



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

Planning Committee (North)

Tuesday, 6th February, 2024 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

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

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	9 - 12
<i>To approve as correct the minutes of the meeting held on 5 December 2023 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	

4. **Announcements**

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

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

5. **Appeals** 13 – 14

Applications for determination by Committee:

6. **DC/23/0980 Holmbush Farm, Crawley Road, Faygate** 15 - 32

Ward: Colgate and Rusper
Applicant: Mr Piers Calvert

7. **DC/23/1566 Vincent House, 31 North Parade, Horsham** 33 - 52

Ward: Trafalgar
Applicant: NSS V (Properties 2) LLP

8. **DC/23/1895 Spinningwood Farm, Burnthouse Lane, Lower Beeding** 53 - 64

Ward: Nuthurst and Lower Beeding
Applicant: Mr Kevin Woolgar

9. **Urgent Business**

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

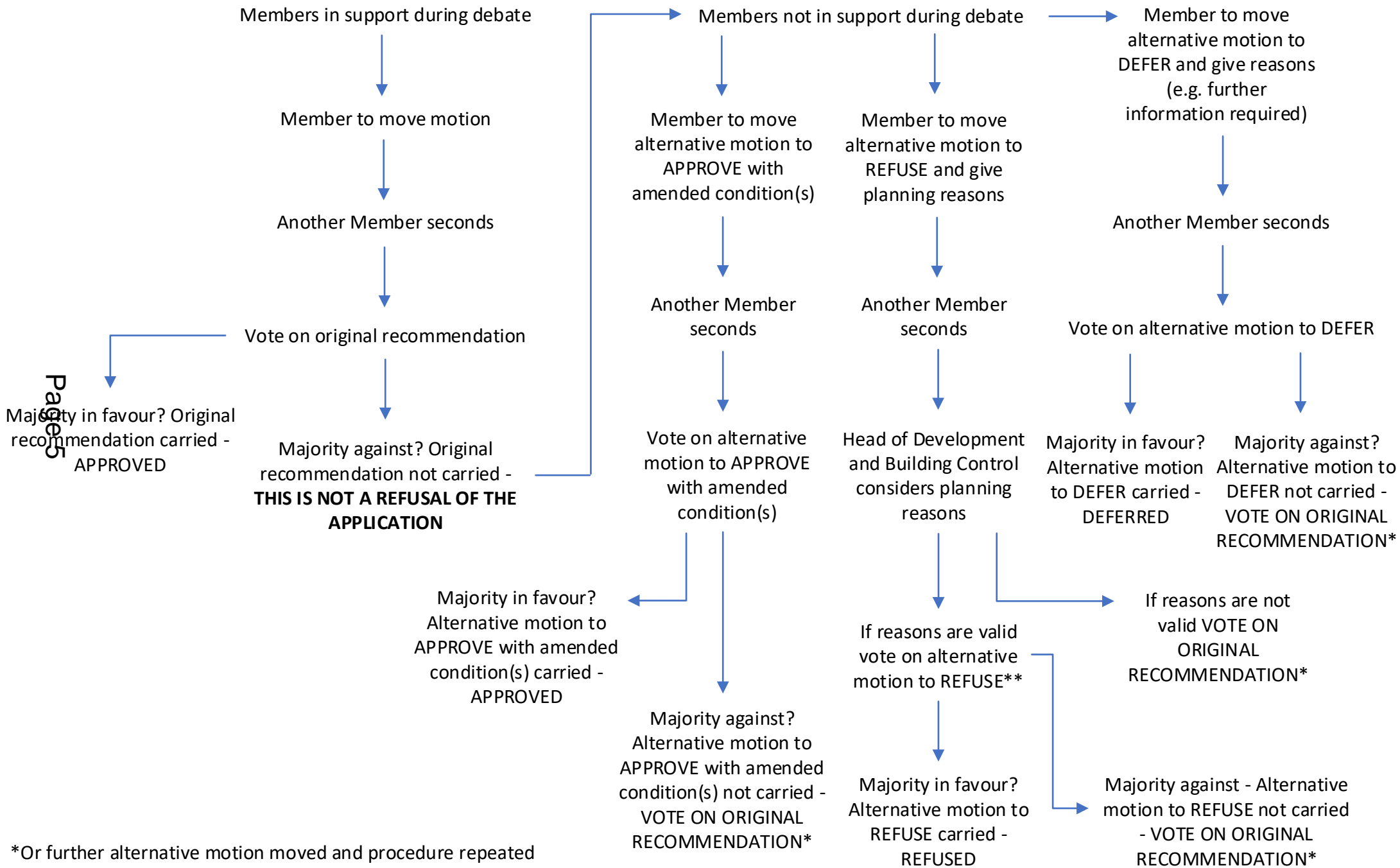
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

Original recommendation to APPROVE application

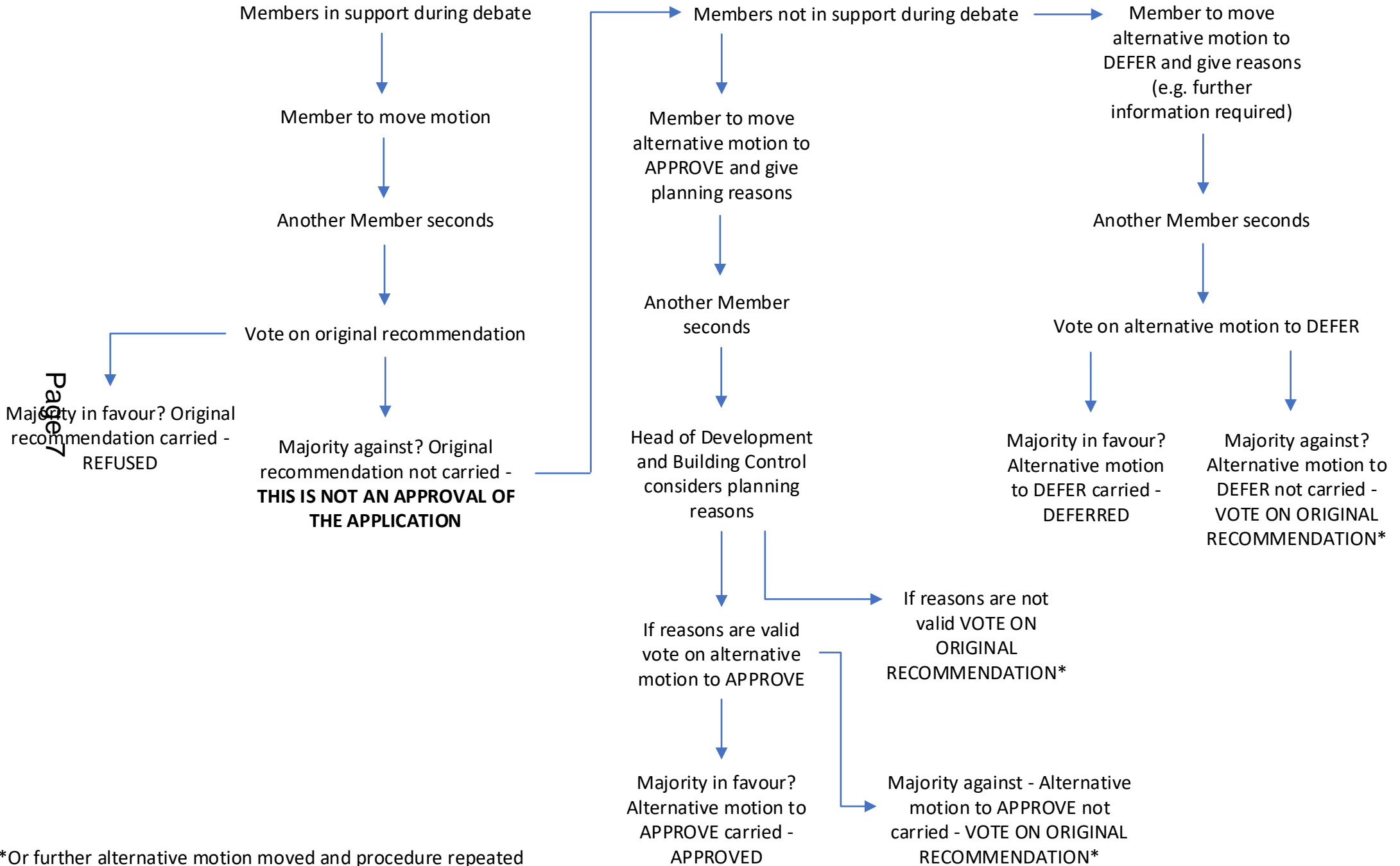


*Or further alternative motion moved and procedure repeated

**Subject to Director's power to refer application to Full Council if significant cost implications are likely

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Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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Planning Committee (North)
5 DECEMBER 2023

Present: Councillors: Peter van der Borgh (Chairman), Tony Bevis (Vice-Chairman), Colette Blackburn, James Brookes, Ruth Fletcher, Chris Franke, Anthony Frankland, Nick Grant, Kasia Greenwood, Warwick Hellowell, Tony Hogben, Alex Jeffery, Liz Kitchen, Richard Landeryou, John Milne, Colin Minto, Jon Olson, David Skipp, Clive Trott, Mike Wood and Tricia Youtan

Apologies: Councillors: Martin Boffey, Len Ellis-Brown, Nigel Emery, Jay Mercer, Sam Raby and Jonathan Taylor

PCN/52 **MINUTES**

The minutes of the meeting held on 7th of November 2023 were approved as a true record and signed by the Chairman.

PCN/53 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/21/2180- Councillor Colin Minto declared an interest on the basis that he knew the applicant.

PCN/54 **ANNOUNCEMENTS**

There were no announcements.

PCN/55 **APPEALS**

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

PCN/56 **DC/21/2180 - WOODFORDS, SHIPLEY ROAD, SOUTHWATER**

The Planning Officer reminded the committee that the site is located to the south of Southwater to the east of Shipley Road. The application was for 73 dwellings and the retention of an existing farmhouse building, associated public open space, landscaping, drainage and highway infrastructure works, including vehicular access from Shipley Road, with all matters reserved except for access.

This proposal was considered firstly at the planning committee held on the 4th of April and again on the 1st of August 2023, where there was a resolution to approve the application subject to the completion of the legal agreement. The

legal agreement has not been completed and the applicants have proposed an alternative water neutrality scheme.

At the time of the published report there were 49 representations objecting to the proposal. At the time of the planning committee held on the 5th of December an additional three representations of objection were received.

Since the publication of the report an objection from Southwater Parish Council was received.

One member of the public spoke in objection.

The applicant addressed the committee in support of the application.

Members discussed the proposed alternative water neutrality scheme, the developer's engagement and communication with the local community during consultation and the impact of this development on affordable housing needs of the District.

It was therefore proposed and seconded that the application be approved.

RESOLVED

That Planning Application DC/21/2180 be approved in accordance with Officer recommendation, subject to completion of Legal Agreements.

PCN/57 **DC/22/2257 - HORSHAM YMCA FOOTBALL CLUB, GORINGS MEAD, HORSHAM**

The Planning Officer reminded Members that this application was considered at the Planning Committee held on the 3rd of October 2023 where it was resolved that the application be deferred to consider the viability and the future of the club if the 3G pitch in respect of the provision of the 3G pitch and to consider methods for a less invasive means of providing the proposed retaining wall and to allow consideration and formulation of appropriate conditions should the application be approved. He explains that if Members vote to approve the application contrary to the officer's recommendation, that there must be a motion that demonstrates wholly exceptional reasons to justify the potential loss of or deterioration of the veteran ash tree.

Two members of the public spoke in objection to the application.

The applicant and one member of the public spoke in support of the application.

Since the application was heard at the October 5th committee meeting four additional neighbour letters were received. These comprised of two letters of support, one letter of objection and one letter of comment.

Forest Neighbourhood Council objected to the application.

