PLANNING COMMITTEE REPORT

TO:	Planning Committee North
BY:	Head of Development and Building Control
DATE:	3rd December 2024
DEVELOPMENT:	Change of use from Use Class F2 with ancillary flat to a mixed-use comprising Use Class F1 and Use Class F2 with ancillary flat.
SITE:	Drill Hall, Denne Road, Horsham, West Sussex, RH12 1JF
WARD:	Denne
APPLICATION:	DC/24/1465
APPLICANT:	**Name:** Mr Jos Wintermeyer **Address:** Life Spring Church Jubilee House Worthing Road Southwater RH13 9JB

REASON FOR INCLUSION ON THE AGENDA: The land is owned by the Council.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks full planning permission for the change of use of the Drill Hall from Use Class F2 (community use) to a mixed-use comprising Use Class F1 (learning and non-residential institutions) and Use Class F2 (community use) along with the retention of the ancillary 1st floor flat.

1.2 Specifically, the application seeks permission for use of the Drill Hall within Class F1(f) to enable its use for public worship by Life Spring Church. This would be in addition to the Drill Halls current use for Class F2 (b) (local community) use. It is understood that Life Spring Church would operate the Drill Hall for both their church practices and for community use.

1.3 The submitted plans detail that the floor area within the Drill Hall would be split between Community Use (F2) (644sqm) and Church (F1) (212sqm), with the remaining areas as circulation space / communal spaces (toilets / hallways-333sqm). The ground and first floors would be used as follows:

Ground Floor (plan number 0514 P 001)

The ground floor kitchen and two office rooms along with two storerooms would be used by Life Spring Church only (as outlined in red on the proposed floor plan).

The Main Hall would continue to be available to hire to the local community Monday to Saturday (excluding Wednesday / Thursday evenings) (as hatched blue on the proposed floor plan).

The refreshment hall and 4 meeting rooms would be available to hire by the local community Monday to Saturday (as hatched yellow on the proposed floor plan).

First Floor (plan number 0514 P 002)

At first floor level, three office rooms and two meeting rooms would be used by Life Spring Church only (as outlined in red on the proposed first floor plan).

The two meeting rooms would be available to hire by the local community Monday to Saturday (as hatched yellow on the proposed floor plan).

The existing ancillary flat at first floor level would remain.

1.4 The application states that the site currently operates between the following hours (although there is no relevant planning condition to this effect):

- Monday to Thursday 10:00am to 11:00pm
- Friday to Saturday: 10:00am to 00:00 (Midnight)
- Sunday and Bank Holidays: 10:00am to 10:30pm

1.5 The applicant is proposing the following hours of operation:

- Monday to Thursday: 07:00am to 11:00pm
- Friday to Saturday: 07:00am to 00:00 (Midnight)
- Sunday and Bank Holidays: 09:00am to 11:00pm

1.6 The applicant is also proposing the following hours for the playing amplified music:

- Monday to Thursday: 08:30am to 11:00pm
- Friday to Saturday: 08:30am to 00:00 (Midnight)
- Sunday and Bank Holidays: 09:00am to 11:00pm

DESCRIPTION OF THE SITE

1.7 The application site is a Council owned site which is located within the Built-up Area Boundary of Horsham and to the southeast of the town centre. The two-storey building, known as Drill Hall (floor area 1,189sqm), fronts Denne Road and is a former military assembly hall now used for Council-run events and as a community space. The building comprises a community hall with a vaulted ceiling with rooflights, which is itself flanked by adjoining meeting / office rooms to the northern, southern, and eastern parts of the ground and first floor building. The main access (stepped) to the building is from the Denne Road. To the rear (east) of the Drill Hall is the Council owned Dukes Square carpark accessed via an in / out single vehicular lane to the south of Drill Hall. There is a separate pedestrian access route between the Dukes Square car park and Denne Road to the north side of the building.

1.8 The planning history for the site does not reveal any restrictions on the hours of operation permitted at the Drill Hall. There is, however, a flat at first floor level which is accessed from within the building (via a storage room). Whilst there is no planning history to confirm the flat benefits from planning permission, council tax records show the flat having been registered since 2004 with council records also showing a signed tenancy agreement with council for a Drill Hall Supervisor to occupy the flat as an employee of the Council. The Council's Director

of Communities has confirmed the flat remains occupied by the same supervisor ancillary to the main community use of the building.

