



TO: Planning Committee North
BY: Development Manager
DATE: 10 January 2017
DEVELOPMENT: Conversion ground floor shop and ancillary area to form 2 x 2 bed flats
SITE: 15 St Leonards Road Horsham West Sussex RH13 6EH
WARD: Forest
APPLICATION: DC/16/1011
APPLICANT: Mr & Mrs Watson

REASON FOR INCLUSION ON THE AGENDA: Eight or more letters of representation contrary to the Officer's recommendation have been received

RECOMMENDATION: To approve the application, subject to conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The proposed development is for the conversion of a ground floor shop and ancillary area to form 2 x 2 bed flats. The development as submitted was for three flats. In response to consultation responses received the application was amended to a conversion to 2 flats. The external works proposed are alterations to doors and windows in the front and rear elevation, alteration and insertion of new windows and doors in the west elevation and the demolition of a car port.

DESCRIPTION OF THE SITE

1.3 The site is located in St Leonards Road, approximately 1 mile from Horsham town centre. St Leonards Road is mainly residential however at the entrance to St Leonards Road, approximately 30 metres west of the development site, is a Tesco Extra outlet. The buildings in the street vary in age and character and there is no particular vernacular. To either side of the site are two storey semi-detached dwellings. The development property is detached and comprises a ground floor shop with ancillary storage to the rear. The first floor of the site is an existing residential flat that will not be altered by the proposed development. The property has been extended over time back to its rear boundary. In the rear boundary wall there are windows serving the property, along with garage doors and a pedestrian access leading directly into Higgins Way Car Park at the rear of the site (Higgins Way Car Park is HDC land). The existing "garage" doors provide access to a store and a

spiral staircase leading to the first floor of the site. To the north of the car park is Bennett's Field recreation ground. The only part of the site that is not already built on is the passage way running down the west side of the property. On this side, a timber fence separates the site from No 13. The east elevation of the property forms the site boundary with No 17. There are existing first floor and ground floor windows in this side elevation of the development property that look directly into the rear garden of No 17.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT GOVERNMENT POLICY

National Planning Policy Framework:

NPPF2 - Ensuring the vitality of town centres

NPPF4 - Promoting sustainable transport

NPPF6 - Delivering a wide choice of high quality homes

NPPF7 - Requiring good design

2.3 RELEVANT COUNCIL POLICY

Horsham District Planning Framework (HDPF 2015)

HDPF2 - Strategic Policy: Strategic Development

HDPF3 - Strategic Policy: Development Hierarchy

HDPF5 - Strategic Policy: Horsham Town

HDPF9 - Employment Development

HDPF12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

HDPF15 - Strategic Policy: Housing Provision

HDPF16 - Strategic Policy: Meeting Local Housing Needs

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF34 - Cultural and Heritage Assets

HDPF40 - Sustainable Transport

HDPF41 - Parking

2.4 RELEVANT NEIGHBOURHOOD PLAN

The site is within the Forest Neighbourhood Council area and is part of the Horsham Blueprint Neighbourhood Forum; this Neighbourhood Development Plan is not yet in its pre-submission stage.

2.5 PLANNING HISTORY

HU/206/78	Store room under car port. (From old Planning History)	Application Permitted on 24.08.1978
HU/277/76	Formation of habitable room in roof space. (From old Planning History)	Application Permitted on 14.12.1976
HU/201/76	Room in roof. (From old Planning History)	Application Refused on 05.07.1976
HU/283/75	Car port. (From old Planning History)	Application Permitted on 17.11.1975

HU/205/73	Alt to shop and new shop front and garage. Comment: And b. regs. (From old Planning History)	Application Permitted on 24.04.1973
HU/419/72	Extension to shop and new front. Comment: Appeal withdrawn. (From old Planning History)	Application Refused on 12.09.1972
HU/217/62	Alterations and improvements. Comment: And b. regs. (From old Planning History)	Application Permitted on 17.07.1962

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 Property - HDC Owned Land/Property: Comment that the property backs onto HDC land at Higgins Way and the owner has no legal right of vehicular access over Higgins Way.
- 3.3 Services Manager, Env Management, Waste and Cleansing: Comment that the requirements for the application is 1 x 660 litre refuse bin together with 1 x 1100 litre recycling bin

OUTSIDE AGENCIES

- 3.4 WSCC Highways: No objection subject to conditions. The level of parking provision is considered sufficient and there would be no undue impact on the local highway network.
- 3.5 Southern Water: No objection

PARISH COUNCIL

- 3.6 Forest Neighbourhood Council
First consulted on the 16 May 2016 on the original 3 flat development, Forest Neighbourhood Council commented that it is concerned about the amount of natural light available to the middle of the three flats in this proposal. The Council was re-consulted on amended plans for a 2 flat development on the 9 August 2016 and again on the 18 November 2016. There was no response to these re-consultations at the time of report preparation.

MEMBER COMMENTS

- 3.7 Cllr Newman objects to the principle of the change of use together with parking concerns.

