



**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 2<sup>nd</sup> November 2021

**DEVELOPMENT:** Retention of covered play area.

**SITE:** Easteds Barn Easteds Lane Southwater Horsham West Sussex RH13 9DP

**WARD:** Southwater North

**APPLICATION:** DC/21/0511

**APPLICANT:** **Name:** Southwater Parish Council **Address:** Beeson House 26 Fairbank Rd Southwater RH13 9LA

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

**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 retrospective planning permission for the erection of a covered play area within the boundary of Easteds Barn. The shelter is located against the north eastern boundary of the enclosed site.
- 1.2 The covered play area has a depth of 3.48 metres and length of 7.75m with a footprint of 27sqm. It has a pitched roof 2.6m in height and 2.3m to the eaves. Two thirds of the front elevation facing the outdoor play area is open allowing children to come and go from the area and be visible to staff. The west elevation has an open square window, and the east and north elevations are closed.
- 1.3 The materials consist of timber stud walls with painted timber horizontal cladding. The pitched roof is a single ply roofing membrane and charcoal grey colour. Rainwater goods are black PVC.

## DESCRIPTION OF THE SITE

- 1.4 The application site lies within the Built-Up-Area of Southwater adjacent to Nutham Lane Open Space. Easteds Barn has a permitted D1/D2 use (DC/11/2502) and is currently being used as a Children's Day Nursery called 'Little Barn Owls' who lease the site from Southwater Parish Council. This use now falls within use class E (f) Day Nursery.
- 1.5 The site consists of the main Easteds Barn building, a parking and service area and a private nursery garden. The site is bordered by a 1.8 metre high close boarded fence and some mature trees above. Easteds Barn is identified in the Southwater Neighbourhood Plan Policy SNP19 as a Parish Heritage Asset, a non-designated heritage asset as defined by the NPPF.

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

Policy 33 - Development Principles

Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

#### **Southwater Neighbourhood Plan**

SNP16: Design

SNP19 Parish Heritage Assets

### PLANNING HISTORY AND RELEVANT APPLICATIONS

SQ/61/95	Erection of community building and 23 space car park Site: Easteds Meadow Cedar Drive Southwater	Application Permitted on 30.08.1995
DC/11/2502	Single storey extension to existing building and variation of Condition 10 of SQ/61/95 (Use of building for meeting room purposes only), to facilitate use of overall premises for general D1 (Non residential Institutions) and D2 (Assembly and Leisure) purposes at Easteds Barn	Application Permitted on 22.10.2013
DC/18/2212	Erection of an entrance porch and changes to existing fenestration. Internal sub-division by the installation of a first floor and staircase; internal partitioning; relocation of kitchen and WC facilities.	Application Permitted on 12.12.2018
DC/21/0297	Retrospective application for the change of use of land from public open space to mixed use (Use Classes E(F) & F1(A)).	Under consideration
DC/21/0510	Retention of external store	Under consideration
DC/21/1539	Retrospective application for the change of use of 67m2 land from public open space to mixed use (Use Classes E(f) & F1(a)) and 559m2 of land from Use Class E (formerly D1/D2) to public open space.	Under consideration

### 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)

#### INTERNAL CONSULTATIONS

##### **HDC Environmental Health:** Comment

Due to its location and close proximity to the neighbouring properties it is recommended that a scheme of sound insulation is proposed for the play shelter area and that a Noise Management Plan is drawn up to control noise from all activities at the site.

##### **HDC Conservation Officer:** No objection

It is noted that Easteds Barn is identified as a Parish Heritage Asset within the Southwater Neighbourhood Plan. Easteds Barn is considered to be a non-designated heritage asset as defined in the NPPF. Paragraph 189 of the NPPF notes that heritage assets “are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

The effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Application DC/21/0511 relates to the provision of a covered play area within the curtilage of Easteds Barn. Whilst it is unfortunate that the design and materials used for the covered play area do not reflect the historic character of the principal building, it is considered on balance that the proposal due to its location and scale would still enable an appreciation of the building, and its significance. No objection would therefore be raised to the application.

#### OUTSIDE AGENCIES

None Received

#### PUBLIC CONSULTATIONS

Eight letters of objection have been received. These can be summarised as:

- May be being used as an outside classroom for forest school
- No sound proofing to the barn or noise restrictions
- Constant external noise
- There were also further conditions imposed restricting noise levels for any activities on the site in the previous application for the change of use- see planning conditions 8 and 9. The first of these related to external sound, including music. The second to noise generated within the barn building, condition 9
- Impact on parking
- Over intensification of the site

#### **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 HDPF relates to 'Community Facilities, Leisure and Recreation'. It 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'.
- 6.2 This application relates to the erection of a play shelter within the existing ground of the day nursery. The principle of new or improved facilities for the permitted community facility on this site is accepted, subject to all other material considerations.