1.7 The application site is located within the Horsham Conservation Area; and is identified as falling within an Archaeological Notification Area (Horsham Town Centre medieval core). Although not formerly listed, the Drill Hall building has recently been added to the Horsham Town Local List due to its historic and architectural interest. The site is also located within a Heat Priority Area; and within the Zone 4 impact risk zone for Great Crested Newts.

1.8 The Drill Hall is identified as an Asset of Community Value and was included as such on the Assets of Community Value list maintained by the Council under section 87(1) of the Localism Act 2011(c) on the 26th June 2023.

1.9 Immediately to the north-east of Drill Hall is a single storey building which accommodates a miniature rifle range club. The area immediately west of Denne Road and opposite Drill Hall is largely residential in character. To the rear of Drill Hall, the Dukes Square car park provides an area of separation between Drill Hall and dwellings in Denne Parade (to the north) and the flatted developments at Lavinia House, Mill River Lodge and Observer Court to the east of the hall. The railway line to the rear of the flatted development separates the residential area beyond and to the rear of Queensway. St Mary's Church is located approximately 163m to the west of Drill Hall, and St Peters Church 156m to the north of Drill Hall.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 11 - Tourism and Cultural Facilities
Policy 24 - Strategic Policy: Environmental Protection
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 34 - Cultural & Heritage Assets
Policy 33 - Development Principles
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Inclusive Communities
Policy 43 - Community Facilities, Leisure, and Recreation

Horsham Blueprint Neighbourhood Plan (2022)
Policy HB1 (Location of Development)
Policy HB6 (Retaining and Enhancing the Vitality and Viability of Horsham Town Centre)
Policy HB12 (Encouraging Sustainable Movement)

Policy HB14 (Community and Cultural Facilities)

Horsham District Local Plan (2023-40) (Regulation 19)
Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 4: Horsham Town
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 13: The Natural Environment and Landscape Character
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21 Heritage Assets and Historic Environment
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 27: Inclusive Communities, Health, and Wellbeing
Policy 28: Community Facilities; Leisure and Recreation
Policy 29: New Employment
Policy 30: Enhancing Existing Employment

Supplementary Planning Guidance:
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/72/55	Renewal of hu/50/49 until 31.5.59 nissen type hut (From old Planning History)	Application Permitted on 18.03.1956
HU/87/67	C.o.u to warehousing,distribution & admin offices. (From old Planning History)	Application Refused on 04.05.1967.
HU/61/01	Temporary change of use for 3 years for a variety of ammenity uses d1 d2 b1 & b8 and depot use parking and b1 use for adjoining business. Site: Ta Centre Denne Road Horsham	Application Permitted on 17.05.2001.
HU/119/01	Change of use from vehicle workshops and garaging to light industrial workshops and offices Site: Ta Centre Denne Road Horsham	Application Permitted on 22.05.2001.
HU/203/03	Erection of a 3-storey block of 20 affordable homes Site: Ta Centre Site Denne Road Horsham	Application Permitted on 30.10.2003.
DC/04/0597	Renewal of temporary permission HU/61/01 to use site for a variety of uses	Application Permitted on 18.05.2004.
DC/05/1864	Demolition of existing buildings and erection of 80 bed care home, day centre for the elderly and voluntary sector support centre	Application Permitted on 01.12.2005.
DC/07/0343	Internal alterations to form an additional day care centre and rehabilitation suite in lieu of a 10-bedroomed wing (amendment to DC/05/1864)	Application Permitted on 05.04.2007.
DC/08/0791	Demolition of lady's toilet extension and re-build and refurbishment of new ladies and gents' toilets, re-	Application Permitted on 17.06.2008.

covering of hall roof at rear only and installation of heating and ventilation plant and equipment

3. OUTCOME OF CONSULTATIONS

3.1 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

INTERNAL CONSULTATIONS

3.2 **HDC Conservation**: No Objection

3.3 **HDC Environmental Health**: No Objection

3.4 **HDC Economic Development:** No Objection

OUTSIDE AGENCIES

3.5 **WSCC Highways**: No Objection

PUBLIC CONSULTATIONS

3.6 **Horsham Denne Neighbourhood Council:** Objection

- *No objection to the proposed change of use to F1 and F2 but has concerns regarding the amended hours of operation. A closing time of 11pm would be more appropriate given that the Drill Hall is in the middle of a quiet residential area.*

- *Application states that there is no loss of residential units. HDNC understood that there was a first floor flat used by the caretaker, but this is not shown on any of the plans. Is the flat to be retained?*

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 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.

