DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/1125
14 South Street, Horsham, West Sussex, RH12 1NR

DESCRIPTION:
Change of use of existing office from Class E (formerly B1(a)) to a single residential dwelling. Construction of first floor rear extension.

RELEVANT PLANNING HISTORY:

DC/19/2173	Change of use of existing B1(a) office to a residential one-bedroom dwelling and erection of a first-floor rear extension.	Withdrawn Application on 25.03.2020.
DC/19/0480	Prior approval for the change of use of existing B1(a) office to residential use C3.	Prior Approval Required and PERMITTED on 30.04.2019.
HU/349/67	Conversion of existing store to form offices. (From old Planning History)	Application Permitted on 26.10.1967.
HU/292/67	Use of premises as offices Comment: Outline (From old Planning History)	Application Permitted on 04.08.1967.
HU/132/57	Proposed use of property as a store in connection with green grocers' business Comment: Refusal dated 25/06/57 revoked (From old Planning History)	Application Permitted on 13.02.1958.

SITE AND SURROUNDS

The application site relates to a two-storey office building located at the southern end of South Street within the built-up area of Horsham Town Centre. The site is also located within the Horsham Conservation Area. The application building consists of painted brick facing, timber framed fenestration and a tiled roof. The surrounding area consists of a mixture of uses with a number of residential properties located directly to the north and also to the west and south.

DETAILED DESCRIPTION

The application seeks to change the use of existing office from Class E (formally B1(a)) to a single residential dwelling. This would involve the construction of a first-floor rear extension.

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 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 14 - Shop Fronts and Advertisements

Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
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 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 Plan (2019-2031):
Policy HB1: Location of Development
Policy HB3: Character of Development
Policy HB4: Design of Development

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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

Consultations:

INTERNAL CONSULTATIONS

HDC Conservation: Objection
Although not listed, the building is within the Conservation Area and is a positive feature in the street scene. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 notes that within Conservation Area's special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. The proposed flat roofed extension would be visible from some public views. It is considered due to its form, position, and design that the extension would not reflect the traditional character of the existing property and would represent an incongruous addition. It would therefore be suggested that the proposal would result in less than substantial harm (at the lower end of the scale) to the significance of the conservation area.

HDC Environmental Health: Comment
If the application is approved, it is recommended that conditions should be applied:

- Prior to the commencement of development an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 shall be submitted to and approved in writing by

the Local Planning Authority. All confirmed or suspected asbestos containing materials shall be removed from areas of the development.

- Prior to first occupation of the development a verification report prepared by a competent person which confirms all asbestos or suspected asbestos containing materials have been removed shall be submitted to and approved in writing by the Local Planning Authority.
- All site clearance debris and construction waste shall be removed from site by an appropriately licensed waste removal contractor including all asbestos waste.

HDC Economic Development: Objection
Economic Development would like to raise a concern about the potential loss of commercial use at the site. As set out in our Economic Strategy, commercial floorspace is essential to accommodate businesses seeking to start up and grow within the District. It is vital that we protect and enhance the viability of our district, support the local economy, and facilitate local employment opportunities.

The provision of commercial floorspace does contribute towards maintaining a vibrant town centre, therefore, a move straight to residential without testing the demand first, is not considered to be within the interests of local economy.

Therefore, Economic Development objects to this proposal.

OUTSIDE AGENCIES

WSCC Highways: Comment

There is currently no vehicular access or parking associated with the site. This is intended to continue to serve the proposal. It has been noted within the associated Design and Access Statement that parking spaces are currently rented from a local church however the availability of these spaces is unknown to the LHA.

The site is situated in a sustainable location within walking distance of local services and amenities. Cycling is a viable option in the area and there are also regular bus services running to the north of the Carfax. In addition, the proposed development is not anticipated to give rise to a material intensification of use despite the increase in floorspace. It is unclear whether secure and covered cycle could be accommodated within the site to offer a sustainable alternative means of transportation, however, if there is space within the site and the LPA deem it a reasonable request, secure and covered cycle could be provided.

Parking restrictions are in place within South Street and the adjoining network, this prevents parking in unsafe locations within the highway.

In summary, 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.

Archaeology: No Objection
Although the site is within an Archaeological Notification Area DWS8532 – Horsham Town Medieval Core – the proposals involve a first-floor extension that will not involve ground disturbance and so will not impact on buried archaeological deposits. We therefore have no archaeological recommendations in this case.

