DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0484
32 High Street, Steyning, West Sussex, BN44 3YE

DESCRIPTION:
Change of use for the ground floor and basement commercial use to residential and material alterations to bring the property back into use as a single dwelling house (Full Application)

RELEVANT PLANNING HISTORY:

DC/24/0485	Change of use for the ground floor and basement commercial use to residential and material alterations to bring the property back into use as a single dwelling house (Listed Building Consent)	Under Consideration
DC/23/1870	Variation of Conditions 2 and 4 of previously approved application DC/05/0899 (Change of use to tea room and gift shop). Variation sought to allow for change to opening hours and the public use of the walled garden via access through the coffee shop	Under Consideration

SITE AND SURROUNDS
The application site is located to the north of the High Street, within the built-up area boundary of Steyning. The site comprises a Grade II Listed Building currently being used as a coffee shop. The site is located within the designated Conservation Area and within the defined Village Centre boundary and designated Primary Retail Frontage of Steyning. The immediate surroundings are characterised by a mix of commercial and residential units.

DETAILED DESCRIPTION
The application seeks to change the use of the ground floor and basement commercial use to residential and material alterations to bring the property back into use as a single dwelling house. The main changes will be concentrated within the building itself the only external alteration would be the addition of a small lantern to the rear.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
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 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport

Policy 43 - Community Facilities, Leisure and Recreation

Steyning Neighbourhood Development Plan
SNDP3 – Contribution to Character

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: No Objection - No.32 is towards the southern end of the High Street at the junction with Church Street. This is a transition area where the commercial character of the High Street is becoming less overt, and a more residential character is emerging. The building has a pair of canted bays which suggest a commercial use for the ground floor but other than that it resembles a residential property in scale and form. The proposal to convert the property to residential use will not have a harmful impact on its special interest. Am also mindful of a desire to preserve the character of the conservation area in terms of vibrancy and street activity in the core of the village, and satisfied the loss of the ground floor commercial space will not be harmful to the character of the conservation area in this location due to the existing transitional character.

HDC Environmental Health and Licensing: No Objection - There are no objections in principle, to the application. As a commercial building it is recommended that an asbestos survey is undertaken prior to commencement of development, condition suggested.

HDC Economic Development: Comment - concerns about the potential loss of any commercial floorspace in the district. As set out in our Economic Strategy, commercial floorspace is essential to accommodate businesses seeking to start up and grow within the district. It is vital that we protect and enhance the vitality of our district, support the local economy and facilitate local employment opportunities.

The justification given for this change of use, is that the property has been empty for some time despite being actively marketed. As the premises would appear to be in an ideal location for a business to operate, we request to see evidence of the marketing campaign and any interest shown.

A business at this site could not only benefit from the footfall within this local centre from visitors and residents, but also potentially contribute towards it and therefore benefit the vitality and viability of this centre.

OUTSIDE AGENCIES
Natural England: Objection - 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 impacts on designated sites and the scope for mitigation, chiefly:

- Robust evidence to demonstrate existing water use.

WSCC Highways: No Objection - 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.

Southern Water: Standard Comments Received.

Parish Comments:
Objection - On the basis of loss of a commercial property. The property still represents a possibility of being used commercially, it hasn't been on the market for an extended period of time and is in a prime location of the High Street.

Representations:
One letter of representation received in support of the application to change the property back to residential in line with its adjoining owners.

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:

Policy 7 of the HDPF states that sustainable employment development in Horsham District for the period up to 2031 will be achieved by the redevelopment, regeneration, intensification and smart growth of existing employment sites, and the retention of Key Employment Areas for employment uses. Policy 9 of the HDPF states that redevelopment of employment sites and premises outside Key Employment Areas must demonstrate that the site/premises is no longer needed and/or viable for employment use.

Policy 13 of the HDPF states that main town centre uses will be encouraged within the defined areas of town and village centres in accordance with the Council's "Town Centres First" strategy, and that Town and Village Centre boundaries, Primary Shopping Area and Primary and Secondary Retail Frontages have been identified for large town and village centres in the District to reinforce the vitality, viability and character of the centre.

The site lies within the Steyning primary shopping frontage of the Steyning Town Centre boundary. The proposal would introduce a non-commercial use into the premises and would create an inactive frontage to this section of the shopping area. While it is acknowledged that the site lies toward the outer boundary of the centre the application is accompanied by only limited information pertaining to the marking of the premises. At this stage it is not clear that more flexible terms or configurations have been explored or a rationale provided as to why no suitable tenants could be found given the low apparent vacancy rates elsewhere within the centre.

It has not therefore been demonstrated to the satisfaction of the Local Planning Authority that the development would not result in the loss of viable commercial floor space. In the absence of sufficient information the proposal has potential to harm to the vitality and viability of the Steyning Centre, contrary to Policies 7 and 13 of the Horsham District Planning Framework (2015).

