Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0631
Aspen Place, 171 Comptons Lane, Horsham, West Sussex, RH13 6BW

DESCRIPTION:
Erection of first floor extension and installation of external fire escape.

RELEVANT PLANNING HISTORY:

DC/23/0990	Erection of a first floor extension and installation of external fire escape.	Withdrawn Application on 22.11.2023

SITE AND SURROUNDS

Aspen Place is located along a predominantly residential road of Comptons Lane, which is characterised by an eclectic mix of modest detached properties, leading to an area of low-density development. Most dwellings are characterised by large front and rear gardens. It is noted that the southern and western boundaries of the site are denoted by hedging, generally exceeding 1.8 metres in height and has several large mature trees, including two trees that are protected by Tree Preservation Orders (TPO's), which are adjacent to the boundary of the nursing home, but within the curtilage of 163 Comptons Lane.

The existing building is a substantial brick and tile structure, surrounded by parking to the north and a garden to the east, south and west. There is a small single storey, brick built detached manager's dwelling in the north-eastern corner of the site. Access to the site is off Comptons Lane, while parking takes place to the north of the building.

DETAILED DESCRIPTION

The application seeks full planning permission for the erection of a first-floor extension to facilitate 8 new rooms and 4 new toilets. The proposal also seeks installation of external fire escape.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 18 - Retirement Housing and Specialist Care
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40- Sustainable Transport
Policy 41- Parking

Neighbourhood Plan:

North Horsham Neighbourhood Plan area was designated, then the area voluntarily withdrew the designation.

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
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

Consultations:

Natural England: No Objection – We concur with the conclusion of your authority's HRA appropriate assessment insofar that we have no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

WSCC Highways: No Objection - 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 111), and that there are no transport grounds to resist the proposal.

HDC Conservation Officer: No Objection - The application site is situated to the southwest of the nearest listed building (Old Comptons). Due to the boundary treatment and road layout it would not be considered that the proposed extension would result in additional harm to the buildings setting.

HDC Tree Officer: More Information Required - The application requires building and engineering operations in relatively close proximity to a pair of oak trees subject of a TPO. If minded to approve the application in other respects, I recommend that a BS537:2012 compliant tree survey, Arboricultural Impact Assessment and associated Tree Protection Plan is requested to enable fair assessment of both potential direct and indirect impact on the trees from the proposed development.

Re-consultation Comments Received (24.07.2024): More Information Required - Following assessment of the proposed development in May, I recommended that a BS5837:2012 compliant tree survey and Arboricultural Impact Assessment were undertaken to enable fair assessment of both potential direct and indirect impact on the adjacent TPO oak trees from the proposed development.

Regrettably the submitted information is not in accordance with the design standard requirements as it is not a fair reflection of the size of the trees concerned. It would appear that the tree sizes have been poorly underestimated.

In order to make a fair assessment I recommend that the off-site trees are measured or if that is not possible, given an estimated minimum recommended root protection area 1.5 -2x that proffered to date. Details of the extent of pruning of the TPO tree crowns required to enable scaffold erection, access and build out need to be clearly identified and listed.

Re-consultation Comments Required (28.08.2024): No Objection – subject to condition.

Parish Comments:
No Objection

Representations:
None received

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

The main planning issues are the principle of these works, design, and impact upon the surrounding streetscene, impact upon neighbour's amenities, affordable housing, sustainability, and water neutrality.

Principle of Development:

The NPPF encourages Councils to provide for a full range of housing needs and types.

Policy 18 of the HDPF advises that specialist care will be supported and encouraged where it is accessible by foot for public transport to local shops, services community facilities and the wider public transport network. This policy recognises that an ageing population will result in a continuing need to provide a range of appropriate retirement accommodation in suitable locations.

The proposed extension would serve an existing established care home use within the town of Horsham, providing 8 new bedrooms and associated facilities. In principle therefore and subject to compliance with all other aspects of the HDPF this scheme is considered to be acceptable.

