



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 6th June 2023

DEVELOPMENT: Variation of Condition 1 of previously approved application DC/21/0207 (Construction of two ground floor flats with associated alterations including external alterations to the additional floor under prior approval application DC/21/0236) Relating to the external elevations of the property.

SITE: Sussex House, North Street, Horsham West Sussex RH12 1RQ

WARD: Denne

APPLICATION: DC/22/2313

APPLICANT: **Name:** Paul Craig **Address:** care of agent Melton Lodge, Rusper Road, Newdigate RH5 5BX

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Permission is sought under Section 73 of the Town and Country Planning Act 1990 to amend planning permission DC/21/0207. Section 73 permits minor material amendments to be made to approved applications by way of removing or varying conditions attached to a planning permission. Previously, for Sussex House, permission has been granted for an additional fourth floor to the building to form 8 flats by way of application DC/21/0236 (which granted prior approval for the additional storey) and full application DC/21/0207 (which granted permission for a number of associated external alterations to the building). The additional storey and associated external alterations to the building have now been built but not in accordance with approved details (as detailed below).

1.3 Under DC/21/0207, permission was granted for the following external alterations:

- The insertion of balconies to the front, side, and rear elevations
- The insertion of additional windows
- Erection of timber fencing to the rear of the building to create rear garden curtilage
- Revised parking area to the front and rear of the building

- Erection of bike and bin stores to the rear elevation
- A replacement 1m high timber wall to the front and sides of the site
- Retention of a TPO tree to the front along with proposed landscaping. Existing trees to the rear to be retained along the southern boundary.

1.4 Following the granting of permission, it became clear that the works had not been completed in accordance with the planning permission, namely:

- The height of the building with the additional floor has increased by 0.8m from 12.7m to 13.5m
- The layout of the car / cycle parking area to the front and rear have been altered.
- The additional floor has not been built to match the existing building's existing wall dimensions.
- The front balconies have been built as solid metal structures.
- The entrance sign above the main front entrance is different in design.
- The glazed balconies to the south (rear) elevation are larger additions to a height of 1.65m. Doors have been provided to access the south facing balconies.
- Cladding to the front windows and ground terraces are not the approved timber and are glazed with cladding.
- The front boundary wall has been built in brick.
- No balconies have been added to the rear and side (north facing) elevation.

1.5 This current application seeks to retain the appearance of the building and car park areas as built, with some additional works proposed to tidy up its appearance including:

- Provision of an angled step-in to the junction between the additional floor and the existing building to the northern elevation to replicate the existing junction at ground floor level.
- The pressed aluminium flashing to the building matches the balconies in grey however there are exposed areas of concrete which stand out. These are to be painted in grey to match aluminium flashing.
- To the inset front elevation (southern side), a brick rainscreen is proposed with a soldier course detail. This would be to the junction between the additional floor and existing building.

1.6 It should be noted that a concurrent application (DC/23/0576) has been submitted for amendments to the prior approval permission (DC/21/0236) which granted the additional floor to the building. The current application for amendments to the prior approval permission will consider the principle of the additional floor with the increased height. The increased height of the building is not a consideration under this committee application as it is be considered under the above separate concurrent application.

DESCRIPTION OF THE SITE

1.7 The application relates to a four-storey building sited on the south-eastern side of North Street, Horsham. The building was former offices and is located within the built-up area of Horsham. The building has now been largely converted to 30 flats with a car park to the front and rear. The front elevation onto North Street includes balconies. The top floor flats also include balconies to the side (south facing elevation).

1.8 The site includes an access directly onto North Street to an off-street parking area. The site also includes a rear car park accessed via Chichester Terrace. There are several listed buildings nearby which are to the west side of North Street. The site is set a significant distance from these properties. A single copper beech tree is sited to the front of the building. This is subject of a tree preservation order (TPO/0346).

1.9 The surrounding area is characterised by a mixture of residential properties and commercial / office buildings within a close distance to the town centre. The Capitol theatre venue abuts

the site immediately to the north. Horsham railway station is located nearby to the north-east of the site. The site is within the proposed conservation area for North Street as identified in the Horsham Blueprint Business Neighbourhood Plan 2019-2036.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

2.8 RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Business Neighbourhood Plan 2019-2036.

- Policy HB1: Location of Development
- Policy HB2: Meeting Local Housing Needs
- Policy HB3: Character of Development
- Policy HB4: Design of Development
- Policy HB5: Energy Efficiency and Design

2.9 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1003	Prior approval for change of use of offices (Class B1a) to form 20 apartments	Prior Approval Required and permitted on 20.07.2020
DC/21/0207	Construction of two ground floor flats with associated alterations including external alterations to the additional floor under prior approval application DC/20/0236.	Approved on 16.04.2021
DC/21/0236	Prior notification for the erection of one additional floor to create 8 flats.	Prior Approval Required and PERMITTED on 07.04.2021
DC/22/0637	Variation of Condition 1 of previously approved application DC/21/0207 (Construction of two ground floor flats with associated alterations including	Approved 10.06.2022

DC/23/0576

external alterations to the additional floor under prior approval application DC/21/0236) Relating to the front windows, door locations and sizes.

