Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1603
Jasmine House, High Street, Henfield, West Sussex, BN5 9HN,

DESCRIPTION:
Change of use to 4no. 1 bedroom flats, replacement of existing flat roof with hipped roof, replacement two storey rear extension and erection of single storey rear extension. (Full Application).

RELEVANT PLANNING HISTORY:

DC/24/1604	Change of use to 4no. 1 bedroom flats, replacement of existing flat roof with hipped roof, replacement two storey rear extension and erection of single storey rear extension. (Listed Building Consent).	Application Permitted on 19.12.2024
DC/24/0821	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 (Full Application)	Application Refused on 20.09.2024
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)	Application Permitted on 22.08.2024

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

Henfield Neighbourhood Plan:
Policy 3.3: Henfield Village Retail Centre
Policy 4 Transport, Access and Car Parking
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

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.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding

Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 22: Shop Fronts and Advertisements
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development
Policy 33: Equestrian Development
Strategic Policy 35: Town Centre Hierarchy and Sequential Approach
Strategic Policy 36: Town Centre Uses
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

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:

HDC Economic Development:
Economic Development are concerned about any loss of commercial space, which would be contrary to our Economic Strategy. However, the applicant submitted supporting evidence (DC/24/0821), showing that the 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.

HDC Conservation:
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.

This is a revised proposal to alter and extend this property following refusal of planning permission DC/24/0821. The revised internal layout will not prevent an understanding or appreciation of the special interest of the listed building. The external changes remain 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.

HDC Conservation: 20/11/2024
No comments raised on revised plans

HDC Environmental Health:

Noise

1. We note that the ground floor of the premises is currently occupied by a tea shop and a 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 with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- Detail on the continuity of supply during dry periods extending beyond 35 days.
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

3. We note that some detail on the proposed rainwater harvesting system has been provided, in our view the information provided is however insufficiently detailed and does not provide the LPA which sufficient confidence that the risks from the rainwater harvesting system will be managed and maintained for the lifetime of the development.
4. Crucially the report is also untitled, both in terms of company name and author, the competence of the report can therefore not be established.

Summary
Given the above we are of the view that the application is currently insufficiently detailed to be determined. We would however welcome dialogue with the applicant and/or their consultants on the above matters.

Archaeology Consultant:

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.

WSCC Highways:
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.

Southern Water:
The proposed rainwater harvesting system should be designed, installed and maintained to current British Standards to ensure that measures are in place to protect the public water supply and avoid cross contamination. A condition is recommended.

If the applicant is not proposing to use the existing connection, Southern Water will then require a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: https://developerservices.southernwater.co.uk

Natural England:
No objection- subject to appropriate mitigation being secured.

PUBLIC CONSULTATIONS:

Representations:
One (1) letter of Objection have been received from one address, objecting to the application on the following grounds:

- Design and appearance.
- Overshadowing and loss of light.

- Out of keeping.
- Concerns about structural elements and foundations.
- Unclear plans.
- Overhang into neighbouring property.

Parish Comments:

12/12/2024
The Plans Advisory Committee deems there is no new evidence to change their opinion from previous comments:
Objection - All Agreed. This Committee deems that this application is contrary to HD Planning Framework policies:-
- 33.2 as there is loss of amenity to the neighbouring property; or the design is not sensitive to surrounding buildings
- 33.3 as the scale and massing and appearance of the proposal is out of keeping and unsympathetic with the built surroundings.
- 41 as it does not demonstrate adequate safe and secure parking, and highway safety. This Committee notes that there is a dispute over a boundary wall.

08/11/2024
Objection - All Agreed. This Committee deems that this application is contrary to HD Planning Framework policies:-
- 33.2 as there is loss of amenity to the neighbouring property; or the design is not sensitive to surrounding buildings
- 33.3 as the scale and massing and appearance of the proposal is out of keeping and unsympathetic with the built surroundings.
- 41 as it does not demonstrate adequate safe and secure parking, and highway safety. This Committee notes that there is a dispute over a boundary wall.

