



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (south)

BY: Development Manager

DATE: 16 February 2016

DEVELOPMENT: Demolition of existing shop, workshop and store in favour of shop, workshop and store with 3 no 1 bedroom self-contained flats within new roof void

SITE: Burgess and Randall Ltd Station Road Pulborough West Sussex

WARD: Pulborough and Coldwaltham

APPLICATION: DC/14/2694

APPLICANT: Mr A Stally

REASON FOR INCLUSION ON THE AGENDA: More than 5 letters received at variance to recommendation

RECOMMENDATION: Approve subject to conditions and the satisfactory completion of a S106 agreement requiring that the proposed flats remain in the same ownership as the proposed shop and workshop

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the demolition of the existing shop, work shop and store and the construction of a replacement building containing a retail shop with associated office and toilets at ground floor level, a workshop area and storage at first floor level and three x one bedroom flats within the roofslope at second floor level. The proposal would provide five parking spaces for cars to the front of the building and one space for light goods vehicles.
- 1.2 The replacement building would be constructed with facing stock brick work to the wall and plain clay tiles to the roof. It would be 13.85 metres wide, 20.3 metres deep and 10.4 metres in height to its ridge.

DESCRIPTION OF THE SITE

- 1.3 The application site is located within the built up area boundary of Pulborough on the southern side of London Road. The existing building is single storey with accommodation within the roof space. To the east of the site is a single storey parking court, whilst to the south and west are blocks of four storey flats. The flats to the west of the site have accommodation within the roof space. There are habitable room windows looking into the site from the neighbouring flats.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

National Planning Policy Framework (2012) (NPPF) Section 1 – Building a strong competitive economy, Section 3 – Supporting a prosperous rural economy, Section 6 – Delivering a wide choice of High Quality Homes, Section 7 – Requiring good design and Section 10 Meeting the challenge of climate change, flooding and coastal change.

National Planning Policy Guidance (March 2014)

RELEVANT COUNCIL POLICY

The following policies of the Horsham District Planning Framework (2015) are considered relevant to the consideration of the application;

Policy 1 – Sustainable Development
Policy 2 – Strategic Development
Policy 4 – Development Hierarchy
Policy 7 – Economic Growth
Policy 9 – Employment Development
Policy 13 – Town Centre Uses
Policy 14 – Shop Fronts and Advertisements
Policy 15 – Strategic Policy Housing Provision
Policy 16 – Strategic Policy; Meeting Local Housing Needs
Policy 24 – Environmental Protection
Policy 25 – District Character and Natural Environment
Policy 32 – The Quality of New Development
Policy 33 – Development Principles
Policy 38 – Strategic Policy; Flooding
Policy 40 – Sustainable Transport
Policy 41 - Parking

PLANNING HISTORY

There is no recent history relating to this site.

3. OUTCOME OF CONSULTATIONS

- 3.1 The following section provides a summary of the responses received as a result of internal and external consultation, however, officers have considered the full comments of each consultee which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

- 3.2 **Technical Services** – No comments to make
- 3.3 **Strategic and Community Planning** (summarised) - the principle of the redevelopment of the business element of this site (the shop, workshop and store) is acceptable as it would enhance the overall appearance and function of the site; however, there should be no resulting net loss of employment land to ensure growth is encouraged across the District in a sustainable way. It is considered that the addition of 3x 1-bed residential units on this site would be acceptable as the units would be sustainably located within a Category 1 settlement, and would contribute to providing much needed 1-bedroom housing in the locality.
- 3.4 **Public Health and Licensing** (summarised) – No objection subject to conditions

OUTSIDE AGENCIES

- 3.5 **West Sussex County Council Highways** (summarised) – No objection, although the existing situation regarding parking should not be materially worsened, the applicant should secure cycle storage facilities.
- 3.6 **Southern Water** (summarised) – No objection. A formal application would be required for connection to the public foul and surface water sewer.
- 3.7 **Environment Agency** – No objection

PUBLIC CONSULTATIONS

- 3.8 **Pulborough Parish Council** has raised no objection to the application including the amended plans.
- 3.9 **Seven letters** of objection have been received (including an objection from the Residents of Riverside Court) to the amended plans noting that the proposals would not overcome concerns with regards to loss of light, overshadowing of neighbouring properties, concern with regards to flooding, impact on neighbouring car ports and parking in the locality is already at a premium.
- 3.10 **Twenty three letters** of objection were received to the original plans on the grounds of; loss of privacy, concern with regards to flooding, proposal would be overbearing to neighbouring properties, agricultural tool shop not in keeping with the area, parking is already a major concern in the locality.
- 3.11 **One letter** has been received supporting the application.

