Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0840
Stane Street Nurseries, Coughtrey Butchers, Stane Street, Codmore Hill, West Sussex, RH20 1BQ

DESCRIPTION:
Variation of Condition 1 and 9 of previously approved application DC/23/1588 (Replacement workshop building) Relating to the elevations to change roof window layout and add solar panels. Structural retaining wall to be face block work. Use to be changed to Retail Warehouse.

RELEVANT PLANNING HISTORY:

DC/23/1588	Replacement workshop building.	Application Permitted on 13.11.2023

SITE AND SURROUNDS

The application building is a single storey building located on the eastern side of Stane Street. The building is located within the commercial complex known as Stane Street Nursery. Stane Street Nursery sits on the east side of the A29 within Codmore Hill, an adjunct to the settlement of Pulborough. The site slopes with land falling away to the east towards the railway line. The property is accessed via shared driveway with other commercial properties and a residential property. The building has parking on the eastern side. The current building has timber cladding to its elevations and a corrugated iron roof. To the east of the building is a lean-to extension

DETAILED DESCRIPTION

Section 73 consent is sought for the variation of condition 1 and 9 of previously approved application DC/23/1588 (Replacement workshop building) relating to the elevations to change roof window layout and add solar panels. Structural retaining wall to be face block work. Use to be changed to Retail Warehouse.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 11 - Tourism and Cultural Facilities
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 37 - Sustainable Construction

Policy 43 - Community Facilities, Leisure and Recreation

Neighbourhood Plan:
Pulborough Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

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:

HDC Environmental Health: No Objection - The premises is currently operated as a motorcycle repair shop and therefore a change to general warehousing can be considered to offer an overall reduction in the noise environment.

The siting of the solar panels is unlikely to cause a glare issue to surrounding residents, despite there being minimal information submitted in support. However, while outside the scope of this specific consultation, the Applicant is advised that if the solar installation includes the siting of externally located transformers or substations, then these plant features will require further consideration to ensure local amenity is not impacted.

With the understanding that no other variations of conditions are sought beyond Conditions 1 and 9 of permitted DC/23/0840, then this Service has no objection to the Application.

WSCC Highways: No Objection - 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.

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, and subject to relevant pre-commencement conditions identified in the appropriate assessment being put in place, to achieve water neutrality.

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 proposed development involves the change of use from a motorcycle workshop to a retail warehouse. The site is located within the commercial complex of Stane Street Nursery, situated on the eastern side of the A29 in Codmore Hill. The surrounding area includes a mix of commercial and residential properties, indicating that the site is already integrated within a developed environment.

Policy 1 of the HDPF supports sustainable development that contributes to the economic, social, and environmental well-being of the district. The proposed change of use to a retail warehouse is in line with Policy 7 (Economic Growth) and Policy 9 (Employment Development), as it promotes economic activity and supports local businesses, especially considering the applicant's existing ties to the community through the ownership of nearby local shops.

Moreover, the site is not located within a designated retail centre, but the development is considered acceptable under Policy 12, which supports the vitality and viability of retail developments. The change of use is also compatible with Policies 24 and 26, as it does not negatively impact the local environment or countryside. The installation of solar panels further aligns with Policy 37, which encourages sustainable construction methods.

The acceptability of changing the use of the building from a motorcycle workshop to a retail warehouse must be evaluated in terms of its potential impact on the surrounding area, including noise, disturbance, and economic viability.

The applicant argues that retaining the motorcycle workshop use is not economically viable. Given the substantial investment required for the replacement of the building with a modern, energy-efficient structure, restricting its use to a motorcycle business would not yield sufficient economic returns. In contrast, a retail warehouse aligns with the applicant's existing commercial interests in the area and is likely to provide a more sustainable source of revenue.

In conclusion, the proposed change of use from a motorcycle workshop to a retail warehouse is considered acceptable in principle and compatible with local planning policies. It is expected to enhance the economic viability of the site, reduce potential disturbances, and contribute to the sustainable development of the area.

Character 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.

This application is a variation of condition 1 and 9 of planning permission of previously approved application DC/23/1588 (Replacement workshop building). relating to the elevations to change roof window layout and add solar panels. Structural retaining wall to be face block work. Use to be changed to Retail Warehouse.

The changes proposed are as follows:

- The elevations to change roof window layout - number of roof lights were reduced from eight in number on the Southeast roof elevation to 6 to allow lateral diagonal bracing to be installed into the roof structure.
- Installation of solar panels to be located to the southeast, 22 panels proposed.
- Structural retaining wall to be face block work - The retaining wall which has been engineer designed requires reinforced steel block wall which will be face pointed as opposed to face brickwork as originally detailed.

The proposals have been reviewed and the overall changes would reflect the siting and layout of the design, form and scale considered to be in keeping with the approved design with what is considered small scale alterations, which would not detract from the approved plans in so far as to impact the neighbouring properties. The development would be appropriately contained within existing site boundaries and would not result in any harmful loss of openness or create a detrimental appearance to the locality. The visual impact of the proposal is therefore acceptable and in accordance with the above policies.