Amendments to prior approval permission DC/21/0236 (Prior notification for the erection of one additional floor to create 8 flats) including removal of Condition 2 (materials).

Under consideration

- 2.10 In addition to the above, five applications have been refused and the following appeals dismissed for alterations to the building, including proposals for two additional floors (refs: DC/21/2296, DC/20/1686, DC/20/1696, DC/20/2357 & DC/20/2389). It should be noted that whilst all appeals were dismissed the Inspector did not agree with all of the Councils concerns.

3. OUTCOME OF CONSULTATIONS

- 3.1 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.

CONSULTATIONS

- 3.2 **WSCC Highway Authority:** No highway concerns.

- 3.3 **Southern Water:** No comment.

PUBLIC CONSULTATIONS

- 3.4 **12** representations have been received from 9 separate adjacent properties objecting to the proposal on the following grounds:

- The proposed changes are not considered minor material amendments.
- The balconies result in overlooking of adjacent properties.
- The total height of the building has increased.
- Access to the balconies should not be permitted. The proposal includes two additional doors to the balconies facing south.
- The proposal results in a wonky third floor.
- The proposal results in overdevelopment.

- 3.5 **Horsham Society:** Strongly Object. The changes are not considered minor and should not be approved. The objections from Denne Neighbourhood Council and local residents are supported. It is not acceptable for the applicant to carry on work with changes hoping for retrospective approval.

- 3.6 **Denne Neighbourhood Council:** Object:

1) The overall height of the building, which is higher than the permitted application DC/21/0207, appears dominant in relation to the Capitol and the street scene. North Street is an important gateway entrance into the town and this development contravenes HDPF Policy 33, points 3 & 4.

2) The vertical metal supports for the balconies on the front elevation were not part of the permitted design and do not appear on the elevation plan. HDNC considers the supports are too dominant, creating a strong vertical feature which resembles scaffolding and clashes with the horizontal aspect line of the balconies. This new design detracts from the street scene and contravenes Policy 33, point 3. If the balconies are unsafe without further support they should not have been permitted at all and could be replaced by Juliet balconies.

3) The balcony on the S/W elevation impacts the residents of 3,5 and 7 Norfolk Road. 24 hour access to the balcony has twice been refused as it would contravene Policy 33 (Points 2 & 3) of the HDPF 2015. HDNC disagrees that removal of Condition 13 of DC/21/0207 would entail 'no loss of privacy to adjacent neighbours' and considers this condition should be retained.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

- 4.1 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.
- 4.2 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.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Background:

- 6.1 Sussex House was constructed in accordance with planning permission HU/340/78 and was occupied as Class E(c) offices until August 2019. Prior approval was then granted in July 2020 to convert the offices into 20 dwellings (DC/20/1003). In September of 2020, the Government introduced additional prior approval developments to the General Permitted Development Order (2015, as amended), including the erection of roof extensions to existing offices for proposed residential use (Schedule 2, Part 2, Class AB).
- 6.2 The applicant then submitted a Class AB prior approval application for the erection of an additional storey to the existing building (DC/21/0236) which was subsequently granted. A concurrent application (DC/21/0207) granted permission for various external alterations to the additional storey and the rest of the building, as itemised above at paragraph 1.3, as the prior approval process does not allow for these matters to be considered under the prior approval application.
- 6.3 Following the two approvals, the additional floor and alterations to the building were implemented, however it then became clear that the works had not been implemented in accordance with the approvals. The additional floor had been built higher than the prior approval, the external alterations were not as approved and the car park layout was different (see paragraph 1.4 above). As such, the applicant has submitted two further applications to seek to amend the original prior approval and planning permission to accord with what has been built on site.
- 6.4 As an amendment to an existing permission, the principle of the development has been established therefore the main material considerations are the impacts of the changes on the appearance of the building, surrounding area, and neighbouring amenity. This application does not propose any alterations to the internal layout of the proposed flats.

