Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0821
Jasmine House, High Street, Henfield, West Sussex,

DESCRIPTION:
Permission is sought for a change of use to 4No. 1 bedroom flats, including external alterations and changes to internal layout, replacement of existing flat roof with hipped roof, replacement of two storey rear extension and the erection of a rear single-storey.

RELEVANT PLANNING HISTORY:

DC/24/0822	Change of use to 4No. 1 bedroom flats, including external alterations and changes to internal layout, replacement of existing flat roof with hipped roof, replacement of two storey rear extension and erection of rear single-storey extension (Listed Building Consent).	Permitted on 22.08.2024
DC/23/1799	Prior Notification for change of use of existing offices into 1no two-bedroom apartment.	Prior approval permitted on 16.11.2023.

SITE AND SURROUNDS

Jasmine House as existing contains a number of uses. At ground floor level the property is used as a café, flower shop and dwelling. The upper floors are described to be office use.

The site is within the built-up area of Henfield and the building, along with others in the terrace is a Grade II Listed building.

The site is also within an Archaeological Notification Area and Henfield Conservation Area.

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 10 - Rural Economic 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 30 - Protected Landscapes
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 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

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.

Henfield Neighbourhood Plan:
Policy 3.3: Henfield Village Retail Centre
Policy 8: Broadband Infrastructure
Policy 12: Design Standards for New Development

Parish Design Statement:
Henfield 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 Conservation: Comment
Jasmine House is part of a nineteenth century terrace reflecting a traditional arrangement of dwelling and shop together. The sober style is reflective of a building type that appears throughout the country at this time. The ubiquity of this type of terrace reflects the social and economic changes that continued through the nineteenth century and facilitated by the ease of travel and movement of goods and building products by rail. The terrace reinforces the character of Henfield as a historic village that expanded in the mid nineteenth century.

The proposal to alter and extend this property will not prevent an understanding or appreciation of the special interest of the listed building. The external changes are proportionate in scale and reinforce the architectural style of the terrace. The interior of the property has been altered in the past and lost some of its historic significance in terms of features and spatial arrangement. The proposed internal

alterations will not dilute the special interest of the listed building. I am happy consent can be granted. I have suggested conditions to ensure a successful project.

Economic Development: 29/07/2024: No Objection

Economic Development are concerned about any loss of commercial space, which would be contrary to our Economic Strategy. However, the applicant has submitted supporting evidence, showing that Flower Shop and Tea Room can continue to function without the preparation space, so we would not consider the move to residential (Rear Ground Floor First and Second Floors) to pose a threat to the vitality and viability of the local economy.

Therefore, Economic Development have no objection to this proposal.

Economic Development: 08/07/2024: Objection

Economic Development are concerned about the loss of commercial space, which would be contrary to our Economic Strategy. Whilst the two front shop units (on plan) remain, we have concerns about any changes that might result in the units becoming unviable without sufficient storage/preparation space in the future.

The applicant has not submitted any supporting evidence, showing the Flower Shop can continue to function without the preparation space and without this evidence, we cannot determine whether the change of use is justified in this regard.

Therefore, Economic Development objects to this proposal as it stands and request more Information.

HDC Environmental Health: Comment
Noise

1. We note that the ground floor of the premises is currently occupied by a tea shop and florist, both use class E. We understand however that businesses could operate from the ground floor under any of the 11 parts of Class E, without a change of use planning application being submitted, and with Class E covering a wide range of uses we have concerns regarding the potential conflict between future ground floor uses and the proposed residential accommodation above.

2. From reviewing the internal layout we note that the study on the second floor, which in our view is likely to used as a living space, is located above the bedroom on the first floor with the bedroom on the second floor located above the living space on the first floor. In our view this is a poor internal design acoustically and is likely to result in noise disturbance.

3. From undertaking a site visit as part of a previous planning application on this site it is also apparent that an air conditioning unit is located on the western façade of Jasmine House and is located in close proximity to the proposed window to bedroom 1. Given its close proximity and the tonal and intermittent nature of this noise source we are of the view that it has the potential to have an impact on the occupants of bedroom 1. Further information is therefore required from the applicant to demonstrate that the air conditioning unit will not have significant impact on residential amenity.