4.2 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.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Background

6.1 It is advised that this is a Council owned site, however the application is being made by Life Spring Church who would, in part, be the future occupants of the Drill Hall alongside other community hall occupants.

6.2 As the application is a Council owned site, the application is required to be considered by the Planning Committee (North) under the Council's constitution. There have been no objections received as a result of the Council's neighbour notification procedures or the site notice (posted 22 October 2024) or press notice (published 24 October 2024).

6.3 Should planning permission be granted as a result of this application, then instead of the use of the building falling within Use Class F2 as a community hall, it would comprise a mixed-use premises under:

- Use Class F1(f) (in connection with a use for public worship or religious instructions); and
- Use Class F2(b) (for purposes of a hall or meeting place for the principal use of the local community), alongside the retained ancillary flat.

6.4 Both use classes F1 and F2(b) replicate the former Use Class D1, thereby retaining the overall use of the building for the benefit of the community.

Principle of Development:

6.5 The Horsham District Planning Framework (HDPF), sets out the local policy framework against which applications must be considered. Policy 43 of the HDPF seeks to protect existing sites used for community facilities and services as well as encouraging the provision of new or improved facilities. Policy 42 (6) Inclusive Communities is also considered broadly relevant in that the proposals would address the requirement to coordinate services to fulfil the specific needs of faith and other community groups.

6.6 The application site is within the built-up area of Horsham which is defined by Policy 3 of the HDPF as a settlement '*with a large range of employment, services and facilities and leisure opportunities, including those providing a district function. Strong social networks, with good rail and bus accessibility. The settlement meets the majority of its own needs and many of those in smaller settlements*'. The provision of a place of worship on the site along with the existing community use and associated office space would accord with Policies 42 and 43 of the HDPF, which seek to support measures which help create a socially inclusive and adaptive environment, including the provision of new community facilities within the district.

6.7 These policies reflect the requirements of Paragraphs 96 and 97 of the National Planning Policy Framework 2023 (NPPF). Paragraph 96 advises that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which:

a) promote social interaction including opportunities for meetings between people who might not otherwise come into contact with each other for example through mixed-use developments...'
b) are safe and accessible, so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion…for example high quality public spaces;
which encourage the active and continual use of public areas; and
c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs…'

6.8 Paragraph 97 of the NPPF seeks to:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses,

and places of worship) and other local services to enhance the sustainability of communities and residential environments.
b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
d) ensure that established shops, facilities, and services are able to develop and modernise, and are retained for the benefit of the community; and
e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

6.9 Additionally, Policy HB14 (Community and Cultural Facilities) of the Horsham Blueprint Neighbourhood Plan (HBNP) states that proposals that enable the diversification and flexible use of buildings through the extension of, and share use of such buildings, to provide additional community facilities for example will be supported.

6.10 Overall, it is considered that the proposals would maintain the existing use of the building for community use in compliance with Paragraphs 96 and 97 of the NPPF and with Policies 42 and 43 of the HDPF 2015 and Policy HB14 of the HBNP, subject to a thorough examination against all other relevant policies and consideration of all material considerations arising.

Design, Appearance and Heritage:

6.11 Policies 32 and 33 of the HDPF seek to ensure an attractive, functional, accessible, safe, and adaptable environment avoiding unacceptable harm to the amenity of occupiers/users of nearby property and land through overlooking or noise, whilst having regard to the sensitivities of surrounding development. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the district. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings.

6.12 There are no internal or external alterations to the building required to facilitate its use for use by Spring Life Church. The Council's Conservation officer has been consulted and it has been advised that '*The Drill Hall is situated within the Horsham Town Conservation Area and is a distinctive building in the street scene. The building has been identified by the Horsham Society in a recent review as an addition to the Horsham Town Local List due to its historic and architectural interest. It would be considered that the proposed change of use and amended hours of operation would retain its character and would not result in harm to the wider conservation ~~area, no~~area, no objection would therefore be raised.*'

6.13 As such, the external appearance of the building would remain as existing. The proposals do not therefore conflict with Policies 32, 33 and 34 of the HDPF 2015.

Amenity Impacts:

6.14 The main impact would be from comings and goings and noise from the use of the Drill Hall on the amenities of nearby residents. The HDPF at Policy 33 seek to protect the amenities of existing and future residents from adverse impacts resulting from new development.

