.
- 6.9 In regards to the resulting appearance of the temporary development, policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape. Development must relate sympathetically to the local landscape and should justify and mitigate against any losses that may occur through the development.
- 6.10 The proposed temporary development would be sited wholly within the curtilage of the existing retail park, located to the south-western corner of the site. The 4,600m² (0.46 hectare) site is currently decked, which is used for the display and sales of camping equipment, and is bound by 2.5m high metal fencing to all elevations. The proposed development would occupy the entire site, which would be taken up by an 800m² marquee for the ice skating rink, individual temporary retail huts, and various attractions, such as a Ferris wheel and inflatable slide. No permanent structures or equipment would be erected on the site, and the existing retail building would remain unaltered.
- 6.11 The site is set some 130m back from the highway – views to the site would be obscured by the existing retail building to the north, and the neighbouring garden centre to the east. The larger structures, such as the marquee and Ferris wheel, would be sited to the eastern boundary of the site in order to maintain a maximum distance from the nearest residential dwelling on Hornbrook Copse, and Oaklands Close. Given the temporary nature of the proposal, in which the largest structure would be erected for 101 days (excluding assembly and disassembly), coupled with the fact that the site would be reverted back to its main use as an outdoor retail area, and satisfactory distance from the highway. Further to this, as the Hornbrook Trading Estate is an established commercial development within the countryside, the proposal is not considered to negatively impact on the character and setting of the site.

Notwithstanding the above, it is also noted that any impact would be temporary and minimal due to the relatively short period of time in which the proposal would be in operation. Therefore, the development is considered in accordance with policies 26 and 33 of the Horsham District Planning Framework in regards to its proposed appearance and visual impact within the countryside.

Impact on Neighbouring Amenity

- 6.12 Policy 33 of the Horsham District Planning Framework states that developments shall be required to Ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views
- 6.13 Representations have been received regarding the potential impact on neighbouring amenity by way of overlooking, mainly from the proposed Ferris wheel attraction. The closest residential dwellings to the site are No. 7 Oaklands Close, some 188m from the western boundary of the site, and Nos. 4-6 Hornbrook Copse to the north, at some 55m from the northern boundary of the site. The applicant has provided photographs of the surrounding area to the north, south, east, and west of the site at 8m (height of the inflatable slide) and 12m (maximum height of Ferris wheel). The photographs illustrated that views from these heights to all directions would be obscured by the surrounding trees beyond the boundary of the site, and by the retail building. Further to this, the separation distance from the site and neighbouring dwellings is considered satisfactory enough to not result in clear views into residential properties or garden curtilage. Therefore, the Local Planning Authority is satisfied that no harm would arise by way of overlooking as result of the development.
- 6.14 Due to the site's arrangement, orientation, and distance from neighbouring dwelling, the proposed temporary structures would not result in any adverse amounts of overshadowing detrimental to neighbouring amenity.
- 6.15 In regards to lighting: the event would be lit by low level local LED lighting. The existing outdoor retail is not currently lit, and does not include any floodlighting. Whilst the event would be lit during night time hours up until 10pm each day until the end of the event, the low level of lighting is not considered to result in any harmful amounts of light pollution compared to the surrounding residential street lighting on Hornbrook Copse. Further to this, the separation distance of the site in relation to neighbouring dwellings, coupled with the existing trees surrounding the site, and due to the temporary nature of the development, the proposed lighting would not result in any harmful amounts of lighting detrimental to neighbouring amenity.
- 6.16 The applicant has commissioned a week-long noise survey, which will monitor localised noise levels from visitors to the event. The associated licence with the application stipulates that no more than 700 people are to be on the site at any one time. This will be monitored by stewards. Noise levels from visitors is considered incidental to the use of the site, and cannot be controlled by reasonable conditions. However, the applicant's noise survey will be able to monitor on-going noise levels on the site throughout the event, and will attempt to reduce noise levels where necessary.
- 6.17 The event will also require some degree of plant/machinery, such as generators and a refrigeration unit to maintain the ice skating rink on the site. 1 generator will be required, which would generate at a level of 65dB at 1m, and would operate during opening hours only. The ice skating rink requires an on-site refrigeration unit, which will operate 24 hours, at level of 70dB at 10m. Whilst the generator and refrigeration unit levels are considered acceptable in principle, further detailed is required to ensure that this would no result in any

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harm by way of adverse noise levels. A timed condition is therefore attached to the recommendation.

- 6.18 With the above in mind, the applicant has satisfactorily demonstrated that no adverse impact to neighbouring amenity by way of overlooking or overshadowing would result from the development, due to the modest height and position/orientation of the proposed structures and equipment. Whilst the proposed noise levels are not considered harmful in principle, further detail can be secured by way of a timed condition subsequent to the decision. The application is therefore considered in accordance with policy 33 of the Horsham District Planning Framework in regards to impact on neighbouring amenity.

Transport Issues

- 6.19 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. Dispersed rural settlements, coupled with the limited access to public transport, results in a population that is highly reliant on the use of cars. The need for sustainable transport and safe access is vital to improve development across the district.
- 6.20 Policy 41 of the Horsham District Planning Framework relates to parking, and states that development should seek to improve parking in town centres so it is convenient, safe and secure. Parking provision must ensure a balance between good urban design, highway safety, residential amenity and promoting town centre attractiveness and vitality. Adequate parking and facilities must be provided within developments to meet the needs of anticipated users.
- 6.21 Hornbrook Trading Estate currently includes a 250 capacity car park – the site is accessible from the A281 (Brighton Road), and includes its own filter lane from westbound traffic. Traffic will be marshalled at all times during the event to ensure that the maximum capacity is not exceeded. Given the established use of the car park, which includes ample visibility east and westbound from the exit, the safety of the junction is not considered to be dissimilar from the existing arrangement.
- 6.22 A parking survey was undertaken on site between Monday 26th September and Sunday 2nd October at 10am, 12 noon, 2pm, and 4pm in order to ascertain the existing use of the car park, and to identify its peak demand for the existing use of the site. The survey revealed that the peak time tended to be at 2pm, with 285 cars being parked on the site at this time over the whole week, and Saturday as the peak day, with some 171 cars over the whole day. Saturday at 2pm recorded the most cars on the site at one time – 56. With the existing business uses on site in mind, this should result in the availability of approximately 200 parking spaces on the site during peak business times. Given the predicted 330 cars per day, and the average 2-3 hour visiting time, the existing parking arrangement should be sufficient – a licence from the owners of the land has been obtained, granting permission for the use of the car park for the event. Alternative methods of transport to the site have also been proposed, such as a shuttle bus service from the Carfax to the overfill car park at the Rugby Club. The existing bus routes on Brighton Road can also be utilised to get to the site.
- 6.23 It is noted that the Local Highway Authority has objected to the proposal, as it was not considered that the submitted transport management plan provided sufficient information and justification to overcome previously established concerns. However, discussions are still underway, as the objections within the consultation response can be overcome by the submission of a revised transport management plan, alongside further clarification, and the attachment of relevant conditions to ensure the measures are implemented and maintained.

