Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0376
48 Barrington Road, Horsham, West Sussex, RH13 5SN

DESCRIPTION:
Demolition of single storey rear extension. Erection of a single storey rear extension. Change of use from commercial unit into 2no ground floor apartments. Conversion of loft to increase size of existing apartment.

RELEVANT PLANNING HISTORY:

DC/20/2109	Conversion of ground floor retail unit and first floor flat to form 1no self-contained two bedroom dwelling.	Permitted on 22.12.2020

SITE AND SURROUNDS
The application relates to a semi-detached property on the eastern side of Barrington Road within the built up area of Horsham. The property features retail space at ground floor level and a 1-bed self-contained flat at first floor level. From the submitted details and a case officer site visit, it is evident that the application building was previously used as a single dwellinghouse. Barrington Road is a predominately residential area of Horsham. The site benefits from a large curtilage to the rear and the property has a number of single storey extensions/temporary structures to rear which were used as ancillary storage areas to the retail use. The existing building is made up of painted brick, slate roof tiles and UPVC and timber framed fenestration. While Barrington Road is located within a controlled parking area, the application site benefits from off street parking.

DETAILED DESCRIPTION
The application seeks permission to convert the ground floor retail unit to two flats which would require demolishing the existing rear extension. The proposal would include a flat roof dormer to the rear to increase the size of the existing flat.

Full details are set out in the submission documents.

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 9 - Employment Development
Policy 15 - Strategic Policy: Housing Provision
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 – Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham Blueprint Business Neighbourhood Forum

Policy HB2: Meeting Local housing needs
Policy HB3: Character of development
Policy HB4: Design of development
Policy HB9: Protecting existing and encouraging new commercial premises and land
HB12: Encouraging sustainable movement

The Horsham Town Design Statement SPD (2008) identifies Barrington Road, Depot Road and Burford Road as Character Areas with impressive late Victorian villas and large long gardens on the south side of Depot Road. Materials used are generally slate or clay tile roofs with brickwork below and architectural detailing. Planning issues include the need to retain the continuity of basic design and features. Severe traffic and parking problems are noted in this area and particularly Barrington Road.

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:

Environmental Health: No objection, conditions recommended.

Natural England: No objection, subject to the mitigation measures outlined within the Water Neutrality Statement.

WSCC Highways: No objection: 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: Standard comments available in full via public access. Comment in regards to protection of public apparatus and foul and surface water drainage.

Parish Comments:
Object:

- It is an overdevelopment of site
- The proposed change of use is agreed will lead to an increase of traffic
- There is insufficient parking on site to cater for the increased demand generated by this development.
- There already is an oversubscribed demand for on street parking. If this development is permitted it would increase the demand to an unacceptable level.
- The noise generated from this development would be detrimental to the neighbouring residents affecting their amenities.

Representations:
6 representations were received, objecting to the proposal for the following reasons:

- Highways and parking concerns
- Overdevelopment
- Privacy, light and noise
- Concern that the built form would be built up against the neighbours land
- Concern that the builders would have to access the neighbours property
- Design and appearance not being in character with the dwellings on the street
- Safety of road users
- Biodiversity and ecology
- Outlook from neighbours property harmed

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 the Development:

Policies 2 and 3 of the Horsham District Planning Framework state development within the built-up area boundaries is accepted in principle, and that appropriate development, including infilling, within the built-up areas will be prioritised. Infilling needs to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement.

The application site lies within the built-up area of Horsham, within a sustainable location, close to local facilities and services. Given the sites location within the built-up area, the principle of the conversion of the ground floor to residential could be considered acceptable, subject to all other material considerations.

Notwithstanding the above, 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*". Furthermore, Policy HB9 of the Horsham Blueprint Neighbourhood plan states that 'There will be a presumption against the loss of commercial premises or land which provides employment. Exceptions to this are when:

'It has not been in active use for at least 12 months, has no potential for either reoccupation or redevelopment for employment generating uses as demonstrated through the results of, a marketing campaign lasting for a continuous period of at least six months and a supplemental report evidencing the marketing undertaken and the market response and a detailed valuation report assessing the viability of the land and buildings for employment use.'

The proposal would represent a loss of retail floorspace that could represent a loss of employment space. No justification has been submitted for the proposed loss of employment space. At a strict reading of Policy HB9 the application submission represents a scheme that is in non-compliance with Policy HBP(a) and HDPF Policy 9(2).

