DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0126
The Rising Sun, 41 Pondtail Road, Horsham, West Sussex, RH12 5HP

DESCRIPTION:
Erection of a single storey detached garden building.

RELEVANT PLANNING HISTORY:

DC/22/1994	Erection of a first-floor rear extension.	Application 05.05.2023	Permitted on
DC/19/1711	Erection of a two-storey rear extension, amend front roof and window detail and installation of external lighting	Application 07.01.2020	Permitted on
DC/17/1704	Change of use from Public House (Class A4) to Children's Day Nursery (Class D1); Single storey and first floor rear extensions; changes to elevations including addition of 2x front and 1x rear dormer windows; car and cycle parking; siting of external plant on rear elevation; and surfacing of garden area	Application 13.04.2018	Refused on

SITE AND SURROUNDS
The application site is located on the eastern side of Pondtail Road. The site contains a former Public House (The Rising Sun) which ceased trading in 2017 and since 2019 has been converted and is used as a children's day nursery over two floors with an external play area to the rear and sides.

The main building is two-storeys. To the south of the building is a tarmacked car park with a single access point. There are a few trees along the perimeters of the site to the sides and rear. The railway line runs parallel to the rear of the site.

DETAILED DESCRIPTION
Planning permission is sought to erect a single storey detached garden building. The garden building would be 3.68m wide, 3.72m long, and have a max. height of 2.75m. The materials would be Cedral boarded cladding and powder coated aluminium. The detached timber framed garden room would be for amenity use within the rear area.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
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

Policy 43 - Community Facilities, Leisure and Recreation

Neighbourhood Plan:
North Horsham has not been designated as a Neighbourhood Plan area.

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: No objections but advise that before permission is granted, the applicant must submit a plan detailing any proposed external plant (i.e., air conditioning units) and/or external lighting, etc. to the single storey detached garden building.

OUTSIDE AGENCIES
Network Rail: No Objection.

Parish Comments:
None received.

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 application proposes the erection of an outbuilding within the existing outdoor playspace associated with the lawful use of the site as a children's day nursery. The proposal would directly relate and support the existing use of the site, with the key issues relating to design, impact on neighbouring amenity and water neutrality.

Design and Appearance:

Policies 32, and 33 of the HDPF promote development that protects, conserves, and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

The proposed garden building would be of small scale and sit below the ridge height of the existing buildings. The building would be 3.68m wide, 3.72m long, and have a max. height of 2.75m. The roof would be covered in single ply membrane (grey) and cement, with grey Cedral boarding on the elevations. The proposal is at the rear of the application site and would therefore be largely hidden from public vantage points. The building is considered a clearly subservient addition to the site which is of a design, form and scale appropriate to the character and appearance of the existing building and area. The visual impact is therefore considered acceptable and in accordance with the above policies.

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.

It is considered that the scale and siting of the outbuilding would be sufficient to ensure no unacceptable harm to neighbouring amenity.

The outbuilding would not represent a material change of use of the site with hours of use restricted (by DC/17/1704) to between the hours of 07:30 and 18:30. The outbuilding would not facilitate an increase in the capacity of the nursery and would supplement rather than intensify use of the outdoor space. It is not therefore considered that the outbuilding would result in significant potential for unacceptable levels of noise or disturbance. For the same reasons the proposal would be expected to have a neutral impact on the demand for travel to and from the site, and on-site parking requirements.

The comments of the Council's Environmental Health Team is noted re: the installation of external plant / machinery. The submitted plans do not though indicate any such equipment being installed and no further details are therefore needed as part of this application.

For the reasons set out, it is considered that the amenity impacts of the proposal are acceptable and would accord with the above policy.

Water Neutrality

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site necessitating an increased consumption of water 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 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

Network Rail were consulted as the application site sits parallel to the railway line. There were no comments on the proposal from Network Rail with the scale and nature of the development such that no impacts on adjoining railway land would be envisaged.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

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

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).

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/24/0126

(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
Location & Block plan	Elevations and floor, as proposed	1140.30	23.01.2024
Design & Access Statement	Planning	NONE	23.01.2024
Application Form		NONE	23.01.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 08.03.2024

Authorising Officer sign/initial Guy Everest Date: 18.03.2024