PUBLIC CONSULTATIONS

- 3.8 9 letters of representation were received objecting to the development proposal which raised the following issues:
- There is a lack of parking in the area. 3 Flats will make the situation worse.
 - Conversion to three flats is too many; flats would be too small.
 - Council are already concerned about residents [of St Leonards Road] using Bennett's Field car park.
 - Additional cars parked would jeopardise highway safety.
 - There is a need for a high-end local store.
 - Redevelopment may harm the character of the area.
 - The prevailing character of the area is housing not flats
 - Side passage may become a thoroughfare to Bennett's Field
 - Increased use of the passage may harm security
 - A valuable community asset would be lost.
 - The development would cause a loss of privacy and light to neighbouring properties.
 - Increased noise arising from the intensification of the residential use.
 - Loss of privacy caused by new windows in east elevation
 - If ground floor windows on east elevation are replaced with clear glass or are opening this will affect our privacy [No 17].
 - The proposed window in the centre of the west elevation will look directly into a bedroom [of No 13).
 - Smells from extraction fans will vent towards neighbours property.

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 principle of the development

The application site is within the Built-up Area Boundary of Horsham. As such the principle of developing the site for flats is in accordance with the Horsham District Planning Framework (HDPF) Policy 3 "Development Hierarchy", subject to compliance with the other policies of the Framework.

6.2 Loss of A1 retail space

The last use of the former A1 retail unit was as a grocers and post office trading as Mace. Following the recent conversion of nearby St Leonards Arms public house into a Tesco Extra, the applicant states that the Mace store became unable to compete and closed due to the trade lost to the Tesco Extra. The applicant has provided evidence that the vacant property has been marketed since March 2016 and states that it attracted no interest in its current Use Class or in a Use Class that would be appropriate in a residential area; the only expressed interest to date being from a dance studio. The Horsham District Planning

Framework does not require any demonstration that a premises is no longer needed or viable for employment use. In the particular circumstances of the site, being remote from other retail areas in Horsham, located in a residential street and close to the recently opened Tesco Extra, it is considered that the marketing of the property is adequate and that extending the marketing period is unlikely to generate any interest in the property as a retail outlet. It is clear that the local area will continue to have good access to a convenience store. As such it is considered that sufficient evidence has been provided to demonstrate that the retail premises is no longer viable for employment use.

6.3 The character of the dwelling and the visual amenity of the street scene

The proposed external changes to the property are relatively minor. The principle changes are; at the front the entrance porch would be reconfigured and the car port demolished, at the rear the garage doors leading on to Bennett's Field car park will be replaced with windows above a brick infill and a small window would be in-filled. On the west side elevation of the property a bin store would be constructed and alterations and additions made to the fenestration and doors. The minor alterations are such that the property would retain much of the character of its former retail use. As such it is considered that the proposed development will not have a significant effect on the character of the street or the visual amenity of the street scene.

6.4 Effect of the development on the amenity of the occupiers of adjoining properties

The development property is not being extended as part of the proposed development and therefore no harm to the amenity of neighbours would be caused in terms of loss of light or outlook. The original proposal had new windows in the east elevation overlooking the rear garden of No 17. In response to concerns raised, these additional windows have been removed from the plans. However, there are existing east side elevation windows in the ground floor of the development; these windows are currently obscure glazed and appear to be non-opening. Because these windows would no longer be to storerooms but instead to bathrooms, the potential for overlooking the garden of No 17 from these windows could be increased if the application is approved. Therefore, a condition is recommended ensuring that these windows remain obscure glazed and non-opening below 1.7 metres above floor level. Concerns were also raised by the occupants of No 13, the dwelling to the west, that new windows proposed for the west side elevation of the development would overlook a bedroom window that faces the site. However, any mutual overlooking between facing windows would be from a very steep angle upwards or downwards, preventing overlooking of any significant distance into these rooms. Notwithstanding this point there is already very significant overlooking between existing upper floor windows in the facing side elevations of No 13 and No 15, in comparison to which, the minor overlooking caused by the proposed development would be insignificant. As such it is considered that the proposed development will not have a significantly harmful effect on the amenity of neighbours in terms of loss of privacy.

6.5 The quality of the resulting residential environment for future occupiers

The proposed flats would provide a reasonably generous living space, with the main outlook being on to St Leonards Road for the front flat and towards Higgins Way Car Park and Bennetts Field for the rear flat. The windows to habitable rooms will receive adequate natural light. It is considered that the proposed development does provide an acceptable level of amenity overall.

6.6 Effect on the existing parking and traffic conditions in the area

There is space to park two vehicles on-site at the front of the property. The Local Highway Authority (LHA) states in its consultation response that the reduction in the quantum of development from three to two flats ensures there is no objection. The Local Highway

Authority has requested that a condition that secures cycle storage is included if the development is approved, in order to reduce vehicular movements.

7. RECOMMENDATIONS

7.1 To permit the application, subject to the following conditions:

1. A condition listing the approved plans.
2. 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. The ground floor windows in the east elevation of the development hereby approved shall at all times be glazed with obscured glass that is obscure to level 3 and non-opening below 1.7 metres above the finished floor level of the rooms served by these windows and shall be maintained as such at all times.

Reason: To protect the amenities and privacy of the adjoining property and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. The windows and doors of the development hereby approved shall match in all respects those of the existing building.

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

5. The development hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

6. The development shall not be occupied until the parking facilities have been provided in accordance with the plans hereby approved and the parking facilities shall thereafter be retained solely for that purpose.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7. Before the implementation of the development hereby approved, details of the provision of facilities for the parking of cycles shall be submitted to and approved by the Local Planning Authority and the facilities so provided shall be thereafter retained solely for that purpose.

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).