4. Finally, we also note that the kitchen to one of the units is located at the bottom of the stairs. Given the fire risk from the kitchen and the stairs being the only means of escape this may not be acceptable under building regulations. The LPA should seek further comment on this from the councils Building Control team.

Proposed Water Supply
1. We have reviewed the supporting information and we note that a rainwater harvesting system is proposed to supply potable water to the development.

2. Rainwater harvesting schemes can however be highly contaminated, to provide the LPA with sufficient confidence that the rainwater harvesting scheme will be maintained and managed for the lifetime of the development the application should be supported by a detailed private water supply

management and maintenance report. This report should be provided by a suitably competent and qualified consultant who specialises in private water supplies and include, but not necessarily be limited to, the following information:

Detail on the likely contaminants associated with the rainwater harvesting system, including contaminants associated with the components of the proposed system.

- Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along.

OUTSIDE AGENCIES

County Archaeology: No objection

The site is within an Archaeological Notification Area DWS8574- Medieval Burgage Plots, Henfield. The proposed extension has the potential to disturb archaeological remains of medieval and later date and so a programme of archaeological monitoring and recording during construction to be secured by a planning condition is advised.

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.

WSCC Highways: No objection

This application seeks the change of use to four one-bedroom flats with associated alteration and extension works. The site is located on High Street, an A-classified road subject to a speed restriction of 30 mph.

The LHA previously provided consultation advice for this site for application DC/23/1799, raising no highway safety concerns. The Local Planning Authority (LPA) permitted the application.

Southern Water: Comment

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

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.

Parish Comments:
No Objection - All Agreed. This committee has concerns about Water Neutrality for the application and a shortage of parking.

Representations:

1 (one) comment has been received supporting the application on the following grounds:

- The use of the storage room for the florists is not essential.

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 considerations material to this application relate to the location of the development, the character and appearance of the development, the impact on neighbouring amenity and the impact on the character and appearance of the conservation area and the setting of the listed building.

Principle of Development:

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically,

Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.

Policy 3.3 of the Henfield Neighbourhood Plan supports flats above retail premises. It confirms that proposals such as flats will be supported where they take account of the Henfield Conservation Area Management Plan, and have regard to:-

a. the character and appearance of adjacent buildings in terms of scale, materials, lighting and fenestration;
b. shop fronts respect the historic character of the street and use traditional materials;
c. shop signs are discreet and use traditional lettering.

The site is situated within the built-up area of Henfield. The proposal seeks permission for the conversion of existing office space, an existing dwelling and the storeroom for the florists to be converted to C3 dwellings. Extensions to the roof and rear of the property are also proposed.

The proposal complies with Policy 2 and 3 of the HDPF, with growth occurring within the built up boundary of Henfield. Furthermore, the proposal complies with policy 3.3 of the NP, no alterations are proposed to the shop front or signs, the design of the proposal will be assessed later in this report.

Generally, the loss of business/office space is resisted through the mechanism of economic and strategic policies in the HDPF. It is considered that in this instance, following the provision of additional information including from marketing agents, that sufficient justification for the loss has been provided. In addition, economic development has not raised concerns about the loss of office and storage space. Therefore, the loss of business space is considered to be acceptable. Furthermore, the proposal would help continue the use and maintenance of a listed building.

Design and Appearance:

Policy 28 of the HDPF seeks to ensure that outside the defined built-up areas, house extensions, replacement dwellings and ancillary accommodation will be supported if the development can be

accommodated appropriately within the curtilage of the existing dwelling. In addition, extensions should not be disproportionate to the size of the existing dwelling and should be in keeping with the scale and character of the existing dwelling. The policy states that the cumulative impact of existing extensions will also be taken into account.

Policies 32 and 33 of the HDPF seek 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 12 of the Henfield Neighbourhood Plan states that development proposals will be supported where their design and detailing meet the relevant requirements of the Henfield Parish Design Statement. In addition, the scale, massing, density, height, landscape design, and materials of development should be of a high quality and reflect the architectural and historic character and the scale of surrounding buildings and street scene.