A reading of the supporting text of both these local plan policies set out the thrust of their objective is to seek to protect *valued* employment and commercial sites, in particular vacant units in commercial areas or town centre, which could either be converted on a permanent basis, including more space for early-stage business and starts incubator space and indoor market (paragraphs 7.24 and 7.25 of HBP).

48 Barrington Road is not of these characteristics. It is a small premises of awkward and constrained floorspace, 'cheek and jowl' with existing residential dwellings (including directly over on the floor above), located in a domestic street, with no parking provision and no town centre footfall.

These characteristics conspire to discourage potential future employment uses for the premises beyond retail (which has evidently failed, as the unit has been vacant for some months and struggled as a viable retail use as far back as 2020 when the premises was subject to an earlier planning permission DC/20/2109 for change of use to residential). There is preference for the ground floor of the building to be brought into a viable use (residential) rather than its condition deteriorate still further.

The loss of employment space was accepted in 2020 in the approval of DC/20/2109 but this decision pre-dates the adoption of The Horsham Blueprint Neighbourhood Plan in Dec 2022. It has also lapsed as it has not been implemented. Nonetheless, the existence of the permission is a material consideration.

These are considerations to place alongside the broader benefits of bringing forward net residential dwelling units in the most sustainable locale within the district as identified in the Council's adopted spatial strategy (the town of Horsham) set out in HDPF Policies 2 and 3, within the final planning balance detailed at the end of this report.

Character, Design and Appearance:

Policies 32 and 33 of the HDPF promote development which is of high quality and design and is sympathetic to the distinctiveness of the building and surroundings.

The street scene character is residential in nature and the proposal would introduce a ground floor use entirety appropriate to the street character (with not unsympathetic alterations to the principal elevation and reinstatement of front garden treatment which would appropriately respond to those qualities identified in the Horsham Town Design Statement SPD (2008)).

The scale of the development at the rear replaces a series of built form additions and the increased massing of built form over and above this would not be of inappropriate scale being single storey and only discreetly visible from public vantage point.

Overall, the resultant appearance of the works would appear in context with the character and appearance of the host building and wider surrounding area, thus would accord with the provisions of Policies 32 and 33 of the HDPF.

Environmental Protection Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes 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 24 requires environmental protection mitigation if potential harms are identified.

The Council's Environmental Health Officer has requested a land contamination condition as there is ground penetration and exposure to potential containments given past use of the land and a condition to control hours of work. Given this identified risk to human health and need to safeguard amenities given the 'cheek and jowl' proximity of residential receptors, both conditions are considered necessary.

Amenity Impacts

Future Occupiers

Future occupiers would be offered accommodation and access at all one level, with reasonable room sizes and logical internal layout with potential for storage, and all principal living space benefiting from natural light and ventilation and outlook onto private courtyards, which provides outdoor amenity space to future occupiers.

There are some less than satisfactory elements as compromise in the delivery of two units in the constraints of the site; both units will be single aspect; the unit 1 living room positioned immediately adjacent to an apartment 2bedroom; the unit 1 bedroom street side and stacked below the living room of the existing first floor flat. However, on balance, future occupiers would be provided adequate living conditions sufficient to comply with HDPF Policy 33.

Neighbours

The application site has neighbours to the sides and rear. The application would result in built form to the rear being extended and converted with consequential impact upon these neighbours. However, garden distance to the neighbour to the east would be retained and for the adjoined neighbouring dwelling unit to the north (No. 50), the presence of existing intervening built-form both sides of the shared boundaries, reduces mutual resultant overbearing and overshadowing. As such, it is not considered the proposal would result in unacceptable and demonstrable harm to the amenities of this neighbour through overbearing and overshadowing, although both would result to a degree.

Existing boundary screening to side and rear and the absence of doors/window openings in the north elevation would negate intrusive overlooking and unacceptable loss of privacy onto neighbours, although there will be new intimate mutual overlooking and views brought about by the proposal. This includes the neighbour to the south, No. 46 which will experience the introduction of residential accommodation to its sensitive rear aspect.

The intensification of occupation from the creation of residential units would result in a greater propensity for comings and goings at the sensitive rear aspect of neighbours (including the neighbour to the south, No. 46) but this would remain domestic in nature and not of intolerance when set against the backdrop of an urban environment. This includes noise transfer between the new ground floor accommodation and the existing first floor flat.

These judgements are based on the submitted elevations and floor plans which allow for sufficient ability to assess impact upon neighbours. However, it is noted the application submission is not accompanied by a proposed north elevation. This will be requested as a condition for completeness.