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- 6.24 It should be noted that the applicant does not intend to sell tickets to the attraction on the access to the highway, as stated on the second point of objection from the LHA. It is anticipated that most ticket sales will be done online, which will also allow the event managers to prepare and advise customers of the parking situation on the site. Live feed dot matrix signs have been proposed to be placed facing east and west of the A281 to indicate the availability of parking, or inform of an alternative car park. Approximately 30-40% of ticket sales would occur on the access to the attraction as “on the door” sales.

Conclusion

- 6.25 Due to the site’s location outside of the built up area, siting to the rear of the plot, relatively low structures, and temporary nature of the development, the proposed temporary event is not considered to result in an adverse visual impact on the countryside or any harm to the amenity of neighbouring occupiers. Whilst the event would result in an increase in activity within the countryside, consideration is given to the site’s relatively close location to the main town, and its existing commercial use and siting on a main A road (A281/Brighton Road). The event is expected to promote tourism and enhance local cultural facilities, due to the proximity of the site in relation to the centre of the main town, and would ultimately have positive economic and social benefits. In regards to transport arrangements, the event (subject to the detail received within the revised transport management plan) would promote safe and sustainable transport. Officers therefore recommend the application for approval, subject to the satisfaction of the attached conditions.

7. RECOMMENDATIONS

- 7.1 That the application be approved, subject to the following conditions:

1. The proposed temporary use of the land for an ice skating rink and seasonal Christmas market hereby permitted shall be discontinued and the land restored to its original condition and intended use immediately following 30th January 2017 in accordance with a scheme of work submitted to an approved in writing by the Local Planning Authority

Reason: The use hereby approved is not considered suitable as a permanent form of development to safeguard neighbouring amenity, and to comply with policies 26 and 33 of the Horsham District Planning Framework (2015)

2. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

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

3. The premises shall not be open for trade or business except between the hours of 10:00 and 22:00 Monday to Sunday

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

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

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

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5. Within 2 weeks of the date of this decision a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented within 1 week of such approval in strict accordance with the approved details, and shall be retained throughout the duration of the hereby approved development.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with Policy 33 of the Horsham District Planning Framework (2015)

INFORMATIVES

Please be advised that there are conditions on this notice that will require formal discharge. In order to secure the discharge you will need to submit an "Application for approval of details reserved by condition" application form and pay the appropriate fee, guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms

The applicant is advised to contact the area highway manager, Chris Stark, as an agreement or licence may be required to place the proposed dot matrix signage on highways land for the extended period of time: chris.stark@westsussex.gov.uk

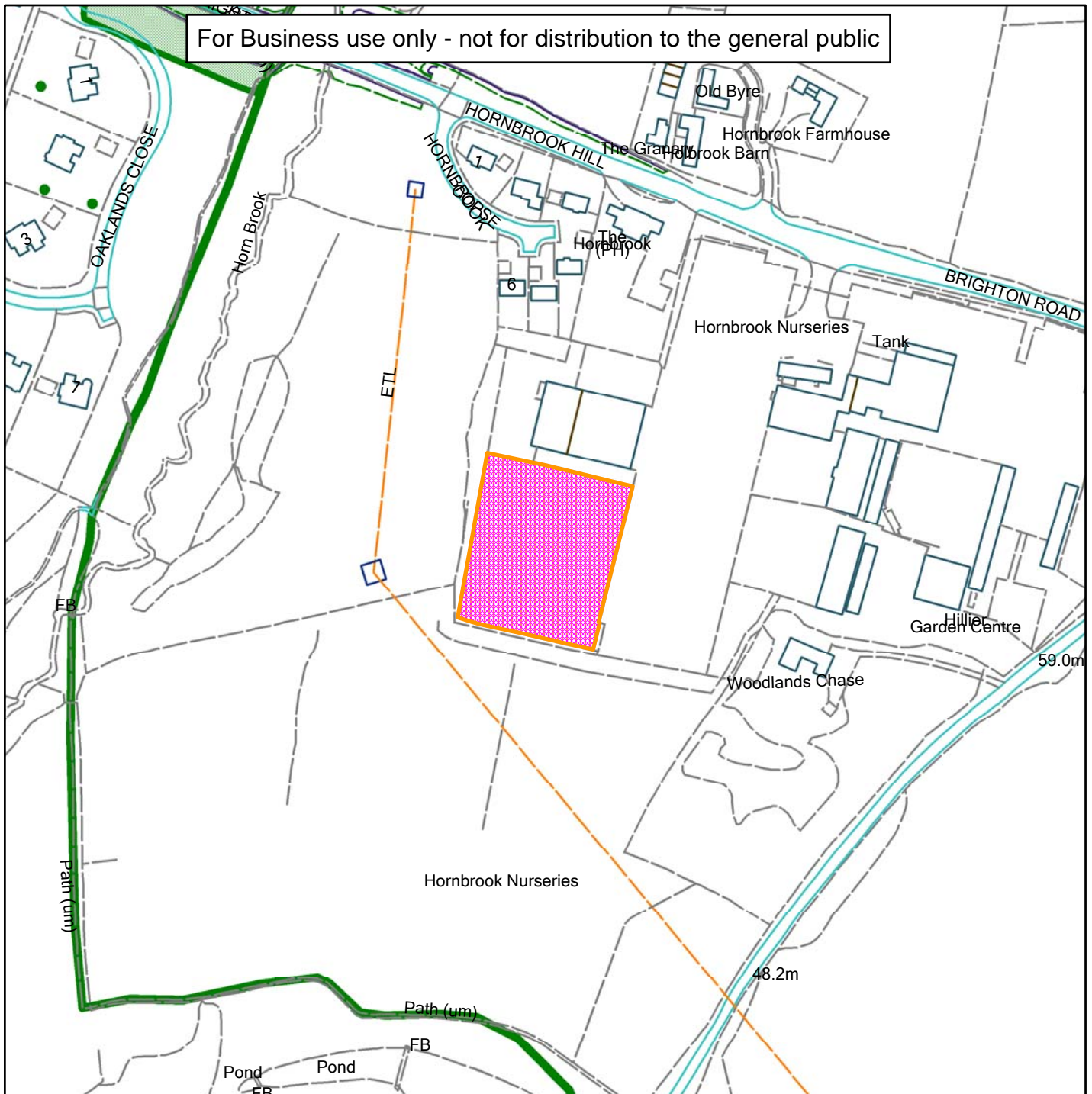
Background Papers: DC/16/1939

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Camping World, Hornbrook Park

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	20/10/2016
SA Number	100023865

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**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 1 November 2016

DEVELOPMENT: 'Infill' extensions at ground floor level to create 7 no residential apartments, external alterations and construction of new single storey plant room.

