Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1756
Units 9 and 10, Laura House, Jengers Mead, Billingshurst, West Sussex, RH14 9NZ

DESCRIPTION:
Prior Approval for the Change Of Use from Offices (Class B1) to residential (Class C3) to form 2 no. self contained flats.

RELEVANT PLANNING HISTORY:

DC/21/1659	Prior notification for the change of use from an office (Class B1) to residential (Class C3) to form 1no. self contained flat.	Prior Approval Required and PERMITTED on 28.10.2021
DC/21/0958	Prior notification for the change of use from an office (Class B1) to residential (Class C3) to form 2no. self contained flats.	Prior Approval Required and REFUSED on 29.10.2021
BL/83/89	Erection of shops, offices & flats, garage block & extension to car park Site: Jengers Mead, Billingshurst	Application Permitted on 23.08.1990

RELEVANT PLANNING POLICIES
National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 24 - Strategic Policy: Environmental Protection
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
Schedule 2, Part 3, Class MA – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

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

Consultations:

HDC Environmental Health: No Objection, suggested condition

WSCC Highways: Comments *(Summary)*

The movements associated with office use have done so safely with no known safety highways concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

HDC Conservation: No objection
It would appear that the application seeks permission under prior notification for solely the change of use, and internal changes to the building. The building is within the Billingshurst Conservation Area. It would not be considered that the change of use of this part of the building would result in harm to the localities special historic and architectural interest.

Parish Comments:
No comments

Representations:
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

'Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.—(1)Development is not permitted by Class MA—

~~***(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;***~~

(section deleted following the 2024 update to the order on 05.03.2024)

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The units are currently in use as Class E (formerly B1(a)) offices. The building, Laura House, is a three-storey mixed use building constructed under planning permission BL/83/89 with retail units on the ground floor, office units on the first floor, and residential flats on the second floor. Such planning permission does not include any conditions restricting the use of units 9 and 10 to offices only.

~~***(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;***~~

(section deleted following the 2024 update to the order on 05.03.2024)

(d) if land covered by, or within the curtilage of, the building—
- ***(i) is or forms part of a site of special scientific interest;***
- ***(ii) is or forms part of a listed building or land within its curtilage;***
- ***(iii) is or forms part of a scheduled monument or land within its curtilage;***
- ***(iv) is or forms part of a safety hazard area; or***
- ***(v) is or forms part of a military explosives storage area;***

The land covered by the building is not / within the curtilage of any of the above listed designations.

(e) if the building is within—
- ***(i) an area of outstanding natural beauty;***
- ***(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 198155;***
- ***(iii) the Broads;***
- ***(iv) a National Park; or***
- ***(v) a World Heritage Site;***

The site is not located within any of the above designations,

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

N/A

(g) before 1 August 2022, if—
- ***(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and***
- ***(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.***

N/A

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—
- ***(i) Class A1 (shops);***
- ***(ii) Class A2 (financial and professional services);***
- ***(iii) Class A3 (food and drink);***
- ***(iv) Class B1 (business);***
- ***(v) Class D1(a) (non-residential institutions – medical or health services);***
- ***(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);***
- ***(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;***

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.'

The units are currently in use as Class E (formerly B1(a)) offices. The building, Laura House, is a three-storey mixed use building constructed under planning permission BL/83/89 with retail units on the ground floor, office units on the first floor, and residential flats on the second floor. Such planning permission does not include any conditions restricting the use of units 9 and 10 to offices only.

Consideration

Paragraph MA.2 states that the development must apply to the Local Planning Authority for determination as to whether the prior approval of the authority will be required as to: the transport impacts of the development, particularly to ensure safe site access; contamination risks in relation to the building; flooding risks in relation to the building; impacts of noise from commercial premises on the intended occupants of the development; where the building is located within a conservation area and where the development involves a change of use for the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area; the provisions of natural light in all habitable rooms of the dwellinghouses; the impacts on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; the impact on the local provision of the loss of a registered day nursery of health centre, and; Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building:-

(a) Transport Impacts

WSCC Highways were consulted on this proposal and raised no objection on the grounds of highway safety. WSCC Highways have noted that even though according to WSCC parking demand, at least two parking spaces are required for the proposal. The proposed development does not include provisions of car parking and consequently, car parking would have to be accommodated on street.

The immediate area of Jengers Mead has strict parking controls and contains a private parking area for visitors, businesses and residents, and according to original plans in BL/83/89 for the development of Laura House, parking spaces were made available in front of the building on Jengers Mead. It is unclear whether intended occupiers of the site could obtain a resident's parking permit in Jengers Mead. However, due to comprehensive parking controls, it is not considered the proposed development would result in a detrimental impact to highway safety or amenity FOR existing users of Jengers Mead.

Intended occupiers of the site could alternatively park on nearby streets and it is also possible to obtain residents' parking permits from the Council. This was considered acceptable in previous conversions of Units 7 and 8 of Laura House under application DC/13/1825 as well as Unit 12 under DC/21/1659.

