



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 1 November 2016

DEVELOPMENT: 'Infill' extensions at ground floor level to create 7 no residential apartments, external alterations and construction of new single storey plant room.

SITE: Park North and North Point, North Street, Horsham West Sussex

WARD: Horsham Park

APPLICATION: DC/16/1016

APPLICANT: North Street Horsham Development LLP

REASON FOR INCLUSION ON THE AGENDA: Requested to be determined at Committee by the Horsham Denne Neighbourhood Council and Cllr Skipp

RECOMMENDATION:

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The applicant seeks planning permission to infill the existing access and undercroft parking to the rear of North Point with 5 whole units and 2 half units, with the 2 no. half units already benefitting from prior approval for residential use under application ref DC/15/1678. In total seven residential units would therefore be created, either in part or whole, comprising of one and two bed units.
- 1.2 External works are also proposed to the exterior of the building that includes window and door alterations, the replacement of existing curtain walling panels and windows with infill render panels, and the construction of a new single storey plant room. The alteration details are provided below:
- 1.3 Northwest Elevation (front):
 - the existing access opening fronting onto North Street is to be blocked up with brickwork to match existing and would also include the insertion of two windows;
 - a new window would replace an existing automatic doors at ground floor;
 - 3 no. existing window panes to be removed and replaced with insulated blanking panels (no. 1 at first floor and no. 2 at second floor); and

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- the existing window opening at the fourth floor of the property would be enlarged and roof detailing's would be altered to accommodate this change;

1.4 Southeast Elevation (rear):

- Infill existing open car park area on ground floor with brickwork to match existing, including the insertion of 1 no. new window opening to serve a proposed unit;
- The insertion of 4 no. new window openings to serve two units;
- Remove existing rear door on the ground floor to the rear of North Point and replace with new brickwork to match existing;
- Remove existing rear door on the ground floor to the rear of Park North and replace with 1 no. new window opening, infilling below with new brickwork to match existing;
- 1 no. 1st floor window to be removed and replaced with insulated lookalike panels; and
- 2 no. 2nd floor windows to be removed and replaced with insulated lookalike panels.

1.5 Southwest Elevation (Capitol Theatre side):

- 2 no. new ground floor window openings to be inserted into the existing wall;
- 3 no. sections of existing curtain walling on the ground floor to be removed and infilled to include the insertion of 10 no. new windows; and
- 2 no. 3rd floor windows to be removed and replaced with insulated blanking panels

1.6 Northeast Elevation (Comewell House side):

- 2 no. new window openings on ground floor within the existing gable;
- Infill of existing open car park on the ground floor with new brickwork to match existing and the insertion of 8 no. new window openings and 3 no. new entrance doors;
- New plant room on the ground floor; and
- 1 no. new door on the ground floor into the existing stairwell to match existing adjacent door.

1.7 Southwest Elevation (Courtyard North Point side):

- 1 no. ground floor window to be removed and replaced within insulated lookalike panels;
- 1 no. 1st floor window to be removed and replaced with insulated lookalike panels;
- 1 no. new window opening on 3rd floor; and
- 1 no. new opening formed in gable at fourth floor

1.8 Northeast elevation (Courtyard Park North side):

- Remove 4 no. existing sections of curtain walling on ground floor and infill, to include the insertion of 14 no. new windows with through colour render finish panels; and
- 2 no. windows on the 3rd floor to be replaced within insulated lookalike panels.

DESCRIPTION OF THE SITE

- 1.9 The site is located along North Street in Horsham and is located within the Built-up Area Boundary of the main town in the District as defined in Policy 3 of the HDPF. The conjoined buildings front onto North Street to the northwest and part of Chichester Terrace with the BT Telephone Exchange building located to the rear. The Capitol Theatre is located to the southwest of the site and another office building (known as Comewell House) is located to the northeast.