6.15 Paragraph 180(e) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by *'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.'*

6.16 Paragraph 191 of the NPPF states that '*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects*

(including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

6.17 The Applicants have submitted a Noise Impact Assessment by Acoustic South East (dated 21 October 2024). This Assessment includes references to the ISO9613 (Attenuation of sound during propagation outdoors) 1996; National Planning Policy Framework (NPPF) 2023; Planning Noise Advice Document Sussex 2023; and the BS8233 Guidance on sound insulation and noise reduction for buildings 2014.

6.18 The Assessment sets out that internal and external sound meters were installed on the site between the 10th October and 17th October 2024, to measure the ambient sound levels and background sound levels associated with the use of Drill Hall. It is advised within the report that the monitoring period was able to '*capture a typical Sunday church service by use of the internal meter'.*

6.18 It is advised within the Assessment that *'a known church service occurred on 13th October 2024. Setup for the service began at 8:30am and Sound Check began at 9:30am. This was confirmed by the client. The church service then started at 10:30am and ran until 12:15pm, followed by pack-down'.* It is also advised that the service included music from *'a full band with drums, bass guitar, electric guitar, keyboard and two vocals'.*

6.19 It is advised within the report that '*a noise breakout assessment of the venue'* (with all doors closed) was carried out to assess the effectiveness of each of the four facades of the venue which allowed a noise contour map to be produced to demonstrate how the hall's sound spreads across the nearby area. From the results within the noise contour map, the Noise Impact Assessment report advises that '*even during the loudest 5-minute period of the church service (the worst-case scenario)'* the technical data assimilated from the noise assessment demonstrated that the sound pressure level at the point of the nearest noise receptors was '*significantly below background sound levels for readings taken between 11:30pm and 00:30am'* as set out in Paragraph 6.1 of the Noise Impact Assessment. The report states that based on the assessment results that '*no additional mitigation measures are required'*. It is advised that the sound level meters used were calibrated before and after the survey in situ to ensure that the information and data being obtained was representative and that the sound level meter was operating correctly.

6.20 It is considered that the use of Drill Hall as a place of worship would attract visitors and worshippers and thus would result in a degree of activity associated with the use of the site, ~~including trips~~including trips to and from the premises by foot and vehicles during specific periods of the day throughout the week. Notwithstanding this, the premises are already in use as a community facility and as such attract visitors to the site on a daily basis, with it being noted that the Church currently already hires the hall within the building. It is therefore considered unlikely that there would be any appreciable or significant increase in the number of people visiting the site for purposes of worship over and above the levels that would generally be attracted given the sites existing use as a community centre. Whilst not all visitors to the community centre would necessarily visit the site as a place of worship, it is equally asserted that not all worshipers would visit the site as a community centre for other purposes. As such there is a balance to be considered in respect of the levels of activity associated with each use.

6.21 Environmental Health has been consulted on the application and the supporting Noise Impact Assessment and have advised that '*the Drill Hall is situated in a residential area with*

many neighbours, making this a noise sensitive area'. Notwithstanding this it is noted that '*the hours of operation for amplified music are to be as detailed in the Noise Impact assessment provided by Acoustics South East and are as follows;*

Amplified music (proposed hours) as follows:
- *Monday to Thursday: 8.30am start*
- *Friday and Saturday: 8.30am start*
- *Sunday and Bank Holiday: 9:00am start and a finish of 23.00hrs.*

[Nb as submitted the application proposed no end time to when amplified music could be played]

The hours of operation for setting up and putting away/taking down are as follows:
- *Monday to Thursday: 7:00am to 11:00pm*
- *Friday and ~~Saturday :~~Saturday: 7:00am to midnight*
- *Sunday and Bank Holidays: 9:00am to 11:00pm*

6.22 The Applicants advise that these hours would allow sufficient time for prayer meetings, general meetings and set up ahead of a formal service. Whilst it is noted that the submission does not refer to an end time for playing amplified music Monday to Friday, Officers have based their assessment on the end time aligning with the opening hours for the site referred to above, namely 11pm Monday to Thursday, and midnight on Fridays and Saturdays. The restriction on use of amplified music prior to 8.30am (9am Sundays) would be to prevent any risk of early morning complaints given the premises can open from 7am.

6.23 Environmental Health have raised no objections to the proposals provided that the above hours are adhered to. It should be noted however that if complaints were received in the future, they could be investigated under separate Environmental Health legislation.

