

Planning Committee (North)
13 APRIL 2021

Present: Councillors: Liz Kitchen (Chairman), Karen Burgess (Vice-Chairman), Matthew Allen, Andrew Baldwin, Tony Bevis, Toni Bradnum, Peter Burgess, Christine Costin, Brian Donnelly, Ruth Fletcher, Billy Greening, Frances Haigh, Tony Hogben, Richard Landeryou, Gordon Lindsay, John Milne, Christian Mitchell, Louise Potter, Stuart Ritchie, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Alan Britten, Colin Minto and David Skipp
Absent: Councillors: Roy Cornell and Godfrey Newman

PCN/77 **MINUTES**

The minutes of the meeting of the Committee held on 2 March were approved as a correct record and would be signed by the Chairman.

PCN/78 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/21/0207 – Councillor Stuart Ritchie declared a personal interest because he had undertaken professional work for the applicant a number of years ago.

DC/21/0037 – Councillor Stuart Ritchie declared a personal interest because he was acquainted with the owners of the café.

DC/21/0037 – Councillor Karen Burgess declared a prejudicial interest because she knew the applicant. She withdrew from the meeting and took no part in the determination of this item.

DC/21/0037 – Councillor Peter Burgess declared a prejudicial interest because he knew the applicant. He withdrew from the meeting and took no part in the determination of this item.

PCN/79 **ANNOUNCEMENTS**

There were no announcements. The Chairman of the Council introduced a minute's silence to mark the recent death of HRH Prince Philip.

PCN/80 **APPEALS**

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

PCN/81 **DC/20/1840 - FORMER SWALLOWFIELDS NURSERY, CHURCH ROAD, MANNINGS HEATH**

The Head of Development & Building Control reported that this application sought permission for seven dwellings, arranged around a central courtyard, car-ports and garages with landscaping. The proposed housing mix comprised one 2-bedroom, four 3-bedroom, one 4-bedroom and one 5-bedroom dwellings.

The proposal included access improvements, previously consented under DC/17/1158, to widen the access junction and create a passing area in Church Road. That permission, which had lapsed, had also included outline permission for four large detached houses.

The application site was located west of Church Road in the southern end of the built up area of Mannings Heath. The site was a former garden nursery and there were a number of trees subject to TPOs along the western boundary. Swallowfields House was a non-designated heritage asset adjacent to the southern boundary.

The Parish Council raised no objection to the application. There had been 28 representations objecting to the application, two in support, and one commenting on the proposal, as set out in the report.

An addendum had been circulated to Members detailing three additional representations comprising: two letters of objection from neighbouring residents; and a letter of objection from Save our Countryside, which raised a number of points including concerns regarding non-compliance with Nuthurst Design Statement and Neighbourhood Plan. The addendum included officers' responses to these concerns.

The addendum also set out an additional recommended condition requiring approved details of trees and planting to be retained.

Two members of the public spoke in objection to the application and the applicant and the applicant's architect addressed the Committee in support of the proposal. A representative of the Parish Council spoke in support of the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; character and appearance, and its impact on the non-designated heritage asset; amenity impacts; impact on landscape; ecology; climate change; drainage; and highways.

Members discussed the need for mitigation measures to protect badgers and other species and it was agreed that there should be further consultation with the ecologist. Whilst it was noted that a majority of retained trees were outside the developed part of the site, Members raised concerns regarding the future

protection of trees that would be within privately owned gardens. It was therefore agreed that there would be further discussion with the arboricultural team regarding the retention of trees.

RESOLVED

That planning application DC/20/1840 be determined by the Head of Development & Building Control with a view to approval, subject to further consideration of ecology impacts and the protection of trees, in consultation with the Local Member.

PCN/82 **DC/21/0207 - BEST PRACTICE IFA GROUP LTD, SUSSEX HOUSE, NORTH STREET, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the construction of two ground floor flats with associated alterations. These alterations included windows and balconies on an additional third floor, which was recently approved under prior approval application DC/21/0236. The additional floor would accommodate eight flats and was determined separately under the General Permitted Development Order; the inclusion of side windows was not permitted under the prior approval process.

It was noted that, in the Planning History set out in the report, it should have stated that DC/20/2389 and DC/20/2357 were refused on 25 **January** 2021 and not November.

Members were advised of an amendment to the recommended Condition 9 regarding refuse storage, requiring further details of a larger bin store to be submitted prior to occupation of the development.