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- 1.10 The buildings are of a 1980's exemplar construction and currently provide three floors of office accommodation and parking, with a smaller fourth floor that was unoccupied. The undercroft parking area subject to the proposed residential infilling is surrounded by a red brick wall along the perimeter of the site opposite the northeast and southeast elevations approximately 3 metres high, set approximately 4 metres from the proposed units. The southwest elevation of this undercroft area would sit opposite the access ramp to the existing basement car park under Point North.
- 1.11 The planning application is supported by a number of detailed studies, which include a:
- Design & Access Statement
 - Transport Assessment
 - Planning Statement
 - Environmental Desk Study and Preliminary Risk Assessment
 - Acoustic/Noise Impact Statement
 - Contamination land investigation
 - Asbestos Survey
 - A Type 11 Survey to Locate and Identify Asbestos Products
 - Site Waste Management Plan
 - Daylight and Sunlight Study
 - Financial Viability Assessment

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (NPPF), particularly Section 4 (Promoting Sustainable Transport), Section 6 (Delivering a Wide Choice of High Quality Homes), Section 7 (Requiring Good Design) and Section 14 (Presumption in Favour of Sustainable Development).

RELEVANT COUNCIL POLICY

- 2.3 The relevant planning policies of the Horsham District Planning Framework (HDPF) document (2015) are as follows: Policy 1 Strategic Policy: Sustainable Development; Policy 2 Strategic Policy: Strategic Development; Policy 3 Strategic Policy: Development Hierarchy; Policy 5 Strategic Policy: Horsham Town; Policy 15 Strategic Policy: Housing Provision; Policy 16 Strategic Policy: Meeting Local Housing Needs; Policy 32 Strategic Policy: The Quality of New Development; Policy 33 Development Principles; Policy 39 Strategic Policy: Infrastructure Provision; Policy 40 Sustainable Transport and Policy 41 Parking.

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Horsham Blueprint Business Neighbourhood Forum is the designated body of the Unparished Area of Horsham Town. The Forum is comprised of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. This body is at the very early stages of the Neighbourhood Plan process and no draft planning policies have yet been formed.

PLANNING HISTORY

HU/73/83	Outline; demolition of car showroom etc - new offices with car park	PER
HU/315/83	Demolition of car showroom and offices etc. new offices with car park	Application Allowed on Appeal: 21/06/84
HU/247/89	Erection of 3 storey office block with basement and groundfloor car parking and alterations to access	PER
HU/425/01	Construction of ground floor office accommodation replacing existing car parking spaces	PER
HU/183/03	Enclose undercroft car park to form additional office accommodation at North Point	PER
DC/06/1782	Ground floor extension of reception within existing canopy	PER
DC/15/1008	Prior Approval Change of Use, the proposed development comprises the conversion of the existing building (which currently comprises the Park House North and North Point buildings linked together) from the current use (BI offices) to a residential use comprising multiple apartments (use class C3)	PEPA
DC/15/1449	Extensions and internal alterations at ground floor level to create 7 no residential apartments (following the grant of prior approval for office to residential conversion), improvement works to exterior of building including window and door alterations, replacement of curtain walling panels/windows with infill render panels & construction of new single storey plant room.	REF
DC/15/1678	Prior Notification for the conversion of the existing building (which currently comprises the Park North and North Point buildings linked together) from the current use (B I offices) to a residential use comprising 65 apartments (Use Class C3)	PEPA
DC/16/2041	Prior Approval for Change of Use from (BI Offices) to a residential use comprising multiple apartments (use class C3)	Pending Consideration

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 at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

3.2 **Public Health and Licensing Department: No objection**

There was no response from this consultee at the time of report preparation. However, for the previous planning application (reference DC/15/1449) the department had no objection to the proposal, which is similar in nature. The Department did advise the planning department that conditions relating to the impact of noise, potential contamination and a Construction Environmental Management Plan should be secured through condition.

3.3 **Environmental Services (Summarised): No objection**

Additional refuse and recycling bins need to be provided for a total of 70 apartments.

3.4 **Housing Department:**

There was no response from this consultee at the time of report preparation.

3.5 **Property Services - Drainage:**

There was no response from this consultee at the time of report preparation.

3.6 **Community Safety Partnership:**

There was no response from this consultee at the time of report preparation.

OUTSIDE AGENCIES

3.7 **West Sussex County Council (WSSCC) Highways Department: No objection**

West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. DC/15/1008 to which no objections were raised.

The proposal is for the extension via an infill method of a former office block with Prior Approval for 70 dwellings, with an additional 7 dwellings through the full planning mechanism. Access shall be onto North Street via an existing access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto North Street.

