



TO: Planning Committee South

BY: Head of Development

DATE: 19 November 2019

DEVELOPMENT: Retrospective application for the change of use of existing vacant building to a club for teaching of various martial arts

SITE: Capons Hill Farm Unit 3 Station Road Cowfold West Sussex RH13 8DE

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/19/1283

APPLICANT: **Name:** Mrs Dawn Richardson **Address:** BackUp Oakwood Football Club
Tinsley Lane Three Bridges Crawley RH10 8AT

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

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 part of a modern barn to provide a Martial Arts Studio under Use Class D2.

1.3 The unit has been internally fitted to provide matted floor area, 2no. changing rooms, store room, and kitchen area. A door has been inserted within the western elevation, with no other external alterations proposed.

1.4 The works have all been undertaken, and as such the application is retrospective.

DESCRIPTION OF THE SITE

1.5 The application site comprises a single unit within a small rural industrial/agricultural estate approximately 330m west of the built up area boundary of Cowfold. The site is accessed via a track to the north side of Station Road (A272).

1.6 The wider site comprises a number of existing and former agricultural units set behind the residential dwelling known as Capons Hill Farm (outside of the ownership of the site). Several

of these units are currently in B1 use. A large area of hardstanding is located to the north and south of the building, and within the yard area directly to the front/west of the unit.

- 1.7 The wider area is characterised by open agricultural fields and countryside, with sporadic residential development along the public highway, including Capons Hill Farm which shares the access track off Station Road (A272).

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 4 - Strategic Policy: Settlement Expansion

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 10 - Rural Economic Development

Policy 11 - Tourism and Cultural Facilities

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Cowfold Parish is a designated Neighbourhood Plan area. The initial Regulation 14 draft plan has been subject to public consultation however at this early stage the draft policies carry little weight in the determination of planning application.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 None relevant

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:** No Objection

OUTSIDE AGENCIES

3.3 **WSCC Highways:** No Objection

(Summary) It is not anticipated that the proposal would result in a material increase in traffic movements based upon the information submitted. If the existing visibility can be improved, through the re-siting of the Parish Council signage further back from the carriageway, then a positive mitigation measure against any additional movements could be made. In conclusion, it is not considered that the proposal would have a “severe” impact on the public highway network. A condition is recommended to secure a plan showing the provision of visibility splays at the site entrance.

PUBLIC CONSULTATIONS

3.4 **Cowfold Parish Council:** No comments to make, but note that the proposal would provide additional facilities for young people.

3.5 19 letters of objection were received, and these can be summarised as follows:

- Intensity of use
- Impact on traffic
- Safety of access entrance
- Unsustainable location – no walking or cycling links
- Poorly maintained site
- Noise impacts
- Invasion of privacy
- Impact on birds
- Asbestos in building
- Urbanisation
- Unneighbourly hours of use
- Submitted visibility splays in adequate

3.6 111 letters of support were received, and these can be summarised as follows:

- Beneficial community facility
- Provides social and community benefits
- Adequate site parking provided

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The application seeks full planning permission for the conversion of the existing unit to a D2 use to provide Martial Arts Studio.

Background

- 6.2 The application site comprises a former agricultural barn and stable building which have been previously subdivided to comprise a number of B1 units, with the wider land providing areas for associated car parking and open storage.
- 6.3 There have been no formal planning permissions for the use of the buildings as B1 premises, and it is unclear the length of time these units have been in their current use. Earlier applications on the site indicate that permission was sought and refused for extensions to and use of the building for B8 use in 1993, with no applications after this date to change the use of the buildings from agricultural.
- 6.4 Previous compliance investigations into the use of the buildings dating from 2007 and 2010 suggest that the buildings have been in B1c (Light Industrial) use for a considerable period of time, with photographs from the 2010 investigation showing B1 occupation of the application unit in May 2010. This latter investigation concluded that it was not expedient to take action given the period of time the units had been in use for B1 purposes. It is also noted that the units on the site are registered for business rates as “workshop and premises”, with evidence indicating that these have been registered from at least 2011. Given the evidence described above, which provides certainty that B1 use was taking place some 9.5 years ago at least, it is considered on the balance of probabilities that the buildings have been in B1 use for a period of 10 years or longer and as such are immune from enforcement action in respect of their use.