The application site was located in the built-up area of Horsham. It was close to the railway station on the southeast side of North Street, with access to under-croft parking. The building had been offices and works to convert the first and second floors into flats, as approved under DC/20/103, was ongoing.

The Neighbourhood Council objected to the application. There had been 19 representations from 15 households objecting to the application, and an objection from the Horsham Society as set out in the report. Since publication of the report, an additional letter of objection has been received siting highways and overdevelopment impacts.

Two members of the public spoke in objection to the application. The applicant and the applicant's consultant both spoke in support of the proposal. A representative of the Parish Council spoke in objection to the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; impact on trees; amenity; and highways

and parking. Members were in agreement that the proposed development would be preferable to those currently going through the appeal process.

Members noted concerns regarding overlooking and were satisfied that the positioning of the third floor windows would not have a detrimental impact on neighbouring amenity. In order to ensure that the flat-roof area beyond the south-facing windows was not used as an amenity space, it was agreed that an additional condition be included to ensure these had restricted opening.

Members discussed the on-site parking provision and whether it was acceptable, given the limited on-street parking in this sustainable location. It was agreed that the parking layout should be revised, together with the location and design of the cycle parking.

RESOLVED

That planning application DC/21/0207 be granted subject to the following revisions to the conditions:

- i) Conditions 8 & 10: combined into one condition to require revised details of landscaping, parking layout and cycle storage locations. To be submitted for approval prior to commencement, with details to be agreed in consultation with Local Members.
- ii) Condition 9: amended to require revised refuse storage details to be submitted for approval prior to occupation to allow larger store.
- iii) An additional condition requiring details of window openings to top floor facing south to be submitted, to prevent the use of flat roof area as an amenity area.

PCN/83 **DC/21/0037 - KAYA CAFE, THE STABLE BLOCK, NORTH STREET, HORSHAM**

The Head of Development & Building Control reported that this retrospective application sought permission for the retention of two freestanding pergolas adjacent to the east and west of The Stable Block, a Grade II Listed Building. The proposal provided additional covering and seating for those using the café.

Members were advised of an amendment to the recommended Condition 3 so that external lighting and heating would be restricted to the café's opening hours.

The application site was located within Horsham Park to the north of North Street. It was between the public car park on North Street and a main thoroughfare through the park. The café was northeast of Park House, a Grade II* Listed Building.

The Neighbourhood Council objected to the application. There had been five representations from four households objecting to the application and two letters from one household in support, as set out in the report. Since publication of the report, a further five letters of support and one in objection had been received. Both the Horsham Society and Friends of Horsham Park objected to the application.

One member of the public, representing Friends of Horsham Park, spoke in objection to the application and the applicant and the applicant's agent both addressed the Committee in support of the proposal. A representative of the Neighbourhood Council spoke in objection of the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; design and appearance; impact on the setting of the Grade II Listed Building; and amenity impacts.

Members discussed the visual impact of the pergolas on the setting of the listed buildings, and their amenity impact on the footpath and seating area. Some Members were concerned that the benefits did not outweigh the harm to the setting and was contrary to paragraphs 194 and 196 of the National Planning Policy Framework and paragraphs 3, 4 and 5 of policy 34 (Cultural and Heritage Assets) of the Horsham District Planning Framework. It was therefore proposed and seconded that the application be refused. The motion was lost.

In response to concerns that the applicant may consider further changes to the existing structure, it was agreed that an additional informative be added to the decision notice advising the applicant to seek the advice of the Planning Department prior to any further changes to the permitted pergolas.

RESOLVED

That planning application DC/21/0037 be granted subject to the conditions as reported, subject to an amendment to Condition 3 as follows:

The external lighting and heating hereby permitted shall only be used during the opening hours of the café.

PCN/84 **TPO/1541 - 202 ST LEONARDS ROAD, HORSHAM**

The Head of Development reported that this application sought to confirm Tree Preservation Order (TPO) 1541. The provisional TPO had been served on an oak tree in the rear garden of 202 St Leonards Road, Horsham.

During the consultation period, one letter of representation had been received objecting to confirmation of the TPO.

Members considered the officer's assessment of the tree, which was an old field-edge tree pre-dating development of the area with sufficient amenity value

to require formal protection. It was noted that ownership of the property was likely to change so that pro-active protection of the tree was advisable, as advised in Planning Practice Guidance: Tree Preservation Orders and trees in Conservation Area (2014).

RESOLVED

That TPO 1541 be confirmed for the reasons as reported.

The meeting closed at 8.54 pm having commenced at 5.30 pm

CHAIRMAN