In terms of movements, the site in its entirety should attract significantly fewer movements than in its operation as an office. As such, the number of vehicular movements should not be detrimental to the safety of fellow Highway users. Furthermore, the site is located within a highly sustainable area with Horsham Town Centre located within walking distance to the south. Buses also pass by the frontage in either direction and Horsham Railway station is a short walk to the North of the site. In addition, cycling activities should attract an above average number of participants due to the inclusion of cycle lanes within the carriageway near to the site.

The number of parking spaces was stated as "at least 70", and there would now be potentially further demand on those spaces. However, the site has been determined as located in a sustainable area, and therefore residents may not be reliant on the use of a motor vehicle. Visitors may be catered for with nearby public car parks should parking not be available within the site frontage. On street parking on North Street would not be permissible due to double yellow lines, and any parking would obstruct what is one of Horsham's busiest distributor roads.

In terms of the impact of this proposal, the 7 proposed dwellings would not have a material impact upon the safety of Highway users.

3.8 **West Sussex County Council (WSSC) Surface Water Drainage:**

There was no response from this consultee at the time of report preparation.

3.9 **Southern Water (summarised): No objection**

Southern Water has no objection the proposed development but has proposed a planning condition to secure the details of the approved foul and surface water sewerage disposal system to be submitted and approved by Local Planning Authority in consultation with Southern Water.

3.10 **District Valuer Services (summarised):**

The District Valuer confirmed that although costs for schemes conversion and site value are higher than anticipated for a scheme of this type, it is still considered that the policy requirement to include an affordable housing contribution of 20% would render the scheme unviable. It is also considered that sales values for the proposed residential units are at an appropriate level, and that other assumptions in relation to development profit and procedural costs are accurate.

PUBLIC CONSULTATIONS

3.11 **Denne Neighbourhood Council (summarised): Objection**

The Denne Neighbourhood Council has raised objections to the proposal and this is summarised below:

- That not enough parking has been provided for residents of the proposed residential building, and moreover, that there would be conflict between residents parking and deliverers/users of the Capitol Theatre;
- That there would be poor natural light into a number of the apartments of the building and the 'daylight and sunlight study' provided as part of the planning application is inadequate;
- That future occupiers of the residential building would be subject smells and odours from the communal waste bins provided on site;
- That future occupiers of the residential building would be harmed through pollution from motor vehicles using the 'in and out' access ramp to the underground basement;
- That future occupiers of the residential building would be deterred to open their windows and would as a result, the future occupiers of the building would not be well ventilated; and
- That the future occupiers of the residential building would be harmed through noise disturbance.

3.12 There have also been two public objections to the planning application, which includes the Horsham Society and this can be summarised as follows:

- The alterations to the external elevations of the building are relatively plain and as a result, the building itself would not become a 'statement' building at one of the main entrances to the town;
- The details of the landscaping to the site are not detailed enough and would not improve the character of the area; and
- Harm would be caused through noise emanating from the Capitol Theatre, particularly from deliveries late at night.

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

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

- 6.1 The main issues are the principle of the development in this location and the effect of the development on:

- the impact upon the character and appearance of the area;
- the amenities of the occupiers of adjoining properties;
- the existing parking and traffic conditions in the area; and
- affordable housing and infrastructure contributions

Principle of the Development

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking (paragraph 14). In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.3 The four storey office building, which was previously the Council Offices comprising of Park House and North Point, has approval to be converted to apartments under prior approval Permitted Development Rights under application (DC/15/1678). This full planning application under consideration proposes the creation of 7 additional units within the recess of the existing access fronting North Street and within the existing undercroft parking to the rear of the North Point building.
- 6.4 The building made up of North Point and Park North, benefits from two prior approvals for its conversion to form either 56 no. flats (DC/15/1008) or 65 no. flats (DC/15/1678), with a mix of unit sizes. Whilst the current application seeks to make alterations to the exterior of the existing building, these previously approved flats could be implemented (through the extant prior approvals) irrespective of the outcome of this application. As such the principle of the building's use for residential units does not form part of this application and only the merits of the current proposal for the additional 7 units can be considered.
- 6.5 The additional 7 residential units proposed under this application would increase the number of units within the two buildings to a total of 70 units, 32 one beds and 38 two beds, which would cover the ground floor, plus three upper floors, along with the retention of 70 parking spaces. This application for full planning permission can take into account all relevant material planning considerations; however, only in relation to the 7 additional flats requested within this proposal. The additional 7 residential units would be located close to the centre of Horsham, the most sustainable settlement within the district, as confirmed within policy 3 of the HDPF relating to the settlement hierarchy. In addition, it is

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considered that the principle of the external alterations to the building are acceptable as this would only affect limited parts of this substantial building and are mainly located to the rear of the building; therefore such works would largely be indiscernible from North Street. The proposal use of the building is therefore considered acceptable in principle subject to all other material considerations as detailed below.

