Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1075
Unit D, Foundry Close, Horsham, West Sussex, RH13 5TX

DESCRIPTION:

Variation of Condition 4 of previously approved application HU/340/02 (Change of use from car repair workshop to laundry. Site: Unit D Foundry Close Horsham), (as amended by DC/23/1297) Relating to revised parking layout.

RELEVANT PLANNING HISTORY:

DC/23/1297	Variation of Condition 8 of previously approved application HU/340/02 (Change of use from car repair workshop to laundry. Site: Unit D Foundry Close Horsham) Relating to revised operating hours.	Application Permitted on 22.07.2024

SITE AND SURROUNDS

The application site is within a Built-up area boundary and pertains to a 2 storey building within an existing industrial estate, which includes offices, commercial laundry facilities and a delivery area. There are further commercial premises in the locality to the east, west and south with residential properties to the rear of the site to the north.

DETAILED DESCRIPTION

The application seeks permission to vary the amended parking layout plan that was allowed under HU/340/02. The new parking layout still includes 9 spaces with 2 bays being moved westwards and two to the side boundary.

Condition 4 attached to the permission required the following:

The layout of the proposed development shall provide for car parking spaces for vehicles to a standard of 9 spaces in accordance with plans to be approved by the Local Planning Authority.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development

Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

Neighbourhood Plan:
Horsham Blueprint Business Neighbourhood Plan 2019-2036
Policy HB9 – Protecting Existing and Encouraging New Commercial Premises and Land

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: Standing Advice

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

HDC Environmental Health: *Environmental Health do not object to the granting of planning permission, but do however have the following comments to make.*

1. *The applicant should contact the Environment Agency (EA) to see if a Groundwater Investigation Consent (GIC) is required for the borehole.*
2. *Given the close proximity of residential dwellings to the application, hours of work for the construction of the borehole should be controlled through a planning condition.*
3. *Should the applicant look to achieve water neutrality through an on-site borehole for a future planning application on this site then given the complexities of achieving WN through a borehole we would strongly recommend that the developer engages with Environmental Health at an early stage.*

WSCC Highways: No Objection

'The application seeks removal of condition 4 of previously approved application HU/340/02 which previously changed the permitted use from Car Repair Workshop to Laundry. The proposal now seeks to reconfigure the layout of the existing car park, to facilitate a borehole where currently parking space no.2 exists.

The revised plans show that 9 spaces will be provided, as is the current parking provision and as stipulated within the original condition.

The parking layout differs slightly from the existing arrangement however would not be anticipated to see a material change in vehicle movements, nor manoeuvres required to exit/enter the site. There appears sufficient space to accommodate the parking provision as proposed without restricting access for other users and without encroaching on the publicly maintained highway.

The Local Highway 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, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.'

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

Principle of Development:

The site is located within an identified Key Employment Area (KEA) as designated within the HDPF. Policy 7 of the HDPF states that sustainable employment development in Horsham will be achieved by (2) the redevelopment, regeneration, intensification, and smart growth of existing employment sites, and (5) the retention of KEAs. Policy 9 of the HDPF requires that redevelopment in the Key Employment Areas must not result in the overall loss of employment floorspace.

The proposal would not result in loss to employment floorspace in accordance with the above policy, but would rather allow the alteration of the parking on site. The proposal would not be contrary to the viability of the laundry business in this location. Overall, there are no objections to the principle of the development.

Design and Appearance:

Policies 25, 32 and 33 of the HDPF promote development which is of high quality design, and is sympathetic to the distinctiveness of the building and surroundings. Development should protect, conserve and enhance the landscape character, taking account of the natural environment, landscape and landform pattern to which it forms a part.

The external amendments to the parking layout would be modest. The proposal would retain the area as parking, with the change to the layout not considered to result in harm to the character and visual amenity of the site and wider surroundings.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33(2) of the HDPF continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

There is a mixture of uses in the surrounding area including commercial, industrial and residential. The nearest residential properties are to the north. The parking provision would be altered within the site boundaries and no amenity impacts are expected.

Highways Impacts:

Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.

The alteration of the parking arrangement would not result in harm in terms of public safety, visibility or access. No concerns have been raised by WSCC Highways in respect of the proposed layout alteration.

Water Neutrality and Environmental Health:

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 seeks to alter the parking arrangement to the front of the site. All reference to a borehole have been removed and this application purely seeks to amend the layout of the parking by amending the approved plan. Planning permission will be required for the engineering works of a borehole and plant room associated with it- as well as a potential abstraction licence from the Environment Agency. As such, the application has been screened out for assessment from Natural England.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has not submitted a Biodiversity Metric given that the scale of development affected by the proposed development would impact on less than 25sqm of habitat. As such, the application would be exempt from Biodiversity net gain requirements.

Other Matters:

An application under DC/23/1297 was approved to vary condition 8 of previously approved application HU/340/02 which related to revised operating hours. The current application seeks to retain these new hours of operation, without repeating the previous officer's report. As such conditions relevant to this previous proposal have been incorporated in the current application.

Conclusions:

It has been demonstrated that the proposed variation of condition 4 would sufficiently secure adequate amenity protection and parking provision and would not result in additional water abstraction from within the Sussex North Water Supply Zone.

Recommendation: Application Permitted

Conditions:

2 **Pre-Occupation Condition:** The premises shall not operate between 1300-1800 on Saturdays until details of the acoustic fencing, as set out within the 'BS4142:2014+A1:2019 Assessment' dated 26.06.2023 under the planning permission DC/23/1297 have been submitted to and approved in writing by the Local Planning Authority. The details shall include the siting, height, and construction of the acoustic fence, and shall thereafter remain in place in accordance with the agreed details prior to the commencing of the permitted operation hours of 1300-1800 on Saturdays.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used for commercial laundry purposes and for no other purposes whatsoever, (including those falling within Class E as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to its location to neighbouring dwellings under Policy 33(2) of the Horsham District Planning Framework (2015).

4 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of:

0630 – 2000 Monday to Friday
0700 – 1800 Saturdays
1200 – 1500 Bank Holidays
And no work undertaken on Sundays

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

5 **Regulatory Condition**: No raw materials, finished or unfinished products or parts, crates, packing materials or waster shall be stacked or stored on the site except within the buildings or storage areas at any time, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition:** No burning of waste or waste materials shall take place on the site at any time.

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

7 **Regulatory Condition**: No additional 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 adjoining neighbouring properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: The layout of the proposed development shall provide for car parking spaces for a minimum of 9 vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of the highway.

NOTE TO APPLICANT

This application does not approve the installation of a borehole or any borehole plantroom. Should the applicant look to achieve water neutrality through an on-site borehole for a future planning application, then given the complexities of achieving WN through a borehole, it is strongly recommended that the developer engages with Environmental Health at an early stage. Planning permission will also be required.

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/24/1075

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan	Proposed Parking Layout	NONE	12.07.2024
Location plan	Location Plan	NONE	12.07.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 18/09/2024

Authorising Officer sign/initial Tamara Dale Date: 19/09/2024