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 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 under DC/24/0821 which included information 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.

Amendments have been made to clarify the plans and remove the overhang proposed to the roof. 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 205 of the NPPF 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 206 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.

Amendments have been made to clarify the plans and remove the overhang proposed to the roof. 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 proposed ground floor extensions pitched roof would relate better with the existing dwelling, than the flat roof. 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.

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 and Internal Layout

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 and window for a landing area and 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 proposed two storey extension, is limited in nature, not considerably exceeding the height of the existing element. The minimal change prevents any significant overshadowing or loss of light for neighbour, or occupants of Jasmine House. The location an orientation of the single storey extension and its pitched roof prevent it from causing unacceptable impacts on neighbouring amenity by way of loss of light or overshadowing.

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.

The ground floor rear flat includes a double bedroom, with an area of 15.28m^2 and an overall area of 50.91 m^2. The second ground floor flat is smaller in nature at 38.14 m^2, with a single bedroom of 12.98m^2. The first floor flat is very similar in size to the ground floor, with an overall area of 38.00m^2 and bedroom of 12.36m^2. These three flats have a shower room, rather than a bathroom, therefore they meet the

minimum space standards for a one bed flat and the rear flat meets that required for a one bed, two person flat. The last flat is set across the first and second floor. At first floor there is a living area, staircase and a kitchen diner set across a floor area of 28.5m^2. At second floor level the head height is more limited, a dashed line has been added to show the floor area where the floor to ceiling height is below 1.5m. The layout of the first/second floor flat would not be the most ideal; however, while restrained the total floor area would be 58.6m^2 meeting the minimum standard for a two storey dwelling.

It is acknowledged that the flats would be limited in nature; however, the size and layouts of the flats provide space for the addition of storage and for suitable circulation space for habitation. Overall, it is considered the flats layout and sizes are suitable. Furthermore, the addition of the flats would allow for further use and bring vacant parts of the listed building back into a use.

Highways impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. Parking and sustainable transport policies in the emerging local plan are outweighed by Policies 40 and 41.

Policy 4 of the Henfield Parish Neighbourhood Plan states that as appropriate to their scale, nature and location, development proposals should conform to West Sussex Highway Standards, and adequate off road car parking should be provided for all developments in accordance with West Sussex Parking Standards.

The WSCC Highways Officer has not raised an objection to the proposal. While no vehicular access is associated with the site the LHA does not anticipate that the proposed change of use would give rise to a significant material intensification of movements to or from the site.

Under WSCC Parking Standards, it is expected a development of this size and location to provide at least six car parking spaces. The Local Highways Authority consider the car park to the rear of the site can accommodate this vehicular parking demand. Alternatively, the parking could be accommodated on-street in accordance with existing traffic regulation orders.

A condition has been recommended to secure cycle parking provision for at least one bicycle per unit be provided in accordance with WSCC Parking Standards.

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 has been calculated using a pre-cautionary approach. Through the loss of the office, rainwater harvesting and the use of water efficient fixtures and fittings the proposal, subject to conditions, is considered to be water neutral.

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.

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.
- 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.

Biodiversity Net Gain (BNG):

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 must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

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.

The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Other Matters:

Concerns about the use of the ground floor has been raised by the Environmental Health Officer. A condition has been recommended requiring planning permission to be sought for some uses within class E of the GPDO.

The internal layout, setting a sleeping area above a living area has been raised as a potential noise disturbance by the Environmental Health Officer. Layouts such as this in flats and dwellinghouses are not uncommon, the potential for noise disturbance is not considered to be significant in this instance. Therefore it is not considered a suitable reason for refusal.

The air conditioning unit is proposed to be removed from the rear elevation. It is not considered to cause additional noise due to this. A condition securing its removal prior to occupation has been recommended.

The first-floor flats kitchen is located in a separate room to the existing staircase. This layout change has been proposed since the refusal of DC/24/0821. Fire risk will be dealt with further through the building control process and is not considered in this instance to warrant refusal.