Impact on the character and appearance of the area

- 6.6 Policy 32 of the Horsham District Planning Framework (HDPF) seeks to achieve high quality and inclusive design for all development in the District and to provide an attractive, functional, accessible, safe and adaptable environment, which complements the varying characters of the District and contributes to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings. Policy 33 of the HDPF seeks to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, respects the character of the surrounding area and relates sympathetically with the built surroundings.
- 6.7 The existing building comprises of two individually built, but linked structures, Park North and North Point which are characterised by a functional and commercial appearance. The combined building is rectangular shaped with two projecting arms out to the southeast, and comprises of three to four storeys, with an additional basement level car parking area. The ground floor level is largely glazed on the principal elevation (that fronting North Street) with a vertical emphasis to the windows on the upper floor levels on the North Point element. The combined buildings have pitched style roofs with a number of faux dormers inset.
- 6.8 The proposal would see the creation of a further 7 units, set within the existing access fronting onto North Street and the undercroft parking area behind the North Point section of the building. The proposed appearance of the infill units would replicate the design of the existing building and would therefore 'tie' the proposed development to the original form of the building. An open area to the northeast and southeast of the infill units is proposed which will house the refuse bin storage and a cycle store serving the development. An outdoor amenity space would be created in the void to the rear of the building as part of this proposal, with the existing landscaping to the front of the building to be retained. It is considered that the blocking up of the existing access and the creation of additional units within the undercroft space would not be detrimental to its overall appearance.
- 6.8 In terms of the overall scale of the proposed additional units, 90m² of residential floor space would be created within the existing North Street access area, with 490m² of residential space created within the undercroft parking area. The height of the development would be equal to that of the existing ground floor height. It is not considered that the proposed additional units would overpower or adversely detract from the existing building.
- 6.9 The existing access from North Street is set within the principal elevation of North Point and alterations to this vehicular access would be visible from the main street. The alterations proposed to the access opening include the bricking up of the access and the insertion of two new window openings to match the existing. The proposal is considered to relate appropriately to the existing fenestration on this main elevation. The majority of the development proposed under this application would take place to the rear of the building and it is therefore considered that the overall proposal would not be visually detrimental to the existing street scene and would comply with policies 32 and 33 of the HDPF.
- 6.10 Minor external alterations are proposed around the building and are listed in detail in paragraphs 1.3 to 1.8 above. The replacement of a number of existing window openings with insulated lookalike panels, proposed new window openings and replacement doors, are considered to be in keeping with the overall appearance of the building. The general

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proportions and design of this main part of the building would be retained. It is noted that the proposed external alterations to the building would be an improvement over the existing design that is in parts rundown, and would bring the building up to date; given its edge of town centre location, this is considered to be a moderate benefit to the scheme.

- 6.11 In terms of the surrounding area, the site lies adjacent to other large commercial premises, notably the Capitol Theatre to the southwest, an office building to the northeast and the BT Exchange building to the southeast. The extension to the building would not appear out of scale in comparison with these properties and it is considered that the character and appearance of both the building itself, and the surrounding area, would not be compromised.

Impact upon the residential amenities of future residents and occupiers

- 6.12 Policy 33 of the Horsham District Planning Framework (HDPF) document seeks to ensure that new development does not cause unacceptable harm to the amenity of occupiers and/or users of neighbouring properties, particularly through overlooking or noise. The previous planning application (DC/15/1449) at the Development Management Committee was refused partly on the following grounds:

'The proposed additional residential units would fail to provide a satisfactory living environment for future residents due to the lack of natural light. As such the proposed units would be contrary to Policy DC9 of the Horsham District local Development Framework General Development Control Policies (2007), Policy 33 of the emerging Horsham District Policy Framework and the requirements of National Planning Policy Framework (2012).'