Members discussed the application, and it was proposed and seconded that the application be approved as the proposed development demonstrated wholly exceptional reasons to justify the potential deterioration and/or loss of the veteran Ash tree, by reason of enabling the viability of a long-standing community facility and provision of significant new infrastructure to the benefit of the physical and mental health of the community, with appropriate compensatory measures secured.

RESOLVED

That Planning Application DC/22/2257 be approved contrary to the officer recommendation.

The decision was delegated to Head of Development and Building Control to approve planning permission subject to the agreement of the list of conditions in consultation with local members.

PCN/58 **DC/23/0460 MILL FARM, ITCHINGFIELD**

The Planning Officer briefed the committee on the application, which outlines the proposal for the demolition of an existing agricultural barn and the erection of a single two-storey dwelling.

Itchingfield Parish Council supported the application.

Members raised that the Fire Rescue service advised that the dwelling would be beyond the minimum distance from a fire hydrant required to serve a domestic premises. The Planning Officer responded that this was a building control matter.

It was therefore proposed and seconded that the application be approved.

RESOLVED

That application DC/23/0460 be approved in accordance with officer recommendation, subject to completion of a legal agreement.

The meeting closed at 7.17 pm having commenced at 5.30 pm

CHAIRMAN

Planning Committee (NORTH)

Date: 6th February 2024



**Horsham
District
Council**

Report on Appeals: 23/11/2023 – 24/01/2024

1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
EN/23/0109	Hen and Chicken Worthing Road Southwater Horsham West Sussex RH13 9BH	09-Jan-24	Notice served	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/22/0785	Horsham Car Centre 264A Crawley Road Horsham West Sussex RH12 4HG	Written Representation	07-Dec-23	Application Refused	Application Refused
DC/22/1775	Hunters Oak Faygate Lane Faygate Horsham West Sussex RH12 4SJ	Written Representation	08-Dec-23	Application Refused	N/A
DC/23/0856	Kilnwood Vale Sub-Phase 3DEFG Kilnwood Vale Crawley Road Horsham Faygate	Public Inquiry	12-Dec-23	Not determined	N/A
DC/23/1406	19 Three Acres Horsham West Sussex RH12 1RS	Written Representation	02-Jan-24	Application Refused	N/A
DC/22/2313	Sussex House North Street Horsham West Sussex RH12 1RQ	Written Representation	18-Jan-24	Application Permitted	Application Refused

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/23/0324	13 Nelson Road Horsham West Sussex RH12 2JE	Fast Track	18-Jan-24	Application Permitted	Application Refused

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/21/1263	Twenty Five Acres Leechpond Hill Lower Beeding West Sussex	Written Representation	Appeal Dismissed	Application Refused	Application Refused
DC/21/1233	Redgates Burnthouse Lane Lower Beeding Horsham West Sussex RH13 6NN	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/23/0173	Hawthorns Bar Lane Southwater West Sussex RH13 9DL	—	Withdrawn	Application Refused	N/A
DC/22/1190	Swaynes Farm Barn Guildford Road Rudgwick Horsham West Sussex RH12 3JD	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/22/1878	36 Warren Drive Southwater Horsham West Sussex RH13 9GL	Written Representation	Appeal Dismissed	Application Refused	Application Refused
DC/22/1182	10 Middle Street Horsham West Sussex	Written Representation	Appeal Dismissed	Application Refused	N/A



**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 6 February 2024

DEVELOPMENT: Change of use from tea rooms (Class E) to restaurant / cafe with ancillary hot food takeaway (Sui Generis).

SITE: Holmbush Farm, Crawley Road Faygate West Sussex RH12 4SE

WARD: Colgate and Rusper

APPLICATION: DC/23/0980

APPLICANT: **Name:** Mr Piers Calvert **Address:** Holmbush Farm Crawley Road Faygate Horsham West Sussex RH12 4SE

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

By request of Councillors Kitchen and Hogben.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning consent is sought for a change of use from tea rooms (Class E) to restaurant / cafe with ancillary hot food takeaway (Sui Generis). In addition, the proposal seeks to increase operating hours to 09:00-23:00 Monday to Sunday (including bank holidays) from the presently allowed 09:00-18:00 Monday to Friday, 09:00-14:00 Saturday and no trading on Sundays and bank holidays. Access to the site would be maintained via existing means from the A264 both east and west bound, including the use of the existing A264 underpass. The existing hardstanding to the east of the site would be utilised for trade and customer parking as per the current arrangement.

DESCRIPTION OF THE SITE

- 1.2 The application site comprises a single-storey building within the wider Holmbush Farm holding, which lies on the southern side of the A264, and includes a cluster of agricultural farm buildings and barns, surrounded by pasture land, with some areas still used for sheep

grazing. The application building is clad in a light green profile sheet cladding with a profile sheet roof. As such it appears similar to neighbouring barns.

- 1.3 The site lies within the Strategic Gap between Horsham and Crawley, and is within the High Weald AONB. Vehicular access into the wider site is via three established vehicular access / exit points along the A264. One access / exit point is sited along the east-bound carriageway (direction Crawley), and there is a similar access / exit point along the west-bound carriageway (direction Horsham). Furthermore, there is also a single access point located alongside the cottages, which provide one-way access into the site off the A264 (direction Horsham). This one-way access into the site was subject to re-alignment as part of the requirements of CG/15/94.
- 1.4 There are a number of existing commercial premises on the wider site, located to the north and north-west of the application building, within a range of buildings of various sizes. This includes, but is not limited to: a removal company warehouse to the immediate north of the application site; storage units further north; plant hire, and The Courtyard building to the north-west, which appears to host some 15 commercial uses. In addition to these commercial uses, there are residential properties within the vicinity, namely: 1 and 2 Holmbush Farm Cottages 110m north of the dwelling adjacent to one of the three access points off the A264, and 1 and 2 Holm Farm (within The Courtyard complex) some 80m north-west of the site. There are also two further dwellings at Hopper Farm some 250m east of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 43 - Community Facilities, Leisure and Recreation

2.5 Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/22/1976	Removal of Condition 4 of previously approved application DC/05/1394 (Erection of a building to provide tea room, play area and toilet facilities) to allow for the removal of the use restriction condition.	Application Permitted on 09.03.2023
DC/05/1394	Erection of a building to provide tea room, play area and toilet facilities	Application Permitted on 13.09.2005

3. **OUTCOME OF CONSULTATIONS**

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

INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health:** Comment (*summary*)

3.3 An Environmental Health officer (EHO) has visited the site although they did not access the building in question. Previously the café was registered with this department as a food business. To the best of the EHOs knowledge this department have not received any previous complaints regarding noise, odours, etc from this site.

3.4 However, the EHO believes the previous occupiers only operated through day-time hours and note that this application seeks to extend the permitted opening hours to 09.00 to 23.00 every day.

3.5 The Planning Statement refers to the site as a proposed restaurant/bar and ancillary hot food takeaway. It is likely, therefore, that the applicant will also apply for Premises Licence to sell alcohol.

3.6 The EHO notes that there is a residential property close to the Horsham exit, to mitigate any adverse environmental impacts, the applicant will need to exercise suitable controls in the following areas, and the EHO makes recommendations for consideration by the Planning Department:

1. A ventilation flue protrudes through the roof serving the kitchen. There is no information on any controls to ensure that no nuisance, disturbance or loss of amenity is caused to nearby properties by any odours, fumes, food droplets or noise. In order that this department can assess the suitability of the current system we require further information.
2. Noise from any other machinery i.e., air conditioning units or other plant must also be suitably controlled to ensure that it does not exceed background noise levels at the site boundary. No external plant for mechanical ventilation, air conditioning systems, etc. shall be installed without prior consent from the Planning Authority.
3. External lighting is of paramount importance for safety. Consideration must be given to all external light source to prevent 'skyglow' & light trespass given the rural location of the site. No external security lighting or illuminated signage shall be installed without prior consent from the Planning Authority
4. Any live, acoustic, amplified & recorded music activities from within the premises should not be audible inside noise sensitive premises (i.e., the nearest residential property). This means that basically if the windows of the residential property are open

any noise from amplified music, etc. must not be audible. This must consider the periodic opening of doors to allow patrons to enter & exit the premises.

5. No live or amplified music activities to be undertaken in any external areas.
6. No external speakers to be allowed for background music
7. The external seating areas should not be used after 21.00 each evening
8. There should be an effective management system in place to control noise and nuisance ensuring that neighbouring residents are not disturbed. This includes marshalling of car parks to ensure patrons leave the premises in an orderly manner late at night.

- 3.7 Further information received regarding kitchen extraction equipment. No further request for information made

OUTSIDE AGENCIES

- 3.8 **WSSC Highways:** No Objection (*summary*)

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

- 3.9 **WSSC Flood Risk Management:** Objection No Objection Comment Support

- 3.10 **High Weald AONB:** Comment (*summary*)

Officers may want to consider that the following requirements are met:

- Controls over any external lighting
- Native, locally sourced planting should be used for additional landscaping to support biodiversity and to avoid contamination by invasive and non-native species

- 3.11 **Nature Space (Newt Licencing):** No Objection

- 3.12 **Sussex Police:** Comment (*summary*)

The applicant and their partners are strongly advised to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.

PUBLIC CONSULTATIONS

- 3.13 Colgate Parish Council *objects* to the proposal, stating:

- The proposal is not in keeping in an Area of Outstanding Natural Beauty.
- There are insufficient parking spaces in the proposal. The proposed number is the existing 35 spaces. There will be 40 to 50 staff. Even if all the staff are not on site at the same time this leaves little or no parking for customers. This could cause problems for the other businesses already at Holmbush Farm.
- The exit onto the A264 will need to be improved as there will be a significant increase in traffic leaving the site. There should also be improved signage to make A264 users aware of exiting traffic and a reduction in the speed on the dual carriage way to improve road safety.
- Colgate Parish Council would ask for a more comprehensive water neutrality statement to be submitted because the current document gives no indication of how much water will be used or what water saving devices will be installed. The old existing sanitary ware needs to be replaced with water efficient units.
- While we note that there have been a number of letters of support for the application, many of these people do not live in the locality and will not be affected by the longer

opening hours and any noise or disruption that may be caused. We hope that Horsham District Council puts little weight on these comments.

- Colgate Parish Council strongly objects to the proposed extended opening hours of 9am to 11pm, 7 days a week. We do not believe that the applicant has been demonstrated that there is a need to open until 11pm.
- Colgate Parish Council requests that if Horsham District Council are mindful to permit the application that the following conditions be put in place:
 - Restricted Opening Hours - more in line with the existing permitted opening hours, that are more suited to a café.
 - A Recycling and Waste Management Plan - A plan should be in place before trading begins. As the proposal includes a takeaway service there could be considerable littering which would be detrimental to the local AONB.
 - An Air Quality, Fumes and Noise Management Plan - A plan should be in place before trading begins. To mitigate fumes/smells from the proposed new restaurant/takeaway. The plan should also take into account the pollution generated by the increased traffic. Outside music /public address system should not be allowed.
 - A Travel Plan – The majority of people will drive to the site so any plan should include details of:
 - (a) charging points for electric vehicles;
 - (b) parking for cycles; and
 - (c) disabled parking spaces.
 - Lighting - Any outside lighting should not be disruptive to the ANOB nature of the site.