Character and Appearance:

Policies 25, 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.

Policy SNDP3 of the draft Steyning Neighbourhood Development Plan states that support is given to development proposals which demonstrate how they will positively contribute towards Steyning's character. Development should also respond to the scale, mass, height, building materials, and form of neighbouring properties.

Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

Paragraph 205 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

Policy 34 of the HDPF states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.

The application site comprises a Grade II Listed Building located within the designated Conservation Area of Steyning. The proposal to convert the property to residential use would not have a harmful impact on its special interest and would not, in this mixed-use location, be harmful to character or appearance of the wider surrounds.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
Policy SNDP3 of the draft Steyning Neighbourhood Development Plan states that development shall protect the amenity of neighbours.

The application site is within a mixed-use location with residential and commercial uses in close proximity to one another. This arrangement does not result in appearance harm and no unacceptable impact on future living conditions would be expected as a result of this proposal. The nature of the

proposal does not raise any concerns in respect of the impact on neighbouring amenity or existing uses / activities.

Highways Impacts:

Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users. Consideration should be given to the needs of cycle parking, motorcycle parking, charging plug-in or other low emission vehicles and the mobility impaired.

The site is located on High Street, a C-classified road subject to a speed restriction of 30 mph. The site appears to be accessed to the rear via Bank Passage, a privately maintained road. The proposed change of use would not be anticipated to give rise to a material intensification of use of this access point.

The submitted information states that two car parking spaces are to be retained, and this appears to be located to the rear of the site. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. Therefore, any overspill parking would have to be accommodated on-street. The LHA does not anticipate that the shortfall of one parking space would give rise to a highway safety concern, but the LPA may wish to consider the potential amenity impacts on on-street parking.

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. For these reasons, the proposed development is considered to benefit from safe and adequate access and parking and would not result in harm to the function and safety of the public highway network, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

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 Water Neutrality Assessment states the residential use calculations are based on extrapolated 2011 census data for Horsham District, assuming these figures are reliable and acceptable. However, the commercial use calculations are based on estimated data without the support of water bills or concrete evidence. To address potential overestimation, only 50% of the estimated commercial use figures are considered, i.e., 50% of 146,237 litres per annum (p/a) equals 73,118 litres p/a. Therefore, combining 73,118 litres p/a, for commercial use with 112,420 litres p/a, for residential use results in a total of 185,538 litres p/a. Even with the commercial use estimates halved, the water use of the existing building still exceeds that of the entire building when used for residential purposes.

The water strategy lacks sufficient information to determine water neutrality for several key reasons:

- Outdated Data: The calculations rely on extrapolated data from the 2011 census for Horsham District, which is outdated and assumed to be reliable without current verification.

- Missing Metrics: Essential BREEAM (Building Research Establishment Environmental Assessment Method) calculations for the commercial use are not included, hindering accurate environmental impact assessments.

- No Metered Water Bills: The absence of metered water bills means that all figures are based on assumptions rather than concrete measurements, leading to potential inaccuracies.

- Outdated Guidance: Updated council guidance indicates that the previously accepted standard of 125 litres per day is no longer valid, requiring new surveys for accurate data.

Due to these issues, there is insufficient information to demonstrate with certainty that the proposed development would adequately offset increased water use, thereby preventing an adverse effect on the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area, and Ramsar sites.

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.

Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Electric vehicle charging points

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

Conclusions:

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 relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 to Paragraph 11(d) of the NPPF states that the policies referred to are those in the Framework relating to habitat sites. Insufficient information has however 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 (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). On this basis, the titled balance derived from paragraph 11(d) of the NPPF does not apply.

While it is recognised that the Council are currently unable to demonstrate a 5-year housing land supply, which is a material consideration of significant weight, it has not been demonstrated that the development would not have a likely significant effect on the 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). It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not result in the loss of viable commercial floor space, contrary to Policy 7 of the Horsham District Planning Framework (2015).

It is not considered that there are any material considerations which would outweigh the identified harm, with the application therefore recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the development would not result in the loss of viable commercial floor space. In the absence of sufficient information the proposal has potential to harm to the vitality and viability of the Steyning Centre, contrary to Policies 7 and 13 of the Horsham District Planning Framework (2015).

2. 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 (2023), 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/24/0484
(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
Floor plan	Existing roof	21486 - 102	27.03.2024
Floor plan	Proposed roof	21486 - 103	27.03.2024
Elevation plan	Existing and proposed	21486 - 104	27.03.2024
Design & Access Statement		NONE	27.03.2024

Supporting Statement	Heritage	NONE	27.03.2024
Supporting Statement	Water Neutrality	NONE	27.03.2024
Location & Block plan		21486 - 101	27.03.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 21.05.2024

Authorising Officer sign/initial Guy Everest Date: 22.05.2024