- 6.13 The nearest residential dwellings constitute a block of flats which sit within Barrington Court on Chichester Terrace, approximately 30 metres from the rear of the application site. The Park North and North Point buildings are clearly visible to occupiers in the existing properties situated on the northwest and northwest of Barrington Court. As previously mentioned, the introduction of residential accommodation to the ground floor in Park North, and the first, second and third floors in Park North and North Point, cannot be considered (see paragraph 6.5 above) as it does not form part of this application. Therefore only the potential for impacts arising from the external changes and the additional 7 No. flats within the undercroft and access void can be considered.
- 6.14 The proposed changes to the existing building would introduce a number of additional windows on the southeast and southwest elevations of units set within the undercroft, which would face towards Barrington Court. It is considered that views to and from windows in the proposed units would be restricted by the existing brick wall set around the perimeter, coupled with the significant distance between the buildings. As such it is considered that the proposed alterations to the rear elevation would not result in any significant change to the form of the building or lead to any additional overlooking of these properties or the occupiers of Barrington Court, and moreover, no written objections have been raised by the occupiers of Barrington Court.
- 6.15 The nearest property to the proposed units is currently the office building which lies to the northeast of the site, with the BT Exchange building set slightly further away to the southeast. The BT exchange is set at a substantial distance as to not create any overlooking; however, there would be an element of overlooking once the vacant offices are occupied. It must be taken into account that residential development will already occur within the upper floors of the North Point building through the approved prior approval (DC/15/1008 or DC/15/1678). The 7 units proposed are not dissimilar to those already granted prior approval and have the added benefit of being screened by the aforementioned existing brick wall, which is approximately 3.0 metres in height and set between the proposed units and the adjoining buildings. It is not considered that future

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residents, the existing occupiers of the BT Exchange, or future occupiers of the office building (Comewell House), would be adversely impacted upon by the proposed development.

- 6.16 In terms of the environment created for future residents of the proposed 7 infill units, it is considered that this would be adequate. An open access area to the northeast and southeast of the proposed units would be retained, housing a refuse bin storage area, and one of two cycle stores. It is noted that some elements of the proposed development, would be surrounded partially by tall walls and high buildings and in the case of proposed unit G15, would have a direct outlook onto a blank wall. However, the main living area for proposed unit G14 is dual aspect so would not be affected substantially in terms of outlook and the proposed unit G16 would not continually face onto a blank wall. In terms of the proposed internal arrangements for the properties, the outlook of these proposed dwellings have been clarified through the submission of a Daylight and Sunlight survey. This report concludes that the proposed design of the scheme would meet all of the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' guidance in terms sunlight to windows and interior daylighting, so it is therefore considered that the scheme would be acceptable in terms of future occupier's amenity. Furthermore, the internal arrangement of the building does not fall within the remit of planning control (this may be controlled through Building Control) and it is acknowledged that the same living conditions will apply to other units created under the prior approval, such as those opposite the adjacent Capitol Theatre. Whilst the living environment is not ideal, the proposal is an office conversion rather than a new development and the Council does not currently hold any adopted residential space standards upon which planning permission could be justifiably refused. However, the accommodation sizes would not be dissimilar to the other flats approved within the existing building, and moreover, it is considered that it would be a good use of the space (that would otherwise be underused) in a sustainable town centre location.
- 6.17 Concerns have previously been raised regarding noise impacts from a number of sources around the site, namely, the railway to the rear of the building, traffic to the front and the potential for noise from the proposed plant room. The applicant for the previously refused planning application (reference DC/15/1449) did submit an acoustic survey, which was reviewed by the Council's Environmental Health Officer. They have previously advised that an appropriate scheme of mitigation to minimise the impact of noise on habitable rooms could be implemented and have recommended that this be ensured through an appropriate condition. It is also acknowledged that the same living conditions will exist for the other units already permitted within the development site (where the noise from adjoining uses was considered) as those now seeking planning permission and thus any objections on these grounds would be difficult to sustain.
- 6.18 It is considered that the proposed 7 residential units and external alterations to the building would not cause any harm upon the amenities of nearby residents or occupiers, and future residents of the building would have an adequate living environment that meets current guidelines. The proposal would therefore accord with policy 33 of the HDPF.