3.14 367 letters of representation received (366 received within the consultation period) from 344 separate addresses (121 from **109** separate addresses within Horsham District) supporting the proposal on the following grounds:

- well designed
- great social experience
- well-needed hospitality
- re-use of unneeded building
- No noisier than the A264
- Good community atmosphere
- supporting a local business
- positive economic impacts
- Good for tourism
- Employment increase in area
- Inclusive use
- Supports diversification of the farm
- Good for people's mental health

3.15 1 letter of representation received neither objecting to nor supporting the proposal, which can be summarised as:

- Generally in support, though events every weekend would not be welcomed. Would increase traffic in area

3.16 92 letters of representation received (91 received within the consultation period) from 77 separate addresses (87 from **71** separate addresses within Horsham District) objecting to the proposal on the following grounds:

- Use not in-keeping with the area
- no access for walkers etc
- increase vehicles in the AONB
- unnecessarily late opening hours
- increased noise in area

- increased traffic
- increased pollution
- Impact on property values
- the proposal would undermine local policing efforts to detract anti-social car use
- increased car use would damage road
- Café not needed in this location
- Adverse ecological impacts
- The use would not be water neutral
- concern over retrospective application
- conditions cannot be enforced against
- concerns over alcohol licence

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

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

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

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

6. PLANNING ASSESSMENTS

Background

- 6.1 The early planning history involving the wider farm holding indicates that a number of redundant farm buildings were permitted to be converted to form small offices, workshops and light industrial units (under CG/19/87). Government planning policy at the time supported the re-use of former farm buildings if the buildings were considered worthy of retention, were suitably located and lent themselves to sub-division. The 1987 permission followed the construction, by WSCC, of an underpass under the A264 to facilitate vehicular access to / from the east-bound carriageway, which enabled easier access to the site from the public highway.
- 6.2 Following the conversions of the farm buildings during the 1980's, it would appear that farm diversification lay at the heart of each relevant planning submission on this site, noting poor farming returns, declining land conditions and changing farming practices which lead to the need to seek alternative uses of redundant areas and buildings of the farm holding. The siting of the farm within the AONB and the strategic gap between Horsham and Crawley is referred to within these preceding applications, with reference to the fact that the buildings were already in existence, and that the vehicular access off both carriageways of the A264 has been constructed to Local Highways standards. The conclusions on successive

applications have therefore determined that alternative uses of the farm buildings would be appropriate, given the location of the site off the A264, and that no new development would occur within the sensitive rural location. It is noted that a small flock of sheep has been retained on the land holding and continues to graze parts of the site today.

- 6.3 More relevant to the current application being considered was the establishment of Holmbush Farm World as an 'Open Farm' educational centre following a temporary planning permission granted under CG/15/94, which cited a diminishing financial viability of the sheep farm on account of the farming recession, small flock size and poor winter land conditions. A permanent planning permission for the open farm educational use was granted under ref: DC/04/0146. Officers noted during the assessment of this permission that the Council had not received any complaints regarding the use, or the impact on the AONB during the years in which the open farm continued to operate. DC/04/0146 also permitted an extension to one of the existing barns which housed the tea-room, shop and covered play area, which would accommodate enhanced WC facilities, a site office, reception and shop, further recognising the benefits that ancillary facilities could have in support of the main farm use of the site. Aerial photographs show the car park area was formerly laid out in rows to facilitate parking for the farm attraction.
- 6.4 The subsequent application which granted permission for a new building to house the tea room (DC/05/1394) accepted the ongoing farm diversification, the public use of the open educational farm and the need for the site to include a tea-room, shop, staff and customer facilities. However, the consent sought to limit the development of the site by ensuring that the two consents for the tea rooms (including the extension granted under DC/04/0146) could not be implemented alongside each other, and furthermore, that the new building should be tied to the functional need of the open educational farm. Officers understand that the open farm park Holmbush Farm World ceased operation in December 2013, but that the tea room and soft play centre continued to operate until Spring 2022, with the closure due in part to the changing habits of customers post-Covid.
- 6.5 The area comprising the cluster of farm buildings adjoining the northern side of the application building, is considered to be an 'Existing Employment Area' in terms of local planning policy, where regeneration, smart growth, intensification and redevelopment can contribute to sustainable employment development under HDPF policy 7. Furthermore, the application building was lawfully erected in accordance with permissions DC/05/1394 and DC/06/0099 (which permitted storm porches to the two entrance points).
- 6.6 The most recent application on the site (DC/22/1976) sought to remove the restrictive operational condition tying the tea room to the open educational farm, thus enabling the building to be brought into lawful independent use in its own right, unfettered from any associations with the now defunct Holmbush Farm World. The current proposal now seeks to utilise the building independently from the farm as a restaurant and takeaway use, in addition to an increase in operating hours.
- 6.7 Having regard to the above background, officers are of the view that the site is in a lawful unfettered Class E use. This means the building could be lawfully used as a restaurant/café, retail unit or a light industrial unit without the need for planning permission.

Principle of the Development

- 6.8 Policy 10 (Rural Economic Development) of the HDPF states that sustainable rural economic development and 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 and must:

Contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside; and either:

- a. Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or*
- b. Result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.*

6.9 In addition, a proposal must demonstrate that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative, logical solution is proposed.

6.10 Policy 26 (Countryside Protection) of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

6.11 In addition, proposals must be of a scale appropriate to its countryside character and location. Development 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, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area.

6.12 The site is located outside of the built-up area boundary and is therefore considered to be located within a countryside location. The proposal would not introduce the creation of any new built development on site, but rather represents a change in the use of an existing barn on the site. Given the extensive history of the site, including the establishment of the former tea room use (Class E), the principle of establishing a non-agricultural use has already been accepted. It is appreciated that the increase operating hours and varied use of the building to include a take-out element may well increase the overall level of activity to and from the site, it is not considered that the overall level of activity in the countryside would increase to a degree that would conflict with Policy 26.

6.13 As above, the proposal seeks to re-use an existing building within the countryside. The extant café and soft play use has ceased to operate on the site since the spring of 2022. Accordingly, the unit has remained vacant. As stated above the site now operates as an unfettered Class E use, which covers a wider range of uses (since the Use Class Order was amended in 2021) which includes the proposed restaurant use. This use was confirmed under the recent application DC/22/1976. The main difference with this current application is that the proposal now incorporates a takeaway use (sui generis) associated with the restaurant. The overall resultant use class for the site would therefore be a mixed restaurant/takeaway use (Sui Generis), rather than Class E. Accordingly the main material alteration is the introduction of a takeaway element to the site, with the associated request for opening hours until 11pm daily.

- 6.14 The increase in operating hours (50 hours as approved to 98 hours as proposed) would not change *how* the site is used, but rather it would increase the timeframe in which the use and its associated impacts can operate. Given this, and that the proposal would utilise an existing building on the site, the principle of the development is accepted under Policy 26 of the HDPF, as the proposal would represent the sustainable development of the rural area.
- 6.15 The submitted application form indicates that the proposed use would include employment opportunities for 25 full-time members of staff and 25 part-time members of staff. As the building is currently vacant (albeit some fit-out has occurred), the proposed use would represent a significant economic benefit in terms of employment in accordance with Policy 10. As per the 2022 application, the site is no longer tied to the agricultural operations of the wider Holmbush Farm- therefore, it cannot be said that the proposed use would 'contribute to the diverse and sustainable farming enterprise'. However, as above, the principle of the alternate use has been established on the site. The proposed use would contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside, as per Policy 10. In accordance with Policy 10(1)(b), the proposed use would be contained within an existing building. Given the proposed use would support local employment opportunities, countryside-based enterprises and re-use an existing building within a rural location, the principle of the development is supported in accordance with Policy 10 of the HDPF.

Protected Landscape

- 6.16 The site is located wholly within, albeit on the edge of, the High Weald Area of Outstanding Natural Beauty (AONB). Policy 30 of the HDPF (Protected Landscapes) states that these areas will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages. In addition, (2) proposals should have regard to any management plans for these areas and must demonstrate:
- a) How the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary providing mitigation or compensation measures.
 - b) How the public enjoyment of these landscapes will be retained.
 - c) How the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.
- 6.17 Paragraph 176 of the NPPF states that '*great weight should be given to conserving and enhancing the landscape and scenic beauty in ... Areas of Outstanding Natural Beauty ... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impact on the designated areas*'.
- 6.18 As above, the proposal would reuse an existing building on the site and would thus not result in any increased built-form over and above the existing arrangement. The key landscape features or components of natural beauty will therefore be conserved. In addition, as no change to the scale of development on an existing built site within the AONB would be altered, the public enjoyment of the landscape would remain unchanged. As the proposed use would increase employment and footfall within the AONB, the proposal is more likely to increase public enjoyment of the AONB in a sustainable way. Furthermore, given in economic benefits of the proposal, the proposal supports the economy of the protected landscape. With the above in mind, the proposal is considered to accord with Policy 30 of the HDPF and Paragraph 176 of the NPPF.

- 6.19 The High Weald AONB advisory unit have suggested conditioned relating to restricted lighting and proposed planting. Given other amenity matters relating to the use (detailed below), Officers are satisfied with the attachment of a condition restricting external lighting to mitigate any impact. With regards to the suggestion of a planting condition: the proposal seeks only to change the use of the building and increase operating hours. The application does not include any physical changes to the exterior of the building(s) in situ, and therefore would not result in landscape harm. As such, a condition for additional planting would not provide for any necessary mitigations.

Amenity Impact

- 6.20 Policy 33(2) of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.21 Nearby residential properties are noted some 90m to the north-west (No's 1 and 2 Holm Farm, and The Barn), 130m to the north (No's 1 and 2 Holmbush Farm Cottages), 174m to the east (Hopper Farm), 410m south (Rose Cottage Farm House), 660m west (Park Cottage), with further new properties at Kilnwood Vale abutting the slipway into the site to the northeast.
- 6.22 A number of concerns have been raised by neighbouring and nearby residents over the likely increase in noise and activities occurring, with particular reference to the noise generated by motorised vehicles. Officers acknowledge these concerns, and note that the venue remains closed for business, pending the outcome of the current planning application. Officers are aware of reports of 'illegal racing meets' being held on the A264 at nights, with reports of these dating back to 2019. Furthermore, reports of these occurrences appear to be a wider issue, with reports of similar activities affecting the A23 and A27 amongst other locations.
- 6.23 Officers note that the tenants of the building (Fuel) are an automotive-themed café / coffee house, and operate a similar site within the District (Golding Barn Industrial Estate, Small Dole). As these wider street racing issues appear to be affecting the roads of the district and beyond more generally, and predate the current planning application, there is no evidence that the proposed use of this site would encourage or otherwise enable such activities.
- 6.24 As above, the proposed use would not be too dissimilar from the existing lawful Class E use on the site. Therefore, there is no evidence to suggest that the use alone would result in adverse amenity harm. However, the increased operating hours will likely result in amenity impact principally from increased traffic movements, especially as the 2022 permission restricted use of the premises to 09:00 to 18:00 Mondays to Friday, 09:00 to 14:00 on Saturdays and did not trade on Sundays and bank holidays.
- 6.25 In terms of how the rest of the wider site operates, when the conversion of the former agricultural buildings within the wider farm holding were approved under CG/19/87, their use was subject to an hours of use restriction, limiting trade and business to between 07:30 – 19:30 Mondays to Fridays and 07:30 – 13:00 Saturdays with no trade or business permitted on Sundays or Bank Holidays. Traffic to the local angling lake Foxhole is between the hours of 07:00 – dusk, with other business on or beyond the site indicating their business hours up until 16:00 / 17:00 hours. Tough Mudder events have been strictly limited in number per year and take place on the land to the south.
- 6.26 The proposed hours of use until 11pm daily would thus extend beyond the wider uses present on the site, especially considering no trade appears to take place on Sundays and bank holidays. In terms of potential adverse neighbour amenity impacts, the extended opening hours being sought would create additional disturbance by way of the associated vehicular movements accessing and exiting the wider site, noting the proximity of residential properties within the wider site and backing onto the northern access loop.

