



TO: Planning Committee North

BY: Head of Development

DATE: 02 June 2020

DEVELOPMENT: Demolition of existing buildings and erection of a detached two storey dwelling.

SITE: Scout Hall 104 Bishopric Horsham West Sussex RH12 1QN

WARD: Trafalgar

APPLICATION: DC/19/1639

APPLICANT: **Name:** Synergie Estates Ltd **Address:** Reginald Court 1 Winton Close Ferring Worthing West Sussex BN12 6FD

REASON FOR INCLUSION ON THE AGENDA: More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

At the request of the Local Ward Member.

RECOMMENDATION: That planning permission be approved subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks planning permission to demolish the existing single storey former Scout Hut building and erect a three-bedroom chalet bungalow style detached dwelling. The proposed dwellinghouse would have a width of approximately 12.1m when viewed from the western front elevation and an overall depth of approximately 12.1m. The proposed dwelling would have an overall height of approximately 6.9m to the ridge.
- 1.2 The proposed materials to be used in the construction of the dwelling include clay face brickwork and tile hanging to the external walls, clay roof tiles and white painted timber framed fenestration. The proposal would facilitate the creation of a kitchen/dining room, living room, 1no en-suite bedroom and WC facilities at ground floor level and 2no en-suite bedrooms and a walk-in wardrobe at first floor level
- 1.3 A minimum gap of approximately 3.75m would be preserved between the dwelling and the southern boundary; a minimum gap of 5.85m would be retained to the northern boundary; with a gap of approximately 4.3m to the front eastern boundary of the site. The proposal would represent an overall increase in ridge height between the existing building to be

demolished and the proposed dwelling of approximately 2.3m. The overall Gross Internal Area (GIA) for the proposed dwellinghouse is calculated at 168 square metres.

- 1.4 The site does not benefit from vehicular access and the dwelling would not benefit from on-site parking. The proposed dwelling would instead be served by an existing pedestrian access from Bishopric.
- 1.5 The proposals have been amended as part of the application process to reduce the overall height of the dwelling and to reduce the massing of the dwelling at roof level.

DESCRIPTION OF THE SITE

- 1.6 The application site comprises a single-storey former scout hut building within the built up area of Horsham within a Town Centre location. The existing building is currently vacant and appears to be in a bad state of repair. The existing building is made up of a felt roof, stock brick facing to the external walls and UPVC framed fenestration. The site is located off the Bishopric and located to the rear of residential properties along the Bishopric, Springfield Crescent and Rushams Road. The site is surrounded by mainly residential development to all boundaries. The existing building has an overall footprint/GIA measuring approximately 224sqm.
- 1.7 The site is accessed off The Bishopric and has no vehicular access. The site has an overall area (excluding the access path) measuring approximately 702sqm. The existing access is along a footpath located between Collingwood Batchellor and No 102 Bishopric. Directly along the footpath to the east is the residential property of No 96 Bishopric, where the wall of the dwelling and 1.8 metre high fence on the boundary of the rear garden forms part of the footpath boundary. A small car park and bin store for Collingwood Batchellor are located on the western side of the entrance. There are two Tree Preservation Orders (TPO) trees located on the site.
- 1.8 It is noted that the properties directly to the south of the site making up Richmond Mews are considered to be backland development to the properties located along Bishopric and were granted planning permission in 2015 under planning reference DC/14/2653. As such, the application site is not visible from any public vantage points

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

Policy 31 - Green Infrastructure and Biodiversity.

Policy 32 - Strategic Policy: The Quality of New Development.

Policy 33 - Development Principles.

Policy 40 - Sustainable Transport.

Policy 41 - Parking.

Policy 42 - Strategic Policy: Inclusive Communities.

Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

2.4 Horsham Town Design Statement

RELEVANT NEIGHBOURHOOD PLAN

2.5 Status – Horsham District Council has approved the designation of Horsham Blueprint as a Neighbourhood Forum as of June 2015.