6.24 It is noted that Horsham Denne Neighbourhood Council has suggested that a closing time of 11:00pm would be more appropriate as the premises are located within a quiet residential area. Your Officers also note that permission has previously been granted under DC/04/0597 (renewal of temporary permission HU/61/01) to use the site for a variety of uses for trade or business between the hours of 07:30am to 11:00pm on Mondays to Thursdays; 07:30am to Midnight on Fridays and Saturdays and 10:00am to 10:30pm on Sundays and Bank Holidays. The temporary permission expired on the 1st May 2007, however the Council's Compliance Team have advised that no complaints were received during the time the application was approved until it expired. It has also been confirmed that there are no other complaints on file relating to noise at the Drill Hall. The Council's Environmental Health Officers have not raised noise impacts from operating until midnight on Fridays and Saturdays as a concern following review of the applicants Noise Impact Assessment.

6.26 The site has therefore been operating in an unrestricted manner for a number of years with both evening events and events playing amplified music without complaints being raised by nearby residents. There is therefore no indication that future potential events extending to midnight on Fridays and Saturdays in a similar manner would result in amenity harm either from noise from within the building or from users exiting the site. The separate licensing regime would be applicable to the building in the event alcohol is to be served.

6.27 In respect of the ancillary flat, this has historically been occupied by the Drill Hall Supervisor who would have been aware accordingly of when evening events may have caused him disturbance. The application proposed to retain this ancillary flat thereby ensuring that occupants are associated with the operation of the Drill Hall in a similar manner to before. A condition is applied to ensure the ancillary use remains, meaning planning permission would be required for its use as an independent dwelling on the open market. Subject to this condition, the retained presence of this ancillary flat would not result in amenity issues accordingly.

6.26 In view of the above, it is considered that subject to the imposition of conditions to secure the proposed use, the above operating hours and hours of amplified music allowed to be played, the proposed use, which would be controlled through a further condition, would not be expected to generate excessive or harmful levels of noise or disturbance for nearby residents. While some intermittent noise may result from access and egress to the building, such activity is currently permitted under the existing community use of the building, and it is not considered that the proposed use would intensify this activity beyond that allowed under the current use of the building.

6.27 Accordingly, subject to the aforementioned conditions officers consider that the proposals would not result in any significant or appreciable harm to the amenities of nearby residential occupiers in accordance with Policy 33 of the HDPF 2015.

Highway Impacts:

6.28 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

6.29 It is advised by the Applicants in their Planning Statement that Drill Hall operates with no formalised drop off and collection points or times and works on an ad hoc basis as and when community activities necessitate. There are no parking controls or restrictions along Denne Road.

6.30 West Sussex County Council Highway as Local Highways Authority (LHA) have been consulted and have advised that although the operating times would likely result in an increase in traffic movements given the longer operating hours proposed, the use of Drill Hall for such purposes would not be so significant as to impact the operation of the local highway network. The LHA note that there are no changes to the existing access or parking arrangements, which are generally either on street or within the Council's existing car parking facilities which are close by (and include Denne Road car park). The LHA have advised that the proposed use of Drill Hall for mixed use community / place of worship would not result in unacceptable impacts on highway safety that would raise concerns or result in any 'severe' cumulative impacts on the operation of the highway network, and as such there are no transport grounds to resist the proposal.

6.31 In view of the above, the proposals are considered to be acceptable and in accordance with Policy 40 and 41 of the HDPF 2015**.**

Water Neutrality:

6.32 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

6.33 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site before the grant of any planning permission. Section

70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.

6.34 The requirements of Section 70(3) are reflected in paragraph 186 of the NPPF, which states that '*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*. The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 186 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making. In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley.

6.35 The Applicants have submitted Water Neutrality details within their Planning Statement. In summary, the applicants state that as there is no increase in the size of the building, and it is not anticipated that there would be an increase in the number of people using the community premises, the water demands resulting from the proposals are considered to remain the same as existing.

6.36 Given the building is currently being used for community purposes, with the main hall being used for church services on a hire basis, Officers do not consider that the proposed change of use to a mixed community use would materially intensify the occupation of the building or increase water consumption. The application is therefore considered to be water neutral with no mitigation required.

6.37 Consequently 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 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

Loss of Residential Floorspace

6.38 Horsham Denne Neighbourhood Council have queried whether a caretaker flat at first floor is to be retained or lost. It is advised by the Applicants that there is a caretaker's flat that does not benefit from any planning permission on the first floor, and Council records show there to be no planning permission, or lawful development certificate, for this flat. Council records do though show the flat has been occupied since 2004 by the same Drill Hall Supervisor employed by the Council. Given the main access to the flat is internal, with no indication the side fire escape is used as the main access (Nb there is no flat number on the fire escape door or gate, and no post box present, to indicate a flat exists) it is clear that the flat has operated for at least 20 years in an ancillary manner to the main community use of the Drill Hall. The application does not propose to change this arrangement, however if in future the applicants wish to covert the flat to community use then an application to remove the recommended condition below would be required.

