Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0215
Alexandra House, 11 Queen Street, Horsham, West Sussex,

DESCRIPTION:
Prior notification for change of use from office to residential to form three dwellings.

RELEVANT PLANNING HISTORY:

N/A

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 2021, 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 of Schedule 2 to a use falling within Class C3 (dwellinghouse).

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:
The application site is likely to be exposed to high levels of daytime noise levels from road traffic. However, this cannot be considered under the prior approval process. Given the age of the building and the potential for asbestos containing materials (ACMs), conditions should be attached.

An asbestos report was received and EH reviewed this. However, the report is considered limited and therefore a revised condition was recommended for attachment.

WSCC Highways:
In summary, the proposal is not anticipated to result in a material increase or change in the character of traffic. Consequently, no highway concerns would be raised. 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.

Parish Comments:
None received

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

The main issue is whether prior approval is required for the proposed change of use under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Schedule 2, Part 3, Class MA of the above Order states that the following constitutes permitted development:

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.

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;

Viewing both planning history of the site and Google Street View, it is considered that the previous use of the building would fall under Class E, previously Horsham Debt Advice Service and Learning Potential Tuition. These business have since moved with no evidence to suggest the building has been used other than that permitted under Class E.

As such, the development is in accordance with this criteria.

~~***(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;**

N/A

(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 1981;**
- **(iii) the Broads;**
- **(iv) a National Park; or**
- **(v) a World Heritage Site;**

N/A

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

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.'

As above, the application site was most recently in use as an Office (Class E).

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:

MA.2 (1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

No transport statement has been submitted as part of the application. The LHA were asked to comment on the application and commented no highway concerns. The Council and the LHA recognise no parking provision is to be implemented for the proposal however, considering the location of the proposal being located centrally within the town of Horsham, it is thought that the proposal would be in accordance with the criteria.

(b) contamination risks in relation to the building;

The application includes a statement which details that "*the building has been used for a variety of past uses which do not present any potential for contamination of the property. There are no areas landscaped areas and the application site is predominantly covered by the main building or hardstanding"*. However, Environmental Health recommended a condition to ensure if any contamination was to be found, a remediation strategy should be submitted. Considering this, no further information would be required given the historic uses of the application site and the information submitted. The development is in accordance with the above criteria.

(c) flooding risks in relation to the building;

The application site is not considered to be at risk of flooding and as such accords with the criteria.

(d) impacts of noise from commercial premises on the intended occupiers of the development

The application site is located within an area with a variety of uses including commercial premises, however given that there are both flats and dwellinghouses within the immediate locality, it is not considered that the proposal would result in unacceptable noise impacts for the future occupiers.

(e) where—
- **(i) the building is located in a conservation area**
- **(ii) the development involves a change of use of 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 impact of that change of use on the character or sustainability of the conservation area;

The location of the site is not considered to fall within the conservation area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

All habitable rooms would benefit from fenestration such that it is considered that all rooms would have adequate natural light.

(g) the impact 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;

There does not appear to be general or heavy industry, waste management, storage and distribution or a mix of such uses.

(h) where the development involves the loss of services provided by—
(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost and

The use of the site appears to have most recently been an office such that the development is in accordance with the above criteria.

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

A fire statement is not required given that the height is not more than 18 metres and would contain less than 7 storeys in height.

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 is instead recommended to advise that the presence of a prior approval does not confirm that a development is permitted under the GPDO, and that further written notification is required from the Local Planning Authority under Regulation 77 of the Regulations.

National Space Standards

In accordance with Section (9A) of Article 3 of the General Permitted Development Order (2021 Amendment), Schedule 2 of the Order only permits development for the creation of new dwellinghouses:

> *'(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.'*

The proposal incorporates the creation of one three-bedroom dwelling and two one bedroom dwellings. The one bedroom dwellings are 37m^2 each with the 3 bedroom dwelling 76m^2 in Gross Internal Area. The size of the units meet / exceed minimum space standards for their respective size as per the National Space Standards. The proposed conversion of the building is therefore considered to provide

adequate living space in accordance with national space standards, in accordance with Section (9A) of Article 3 of the Order.

External Alterations

It is noted that the proposed conversion includes a number of external alterations to the building, including the replacement of and new windows, a balustrade to the front elevation on to Queen Street, and refurbishing of the external stores. Class MA of the GPDO does not permit external alterations to existing buildings, and relates only to its use and its conversion. Bearing in mind A.1(a) of Schedule 2 Part 1 of the General Permitted Development Order, the dwellings would not benefit from permitted development rights. In addition, as the use would result in the creation of flats, they would not be considered 'single dwellinghouses' thus would not benefit from permitted development rights in any case. A separate planning application would therefore be required to secure the exterior alterations. An informative is attached accordingly.

Conclusion

The proposal accords with the provisions of Paragraphs MA.1 and MA.2 of Schedule 2, Part 3, Class MA 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) Order 2015. Conditions relevant to the considerations of this class of the Order are attached as detailed below. Prior approval is therefore required and permitted.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

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

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

NOTE TO APPLICANT
Please note that Schedule 2, Part 3, Class MA of the General Permitted Development Order 2015 (as amended) does not include any provisions for external alterations to the application building. Therefore, a separate full planning will be required to implement these works.

NOTE TO APPLICANT
The applicant is advised that this decision relates solely to whether the Prior Approval of the Local Planning Authority is required, it does not confirm that the proposal represents Permitted Development. The site lies within the Sussex North Water Supply Zone where Natural England has advised that water extraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site.

It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a significant effect on a European Site "must not be begun" until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect. Following this an application must be made to the Local Planning Authority for its approval. No development must be

begun until the developer has received written notification of the approval of the local planning authority. For further information on this process see Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 (general development orders).

The applicant is advised that any development commenced without compliance with Regulation 75 of the Conservation of Habitats and Species Regulations 2017 would be in breach of the GPDO and would be subject to potential future enforcement action.

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/25/0215

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan		2417 / 01	07.02.2025
Floor plan	Existing	2417 / 02	07.02.2025
Floor plan	Existing	2417 / 03	07.02.2025
Elevation plan	Existing	2417 / 07	07.02.2025
Floor plan	Proposed	2417 / 04	07.02.2025
Layout plan		2417 / 08	07.02.2025
Floor plan	Proposed	2417 / 05	07.02.2025
Supporting Statement		NONE	07.02.2025
Elevation plan	Existing and proposed	2417 / 06	07.02.2025
Supporting Statement	ASBESTOS REPORT	933/06* 2006	04.04.2025

DELEGATED

Case Officer sign/initial J.Burrowes Date: 15/04/2025

Authorising Officer sign/initial RHERMITAGE Date: 16.04.2025