Transport, Parking and Highway Impacts

- 6.19 Policy 40 of the Horsham District Planning Framework (HDPF) document (2015) document relates to transport and access and confirms that development will be permitted if it provides a safe and adequate means of access and makes adequate provision for all users, including for car and other vehicle parking. The previous planning application (DC/15/1449) at the Development Management Committee was refused partly on the following grounds:

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'The proposed additional residential units would, by virtue of the loss of onsite car parking spaces, fail to make adequate provision for future users, leading to additional car parking pressures within the locality. The proposed development would therefore be contrary to Policy DC40 of the Horsham District local Development Framework General Development Control Policies (2007) and Policy 41 of the emerging Horsham District Policy Framework.'

- 6.20 The application site is currently served by two existing vehicular accesses from North Street, one serving parking at North Point, the other shared with the Capitol Theatre providing access to the parking at Park North. As part of this application it is proposed to remove the existing access for the North Point rear undercroft parking and open up an existing access to the rear of the building in Chichester Terrace. The existing dropped kerb on North Street will be retained to serve the existing parking area to the front of North Point. The proposal includes the removal of an existing wall on the site to open up access from Chichester Terrace through to the ramp leading to the North Point basement car park. It is proposed that all residential traffic movements into and out of the site for the North Point basement parking would occur from the rear access, with the shared access to Park North retained for Park North basement parking.
- 6.21 It has been noted that there are third party concerns regarding the use of the access from Chichester Terrace and the additional traffic that would occur on the immediate local roads and one way system. West Sussex County Council, as the Highways Authority, have not raised any concerns relating to highway safety or capacity issues within the area and agree that existing measures are in place to manage traffic flows. These potential traffic increases cannot be considered as 'severe', as referred to within the NPPF such as to sustain an objection to the development proposal, particularly given that the Local Planning Authority can only consider the '7' additional dwelling for this planning application. Furthermore, no conditions were placed on the original planning permissions for Park North (HU/315/83) and North Point (HU/247/89) restricting the use of the rear access. It is therefore considered that as the access onto Chichester Terrace already exists, any alterations to access arrangements for the car parks could be made without planning permission.
- 6.22 Concerns have also been expressed with a perceived increased use of the shared access with the Capitol Theatre, and potential for traffic issues to arise, particularly when deliveries to the Theatre are occurring. This access is in existing use and there is no obligation on the applicant to improve on existing conditions. A condition will be placed upon any planning permission restricting the parking of vehicles within the shared access area (see condition 13).
- 6.23 In terms of car parking, there are currently 110 off street parking spaces on the site being located at basement levels below both buildings and at ground floor level. The intention is to retain 70 spaces for the 70 residential units, equating to one space per unit, therefore parking provision is considered sufficient for the proposed change of use, particularly given the highly sustainable location of the site and the ease of access to services, facilities and means of public transport, that's includes bus stops and a nearby rail station. It is not currently proposed to allocate parking on the site and parking areas would have secure access. The permanent retention of appropriate parking will be secured through the use of a condition (see condition 9).
- 6.24 The submitted Transport Statement's traffic trip generation assessment using the TRICS database system estimates that close to 1000 trips (two way) are made over the working day with an office use. Traffic flows for the proposed residential development during these times would drop to 194 between 7am and 7 pm. West Sussex County Council, as Highways Authority, do not dispute the figures within the Transport Statement and do not raise any concerns relating to highway safety or capacity issues.

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- 6.25 Third party representations in respect of existing limited capacity for on-street parking in the area are noted. However, West Sussex County Council Highways Department have advised that given that 70 spaces are proposed to be retained, sufficient provision would be made for on-site parking. Although there may be existing pressure for on-street parking spaces in the vicinity of the site, the Highway Authority has advised that sufficient parking is provided within the development itself and consequently this would not result in an increased demand for on-street parking. As such, a reason for refusal based on parking provision could not be sustained and no objection is raised in this regard.
- 6.26 The provision of the car and cycle parking spaces proposed can be ensured through appropriate conditions. Paragraph 32 of the NPPF states that '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'. It is not considered that there would be any severe impacts on the local highway network that would warrant refusal on that basis and as such the proposal accords with the requirements of Section 7 of the NPPF and policies 40 and 41 of the HDPF.