Principle of Development

- 6.5 Policy 9 of the Horsham District Planning Framework (HDPF) states that the redevelopment of employment sites must demonstrate that the site/premises is no longer needed and/or viable for employment use. Policy 10 states, in part, 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, with a preference for such acceptable uses to be contained within existing buildings or within the boundaries of an existing industrial estate.
- 6.6 Policy 11 of the HDPF states that measures which promote tourism and enhance local cultural facilities will be encouraged. Any development should be of a scale and type appropriate to the location, and should increase the range, or improve the quality of accommodation, attraction, or experiences for tourists, day visitors, business visitors and residents in the District. In addition, Policy 43 of the HDPF states that the provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study and other relevant studies, or contribute to the provision of green infrastructure. Sites located outside of built-up areas will be supported where this is the only practicable option, and where a suitable site well-related to an existing settlement exists.
- 6.7 In addition, 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 on the need to address the requirements stemming from, among other, the coordination of services to fulfil the needs of young people.

- 6.8 Policy 26 of the HDPF seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas.
- 6.9 The draft Cowfold Neighbourhood Plan carries little weight at this early stage of preparation. It is noted that draft Policy 6 of the Plan states that development proposals that bring redundant buildings back into use for the benefit of the community will be supported, whilst draft Policy 7 states that proposals to enhance or provide new facilities for the benefit of young people, including but not limited to, children's play areas, sporting facilities and youth club activities, will be supported.
- 6.10 The Martial Arts Studio sits within part of a modern barn complex within a small rural industrial estate. Horsham Martial Arts Academy was formed in May 2019 and encompasses a number of martial arts disciplines under the organisation. Initially Brazilian Ju Jitsu coaching was undertaken from a small room at The Pavillions, where the facilities were not large enough to allow enough space for more than a few students. Having been informed of the development at Broadbridge Heath Leisure Centre, coaching was undertaken from a larger room in this premises for just over a year, but due to restrictions on the availability of the room, and the requirement for a fully matter floor, a purpose built training area has been sought. While searching for appropriate facilities, it was also considered that additional martial arts disciplines could be provided, with a number of existing members now providing coaching in Judo, Boxing, and Muay Thai. The formation of Horsham Martial Arts Academy has resulted in the amalgamation of a number of individual coaches into one organisation, with the application building having been leased solely for use as a mixed martial arts studio.
- 6.11 The development retains employment use of the building to comply with Policy 9 and in addition offers leisure and recreational facilities for both adults and children. The proposal caters for 10 individuals within each class, which is considered to be of a scale that would be appropriate to the countryside location. The proposed use would increase the range, attraction, and experiences for residents and visitors in the District, and would provide social benefits to the local community.
- 6.12 Accordingly the use is considered to contribute to the sustainable economic development of the rural area, providing both social and economic benefit. The use is located within an existing building and within the boundaries of an established commercial site, and would improve the leisure and sport offer within the District. The site is a short distance from the built-up area of Cowfold, and would provide social benefits to the community, and improve the facilities within the District. Furthermore, the use provides sporting facilities for young people within a formerly underused building.
- 6.13 For these reasons, the proposed use is considered acceptable in principle, subject to all other material considerations.

