



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 8th June 2021

DEVELOPMENT: Erection of a single storey side extension to existing gym.

SITE: Horsham Amateur Boxing Club North Parade Horsham West Sussex
RH12 2BP

WARD: Denne

APPLICATION: DC/21/0333

APPLICANT: **Name:** MR JOHN ESSEX **Address:** Horsham Boxing Club North
Parade Horsham RH121AU

REASON FOR INCLUSION ON THE AGENDA: The application site is owned by Horsham District Council

RECOMMENDATION: To approve planning permission 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 erect a single storey side extension to the existing Boxing Club/ Gym building within Horsham Park that is owned by Horsham District Council and let to Horsham Amateur Boxing Club. This site has been let to the Amateur Boxing Club for the last 22 years and provides boxing classes and boxing fitness classes for children from 9 years upwards to all levels of adult ability.
- 1.2 The Boxing Club is increasing in popularity and is now looking to increase the size of the building to allow a greater area for indoor training. The extension proposed is located on the northern side of the building and be a flat roofed single storey structure with a mixture of timber cladding and brickwork to match the existing building and will provide an additional 60 m2 of floorspace for the Boxing Club.
- 1.3 Parking provision for the Boxing Club will continue to be provided through the use of the North Parade Car Park (Pay and Display) or other nearby car parks serving Horsham Park. Access to the Boxing Club is gained via an existing footpath from the Car Park.

DESCRIPTION OF THE SITE

- 1.4 The application site is situated within Horsham Built Up Area Boundary and is located immediately North of the North Parade Car Park close to the western boundary of Horsham

Park. To the west of the building is the grade 2 listed estate wall which formed the boundary to Horsham Park when it was a private estate garden and still denotes the western boundary of the now public park.

- 1.5 The building subject to the application is functional in its appearance with a flat roof and brick and timber clad elevations. It sits within a mostly open site consisting of grass, flower beds and trees and is adjacent to one of the footpaths that meanders around the edge of the path leading to Horsham Town Centre from the Trafalgar / West Horsham border.

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 3 - Strategic Policy: Development Hierarchy

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 11 - Tourism and Cultural Facilities

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

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

An independent examiner has been instructed to undertake the examination of the Horsham Blueprint Business Neighbourhood Plan. The examiner will undertake unaccompanied site visits of the area and has been issued all Reg 16 representations in full. The examiner has produced an Examination Note inviting further comment from specific stakeholders. Relevant policies:

Policy HB3: Character of Development

Policy HB4: Design of Development

Policy HB12: Encouraging Sustainable Movement

Policy HB13: Provision of Sport, Leisure and Recreation Facilities

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1349

Erection of a single storey side extension to existing gym.

Withdrawn Application on 13.08.2020

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

HDC Conservation: No Objection

The existing boxing club is a functional, unobtrusive building with a flat roof and brick and timber clad elevations. The building is situated close to the western boundary of Horsham Park. To the east of the building is the grade 2 listed estate wall which formed the boundary to Horsham Park. The wall is described within the HE listing as; *Estate walls to Horsham Park. 2 surviving lengths of walls around the grounds of Horsham Park. Probably C18. Section along North Street to east of the house. Approximately 5 to 6 ft high. Dressed Forest stone blocks with stone capping. Section along North Parade to west of the grounds. Approximately 5 to 6 ft high. Random stone with projecting round-topped coping and plain flat pilasters. Similar to the estate wall of Springfield Park which runs parallel on the opposite side of North Parade. Horsham park, the stables, granary, outbuildings and estate walls form a group.*

Horsham Park originally formed the private estate gardens of Park House and became a public park in 1928 when the land and Park House was purchased by Horsham Urban District Council from the Hurst family. Further land was added to the park in 1949.

It is considered that the proposed extension although not architecturally interesting would be in keeping with the existing building, and would not detract from the setting of the listed wall. No objection would therefore be raised. I noted from my site visit that there is a tree on the northern side of the building - would this be retained as part of the development?