The installation of solar panels as part of the redevelopment demonstrates the applicant's commitment to sustainable development, in line with Policy 37 of the HDPF. The inclusion of these features will help reduce the environmental impact of the development and enhance the overall sustainability of the site. For these reasons, it is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Amenity Impacts:

Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The existing motorcycle workshop has the potential to create noise and disturbance, particularly from the movement of motorcycles and gatherings of enthusiasts. The applicant has raised concerns that the continuation of this use could result in social nuisances, which would negatively affect nearby residents and shop users. Changing the use to a retail warehouse is anticipated to reduce such disturbances, as confirmed by the consultation response from HDC Environmental Health, which stated that the change would likely reduce overall noise levels.

The site is part of an established commercial complex, and the proposed retail warehouse use is consistent with the surrounding commercial nature of the area. The change is unlikely to significantly alter the character of the site or its relationship with neighbouring properties. Moreover, the Parish Council and other statutory consultees have raised no objections to the change of use, reinforcing the acceptability of the proposal. It is noted that no letters of representation have been received for this application.

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 report was prepared to assess water neutrality for converting an existing workshop into a new open-plan workshop/office. The report follows a three-step approach: reducing water demand, reusing water, and offsetting any remaining demand.

Existing Water Use: The current site has two employees and uses 23 litres of water per day.

Proposed Water Use: Since the same number of employees and fittings will be maintained, the water use remains the same at 23 litres/day, making the site water-neutral by default.

Water Saving Measures: To enhance water efficiency, a rainwater harvesting system will be installed to supply the toilet, reducing water use to 14 litres/day, a 9-liter/day reduction compared to the existing setup.

As such, the development achieves water neutrality and even improves water efficiency by implementing rainwater harvesting.

Conclusion

In conclusion, the proposed change of use from a motorcycle workshop to a retail warehouse at Stane Street Nursery is supported by relevant local planning policies and is considered acceptable in principle. The development aligns with Policy 1 of the HDPF, promoting sustainable economic growth while contributing positively to the social and environmental well-being of the district. The applicant's existing ties to the community and the anticipated economic benefits of the retail warehouse strengthen the case for this change.

The alterations to the building, including the revised roof window layout, installation of solar panels, and the proposed structural retaining wall, are minor and in keeping with the established character of the site. The changes enhance the site's visual appeal and align with Policies 32 and 33, ensuring high-quality design that respects the locality. The incorporation of solar panels highlights the commitment to sustainability and environmental responsibility, as outlined in Policy 37.

The proposed development is expected to reduce noise and disturbances associated with the current workshop use, further supporting amenity considerations in accordance with Policy 33. The absence of objections from the Parish Council and other statutory consultees reinforces the proposal's acceptability.

Finally, the development successfully demonstrates water neutrality, adhering to the requirements set forth by Natural England. By implementing a rainwater harvesting system, the proposal not only achieves compliance but also improves water efficiency on-site.

Overall, the change of use to a retail warehouse represents a positive step toward enhancing the economic viability of the site while being sensitive to the surrounding environment and community needs.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted must be commenced by the 13.11.2026

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-commencement Condition**: Prior to the commencement of development an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 shall be submitted to

and approved in writing by the Local Planning Authority. All confirmed or suspected asbestos containing materials shall be removed from areas of the development which are to form private dwellings. A verification report prepared by a competent person which confirms all asbestos or suspected asbestos containing materials have been removed shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

4 **Pre-commencement (Slab Level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (Water Neutrality Statement received 03.06.2024) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days storage capacity.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), 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**: No 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 nearby residential properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

8 **Regulatory Condition**: The premises shall not be open for trade or business, and no vehicles, plant or machinery shall be operated and no process carried out and no deliveries taken or dispatched from the site except between the hours of:-
0900 hours and 1730 hours on Mondays to Fridays inclusive,
0900 hours and 1500 hours on Saturdays,
with no working on Sundays or Bank and Holidays.

Reason: In the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition**: The panels hereby permitted shall be retained in accordance with the approved details. In the event of the solar panels ceasing to be used, the panels shall be removed from the roof, and the roof made good, as soon as is reasonably practicable and be no later than six months after the cessation of the panels.

Reason: In the absence of demonstrable need, there is no justification for the retention of the panels and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **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 retail purposes only (Class E(a)) 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 (insert with reasons) under 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/24/0840

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality Report	NONE	03.06.2024
Elevation plan	Proposed	D 0723/661/09 REV A	03.06.2024
Supporting Statement	Cover letter	NONE	03.06.2024
Floor plan		D 0723/661/04	31.07.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 08.10.2024

Authorising Officer sign/initial RHERMITAGE Date: 11.10.2024