- 6.27 However, it is not uncommon nor unexpected for restaurant uses to take place on Sundays and bank holidays. Paragraph 3.12 of the applicant's planning statement states that *'the condition restricting opening hours has subsequently formed a barrier to the prospects of a rural business diversifying and prospering, as it is impossible for any business to operate successfully under the permitted hours – not just Fuel Road House, but any future business that falls under the same use class'*. The statement further cites other examples where operating hours have been allowed beyond those imposed by the condition under the 2022 permission- these examples include The Frog and Nightgown Pub / Tea Room (located some 2.3km west of the site, closing as late as 10:30pm weekdays and 11pm Fri-Sat) and The Dragon Inn (1.5km south, closing 10pm daily). Whilst the proposal seeks permission for additional opening hours to these examples, the cited uses demonstrate that nearby similar uses incorporate hours much more generous than what is currently imposed on this site. However, the increase in hours may result in amenity impact, regardless of the economic benefits.
- 6.28 Vehicular access to the site is historic and established, and is shared with a number of other premises, residential properties and commercial uses. Whilst it is acknowledged that recent development within the Kilnwood Vale expansion has resulted in new dwellings backing onto the northern (east-bound) access off the A264, it is to be noted that the access and its use predates the new dwellings. The most affected properties would be 1 & 2 Holm Farm and 1 & 2 Holmbush Farm Cottages which sit on two of the three access points into the site. Given their proximity to the busy A264 both pairs of properties currently experience high background noise levels from passing vehicles. Nevertheless, the proposal would potentially increase traffic movements directly outside of each property as vehicles enter and exit the site from/onto the westbound carriageway.
- 6.29 The location of the application site close to the A264, which is a busy dual carriageway / trunk road, is noted to provide convenient vehicular access, as well as a background source of noise which sees high levels of traffic across a 24-hour period. As noted within the Local Highway Authority's assessment, the proposed unfettered use of the application site is not considered to lead to a material intensification of use of the public highway network. Nevertheless, consideration needs to be given to the associated increase in activity not only at the site, but also of the vehicular access points themselves, with two of the existing access points running directly alongside residential properties.
- 6.30 In order to mitigate potential disturbances to / from the nearby residents from increased traffic movements, the applicant has provided a traffic management plan, which indicates that all traffic into and out of the site would be directed via the underpass on the eastbound A264, avoiding both pairs of dwellings within the wider site (1 & 2 Holm Farm and 1 & 2 Holmbush Farm Cottages). This approach is considered acceptable and would mitigate some of the impact arising from the development. Further conditions are recommended to prevent the installation of external plant and machinery (without planning permission) and to control opening hours of the premises.
- 6.31 As above, Officers are aware that the increase in operating hours on the site would likely result in some amenity harm. However, in the context of the existing noise from the A264, the above mitigations are considered sufficient offset any potential harm and can be adequately controlled by way of condition. With the above in mind, subject to conditions (detailed below), the proposed use and increase in operating hours would not result in unacceptable harm to neighbouring amenity, in accordance with Policy 33(2) of the HDPF.

Highways Impacts

- 6.32 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe'.
- 6.33 Primarily, it is recognised that the three existing vehicular access points to the site from the A264 are historic and are the established means of accessing not only the application site, but also the wider uses at the farm and beyond. As concluded by the Local Highways Authority there is no deficiency in the way the historic and established vehicular access points to the public highway operate. Whilst it is acknowledged that the use would likely lead to a potential increase in vehicular trips by way of longer opening hours or weekend use, this is not considered to significantly increase the vehicular movements that could have arisen as part of the consented use. It is also acknowledged that the access points are shared with other established uses on the site and beyond.
- 6.34 The application site benefits from an established and sizable area of hard-standing that is used collectively by the wider site of the parking of vehicles, and remains available for use by the tea room customers. Although no longer marked out formally into spaces, the area of hard surfacing has sufficient capacity to accommodate the ongoing parking needs of the tea room if operating in an unfettered manner, as well as continuing to serve the wider site. It was formerly noted to have been laid out in rows during the time that Holmbush Farm World operated from the site, and the applicant intends to improve this again once the viability of the tea room use has been established. The car park is some 30m from the entrance to the application building, separated only by a recently improved forecourt paving to the front of the tea room.
- 6.35 Given the location of the site, it is clear that most visitors / customers would gain access by way of vehicular travel, as indeed was the pattern associated with the original Holmbush Farm World. The site continues to be conveniently accessed off the A264 with three dedicated access points, and provided by way of an appropriately sized parking area.
- 6.36 Following assessment of the proposal by the Local Highways Authority, the potential unfettered use of the application building is not considered to lead to any material intensification of the public highway network, over and above the existing level of traffic to the wider Holmbush Farm site and the wider uses operating from the site and beyond.
- 6.37 Therefore, the proposed removal of the stated planning condition would continue to satisfy the requirements of HDPF policies 40 and 41, and para 111 of the NPPF, as there would be no unacceptable impact on highway safety, and no severe residual cumulative impact on the public road network.

Water Neutrality

- 6.38 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.39 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the

matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

- 6.40 The extant (lawful) use of the site is a tearoom with a soft play element, with restricted operating hours following the grant of DC/22/1976. As the site is not individually metered, there are no precise records of the site's baseline water use. However, the applicant has maintained records of the custom to the site mainly as a result of the re-opening of business after COVID-19 lockdowns were lifted. The submitted strategy indicates a period of 6 months between May and November 2021 has been assessed, with water usage in the tea-room and soft play arising from the following:
- Toilets
 - Urinals
 - Hand washing
 - Food preparation
 - Serving hot drinks, teas and coffees
 - Dish washing daily
 - Towel washing daily
 - Floor cleaning daily
 - Cleaning the soft play daily
 - Window cleaning weekly
 - COVID Sterilization in between every 3hr session and end of day
- 6.41 Appendix 3 of the water neutrality statement details bookings and customer numbers and till receipts, and Appendix 4 details of the hot drinks sales. Appendix 5 combines this data together with the BREAAAM calculations within Appendix 1, and produces an overall annual best-estimate of existing water demand of 520,805 litres. Officers consider the data within these appendices to be thorough and sufficient to provide a reliable estimate of existing water demand from the site from within the last three years.
- 6.42 For the proposed use, the applicant has provided meter readings from an existing similar use that the applicant operates within the water supply zone in Small Dole (Appendix 6). The readings demonstrate a 40,975l demand over the course of 117 days, which can be calculated as an annual demand of 127,829l. As the proposal site is larger than the existing Small Dole unit, and proposes increased opening hours, this has been scaled up accordingly by 2.18x and 2.8x. The estimated water demand for the proposed use can therefore be calculated as 779,474l.
- 6.43 258,669l/a therefore remains to be offset by comparing the existing and proposed demands. In order to achieve water neutrality, the applicant proposed to retrofit additional efficiencies into the existing facilities: as existing, the urinals on site flush 4l of water every 7 minutes- the urinals therefore comprise a water demand of 299,520l/a. Officers note that the existing water demand from the urinals are calculated to account for approximately 57% of the estimated overall water demand. Officers visited the site on 08.12.2023 to inspect the existing urinal fixtures and can confirm that the urinals flush every 5-6 minutes (more frequently than the quoted 7 minutes).
- 6.44 Appendix 7 of the strategy details the fittings to be installed that would reduce the amount of water per flush, in addition to turning the flushing mechanism off when the site is not in use. This would reduce the urinal water demand to 25,116l/a, representing a 274,404l/a saving. As the proposed water saving is greater than the surplus to offset, the mitigations as above would thus demonstrate water neutrality.

Conclusion

- 6.45 The proposal seeks to reuse a currently vacant unit within the wide Holmbush Farm site, changing the extant Class E use to incorporate a takeaway in addition to an increase in operating hours. Given the site's location as part of an established diverse rural site, the proposal would be supported in terms of its location within the countryside, and would result in economic benefit to the wider surrounding area and the District as a whole. Whilst the site is located within the High Weald AONB, the proposed change of use would conserve the landscape and scenic beauty of the protected area in compliance with paragraph 176 of the NPPF. It is acknowledged that the proposed use and increase in hours would increase activity to and from the site, which will likely result in an increased impact on neighbouring amenity. Conditions are suggested to mitigate any potential harm arising from the use to an acceptable level. Furthermore, the applicant has demonstrated that the proposed use would not result in an increase abstraction of water over and above the existing arrangement. Officers therefore recommend to the committee that the application accords with the Development Plan- the proposal should therefore be approved subject to the conditioned suggested below.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions:-

1 **A List of the Approved Plans**

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

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

- 3 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (received 08.12.2023). The use hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

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

- 4 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the Traffic Management Plan (two documents, as received on 20 October 2023) has been fully implemented. The Traffic Management Plan shall be complied with at all times thereafter.

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

- 5 **Regulatory Condition:** Parking in connection with the use hereby approved shall not take place anywhere on the site except within the area shown in yellow on the approved colour coded location plan (received 21.09.2023).

Reason: In the interests of the visual amenities and to comply with Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** No public address or external sound amplification system shall be installed or used without the prior written consent of the Local Planning Authority.

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

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

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

- 8 **Regulatory Condition:** No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

- 9 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 09:00-23:00 Monday to Sunday (inclusive of bank holidays).

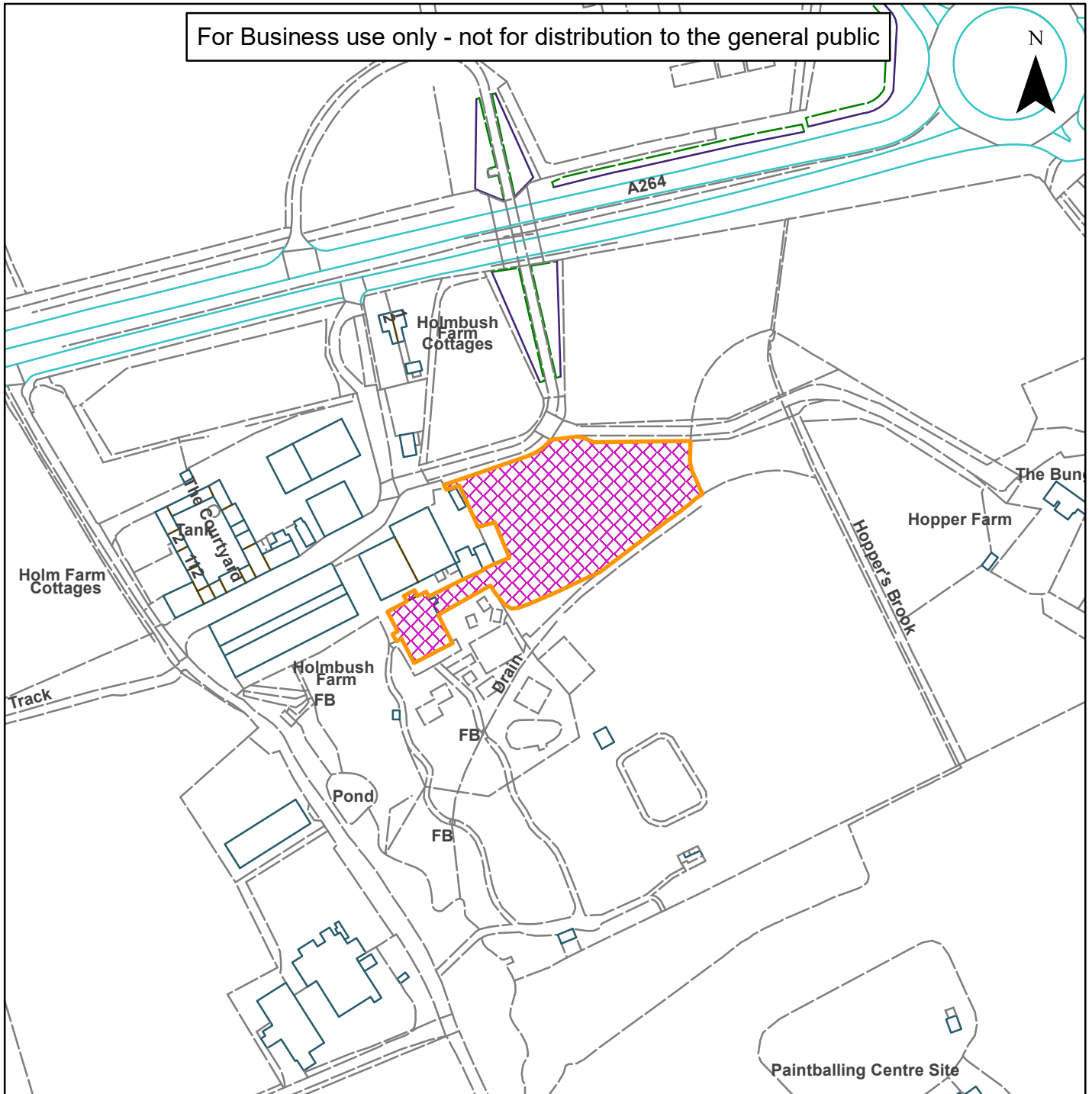
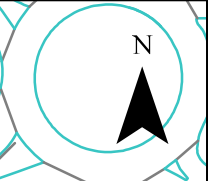
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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Holmbush Farm, Crawley Road, Faygate, West Sussex, RH12 4SE

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	25/01/2024
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**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee

BY: Head of Development and Building Control

DATE: 06 February 2024

DEVELOPMENT: Change of use from Office to Special Educational Needs School. Construction of two storey link building. Construction of Multi Use Games Area and associated landscaping.