Affordable Housing and Infrastructure Contributions

- 6.27 Policy 16 of the HDPF sets out that the Council will seek on sites providing between 5 and 14 dwellings, 20% of dwellings to be affordable or where on-site provision is not achievable, a financial contribution equivalent to the cost of the developer of providing the units on site. It is noted also that a Written Ministerial Statement (WMS) published on 11 May 2016 states that small sites of under 10 units residential units (for which this scheme would be included) should not include contributions for affordable housing and/or 'tariff style' contributions, which has seen amendments to the National Planning Policy Guidance (PPG). This element of national planning policy is also a material consideration for this planning application and conflicts with the adopted HDPF policy 16.
- 6.28 The applicant has provided a financial viability assessment in support of the scheme where it is confirmed that a) the WMS published by Central Government on the 11 May 2016 (and the associated changes to the planning guidance) weigh in favour of the applicant in that no affordable housing contributions should be provided for this scheme. In addition, the viability evidence provided by the applicant is purported to confirm that the scheme would become unviable if affordable housing contributions were sought, given the development costs associated with the scheme and the profit margin envisaged for scheme without affordable housing contributions. The development viability appraisal was completed using the residual land value method. The Council has received independent advice from District Valuer Services, which has confirmed that although costs for schemes conversion and site value are higher than anticipated for a scheme of this type, it is still considered that the policy requirement to include an affordable housing contribution of 20%, would render the scheme unviable. The viability information that has been put forward has been robustly reviewed in reaching this conclusion.
- 6.29 The NPPG does confirm that '*local authorities should ensure that the combined total impact of such requests [such as affordable housing] does not threaten the viability of the sites and scale of development identified in the development plan*' and it is therefore concluded in this case, given the marginal nature of the scheme, that such contributions should not be requested as part of this application.
- 6.30 The County Council have requested infrastructure contributions to education (primary, secondary and sixth form) only, totalling to a sum of £12,889; this was not requested for the previous planning application (reference DC/15/1449). It is noted that contributions to be generated would be used additional equipment at Kingslea Primary School and Forest School, although no exact details have been given. National planning policy guidance confirms that some planning obligations may still be required to make a development

acceptable in planning terms, although for sites where a threshold applies, planning obligations should not be sought to contribute to affordable housing or to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. Although the County Council has provided the two schools that it wishes to provide equipment for, it is not considered that such contributions would be needed to make the proposal acceptable in planning terms. Given the above, it is not considered that such contributions could be robustly sought in these circumstances.

Other Issues

Land Contamination

- 6.31 Historic activities occurring on and in close proximity to the site include a former use as a garage and fuel station and as a Council depot. Historical maps also indicate the presence of an above-ground oil tank located at the western site boundary. With regards to these past uses there is some potential for ground contamination to be present. The proposed infill development rear extension is proposed on the section of the site housing the former fuel station. Information relating to contamination has been submitted by the applicant and the Council's Environmental Health Officer previously advised that appropriate controls can be secured through the application of a relevant contamination condition (see condition 6).

Drainage

- 6.32 The site lies within Flood Zone 1 (lowest risk of flooding) and there are not known to be any critical drainage problems across the site. The Council's Drainage Engineer has not raised any concerns on the two separate occasions consulted. A pre-commencement condition will be placed on any permission for a scheme to demonstrate and control how drainage will be managed across the site (see condition 4).

Refuse Storage

- 6.33 Servicing, specifically refuse collection, would not be materially different from the previous use as offices where access was obtained from Chichester Terrace. It is confirmed that the proposed refuse provision is sufficient for a scheme of this size and an indicative location of the refuse storage is illustrated on Drawing No. R1020-090. Furthermore, details of the means and location of refuse/recycling bins and the collection method, will be requested before the occupation of the development through an appropriate condition (see condition 7).