HDC Tree Officer: Comment

The only tree in the area that would be affected by this proposal is the Maple, which is located to the north of the proposed extension. The tree is situated at a distance of 9.2m from the existing building, it has a DBH at 1.5 above ground level of 604mm this gives it a Root Protection Area of 7.2m in all directions, and would place a high percentage of the RPA under the new extension. BS 5837 'Trees in relation to design, demolition and construction - Recommendations' [2012], paragraph 5.3.1 states, "*The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s)*".

For this proposal to be construed in a manner that ensures the disruption to the trees roots is kept to a minimum; they would need to use a specialist foundation, such as, a pile foundation system with the concert floor suspended off the ground. A slab or raft foundation would not be suitable as this would result in an unactable amount of soil compaction, and overtime this would result in damage to the tree and possibly early mortality.

- Any excavations within the RPA should be undertaken carefully, using hand-held tools.
- If any roots are exposed during the work these, should immediately be wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible.
- Prior to backfilling, and retained roots should be surrounded with topsoil or uncompacted sharp sand (builders' sand should not be used because of its high salt content, which is toxic to tree roots), or other loose inert granular fill, before the soil or another suitable

material is replaced. This material should be free of contaminants and other foreign objects potentially injurious to tree roots.

- The post holes would need to be lined with a non-permeable material or sheath i.e. a plastic membrane, to protect the soil and any adjacent roots from the potentially toxic effects of uncured concrete.

Some minor facilitation pruning would need to be undertaken before the works begin to prevent some of the branches from interfering with the building's roof. There are three low lateral branches on the northern side of the trees; these would need to be taken back to the point of attachment **to BS 3998 Tree Work – Recommendations 2010** standards to allow for a reasonable amount of clearance between the roof and the branches. This would still leave the higher branches on the southern side of the tree over the building. If the applicant was still concerned about this, further surgery in the form of sympathetic 1 to 1.5m all-around crown reduction would help with this, but due to the location of the proposed extension, part of the tree's crown will always be located over the building's roof.

HDC Environmental Health: No Objection

This department has no objections to this application in principal. There are some residential properties along North Parade opposite the Park. To mitigate any adverse environmental impacts, the applicant will need to exercise suitable controls.

I make recommendations for consideration by the Planning Department:

1. No external plant for mechanical ventilation, air conditioning systems, etc. shall be installed without prior consent from the Planning Authority.
2. No external security lighting or illuminated signage shall be installed without prior consent from the Planning Authority
3. Restrictions on hours of use for deliveries are recommended in order to control noise disturbance to residential neighbouring properties.
4. Hours of construction/demolition activities (including deliveries and dispatch) should be limited to 08.00 – 18.00 Monday until Friday, 09.00 – 13.00 Saturdays and no activity on Sundays or Bank Holidays.
5. Suitable assessments should be made to identify any asbestos contained within the existing buildings which may be disturbed. Controls should be put in place to ensure safe removal and disposal.
6. A licensed waste removal contractor should remove all clearance debris, asbestos and other construction waste from site.
7. No burning of materials should take place on site.

OUTSIDE AGENCIES

WSCC Highways: No Objection

I note that the application site does not benefit from any private parking provisions. This said, there is a public car park located adjacent to the property, that currently and proposed is used for any parking demands. I also note that the applicant proposes that most the customers of the site are local, of which most either use bikes or proceed on foot. Because of this, I would advise that you may wish to review their cycle parking provision, details of which can be secured via a suitably worded condition I have provided below.

The proposal for a small extension to the gym would not be anticipated to generate a high number of trips to the site in its current form and as such I provide the following verdict:

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.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following condition:

Cycle Parking

Within 6 months of the complete construction of extension, covered and secure cycle parking spaces should be provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

PUBLIC CONSULTATIONS

Horsham Denne Neighbourhood Council: No Objection

In view of the answers to our questions [below] HDNC **withdraws** its objection to this application

Initial comments: Objection

The plan provided is identical to DC/20/1349 that was withdrawn and still lacks details including the potential number of members that can be accommodated.