SITE: Vincent House 31 North Parade Horsham West Sussex RH12 2DP

WARD: Trafalgar

APPLICATION: DC/23/1566

APPLICANT: **Name:** NSS V (Properties 2) LLP **Address:** C/O Agent 33 Margaret Street London W1G 0JD

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the change of use of the building and associated land to a Special Education Needs (SEN) school, along with a two storey link extension, multi-use games area, and associated parking, access and landscaping.

DESCRIPTION OF THE SITE

1.3 The application site is located to the west of North Parade, within the designated built-up area boundary of Horsham. The site comprises an office building within a reasonable sized plot, accessed from an existing entrance point to the north-eastern corner of the site. A parking area is located to the western portion of the site, with amenity grounds located centrally.

1.4 The site is bound by mature trees and hedgerows, with closeboarded fencing also separating the site from the immediate neighbours. Residential properties are located to the north,

south, and west of site, with the immediate neighbours to the north and south positioned at a distance of approximately 4m and 8m respectively.

- 1.5 The wider surroundings are characterised by residential development comprising detached dwellings and flats. A set of three-way traffic lights is located immediately outside of the site

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 41 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

2.5 Horsham Blueprint Business Neighbourhood Plan

Policy HB1 – Location of Development
Policy HB3 – Character of Development
Policy HB4 – Design of Development
Policy HB5 – Energy Efficiency and Design
Policy HB12 – Encouraging Sustainable Movement
Policy HB14 – Community and Cultural Facilities

2.6 Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

2.7	PLANNING HISTORY AND RELEVANT APPLICATIONS	
	HU/117/68	C/u of ground floor of existing premises to registered nursing home and extension wing. (From old Planning History)
		Application Permitted on 02.05.1968
	HU/131/84	Portacabin. (From old Planning History)
		Application Permitted on 11.07.1984
	HU/140/82	Storeroom. (From old Planning History)
		Application Permitted on 17.06.1982
	HU/21/90	Conv. office into caretakers floor, int alts to existing flat into toilets and office and a two storey extension for storage and offices. (From old Planning History)
		Application Permitted on 14.03.1990
	HU/210/81	Extension and conversion into offices and one flat, one outbuilding and car park for 18 cars and 3 visitors cars.1396/hu/81 (From old Planning History)
		Application Permitted on 26.08.1981
	HU/63/81	C/u to office. (From old Planning History)
		Application Permitted on 10.04.1981

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 (Response received 15.11.2023):** No Objection:-
- 3.3 The revised layout improves the relationship of the useable space adjacent to the Weeping beech and proposes the removal and replacement of the centrally located Sweet chestnut.
- 3.4 No concerns raised subject to conditions to protect retained trees from construction works and to ensure an appropriate scheme of soft landscape mitigation and establishment.
- 3.5 **HDC Environmental Health:** Comment
- 3.6 The premise is located in the primarily residential area of Horsham, with domestic properties immediately adjacent to the building to both the north and south, with the closest being within 4 metres. Additional residential boarder the premises grounds, notably some many within 60 metres of the proposed located of the external multi-use games area.
- 3.7 The application is supported by a noise impact assessment produced by Ian Sharland Limited and this Service accepts its conclusions and recommendations raised. The implementation of the recommendations made in the assessment intended to prevent noise breakout, including ensuring those rooms and areas within the building expected to the offer the greatest noise breakout are effectively sealed and served by mechanical HVAC and installation of acoustic fencing to the site boundary to the rear portions of the site should be secured by condition and implemented prior to the development beginning operation, should the application be permitted.
- 3.8 Conditions to protect the amenity of neighbouring residential properties are recommended.
- 3.9 **HDC Economic Development:** No Objection. The site is currently vacant and the marketing summary report provided shows that none of the offers / interest received planned to retain

the building for office use. The proposal will be significant in providing additional local employment opportunities (52 Full Time employees).

OUTSIDE AGENCIES

- 3.7 **WSCC Education:** Comment
- 3.8 This school is being proposed as an Independent Non-Maintained School (INMS), therefore WSCC does not have any powers relating to the school - it is outside Local Education Authority control.
- 3.9 There is a shortage of special school places across the County particularly for autism and other neurodiversity conditions including within Horsham District. WSCC has not identified this site to create additional places for children with SEND. This is a private/independent school and does not work with the Local Authority to develop schools for non-fee-paying pupils. WSCC has, however, commissioned places from the Aurora Group to educate children with complex needs in their schools in Surrey. This option is only considered where a maintained school place is not available. WSCC have been happy with the quality of provision. It should be noted that work is underway to remodel Arun House on Hurst Road, close to North Parade, to provide additional places for children with SEND as an annex to the publicly funded Queen Elizabeth II Special School. The Local Authority does not raise an objection to further places in the INMS sector.
- 3.10 **WSCC Highways (Response received 19.12.2023):** No Objection.
- 3.11 The LHA consider that all matters from highway safety and capacity point of view have been addressed. The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. Conditions recommended.
- 3.12 **WSCC Fire and Rescue:** Comment. Having viewed the plans, evidence is required to show suitable turning facility to enable a fire appliance to turn and make their exit from the site. A fire appliance should not need to reverse more than 20m to make their exit or reach the facility.
- 3.13 **Ecology Consultant (Response received 02.01.2024):** Comment:-
- 3.14 The further Bat Survey Report (SLR Consulting Ltd, September 2023) confirmed no evidence of roosting bats within the building, as a result we agree that works can proceed under precautionary mitigation measures for this European Protected Species.
- 3.15 The response letter to Place Services (SLR Consulting Ltd, December 2023) provides clear evidence that other Protected Species are not present on the site and support the recommended Pre-Commencement work.
- 3.16 Satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 3.17 The mitigation measures identified in the Preliminary Ecological Appraisal Report (SLR Consulting Ltd, August 2023) and the Bat Survey Report (SLR Consulting Ltd, September 2023) and the response letter to Place Services (SLR Consulting Ltd, December 2023),

should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

- 3.18 Also support the implementation of a Wildlife Friendly Lighting Strategy for this application, as outlined in the Bat Survey Report (SLR Consulting Ltd, September 2023). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area.
- 3.19 Also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2023. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level.
- 3.20 **Natural England:** No Objection, subject to the delivery, management, and maintenance of measures identified in the Water Neutrality Statement to achieve water neutrality.

PUBLIC CONSULTATIONS

- 3.21 **Horsham Trafalgar Neighbourhood Council:** Object
- 3.22 There is no widespread objection to the change of use of the site to a school, and that the building plan seems appropriate for the site and for the intended use. However, we believe there are issues relating specifically to the greenery, access and borders of the plot that must be resolved.
- 3.23 The plot contains a number of large trees including at least one (the weeping beech) that is of community and ecological significance. Concur with the District Council Arboricultural Officer's opinion that this tree will be damaged by the proposed parking plan. The parking plan should be reviewed with more attention to impact on the largest trees, including moderating the amount of cut-back required and perhaps replacing hardstanding with permeable standing.
- 3.24 Several residents have raised issues around the plot's borders and the fencing plans shown in the application. In particular, the current area of hedges and greenery forms an important habitat and corridor for wildlife including hedgehogs, newts, stag beetles, and many birds. We do not see how the proposed changes will impact the northern border of the plot, or how the hedges to the west can be preserved given the intention to build an acoustic fence. The real boundaries of properties in the area are irregular and do not always coincide with the land registry drawings on which the application appears to be based. Residents have noted that the acoustic fence may either destroy the western hedges, or actually cross other properties. Both possibilities require review and clarification before plans proceed.
- 3.25 Residents have expressed concern about traffic and disturbance issues. The plans do not define the lighting plan for the carpark, so it's unclear how much night time light pollution there will be. The plans seem to be based on an unrealistically high estimation of ambient noise (65db). The plans do not, in many residents' view, satisfactorily account for how the already crowded North Parade will be impacted by a morning and afternoon 'rush' of vehicles visiting the school, with an entry and exit point so near the traffic lights and intersection. It would be constructive to clarify the expectations for light and sound disturbance, and to look at traffic mitigations on North Parade.
- 3.26 30 representations were received objecting to the application for the following reasons:-
- Not suitable for volume of traffic
 - Impact on function of public highway

- Undersupply of on-site parking
- Impact on on-street parking in the wider area
- Cumulative impact from recent residential development nearby
- Additional vehicle movements compared to previous use
- External lighting and impact on neighbour amenity
- Noise impacts both indoors and outdoors
- Inappropriate development
- Air pollution
- Retention of hedges and impact on trees
- Access arrangements
- Loss of privacy
- Water neutrality
- Overdevelopment
- Operation of the school

3.27 1 representation was received in support, but raising concerns regarding the boundary treatments proposed.

3.28 18 representations were received, neither objecting nor supporting but commenting as follows:-

- Insufficient information about operation of the school and outside areas
- Queries the Noise Assessment results
- Impact on public highway and parking
- Roof and screening for MUGA
- Loss of trees
- Operation hours
- Impact of MUGA on noise
- Parking

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

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The application seeks full planning permission for the change of use of the building and associated land to a Special Education Needs (SEN) school, along with a two storey link extension, multi-use games area, and associated parking, access and landscaping.

Principle of Development

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted with towns and villages which have defined built-up areas. Any redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.
- 6.3 Policy 42 of the HDPF states that positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs will be encouraged and supported. Particular account will be taken of the need to address the requirements stemming from, among others, people with additional needs, including the disabled or those with learning disabilities and the co-ordination of services to fulfil the needs of young people.
- 6.4 The application seeks full planning permission for the change of use of the building (currently in Use Class E) to a Special Educational Needs (SEN) school (Use Class F1), along with the construction of a two storey link extension, Multi-Use Games Area (MUGA), and associated landscaping and access improvements.
- 6.5 The Cover Letter submitted in support of the application outlines that the education provided for the school would be the Aurora Group, who are the UK's sixth largest provider of education, care, and support services for children and young people with special educational needs and disabilities. The school would accommodate a maximum of 60 pupils and 52 members of staff, and will specifically provide educational services for pupils with 'AFC' neuro diverse issues. The school would operate from 08:30 to 15:30 throughout the week, for 40 weeks of the year.
- 6.6 The Horsham District Council Infrastructure Delivery Plan 2023 recognises that pupil numbers are rising and are likely to continue to do so across the county as a result of population and demographic changes, along with the timing, size, tenure, and location of new housing.
- 6.7 The application seeks to provide an independent SEN school within Horsham Town. The Applicant has provided a letter from West Sussex County Council dated 02 August 2023 which outlines that West Sussex County Council is seeing a year-on-year increase in demand for Education, Health, Care Plans and specialist places across most categories of special educational needs. Due to the lack of sufficient local school places, more children with special needs are being placed in out of county provision and can experience longer travelling times to school, which can be very challenging for them and their families. The premier solution being adopted by WSCC is to develop new provision close to densely populated areas where the majority of children live. The letter does however recognise that this solution is not a catch-all, and there will be some children for whom a smaller, specialist provision with higher staff ratios and additional targeted therapeutic interventions is required. Where this is the case, councils and families often utilise independent provision as the most suitable, value for money solution.