Design and Appearance:

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development 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.

The proposed plans submitted with this application show the creation of a first-floor extension to the existing single storey wing sited to the southern elevation of the main building. The extension would provide an additional 8 bedrooms with ensuites. This addition would cater for the existing Care Home facility. The extension would not add any additional footprint to the building save for the fire escape access that is required as a health and safety measure.

The new proposed rooms would be seen as an additional wing to the existing extensive day-to-day facilities and activities of the care home. The proposed development would maintain the current street scene with no adverse impact on the character or appearance of the host building or wider area, maintaining a level of subservience and design/form to that of the main dwelling. The proposal is considered to be of design and scale which is appropriate to tis setting. The proposal is therefore considered to accord with the above policies.

Trees and Landscaping:

Policy 33 of the HDPF states that development should presume in favour of the retention of existing important landscape and natural features, including trees. Development must relate sympathetically to

the local landscape and justify and mitigate against any losses that may occur through the development.

Policy 31 of the HDPF outlines that development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained.

The existing nursing home layout has a ground floor extent to within circa 9m of two closely growing oak tree stems situated just over the boundary in the adjacent property to the South (163 Comptons Lane).

The oak trees are part of a well vegetated boundary, but form the dominant feature within it, conferring significant public amenity value. They are subject of a Tree Preservation Order made in 2004 (Ref: TPO/no. 1194) specifically in respect of the potential threat to their crown forms posed by the desires for extension to the nursing home at relatively close proximity.

Felling/pruning issues have been cited in terms of damage to drains and hardstanding and pressures to prune due to nuisance and falling debris over the boundary.

The new foundations required for the fire escape extension may be within the minimum recommended root protection areas of the trees which is now principally sealed beneath a combination of pervious and impervious hardstanding.

Although the currently proposed extension has very limited fenestration toward the trees, the new built form and scaffold/process required to achieve the build would require some facilitation pruning and would IME place even greater future pressure for removal/harsher pruning of the trees.

Upon consultation with HDC Tree Officer, the applicant has provided a Arboricultural Assessment (received 30.07.2024), which has been considered acceptable subject to a pre-commencement condition for tree protection as such the proposed development is considered to accord with Policies 31 and 33 of the HDPF.

Amenity Impact

Policy 33(2) of the HDPF states that proposal will be supported where they are designed in a way which does not amount to additional harm to neighbouring amenity.

The proposed first floor extension would be sited above the southern side of the eastern wing of the building. As above, the proposed would not include any additional ground floor area (save for the fire escape). Therefore, encroachment towards the neighbouring properties to the south would thus be limited. In addition, no windows are proposed to the first floor southern elevation, thus the proposal would not result in an adverse amenity impact by way of overlooking. Though the first floor extension would increase the height of the building in this location from c. 3m to 7.25m, the position of the building remains some 13.5m from the nearest neighbouring elevation (rear elevation of no. 163) in a northerly orientation- therefore, the addition would not result in any adverse impact by way of overshadowing. In terms of overbearing- the established vegetated boundary between the two properties would remain, thus overall outlook from the neighbouring perspective would remain largely unchanged.

With the above in mind, the proposed development is not considered to result in adverse amenity harm, in accordance with Policy 33(2) as above.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

In consultation with WSCC Highways, for the current application, the submitted plans appear not too dissimilar from the previously withdrawn application DC/23/0990. The proposed addition of eight bedrooms is not anticipated to give rise to a significant material intensification of use of the existing access points. In addition, the existing car parking provision of 25 parking spaces is considered suitable to serve the proposed use, the Local Highways Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. For these reasons, the proposed development is considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.

The water neutrality strategy for Aspen Place, Horsham, has been documented to ensure that the proposed development does not increase water consumption beyond current levels, thereby protecting the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar sites. The proposal involves the addition of 8 new bedrooms to an existing nursing home, currently comprising 52 bedrooms.