Asset of Community Value

6.39 It is also noted that the Drill Hall is included within the Assets of Community Value list held by the Council. An Asset of Community Value is defined '*as being a building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future'.* The Localism Act states that 'social interests' include cultural, recreational, and sporting interests. The Drill Hall remains on the Council's List for Assets for at least five years from when it was added (26 June 2023). An Asset of Community value listing does not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. The Council is the owner of this building; therefore, it is up to the Planning Committee to decide whether ~~the listing~~ as an Asset of Community Value is a material consideration in this application for change of use, considering all the circumstances of the case.

6.40 Your Officers advise that the proposed change of use to a mixed use comprising the existing community facility uses and the proposed place of worship, are both uses that are defined as meeting the needs of faith and other community groups, as such it is considered that there would not be any policy conflict in allowing the proposed mixed use of Drill Hall in view of the its status as a Community Asset given that notwithstanding the change of use, the building would still remain in community use in its entirety.

Ecology:

6.41 Policy 25 of the HDPF aims to conserve the natural landscape and biodiversity and aiming to enhance biodiversity where possible. Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Policy 31(2) states that development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

The applicants have / have not submitted any supporting Ecology information as the application is for a change of use only and Officers are of the view that the change of use of the building would not result in any ecological impacts.

Biodiversity Net Gain (BNG):

6.42 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG), unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development may not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.43 The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

6.44 There is no requirement for the Applicant to demonstrate any Biodiversity Net Gain (BNG) as this change of use application is considered to fall under de-minimis exemption within the Biodiversity Gain Requirements (Exemptions) Regulations 2024, as there is less than 25 sqm of habitat impacted (in this case there is zero habitat impacted by the proposals). The de-minimis exemption covers planning applications for developments of such a small scale

that no or minimal loss to habitat value is involved. In this case there is no onsite habitat at all, and immediate surrounds are all hardstanding areas.

6.45 The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of: The de-minimis exemption applies.

Conclusions and Planning Balance:

6.46 The proposed change of use of the Drill Hall from Use Class F2 to a mixed-use Class F1/F2 use would retain community use of the building and would not result in any adverse impacts on private amenity of nearby residential occupiers by way of noise, or traffic generation, or in terms of the intensity of use of the building or impacts on its surrounds. There are no internal or external alterations proposed to facilitate the mixed use of the building. The proposals are therefore considered to comply with Policies 32, 33, 34, 40, 41, 42 and 43 of the HDPF 2015 and Policy HB14 of the HDNP.

7. RECOMMENDATIONS

7.1 To approve full planning permission subject to the following conditions:

Conditions:

1. **Plans List**

2. **Regulatory (Time) Condition**: The development hereby permitted shall be begun 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**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any order amending or revoking and/or re-enacting these Orders), the premises hereby permitted shall be used in accordance with the approved details, as a mixed Use Class F1(f) and Class F2(b) use only, and for no other purpose, including any other purpose set out in Class F1 and F2 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations (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: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 07:00am to 11:00pm Monday to Thursday; 07:00am to 00:00 (Midnight) Friday and Saturday; and 09:00am to 11:00pm Sunday and Bank Holidays.

   Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition:** No amplified music shall be played at the premises outside the hours of 08:30am to 11:00pm Monday to Thursday; 08:30am to 00:00 (Midnight) Friday and Saturday; and 09:00am to 11:00pm Sunday and Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition:** The first floor flat as detailed on drawing no. 0514 P 002 Rev B shall be use in an ancillary manner to the use of the Drill Hall at all times and not for the use as an independent flat at any time unless otherwise agreed by way of an application to the Council.

Reason: To safeguard the amenities of the occupants and the viability of the building as a community facility in accordance with Policies 33, 42 and 43 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition:** The areas delineated in yellow and hatched blue as detailed on drawing nos. 0514 P 001 and 0514 P 002 Rev B shall be made available for community use and hire at all times during the prescribed hours.

Reason: To safeguard the use of the Drill Hall as a community facility in accordance with Policies 42 and 43 of the Horsham District Planning Framework (2015).