DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0206
Ventura House , 15 St Leonards Road, Horsham, West Sussex, RH13 6EH

DESCRIPTION:

Variation of condition 1 of previously approved application reference DC/22/2371 (Change of use of ground floor from commercial to form 3no apartments. Conversion of existing first floor and second floor flat into 2no apartments, with external alterations and associated works) to allow for various design and aesthetic changes made throughout the construction phase.

RELEVANT PLANNING HISTORY:

DC/21/1807	Conversion of existing first floor and second floor flat into 2no. flats	Application Refused on 05.09.2022
DC/22/0424	Change of use of ground floor from commercial to form 3no apartments. Conversion of existing first floor and second floor flat into 2no apartments, with external alterations and associated works.	Application Refused on 06.09.2022
DC/22/2371	Change of use of ground floor from commercial to form 3no apartments. Conversion of existing first floor and second floor flat into 2no apartments, with external alterations and associated works.	Application Permitted on 21.04.2023

DESCRIPTION OF THE SITE

The application relates to the ground, first and second floor of an existing two-storey property sited on the northern side of St Leonards Road, Horsham. The building was formerly used as a shop / retail unit to the ground floor with residential overhead, though permission was granted for conversion to residential use (currently under development) in 2017 under DC/16/1011. The building is constructed predominately of stock brick facing, with a red brick façade facing the street, and hosts a pitched roof with a front facing open gable, a large box dormer to the western roofslope, and a smaller sloped roof dormer to the eastern roofslope. The surrounding area is characterised predominantly of detached, semi-detached, and terraces dwellings of varying styles and ages, including a commercial retail unit to the junction of St Leonards Road and Brighton Road (formerly St. Leonards Arms pub).

DESCRIPTION OF THE APPLICATION

This application seeks to amend the approved plans, approved under DC/22/2371) to allow for design and appearance/ layout changes that have been made throughout the construction phase of the development. The external alterations are summarised as:

Front (south facing) elevation.

- new porch to front elevation
- amended window size.

Side (west facing) elevation.

- amended roof pitch to entrance lobby
- window fenestration amended.
- one window size amended as indicated.

- one new window as indicated.
- pv panels added to roof.

Rear (north facing) elevation.

- new windows as indicated.
- one window size amended as indicated

Side (east facing) elevation.

- 2 no windows amended as indicated.

The amendments also include the conversion of an additional area of roofspace in the second floor to create an additional bedroom and shower room for flat 4. They also include a change in the layout to flat 1 to include an additional bedroom in the basement .

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 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 29 - Equestrian Development
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
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 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Horsham Blueprint Neighbourhood Plan:
HB1: location of Development
HB2: Meeting Local Housing Need
HB4: Design of Development

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 4: Horsham Town
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 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
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)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

INTERNAL CONSULTATIONS

None Received

OUTSIDE AGENCIES

Natural England: (standing advice) Objection

It cannot be concluded that existing 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. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to 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.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS:

Representations:

None Received

Parish Comments:

None received

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:

Policies 2 and 3 of the Horsham District Planning Framework state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. 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.

The principle of the development is established under the original planning permission DC/22/2371. This has been commenced.

The site is located within the built-up area of Horsham. Horsham is defined as a settlement with a large range of employment services and facilities and leisure opportunities, including those providing a district function. There are strong social networks with good rail and bus accessibility and meets the majority of its own needs and many of the nearby smaller settlements.

Given the location of the site within the built-up area boundary of Horsham, the principle of development is considered acceptable, subject to all other detailed material planning considerations as discussed below.

Amendments sought:

The amendments shown on plan 2142-P-03F and 2142-P-05 are summarised below:

Front (south facing) elevation.

- new porch to front elevation
- amended window size.

Side (west facing) elevation.

- amended roof pitch to entrance lobby

- window fenestration amended.
- one window size amended as indicated.
- one new window as indicated.
- pv panels added to roof.

Rear (north facing) elevation.

- new windows as indicated.
- one window size amended as indicated

Side (east facing) elevation.

- 2 no windows amended as indicated.

The amendments also include the conversion of an additional area of roofspace in the second floor to create an additional bedroom and shower room for flat 4. They also include a change in the layout to flat 1 to include an additional bedroom in the basement .

The most obvious variations are predominantly to the front elevation with the introduction of a front porch. This has been introduced for aesthetic reasons and to soften the overall street elevation, and it is considered an acceptable addition to the façade.

Other variations are of a minor nature which have been required during the construction stage to accommodate internal layout alterations or building regulations compliance.

Impact on Neighbour Amenity

Two small additional windows are proposed to the rear elevation of the building. Whilst one is at the second floor where there are no other rear facing windows, the size and distance from the nearest property mean that this is unlikely to create any unacceptable amenity concerns for nearby residents.

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.

This is an application to amend the previous scheme, which includes the addition of 2 bedrooms. Installed fixtures and fittings have been used to calculate the ‘as built’ water consumption with the 2 additional bedrooms. Whilst it is noted that the as built water consumption is greater than that originally indicated within the initial application, the water consumption following the proposed amendments would remain below the existing baseline of 1,213 litres per day.

It is therefore considered that the proposed development would be water neutral, and the measures are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site from the development either alone or in combination with other plans and projects.

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 Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The original planning permission to which this section 73 planning application relates was made or granted before 12th February 2024 (in respect of major development), or before 2nd April 2024 (in respect of non-major development) under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The amendments to the scheme are considered to be minor in nature and are acceptable in both amenity and design terms. The proposal is water neutral and raises no additional concerns over and above the originally approved proposal. Conditions 3, 4 and 10 have been discharged from DC/22/2371- and these conditions have been amended to reflect this below.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted must be commenced by the 21.04.2026.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the ground floor windows to the east and west elevations, as indicated on drawing number 2139-P-03G, have been fitted with obscured glazing below 1.6m from the relevant floor level. No part of that/those window(s) that are/is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

4 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (As Built Water Consumption Calculations, Melin dated 28.05.2025). No dwelling hereby permitted 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 dwelling 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).

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 2139-P.03G. 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**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number 2139-P-03G. These 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).

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 megabytes 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 landscaping scheme approved under DISC/24/0158 shall be fully implemented in accordance with the approved details under within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition**: The roof terrace to Unit 4 shall not be used until an opaque privacy screen 1.6 metres in height from the relevant floor level has been erected in accordance with the approved plans. The opaque privacy screen shall be maintained as such thereafter.

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

10 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition**: The development hereby approved shall be carried out in accordance with measures within the approved CEMP (under DISC/23/0161).

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition**: The development hereby approved shall be carried out in accordance with the asbestos survey approved under DISC/23/0161.

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).

NOTE TO APPLICANT

Biodiversity Net Gain Condition \b0

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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/25/0206
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	Proposed Ground Floor Plan and Elevations	2142-P-03G	28.05.2025
Floor plan	Proposed Upper Floors and Basement Plan	2142-P-04G	28.05.2025
Supporting Statement	As Built Water Consumption Calculations by Melin dated 28 May 2025	305011	28.05.2025
Site plan	Proposed Plans and Elevations	2142-P-05	16.04.2025

DELEGATED

Case Officer sign/initial Kate Turner Date: 18.09.2025

Authorising Officer sign/initial Tamara Dale Date: 23.09.2025