Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0496
3 Elm Grove, Horsham, West Sussex, RH13 5HX

DESCRIPTION:

Change of use from use class E to Use class C3 by way of alterations to existing and extension to the rear of the ground floor to accommodate 2 no additional 2 bedroom flats.

RELEVANT PLANNING HISTORY:

HU/287/94	Change of use from class a1 retail use to class a3 (food and drink takeaway) Site: 3B Elm Grove Horsham	Refused on 13.12.1994

SITE AND SURROUNDS

The application site is within the Horsham Built up area boundary situated to the west of Elm Grove in a largely residential area, although it is noted that there are some examples of mixed use development within the locality. The application site itself consists of a retail unit to the ground floor and 2x 1 bedroom flats at the first floor. There is a garden to the rear and parking provision for four cars. The topography within the application site is lower to the rear of 3 Elm Grove.

DETAILED DESCRIPTION

The proposed materials would be white render to ground floor with the first floor to be external grey composite cladding and would be for the principal and rear elevation. The change of use would incorporate a rear extension which would have 4 rooflights and two 3 panel rear elevation doors. The width of the extension would be 6.5 metres in depth and 9.895 metres in width with a lean to roof and roof tiles to match the existing. The eaves height would be 2.9metres approximately and ridge height 4.5 metres. A new window would be added to the north elevation and the south with the existing doors rearranged to facilitate access to the first floor. The existing outbuildings within the site would be demolished.

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 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
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 Business Neighbourhood Plan 2019-2036
HB3: Character of Development
HB4: Design of Development
HB9: Protecting Existing and Encouraging New Commercial Premises and Land

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:

Natural England: No objection

There are no objections to the proposal subject to the mitigation measures outlined within the Water Neutrality Statement.

HDC Environmental Health: No objection but advice offered to ensure that there would be an:

1. Openable window to be provided in both ground floor flat kitchen/dining/living rooms to allow for secured natural purged ventilation.
2. A 30 min FR door to both ground floor kitchen/dining/living rooms.
3. Suitable and sufficient mains wired interlinked smoke/heat detection to be installed within each individual flat.

WSCC Highways: No objection subject to a condition.

The site is served by an existing dropped kerb along the site frontage, and this is to be retained for use by the proposed dwellings. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on to Elm Grove. In addition, the proposals are not anticipated to give rise to a material intensification of use of this existing access point.

Four car parking spaces are proposed for this development. The WSCC Car Parking Demand Calculator indicates that the existing and proposed residential units would require seven car parking spaces. Therefore, overspill parking would have to be accommodated on-street.

There are comprehensive parking restrictions in place nearby that prohibit parking on-street in places that would be detrimental to highway safety. The LHA does not anticipate that the shortfall in parking would give rise to a highway safety or parking capacity concern in this location, but the LPA may wish to consider amenity impacts.

The site is situated in a sustainable location within walking/cycle distance of local services, amenities and public transport connections. Cycling is a viable option in the area and the LHA would request that

secure cycle parking provision be provided in accordance with WSCC Parking Standards, to promote the use of sustainable transport methods.

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.

Parish Comments:

No objection

Representations:

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. 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.'

Some financial justification has been submitted during the course of the application for the proposed change of use of the building to residential and the resultant loss of retail floorspace. It is evident that the butchers has been facing financial difficulties in its current usage. The justification provided outlines that given that the locality largely consists of residential units rather than being in a primary retail area, that retail units in these types of locations do not benefit from the footfall required to support the continued use of them as retail unts. Without the site being financially viable within its current retail usage, it is acknowledged that the proposal would represent a loss of employment opportunity, but that it would be preferable for the building to be within residential use than vacant.

Whilst the loss of employment floorspace would therefore first appear contrary to the objectives of policy 9 of the HDPF, the harm that this would represent would be limited given the scale of the building currently and its vacant state such is considered that on balance, an occupation of the building as a dwellinghouse is considered to be more beneficial than an empty employment floorspace. No objections to the principle of development.

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 character of the streetscene is residential in nature and the proposal would not be inconsistent with the appearance of other residential dwellings within the locality. As such, the proposal would not have an unduly prominent or harmful impact upon the streetscene or character of the area. The alterations to the principal elevation would reflect the residential context in which the development site is located.