SITE: Park North and North Point, North Street, Horsham West Sussex

WARD: Horsham Park

APPLICATION: DC/16/1016

APPLICANT: North Street Horsham Development LLP

REASON FOR INCLUSION ON THE AGENDA: Requested to be determined at Committee by the Horsham Denne Neighbourhood Council and Cllr Skipp

RECOMMENDATION:

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The applicant seeks planning permission to infill the existing access and undercroft parking to the rear of North Point with 5 whole units and 2 half units, with the 2 no. half units already benefitting from prior approval for residential use under application ref DC/15/1678. In total seven residential units would therefore be created, either in part or whole, comprising of one and two bed units.
- 1.2 External works are also proposed to the exterior of the building that includes window and door alterations, the replacement of existing curtain walling panels and windows with infill render panels, and the construction of a new single storey plant room. The alteration details are provided below:
- 1.3 Northwest Elevation (front):
 - the existing access opening fronting onto North Street is to be blocked up with brickwork to match existing and would also include the insertion of two windows;
 - a new window would replace an existing automatic doors at ground floor;
 - 3 no. existing window panes to be removed and replaced with insulated blanking panels (no. 1 at first floor and no. 2 at second floor); and

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- the existing window opening at the fourth floor of the property would be enlarged and roof detailing's would be altered to accommodate this change;

1.4 Southeast Elevation (rear):

- Infill existing open car park area on ground floor with brickwork to match existing, including the insertion of 1 no. new window opening to serve a proposed unit;
- The insertion of 4 no. new window openings to serve two units;
- Remove existing rear door on the ground floor to the rear of North Point and replace with new brickwork to match existing;
- Remove existing rear door on the ground floor to the rear of Park North and replace with 1 no. new window opening, infilling below with new brickwork to match existing;
- 1 no. 1st floor window to be removed and replaced with insulated lookalike panels; and
- 2 no. 2nd floor windows to be removed and replaced with insulated lookalike panels.

1.5 Southwest Elevation (Capitol Theatre side):

- 2 no. new ground floor window openings to be inserted into the existing wall;
- 3 no. sections of existing curtain walling on the ground floor to be removed and infilled to include the insertion of 10 no. new windows; and
- 2 no. 3rd floor windows to be removed and replaced with insulated blanking panels

1.6 Northeast Elevation (Comewell House side):

- 2 no. new window openings on ground floor within the existing gable;
- Infill of existing open car park on the ground floor with new brickwork to match existing and the insertion of 8 no. new window openings and 3 no. new entrance doors;
- New plant room on the ground floor; and
- 1 no. new door on the ground floor into the existing stairwell to match existing adjacent door.

1.7 Southwest Elevation (Courtyard North Point side):

- 1 no. ground floor window to be removed and replaced within insulated lookalike panels;
- 1 no. 1st floor window to be removed and replaced with insulated lookalike panels;
- 1 no. new window opening on 3rd floor; and
- 1 no. new opening formed in gable at fourth floor

1.8 Northeast elevation (Courtyard Park North side):

- Remove 4 no. existing sections of curtain walling on ground floor and infill, to include the insertion of 14 no. new windows with through colour render finish panels; and
- 2 no. windows on the 3rd floor to be replaced within insulated lookalike panels.

DESCRIPTION OF THE SITE

- 1.9 The site is located along North Street in Horsham and is located within the Built-up Area Boundary of the main town in the District as defined in Policy 3 of the HDPF. The conjoined buildings front onto North Street to the northwest and part of Chichester Terrace with the BT Telephone Exchange building located to the rear. The Capitol Theatre is located to the southwest of the site and another office building (known as Comewell House) is located to the northeast.

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- 1.10 The buildings are of a 1980's exemplar construction and currently provide three floors of office accommodation and parking, with a smaller fourth floor that was unoccupied. The undercroft parking area subject to the proposed residential infilling is surrounded by a red brick wall along the perimeter of the site opposite the northeast and southeast elevations approximately 3 metres high, set approximately 4 metres from the proposed units. The southwest elevation of this undercroft area would sit opposite the access ramp to the existing basement car park under Point North.
- 1.11 The planning application is supported by a number of detailed studies, which include a:
- Design & Access Statement
 - Transport Assessment
 - Planning Statement
 - Environmental Desk Study and Preliminary Risk Assessment
 - Acoustic/Noise Impact Statement
 - Contamination land investigation
 - Asbestos Survey
 - A Type 11 Survey to Locate and Identify Asbestos Products
 - Site Waste Management Plan
 - Daylight and Sunlight Study
 - Financial Viability Assessment

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (NPPF), particularly Section 4 (Promoting Sustainable Transport), Section 6 (Delivering a Wide Choice of High Quality Homes), Section 7 (Requiring Good Design) and Section 14 (Presumption in Favour of Sustainable Development).

RELEVANT COUNCIL POLICY

- 2.3 The relevant planning policies of the Horsham District Planning Framework (HDPF) document (2015) are as follows: Policy 1 Strategic Policy: Sustainable Development; Policy 2 Strategic Policy: Strategic Development; Policy 3 Strategic Policy: Development Hierarchy; Policy 5 Strategic Policy: Horsham Town; Policy 15 Strategic Policy: Housing Provision; Policy 16 Strategic Policy: Meeting Local Housing Needs; Policy 32 Strategic Policy: The Quality of New Development; Policy 33 Development Principles; Policy 39 Strategic Policy: Infrastructure Provision; Policy 40 Sustainable Transport and Policy 41 Parking.

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Horsham Blueprint Business Neighbourhood Forum is the designated body of the Unparished Area of Horsham Town. The Forum is comprised of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. This body is at the very early stages of the Neighbourhood Plan process and no draft planning policies have yet been formed.

PLANNING HISTORY

HU/73/83	Outline; demolition of car showroom etc - new offices with car park	PER
HU/315/83	Demolition of car showroom and offices etc. new offices with car park	Application Allowed on Appeal: 21/06/84
HU/247/89	Erection of 3 storey office block with basement and groundfloor car parking and alterations to access	PER
HU/425/01	Construction of ground floor office accommodation replacing existing car parking spaces	PER
HU/183/03	Enclose undercroft car park to form additional office accommodation at North Point	PER
DC/06/1782	Ground floor extension of reception within existing canopy	PER
DC/15/1008	Prior Approval Change of Use, the proposed development comprises the conversion of the existing building (which currently comprises the Park House North and North Point buildings linked together) from the current use (BI offices) to a residential use comprising multiple apartments (use class C3)	PEPA
DC/15/1449	Extensions and internal alterations at ground floor level to create 7 no residential apartments (following the grant of prior approval for office to residential conversion), improvement works to exterior of building including window and door alterations, replacement of curtain walling panels/windows with infill render panels & construction of new single storey plant room.	REF
DC/15/1678	Prior Notification for the conversion of the existing building (which currently comprises the Park North and North Point buildings linked together) from the current use (B I offices) to a residential use comprising 65 apartments (Use Class C3)	PEPA
DC/16/2041	Prior Approval for Change of Use from (BI Offices) to a residential use comprising multiple apartments (use class C3)	Pending Consideration

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **Public Health and Licensing Department: No objection**

There was no response from this consultee at the time of report preparation. However, for the previous planning application (reference DC/15/1449) the department had no objection to the proposal, which is similar in nature. The Department did advise the planning department that conditions relating to the impact of noise, potential contamination and a Construction Environmental Management Plan should be secured through condition.

