Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DISC/23/0214
T _ S Cake, 8 East Street, Horsham, West Sussex, RH12 1HL

DESCRIPTION:

Application for approval of details reserved by condition 1 & 2 to approved application DC/21/2822

RELEVANT PLANNING HISTORY:

DC/21/2822	Prior notification for the change of use of premises from commercial (Class E) to residential (Class C3) to the first and second floors to form 1no self-contained flat with its own access.	Prior Approval Required and PERMITTED on 01.03.2022

PLANNING ASSESSMENT

Planning Application DC/21/2822 was granted consent on 01.03.2022. This permission was for the following:

Prior notification for the change of use of premises from commercial (Class E) to residential (Class C3) to the first and second floors to form 1no self-contained flat with its own access.

Consent is sought to discharge the details reserved by conditions 1 and 2.

Condition 1:

Pre-Commencement Condition*: No development shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the recommendations set out in the submitted Noise Report. The approved sound attenuation works shall be completed in accordance with the agreed details before the dwellings are first occupied and shall be retained as such thereafter.*

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

The submission included details of the proposed method of insulation to mitigate against noise disturbances. Following the CG Fry v SoS and Somerset Council High Court decision of 30 June 2023, a Habitats Regulations Assessment is now required for all proposals that enable a consented scheme. This development would result in a significant impact on protected habitats sites from increased mains water use, and as water neutrality has not previously been demonstrated on the approved scheme, there is no evidence before the Council to indicate that this impact can be suitably mitigated against. Whilst the submitted detail may be sufficient pursuant to the condition schedule as above, an adverse effect on the Arun Valley SAC, SPA and Ramsar sites cannot be ruled out. As such, in the absence of a strategy to demonstrate otherwise, granting the consent would not result in a water neutral development and this application to discharge condition 1 must be refused on this basis.

Condition 2:

Pre-Occupation Condition*: Any suspected asbestos containing materials shall be removed by an appropriately licensed and competent contractor, and a written report detailing these works shall be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwelling. The report shall include details of validation measures undertaken to ensure that all areas where works have been undertaken are free from asbestos.*

Reason: To ensure that no unacceptable risks are caused to humans 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).

The submission included an asbestos management survey which scopes the presence of asbestos within the property and how it would be managed. This confirms that no asbestos containing material has been found. Following consultation with the Council's Environmental Health Officer, no objection was raised with regards to the findings of the report. The submitted detail is therefore considered satisfactory pursuant to condition 2.

Recommendation: Split Decision

Consent is hereby GRANTED pursuant to Condition 2.

Consent is hereby REFUSED pursuant to condition 1 for the following reason:

1 Following the CG Fry v SoS and Somerset Council High Court decision, consenting the detail would enable a consented scheme that has not previously demonstrated water neutrality, thus the wider development would 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 (2023), 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: DISC/23/0214
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Asbestos Management Survey Report by Airsafe Surveys Ltd dated 09.05.2022		22.09.2023

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

Plan Type	Description	Drawing Number	Received

			Date
Supporting Statement	Certificate of Pre-Completion Sound Insulation Testing by ANC Acoustics & Noise Consultants dated 18.04.2023		22.09.2023
Supporting Statement	Technical Report by Sonic Element Ltd dated 17.04.2023	REP - First Floor Flat, 8 East Street, Horsham, 1.DOC	22.09.2023

DELEGATED

Case Officer sign/initial RHERMITAGE Date: 03.06.2024

Authorising Officer sign/initial TDALE Date: 05.06.2024