Conditions have been imposed on the application in relation to the rainwater harvesting system and its management.

Mixed use properties within the are not uncommon, it is not considered therefore that the impact on the new occupiers would be considerable with the aforementioned conditions.

Concerns about structural elements, foundations and the boundary wall have been made in objections. These are civil and building control matters, to be dealt with outside of the planning process.

A condition prior to external ground works has been recommended to ensure the protection of any archaeological artefacts.

Conclusions:

The application seeks permission for the part conversion of Jasmine House into four one bed flats. The proposed development would be located within a sustainable location and is considered acceptable in principle.

The proposed development would on balance relate sympathetically to the character of the locality and built surroundings and not result in adverse harm to the amenities of neighbouring properties or the function and safety of the highway network.

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)	186m2	0m2	186m2
		Total Gain	**186m2**
		Total Demolition	**0m2**

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 Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin 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 **Pre-Commencement Condition**: No development which include external groundworks shall take place until a programme of archaeological monitoring during construction has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning
Authority.

Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement (Relevant Works) Condition**: No external works shall take place until specifications of external materials and surface finishes have been submitted to and approved in writing by the Local Planning Authority. The relevant works must not be executed other than in complete accordance with these approved details.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement (Relevant Works) Condition**: No relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details:

a) Drawings to a scale not smaller than 1:5 fully describing roof details including sections through:

- dormer
- stair tower parapet including junction with pitched roof.

b) Schedule and annotated plan showing the full extent of alteration work to the existing windows.

c) Specification and/or drawings fully describing method of incorporating thermal, fire and sound insulation, describing the affect on the appearance and fabric of historic and architectural features.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: The development hereby permitted shall not be first occupied until full details of the water efficiency measures and rainwater harvesting system required by the approved water neutrality strategy (received 14.10.2024) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days storage capacity (at least 8,719l), including details of their location and whether they would be surface mounted or set within the ground, in addition to evidence that their initial fill will be supplied with water from outside of the Water Supply Zone.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority 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).

7 **Pre-Occupation Condition**: The development hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy (received 14.10.2024) for development has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter, or to a similar improved water performance.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority 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).

8 **Pre-Occupation Condition**: The development hereby permitted shall not be first occupied until a management and maintenance plan for the rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include the following details:

- 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 with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- Detail on the continuity of supply during dry periods extending beyond 35 days.
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), and to enable the Local Planning Authority 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).

9 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the ground floor commercial premises shall not be used for Class E(d), Class E(f) or Class E(g(iii)) purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to potential amenity impacts, in accordance with Policy 33(2) of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

11 **Regulatory Condition**: Any new roof junctions at ridge, hips, valleys, eaves and verges shall be built to reflect traditional detailing as found on the principal roof and roof constructions of a similar age.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition**: Any rooflights fitted to the building shall be metal framed and sit flush with the roof slope.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition**: All new and replacement rainwater goods shall be cast iron or cast aluminium.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition**: No new plumbing, pipes, soil stacks, flues, vents, ductwork or the like, shall be fixed to any external face of the building other than as shown on the drawings hereby approved.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition**: No new grilles, security alarms, lighting, cameras or other like items shall be fixed to any external face of the building other than as shown on the drawings hereby approved.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

16 **Regulatory Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1603
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan		2403JA_R1_000 001	14.10.2024
Block plan		2411JA_R1_001.2 002	14.11.2024
Floor plan		2411JA_R1_200.2 002	14.11.2024
Floor plan		2411JA_R1_201.3 003	14.11.2024
Floor plan		2411JA_R1_202.2 002	14.11.2024
Elevation plan		2411JA_R1_203.2 002	14.11.2024
Elevation plan		2411JA_R1_204 002	14.11.2024
Elevation plan		2411JA_R1_205 002	14.11.2024
Elevation plan		2411JA_R1_300.2 002	14.11.2024
Supporting Statement		Water Neutrality Statement	14.10.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 19.12.2024

Authorising Officer sign/initial RHERMITAGE Date: 19.12.2024