Design and Appearance:

- 6.5 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan states that development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings.
- 6.6 With respect to the change in the appearance to the building itself (as built), when compared to approved permission, the most striking difference is the front elevation onto North Street. Under the approval, the building was shown with balconies to the first, second and third floors. These balconies were shown as separate additions with timber cladding. The front window surrounds and raised terrace at ground floor level were also supposed to be built with timber cladding. As built, the balconies have been constructed as more imposing structures connected at all floors with metal posts. The balconies and windows do not include the approved timber cladding and are fully glazed. It should also be noted that under the previous appeals for this building for two additional floors (refs: DC/20/1696, DC/20/1686, DC/20/2357 & DC/20/2389), the Inspector commented that balconies to the front were acceptable and would not be dissimilar to those on nearby buildings. The alterations were considered to add interest and 'would not be harmful to the street scene'.
- 6.7 The additional floor has also been built slightly higher than the approval. As approved, the overall height of the building was 12.7m. As built, the overall height is now 13.5m. As discussed, the principle of the additional floor and the increase in height is being considered under a concurrent application (DC/23/0578).
- 6.8 The additional floor has been built with matching brickwork. However, the additional floor has not been built to follow the lines of the existing building. The additional floor protrudes slightly beyond the existing wall line to the south elevation and is also slightly inwards of the north elevation and at the rear. This gives the building a somewhat awkward and top heavy appearance. To try and rectify the anomalies to the building, this proposal includes the following:
- Provision of an angled step-in to the junction between the additional floor and the existing building to the northern elevation to replicate the existing junction at ground floor level. This would give the building more symmetry to this side.
 - The pressed aluminium flashing to the building matches the balconies in grey however there are exposed areas of concrete which stand out. These are to be painted in grey to match aluminium flashing.
 - To the inset front elevation (southern side), a brick rainscreen is proposed with a soldier course detail. This would be to the junction between the additional floor and existing building. This would also tidy up the appearance of the building.
- 6.9 To the north elevation, a drainpipe extends up the side of the building. The drainpipe extends slightly over the top floor projection and also appears as an awkward addition. The applicant has stated that this drainpipe cannot be better placed. To the north elevation adjacent to the side addition of the Capitol Theatre, it is felt that the drainpipe does not detrimentally impact on the appearance of the building and does not need to be removed. The proposal also includes a more modern entrance sign above the inset doorway to the front elevation. Dwarf walls have also been built around the front car park and finished in dark grey. These elements are also considered appropriate.
- 6.10 As with the front elevation, to the rear a brick rainscreen is proposed with a soldier course detail. This would be to the junction between the additional floor and existing building which currently protrudes. This would again tidy up the appearance of the building.

- 6.11 In relation to the car park layout, the layout as built is largely the same as approved with access from the front and rear. The protected TPO is retained on site and the approved cycle parking is located to the southern side of the front park. The car parking spaces have increased from 24 spaces to 27 spaces (with electric vehicle charging spaces to the rear) through slight amendments to the layout. The scheme also retains the approved refuse bin storage area to the rear. The layout includes a stepped entrance to the front. Overall, the amendments to the car park layout are considered appropriate and result in additional car parking spaces for this development.
- 6.12 With respect to the appearance of the building itself, the changes to the building result in a more of a modern appearance with more prominent balconies. This is considered to be appropriate in the context of North Street and this change to the appearance of the building is considered acceptable. In addition, with the minor alterations proposed, the appearance of the building will be suitably improved. As such, the proposal is considered appropriate in terms of its design and in accordance with the above policies.

Impact on Residential Amenity:

- 6.13 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land. Sussex House is set relatively centrally within the plot, set between The Capitol to the north-east, and Norfolk House to the south-west. To the south, the site sides on to the rear elevations of Nos. 3-9 Norfolk Road. The existing boundaries between these properties and the site is formed of 1.8m high brick wall with existing sporadic planting on the neighbours' side and is sited between 16m and 24m from the neighbours' rear boundaries.
- 6.14 Under the previous proposals, the impact of the proposal for an additional floor was assessed and considered appropriate. The top floor is set back to the south elevation to limit any overbearing impact on the properties to the south. To the front elevation, the balconies and windows would face North Street and do not overlook any existing properties. This also the case with the elevation facing north onto the side of the Capitol Theatre.
- 6.15 As with the approved scheme, the current application includes a balcony area to the top floor which faces south. Glazed screens have been constructed to a height of 1.65m above the floor level of the terraces. The terraces are only 1.2m wide and would offer an external amenity space for these top floor flats facing south.
- 6.16 Under DC/21/0207, condition 13 prevented the use of the balconies by future residents. This was to protect the amenity of the properties to the south. Since this decision, a separate appeal has been dismissed for a further floor to the building to form 2 flats (DC/21/2296). The appeal was dismissed on the grounds that the proposal did not achieve water neutrality however under this appeal further balconies were proposed facing south to the proposed fourth floor additional storey. The Inspector considered that the addition of further balconies with 1.7m glazed balustrades was appropriate. The appeal was not dismissed on these grounds.
- 6.17 As such, taking into account the appeal decision of DC/21/2296, the use of the existing balconies for the third floor flats facing south is also considered appropriate, provided the 1.65m obscure glazed balustrades remain in place. With the glazing in place, there are very limited views to the south. Given the appeal decision and glazing screening, the removal of condition 13 of DC/21/0207 to allow use of the balconies is considered appropriate under this application. This is subject to the retention of the obscure glazed screens.
- 6.18 The scheme has been built without any of the approved balconies to the rear and side (north facing) balconies. These balconies would have created external amenity space for these flats. The site is close to Horsham Park which would provide outside space for the use of