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/12/61	Entrance lobby and toilets	Application Permitted on 06.06.1961
HU/120/54	Scout hut	Application Permitted on 20.07.1954
HU/405/62	Extension to provide storage space	Application Permitted on 10.01.1963
HU/8/71	Extension to covered storage area	Application Permitted on 19.01.1971
DC/13/1884	Change of use of Scout Hut for D2 use in the evenings and D1 use during the day for operation as a pre-school	Application Permitted on 01.04.2014

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 Arboriculture Officer:** No Objection.

3.3 **HDC Environmental Health:** Recommend a revised Construction Management Statement be secured.

OUTSIDE AGENCIES

3.4 **Neighbourhood Council:** No comments received.

3.5 **WSCC Highways:** No Objection. A nil car parking provision is proposed for this development. The WSCC Car Parking Demand Calculator has indicated that a property of this size in this location would create a demand for 2 car parking spaces. Consequently, car parking would have to be accommodated on-street.

3.6 Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be considered a detriment to highways safety. Bishopric is sided by single and double yellow lines in places and is also subject to a residents permit holder parking scheme. The LHA does not anticipate that highways safety will be detrimentally affected through the proposed nil car parking

provision. The LHA may wish to consider the potential impacts of this development on on-street parking from an amenity point of view.

- 3.7 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 109), and that there are no transport grounds to resist the proposal. Conditions suggested. Conditions relating to a Construction management Plan and Cycle Storage recommended.
- 3.8 **Southern Water:** No Objections raised. Formal application required for connection to the public sewer.
- 3.9 **Archaeology:** No Objection. Despite the central location of the proposed development within the historic town, a recent modern building currently occupies the area of the proposed development and therefore it is likely that any below ground archaeological remains would be extensively disturbed. Therefore, no historic environment conditions are recommended.

PUBLIC CONSULTATIONS

- 3.10 47 letters of objection were received from 21 separate households/bodies. The nature of these objections can be summarised as follows:
- Overshadowing and loss of light to neighbouring properties
 - Loss of privacy – windows of proposed property will look directly into neighbours properties and gardens
 - Overbearing on neighbouring properties
 - Overdevelopment – proposed property are too large for the plot and disproportionately high compared to surrounding properties
 - The character and design of the dwelling not in keeping with the area – proposed development is out of keeping with the surrounding area
 - Impact on Trees and landscaping
 - Impact on Ecology

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:
- Principle
 - The character of the dwelling and the visual amenities of the street scene
 - The amenities of the occupiers of adjoining properties

- The existing parking and traffic conditions in the area
- The quality of the resulting residential environment for future occupiers

Principle

- 6.2 Policy 43 of the Horsham District Planning Framework states that, *“proposals that would result in the loss of sites and premises currently or last used for the provision of community facilities or services, leisure or cultural activities for the community will be resisted unless equally usable facilities can be conveniently provided nearby. It will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as; appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier.”*
- 6.3 The site currently benefits from an unrestricted Class D2 use but is currently vacant and in a poor general state of repair. As part of the application marketing details have been provided which state that the site was marketed for its existing use, which would include activities such as a gymnasium or dance studio, from July 2017 for a period of approximately 10 months. Whilst interest in the site was shown its location, access and state of repair prevented an alternative tenant for the premises being found
- 6.4 It is considered that the site has been sufficiently marketed for its existing Use Class and there are no reasons to believe continued use in its current condition and use is feasible. It is further noted that the site has not been used for an extended period of time, and that the Scouts benefit from the use of other sites within Horsham and the wider district, including the 1st Roffey Scout HQ off Crawley Road, the 2nd Horsham Scouts on Swindon Road, the 3rd Horsham Scout Group at the Holbrook Community Centre and Beacon Hill Scout Campsite on Tower Road Faygate, as well as others. The loss of the application site would not therefore be expected to hinder or prejudice continued Scouting activity in the District.
- 6.5 The application site is within the built-up area of Horsham, and within a central location, where the principle of residential development on the site would be supported by Policy 3 of the HDPF.

