You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

AGENDA

1. Apologies for absence

2. To approve as correct the minutes of the meeting of the Committee held on 2nd September 2014 (attached)

3. To receive any declarations of interest from Members of the Committee – any clarification on whether a Member has an interest should be sought before attending the meeting

4. To receive any announcements from the Chairman of the Committee or the Chief Executive

5. To consider the reports of the following officers and to take such action thereon as may be necessary:

   Development Manager
   Appeals
Applications for determination by Committee:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Ward</th>
<th>Reference Number</th>
<th>Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td><strong>Denne</strong></td>
<td>DC/13/2126</td>
<td>Bishops Weald House, Albion Way, Horsham</td>
</tr>
<tr>
<td>A2</td>
<td><strong>Itchingfield, Slinfold and Warnham</strong></td>
<td>DC/14/1393</td>
<td>Gardeners Cottage, Warnham Lodge, Northlands Road, Warnham</td>
</tr>
</tbody>
</table>

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances.
DEVELOPMENT CONTROL (NORTH) COMMITTEE  
2nd September 2014

Present:  Councillors: Liz Kitchen (Chairman), John Bailey, Andrew Baldwin, Peter Burgess, John Chidlow, Christine Costin, Helena Croft, Leonard Crosbie, Duncan England, Frances Haigh, David Holmes, Ian Howard, David Jenkins, Christian Mitchell, Josh Murphy, Jim Rae, David Sheldon, David Skipp, Simon Torn, Claire Vickers, Tricia Youtan

Apologies: Councillors: Roy Cornell (Vice-Chairman), Malcolm Curnock, Laurence Deakins, Godfrey Newman, Stuart Ritchie

DCN/36 MINUTES

The minutes of the meeting of the Committee held on 5th August were approved as a correct record, subject to the following amendments:

DCN/28 – DC/14/0587: the deletion of two references to the economic benefits of the proposal (ie the last sentence of the third paragraph on page 7 was deleted, and the last paragraph prior to the resolution amended to read ‘Members considered that the impact of the proposal on the highway network would be significant and the proposal was therefore unacceptable.’

The inclusion of an additional sentence at the end of the second paragraph on page 7, ‘Members were concerned about processing wood in the AONB that was not from the immediate locality but had to be brought there from elsewhere.’

DCN/32 – DC/14/1024: the inclusion of an additional sentence at the end of the penultimate paragraph on page 15, ‘Members considered the application to be premature given that the site had only been operating for a very short time and there had been insufficient time to appreciate any impact the operation had on nearby residents.’

DCN/35 – DC/13/1890: amendment to the second paragraph on page 22 to the following, ‘Concerns that the public sewer would be installed down Ringley Road were discussed. Details of the route of the public sewer had not been confirmed. It was noted that the drainage came from Naldretts Close, but this could not be controlled by condition and was subject to consent by Southern Water.’

The minutes, as amended, were approved and signed by the Chairman.
DCN/37  INTERESTS OF MEMBERS

<table>
<thead>
<tr>
<th>Member</th>
<th>Item</th>
<th>Nature of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor John Bailey</td>
<td>DC/14/0878</td>
<td>Personal and prejudicial – the land he lives on has a common border with the application site</td>
</tr>
<tr>
<td>Councillor Claire Vickers</td>
<td>DC/14/0836</td>
<td>Personal – a close friend of hers lives opposite the application site</td>
</tr>
<tr>
<td>Councillor David Holmes</td>
<td>DC/14/1179</td>
<td>Personal – he lives close to the application site</td>
</tr>
</tbody>
</table>

DCN/38  ANNOUNCEMENTS

There were no announcements.