Design and Appearance

- 6.14 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.15 The only external alteration is the insertion of a door. The development otherwise retains the rural utilitarian character and appearance of the building, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.16 Policy 33 of the HDOF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.17 A number of objections have been received which have raised concern with potential amenity issues arising from the level of activity at the site, and the resulting noise and disturbance.
- 6.18 The application site is positioned at a distance from the sporadic residential properties located along Station Road and Brownings Hill. The application site is though located to the rear of the residential dwelling known as Capons Hill Farm, which is positioned approximately 95m to the south of the site. The access track to the site runs directly beside Capons Hill Farm, which is oriented to face west with its associated amenity space positioned to the north. Capons Hill Farm is therefore the dwelling that would be most impacted from traffic movements and noise from the use of the unit.
- 6.19 The supporting information outlines that the premises would operate between the hours of 12pm and 8pm on Mondays; 4.30pm to 8.30pm Tuesdays; 5pm to 9pm Wednesdays; 9.15am and 9pm Thursdays; 12pm to 8pm Fridays; 09.30am to 2pm Saturdays; and 9.30am and 2pm on Saturdays. The classes provide for both adult and child classes, comprising Brazilian Ju-Jitsu (Grab and No-Grab), Judo, Thai Boxing, Mixed Martial Arts, Boxing, and Strength and Conditioning. Each class would be limited to approximately 10 individuals.
- 6.20 Whilst it is acknowledged that the proposal would result in additional activity and visitors to the site, the class sizes and associated activity and movements is relatively modest such that a refusal based on increased activity at the site and disturbance from increased use of the track by vehicles would be difficult to evidence or sustain. Indeed any such disturbance from traffic would be experienced in the context of the existing traffic and noise from the busy Station Road (A272). On this basis it is not considered that the use of the site would jeopardise the enjoyment and amenity of the nearby neighbouring properties.
- 6.21 Following consultation with the Environmental Health Officer, no objections have been raised to the proposal. It is however, considered reasonable and necessary to impose conditions in respect of hours of operation, number of attendees, and restrictions on amplified music and sound. These are considered necessary to protect the amenities or neighbouring properties, and ensure that the use operates in a reasonable manner, as the application has been assessed on the limited number of persons that would be onsite at any one time.
- 6.22 Subject to the conditions, it is considered that the proposal would not result in harm to the amenities or sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.23 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.24 It is proposed to utilise the existing access track from Station Road (A272), with the existing area of hardstanding utilised for parking. The Applicant has provided a Parking Layout Plan indicating that a minimum of 20no. parking spaces would be available on the site.
- 6.25 It is noted that a number of objections have been received in respect of the safety of the access and the intensity and frequency of traffic movements entering and exiting the site.
- 6.26 The WSCC Highways Authority do not consider the impact of the development would result in a sever highway impact or highway safety issues. The latest comments from the Highways

officer does not anticipate a material increase in traffic movements generally, although officers recognise that movements at the start and end of classes may be greater than currently experienced from the previous use of the site.

- 6.27 The Highways officer considers that the existing access is functional, and that suitable visibility splays are achievable. It is noted that there is an existing low level parish entrance sign close to the site entrance that will need to be moved by 0.5m to achieve the optimum visibility splay and a requirement to manage this is recommended by condition.
- 6.28 In addition, it is considered that the number of vehicle spaces provided would be acceptable for the intended use. On this basis, it is considered that the site benefits from an acceptable access, with the continued use of this access not considered to result in harm to the function or safety of the highway network.
- 6.29 The proposal is therefore considered to provide safe and adequate access, suitable for all users, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

Conclusion

- 6.30 The proposed use is considered to contribute to the sustainable economic development of the rural area, providing both social and economic benefit. The use would be located within an existing building and within the boundaries of an established commercial site, and would improve the leisure and sport offer within the District. The site is relatively well-connected to the built-up area of Cowfold, and would provide social benefits to the community and improve the facilities for young people within the District.
- 6.31 Subject to conditions as listed in Section 7, the proposal is not considered to result in harm to the amenities or sensitivities of neighbouring properties or users of land. In addition, it is considered that the existing access is suitable for the intended use, with the available car parking considered adequate.
- 6.32 It is therefore considered that the proposal accords with all relevant local and national planning policy.

7. RECOMMENDATIONS

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

Conditions:

- 1 **Approved Plans**
- 2 **Regulatory Condition:** Within 3 months of the date of the approval hereby given, a Noise Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to management responsibilities during all operating hours, and measures to control noise from all activities and operations at the site (including the operation of any amplified sound equipment). The Noise Management Plan shall be implemented and complied with thereafter for the duration of the use.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).
- 3 **Regulatory Condition:** Within 3 months of the date of this planning consent, maximum visibility splays shall be provided at the site access onto the A272 (Station

Road) in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety, and in accordance with Policy 41 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The use hereby approved shall be for a Mixed Martial Arts Studio (Use Class D1) and for no other purpose with Class D1 of the Use Classes Order 1987.

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 countryside location and the proximity to the neighbouring properties under Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 09:00 and 21:00 Monday to Friday and 09:30 and 14:00 on Saturdays and Sundays.

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

- 6 **Regulatory Condition:** At no time shall the number of participants exceed more than 10 individuals and 1 instructor.

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

- 7 **Regulatory Condition:** No amplified music or public address system shall be played within the building except between the approved business hours, and shall at no times be played outside of the building.

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

- 8 **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).

NOTE TO APPLICANT

The Applicant is advised that the existing Parish Council signage on public highway land may require re-siting to achieve the appropriate visibility splay. The re-siting of the sign will need to be agreed with the Parish Council as it is their sign and the applicant is likely to have to fund the re-siting of the sign. To undertake the works a Street Works Permit would also be required from West Sussex County Council Highways.

Background Papers: DC/19/1283