It is noted that within the immediate streetscene there are no other examples of grey composite cladding, however, there is a mixed palette of brick and various coloured renders such that the proposal would not be incongruous with the character of the area, particularly given that it would result in a residential form of development in a largely residential area. The scale of the increase in built form would be modest and would be to the rear of the dwellinghouse such that the increase in built form would not be readily visible from the streetscene.

There are no objections to the design, scale or appearance of the proposed development.

Amenity 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.

It is considered that the siting and layout of the proposed extension and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways Impacts:

Policy 40 of the HDPF state that development should provide safe and adequate access suitable for all users. 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 site is served by an existing dropped kerb along the site frontage, and this is to be retained for use by the proposed flats. WSCC Highways have been consulted during the course of the application and have no concerns in respect of visibility or access with the proposal not being considered to likely result in an intensification in highways activity as a result of the proposal.

WSCC Highways have noted that the existing and proposed residential units would require seven car parking spaces where there are only 4 proposed as part of this application. A shortfall of two spaces

would have potential to result in some on-street parking. It is considered however that the site is situated in a sustainable location within walking/cycle distance of local services, amenities and public transport connections. Cycling is a viable option in the area, and this would be conditioned as part of the application to reduce potential need for additional on-street car parking.

For these reasons, there are no highways concerns raised, and the proposal is considered to accord with the above policies.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site. This legislation for all development received after 2nd April 2024.

Applications which were received prior to this date would be exempt from Biodiversity net gain requirements. Given that there is no requirement for the applicant to demonstrate Biodiversity net gain requirements, there are no objections to the proposal on this basis.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

An advice note from Natural England (September 2021) 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 amended Water Neutrality Statement evidences the existing baseline within the building, comprising a Butchers and 2x1 bedroom flats on the first floor, through a combination of water bills and Flow survey. Flat 3A uses 220.6 litres per day and Flat 3B uses 236.28 litres and the retail unit uses 137 litres. In total this equates to 593.93 litres per day.

The applicant would retrofit the existing 2x 1 bedroom flats and take out all the existing fixtures within the Butchers to be replaced with efficient fixtures and fittings. This would result a daily usage of 563.50 litres which represents a water neutral development.

Following these mitigation measures, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 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 and the principle of establishing residential development in this location is supported. Whilst the loss of employment floorspace would not be entirely in accordance to policy 9 of the HDPF, the harm that this would represent would be limited given the scale of the building currently and its vacant state such that overall, it is considered that on balance, an occupation of the building as a dwellinghouse is considered to be more beneficial than an empty employment floorspace. Additionally, the proposal would result in 1no. residential dwelling that would contribute to housing within district, which given the shortage within the district would engage the ‘titled balance’ as per NPPF paragraph 11(d)(i)). Overall, it is considered that in this instance that the proposal would be, on balance acceptable and is recommended for approval.

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	266.85	103.04	163.81
All Other Development		93.52	0
		Total Gain	
		Total Demolition	

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-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).

4 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details on the submitted plans and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies in accordance with Policies 24 & 41 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 provided within rear garden for the flats within the application site. 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).

7 **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 side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. 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).

8 **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).

9 **Regulatory Condition**: The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall those indicated within the application form.

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

10 **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 and B of Part 1 of Schedule 2 (amend classes and schedule as necessary) 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).

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/24/0496
(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
Location & Site plan	Site Location Plan	16	08.04.2024
Floor plan	Existing Plans	02	28.03.2024
Roof plan	Existing Roof Plan	03	28.03.2024
Elevation plan	Existing East & West Elevations	04	28.03.2024
Elevation plan	Existing North & South Elevations	05	28.03.2024
Section plan	Existing Section	06	08.04.2024
Floor plan	Proposed Floor Plans	09	28.03.2024
Roof plan	Proposed Roof Plan	10	28.03.2024
Elevation plan	Proposed East & West Elevations	11	28.03.2024
Elevation plan	Proposed North & South Elevations	12	28.03.2024
Section plan	Proposed Section	13	28.03.2024
Layout plan	Proposed Parking Area Layout	16	28.03.2024
Supporting Docs	Application Form	NONE	28.03.2024
Supporting Statement	Revised Water Neutrality Statement	NONE	10.07.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 10/07/2024

Authorising Officer sign/initial Tamara Dale Date: 11/09/2024