DCN/39  APPEALS

Notice concerning the following appeals had been received:

**Appeals Lodged**

Written Representations/Household Appeals Service

<table>
<thead>
<tr>
<th>Ref No</th>
<th>Site</th>
<th>Officer Recommendation</th>
<th>Committee Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/13/1926</td>
<td>Windacres Farm, Church Street, Rudgwick</td>
<td>Grant</td>
<td>Grant</td>
</tr>
<tr>
<td>DC/14/0887</td>
<td>Blakes Farm Cottage (land west of), Southwater Street, Southwater</td>
<td>Non Determination</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Public Inquiry/Hearing**

<table>
<thead>
<tr>
<th>Ref No</th>
<th>Site</th>
<th>Officer Recommendation</th>
<th>Committee Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/13/2170 Inquiry</td>
<td>Sussex Topiary, Naldretts Lane, Rudgwick</td>
<td>Grant</td>
<td>Refuse</td>
</tr>
<tr>
<td>DC/13/2191 Hearing</td>
<td>Swains Cottage (land east of), Tismans Common, Rudgwick</td>
<td>Refuse</td>
<td>N/A</td>
</tr>
</tbody>
</table>
DCN/39 Appeals (cont.)

**Appeal Decisions**

<table>
<thead>
<tr>
<th>Ref No</th>
<th>Site</th>
<th>Officer Recommendation</th>
<th>Committee Resolution</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/12/0877</td>
<td>Linden House, Chart Way, Horsham</td>
<td>Grant</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>DC/13/2180</td>
<td>The Lodge, Southbourne Court Farm, Polecat Lane, Copsale</td>
<td>Refuse</td>
<td>N/A</td>
<td>Dismissed</td>
</tr>
<tr>
<td>DC/13/2261</td>
<td>Robinswood, Church Lane, Broadbridge Heath</td>
<td>Non Determination</td>
<td>N/A</td>
<td>Part Granted</td>
</tr>
<tr>
<td>DC/13/0988</td>
<td>Upper Swaynes Barn, Guildford Road, Horsham</td>
<td>Refuse</td>
<td>N/A</td>
<td>Dismissed</td>
</tr>
<tr>
<td>DC/13/1960</td>
<td>Locksleys, Kerves Lane, Horsham</td>
<td>Grant</td>
<td>Refuse</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

DCN/40 **PLANNING APPLICATION:** DC/14/0878 – ERECTION OF 25 RESIDENTIAL DWELLINGS TO INCLUDE 15 PRIVATE UNITS AND 10 AFFORDABLE UNITS, ASSOCIATED PARKING AND AMENITY SPACE

**SITE:** LAND SOUTH OF SUMMERFOLD CHURCH STREET RUDGWICK

**APPLICANT:** MR H ROBBIE

(Councillor John Bailey declared a personal and prejudicial interest in this application as he lived on land that shared a common border with the application site. He withdrew from the meeting and took no part in the determination of the application.)

The Development Manager reported that this application sought full planning permission for the erection of 25 dwellings with associated access, parking and landscaping. Vehicular access would be via the existing turning head spur in the cul-de-sac Summerfold.

The proposed dwellings would comprise three 1-bedroom houses, 13 2-bedroom houses, six 3-bedroom houses and three 4-bedroom houses. Ten of the units (three 1-bedroom, three 3-bedroom and four 3-bedroom units) would provide affordable housing. The dwellings would include two short three-dwelling terraces, semi-detached and detached properties. They would be two storey and be built of a variety of materials, including red and buff brick, tile hanging, chimneys and porches. There would be a total of 57 parking spaces, including eight garages.

The application site was located south of Summerfold, adjacent to but outside of the built-up area boundary of Rudgwick, a category 2 settlement.
DCN/40 Planning Application: DC/14/0878 (cont.)

The site was to the south of 4 to 7 Summerfold, and to the east of a number of properties including Mariners and Orchard House, Copper Beech and Homestead. It lay to the north of an area of recreational open space. Open countryside lay to the east, with a public right of way running adjacent to the northern part of the eastern boundary.