Character and appearance

- 6.6 Horsham District Planning Framework (HDPF) Policies 32 and 33 seek to promote development of high quality and inclusive design for all development in the district, ensuring that it is complementary of local distinctive character and heritage, integrating with their surroundings. Furthermore, these policies ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant, relates sympathetically with the built surroundings.
- 6.7 The existing building to be removed occupies a significant footprint, measuring approximately 234sqm and is considered to be of little architectural merit. The proposed dwelling would have a footprint of approximately 133sqm. The proposal would comprise a chalet-bungalow style design, with a Sussex half hipped roof design and traditional materials proposed to the exterior.
- 6.8 There is a wide range of dwelling types, designs and forms within the immediate vicinity, with plot sizes and orientations similarly varied. The site comprises a backland location which would not be visible in views from the public realm. In views from adjoining properties the dwelling, despite its increased height in relation to the existing building (of approximately 2.3 metres), would be viewed alongside and in conjunction with similarly sited development to the south, with the proposed ridge height lower than a number of surrounding properties.
- 6.9 The proposed design approach and separation from shared site boundaries is considered to be appropriate and would not have any adverse impact on the prevailing character or

appearance of the locality. The visual impact of the proposal is therefore considered to accord with policies 32 and 33 of the HDPF.

Impact on neighbouring amenity

- 6.10 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.11 The proposed dwelling would be located approximately 3.75m away from the southern boundary of the site, 5.85m from the northern boundary of the site and 4.3m from the eastern boundary of the site. Minimum distances of approximately 10.8m, 29.5m and 43.7m would be preserved to the windows serving habitable rooms to the neighbouring properties to the south, east and west respectively. These distances would adhere to Horsham Design Guidance with regards to new developments and the relationships with existing properties.
- 6.12 Taking the above into account, as well as the positioning of the proposed dwelling to the north-north-east of the existing properties to the south within Richmond Mews, it is considered that the proposal would not result in any unacceptable overshadowing or overbearing. The proposed windows at first floor level would face away from the closest properties to the south and taking into account the distances maintained this relationship to existing properties is considered to be acceptable.
- 6.13 It is noted that a number of objections have been raised with regards to the access and the fact that construction vehicles and machinery would not be able to access the site. In addition, these objections also raised issues with regards to disruption and nuisance from the proposed construction phase. While these comments are noted it is considered that given that construction machinery would not be able to access the site, the proposed dwelling would have to be constructed with smaller machinery and by-hand and as such, whilst potentially prolonging the construction phase, it is considered that there would be less disruption and nuisance caused in terms of noise and dust generation. In any event it is not reasonable to refuse an application due to the short term noise and disturbance which may be attributed to the construction phase. A condition is however recommended to secure a Construction Management Plan and this would minimise the potential for unacceptable harm to amenity as a result of demolition and construction activities at the site.
- 6.14 As such, taking into account the height of the proposed dwelling, the distances maintained to neighbouring properties, its orientation of the proposed windows and necessary demolition and construction methods, it is considered that the proposed development would adhere to Policy 33 and would be acceptable on amenity grounds.

Quality of the resulting environment for future occupiers

- 6.15 It is considered that the proposed development would provide adequate indoor and outdoor living space for future occupants. Suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking and other properties would not appear as overbearing on the proposed dwelling. As such, it is considered that there would be an appropriate quality level of environment for the future occupiers of the proposed dwelling in accordance with Policy 33 of the HDPF (2015).