3.3 **Environmental Services (Summarised): No objection**

Additional refuse and recycling bins need to be provided for a total of 70 apartments.

3.4 **Housing Department:**

There was no response from this consultee at the time of report preparation.

3.5 **Property Services - Drainage:**

There was no response from this consultee at the time of report preparation.

3.6 **Community Safety Partnership:**

There was no response from this consultee at the time of report preparation.

OUTSIDE AGENCIES

3.7 **West Sussex County Council (WSSC) Highways Department: No objection**

West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. DC/15/1008 to which no objections were raised.

The proposal is for the extension via an infill method of a former office block with Prior Approval for 70 dwellings, with an additional 7 dwellings through the full planning mechanism. Access shall be onto North Street via an existing access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto North Street.

In terms of movements, the site in its entirety should attract significantly fewer movements than in its operation as an office. As such, the number of vehicular movements should not be detrimental to the safety of fellow Highway users. Furthermore, the site is located within a highly sustainable area with Horsham Town Centre located within walking distance to the south. Buses also pass by the frontage in either direction and Horsham Railway station is a short walk to the North of the site. In addition, cycling activities should attract an above average number of participants due to the inclusion of cycle lanes within the carriageway near to the site.

The number of parking spaces was stated as "at least 70", and there would now be potentially further demand on those spaces. However, the site has been determined as located in a sustainable area, and therefore residents may not be reliant on the use of a motor vehicle. Visitors may be catered for with nearby public car parks should parking not be available within the site frontage. On street parking on North Street would not be permissible due to double yellow lines, and any parking would obstruct what is one of Horsham's busiest distributor roads.

In terms of the impact of this proposal, the 7 proposed dwellings would not have a material impact upon the safety of Highway users.

3.8 **West Sussex County Council (WSSC) Surface Water Drainage:**

There was no response from this consultee at the time of report preparation.

3.9 **Southern Water (summarised): No objection**

Southern Water has no objection the proposed development but has proposed a planning condition to secure the details of the approved foul and surface water sewerage disposal system to be submitted and approved by Local Planning Authority in consultation with Southern Water.

3.10 **District Valuer Services (summarised):**

The District Valuer confirmed that although costs for schemes conversion and site value are higher than anticipated for a scheme of this type, it is still considered that the policy requirement to include an affordable housing contribution of 20% would render the scheme unviable. It is also considered that sales values for the proposed residential units are at an appropriate level, and that other assumptions in relation to development profit and procedural costs are accurate.

PUBLIC CONSULTATIONS

3.11 **Denne Neighbourhood Council (summarised): Objection**

The Denne Neighbourhood Council has raised objections to the proposal and this is summarised below:

- That not enough parking has been provided for residents of the proposed residential building, and moreover, that there would be conflict between residents parking and deliverers/users of the Capitol Theatre;
- That there would be poor natural light into a number of the apartments of the building and the 'daylight and sunlight study' provided as part of the planning application is inadequate;
- That future occupiers of the residential building would be subject smells and odours from the communal waste bins provided on site;
- That future occupiers of the residential building would be harmed through pollution from motor vehicles using the 'in and out' access ramp to the underground basement;
- That future occupiers of the residential building would be deterred to open their windows and would as a result, the future occupiers of the building would not be well ventilated; and
- That the future occupiers of the residential building would be harmed through noise disturbance.

3.12 There have also been two public objections to the planning application, which includes the Horsham Society and this can be summarised as follows:

- The alterations to the external elevations of the building are relatively plain and as a result, the building itself would not become a 'statement' building at one of the main entrances to the town;
- The details of the landscaping to the site are not detailed enough and would not improve the character of the area; and
- Harm would be caused through noise emanating from the Capitol Theatre, particularly from deliveries late at night.

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

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

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

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

6. PLANNING ASSESSMENTS

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

- the impact upon the character and appearance of the area;
- the amenities of the occupiers of adjoining properties;
- the existing parking and traffic conditions in the area; and
- affordable housing and infrastructure contributions

Principle of the Development

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking (paragraph 14). In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.3 The four storey office building, which was previously the Council Offices comprising of Park House and North Point, has approval to be converted to apartments under prior approval Permitted Development Rights under application (DC/15/1678). This full planning application under consideration proposes the creation of 7 additional units within the recess of the existing access fronting North Street and within the existing undercroft parking to the rear of the North Point building.
- 6.4 The building made up of North Point and Park North, benefits from two prior approvals for its conversion to form either 56 no. flats (DC/15/1008) or 65 no. flats (DC/15/1678), with a mix of unit sizes. Whilst the current application seeks to make alterations to the exterior of the existing building, these previously approved flats could be implemented (through the extant prior approvals) irrespective of the outcome of this application. As such the principle of the building's use for residential units does not form part of this application and only the merits of the current proposal for the additional 7 units can be considered.
- 6.5 The additional 7 residential units proposed under this application would increase the number of units within the two buildings to a total of 70 units, 32 one beds and 38 two beds, which would cover the ground floor, plus three upper floors, along with the retention of 70 parking spaces. This application for full planning permission can take into account all relevant material planning considerations; however, only in relation to the 7 additional flats requested within this proposal. The additional 7 residential units would be located close to the centre of Horsham, the most sustainable settlement within the district, as confirmed within policy 3 of the HDPF relating to the settlement hierarchy. In addition, it is

considered that the principle of the external alterations to the building are acceptable as this would only affect limited parts of this substantial building and are mainly located to the rear of the building; therefore such works would largely be indiscernible from North Street. The proposal use of the building is therefore considered acceptable in principle subject to all other material considerations as detailed below.

