



**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 7<sup>th</sup> July 2020

**DEVELOPMENT:** Conversion of communal area (current Use Class D1) into one specialised care flat (Use Class C2) and conversion of first floor 4-bed caretakers flat (Use Class C2) to 2 x 1-bed flats (Use Class C3).

**SITE:** 15 Eyles Close Horsham RH12 2HT

**WARD:** Trafalgar

**APPLICATION:** DC/20/0687

**APPLICANT:** **Name:** Mr James Wales **Address:** 38-42 Worthing Road Horsham RH12 1DT

**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.

**RECOMMENDATION:** To approve planning permission subject to the completion of a S106 Agreement to secure the affordable housing units and appropriate conditions

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the change of use of the existing ground floor D1 communal area into one affordable specialised care flat (Use Class C2) and conversion of the unoccupied first floor 4-bed caretakers flat (Use Class C2) into 2 x 1-bed affordable flats (Use Class C3).
- 1.2 The ground floor proposal includes the conversion of an existing garage, and includes wheelchair access to all appropriate rooms, as well as facilities for a live in carer. The Gross Internal Area (GIA) of the converted ground floor accommodation would be 101 sqm, and the flat would have use of the rear garden.
- 1.3 The two first floor flats would each have one bedroom, lounge, kitchen and bathroom (Flat 1 GIA to be 52.7 sqm and Flat 2 GIA to be 48.8 sqm).

- 1.4 The proposal will convert a the ground floor communal facility currently used by the residents of Eyles Close and Albery Close. The applicants are proposing the existing residents have access to an alternative communal facility at a local extra care scheme at Leggyfield Court. This is sited 60 metres north of the junction of Eyles Close and Saxon Crescent. The walking distance from Albery Close to 15 Eyles Close is approximately 250 metres, whereas the distance to Leggyfield Court is marginally less.

#### DESCRIPTION OF THE SITE

- 1.6 The application site is located on the north side of Eyles Close, within the built-up area of Horsham. 15 Eyles Close is a two storey detached property with integrated single garage and is surrounded by a mix of terraced and semi-detached properties under Saxon Weald ownership. The application site is the largest plot within the close and is near the end (northwest corner) of the close.

## 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:

#### **National Planning Policy Framework**

#### **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 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 18 - Retirement Housing and Specialist Care

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 – Community Facilities, Leisure and Recreation

#### RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Neighbourhood Forum

- Designated (Regulation 10)

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

No relevant planning history

## 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](http://www.horsham.gov.uk)

#### CONSULTATIONS

#### **WSCC Highways:** No Objection

Given the previous use and proposed the LHA would not expect there to be any intensification that would warrant a refusal on highway grounds.

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.

**Southern Water:** No Objection

## PUBLIC CONSULTATIONS

### Parish Comments:

None received

### Representations:

11 letters of objection have been received from residents of Eyles Close and Albery Close.

- loss of the communal room for residents of Eyles Close and Albery Close,
- Leggyfield Court is more difficult to get to for some residents that are in Eyles Close, some of whom have scooters and Zimmer frames.

### Member Comments:

None received

## 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

The main considerations material to this application relate to:

- Principle of Development
- Design and Appearance
- Amenity Impacts
- Highways Impacts

### **Principle of Development:**

- 6.1 Policy 3 of the Horsham District Planning Framework (HDPF) directs new development within the main settlements of the District to ensure that the countryside is protected from inappropriate development.
- 6.2 The application site is located within the built-up area boundary of Horsham, which is categorised as a "Main Town" within Policy 3 of the HDPF. This settlement is categorised as having a large range of employment, services and facilities and leisure opportunities, including those providing a district function. Strong social networks, with good rail and bus accessibility. The settlement meets the majority of its own needs and many of those in smaller settlements.