Natural England: Objection
We concur with the conclusion in your HRA Appropriate Assessment that insufficient evidence is provided to support no adverse effects on the integrity of the designated sites in question under the Sussex North Water Neutrality Zone and therefore the application should not be granted planning permission at present until suitable evidence is provided (i.e., robust evidence of existing baseline water usage).

Parish Comments:

No Objection.

Representations:
1 representation:

- Reduce light into neighbouring property.
- Ensure rainwater would fall from this proposal to the roof does not just pour/drip into the back exit alley between mine and this property.

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:

Residential Development

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development on the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused on 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.

The Horsham District Planning Framework (HDPF) sets out a spatial strategy which directs growth in the district in accordance with an identified settlement hierarchy, reflected in defined settlement boundaries. This is reflected by Policy 3 of the HDPF, which states that development will be permitted within towns and villages which have defined built-up areas, and that any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy.

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

Loss of Commercial Space

The site is currently in an employment use and therefore consideration must be given to Policy 9 of the HDPF (2015) which states that *redevelopment of employment site sand premises outside of Key Employment Areas, must demonstrate that the site/premises is no longer needed and/or viable for employment use.*

The submitted supporting statement does not provide any marketing evidence to demonstrate that the site is no longer needed or is unviable for employment use. There is no evidence to show that the current use is unviable or that the current use can be relocated within the district. In the absence of this information, HDC's Economic Development objected to the proposal, stating that it is vital to protect and facilitate local employment opportunities, and that a move straight to residential without testing the demand first, is not considered to be within the interest of local economy. It is acknowledged that a Class O Prior Approval for the change of use of existing B1(a) office to residential use C3 was permitted in April 2019. However, this permission has since lapsed, due to expiring after 3 years, and there is no new Class MA (previously Class O) to demonstrate a fallback for this application.

In the absence of any information to justify the loss, the proposal conflicts with several of the key priorities set out in the District's Economic Strategy. Supporting the provision of local job opportunities is essential and losing this employment space to residential would result in a loss of potential employment and would be a negative for the local economy.

The site is considered to provide valuable business accommodation and employment in a sustainable location, and the proposal would result in the loss of much needed employment land within the District. Given the lack of justification provided in this regard, the application is therefore considered to be contrary to Policy 9 of the Horsham District Planning Framework (2015) and the Horsham District Economic Strategy.

Design and Appearance:

Policies 32, and 33 of the HDPF promote development that protects, conserves, and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy HB3 HBBNP – *Development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area. Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area.*

The building sits within the Horsham Conservation Area and therefore sits within the context of the character and appearance of the conservation area. Most of the works would involve internal changes to create habitable accommodation for residential use. The external appearance of the dwelling from the street would remain largely unchanged. The light blue exterior would be retained, to keep the character of the building in keeping with the surrounding conservation area, which is characterised by buildings of a variety of colours. The existing access would be unchanged, with access directly off the street through the front door. With a lack of alteration to the external appearance of the building, the building would retain the existing character and appearance and preserve the surrounding historic environment and street scene.

The existing advertisement board located on the front elevation are proposed to be removed. Through the removal of this, the front façade of the building would fit a more residential appearance.

The first-floor rear extension would be a modest addition to the dwelling, providing additional upper floor accommodation. The extension would sit towards the rear and due to the location, would be screened from public vantage points. The extension would be tile hung to match the existing tile hung stairwell. While it is acknowledged that there is a lack of amenity space, as there is no garden, it is considered that residential units located within the town centre do not usually benefit from outdoor residential amenity space, so this would not be uncommon for dwellings in the area.

The mixed character of the area is acknowledged. The proposed rear extension would create additional living space and create a more residential appearance compared to the existing building. The retention

of the exterior would maintain the character and appearance of the building, and the proposed alterations to the building are considered appropriate. On balance, the proposal is considered in accordance with Policy 32 and 33 of the HDPF.

Heritage Impacts:

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

NPPF Paragraph 208 – *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

The heritage officer objected to the proposal due to the proposal as the proposed flat roof extension, due to its form, position and design would result in an extension that would not reflect the traditional character of the property and result in less than substantial harm to the significance of the conservation area. It is noted that while the proposal would result in less than substantial harm, that NPPF paragraph 208 requires this harm to be weighed against the public benefits of the proposal. It is considered that the public benefits, the result of a one-bedroom dwelling within the built-up area and town centre (notwithstanding the policy conflict as outlined above), would be significant enough to balance the resulting harm to the conservation area.