- 6.8 WSCC Educational Services have been consulted on the application, where they have confirmed that the school would be an Independent Non-Maintained School (INMS) where it would operate outside of Local Education Authority control. The site has not been identified to create additional places for children with SEND, and the independent school does not work with the Local Authority to develop schools for non-fee paying pupils. The response does however recognise that there is a shortage of special school places across the County, particularly for autism and other neurodiversity conditions, including within Horsham District. WSCC has commission places from the Aurora Group (the Applicant) to educate children with complex needs in their schools in Surrey, where this is only an option considered if no school place is available in a County maintained school.
- 6.9 The response from WSCC Educational Services notes that work is currently underway to remodel Arun House on Hurst Road (approximately 0.5km to the south-east of the application site). This will provide additional places for children with SEND as an annex to the publicly funded Queen Elizabeth II Special School. WSCC Educational Services has however, raised no objection to further places being offered through Independent Non-Maintained School provision.
- 6.10 The proposed development would provide additional SEND school places within Horsham District, and would support the needs of children with additional needs within the District. While recognised that the school would operate as an Independent Non-Maintained School, it is noted that WSCC have confirmed that there is a need for SEND school places within Horsham. Although some of this provision will be addressed by the expansion of the publicly funded Queen Elizabeth II Special School, it is recognised that independent provision often provides better suited provision for children where higher staff ratios and additional targeted therapeutic interventions are required. The proposal would contribute to meeting the needs for SEND pupils within the District and would help to create a socially inclusive and adaptable environment in this regard.
- 6.11 Policy 9 of the HDPF states that redevelopment of employment sites and premises outside Key Employment Areas must demonstrate that the sit/premises is no longer needed and/or viable for employment use.
- 6.12 The Applicant has submitted a Marketing Report dated August 2023, which outlines that marketing of the site commenced in September 2022 using a number of marketing platforms. This marketing was undertaken over a 6-week period, where multiple enquiries were received. Across the 5 weeks of initial marketing, a total of 76 enquiries were received and these related to interest for residential, care and education services. A total of 24 offers were received relating to education, care, and residential uses, with no expressions of interest received for office use. The Marketing Report outlines that there was no interest from the commercial sector, with no expressions of interest or formal bids for this use received.
- 6.13 The Northern West Sussex Economic Growth Access by Lichfields dated January 2020 outlines that approved planning permissions provide a quantum of employment floorspace that broadly matches future growth needs associated with past take-up and baseline labour supply scenarios, albeit that there will be a likely shortfall in terms of industrial space. The Report acknowledges that there is significant scope to enhance the quality of offer associated with Horsham's office market, and to support the District to strengthen its office-based economy following significant losses of office space and occupies as a result of permitted development rights over the last few years. Development schemes in the pipeline, including North Horsham and the Novartis site provide short to medium opportunities to realise this ambition in and around Horsham Town, and could be complemented by smaller scale, new office developments in smaller locations and settlements elsewhere in the District.
- 6.14 It is recognised that the development would result in the loss of office floorspace within Horsham Town. The Marketing Report has however identified that there was no expression

of interest for such use during the marketing stage, and no objections to the loss of office space has been raised by Economic Development. Notwithstanding this, it is recognised that the proposed change of use would maintain some local employment through staff requirements. It is considered that sufficient evidence has been provided to demonstrate that the existing site is no longer needed for its current use, with the proposed change of use to Use Class F1 considered to offer local employment.

- 6.15 For these reasons, the proposed change of use is considered acceptable in principle, subject to all other material considerations.

Design and Character

- 6.16 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.17 Paragraph 135 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; are sympathetic to local character and history; and establish or maintain a strong sense of place. Paragraph 136 of the NPPF continues that trees make an important contribution to the character and quality of urban environments. Opportunities should be taken to incorporate trees within developments and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and existing trees are retained wherever possible.
- 6.18 The application seeks to convert the existing building with a two storey link extension to the south and minor alterations to the fenestration. The proposed extension would extend in line with the eaves of the main building, and would utilise a pitched roof to match the host building. The proposed extension would be set behind the main frontage, and given the layout of the site, would not be overly visible from the street frontage.
- 6.19 The proposal also includes the laying of a car park to the rear (east) of the site, along with the installation of a Multi-Use Games Area to the east of the building, and alterations to the access arrangement. The existing trees and hedging are proposed to be retained, with additional native hedging proposed internally within the site, and along the boundaries. A 2.2m high acoustic fence is proposed along the boundaries to the rear of the site.
- 6.20 The proposed development is considered to sit comfortably within the context of the site, and would be of a design, layout, and arrangement that would relate sympathetically to the built surroundings and settlement pattern. The proposal would retain existing natural features within the site, with the proposed landscaping considered appropriate. The alterations to the access at the front of the site would not be out of keeping with the street scene, where similar openings are apparent.
- 6.21 For these reasons, the proposed development is considered to relate sympathetically to the character and visual appearance of the street scene and wider surroundings, with the design and layout of the site considered appropriate. The development is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.22 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both

in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

- 6.23 The application site is located within the built-up area, with the immediate surroundings characterised predominantly by residential development. The site is located to the west of North Parade, a main thoroughfare into Horsham Town, with the noise character of the site defined by noise emanating from traffic. Residential properties are located immediately to the north, south, and west of the application site, with the boundaries defined by a mix of closeboarded fencing, trees, and hedging. Residential properties, including a block of flats, are located across North Parade to the east.
- 6.24 A number of objections have been received raising concerns with respect of the impact the proposed use would have on the amenity of the nearby residential properties. Specifically, concerns have been raised regarding noise emanating from the site (specifically during use of the MUGA) and overlooking and loss of privacy.
- 6.25 The application site has previously been in long-established use as an office, with a long-standing relationship between the subject building and the adjacent residential properties. The use would have generated associated noise and activity, with both the ground and first floor used for office purposes accommodating staff. The OFFPAT figures for employment density suggest that the subject building had the potential to accommodate 82 full-time members of staff, and there are no conditions on any previous permission that restricted the number of occupants, nor the hours of use.
- 6.26 The current application seeks the change of use to an Independent Non-Maintained School which would accommodate 60 pupils and 52 full-time staff, with a total occupancy of 112. The school would operate from 08:30 to 15:30 throughout the week, for 40 weeks of the year. While it is acknowledged that the number of occupiers would increase, it is not considered that this would result in a significant intensification of activity particularly given the context of the site within the built-up area and adjacent to the main thoroughfare. It is recognised that additional vehicle movements would take place, with the parking arrangement resulting in movements to the frontage and along the southern boundary of the site. However, given the noise character of the surroundings, and the previous use of the site, it is not considered that this would result in significant adverse harm to the amenities of neighbouring properties to justify a reason for refusal.
- 6.27 It is recognised that the proposal would facilitate use of the outdoor space by pupils and staff, which would differ from the previous use of the site. It is however noted that the use of these areas would primarily be between the opening hours of 08:30 and 15:30. These hours are not considered to be unsociable, where it is recognised that many school sites with similar facilities are located within residential areas. Furthermore, it is recognised that the Applicant has made efforts to reduce noise impact through the proposed installation of acoustic fencing around the rear boundaries. Given the noise character of the area, and coupled with the proposed interventions, it is not considered that the use of the outdoor space by staff and pupils would result in significant adverse harm to the amenities of neighbouring residential properties.
- 6.28 For these reasons, the proposed development is not considered to result in adverse harm to the amenities of neighbouring properties and users of land, in accordance with Policy 32 and 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.29 Policy 40 of the HDPF states that development should provide safe and suitable access for, among others, all vehicles, pedestrian, cyclists. Policy 41 continues that development should 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.

- 6.30 Paragraph 115 of the NPPF states that development should be prevented or refused on highway grounds if there would be an acceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.31 The Applicant has submitted a Transport Statement by TTP Consulting Ltd dated August 2023, along with an Addendum Report dated 16 November 2023 and a Travel Plan by TTP Consulting Ltd dated August 2023. A Road Safety Audit was also carried out by MB Projects Ltd dated November 2023. These documents outline that the existing access points will be retained in broadly the same position, with works to the internal road to connect with a car park (providing a total of 22 spaces). The other existing car park would be removed to accommodate the MUGA. A new turning area will be introduced at the front of the building. The existing vehicle access would be widened to allow passing, and the landscaping at the site entrance would be cut back to improve sightlines. A new vehicle entrance gate would be provided, set back from the site frontage, with a turning head provided internally to allow delivery vehicles to turn around before exiting the site. The rear car park would provide for 19no. parking spaces, 2no. minibus spaces, and 1no. disabled bay.
- 6.32 West Sussex County Council Highways have been consulted on the application. Requests were initially made for additional information in respect of swept path tracking, visibility splays, clarifications of the Transport Statement, and the submission of a Road Safety Audit. This additional information has been submitted by the Applicant and considered by the Local Highways Authority.
- 6.33 It is considered that the number of additional trips as outlined within the documentation would not have a severe material impact on the operational capacity of the nearby road network. Vehicle visibility splays of 2.4m by 43m have been demonstrated as achievable entirely within the publicly maintained highway. Pedestrian visibility splays of 2m by 2m have been shown by setting existing wall/ column back, within the application land. It is considered that these visibility splays could be reasonably and necessarily secured by condition.
- 6.34 WSCC Guidance does not stipulate parking standards for a non-residential institution use and these should be assessed on a site-specific basis. Considering the provision of a Transport Plan and sustainable location in terms of proximity to public transport and active travel modes, the quantity of staff parking provided is considered appropriate. Furthermore, the area is within Horsham's Controlled Parking Zone whereby parking restrictions are in place including double yellow lines outside the site access. Any overspill parking is not anticipated to take place in locations that would be detrimental to highway safety, with the Parking Capacity Survey indicating that there is sufficient provision available within operational hours to address any overspill if necessary.
- 6.35 The documents as submitted and recommendations contained within, are considered to satisfactorily demonstrate that the development would provide safe and suitable access for all users, and would not result in severe cumulative impact on the function and safety of the highway network. The development is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework.

Ecology

- 6.36 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

- 6.37 The Applicant has submitted a Preliminary Ecological Appraisal by SLR Consulting Ltd dated August 2023, with additional information provided separately by email. A Bat Survey Report has also been submitted by SLR Consulting Limited dated 29 September 2023. These surveys have confirmed that there is no evidence of protected species on the site, with biodiversity enhancement measures suggested.
- 6.38 The Council's Ecologist has been consulted on the application, where further information was initially requested in relation to protected species. Following the submission of further details, it is considered that there is sufficient information to determine the application. It is not considered that the proposal would result in adverse harm to the protected species and its habitat, with the ecological enhancement measures considered acceptable. Subject to conditions securing the enhancement measures, no ecology concerns are raised.

Water Neutrality

- 6.39 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.40 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.41 The Applicant has submitted a Technical Memorandum reference 425.064800.0001 by SLR Consulting Limited and dated 28.09.2023. This outlines that the existing building has most recently been used as offices and has a gross internal area of 1,050m² across the ground and first floor. The Technical Note outlines that the proposed school would accommodate 60 students and 45 staff, resulting in a total of 105 individuals at the site. This differs from the application documents, which outline that there would be 60 students and 52 members of staff (totalling 112).
- 6.42 The BREEAM Wat 01 Calculator for education has been used to calculate the proposed water usage. The Spreadsheet calculates the site users based on the areas of the site, however there is no Special Educational Needs category for schools. The Calculator estimates 223 site users, but the calculations are based on the stated proposed students and staff (105). The Calculator indicates that the water demand arising from the proposed use would amount to 5.38 cubic metres per year. Based upon the anticipated number of individuals using the site, this would equate to 565 cubic metres per year. Based upon the proposed student and staff number of 112, the total demand would be 602.56 cubic metres per year.
- 6.43 In order to be appropriately precautionary, the capability of the site remains relevant, where the BREEAM Wat 01 Calculator advises that 223 individuals could use the site. Based upon the figures provided within the Calculator, this number could result in a total water demand of 1,199.74 cubic metres per year.
- 6.44 To calculate the existing baseline, the Report has utilised the BREEAM Wat 01 Calculator for Offices, based upon a survey of existing fixtures and fittings undertaken on 26.09.2023. It is confirmed that the premises does not benefit from showers, washing machines, or dishwasher facilities. The BREEAM Calculator provides a total annual use of 1,442 cubic metres of water. This is calculated on the basis of 13.17 cubic metres of water per person per year, where the premises provided floor space for 109.5 individuals.