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 main issues in the consideration of this proposal are considered to be:

- Principle of development
- Character of the area and amenity of neighbouring properties
- The existing parking and traffic conditions in the area

Principle of development

- 6.2 The NPPF promotes a presumption in favour of sustainable development which is a 'golden thread' running through the document (paragraph 14). The NPPF is explicit in its aim to actively promote and encourage sustainable economic growth - instructing decision-takers to place significant weight on the need to support economic growth through the planning system, and not to act as an impediment to it. The application site is situated within the built up area of Pulborough which is categorised as a small town or large village within Policy 3 of the Horsham District Planning Framework (HDPF). Within defined built up area boundaries development may be permitted provided that any infilling or redevelopment demonstrates that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement.
- 6.3 Strategic Policy 7 of the HDPF notes that sustainable employment development in Horsham District for the period up to 2031 will be achieved by amongst other details the "redevelopment, regeneration, intensification and smart growth of existing employment sites." Policy 9 relates to Employment Development and notes that the "expansion of existing employment sites and premises within the built up area boundary will be supported where the business requirements cannot be met within the existing site/premises through acceptable on site expansion or intensification; and that relocation to existing stock is not preferable." The application site is outside the defined town or village centre boundary and consequently Policy 13 states that "proposals for small scale retail development or extensions to existing village shops and retail units ... will be allowed where it will not significantly undermine the vitality and viability of the nearest defined retail frontage or town and village centre"
- 6.4 The application site is currently occupied by Burgess and Randall who sell and service garden machinery and equipment. The building currently provides employment for 5 full time and 2 part time employees. The current building contains a shop, storage area and workshop at ground floor level and a storage area at first floor. The floor area of the shop and workshop with associated storage area is some 340.30 sqm. The proposed replacement building would retain the shop at ground floor level and would provide a floor space of some 139 sqm. At first floor level would be a work shop accessed via an internal floor lift covering an area of 121.7 sqm. In terms of storage an area of 75.15 sqm would be provided at ground floor whilst an area of 65.7 sqm would be provided at first floor level. The proposed replacement unit would consequently have a larger workshop, retail and storage space than the existing with a total floor area of 442 sqm, with the retail floor space increased by approximately 39 sqm. The proposal also seeks to provide three, one bedroom properties which the applicant notes would be offered to Burgess and Randall employees as part of an employment package.
- 6.5 The proposed application has been submitted to enable the existing business on site to improve its facilities which are limited by the age, condition and size of the unit. The existing building also suffers from flooding as the water table rises in the winter with water

coming through the floor area of the yard to the rear. The proposed scheme seeks to provide a modern space for the company to utilise. It is considered that the principle of the replacement of the retail and workshop with modernised facilities would enhance the overall appearance and functionality of the site and surrounding area. It is therefore considered that the principle of a replacement unit is acceptable in this instance and would retain the existing business on the site, and would not undermine the viability and vitality of the nearest defined retail frontage in accordance with policy 13.

- 6.6 The proposal also seeks to provide three, one bedroom flats above the workshop and retail space. Paragraph 54 of the NPPF notes that local planning authorities should be responsive to local circumstances and plan housing to reflect local needs especially for affordable housing, including through rural exception sites where appropriate. Due to the number of units proposed on the site there is no policy requirement for affordable dwellings in this instance. However policy 3 does require that the development is of an appropriate nature and scale to maintain the characteristics and function of the settlement. It is considered that three, one bedroom units would be appropriate with regards to the nature and scale of the locality, and would not appear out of keeping with the surrounding pattern of development. The site is located with the BUAB of Pulborough (which is defined as a small town or large village within Policy 3 of the HDPF) and is reasonably close to the village centre and train station. It is therefore considered that the site is sustainably located and the principle of residential and business development on this site is acceptable as it would constitute sustainable development in accordance with Policy 3 of the HDPF and paragraph 14 of the NPPF.