Externally the proposal seeks to amend the existing two storey rear extension, extending it upwards and amending its roof. The existing single storey extension is proposed to be extended and a new roof added. A new dormer at roof level and revised fenestrations are also proposed. These external changes are proportionate in scale and reinforce the architectural style of the terrace. The proposal to alter and extend this property will not prevent an understanding or appreciation of the special interest of the listed building.

Details of the materials and additional detailed plans have been requested by condition. Other conditions will secure the design further. These conditions include the proposed external materials.

The proposal would not have a significantly detrimental impact on the character and appearance of the property or streetscene. The additional housing is also a benefit to the scheme, along with the benefits of using office space, which supporting evidence indicates is not in demand.

Heritage Impacts:

Paragraph 193 of the NPPF (2018) states that "when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)." Paragraph 194 continues to state that "any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or for of development within its setting), should require clear and convincing justification."

Policy 34 of the HDPF recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets.

The building is Grade II listed and falls within the Henfield Conservation Area. The proposed external alterations are modest, comprising the rear ground floor extension, first floor stairwell extension, replacement dormers and the positioning of refuse storage and rainwater tanks in the rear yard. The Council’s Conservation Officer has raised no objections to these works, and has not cited harm to the listed building or the conservation area, recommending conditions to secure appropriate detailing in the event permission is granted. The proposals therefore accord with Policy 34 and the requirements of the NPPF.

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 12 of the Henfield Neighbourhood Plan states that development should respect the amenities of occupiers/users of nearby property and land.

The site is located within an area predominantly characterised by ground floor retail units with residential units at first floor level. The proposal would extend the existing property to the rear, to accommodate two x one bedroom flats at ground floor level, whilst retaining the flower shop and café in addition to adding two x one bedroom flats within the first floor and roof space. A new dormer to the roofspace serving a habitable room and use of the existing dormer for a bedroom would be expected to cause some detriment to neighbouring amenity through overlooking and privacy. Whilst this might result in some overlooking to the future occupiers of the proposed ground floor flats, this would not be significant when considering the extension of the property at first floor level which would partially obscure the view of the garden amenities. Additionally, it is noted that some degree of overlooking is anticipated within the locality given the density of development. The increase in overlooking would not be sufficient to warrant refusal.

The internal arrangement at ground first floor would be re-arranged to create the new flats, whilst retaining the café and flower shop uses at ground floor level. Given the density of development and small size of the units in conjunction with the retention of the café and flower shop would result in noticeable activity within the site, this would not be so harmful as to warrant concern.

Concern is though raised at the standard of accommodation being provided. Whilst the ground floor flat within the centre of the building and the first floor flat are on balance considered acceptable, the rear ground floor flat and first/second floor maisonette are considered to comprise unsatisfactory accommodation.

The rear ground floor flat is stated to meet the Nationally Prescribed Space Standard for a 1-bed (2 person occupancy) dwelling, however the layout includes a 9sqm (4m x 2.3m) 'study' room which meets the space standards for a bedroom and is easily capable of being used as a second bedroom. Considered as effectively a two-bedroom property, the unit is considered to represent an unduly cramped for of accommodation.

Similarly, the first/second floor maisonette is considered to represent a poor standard of accommodation, with occupiers limited by the small kitchen/living space on the first floor leading upstairs to a second floor where the majority of the space is of limited headroom. Whilst it is noted that this flat would technically accord to nationally described space standards for one-person occupancy in the sense that the footprint internally would be approximately 44.6sqm, the amount that is usable as accommodation and standing height (excluding footprint from staircase and where ceiling height is less than 1.5 metres, the usable space within the flat would be approximately 27.37sqm. This would be comprised of 17.16 m2 in the roofspace and 10.21sqm at first floor level. Further, access to the bedroom is through the shower room, whilst the location of the kitchen would preclude escape in the event of a fire. No alternative fie escape measures are detailed. Overall, this unit is considered to be of a contrived and cramped layout to the detriment of future occupiers.

It is therefore considered that the proposal would result in unacceptable amenity conditions for future occupiers contrary to policy 33 of the HDPF and paragraph 135 of the NPPF.