Highways Impacts

Policy 41 of the HDPF provides that development should provide adequate parking facilities to meet the needs of anticipated users, including appropriate provision to support electric vehicles and to meet the needs of cyclists and motorcyclists.

The Local Highway Authority (LHA) have noted parking provision is insufficient with WSCC parking guidance (4 x parking spaces). Third party objections have raised concern with the nil parking proposed to serve the development.

The application site is in a parking control zone, which would assist pressures of on-street off spill parking. The existing dropped kerb at the site frontage is to be stopped up. This will realise additional on-street parking capacity.

The site location, within walking and cycling distance to town centre facilities and amenities and public transport, would reduce dependence on the motor car. Secure and convenient cycle storage is provided on site for future occupiers.

Taking account of the above, the LHA believes the surrounding highway network can accommodate on-street parking overspill and without giving rise to a highway safety issue. The Local Planning Authority does not reason a contrary position.

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 application has included a dedicated Water Neutrality report. This advances a baseline within the site of 491 litres per day. The proposed water demand on site would be 411 litres per day based on the Part G calculator, average occupancy figures and retrofitting the existing flat.

There is inconsistency between the floor plans provided in the submitted Water Neutrality Statement 20231219P1 and those submitted in the drawing suite, so it is necessary to impose a condition to ensure the WNS mitigation measures which are retrofitting the existing units and fitting the new units with efficient appliances, and with the imposing of this condition there would be no objection to the proposal in light of policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Ecology:

There is no requirement for the applicant to demonstrate Biodiversity net gain (BNG) as the application was received before it became mandatory. The site demonstrates no ecological or biodiversity qualities as to warrant further consideration.

Conclusions:

The site is located within the Built-Up area Boundary of Horsham where the principle of establishing residential development in this location is supported, subject to consideration to consequential loss of employment floorspace and partial non-compliance with employment policies in the local and neighbourhood plans. It has been judged that this loss does not represent *valued* employment land as protected by HDPF Policy 9 which is main thrust of the objective of local plan policy, allied with the Horsham Town Neighbourhood Plan. There will be an amount of additional on-street highway parking brought about by the proposal.

All this is balanced against the benefits of delivery of additional residential units where there is an evidence shortfall of housing within the district, in a locale identified as the most sustainable in the Development Plan spatial strategy, that allows for alternative means of travel other than the private motorcar, on previously developed land and involving the recycling of land and building with consequential embedded carbon savings to build out.

Given water neutrality has been demonstrated, the presumption in favour of sustainable development ('titled balance' as per NPPF paragraph 11(d)(i)) applies, and the weighted benefits of the scheme, on balance, outweigh the harms of limited weight, and proposal is recommended for approval.

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 shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete. The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the amenity space for each dwelling in accordance with the approved drawings. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garden area for the ground floor dwellings in accordance with the approved drawings. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition:** The development hereby permitted not shall 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 for that residential unit has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), 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**: 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).

8 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c), unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied until the dropped kerb and access is obliterated and raised highway kerb reinstated and the front garden boundary treatment completed in accordance with the approved drawings

Reason: To secure timely reinstatement of the raised kerb and front garden boundary treatment in the interests of street scene character and appearance and to increase capacity of on-street highway parking in accordance with Policies 33 and 41 of the Horsham District Planning Framework

10 **Regulatory Condition**: The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall be completed in accordance with the approved drawings and/or as specified on the submitted application form.

Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, AA, B or E of Part 1 of Schedule 2 of the Order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the constraints of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

13 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site (including any asbestos materials) then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

Additional information about the licence application process can be found at the following web page:

http://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways-licence/

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/24/0376
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	18BR-302	07.03.2024
Block plan	Block Plan	18BR-301	07.03.2024
Elevation plan	Proposed Elevation	48BR-401	07.03.2024
Elevation plan	Proposed Elevation	48BR-402	07.03.2024
Floor plan	Proposed Plan	48BR-301	07.03.2024
Floor plan	Proposed Plan	48BR-302	07.03.2024
Floor plan	Proposed Plan	48BR-303	07.03.2024
Roof plan	Proposed Plan	48BR-304	07.03.2024

Supporting Statement	Water neutrality	WATER NEUTRALITY STATEMENT	07.03.2024

DELEGATED

Case Officer sign/initial Matthew Porter Date: 17.09.2024

Authorising Officer sign/initial RHERMITAGE Date: 17.09.2024