Character of the area and amenity of neighbouring properties

- 6.7 Developments should seek to promote or reinforce local distinctiveness and, as detailed in paragraph 61 of the NPPF, should secure high quality and inclusive design that goes beyond aesthetic considerations. This paragraph goes on to state that ‘decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.’ Section 7 of the NPPF provides guidance relating to design and states that good design is a “key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

- 6.8 Policy 33 of the HDPF relates to Design Principle and notes that;

In order to conserve and enhance the natural and built environment developments shall be required to:

- 1. Make efficient use of land, and prioritise the use of previously developed land and buildings whilst respecting any constraints that exist;*
- 2. Ensure that it is designed to 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;*
- 3. 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, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views;*
- 4. Are locally distinctive in character, respect the character of the surrounding area (including its overall setting, townscape features, views and green corridors) and, where available and applicable, take account of the recommendations/policies of the relevant Design Statements and Character Assessments....”*

- 6.9 The application site is situated in an area which is predominantly residential in character to the east, south and west. The properties immediately located to the south and west are blocks of flats which are significantly higher than the application property. The existing

building is situated approximately 5.25 metres from the flank wall of the adjoining property to the west, and has a height to the ridge of 6.5 metres. To the rear of the site the existing building is some 8.5 metres from the wall of the neighbouring flats. The proposed building has been amended during the application process with the width of the building reduced and the design amended to overcome concerns with regards to the overall design and the impact on neighbouring properties. It is considered due to the character of the surrounding area, the provision of a building such as that proposed would not appear out of keeping with the locality. The flats to the rear of the site are brick built with the properties to the west having dormer windows within the roofslope. The flats to the south east of the site are brick built with a mansard roof. It is considered that the style of the proposal would therefore reflect that of the surrounding area.

- 6.10 The proposed building would be sited 5.9 metres from the flank wall of the flats to the west of the site with the main bulk of the building set 7.7 metres from the adjoining property. It is considered taking into account the layout of the proposed building and the amendments to the design that on balance the proposed development would not result in material harm in terms of being overbearing on the neighbouring properties. The proposed dormer windows and rooflights located in the western elevation are proposed to be obscure glazed to reduce any overlooking or loss of privacy to neighbouring occupiers. Further detail with regards to any opening of the obscure glazed windows is to be secured by condition to ensure that the amenities of neighbouring properties are protected.
- 6.11 With regard to the southern elevation of the proposed building the proposed windows to the workshop element would be obscure glazed at first floor level, whilst at second floor there would be three dormer windows providing light to a bedroom and a kitchen/lounge and dining area. The proposed dormers would be located 3.5 metres from the rear boundary of the property and some 12 metres from the wall of the adjoining properties. It is acknowledged that the proposed distances are below the Local Planning Authority's adopted privacy standards however it is considered in this instance that a distance of 12 metres between facing windows in an urban location would not be unexpected and that on balance the amenities of neighbouring properties would be retained.
- 6.12 The eastern elevation of the proposed building would face over the existing flat roofed garage compound. The nearest residential property would be sited a minimum of 32 metres from the application site and has no windows within its western elevation. It is considered that the current application in this sensitive location would conserve the key townscape character of the locality. It is considered that the changes in the design of the building have overcome previous concerns and would integrate effectively with the surrounding buildings and therefore the proposal would comply with policy 32 of the HDPF.

The existing parking and traffic conditions in the area

- 6.13 The Highways Authority at WSCC has reviewed the proposed development and has not raised any objections to the proposal subject to the provision of cycle parking. The car parking shown would provide 5 No. car spaces and 1 light goods vehicle space. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' The Highways Authority has noted that there are no Highway Safety grounds on which the Highway Authority can object to the proposal. It has understood that there are parking issues with regard to the station, however this is not something that can be remedied via this planning proposal. There are enforcement measures in the form of single yellow lines on the A283, which become double yellows at the junction with Poplar Court. It is therefore considered that the proposed development would comply with policy 40 and 41 of the HDPF.

Conclusions

- 6.14 It is considered that the proposed application would enable the expansion of an existing business and support local employment opportunities. The proposed scheme would result in the retention of 5 full time and 2 part time jobs on the site and would retain the existing retail and workshop facility. The site is within the built up area boundary of Pulborough and it is considered that the design of the scheme would be in keeping with the character of the locality. It is also considered on balance that the proposal would not result in material harm to the amenities of neighbouring properties in this instance. It is therefore considered that the proposed scheme would support opportunities for growth; whilst respecting and taking into account the conservation and enhancement of the built environment as well as the vibrancy, health and character of existing settlements and communities within them in accordance with the requirements of the National Planning Policy Framework and policy 1, 2, 3, 7, 9, 33, 40 and 41 of the Horsham District Planning Framework 2015.