Evaluation of the Water Statement dated 18.04.2024 states the existing setup of the building's water supply is directly fed from the mains without storage, except for vented hot water cylinders. The existing setup includes a commercial kitchen and laundry, which will not be expanded. The water consumption data shows current water use averages 110.67 litres/bed space/day, totalling 5,755 litres/day for 52 bed spaces. This figure is based on Building Regulations Part G, which is deemed suitable for the residential nature of the nursing home. The additional demand for the proposed expansion states that the addition of 8 bedrooms, mostly ensuite, increases the demand by 729 litres/day, based on enhanced efficiency figures for water fittings (e.g., 4/2.6 litres for dual flush WCs, 8 litres/min for showers).

Water reduction measures proposes retrofit strategy to offset the additional demand, the existing water fittings will be retrofitted with flow restrictors. This includes reducing flow rates for showers, basin taps, and kitchen taps. Water budget adjustments suggests these measures reduce the current per bed space consumption to 96.00 litres/day for existing spaces and 89.57 litres/day for additional spaces, resulting in a total projected daily demand of 5,709 litres/day, which is below the current usage of 5,755 litres/day.

The proposed water neutrality strategy effectively balances the additional demand from the new bedrooms by implementing water-saving measures across the existing and new facilities. The retrofit plan and the enhanced efficiency of new fittings ensure that the total water consumption will not exceed current levels.

Overall, it is considered that the nature and scale of the proposed development would not result in a more intensive occupation/use of the dwelling/site necessitating a significant increased consumption of water (in comparison to the extant permissions) that would result in a significant impact on the Arun

Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

In conclusion, the proposed development has been carefully assessed against the relevant policies of the Horsham District Planning Framework (HDPF) and the National Planning Policy Framework (NPPF). The principle of the development aligns with policy objectives to support the provision of specialized care facilities, particularly in accessible locations. The design and scale of the proposed extension have been deemed appropriate, ensuring that the character and appearance of the surrounding area remain unaffected.

The proposed development has also addressed concerns related to trees and landscaping, with acceptable measures put in place to protect significant natural features. Additionally, the assessment of highway impacts has confirmed that the existing access and parking arrangements are sufficient, with no anticipated adverse effects on highway safety.

Importantly, the proposal has successfully demonstrated water neutrality, ensuring that the development will not contribute to increased water consumption within the Sussex North Water Supply Zone. This is crucial in protecting the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar sites.

Overall, the proposed development complies with the relevant planning policies and considerations, and it is recommended that planning permission be granted subject to the conditions outlined in this report.

Recommendation: Application Permitted

Conditions:

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 demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention within the Arboricultural Report dated 31.07.2024, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

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-occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement received 18.04.2024. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in the imposition of the following conditions: accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

5 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The occupation of the extension hereby permitted shall be restricted to a use falling within the Use Class C2 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure the creation of a development with the appropriate parking and spatial standards in accordance with the provisions of Policies 33 and 41 of the Horsham District Planning Framework.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0631

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan		8468/7	18.04.2024
Location plan		8468/1 REV A	18.04.2024
Roof plan	Proposed	8468/6 REV A	18.04.2024
Section plan	Proposed	8468/5 REV E	18.04.2024
Elevation plan	Proposed	8468/4 REV A	18.04.2024
Floor plan	Proposed Ground	8468/3 REV B	18.04.2024

Floor plan	Proposed First	8468/2 REV C	18.04.2024
Supporting Statement	Planning	8468	18.04.2024
Supporting Statement	Water Neutrality	2245/IWA/REPORT/PJE	18.04.2024
Elevation plan	Existing	8095/63 REV F	25.04.2024
Floor plan	Existing First and Second	8095/FFAB2 REV A	25.04.2024
Floor plan	Existing Ground	8095/GFAB1 REV A	25.04.2024
Supporting Statement	Arboricultural Report	AR/148224	31.07.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 02.09.2024

Authorising Officer sign/initial RHERMITAGE Date: 16.09.2024