Impact on the character and appearance of the area

- 6.6 Policy 32 of the Horsham District Planning Framework (HDPF) seeks to achieve high quality and inclusive design for all development in the District and to provide an attractive, functional, accessible, safe and adaptable environment, which complements the varying characters of the District and contributes to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings. Policy 33 of the HDPF seeks to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, respects the character of the surrounding area and relates sympathetically with the built surroundings.
- 6.7 The existing building comprises of two individually built, but linked structures, Park North and North Point which are characterised by a functional and commercial appearance. The combined building is rectangular shaped with two projecting arms out to the southeast, and comprises of three to four storeys, with an additional basement level car parking area. The ground floor level is largely glazed on the principal elevation (that fronting North Street) with a vertical emphasis to the windows on the upper floor levels on the North Point element. The combined buildings have pitched style roofs with a number of faux dormers inset.
- 6.8 The proposal would see the creation of a further 7 units, set within the existing access fronting onto North Street and the undercroft parking area behind the North Point section of the building. The proposed appearance of the infill units would replicate the design of the existing building and would therefore 'tie' the proposed development to the original form of the building. An open area to the northeast and southeast of the infill units is proposed which will house the refuse bin storage and a cycle store serving the development. An outdoor amenity space would be created in the void to the rear of the building as part of this proposal, with the existing landscaping to the front of the building to be retained. It is considered that the blocking up of the existing access and the creation of additional units within the undercroft space would not be detrimental to its overall appearance.
- 6.8 In terms of the overall scale of the proposed additional units, 90m² of residential floor space would be created within the existing North Street access area, with 490m² of residential space created within the undercroft parking area. The height of the development would be equal to that of the existing ground floor height. It is not considered that the proposed additional units would overpower or adversely detract from the existing building.
- 6.9 The existing access from North Street is set within the principal elevation of North Point and alterations to this vehicular access would be visible from the main street. The alterations proposed to the access opening include the bricking up of the access and the insertion of two new window openings to match the existing. The proposal is considered to relate appropriately to the existing fenestration on this main elevation. The majority of the development proposed under this application would take place to the rear of the building and it is therefore considered that the overall proposal would not be visually detrimental to the existing street scene and would comply with policies 32 and 33 of the HDPF.
- 6.10 Minor external alterations are proposed around the building and are listed in detail in paragraphs 1.3 to 1.8 above. The replacement of a number of existing window openings with insulated lookalike panels, proposed new window openings and replacement doors, are considered to be in keeping with the overall appearance of the building. The general

proportions and design of this main part of the building would be retained. It is noted that the proposed external alterations to the building would be an improvement over the existing design that is in parts rundown, and would bring the building up to date; given its edge of town centre location, this is considered to be a moderate benefit to the scheme.

- 6.11 In terms of the surrounding area, the site lies adjacent to other large commercial premises, notably the Capitol Theatre to the southwest, an office building to the northeast and the BT Exchange building to the southeast. The extension to the building would not appear out of scale in comparison with these properties and it is considered that the character and appearance of both the building itself, and the surrounding area, would not be compromised.

Impact upon the residential amenities of future residents and occupiers

- 6.12 Policy 33 of the Horsham District Planning Framework (HDPF) document seeks to ensure that new development does not cause unacceptable harm to the amenity of occupiers and/or users of neighbouring properties, particularly through overlooking or noise. The previous planning application (DC/15/1449) at the Development Management Committee was refused partly on the following grounds:

'The proposed additional residential units would fail to provide a satisfactory living environment for future residents due to the lack of natural light. As such the proposed units would be contrary to Policy DC9 of the Horsham District local Development Framework General Development Control Policies (2007), Policy 33 of the emerging Horsham District Policy Framework and the requirements of National Planning Policy Framework (2012).'

- 6.13 The nearest residential dwellings constitute a block of flats which sit within Barrington Court on Chichester Terrace, approximately 30 metres from the rear of the application site. The Park North and North Point buildings are clearly visible to occupiers in the existing properties situated on the northwest and northwest of Barrington Court. As previously mentioned, the introduction of residential accommodation to the ground floor in Park North, and the first, second and third floors in Park North and North Point, cannot be considered (see paragraph 6.5 above) as it does not form part of this application. Therefore only the potential for impacts arising from the external changes and the additional 7 No. flats within the undercroft and access void can be considered.
- 6.14 The proposed changes to the existing building would introduce a number of additional windows on the southeast and southwest elevations of units set within the undercroft, which would face towards Barrington Court. It is considered that views to and from windows in the proposed units would be restricted by the existing brick wall set around the perimeter, coupled with the significant distance between the buildings. As such it is considered that the proposed alterations to the rear elevation would not result in any significant change to the form of the building or lead to any additional overlooking of these properties or the occupiers of Barrington Court, and moreover, no written objections have been raised by the occupiers of Barrington Court.
- 6.15 The nearest property to the proposed units is currently the office building which lies to the northeast of the site, with the BT Exchange building set slightly further away to the southeast. The BT exchange is set at a substantial distance as to not create any overlooking; however, there would be an element of overlooking once the vacant offices are occupied. It must be taken into account that residential development will already occur within the upper floors of the North Point building through the approved prior approval (DC/15/1008 or DC/15/1678). The 7 units proposed are not dissimilar to those already granted prior approval and have the added benefit of being screened by the aforementioned existing brick wall, which is approximately 3.0 metres in height and set between the proposed units and the adjoining buildings. It is not considered that future

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residents, the existing occupiers of the BT Exchange, or future occupiers of the office building (Comewell House), would be adversely impacted upon by the proposed development.

- 6.16 In terms of the environment created for future residents of the proposed 7 infill units, it is considered that this would be adequate. An open access area to the northeast and southeast of the proposed units would be retained, housing a refuse bin storage area, and one of two cycle stores. It is noted that some elements of the proposed development, would be surrounded partially by tall walls and high buildings and in the case of proposed unit G15, would have a direct outlook onto a blank wall. However, the main living area for proposed unit G14 is dual aspect so would not be affected substantially in terms of outlook and the proposed unit G16 would not continually face onto a blank wall. In terms of the proposed internal arrangements for the properties, the outlook of these proposed dwellings have been clarified through the submission of a Daylight and Sunlight survey. This report concludes that the proposed design of the scheme would meet all of the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' guidance in terms sunlight to windows and interior daylighting, so it is therefore considered that the scheme would be acceptable in terms of future occupier's amenity. Furthermore, the internal arrangement of the building does not fall within the remit of planning control (this may be controlled through Building Control) and it is acknowledged that the same living conditions will apply to other units created under the prior approval, such as those opposite the adjacent Capitol Theatre. Whilst the living environment is not ideal, the proposal is an office conversion rather than a new development and the Council does not currently hold any adopted residential space standards upon which planning permission could be justifiably refused. However, the accommodation sizes would not be dissimilar to the other flats approved within the existing building, and moreover, it is considered that it would be a good use of the space (that would otherwise be underused) in a sustainable town centre location.
- 6.17 Concerns have previously been raised regarding noise impacts from a number of sources around the site, namely, the railway to the rear of the building, traffic to the front and the potential for noise from the proposed plant room. The applicant for the previously refused planning application (reference DC/15/1449) did submit an acoustic survey, which was reviewed by the Council's Environmental Health Officer. They have previously advised that an appropriate scheme of mitigation to minimise the impact of noise on habitable rooms could be implemented and have recommended that this be ensured through an appropriate condition. It is also acknowledged that the same living conditions will exist for the other units already permitted within the development site (where the noise from adjoining uses was considered) as those now seeking planning permission and thus any objections on these grounds would be difficult to sustain.
- 6.18 It is considered that the proposed 7 residential units and external alterations to the building would not cause any harm upon the amenities of nearby residents or occupiers, and future residents of the building would have an adequate living environment that meets current guidelines. The proposal would therefore accord with policy 33 of the HDPF.