##### **Design and Appearance**

- 6.3 This application relates to the erection of a wooden play shelter in an existing nursery playground. The shelter consists of timber stud walls with painted timber horizontal cladding and a grey membrane flat roof in charcoal grey. The building has a footprint of 27 m<sup>2</sup> with a pitched roof of 2.6 metres to the ridge and 2.3 metres to the eaves. There are solid walls on the sides facing the neighbouring properties and openings facing Easteds Barn and the remainder of the playground, as illustrated on the submitted plans.
- 6.4 The play shelter is positioned in the north eastern corner of the site on the boundary with Valebrook House, Easteds Lane and separated by an area of open space and two boundary fences from 1 Nutham Lane.
- 6.5 The design of the shelter is considered to be commensurate with its intended use and its location in the corner of the site adjacent to a mature line of trees is considered to have little visual impact from surrounding neighbours/ viewpoints. Although the building is potentially visible above the fence line in winter when the vegetation cover may be more sparse, this is considered to be common place in residential areas such as these where shed type outbuildings such as these are common place.

##### **Impact on Heritage Assets**

- 6.6 Southwater Neighbourhood Plan Policy SNP19 identifies Easteds Barn as a Parish Heritage Asset. Parish Heritage Assets are buildings which, although not officially designated, are considered to be locally significant and important features which contribute to the character and appearance of the Parish. As a non-designated heritage asset SNP19 states that any proposals at Easteds Barn must demonstrate that the significance of the building as an asset, and it's setting will not be adversely impact.
- 6.7 Paragraph 203 of the NPPF requires that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the

significance of the heritage asset. The Conservation Officer has concluded that whilst it is unfortunate that the design and materials used for the covered play area do not reflect the historic character of the principal building, it is considered on balance that the proposal due to its location and scale would still enable an appreciation of the building, and its significance. No objection would therefore be raised to the application.

### **Amenity Impacts on Neighbours**

- 6.8 Planning permission for a D1/D2 use on the site was granted in 2011. This allowed for the site to be used as a day nursery, falling within the use class D1. Class D was revoked from 1 September 2020 and that D1 has been replaced by the Classes E(e-f) and F1 and D2 is replaced by the new Classes E(d) and F2(c-d) as well as several newly defined 'Sui Generis' uses. A day nursery specifically falls within use class E(f) Day Nursery.
- 6.9 Concern has been raised as to the noise impact of the play shelter on nearby residents, in particular the properties closest to the site at Valebrook House and 1 and 2 Nutham Lane. It is noted that no objection has been received from Valebrook House or 1 Nutham Lane themselves.
- 6.10 It is noted that the area where the play shelter has been erected has previously been used as part of the children's play area/ garden under its permitted use. There would therefore already be an element of activity carried out at this location within the site in connection with the permitted use of the site.
- 6.11 The current use was permitted under DC/11/2502. This permission was accompanied by two conditions relating to noise that are still relevant and enforceable on the site. These conditions are re-produced below:

*8) Any external public address system installed on the site shall be used for operational announcements only and at no time shall it be used for purposes of advertisement or the relaying of music, unless otherwise agreed in writing with the Local Planning Authority.*

*Reason: In the interests of the amenities of the locality and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

*9) The noise from any activity, which forms part of the development/use, shall not exceed the existing background noise levels (as measured in the applicants noise assessment dated June 2011). In order to achieve this, the activities should be designed/selected, or the noise from the activities attenuated so as to maintain the existing noise climate and assist in reducing 'ambient noise creep' (the gradual increase in background noise levels in a built-up area due to consecutive small increases). Day time noise measurements to be based on a 1 hour LAeq and night time on a 5 minute LAeq in line with BS4142.*

*Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

- 6.12 With the above conditions still being enforceable it is not considered to be necessary or reasonable to insist on further noise controlling conditions or a Noise Management Plan in relation to this covered play area. The granting of permission for the whole site to be used as a D1/D2 site in 2011 means that this part of the land can already lawfully be used for a play area in connection with that use, therefore the addition of a shelter will have no perceptible bearing on noise levels that the use of the outside areas could potentially create. In any event, the outside areas and potential use of the shelter as teaching or play space for the nursery would be under constant supervision by nursery staff. Whilst condition 9 refers to noise from 'all activity' as being restricted, it is clear when reading the noise assessment

and environmental health officer comments submitted under DC/11/2502 that the noise concerns were centred around noise breaking out from the building from music and other events, rather than outside noise to which no reference was ever made.

- 6.13 Nevertheless, in light of neighbour concerns to safeguard neighbouring amenity it is recommended that the shelter is not used outside of the hours of 8am and 6pm. Placing such a restriction on the structure would ensure the structure remains empty during the early and late hours of the day.

### **Conclusions**

- 6.14 This retrospective application for the erection of a detached play shelter for use by the day nursery permitted on the site is considered to be of a design and appearance acceptable in this location and the presence of this building, which the applications solely relates to, will result in no increase in harmful impacts on neighbouring amenity and have no unacceptable impact on the historic interest of the Barn.

## **7. RECOMMENDATIONS**

- 7.1 To grant planning permission, subject to the conditions listed below:

### Conditions:

- 1 **Plans condition**
- 2 **Regulatory Condition:** The play shelter shall not be used except between the hours of 8am and 6pm Monday to Friday.

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