Conclusion

- 6.34 The proposed additional 7 residential units are considered to be acceptable in principle as it would constitute sustainable development as set out within the NPPF. Whilst the proposed works would marginally alter the external appearance of the building, the scale of the addition would not detract from the original form of the building or the character or appearance of the surrounding area. The proposed replacement of external panels and alterations to window openings to parts of the original building would not result in a significant alteration to its appearance, given the buildings scale and utilitarian design. It is considered that the use of a design that replicates the appearance of the existing building would ensure that the proposal does not adversely impact upon the natural or built environment of the site.
- 6.35 Whilst the proposed changes would be partially visible to surrounding and nearby commercial and residential properties, it is not considered that the proposed works would lead to any significant impacts upon the amenities of nearby residents, particularly when considered with regard to the permitted development conversion of the existing building to

a residential use. The proposed development would not lead to adverse highway conditions and would be provided with a satisfactory level of car and cycle parking spaces, which can be secured and controlled by conditions. Therefore it is considered that the economic, social and environmental aspects of sustainability, as set out by the NPPF and HDPF are met and that the proposed development therefore constitutes sustainable development to which the presumption in favour applies.

7. RECOMMENDATIONS

7.1 That planning permission is granted with the following conditions:

1. List of approved plans
2. The development hereby permitted shall be begun 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. No works above ground floor slab level shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed building(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

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

4. Full details of means of surface water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Southern Water, prior to works commencing on the development. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained in accordance with Policy 38 of the Horsham District Planning Framework (2015).

5. Prior to the commencement of the development, including any works of demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide details as appropriate, but not necessarily be restricted to, the following matters:

- An indicative programme for carrying out the works;
- The arrangements for public consultation and liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

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- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenities of the locality and highway safety in accordance with policies 33 and 40 of the Horsham District Planning Framework (2015).

6. If, during development, contamination (including the presence of asbestos containing materials) not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. 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 comply with policy 24 of the Horsham District Planning Framework (2015).

7. Notwithstanding the plans submitted, the dwellings hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. The residential units hereby approved shall not be occupied until secure cycle parking facilities, as shown on drawing No. R1020-090 Rev 6, have been provided. The secure cycle parking facilities shall thereafter be retained solely for that purpose.

Reason: To ensure adequate cycle parking facilities are available to serve the development in accordance with policy 40 of the Horsham District Planning Framework (2015).

9. Prior to the first occupation of the development hereby permitted, a plan detailing the location and provision of car parking within the site shall be submitted to, and approved in writing, by the Local Planning Authority. The approved details shall be fully implemented and the car parking spaces thereafter permanently retained solely for that purpose.

Reason: To ensure adequate car parking facilities are available to serve the development in accordance with policy 40 of the Horsham District Planning Framework (2015).

10. Prior to the occupation of the development hereby permitted, a scheme of works to reduce the intrusion of noise to all habitable rooms and amenity spaces adversely impacted by noise, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to the requirements of BS8233:2014 and shall include provision of appropriate alternative ventilation to habitable rooms. The scheme, as approved, shall be fully installed before the development is occupied and shall thereafter be permanently retained.

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Reason: In the interests of residential amenities by ensuring an acceptable noise level for the occupants and in accordance with policy 33 of the Horsham District Planning Framework (2015).

11. Prior to the first occupation of the development a long term 25 year Landscape Management and Maintenance Plan for all external landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include:
- A description of landscape components;
 - Management prescriptions;
 - Details of maintenance operations and their timing; and
 - Details of the parties/organisations who will maintain and manage the site, to include a plan delineating the areas that they will be responsible for.

The plan shall demonstrate full integration of landscape, biodiversity and arboricultural considerations. The areas of planting shall thereafter be retained and maintained in perpetuity in accordance with the approved Landscape Management and Maintenance Plan.

Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with policy 33 of the Horsham District Planning Framework (2015).

12. The landscaping scheme shown on drawing no. R1020-600 Rev 3 for the development hereby approved shall be fully implemented in accordance with the approved details, within the first planting season following the commencement of the development. Any plants which within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory development in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13. No parking at any time shall take place in the area hatched red on drawing no. R1020-090 Rev 6.

Reason: To ensure a satisfactory means of access and car parking provision in accordance with policy 40 of the Horsham District Planning Framework (2015).

14. No work for the implementation of the development hereby permitted, including the receipt or dispatch of deliveries/removals to and from the site, shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 09.00 hours and 14.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy 33 of the Horsham District Planning Framework (2015).

15. No burning of materials associated with the development shall take place on the site.

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