Transport, Parking and Highway Impacts

- 6.19 Policy 40 of the Horsham District Planning Framework (HDPF) document (2015) document relates to transport and access and confirms that development will be permitted if it provides a safe and adequate means of access and makes adequate provision for all users, including for car and other vehicle parking. The previous planning application (DC/15/1449) at the Development Management Committee was refused partly on the following grounds:

'The proposed additional residential units would, by virtue of the loss of onsite car parking spaces, fail to make adequate provision for future users, leading to additional car parking pressures within the locality. The proposed development would therefore be contrary to Policy DC40 of the Horsham District local Development Framework General Development Control Policies (2007) and Policy 41 of the emerging Horsham District Policy Framework.'

- 6.20 The application site is currently served by two existing vehicular accesses from North Street, one serving parking at North Point, the other shared with the Capitol Theatre providing access to the parking at Park North. As part of this application it is proposed to remove the existing access for the North Point rear undercroft parking and open up an existing access to the rear of the building in Chichester Terrace. The existing dropped kerb on North Street will be retained to serve the existing parking area to the front of North Point. The proposal includes the removal of an existing wall on the site to open up access from Chichester Terrace through to the ramp leading to the North Point basement car park. It is proposed that all residential traffic movements into and out of the site for the North Point basement parking would occur from the rear access, with the shared access to Park North retained for Park North basement parking.
- 6.21 It has been noted that there are third party concerns regarding the use of the access from Chichester Terrace and the additional traffic that would occur on the immediate local roads and one way system. West Sussex County Council, as the Highways Authority, have not raised any concerns relating to highway safety or capacity issues within the area and agree that existing measures are in place to manage traffic flows. These potential traffic increases cannot be considered as 'severe', as referred to within the NPPF such as to sustain an objection to the development proposal, particularly given that the Local Planning Authority can only consider the '7' additional dwelling for this planning application. Furthermore, no conditions were placed on the original planning permissions for Park North (HU/315/83) and North Point (HU/247/89) restricting the use of the rear access. It is therefore considered that as the access onto Chichester Terrace already exists, any alterations to access arrangements for the car parks could be made without planning permission.
- 6.22 Concerns have also been expressed with a perceived increased use of the shared access with the Capitol Theatre, and potential for traffic issues to arise, particularly when deliveries to the Theatre are occurring. This access is in existing use and there is no obligation on the applicant to improve on existing conditions. A condition will be placed upon any planning permission restricting the parking of vehicles within the shared access area (see condition 13).
- 6.23 In terms of car parking, there are currently 110 off street parking spaces on the site being located at basement levels below both buildings and at ground floor level. The intention is to retain 70 spaces for the 70 residential units, equating to one space per unit, therefore parking provision is considered sufficient for the proposed change of use, particularly given the highly sustainable location of the site and the ease of access to services, facilities and means of public transport, that's includes bus stops and a nearby rail station. It is not currently proposed to allocate parking on the site and parking areas would have secure access. The permanent retention of appropriate parking will be secured through the use of a condition (see condition 9).
- 6.24 The submitted Transport Statement's traffic trip generation assessment using the TRICS database system estimates that close to 1000 trips (two way) are made over the working day with an office use. Traffic flows for the proposed residential development during these times would drop to 194 between 7am and 7 pm. West Sussex County Council, as Highways Authority, do not dispute the figures within the Transport Statement and do not raise any concerns relating to highway safety or capacity issues.

- 6.25 Third party representations in respect of existing limited capacity for on-street parking in the area are noted. However, West Sussex County Council Highways Department have advised that given that 70 spaces are proposed to be retained, sufficient provision would be made for on-site parking. Although there may be existing pressure for on-street parking spaces in the vicinity of the site, the Highway Authority has advised that sufficient parking is provided within the development itself and consequently this would not result in an increased demand for on-street parking. As such, a reason for refusal based on parking provision could not be sustained and no objection is raised in this regard.
- 6.26 The provision of the car and cycle parking spaces proposed can be ensured through appropriate conditions. Paragraph 32 of the NPPF states that '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'. It is not considered that there would be any severe impacts on the local highway network that would warrant refusal on that basis and as such the proposal accords with the requirements of Section 7 of the NPPF and policies 40 and 41 of the HDPF.

Affordable Housing and Infrastructure Contributions

- 6.27 Policy 16 of the HDPF sets out that the Council will seek on sites providing between 5 and 14 dwellings, 20% of dwellings to be affordable or where on-site provision is not achievable, a financial contribution equivalent to the cost of the developer of providing the units on site. It is noted also that a Written Ministerial Statement (WMS) published on 11 May 2016 states that small sites of under 10 units residential units (for which this scheme would be included) should not include contributions for affordable housing and/or 'tariff style' contributions, which has seen amendments to the National Planning Policy Guidance (PPG). This element of national planning policy is also a material consideration for this planning application and conflicts with the adopted HDPF policy 16.
- 6.28 The applicant has provided a financial viability assessment in support of the scheme where it is confirmed that a) the WMS published by Central Government on the 11 May 2016 (and the associated changes to the planning guidance) weigh in favour of the applicant in that no affordable housing contributions should be provided for this scheme. In addition, the viability evidence provided by the applicant is purported to confirm that the scheme would become unviable if affordable housing contributions were sought, given the development costs associated with the scheme and the profit margin envisaged for scheme without affordable housing contributions. The development viability appraisal was completed using the residual land value method. The Council has received independent advice from District Valuer Services, which has confirmed that although costs for schemes conversion and site value are higher than anticipated for a scheme of this type, it is still considered that the policy requirement to include an affordable housing contribution of 20%, would render the scheme unviable. The viability information that has been put forward has been robustly reviewed in reaching this conclusion.
- 6.29 The NPPG does confirm that '*local authorities should ensure that the combined total impact of such requests [such as affordable housing] does not threaten the viability of the sites and scale of development identified in the development plan*' and it is therefore concluded in this case, given the marginal nature of the scheme, that such contributions should not be requested as part of this application.
- 6.30 The County Council have requested infrastructure contributions to education (primary, secondary and sixth form) only, totalling to a sum of £12,889; this was not requested for the previous planning application (reference DC/15/1449). It is noted that contributions to be generated would be used additional equipment at Kingslea Primary School and Forest School, although no exact details have been given. National planning policy guidance confirms that some planning obligations may still be required to make a development

acceptable in planning terms, although for sites where a threshold applies, planning obligations should not be sought to contribute to affordable housing or to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. Although the County Council has provided the two schools that it wishes to provide equipment for, it is not considered that such contributions would be needed to make the proposal acceptable in planning terms. Given the above, it is not considered that such contributions could be robustly sought in these circumstances.

Other Issues

Land Contamination

- 6.31 Historic activities occurring on and in close proximity to the site include a former use as a garage and fuel station and as a Council depot. Historical maps also indicate the presence of an above-ground oil tank located at the western site boundary. With regards to these past uses there is some potential for ground contamination to be present. The proposed infill development rear extension is proposed on the section of the site housing the former fuel station. Information relating to contamination has been submitted by the applicant and the Council's Environmental Health Officer previously advised that appropriate controls can be secured through the application of a relevant contamination condition (see condition 6).