Horsham Denne Neighbourhood Council has the following comments and queries:

- 1) The planning statement refers to classes for children and also for people wishing to get fit so we assume that the club will be available to both genders. If this is correct HDNC considers that there should be additional toilet and washing facilities to cater for both genders and increased membership.
- 2) There seems to be a lack of windows which HDNC considers is important to ensure adequate ventilation for very active exercise. It has been noted that the double doors on the side facing into the park have been left open exposing activities within.
- 3) The extended building will be more prominent in its location in the Park. HDNC would have hoped that, as alterations are being made to the exterior, the design could be more attractive rather than purely functional.
- 4) HDNC would like reassurance that care will be taken to ensure there is no/minimal damage to tree roots. We note that the Conservation officer has asked what will happen to the large tree close to the north side of the building.

While we support the aims of the club to be able to potentially grow and provide better facilities for the youth in the district HDNC objects to this application until our queries and concerns are resolved.

One letter has been received from Friends of Horsham Park supporting the proposed development:

- The Friends of Horsham Park support the Boxing Club's desire to expand their premises as they provide an important amenity to the community.
- Support is on the proviso that adequate care is taken and the necessary funding allocated to protect the tree roots in the area. The roots of the adjacent mature oak are very vulnerable and this tree has high value to the landscape and to wildlife. We would like to see the plans for root protection.

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

Principle of Development

- 6.1 Policy 43 of the Horsham District Planning Framework 'Community Facilities, Leisure and Recreation' seeks to retain and enhance existing leisure facilities particularly where they meet the needs of local communities. This is particularly when they are in accordance with the Development Hierarchy.
- 6.2 The Horsham Amateur Boxing Club have been located at the North Parade/ Horsham Park site for 22 years where they have provided a successful and viable community sports facility for the local community. The Club has continued to grow in popularity and as a result of this they are looking to increase the size of the building to allow a larger internal training area for their customers.
- 6.3 The application site is within the built-up area of Horsham, and within a central location, where the principle of development on the site would be supported by Policy 43 of the HDPF subject to all other material considerations.

Design and Appearance

- 6.4 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.
- 6.5 The existing Boxing Club is a functional, unobtrusive building with a flat roof and brick and timber clad elevations. The extension will measure 5 metres deep and 12.1 metres wide and be situated to the north elevation of the existing building. It is considered that the proposed extension although not architecturally interesting would be in keeping with the existing building, and would not harm the setting of the nearby listed wall or the openness and visual quality of Horsham Park.
- 6.6 It is acknowledged that Horsham Denne Neighbourhood Council would have welcomed a more attractive design, rather than purely functional. However this proposal it is not considered to be harmful to the surrounding setting or the existing building and there are not considered to be design grounds to refuse this application.
- 6.7 It is also acknowledged that the Neighbourhood Council have suggested that the application should include additional windows. The applicants have considered this but feel that the

existing air vents in the building and current ventilation arrangements do provide adequate ventilation for their customers. When weighed against the experience they have had previously with windows that used to be on the southern side of the building (these were smashed many times) the benefits do not outweigh the problems they may cause. From a visual perspective the existing building does not have window openings therefore the absence of any in the new extension would not be out of keeping.

Amenity Impacts

- 6.8 Policy 33 of the HDPF, Development Principles, seeks to ensure that proposals avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.9 This is an existing site that has operated from this location for over 20 years. This modest extension is not considered to impact on the amenity of users of Horsham Park substantially above what is already there.
- 6.10 Due to the relative proximity of residential dwellings on North Parade, Environmental Health have suggested some conditions to be placed on the permission if it is to be granted. These include no external plant without prior consent, no external security lighting or illuminated signage without prior consent, restricted delivery hours, restricted construction hours and further advice on the removal of asbestos, using a licenced waste removal contractor and the burning of materials. Given the location of the building in the public park at a good separation from nearby dwellings it is not considered that conditions restricting delivery hours is necessary. Matters relating to removal of material from the site are controlled under separate legislation, and informatives can be applied to advise the applicants accordingly. In the interests of the visual amenity of the site conditions to restrict external lighting, external plant, and construction hours are considered necessary and appropriate. Subject to these conditions the proposal would accord with policy 33 of the HDPF.

