



Appeal Decision

Site visit made on 11 July 2017

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st July 2017

Appeal Ref: APP/Z3825/W/17/3171459

Park House North and North Point, North Street, Sussex RH12 1RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sellman of North Street Horsham Development LLP against the decision of Horsham District Council.
 - The application Ref DC/16/1016, dated 29 June 2016, was refused by notice dated 14 November 2016.
 - The development proposed is described on the application form as “‘Infill’ extensions at ground floor level to create 7 no residential apartments, improvement works to exterior of building to include replacement of windows/doors throughout, alterations to existing window/door openings, new window/door openings, replacement of curtain walling panels/windows with infill render panels, external works & construction of new single storey plant room”.
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Decision

1. The appeal is allowed and planning permission is granted for ‘Infill’ extensions at ground floor level to create 7 no residential apartments, improvement works to exterior of building to include replacement of windows/doors throughout, alterations to existing window/door openings, new window/door openings, replacement of curtain walling panels/windows with infill render panels, external works & construction of new single storey plant room at Park House North and North Point, North Street, Sussex RH12 1RL in accordance with the terms of the application, Ref DC/16/1016, dated 29 June 2016, subject to the fourteen conditions in the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr Sellman of North Street Horsham Development LLP against Horsham District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on (i) the living conditions of future occupiers with specific regard to the provision of light, and (ii) the provision of onsite parking.

Reasons

4. Planning permission has previously been granted to convert Park House North and North Point from office use (B1(a)) to residential (C3). The two buildings

are joined and front on to North Street, with the BT Telephone Exchange building located to the rear. The element of the proposal that relates to the residential use would be the access void and undercroft parking area. It would bring the total number of residential units permitted to 70, along with the retention of 70 parking spaces.

Living conditions

5. A technical sunlight and daylight assessment was submitted in support of the proposal. It concluded that all of the proposed units would provide daylight for rooms in accordance with the numerical standards set out in the Buildings Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a Good Practice Guide' 2011. The standards set out in the BRE guide are intended to be used to help those designing properties to ensure that adequate access to light is provided. The BRE guide is not a planning policy document; however, I attach significant weight to it as a technical assessment of sunlight and daylight provision.
6. The BRE guide recommends that each dwelling should have one main living room facing within 90 degrees of due south to ensure direct sunlight; however the guide acknowledges that this is not always possible when it comes to flats. The proposal relates to the conversion of an existing building, therefore the internal configuration should be designed to make the most of light within the constraints of the existing built form. An average daylight test is applied to habitable rooms within domestic properties. The BRE guide recommends an average daylight factor of 2% or more if supplementary lighting is provided, the minimum recommendations for kitchens (if they are large enough to include a dining table) is 2%, 1.5% for living rooms and 1% for bedrooms.
7. I have carefully considered the daylight and sunlight assessment. All habitable rooms would meet or moderately surpass the BRE average daylight factor targets. Those rooms which would face within 90 degrees of due south have been tested for direct sunlight and not all windows would receive ideal levels of direct sunlight.
8. However, taking into account the results of the assessment, the fact that the proposal is for a conversion of an existing building which restricts the design, and the fact that I have limited evidence before me that disputes the conclusion of the assessment, I consider that overall the proposal would comply with the minimum standards for daylight and sunlight.
9. Accordingly I find that the proposal would provide a satisfactory living environment for future residents in respect of natural light. The proposal would therefore comply with Policy 33 of the Horsham District Planning Framework 2015 in respect of ensuring that the proposal would be orientated to gain maximum benefit from sunlight.

The provision of onsite parking

10. The Council's policy does not set a minimum parking requirement, however it does advise that adequate parking facilities must be provided to meet the needs of anticipated users.
11. There are currently 110 parking spaces provided on the site. If the proposal were to be implemented alongside prior approval DC/15/1678, a total of 70 residential units would be created along with 70 off-street parking spaces.