Drainage

- 6.32 The site lies within Flood Zone 1 (lowest risk of flooding) and there are not known to be any critical drainage problems across the site. The Council's Drainage Engineer has not raised any concerns on the two separate occasions consulted. A pre-commencement condition will be placed on any permission for a scheme to demonstrate and control how drainage will be managed across the site (see condition 4).

Refuse Storage

- 6.33 Servicing, specifically refuse collection, would not be materially different from the previous use as offices where access was obtained from Chichester Terrace. It is confirmed that the proposed refuse provision is sufficient for a scheme of this size and an indicative location of the refuse storage is illustrated on Drawing No. R1020-090. Furthermore, details of the means and location of refuse/recycling bins and the collection method, will be requested before the occupation of the development through an appropriate condition (see condition 7).

Conclusion

- 6.34 The proposed additional 7 residential units are considered to be acceptable in principle as it would constitute sustainable development as set out within the NPPF. Whilst the proposed works would marginally alter the external appearance of the building, the scale of the addition would not detract from the original form of the building or the character or appearance of the surrounding area. The proposed replacement of external panels and alterations to window openings to parts of the original building would not result in a significant alteration to its appearance, given the buildings scale and utilitarian design. It is considered that the use of a design that replicates the appearance of the existing building would ensure that the proposal does not adversely impact upon the natural or built environment of the site.
- 6.35 Whilst the proposed changes would be partially visible to surrounding and nearby commercial and residential properties, it is not considered that the proposed works would lead to any significant impacts upon the amenities of nearby residents, particularly when considered with regard to the permitted development conversion of the existing building to

a residential use. The proposed development would not lead to adverse highway conditions and would be provided with a satisfactory level of car and cycle parking spaces, which can be secured and controlled by conditions. Therefore it is considered that the economic, social and environmental aspects of sustainability, as set out by the NPPF and HDPF are met and that the proposed development therefore constitutes sustainable development to which the presumption in favour applies.

7. RECOMMENDATIONS

7.1 That planning permission is granted with the following conditions:

1. List of approved plans
2. 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. No works above ground floor slab level shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed building(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

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

4. Full details of means of surface water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Southern Water, prior to works commencing on the development. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

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

5. Prior to the commencement of the development, including any works of demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide details as appropriate, but not necessarily be restricted to, the following matters:

- An indicative programme for carrying out the works;
- The arrangements for public consultation and liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

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- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenities of the locality and highway safety in accordance with policies 33 and 40 of the Horsham District Planning Framework (2015).

6. If, during development, contamination (including the presence of asbestos containing materials) not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to comply with policy 24 of the Horsham District Planning Framework (2015).

7. Notwithstanding the plans submitted, the dwellings hereby permitted shall not be occupied unless and 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.

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

8. The residential units hereby approved shall not be occupied until secure cycle parking facilities, as shown on drawing No. R1020-090 Rev 6, have been provided. The secure cycle parking facilities shall thereafter be retained solely for that purpose.

Reason: To ensure adequate cycle parking facilities are available to serve the development in accordance with policy 40 of the Horsham District Planning Framework (2015).

9. Prior to the first occupation of the development hereby permitted, a plan detailing the location and provision of car parking within the site shall be submitted to, and approved in writing, by the Local Planning Authority. The approved details shall be fully implemented and the car parking spaces thereafter permanently retained solely for that purpose.

Reason: To ensure adequate car parking facilities are available to serve the development in accordance with policy 40 of the Horsham District Planning Framework (2015).

10. Prior to the occupation of the development hereby permitted, a scheme of works to reduce the intrusion of noise to all habitable rooms and amenity spaces adversely impacted by noise, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to the requirements of BS8233:2014 and shall include provision of appropriate alternative ventilation to habitable rooms. The scheme, as approved, shall be fully installed before the development is occupied and shall thereafter be permanently retained.

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Reason: In the interests of residential amenities by ensuring an acceptable noise level for the occupants and in accordance with policy 33 of the Horsham District Planning Framework (2015).

11. Prior to the first occupation of the development a long term 25 year Landscape Management and Maintenance Plan for all external landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include:
- A description of landscape components;
 - Management prescriptions;
 - Details of maintenance operations and their timing; and
 - Details of the parties/organisations who will maintain and manage the site, to include a plan delineating the areas that they will be responsible for.

The plan shall demonstrate full integration of landscape, biodiversity and arboricultural considerations. The areas of planting shall thereafter be retained and maintained in perpetuity in accordance with the approved Landscape Management and Maintenance Plan.

Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with policy 33 of the Horsham District Planning Framework (2015).

12. The landscaping scheme shown on drawing no. R1020-600 Rev 3 for the development hereby approved shall be fully implemented in accordance with the approved details, within the first planting season following the commencement of the development. Any plants which within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory development in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13. No parking at any time shall take place in the area hatched red on drawing no. R1020-090 Rev 6.

Reason: To ensure a satisfactory means of access and car parking provision in accordance with policy 40 of the Horsham District Planning Framework (2015).

14. No work for the implementation of the development hereby permitted, including the receipt or dispatch of deliveries/removals to and from the site, shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 09.00 hours and 14.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