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 existing application site consists of a rear ground floor residential unit, a café and a flower shop and an office at first floor level. The proposed application would result in 2x one bedroom ground floor flats, and 2 x one bedroom flats at first floor and roof level. The flower shop and café would be retained. The existing baseline is outlined by metered water bills with the current site using 134.51 litres, the office would use 82.6 litres, the florist would use 101 litres per day and the café would use 134.51 litres per day. The total usage of the site prior to development would therefore be approximately 538.61 litres per day.

The proposed site usage would be 763.43 litres, which is an increase over the existing by 224.82 litres. The proposed usage would be comprised of 441.93 litres for residential use, with flower shop and café use remaining as per prior to the development. The increase in water would therefore not be water neutral and would require mitigation measures. A rainwater harvesting system has been proposed to supply the non-potable water consumption within the site. It is suggested that the flower shop would use entirely non-potable water (approximately 101litres of the 224.82 litres) and the proposal has demonstrated that approximately 36.95 litres per residential unit could be supplied via rainwater harvesting as this amounts to its non-potable requirement (147.8 litres). In total the rainwater provision would be approximately 248.9 litres. As such the mitigation measures are sufficient to account for the increase in water usage resulting from the proposal.

Subject to the inclusion of conditions relating to the proposed mitigation measures, the development would be water neutral. There are no concerns that the proposal would result in an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

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 submitted an application form which states that the newly developed area would be considered de minimis and therefore exempt from BNG. This is not considered the case in this instance however as the application is being refused and BNG operates separately to the planning regime, it is not necessary to explore this further at this stage.

Climate change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures secured by condition to build resilience to climate change and reduce carbon emissions:

- Water consumption for the dwellings limited to 83.7 litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Cycle parking facilities

Subject to these conditions the application will suitable reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions:

The site is located within the built-up area boundary of Henfield, and therefore the principle of the development is accepted. The proposal would not incorporate any external alterations that would harm impact the listed building or the wider surrounding conservation area. Concern is raised however with the inadequate standard of accomodation for future occupiers within the rear ground and first/second floor flats

The proposal would make a small numerical contribution to reducing the housing supply deficit but

would nevertheless accord with the Government's objective outlined within the Framework to boost the supply of homes from a variety of sites. Given the current under-provision of housing and the Council's lack of five year housing land supply, this attracts positive weight, with the presumption in favour of sustainable development at paragraph 11(d) of the NPPF engaged in this instance.

However, the extent of the benefit would be very modest given the small scale of the development. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation, however the scale of this benefit would be limited given the number of new homes.

As per the preceding sections of this report, the granting of this permission would conflict with Policy 33 of the HDPF and paragraph 135 of the NPPF, with harm arising from unacceptable living conditions for the future occupiers of two of the flats. These matters are considered to outweigh any benefit derived from the provision of additional housing units when considering the NPPF as a whole. The application is therefore recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide (zone 1)	197	33	164
		Total Gain	**164**
		Total Demolition	**0**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application refused

1. The proposed development, by reason of the cramped accommodation within the rear ground floor flat and the flat spread across the first floor and roof level, would result in unsatisfactory living conditions for future occupiers, contrary to policy 33 of the Horsham District Planning Framework (2015) and paragraph 135 of the NPPF.

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/24/0821

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

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

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	As existing and proposed	2403JA_R1_000 REV 000	28.05.2024
Floor plan	Ground, as existing and proposed	2403JA_R1_200 REV 000	28.05.2024
Floor plan	First, as existing and proposed	2403JA_R1_201.1 REV 001 - Shower Room	18.07.2024
Floor plan	Second, as existing and proposed	2403JA_R1_202 REV 000	28.05.2024
Elevation plan	North, as existing and proposed	2403JA_R1_203 REV 000	28.05.2024
Elevation plan	West, as existing and proposed	2403JA_R1_204 REV 000	28.05.2024
Section plan	As existing and proposed	2403JA_R1_300 REV 000	28.05.2024
Supporting Statement		Water Neutrality Report	05.07.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 19/09/2024

Authorising Officer sign/initial Adrian Smith Date: 20/09/2024