It is not considered that the proposed development would result in a detrimental impact to site access.

WSCC Highways has also requested the provision of secure and covered cycle parking provisions for the proposal, should circumstances allow. No objections are raised regarding the impacts of the proposal to transport and highways, and it would not be possible to secure external covered cycle parking provisions, due to the complex ownership and layout of the Laura House as well as Jengers Mead.

(b) Contamination Risks

Considering the precedents of conversion of first floor office units into residential units in Laura House and the age of the building, there is potential for asbestos containing materials (ACMs) on site. Subject to the outcome of this application, a condition is recommended by the Council's Environmental Health Officer requesting that any identified or suspected asbestos material is removed by a licenced contractor, and that the Council be notified in this event.

(c) Flood Risks

The site is located in Flood Zone 1 according to the Environment Agency, thus there is no appreciable flood risk that requires mitigation or to warrant the refusal of prior approval.

(d) Noise Impacts

A Noise Exposure Assessment of Unit 12 from previous application DC/21/1659 was submitted to support this application, and no new Noise Exposure Assessment was submitted to this application. The Council's Environmental Health Officer considers this as sufficient as compared to Unit 12, Units 9 and 10 are located further away from the outdoor area of nearby public house and the restaurant extraction system, thus such noise impacts would be less significant.

In the previous application for the conversion of Unit 12, the proposed use of trickle vents may not be considered acceptable. As the same Noise Exposure Assessment was submitted to this application, a condition is similarly recommended by the Environmental Health Officer to ensure that suitable noise attenuation measures are implemented to mitigate noise impacts.

It is noted that no objections are raised in regard to the impacts of noise from commercial premises to the intended occupiers of this proposal.

(e) Impact on the Conservation Area

The site is located within the Billingshurst Conservation Area. The Council's Conservation Officer considers this proposal would not result in harm to the special historic and architectural interest to the localities.

As this proposal would not involve a change of use of the whole or part of the ground floor, paragraph MA.2(2)(e) does not apply.

(f) Provision of Adequate Natural Light

The proposed floor plans indicate that each unit would have windows facing both the north and south, and each habitable room and shower room to each dwelling would benefit from a window. This is considered satisfactory in providing adequate and sufficient natural light to intended occupiers of both units. No objections are raised on these grounds.

(g) Introduction of a Residential Use

As above, the site is located within an area formed of a mix of commercial and residential uses. No heavy industry, waste management or storage / distribution uses occur nearby. The proposed arrangement is not unusual for a town centre location, and subject to the above noise mitigations being adhered to, the occupation of the unit for residential purposes is not considered to adversely impact the future occupants of the dwelling. As such, no objection is raised on these grounds.

(h) Loss of a Registered Nursery or Health Centre Use

The proposal would not result in the loss of a registered nursery of health centre.

(i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Though the application building would accommodate two dwellings, it does not exceed the required height of 18m to meet the fire risk condition.

Other Matters

Water Neutrality

Article 3(1) of the Order grants planning permission for the classes of development specified in Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site or a European offshore marine site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the

site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77. This above process is administered under separate specific legislation, and is therefore distinct from the scope of this prior notification. It is not therefore necessary to consider the issue of water neutrality further as part of this application. An informative would instead be recommended to advise that the presence of a prior approval does not confirm that a development is permitted under the GPDO in the event that prior approval were to be granted, and that further written notification is required from the Local Planning Authority under Regulation 77 of the Regulations.

National Space Standards

According to paragraphs (9A) and (9B) of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020:

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

- ***(a) where the gross internal floor area is less than 37 square metres in size; or***
- ***(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.***

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

The submitted proposed plan states that Units 9 and 10 Laura House would be converted into two flats, each with a bedroom accommodating two persons, as indicated with a double bed. It was also declared that the gross internal floor area of the two proposed flats would be 40.80 and 45.87 square metres respectively.

The nationally described space standard requires that double (or twin) bedrooms must be at least 2.75 metres wide and has a floor area of at least 11.5 square metres. Single storey dwellings with one bedroom accommodating two bed spaces (persons) must also have a minimum gross internal floor area of 50 square metres.

According to the dimensions provided on the proposed plan, the proposed bedrooms in both Units 9 and 10 have floor areas of less than 11.5 square metres (measuring 11.08m2), and the gross internal floor areas of both proposed flats do not meet the nationally described space standard of at least 50 square metres.

Therefore, this proposal is not considered in accordance with paragraph (9A)(b) of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and this application is refused.

Recommendation: Prior Approval Required and REFUSED

Reason for Refusal:

1. The gross internal floor area to be formed to each proposed dwellinghouse, and the floor area to be formed to bedrooms of each proposed dwellinghouse, would not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. The proposal would therefore be contrary to Article 3 (9A)(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

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/24/1756
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	Existing and Proposed and Block Plan	001 REV A	13.11.2024

DELEGATED

Case Officer sign/initial Joshua Lee Date: 30.12.2024

Authorising Officer sign/initial RHERMITAGE Date: 07.01.2025