- 6.45 Based upon the information submitted, the proposed development would result in less water consumption than the existing baseline of the office use. No calculations were provided to confirm what the proposed consumption would be if the existing fixtures and fittings were retained, and it is not therefore possible to confirm whether the proposed mitigation is required to make the development water neutral. Based upon the information available, it is therefore considered reasonable and necessary to impose conditions requiring that the mitigation measures be carried out.
- 6.46 Subject to these conditions, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with Policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

- 6.47 The proposed development would contribute to meeting the needs for SEND pupils within the District and would help to create a socially inclusive and adaptable environment in this regard. The proposal is therefore considered acceptable in principle.
- 6.48 The proposed extension and alterations to the building would relate sympathetically to the character and external appearance of the host building and wider surroundings, where the additions would sit comfortably within the context of the site. While recognised that the proposal would encourage greater use of the outside space, this would be in social hours, and the proposed development is not considered to result in any further harm to the amenities of neighbouring properties through overlooking, loss of privacy, noise, and disturbance. In addition, the proposed development is not anticipated to result in harm to the safety and function of the public highway network, with sufficient parking capacity available. Furthermore, the proposal would not result in a likely significant effect on protected species and habitat.

7. RECOMMENDATIONS

- 7.1 To approve the application, subject to the following conditions:

1 **Approved Plans**

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

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

- 3 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing number P-006, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works 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.

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

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

- 4 **Pre-Commencement Condition:** The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following measures:

- i. Details of site management contact details and responsibilities;
- ii. A plan detailing the site logistics arrangements, including:
 - a. location of site compound,
 - b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
 - c. site offices (including location, height, size and appearance),
 - d. location of site access points for construction vehicles,
 - e. location of on-site parking,

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

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures required by the approved water neutrality strategy (Technical Memorandum by SLR Consulting Limited dated 04.08.2023) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

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

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity based on GN: 08/23 shall has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve the approved use have been implemented in accordance with the approved details as shown on plan P-006 Rev 01 and shall be thereafter retained as such.

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

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the visibility splays for the access(es) serving the development , as shown on drawings numbers 2023-4782-006 and 2023-4782-007, have been provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the fast charge electric vehicle charging point as shown on drawing number P-006 Rev A have been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

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

- 12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the 8no. cycle parking facilities serving it have been provided within the site. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 13 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the site. The facilities shall thereafter be retained for use at all times.

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

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

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

- 15 **Pre-Occupation Condition:** The development hereby permitted not shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that residential unit has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

- 16 **Regulatory Condition:** The premises hereby permitted shall be used as a school under Use Class F1 only, and for no other purpose.

Reason: In the interest of amenity and to address the District level need for SEND school places and in accordance with Policy 33 and 42 of the Horsham District Planning Framework (2015).

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

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

- 18 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Preliminary Ecological Appraisal by SLR Consulting Ltd dated August 2023 and Bat Survey Report has also been submitted by SLR Consulting Limited dated 29 September 2023.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

- 19 **Regulatory Condition:** The approved landscaping scheme as shown on drawing number P-006 Rev 01 shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

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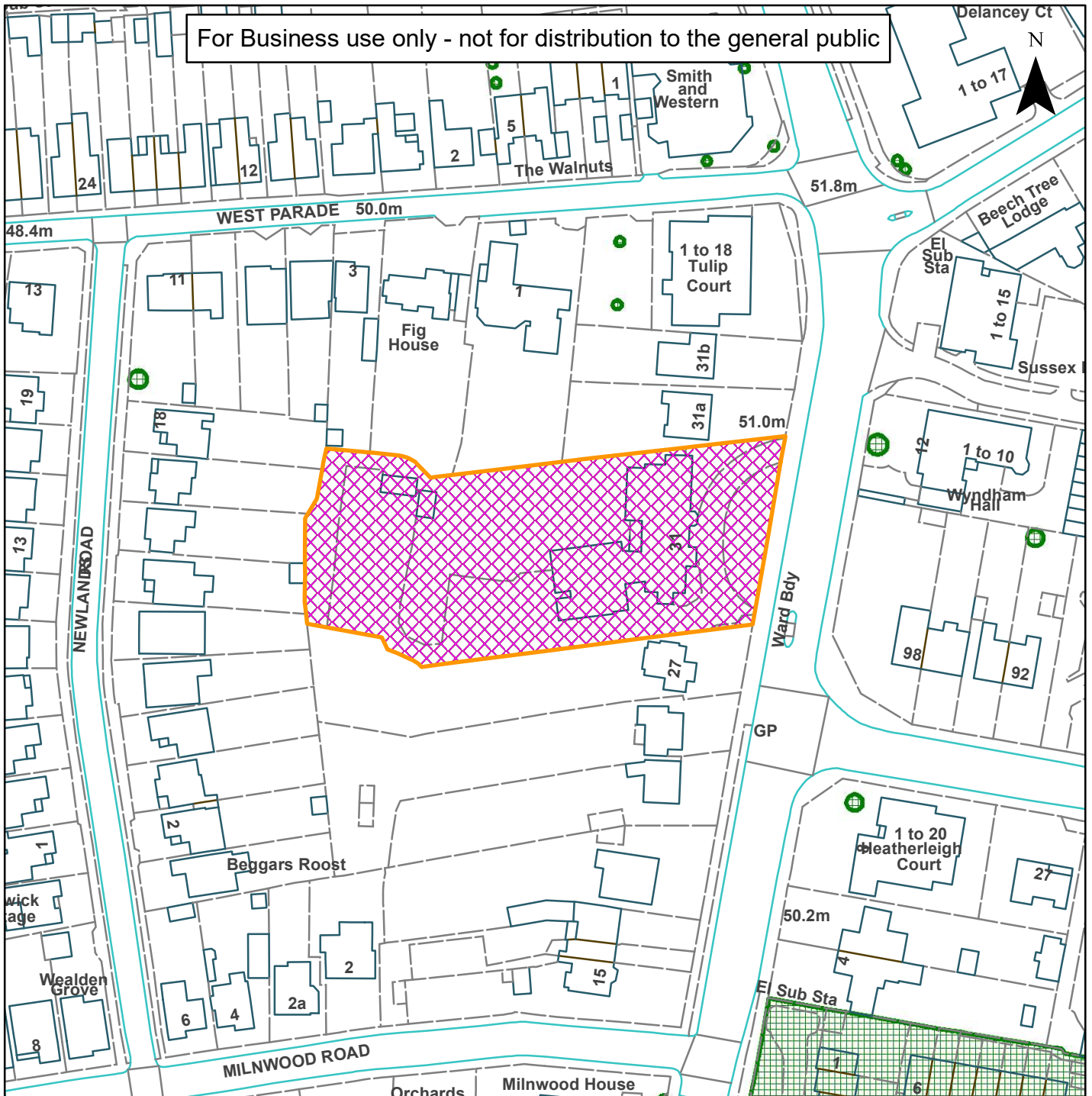
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Horsham District Council

Vincent House, 31 North Parade, Horsham, West Sussex, RH12 2DP

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**Horsham
District
Council**

PLANNING REPORT COMMITTEE

TO: Planning Committee north

BY: Head of Development and Building Control

DATE: 6 February 2024

DEVELOPMENT: Extension and modifications to existing light industrial building (Class E), with associated alterations to car parking and servicing areas.

SITE: Spinningwood Farm, Burnthouse Lane, Lower Beeding, West Sussex RH13 6NN

WARD: Lower Beeding

APPLICATION: DC/23/1895

APPLICANT: **Name:** Mr Kevin Woolgar **Address:** Spinningwood Farm, Burnthouse Lane, Lower Beeding, West Sussex, RH13 6NN

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

By request of Councillor Livingstone.

RECOMMENDATION: To approve planning permission subject to relevant conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission to extend the building upwards, with the provision of a pitched roof extending to a height of 6.2m. The proposal would increase the eaves height of the main building by 1.8m, with an alteration to the mono-pitch of the smaller projection that would increase its height to 4.2m.
- 1.2 The proposal would include the provision of roof lights within the east and west roof slopes, with the building finished in black stained featheredge cladding to the elevations and green box profile to the roof.
- 1.3 The proposal would also include the laying of permeable hardstanding to the south of the existing parking area to provide an additional 14no. parking spaces. This would include 2no. disabled bays and an EV charging station.

DESCRIPTION OF THE SITE

- 1.4 The application site is located to the east of Burnthouse Lane, outside any designated built-up area boundary and therefore within a countryside location in policy terms. The site comprises a utilitarian building with a lawful use under Class E (and formerly Use Class B1(c)) with an additional Class E building currently under construction approved under planning application DC/21/1050 for a light industrial use.
- 1.5 An area of hardstanding is laid to the north and west of the building, with the wider area comprising scrubland and mature trees. The site is access from the north-west, with mature trees and scrub located along the western boundary.
- 1.6 The adjoining site to the east comprises a commercial stable and associated barn, with a mobile home occupied by the stable owners located to the north.
- 1.7 The wider area is characterised by enclosed agricultural fields and woodland, with sporadic residential dwellings fronting the road. A public bridleway bounds the site to the south, with a public footpath also located to the west of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
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 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 – Parking

2.4 **Lower Beeding Neighbourhood Plan**

Lower Beeding Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations. The following policies are of significant weight, subject to water neutrality being demonstrated:-

- Policy 1 – Biodiversity
- Policy 2 – Landscape Character
- Policy 3 – Green Infrastructure
- Policy 4 – Sustainability
- Policy 5 – Energy Efficiency
- Policy 12 – Design
- Policy 17 – Existing Employment Sites
- Policy 18 – Economic Growth

2.5 Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

LB/1/92	Change of use of agricultural buildings to workshop for upholstery & french polishing	Application Permitted on 18.06.1992
LB/20/94	Change of use of building to workshop for printing company, building a new roof, cladding, new parking & landscaping	Application Permitted on 17.08.1994
LB/18/97	Renewal of lb/20/94 to use building as a workshop	Application Permitted on 21.07.1997
DC/07/0592	Modification of condition 7 attached to planning permission LB/18/97 to be used for a printing workshop and/or falling within class B1 use	Application Permitted on 02.07.2007
DC/15/1822	Storeroom extension to rear of premises	Application Permitted on 18.11.2015
DC/20/0760	Alteration of existing vehicular access on to Burnthouse Lane	Application Permitted on 03.07.2020
DC/21/1050	Erection of light industrial building (Class E) and replacement of existing steel panel roof on existing light industrial unit with clay tiles.	Application permitted on 15.09.2021
DC/22/1198	Variation of condition 1 of previously approved application DC/21/1050 (Erection of light industrial building (Class E) and replacement of existing steel panel roof on existing light industrial unit with clay tiles) to allow for amendments to plans and repositioning of the building at a lower ground level.	Application permitted on 22.08.2022

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.

OUTSIDE AGENCIES

3.3 **WSSC Fire and Rescue:** The nearest fire hydrant to this site is 275 metres, 185metres further than the 90m distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document – B (AD-B) Volume 2 2019 edition: B5 section 16.

- 3.4 **WSCC Rights of Way:** There is no direct impact on the above mentioned public bridleway that runs along the southern edge of the proposed development, therefore no objection to the proposals. It is important to note however that at no stage can the public bridleway be restricted or blocked as part of this proposed development. Any unlawful restricted or blockage would be considered an offence under the Highways Act 1980.
- 3.5 **WSCC Highways:** The proposed extension and modification of the existing building might give rise to additional vehicular trips. However, the number of movements would not be anticipated to be particularly significant and would not be expected to warrant an objection based on safety or capacity. Therefore, there are no transport grounds to resist this proposal.

