Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0757
Rowan , Two Mile Ash, Horsham, West Sussex, RH13 0LA

SITE LOCATION & DESCRIPTION:

Rowan is a residential property, located north west of Southwater within a small group of houses. The property and the swimming pool are accessible from Two Mile Ash Road. The application site is located outside of the built-up area boundary and is therefore within the countryside in policy terms.

Set within the site, assessable via a driveway is the swimming pool building. The building is accessible from the driveway area.

The application seeks the change of use of an existing external swimming pool building, including associated changing facilities, to allow private swimming lessons. An existing area of grass to the north of the building would be used for parking and circulation in conjunction with the private swimming lessons.

The supporting statement advises that swimming lessons would be undertaken between Monday, Tuesday, Thursday, and Friday from 9:45 AM to 12:15PM. It also proposes that there will be seven customers per class with two teachers on site, with each class lasting 30 minutes. There would be a total of 5 classes per day.

RELEVANT PLANNING HISTORY:

DC/22/2316	Installation of 22no ground mounted solar panels.	Application Permitted on 23.02.2023
DC/23/1295	Reduction of existing roof overhang to the front elevation at ground floor. Installation of a flat roof canopy to main entrance and window alteration.	Application Permitted on 30.08.2023

RELEVANT PLANNINGOLICIES

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 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 43 - Community Facilities, Leisure and Recreation

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Southwater Neighbourhood Plan:
SNP16- Design

Southwater Parish Design Statement:

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:

INTERNAL CONSULTATIONS

HDC Environmental Health: 22/07/2024

It is noted that hours-of-operation for the commercial enterprise have now been detailed and that these form the basis of the applicant's noise management plan. Additional relevant matters that would normally be expected to be included in the noise management plan have been proposed below. These should be secured by condition, should the application be permitted.

1) The premises is to be open to patrons for commercial swimming lessons only on Mondays and Tuesdays 09:30am to 12:30pm; and on Thursdays and Fridays 09:30am to 12:30pm.
2) Classes are to be limited to 7 (SEVEN) STUDENTS per session plus teaching staff.
3) Actions will be taken by staff as necessary to control spectators attending the swimming lessons from causing disturbance, such as correcting excessive shouting.
4) All external opening door and windows serving the swimming pool building are to remain closed during the undertaking of swimming classes, except for immediate ingress and egress.
5) No amplified music or speech are to be used in the undertaking of the swimming classes.

6) No additional external mechanical plant is to be installed at the premises without the express written permission of the Planning Authority.

In addition, note that water neutrality requirements are not proposed to be met with a rainwater harvesting scheme or an onsite borehole. Should this change and a private water supply is proposed then we would ask that we are reconsulted.

HCD Environmental Health: 03/06/2024

The application site is located in a primarily rural area northwest of Southwater, with the premises itself bordered to the north and south by domestic properties.

Neither the supporting information or the application form indicates the proposed hours of use of the pool for commercial purposes, and this will need to be clarified before the proposal can be considered further.

Additionally, the impact on the premises' ability to meet water neutrality requirements – that increased operation of the pool in commercial use would expect – will need to assessed and mitigation measures identified by the applicant before the proposal can be considered further.

Given the close proximity of domestic properties to the application site, this Service holds concerns for the potential of noise disturbance to negatively impact the neighbouring dwelling. However, there is no fundamental reason such disturbance cannot be controlled through reasonable measures and therefore invite the applicant to submit a noise management plan, with a view to secure ongoing adherence to the principles it outlines for the lifetime of the development through Condition, should the application be permitted.

OUTSIDE AGENCIES

WSCC Highways: 17/07/2024

WSCC in its role as Local Highway Authority (LHA) previously provided comment on this application, dated 11/06/2024, requesting more details regarding number of classes, expected number of staff/visitors and parking arrangements. The applicant has provided the requested information and as such, the LHA can provide the following updated comments:

The pool will host five classes per day, four days per week, hosting seven customers per class and two teachers. This amounts to approximately 35 people visiting the site between 09:45am – 12:15pm on class days. The LHA is satisfied that the number of vehicular movements associated with the proposed use can be accommodated into the local highway network without adverse impact.

The site will utilise the existing vehicular access point on Two Mile Ash Road, with no alterations proposed to this arrangement. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing access point. In addition, I have inspected accident data provided to WSCC by Sussex Police from a period of the last five years, and this reveals that there have been no recorded injury accidents within the vicinity of the site.

Therefore, there is no evidence to suggest the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern.

Vehicular parking will be accommodated to the rear of the site within existing paddock. The Supporting Statement states that at least 16 cars can be accommodated within this paddock, and the LHA are satisfied that this will meet the needs of the swimming pool. Onsite turning appears achievable, allowing cars to exit in a forward gear.

In summary, 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 115), and that there are no transport grounds to resist the proposal.

WSCC Highways: 11/06/2024

The site is located on Two Mile Ash Road, a C-classified road subject to a speed restriction of 40 mph in this location.

Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) requests more information from the applicant, subject to the following comments.

Note that the applicant intends to use the swimming pool for classes. Can the applicant provide details of the following:

- Proposed number of classes per week, including operating times.
- The number of expected staff and visitors per class.
- Proposed vehicular parking arrangements. How many parking spaces can be accommodated off-street?

Natural England: Comment

We note that despite this proposal's potential to impact the Arun Valley designated sites via increased abstraction no wate neutrality statement and/or budget have been provided. Without these documents there is insufficient information to determine whether the effects on the sites can be rules out. Once provided these should be considered, along with any necessary mitigation measures, by the competent authority at the appropriate assessment that's of the HRA. We concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites cannot be ruled out, as such:

Further information is required to determine the significance of impact ion designated sites and the scope for mitigation, chiefly:

Provide clearer evidence for water reduction measures as dictated in the HRA/AA.

Southern Water: 08/07/2024

Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer in the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

The application contains a proposal for a swimming pool for commercial/public use. If the pool produces filter backwash water this would need to be discharged to the public foul sewer. The rate and times of discharge of this water to the sewer and of the contents of the pool if these need to be drained to the sewer, would have to be agreed with Southern Water.

Trade effluent is any liquid waste (effluent) discharged into our sewers from a business or industrial process. This includes any wastewater derived from a production process or from washing down or cooling activities including wastes from public funded activities such as municipal landfills. This can be best described as anything other than domestic sewage (toilet, bath or sink waste) or uncontaminated surface water and roof drainage (rainwater) southernwater.co.uk/retail/trade-effluent-retailer.

Should the Local Planning Authority be minded to grant planning permission for this development, request that the following condition is attached to the consent: The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.

Southern Water: 24/06/2024

Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer in the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

The application contains a proposal for a swimming pool for commercial/public use. If the pool produces filter backwash water this would need to be discharged to the public foul sewer. The rate and times of discharge of this water to the sewer and of the contents of the pool if these need to be drained to the sewer, would have to be agreed with Southern Water.

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Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.

Parish Comments: Objection

16/07/2024

Probable Increased water use – no water neutrality statement. Possible loss of protected species. WSCC Highways comment from 11 June asks for details which have been supplied by applicant but not yet reviewed by Highways. Whilst the applicant appears to have addressed the concerns previously submitted by SWPC, they mention ensuring allocated times of arrival. In that instance if someone is early that would mean they would be waiting on the public highway on a bend. Single track approach and departure could possibly mean the access road is blocked and cars would need to reverse out on to the public highway. No time between lessons for changing and showering - One shower with seven children will take time to process, which would delay departure – creating traffic congestion.

Add to the objection that SPC object on the same grounds as previously submitted, as below.
i.e. Objections due to increased air and noise pollution, intensification of commercial use within a residential area, insufficient parking for the proposed change of use.

Southwater Parish Council: 07/06/2024

Strong objection due to insufficient information being provided in relation to the business to be operated to constitute commercial use. No established times and hours of use provided. Lack of trave plan in submission. Objections due to increased air and noise pollution, intensification of commercial use within a residential area, insufficient parking for the proposed change of use. Concerns over why this application was validated by the LPA.

Representations:

In total **nineteen (19)** letters have been received. Three of these did not provide an address.

Thirteen (13) letters have been received objecting to the application on the below grounds:

- Detrimental to the character of the neighbourhood.
- Traffic, access and highway safety.
- Loss of amenity.
- Privacy Light and Noise.
- Odour.
- Pollution.
- Other swimming lessons are available in the area.
- The turnaround time proposed for parking and lessons would not be possible.
- Parents have been excluded from the calculations in regard to number of people at the site.

- Potential detrimental impact on ecology through the development of the paddock area, particularly for great crested newts.
- Inadequate provision of facilities within the pool.

Two (2) letters have been received neither supporting nor objecting to the application and raising the following:

- Use of the paddock in wet conditions.
- Sufficiency of facility provision.
- Query about the waiting processes for those dropping children off.
- Parents have been excluded from the calculations in regard to number of people at the site.
- Highway safety concerns.
- Highway Authority do not seem to have visited the site.
- There have been two significant car accidents nearby.

Four (4) letters have been received supporting the application. Only one provided an address. The following was raised in these letters:

- A new pool would help meet the demand for swimming lessons in the area.
- The pool would be a community asset and allow children to learn an important skill.

Member Comments:

Were the application to be recommended for approval a Councillor has requested that the application be decided by the Planning Committee.

Queries have also been raised by a Councillor in relation to the water neutrality statement.

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 application relates to an existing swimming pool, which comprises an external facility of limited size and depth. The proposal would not result in any change to the external appearance of the building.

The application site is outside of the defined built-up area boundary where the countryside protection policies of the HDPF apply. Policy 26 of the HDPF states that outside built-up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and fulfil one of a number of criteria. Development should not lead to a significant increase in the overall level of activity in the countryside and should protect the characteristics of the landscape in which it is located.