Parking, transport and highways implications

- 6.16 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users.
- 6.17 The proposed development would not include any on-site parking provision due to the fact that the only access to the site is via a pedestrian walkway from Bishopric. The site is though within a central and sustainable town centre location with access to numerous public transport links, and it is noted that a number of adjoining properties on Bishopric do not benefit from on-site parking. On-street parking is available along Bishopric through the residents permit holder parking scheme, and existing parking restrictions would prevent parking in locations which could be harmful to highway safety.
- 6.18 It is considered that a single dwelling, with similar parking arrangements to existing properties in the immediate vicinity, would not result in either a nuisance for occupants of surrounding properties or a severe impact on the highway network. The parking demand generated by the proposal would need to be accommodated on surrounding streets, where there is no evidence to suggest any existing situation which would be exacerbated as a result of this current proposal. It is also noted that the proposed development has potential to create a lesser demand for travel than the current use of the site.
- 6.19 With regards to access, it is noted that WSCC have stated that residents should not have to carry waste more than 30m to a refuse point and a fire appliance should be able to get within 45m of the building from the Highway. Whilst these points are acknowledged, it is considered that the provision of a dwelling or any other use on site would not be dissimilar to the existing situation on site in this regard. Waste currently needs to be brought to the end of the access lane and fire services cannot access the site as a result of its pedestrian access. It is considered that appropriate and necessary measures would be controlled through the Building Regulations, and it is not necessary to duplicate such measures as part of this planning application.
- 6.20 Whilst it is noted that construction management details have been submitted, it is considered that a condition requiring full details of this are submitted as per the recommendations of WSCC Highways. With this provision in place and taking the above considerations into account, overall, the proposal is considered to be acceptable on highway and transport grounds, in accordance with policies 40 and 41 of the HDPF.

Other Considerations

Impact on Trees

- 6.21 It is noted that there are a cluster of trees located along the southern boundary of the site, which are the subject of a blanket Tree Preservation Order (TPO). Given the distances maintained between the proposals and the nature of the development, it is considered that the proposals would not have a detrimental impact on the existing trees within and adjacent to the site.

Ecology

- 6.26 An Ecology Impact Assessment has been provided with this application which identifies that the site is considered to be of low ecological value and that there would be no detrimental impact on any species or wildlife. The Council's Ecology Consultant has raised no objections to the proposals and suitable conditions have been recommended to ensure ecological mitigation measures and enhancements are put in place.

Archaeology

- 6.27 Policy 34 of the HDPF states that proposals shall ensure appropriate archaeological research, investigation, recording and reporting of both above and below-ground archaeology, and retention where required, with any assessment provided as appropriate. It is noted that the site is located within an Archaeological Notification Area. The Council's archaeology consultant has not raised any objections to the proposals and as such, the proposals are considered to be acceptable in this regard.

Conclusion

- 6.28 Overall, the proposed dwelling would represent an appropriate form of development, replacing a redundant commercial building within this residential area which would be positioned appropriately within the curtilage of the site. Given the mixture of building designs and built forms within the area, the proposals would not be out of keeping with the surrounding area and the prevailing character of the street scene. The proposals would be acceptable in terms of the impact on neighbouring amenity and highways matters and, on balance, would not be out of keeping with the surrounding area and the prevailing character of the street scene, in accordance with Policy 25, 32 and 33 of the Horsham District Planning Framework (2015).

6.29 COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	168	224	0
		Total Gain	-56
		Total Demolition	224

- 6.30 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.31 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

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

Conditions:

- 1 List of approved plans
- 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 3 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** The development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management shall include details of, but not be limited to, the following relevant measures:

- i. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
- ii. Details regarding parking of site operatives and visitors, deliveries, and storage;
- iii. The method of access to and from the construction site
- iv. Locations and details for the provision of wheel washing facilities
- v. loading and unloading of plant and materials
- vi. storage of plant and materials used in constructing the development
- vii. the erection and maintenance of security hoarding, where appropriate
- viii. measures to control the emission of dust and dirt during construction
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works

The approved details shall be adhered to throughout the construction period.

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

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

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

- 7 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 8 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Roost Assessment Report (Cherryfield Ecology, March 2020), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 31 of the Horsham District Planning Framework.

- 9 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

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

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

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

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed 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).

- 11 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling has been made in

accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 12 **Regulatory Condition:** All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Roost Assessment Report (Cherryfield Ecology, March 2020). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species), s17 Crime & Disorder Act 1998 and in accordance with Policy 31 of the Horsham Development Framework.

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

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

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