PUBLIC CONSULTATIONS

- 3.6 **Lower Beeding Parish Council:** Objected on the following grounds: -
- The site is already excessively large for a remote rural location.
 - The application requests an increase in parking by 50% for no apparent reason, as the application states there will be no further employees nor level of business.
 - The Planning Statement does not make an economic justification for the excessive size of the building.
 - There are already an undue large amount of vehicles visiting the site and the small rural lane cannot take more traffic.
 - A condition should be applied to the site for the manufacture of golf equipment only.
 - There were a lot of local residents in the proximity of the farm that voiced their objections to an already large building.
- 3.7 13 representations were received objecting to the proposal for the following reasons:-
- Design
 - Highway Access and Parking
 - Overdevelopment
 - Privacy Light and Noise
 - Trees and Landscaping
 - Loss of general amenity
 - Incorrect plans
 - Incorrect planning statement
 - Previous permissions had attached restrictions

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

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

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

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

6. PLANNING ASSESSMENTS

Principle

- 6.1 Policy 10 of the Horsham District Planning Framework (HDPF) states that sustainable rural economic development and 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, while sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must: contribute to the diverse and sustainable farming enterprises within the District or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside; and either be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or result in substantial environmental improvement and reduce the impact on the countryside. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities.
- 6.2 Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development 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, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.
- 6.3 Policy 17 of the Lower Beeding Neighbourhood Plan states that development proposals which seek to maintain and/or expand existing businesses will be supported where proposals: are in keeping with the character of the area; avoid unacceptable harm to the amenity of dwellings and nearby properties; and do not have an unacceptable impact on the highway. Policy 18 of the Neighbourhood Plan continues that development proposals for employment uses will be supported where: development is proposed on previously developed land; is in keeping with the rural character of the local area; proposals have no significant detrimental impact on residential amenity; and would not have unacceptable impact on the local road network.
- 6.4 The proposed development would provide additional height for an established business and whilst it is acknowledged that the Planning statement indicates that the proposal would increase the floorspace of the existing building, the submitted plans would only indicate a change in height. It is noted therefore that whilst an increase in floorspace would have subsequent potential for an increase and intensification to the level of activity within the site, the increase in height and additional parking would not be considered to result in an increase in staff such that it would result in such a significant increase in the level of activity taking place on the site in this countryside location.
- 6.5 The proposed development would result in some economic benefits to the wider rural economy and given the established nature of the site for commercial purposes, is considered to be a reasonable extension to the existing facilities. While it is recognised that the nature of the business does not facilitate or require a countryside location, the proposed activities would fall within the established Class E use of the existing site, which is not limited to land based activities. The proposal is therefore considered to support the sustainable development of the wider rural economy and is considered to accord with the above policies.

Character and Appearance

- 6.6 Policies 32 and 33 of the HDPF promote development that is of a high quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the District. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit. Development should ensure that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.
- 6.7 Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.8 The site is set away from Burnthouse Lane with the topography of the site sloping down from the road (toward the site). The scale of the previously approved neighbouring commercial building is comparable to the increase in height proposed by this current application, with the siting of the neighbouring building such that it would largely obscure the proposed increase in height. It is considered that while the increased building height would be visible, it would not appear unduly prominent or intrusive and no adverse visual impacts would arise.
- 6.9 The proposal also includes a new area of hardstanding to provide additional parking and related manoeuvring space. The hardstanding would be sited between the two commercial buildings and would not represent a harmful encroachment beyond existing established site boundaries. The submitted plans indicate the hardstanding would be permeable, and the impact on the prevailing character and appearance of the site and surroundings would be limited.
- 6.10 For these reasons, the proposal is not considered to result in landscape harm or harm to the visual amenity of the locality, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015)

Amenity impacts

- 6.11 Policy 33 of the HDPF states that development is required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.12 The nearest neighbour is located to the south, which comprises of a number of stables, barn, mobile home and residence. The increase in height and the scale of the resulting building would not result in any unacceptable harm to amenity.
- 6.13 The proposal would not amount to a material change of use and would not result in an increase in floorspace on the site. The original planning permission for the application building includes conditions limiting the use of the site to a printers and / or Class B1 (which now falls within Class E) and controlling opening hours. The conditions remain in force and are recommended as part of this current application. The unit resulting from the propose development would therefore continue to be subject to the same restrictions as currently exist on the site.

- 6.14 It is considered given the above that the proposal would not result in significant intensification of activity on the site or result in unacceptable harm to the amenities of surrounding properties and land, in accordance with the above policy.

Highways

- 6.15 Policy 41 of the HDPF provides that development should provide adequate parking facilities to meet the needs of anticipated users, including appropriate provision to support electric vehicles and to meet the needs of cyclists and motorcyclists.
- 6.16 There are no changes proposed to the existing access arrangements. An inspection of data supplied to WSCC by Sussex Police over a period of last five years reveals that there has been no incident of personal injury reported near to the site access. This indicates the site access has been operating in a safe manner in its current form.
- 6.17 The application proposes a permeable gravel track and additional parking spaces. The resulting level of parking provision would exceed standards for this type of development. It is not through considered that an over-supply of on-site parking in this countryside location (and in the absence of any adverse visual impacts) would not create a level of harm which would amount to a refusal of planning permission, with a condition recommended to ensure cycle parking facilities are provided on the site.
- 6.18 It is considered that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and that there are no transport grounds to resist the proposal.

Water Neutrality

- 6.19 In September 2021 the LPA received a 'Position Statement' from Natural England pertaining to the use of groundwater within the Sussex North Water Supply Zone and the effects of groundwater supply on the Arun Valley Ramsar, Special Area of Conservation and Special Protection Area habitat sites. The 'Position Statement' advises that groundwater abstraction supplying the public mains-network may be adversely affecting the integrity of Arun Valley habitat sites.
- 6.20 The advice issued by Natural England, within the Position Statement, is that Planning Authorities within the Supply Zone pause decisions until a strategy is devised, in partnership with Natural England, to offset increased water-use associated with new development within the Supply Zone. Where it is critical that individual applications proceed Natural England advise that any application needs to demonstrate 'water-neutrality', such to provide certainty that new development will not further contribute to the existing adverse effect known from public groundwater abstraction.
- 6.21 The application site falls within the Sussex North Water Supply Zone, where increased demand for mains-water would exacerbate demand for the continued use/scale of public groundwater abstractions at Hardham Water Works contributing to associated adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.22 The proposal does not amount to a material change of use, does not increase usable floorspace on the site and does not alter existing operating hours. It is therefore considered that there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects.

- 6.23 The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions

- 6.24 The proposed development is considered to accord with all relevant local and national planning policies.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions:-

1 **A List of the Approved Plans**

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

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

- 3 **Pre-Occupation Condition:** Notwithstanding the submitted details, prior to the first occupation of any part of the development hereby permitted, full details of all hardstanding and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all boundary treatments
- Details of landscape management and maintenance
- Details of hardstanding surfaces, including permeable hardstanding

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

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

- 4 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve the development have been implemented in accordance with the approved details and shall be thereafter retained as such.

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

- 5 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until secure and covered cycle parking facilities serving it have been provided within the site boundaries. The facilities shall thereafter be retained for use at all times.
- Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).
- 6 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved plans and application form.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 7 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.
- Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 8 **Regulatory Condition:** No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site at any time except within the building hereby approved by the Local Planning Authority.
- Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 9 **Regulatory Condition:** The premises hereby permitted shall not be operated on Sundays or Public Holidays or at any time other than between 0700 to 1800 hours. Mondays to Fridays inclusive and 0700 to 1300 hours on Saturdays.
- Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 10 **Regulatory Condition:** The premises hereby permitted shall be used solely for purposes falling within Class E(g) as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The premises shall not be used for any alternative use without express planning consent from the Local Planning Authority first being obtained.
- Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the proximity to neighbouring properties and the economic benefit the approved use provides under Policies 12, 13 and 33 of the Horsham District Planning Framework (2015).

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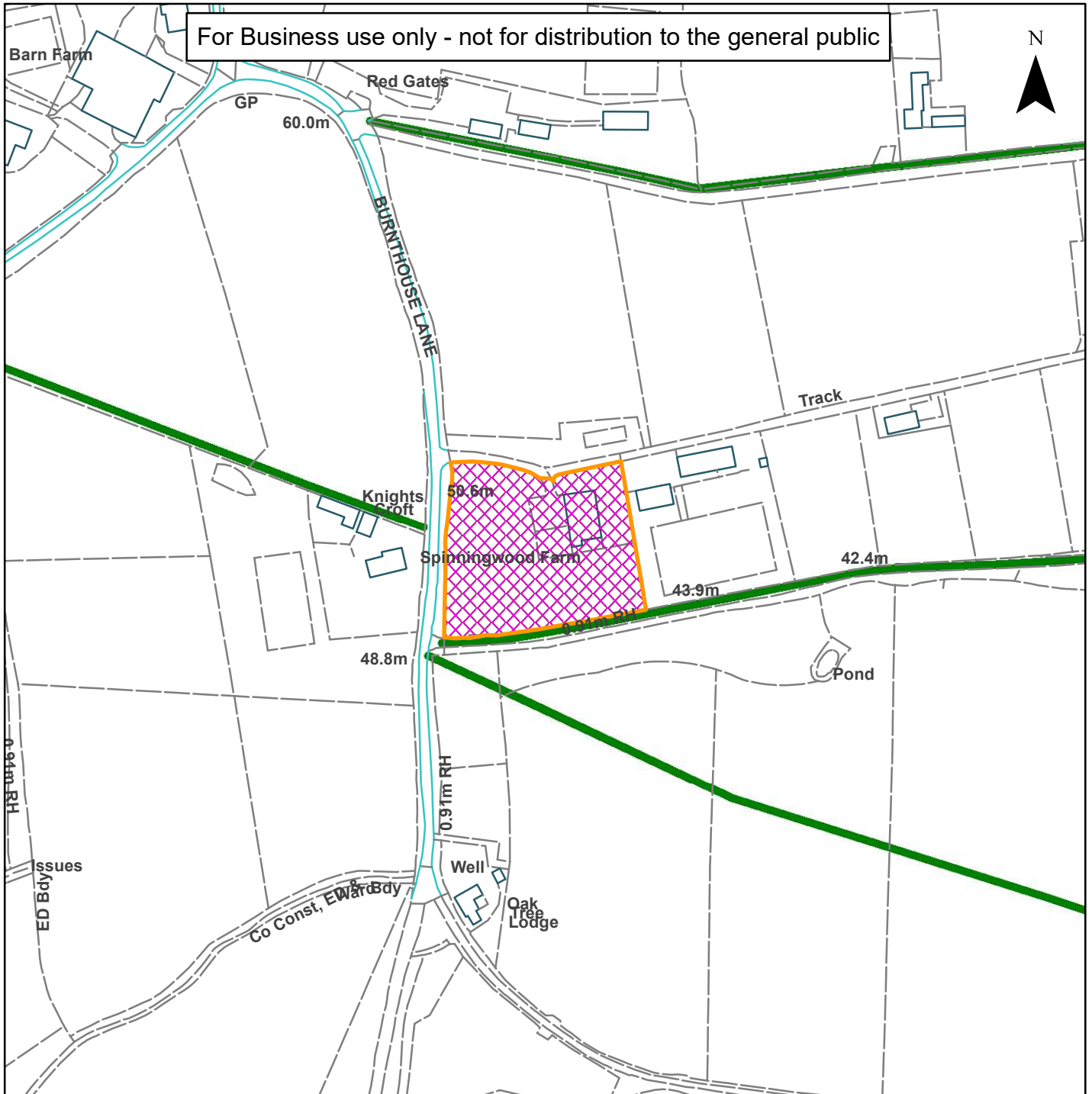
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**Horsham
District
Council**

Spinningwood Farm, Burnthouse Lane, Lower Beeding,
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