- 6.3 Policy 18 of the HDPF states that proposals for development which provide retirement housing and specialist care housing will be encouraged and supported where it is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network.
- 6.4 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 requirement stemming from, among others, people with additional needs including the disabled and those with learning disabilities.
- 6.5 Policy 43 resists the loss of community facilities unless equally usable facilities can be conveniently provided nearby.
- 6.6 The application would result in the loss of a communal space used by residents of the area, many of whom are elderly and have stated that they value the space for their social well-being. The representations of these residents advise that the alternative use of the facilities at Leggyfield Court are too far for those with mobility difficulties. Based on the representations received the loss of the community facility at this site may have a detrimental impact on those local residents with the most significant mobility difficulties. Consequently, although a 3 minute walk away, the alternative facilities at Leggyfield Court would be a less convenient location for these residents. In Policy terms a 3 minute walk to alternative facilities 250m away would be a reasonable alternative with Policy 43 of the Horsham District Planning Framework.
- 6.7 The details submitted in support of the application outline that the ground floor flat is to be specifically designed for an existing housing association resident with mobility requirements. The applicant advises that the resident with specific needs that is intended for the ground floor flat requires new accommodation as a result of the Page Court redevelopment in Horsham. The applicant advises that the resident is dependent on 24/7 care and requires a large floor area similar to their existing dwelling. The ground floor proposal includes wheelchair access to all appropriate rooms and a carer's living facilities to meet their living requirements. As such the provision of a specialist housing unit for an identified user accords with Policy 18 and the benefits of providing this accommodation outweigh the harm afforded by the loss of the community facility in this street.
- 6.8 Officers acknowledge the proposal would result in the loss of a community facility. However in this instance the facility is only utilised 2 days a week and an alternative facility is proposed for the residents concerned. This is a slightly further walk than the existing facility but this must be balanced against the provision of three new affordable units; one of which is to be a wheelchair accessible flat with accommodation for a live-in carer, and 2 further units are to replace a caretakers flat which is currently vacant. Having considered these factors officers are of the view that the conversion of the community facility and the provision of 3 affordable units is acceptable in principal.
- 6.9 The provision of affordable housing will be secured by way of a legal agreement, which will also enable the applicant to apply for a CIL exemption. It is proposed that the Council would have full nomination rights.
- Character and Appearance:**
- 6.10 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.

- 6.11 Paragraph 127 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.
- 6.12 The external alterations proposed to the building consist of converting the existing garage to habitable accommodation as part of the ground floor conversion, the garage door to be replaced with a window serving the carers bedroom. No other additional openings are proposed but four replacement upvc windows are proposed to match the existing in colour and profile. Replacement doors are proposed, including a replacement wider communal entrance door to the front to match the existing but wider to enable wheelchair use, and the rear door to the garden to be offset and wider (in upvc) with ramp to provide wheelchair access to the rear garden. Materials to be used to external walls, where required, are to match the existing.
- 6.13 It is considered that the nature of the proposed use, and the external alterations proposed, would not be out of character in this location. On this basis, no objections are raised in regard to design, character, and visual amenities.

**Amenity Impacts:**

- 6.14 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.15 The proposal seeks to provide accommodation for a special needs resident and carer on the ground floor and two one bed flats on the first floor. While the proposal could result in additional movements and activity on the site, it is not considered that this would be materially different from the established communal and residential use of the site. Given the similar nature of the proposed use, it is not considered that a reason for refusal on the grounds of activity and noise could be substantiated. It is therefore considered that the proposal would not result in harm to the amenities or sensitivities of neighbouring properties. The proposal is therefore considered to accord with Policy 33 of the Horsham District Planning Framework (2015).
- 6.16 Refuse and recycling facilities are detailed within the rear garden of the ground floor flat, to serve all three dwellings. This raises privacy issues for the ground floor flat so an alternative scheme is sought by condition, along with details of cycle parking.

**Highways Impacts:**

- 6.17 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.18 The wider area primarily consists of on-street parking, with no parking restrictions in place. The overall capacity of the site would remain with 4 bedrooms, equivalent to the existing four-bedroom flat. As such parking generated from the two one-bedroom flats and specialist ground floor flat would be similar to that generated by the existing use of the site. The Local Highway Authority was consulted and commented that given the previous use and proposed use the LHA would not expect there to be any intensification that would warrant a refusal on highway grounds and the proposal is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

- 6.19 It is not considered that the proposed development would result in material harm to the function and safety of the public highway, in accordance with Policy 41 of the Horsham District Planning Framework (2015).

**Conclusions and Planning Balance:**

- 6.20 It is recognised that some existing users of the community facility have mobility issues that will make the short trip to the new facility more difficult. However the loss of the community facility is considered acceptable given the level of use which it currently provides and the proposed replacement facility for residents is sited nearby. This is coupled with the provision of 3 new affordable units; one of which is to be wheelchair accessible and have accommodation for a live-in carer. The further 2 units will utilise space from an existing vacant caretakers flat. The conversion of this facility and the sub-division of the first floor flat above to new affordable housing raises no other concerns in respect of amenity impact and highways and parking. It is therefore considered that the proposal accords with all relevant local and national planning policies.

## 7. RECOMMENDATIONS

- 7.1 To approve planning permission subject to the completion of a S106 Agreement to secure the affordable housing units and the following conditions:

Conditions:

- 1 Plans list

- 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 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

- 4 **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 will 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).

- 5 **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).

- 6 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that dwelling in accordance with details that have been 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 refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking 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).