Amenity Impacts:

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

Following the withdrawal of DC/19/2173 due to concerns raised in respect of daylight and sunlight to neighbouring units, a right of light analysis was provided. The design has changed since the previous application to take account of rights to light, with the design now having no significant impact on amenity, due to the reduction in size and roof design. It is noted that there was one objection received relating to light reduction into the neighbouring properties. It is considered that the previous concerns regarding light were addressed. The rear of the building is not visible from the public domain and will therefore have no detrimental impact to visual amenity. It is considered that the proposed development would not result in an overbearing development which would have a harmful impact on neighbouring amenity and therefore accords with Policy 33 of the HDPF.

Highways Impacts:

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

WSCC Highways commented on the application, noting that there are parking restrictions in place on South Street and there is currently no vehicular access or parking associated with the site. However, due to the sustainable town centre location, it is considered that there are local public services and amenities available to ensure that there is access to facilities and public transport for occupants. With the above in mind, there are no highways reasons to object the proposal.

Water Neutrality:

Policy HB1 – Horsham Blueprint – *proposals must demonstrate that they are water neutral to prove that there is no adverse impact on the integrity of the Arun Valley SAC/SPA and Ramsar site.*

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 proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that is should be delayed awaiting an area-wide water neutrality strategy.

The applicant submitted a Water Neutrality Statement which outlined the total proposed dwelling's water demand. The existing building is metered, and water meter readings were provided from the period between 2019-2023, this included a mixture of actual readings and estimated readings. The meter readings state that the long-term average water demand of the existing property is 67.26 litres/day which forms the existing baseline. However, the last reading provided from the period July 2023-October 2023 shows that 45m3 of water was used, which is a large increase compared to the prior readings. By comparison, readings from previous periods within a longer period of time (between July 2019 to January 2023) have been presented at a significantly lower rate (25m3). To date, the applicant has not been able to suitably explain such a drastic increase in water use (29m3 over a 4 *year* period compared to a 45m3 within a 9 month period). Accordingly, the baseline evidence provided by the applicant cannot be relied upon in demonstrating the existing water demand.

The statement does appear to demonstrate water neutrality, with offsetting proposed through a privately arranged 'credit' system at Danefold Farm in Horsham. However, while this acceptable in principle, without the necessary degree of certainty of the existing baseline, it is not possible to determine how many credits would be needed, and whether the mitigation measures would offset the water demand. The applicant has failed to demonstrate a high degree of certainty, and it cannot be concluded that there is sufficient evidence to show that the proposal would be water neutral. Natural England were consulted on the water strategy following the carrying out of an Appropriate Assessment by officers. Natural England confirmed that insufficient evidence is provided to support no adverse effects on the integrity of the designated sites.

For these reasons, it is not considered that the proposed strategy accurately reflects the existing water use. Therefore, given the ambiguity and lack of clarity, as outlined above, and the absence of a strategy to demonstrate water neutrality, it is not possible to determine what the likely baseline is, nor assess whether the proposed development would result in less water demand than the existing. There is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA, and Ramsar sites. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

The site is located within the built-up area boundary of Horsham. Therefore, the principle of establishing residential development in this location is supported. Whilst the proposed rear extension would be a modest addition that would be screened from public vantage points and ensure limited impact to neighbouring amenities; it has not been demonstrated to the satisfaction of the Local Planning Authority that the loss of commercial space has been justified. In addition, it has not been demonstrated that the proposal would be water neutral, and thus would not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Recommendation: Application Refused

Reasons for Refusal:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the site is not needed or viable for an employment use and therefore the proposal would result in an unacceptable loss of valuable employment floorspace in a sustainable location, contrary to Policy 9 of the Horsham District Planning Framework (2015).

2. Notwithstanding information submitted, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats and Species).

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

Plans list for: DC/23/1125
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality Statement	NONE	08.01.2024
Block plan		#00864462-044F16	13.12.2023
Supporting Statement	Planning and Heritage	NONE	13.12.2023
Elevation & Floor plan	inc Location and site plan	19446-01	05.06.2023
Elevation & Floor plan	Proposed	19446-02	05.06.2023
Plans	Various 3D views	2162-02-01-09	05.06.2023
Design & Access Statement		NONE	05.06.2023
Location plan		NONE	05.06.2023

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 02.04.2024

Authorising Officer sign/initial RHERMITAGE Date: 03.04.2024