7. RECOMMENDATIONS

- 7.1 It is recommended that the application is approved subject to the following conditions and the satisfactory completion of a S106 agreement requiring that the proposed flats remain in the same ownership as the proposed shop and workshop;

1. 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.

2. The use of any land for car parking shall not be commenced until details of the layout, surfacing and drainage of the land have been submitted to and approved by the Local Planning Authority in writing. The details approved shall be carried out in strict accordance with the approved details and be maintained as part of the development prior to vehicles being parked on the land. Such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policy 33 and 41 of the Horsham District Planning Framework 2015.

3. Full details of cycle storage and parking shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The agreed works shall be implemented in strict accordance with the approved details prior to occupation of the site and shall thereafter be retained solely for the purpose of cycle storage and parking.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with policy 40 and 41 of the Horsham District Planning Framework 2015.

4. No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy 33 of the Horsham District Planning Framework 2015.

5. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be

undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy 33 of the Horsham District Planning Framework 2015.

6. The windows and rooflights shown to be obscure glazed on the western and southern elevation of the proposed building on drawing number 2013/36/5 rev C shall at all times be glazed with obscured glass precise details of which, together with details of any opening, shall be submitted to and approved by the Local Planning Authority in writing before installation. The approved glass and any agreed opening details shall be constructed and maintained in strict accordance with the agreed details.

Reason: To safeguard the amenities of nearby residents in accordance with policy 33 of the Horsham District Planning Framework 2015.

7. The building 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 37 of the Horsham District Planning Framework (2015).

8. The ground and first floor retail and workshop premises shall not be open for trade or business, and no deliveries, collection of trade waste or any form of despatch shall be undertaken except between the hours of 08.00 – 18.00 Monday until Friday, 09.00 – 17.30 Saturdays and no activity on Sundays or Bank Holidays.

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

9. No testing of mobile equipment powered by diesel or petrol engines shall be undertaken on the site except between the hours of :
09.00 – 17.00 Monday until Friday
10.00 – 13.00 Saturdays
With no activity on Sundays or Bank Holidays. All windows and doors to the workshop shall remain closed while power tools or mobile hand tools are in operation. No power tools or mobile hand tools shall be used in external areas other than for the testing of equipment being serviced or repaired.

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 33 of the Horsham District Planning Framework 2015.

10. No work for the implementation of the development hereby permitted shall be undertaken on the site until a scheme for protecting the proposed flats on the second floor from noise from the proposed workshop has been submitted to and approved by the Local Planning Authority in writing; all works which form part of the scheme shall be completed in strict accordance before any part of the development hereby approved is occupied and shall thereafter be retained as part of the development.

Reason: In the interests of residential amenities by ensuring an acceptable noise level for the occupants and in accordance with policy 33 of the Horsham District Planning Framework 2015.

11. Full details of means of surface water and foul water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in accordance with agreed details.

Reason: To ensure that the development is properly drained in accordance with policy 33 and 37 of the Horsham District Planning Framework 2015.

12. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with policy 33 of the Horsham District Planning Framework 2015.

13. Prior to the commencement of the development hereby approved details of the proposed security shutter door shall be submitted to and approved in writing by the Local Planning Authority. The security shutter door shall be constructed in strict accordance with the agreed details and maintained as part of the development.

Reason: In the interests of the amenities of the locality and in accordance with policy 33 of the Horsham District Planning Framework 2015.

14. (a) The business floorspace (shop and workshop) and the residential floorspace (flats) shall be implemented in strict accordance with the floor plans hereby approved and the business floorspace shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use.
(b) The business floorspace shall be used as a workshop for the repair of garden equipment only at first floor level, and for the sale of garden equipment and tools only at ground floor level and for no other purpose (including any other purpose in any class in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

Reason : To enable the Local Planning Authority to control the development in detail as the site is in a rural area where the formation of residential accommodation is strictly controlled and to reflect the specific circumstances of the application and in accordance with policy 10 and policy 33 of the Horsham District Planning Framework.

Background Papers: DC/14/2694