Policy 10 Rural Economic Development of the HDPF states that sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle.

It is acknowledged that the proposal would result in a greater level of activity within the site than currently established. It is however noted that there a similar commercial swimming pools located within the countryside, where this is not considered to be unusual. The proposal would provide an additional recreational facility and would provide economic benefits to the rural area. On the balance of these considerations, it is therefore considered that the proposal would be acceptable in principle, subject to all other material considerations.

Impact on Highways

The applicants have provided information to demonstrate that access and travel management have been considered. The supporting statement states that "Parking will be done off-site to ensure smooth and safe access for both residents and customers." This would need to be altered were the application considered supportable.

The Local Highway Authority LHA is satisfied that the number of vehicular movements associated with the proposed use can be accommodated into the local highway network without adverse impact. They have also confirmed that there is no evidence to suggest the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern.

While the LHA is satisfied that the site could accommodate the required parking the LPA require further assurance in the way onsite parking would be managed. Were the application supportable a management plan would be requested and secured by condition. This management plan would need to justify the calculations in the current supporting statement, as the Local Planning Authority has concerns about the accuracy of these.

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.

Policy SNP16 of the Southwater Neighbourhood Plan states that all development must be of a high quality design, which means, among others, facing buildings with locally sourced materials or materials equivalent to those historically found; encouraging a variety of complementary vernaculars to encourage contextually appropriate design and diversity in building stock; and making sure the design of new development actively responds to other properties in the vicinity.

The proposal does not include alterations to the existing built form. It is however noted that the proposal seeks the addition of surfacing to the paddock for car parking. This would result in the encroachment of the countryside and would result in the formalisation of the countryside setting. The proposed hardsurfacing would be located outside of the residential curtilage of the subject dwelling and would detract from the informal character of the landscape. Whilst it is recognised that the paddock boundaries are enclosed by trees which would limit the visibility of the hardsurfacing from the wider surroundings, the proposed hardsurfacing is considered to be out of character, which would be further exacerbated by the vehicles parked on the site. For this reason, the proposed hardsurfacing is considered to result in the formalisation of the countryside setting which would detract from the informal character and ambience of the countryside location, contrary to Policies 25, 26, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:
Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

Policy SNP16 of the Southwater Neighbourhood Development Plan states that new development should ensure that no unacceptable impacts on residential amenity occur.

The pool building and the access to the parking field and pool run alongside the boundary with Westlands. The parking would run along the rear of Rowan, Westlands and Sunnyside.

Following the submission of additional information, which includes the submission of details regarding the control of noise, the Environmental Health Officer has raised no concerns with potential noise impact. It is recognised that the proposal has the potential to increase activity and associated noise and disturbance within the immediate setting, however it is recognised that the proposal would only operate during day-time hours, with limitations on the number of users. Subject to the imposition of relevant conditions, it is not considered that the proposal would result in harm to the amenities and sensitivities of neighbouring properties through significant noise and disturbance. The proposal would therefore accord with the above policies.

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 is considered by the Local Planning Authority to have an increased demand on water use. The submitted Water Neutrality Statement does not confirm how the water usage would be offset. As such the Local Planning Authority do not deem sufficient evidence to prove the proposal is water neutral has been submitted.

An Appropriate Assessment has been undertaken, where it has been concluded that the proposal would not be able to demonstrate water neutrality. The proposal would therefore have a significant impact on the Arun Valley SAC, SPA and Ramsar sites. The grant of planning permission would therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 185 and 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Ecology and Biodiversity Net Gain

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.

A metric showing the required net gain has not been provided. Were the application supportable this would be requested.

Policy 31 of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive

contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

The Applicant has provided no ecology information and it has not therefore been demonstrated that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015). This is particularly pertinent given the site is within a red great crested newt zone and three ponds are present within 60m of the site boundary.

Other Matters:

Objections have raised concerns about the facilities within the site. The management of showers and other facilities within the building and their use would need to be controlled by the applicant, not the Local Planning Authority.

Conclusions:

Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

In addition, insufficient information has been provided to demonstrate that the proposal would not have a detrimental impact on protected species or their habitats, contrary to Policy 31 of the Horsham District Planning Framework (2015).

Recommendation: Application Refused

Reason(s) for Refusal:

1 The proposed hardsurfacing would result in the formalisation of the countryside setting and would detract from the informal character and ambience of the countryside location, contrary to Policies 25, 26, 32, and 33 of the Horsham District Planning Framework (2015).

2 Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015),

3 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

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/24/0757

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan			22.05.2024
Floor plan			23.06.2023
Supporting Statement	Water Neutrality Statement		23.06.2024
Location plan		NONE	30.06.2024
Location plan		NONE	15.05.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 01/08/2024

Authorising Officer sign/initial Tamara Dale Date: 12/08/2024