Highways and Parking Impacts

- 6.11 Policies 40 and 41 of the HDPF states that development should provide safe and adequate access and parking, suitable for all users.
- 6.12 The application site does not benefit from any private parking provisions. However the site is located adjacent to North Parade Pay and Display Car Park that currently and proposed is used for any parking demands. The applicant proposes that most the customers of the site are local, of which most either use bikes or proceed on foot. Because of this, the parking provision is considered acceptable and it is recommended that a condition is included to review their cycle parking provision to ensure this is adequately provided for and customers are encouraged to use sustainable forms of transport.
- 6.13 The proposal for a small extension to the gym would not be anticipated to generate a high number of trips to the site in its current form and as such this proposal would not 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.

Impact on Trees

- 6.14 It is noted that there are a number of trees adjacent to the building. Of particular note is a large maple tree located to the north of the proposed extension. The tree is situated at a distance of 9.2m from the existing building and the Root Protection Area (RPA) is calculated as 7.2m in all directions. This places a high percentage of the RPA under the new extension.

- 6.15 For this proposal to be construed in a manner that ensures the disruption to the trees roots is kept to a minimum; the applicants would need to use a specialist foundation, such as, a pile foundation system with the concert floor suspended off the ground. A slab or raft foundation would not be suitable as this would result in an unactable amount of soil compaction, and overtime this would result in damage to the tree and possibly early mortality. It is therefore recommended that a pre-commencement condition is attached to the planning permission that requires details of the proposed foundations to ensure the Maple tree is protected.
- 6.16 The Council's tree officer has commented that there are also three low lateral branches on the northern side of the tree that would need to be taken off at the point of attachment to ensure they do not interfere with the building's roof. This would still leave the higher branches on the southern side of the building over the building and further sympathetic surgery may be appropriate to reduce the crown- although part of the crown will always be located over the building's roof. The Tree officer has raised no objection to these works and overall it is not considered that relatively minor work to this tree would result in a level of harm that would justify the withholding of permission. To ensure appropriate works to the tree are carried out a condition is recommended to require an Arboricultural Method Statement prior to commencement of any development.

Other Matters

- 6.17 The Neighbourhood Council have raised concerns around the availability of toilet and wash facilities for all. The Boxing Club have confirmed that they do provide unisex toilets and a disabled toilet on the premises and that no gender is excluded from using these.

Conclusion

- 6.18 Overall the proposed extension would represent a welcome expansion to a well-established community facility close to the Town Centre. The extension would be acceptable in terms of the impact on neighbouring amenity and highways matters and with the recommended conditions would not have an unacceptable impact on the nearby tree. The proposal would not be out of keeping with the surrounding area and the prevailing character of the park, and would not harm the setting of the adjacent listed wall, in accordance with Policy 43, 25, 32, 33 and 34 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to 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 **Pre-Commencement Condition:** No development shall commence, including ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing measures to provide for the protection of all trees/hedgerows adjacent to the site throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The Statement shall also include a schedule of works to the adjacent Maple tree that oversails the site, to be agreed in writing by the Local Planning Authority prior to any works to this tree commencing. The works shall be implemented in accordance with the agreed details.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall take place until details of the proposed foundations to be used for the extension have been submitted to and approved in writing by the Local Planning Authority. These shall show that the foundations method proposed will cause no harm to the adjacent Maple Tree. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-occupation Condition:** Prior to first use of the extension, secure cycle parking spaces should be provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The approved facilities shall be retained as such thereafter.

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).

- 6 **Regulatory Condition:** No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of the nearby neighbours and users of Horsham Park and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** No external lighting, floodlighting, or illuminated signage 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).

- 8 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

- 9 **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).