the future residents of these flats. In addition, the balconies were not required to make this application acceptable in planning terms.

Water Neutrality:

- 6.19 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.
- 6.20 For this proposal, as works have commenced on site, the approved development can be taken as a viable fall back. This scheme does not increase the number of units already approved on this part of the site, therefore water consumption will not increase as a result of these amendments. As such, the grant of planning permission would not adversely affect the integrity of the Arun Valley 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.

Climate change:

- 6.21 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Water consumption limited to 110litres per person per day
 - Requirement to provide full fibre broadband site connectivity
 - Refuse and recycling storage
 - Cycle parking facilities
 - Electric vehicle charging points

Highways Impact and Parking

- 6.22 In relation to highways impact, the proposal retains the existing accesses to the front and rear as approved. WSCC Highways have not raised any concerns regarding this proposal. The level of car parking indicated has been increased slightly to 27 spaces, when compared to the existing permission. This increase takes into account the 30 flats now approved for this building. This level of parking is considered appropriate for this town centre site given its location and the opportunities for sustainable transport links nearby. It should also be noted that the level of parking previously proposed was considered below the required level for 30 units.
- 6.23 The cycle store to the front is two-tier bike store finished in grey weatherboarding and is set adjacent a side wall in the front car parking area. Under the approvals for the additional floor to the building (DC/21/0207 & DC/21/0236), a cycle store in this location was approved. The store would serve all of the building and would provide provision for 12 cycles. This is considered appropriate given the constraints of the site. It should also be noted that the ground floor rear flats include their own outside secure areas for cycle storage. Whilst larger than the typical cycle store, the two-tier bike would be an appropriate addition in the street scene, set back from the street within the car park area.

Conclusion:

- 6.24 Subject to the retention of the obscure panels to the south side balcony areas, the proposal would not result in a significant impact on the amenity of any adjacent properties. With the amendments proposed, the proposal is also considered appropriate in relation to its appearance and highway safety / parking.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is permitted subject to the following conditions-

Conditions:

1 **List of the approved plans.**

- 2 **Post Occupation Condition:** Within 2 months of the date of this permission, details showing the following shall be submitted to the Local Planning Authority for approval:

- Provision of an angled step-in to the junction between the additional floor and the existing building to the northern elevation to replicate the existing junction at ground floor level.
- Provision of a brick rainscreen with a soldier course detail to the junction between the additional floor and existing building which currently protrudes to the front (south side) and rear projection.

The details as approved shall be implemented within 4 months of the date of the approval of the details and thereafter retained.

Reason: To improve the appearance of the building in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan.

- 3 **Post Occupation Condition:** The exposed areas of concrete to the front elevation shall be painted dark grey within 4 months of the date of this permission to match the existing aluminium flashing and balconies.

Reason: To improve the appearance of the building in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan.

- 4 **Regulatory Condition:** Prior to the first occupation of each dwelling hereby permitted, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabytes per second through full fibre broadband connection shall be 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).

- 5 **Regulatory Condition:** No part of the development hereby permitted shall occupied until the approved car parking arrangement (including a minimum of 2no electrical vehicle charging points) have been provided on site. The charging points shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 6** **Regulatory Condition:** The beach tree protected by a TPO shall be retained during construction works, in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012). The protection measures shall be implemented prior to the commencement of any works on and be retained until all works have been completed.

Reason: To ensure the protection of the beech tree (tree preservation order no 0346) to ensure the tree is retained for the benefit of the amenity of the area in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7** **Regulatory Condition:** The obscure glazed screens to the south facing elevation (as shown on drawing nos: 2211SU_R0_300 & 101) shall be to a height of 1.65m above finished floor level and shall be retained as such thereafter.

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

- 8** **Regulatory Condition:** The approved refuse and recycling shall be provided and retained in accordance with the approved details. 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).

- 9** **Regulatory Condition:** The approved cycle store shall be provided and retained in accordance with the approved details. The provision for cycle parking shall thereafter be retained for use at all times.

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).

- 10** **Regulatory Condition:** The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 11** **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).