12. The appeal site is within walking distance of Horsham train station, nearby bus stops, and Horsham town centre. Due to its situation car dependency would be reduced as occupants would be able to use alternative modes of transport. Accordingly I consider the appeal site to be in a highly sustainable location, and therefore one space per dwelling would be adequate in terms of on-site parking provision.
13. I note the concerns regarding car parking pressures within the locality and the Council's assertion that the proposal would not meet the level of parking required by West Sussex County Council. The Framework directs that permission should only be refused on transport grounds where the residual cumulative impacts of development are severe. Taking into account the modest size of the units to be proposed alongside my findings in relation to the sustainability of the site, I consider that the additional seven units would not significantly increase the pressure on on-street parking and would not place a severe strain on local parking.
14. I have been referred to Prior Approval DC/16/2812 which the Council has granted since the refusal of the appeal scheme. This permits the change of use of the building from Office Use (B1(a)) to residential (C3), providing 96 dwellings with 92 associated parking spaces. I have no evidence to suggest that the appellant intends to implement this permission, and I attach limited weight to it as a fallback. I do however consider that the one space per dwelling proposed as part of this appeal would be a benefit of the proposal before me when compared to the reduction in parking associated with DC/16/2812.
15. Accordingly, I find that the proposal would comply with Policy 41 of the Horsham District Planning Framework 2015 in respect of ensuring adequate parking facilities for the development.

Other Matters

16. I have considered the concerns relating to the general amenity of future occupiers, the conflict with the use of the Capitol Theatre, the design of the building and landscaping. I have included a landscaping condition to ensure that an appropriate scheme is implemented. The alterations to the design are minimal and as the proposal relates to an existing building I consider that these would provide a moderate benefit in updating the appearance of the structure. With regard to the other concerns, I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal.

Conditions

17. The Council has suggested a number of conditions which I have considered in accordance with the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for clarity.
18. A condition specifying the approved plans is necessary as this provides certainty. I have imposed a condition requiring the submission of materials and conditions relating to landscaping as these are necessary to safeguard the character and appearance of the area.
19. A condition relating to noise is necessary in the interest of residential amenity. A condition relating to drainage is necessary to ensure an adequate level of drainage, and in the interest of the amenity of occupiers.

20. Conditions relating to contamination, refuse/recycling bins, cycle parking, on-site vehicle parking, accessibility, water efficiency and carbon dioxide emissions are necessary to ensure that the development is sustainable.
21. Conditions securing a Construction Management Plan and restricting hours of construction and deliveries are necessary to ensure there are no significant adverse impacts upon the living conditions of local residents, or upon the highway.
22. Condition 4 is a pre-commencement condition which is justified in this case as it covers matters that are essential to be agreed before the development starts.

Conclusions

23. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Johanna Ayres

INSPECTOR

SCHEDULE OF FOURTEEN CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) 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 of the proposed development have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.
- 3) 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.
- 4) 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;
 - 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
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.

- 11) 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.
- 12) No parking at any time shall take place in the area hatched red on drawing no. R1020-090 Rev 6.
- 13) 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.
- 14) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Plans Block Plan;
 - Floor plan Existing Basement Floor Plan R1020-009 Rev 1;
 - Floor plan Existing Ground Floor Plan R1020-010 Rev 1;
 - Floor plan Existing First Floor Plan R1020-011 Rev 1;
 - Floor plan Existing Second Floor Plan R1020-012 Rev 1;
 - Floor plan Existing Third Floor Plan R1020-013 Rev 1;
 - Floor plan Existing Fourth Floor Plan R1020-014 Rev 1;
 - Elevation plan Existing Elevations Sheet 1 R1020-020 Rev 1;
 - Elevation plan Existing Elevations Sheet 2 R1020-021 Rev 1;
 - Elevation plan Existing Elevations Sheet 3 R1020-022 Rev 1;
 - Location plan Site Location Plan R1020-090 Rev 6;
 - Floor plan Proposed Ground Floor Plan R1020-100 Rev 6;
 - Floor plan Proposed First Floor Plan R1020-101 Rev 4;
 - Floor plan Proposed Second Floor Plan R1020-102 Rev 4;
 - Floor plan Proposed Third Floor Plan R1020-103 Rev 2;
 - Plans Ground Floor Schedule of Accommodation R1020-140 Rev 4;
 - Plans First Floor Schedule of Accommodation R1020-141 Rev 4;

- Plans Second Floor Schedule of Accommodation R1020-142 Rev 4;
- Plans Third Floor Schedule of Accommodation R1020-143 Rev 2;
- Elevation plan Proposed Elevations Sheet 1 R1020-200 Rev 3;
- Elevation plan Proposed Elevations Sheet 2 R1020-201-R1 Rev 4;
- Elevation plan Proposed Elevations Sheet 3 R1020-202 Rev 2;
- Floor plan Existing Parking Plans R1020-400 Rev 2;
- Floor plan Proposed Parking Plans R1020-401 Rev 2;
- Plans Proposed Courtyard Landscaping R1020-600 Rev 3;
- Plans Proposed Bin Store Plans R1020-601 Rev 3;
- Plans Proposed Cycle Store Plans R1020-602 Rev 3.

END OF SCHEDULE