



AGENDA ITEM 5 - DC/18/2212

Easteds Barn, Easteds Lane, Southwater, Horsham, West Sussex, RH13 9DP

Additional consultation responses and representations:

Comments have been received From West Sussex County Council (WSSC) Highways Department and Horsham District Council's (HDC) Environmental Health Department and four additional letters of objection have been received since the committee report was published.

WSSC Highways have raised no objection and state:-

The site will provide a maximum of 35 child places under the nursery use. The LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

As previously advised, the LHA recommend that the nursery implement a Travel Plan. The floor area of the building would fall below the threshold for a Travel Plan Statement as set out by the Department for Transport within their withdrawn but not superseded guidance on Indicative Thresholds for Transport Assessments. However, such a document would assist in the promotion of measures to encourage parents and staff where possible to travel by sustainable transport, reducing car dependency.

If the LPA are minded to approve the application, a condition securing a travel plan statement for the proposed use would be advised. In the event of there being no other planning controls on the number of children attending the nursery there would be a highways benefit in securing such matters via a suitably worded condition in line with the children numbers proposed in the submitted planning documents (35).

HDC's Environmental Health Officer has stated:-

It has been confirmed that the Application is not seeking a Change of Use allowing the building to be used as a children's nursery, as the premises already benefits from a permitted D1 Use Class. This point is relevant as this Service has concerns regarding potential noise from the nursery impacting the nearest neighbouring properties, whereby we would have normally recommend that a Noise Management Plan be produced by the Applicant and approved by the Authority prior to the business starting operation.

However, the Applicant is advised that having planning permission or complying with any imposed planning Condition does not necessarily prevent action from being taken by the Local Authority or members of the public to secure the abatement, restriction or prohibition of Statutory Nuisances actionable under the Environmental Protection Act 1990 or any other statutory provision. I would therefore invite the Applicant to consider entering voluntarily into agreement with the Local Authority

to offer a similar level of protection from disturbance that a Noise Management Plan secured by Condition would have. Additional conditions are recommended pertaining to ventilation and extraction, external lighting, external plant and hours of building works.

4 additional objections have been received since the report was finalised. New comments raised can be summarised as follows:-

- There is still a question over to what the permitted use of the building/site and whether it currently has a use allowing for a day nursery.
- The proposal would constitute a material change of use and this should be part of the consideration of the application.
- D2 use for the building/site granted illegally by HDC.
- The amount of parking available within the site would be reduced by virtue of the intended use, drop offs and deliveries raising safety concerns.

Officer response:

As detailed within the committee report, the application is seeking external alterations to the existing Easteds Barn building only and is not seeking a change of use of the building / site. The building / site has a D1 and D2 use as granted under planning reference number DC/11/2502. The related Section 106 agreement (as amended under reference DC/13/0561) refers to the use of the site for “community purposes”, the agreement does not though contain a specific definition of the expression “community purposes” and there is no definition of the expression “community purposes” within the Planning Acts. The use of the building / site as a children’s day nursery within Use Class D1 would not, in the absence of any enforceable definition, contravene the use of the site for “community purposes”.

In respect of highways it is acknowledged that the proposed external alterations would facilitate the creation of additional floorspace at first floor level, and this would potentially allow for more children to use the building as part of a day nursery when compared to how many children could use the building in its current state. In the context of the existing lawful use of the building it is though considered that the external and internal alterations would not be of a magnitude which would result in a significant increase in the overall level of activity on the site, particularly given the ground floor is already capable of being used as a day nursery.

The application site is located within the built up area of Southwater which is considered to be a sustainable location; a bus service runs along Cedar Drive to the west of the application site and there is bus stop located in very close proximity, approximately 35m away from the entrance to the site. In addition, given that the site is located within a predominantly residential area, it would not be unreasonable to expect a number of children to be dropped off on foot.

Notwithstanding the above, it is considered necessary, appropriate and reasonable to include an additional condition requesting a Travel Plan be agreed prior to the first use of the new first floor level within the building. The aim of the Travel Plan would be to encourage sustainable forms of transport to and from the nursery, and this measure is considered sufficient to overcome representations received as part of the application process. The additional recommended condition is set out below:-

The first floor of the building shall be not be brought into use until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement 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. The Travel Plan shall thereafter be implemented in accordance with the approved details.

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

The matters raised by HDC's Environmental Health Officer are noted and it is again reiterated that a change of use is not sought under this application. In addition, the external alterations, for which planning permission is sought would not create significant potential for noise with the additional floorspace contained within the existing building profile and any noise spill therefore controllable. In the event that complaints were received in the future they could be investigated and addressed through separate Environmental Health legislation. An informative is recommended to advise the applicant to liaise with the Council's Environmental Health Team to agree measures which would reduce the potential for any disturbance to adjoining residents.

In respect of the remaining issues raised in the additional representations, the committee report notes that the permitted use of the building is based on the wording within the decision notice for planning application reference number DC/11/2502 and the wording within the decision for the amended Section 106 agreement, reference DC/13/0561. As established in these documents the site has unrestricted D1 and D2, the additional representations do not raise new considerations on this matter.

End