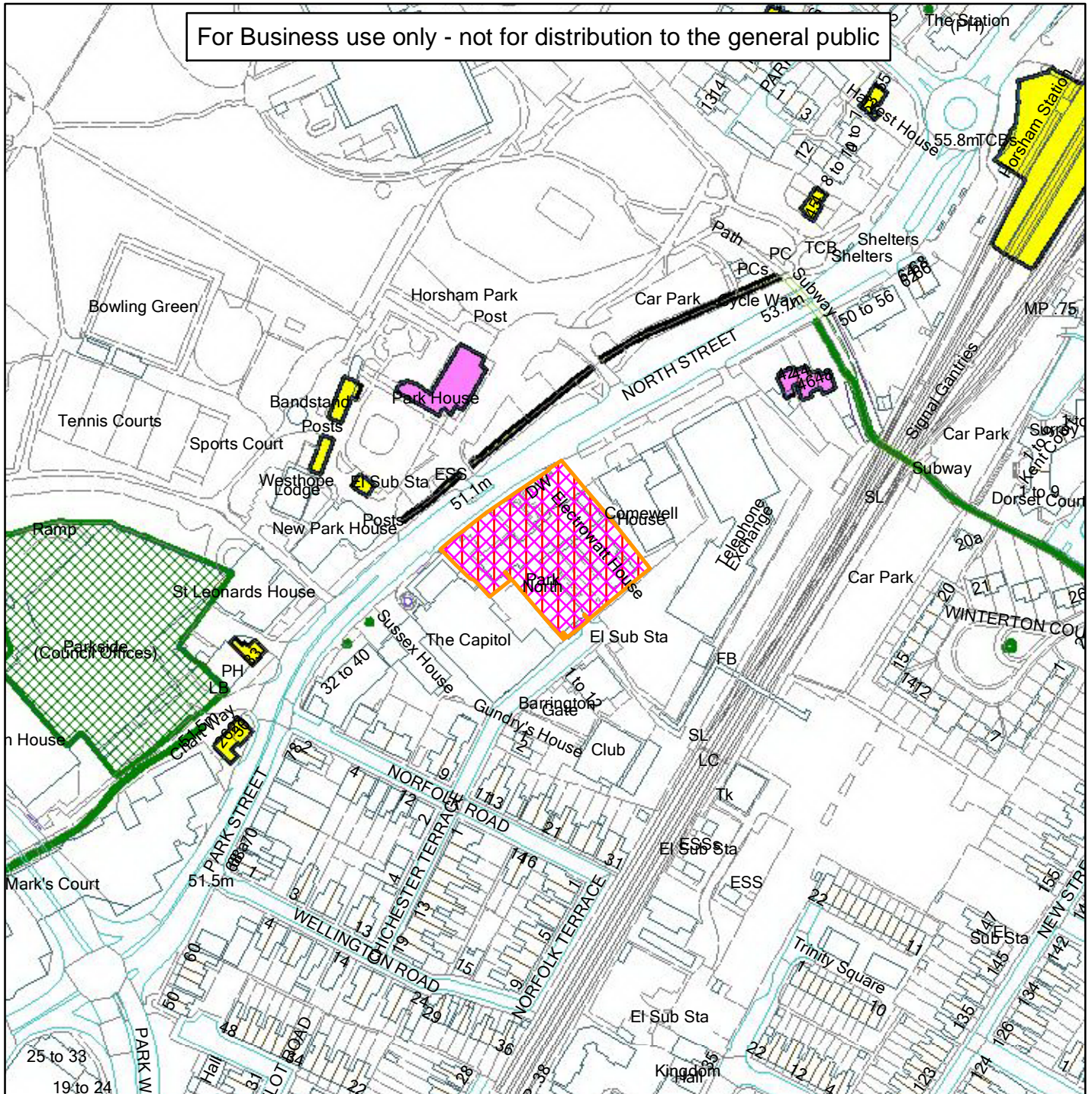
15. No burning of materials associated with the development shall take place on the site.

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

Background Papers: DC/16/1016, DC/15/1678 and DC/15/1449



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**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)
BY: Development Manager
DATE: 1 November 2016
SITE: Land at Warnham Village Hall, Hollands Way, Warnham.
WARD: Itchingfield, Slinfold and Warnham
CASE: Tree Preservation Order No. 1490

REASON FOR INCLUSION ON AGENDA: Objection to a tree preservation order.

RECOMMENDATION: To confirm Tree Preservation Order 1490.

1. **THE PURPOSE OF THIS REPORT**

To consider whether Tree Preservation Order 1490 should be confirmed.

DESCRIPTION OF THE ORDER

- 1.1 Provisional Tree Preservation Order 1490, Land at Warnham Village Hall, Hollands Way, Warnham, was served on the 16th May 2016 on an oak tree under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under these Regulations, the tree included within the Order benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 The tree is sited on an area of public open space to the immediate north of the formal play area, and NW of the huge old oak tree in the centre of the open space. The site is designated by the presence of the low fence that separates it from the cricket ground, to the north. It is fully within the local conservation area.

PLANNING HISTORY

- 1.4 On 15th March 2016 a notification was received under S.211 of the Town & Country Planning Act 1990 of an intention to fell the tree (ref: *DC/16/0698*).

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on Local Planning Authorities to make a TPO if it appears to them to be "*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*".
- 2.2 Section 211 of the **Town & Country Planning Act 1990** allows Local Planning Authorities to make a TPO on trees within a conservation area "*if justified in the interests of amenity*".
- 2.3 Section 211 does not permit the refusal of a notice of intent to remove a tree protected under the conservation area regulations. Should the Local Planning Authority seek the retention of a tree in such circumstances, it must – and can only - serve a preservation order upon the tree, should this be considered justified.

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 A letter of objection has been received from Warnham Parish Council, as the owners of the land, on the grounds that:
- The trees is not considered to be of high value, as it was self-seeded and has a split bough;
 - The tree is in an inappropriate location in terms of its proximity to the large oak tree which is likely to be present for many more years;
 - The tree is in an inappropriate location within the children's play area where it prevents the opportunity to increase the amount of equipment available to local young residents.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

5. PLANNING ASSESSMENT

- 5.1 The cricket ground at Warnham is a wide area of open space of highly pleasing aesthetic appearance, its perimeter marked by a range of young and semi-mature trees of generally excellent quality. Providing a background to the bucolic scene, the trees are central to the appearance of the area, and strongly support its inclusion within the local conservation area.
- 5.2 The area of public open space including the public playground is set to the south of the cricket ground, and to the west of the village hall. Upon this land is the exceptionally large oak tree noted in the letter of objection, a magnificent veteran specimen of great age and stature; it is protected by virtue of its position within the conservation area.
- 5.3 The tree the subject of this report stands alone slightly to the north-west of the older tree, in very close proximity to the boundary fence to the cricket ground. At around half the height of the veteran tree, it nonetheless stands fully apart from it, and has clear amenity merit in its own right. It can be seen from right across the cricket ground; from many of the residential dwellings in Stanford Orchard, Gardeners Close, and Lucas Road; and stands proudly as a marker to the southern boundary of the ground. Despite its smaller size than

the adjacent veteran oak, it is accordingly considered that it has high amenity value in its own right.

- 5.4 It is attested by the objector that the tree “*has a split bough*”. It is assumed that this refers to the principal bifurcation in the tree, the fork displaying the normal characteristics of a youthful, healthy tree, and not constituting any compromise to its structural integrity or its future successful development into maturity.
- 5.5 The objector also considers that the tree is in an inappropriate location in terms of its proximity to the adjacent veteran oak tree. The substantiation behind this observation is unclear, as the younger tree appears to be sufficiently far away from the older tree, as can be witnessed by the gap between the crowns of each, and it has already a well-formed young crown of its own. It is not clear how long the veteran tree will ‘last’, though its presence appears to be no impediment to the successful maturity of the younger tree. And, if retained in the long-term, the younger tree can naturally replace the veteran (indeed, it may in fact be a direct offspring of the larger tree).
- 5.6 The reason given for the proposed removal of this tree was to facilitate an extension to the playground facilities; indeed, the objector attests that its presence prevents the opportunity to increase the size of this facility. However, this does not appear to be correct; further space for equipment could be utilised elsewhere on the site, away from the tree.
- 5.7 It is concluded that this tree, despite its youth, is an excellent specimen for the future, a tree of high visual amenity importance within a highly attractive part of the village. Its removal would constitute an inappropriate and unjustified loss of amenity to the locality, contrary to the spirit of the conservation area.
- 5.8 It is accordingly recommended that the preservation order on the tree be confirmed.

6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1490, Land at Warnham Village Hall, Hollands Way, Warnham, is confirmed.

Background Papers:

- Tree Preservation Order: 1490.
- Planning application: DC/16/0698.

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Warnham Village Hall

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