The site currently comprised open rough grassland, with some mature trees. The southern and eastern boundaries of the site were defined by rows of mature trees and vegetation, with the northern and western boundaries being formed by a mix of mature vegetation, hedgerows, fencing and a short open stretch to the rear of 7 Summerfold. The ground level of the site generally dropped gradually towards the south, resulting in some views towards the South Downs.

The National Planning Policy Framework 2012; National Planning Practice Guidance 2014; Technical Guidance to the NPPF; Local Development Framework Core Strategy Policies CP1, CP2, CP3, CP5, CP8, CP12, CP13 and CP15; Local Development Framework General Development Control Policies DC1, DC2, DC5, DC6, DC7, DC8, DC9, DC18, DC22 and DC40; the Horsham District Planning Framework Preferred Strategy; Local Development Framework Supplementary Planning Document (SPD) Facilitating Appropriate Development; and Local Development Framework SPD Planning Obligations were relevant in the determination of this application.

Relevant recent planning history included:

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/12/2232</td>
<td>Erection of 20 dwellings comprising 10 affordable units (7 x 2 bed &amp; 3 x 3 bed) and 10 market housing units (10 x 4/5 bed) and associated private amenity space and parking (Outline Planning)</td>
<td>Refused Appeal Dismissed</td>
</tr>
</tbody>
</table>

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council objected to the application. Seventeen letters of objection had been received. Three members of the public spoke in objection to the application and two of the applicant’s agents addressed the Committee in support of the proposal.

Members considered the principle of development in the context of local and national planning policy and the presumption in favour of sustainable development. Whilst the site was outside the built-up boundary it was in close proximity to Rudgwick.

The appeal of DC/12/2232 had been dismissed on the grounds of poor layout and lack of clarity in relation to future ownership of trees and
DCN/40 Planning Application: DC/14/0878 (cont.)

landscaped areas. It was noted that the reasons for refusal had not included the principle of development of the site.

Members considered the amendments that had been made to address the previous reasons for refusal. It was noted that the current proposal included more smaller units than the previous proposal, and the layout of the site no longer included building on the north-east corner, the highest part of the site. Members concluded that the proposed layout addressed concerns raised by the appeal inspector.

Members noted concerns regarding drainage and potential flooding and were concerned that the development on the adjoining land at Windacres could have a detrimental impact on the site. Members were informed that drainage issues would be controlled through Condition 7 which required detailed foul and surface water drainage and sewage disposal information to be approved prior to the commencement of development.

Members considered that the distance of the development from adjacent properties was such that the proposal would not result in any significant impacts upon their level of amenity.

The comments of the Highway Authority were noted and discussed. It was confirmed that the Highway Authority would have taken account of the Windacres site when assessing the proposal.

The proposed affordable housing would accord with the requirements of policy CP12 and it was noted that a legal agreement would ensure that priority would be given to those in housing need from the local area.

Members therefore concluded that the proposal was acceptable in principle.

RESOLVED

(i) That a legal agreement be entered into to secure the necessary infrastructure contributions and affordable housing provision.

(ii) That, on completion of (i) above, application DC/14/0878 be determined by the Development Manager. The preliminary view of the Committee was that the application should be granted.
DCN/41 **PLANNING APPLICATION**: DC/14/0836 – MINOR MATERIAL AMENDMENT TO APPLICATION DC/13/0429 FOR THE ERECTION OF 27 RESIDENTIAL UNITS COMPRISING 4 X 4 BED HOUSES, 5 X 4/5 BED HOUSES, 7 X 5 BED HOUSES, 3 X 2 BED AND 2 X 3 BED HOUSES PLUS 2 X 1 BED AND 4 X 2 BED FLATS WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND INFRASTRUCTURE INCLUDING DEMOLITION OF EXISTING STRUCTURES. THE AMENDMENT INVOLVES THE PROVISION OF A FRONT DORMER WINDOW TO UNITS 12, 13, 14 AND 15

**SITE**: THE FIRS, FARTHINGS HILL, HORSHAM

**APPLICANT**: CREST NICHOLSON SOUTH

(Councillor Claire Vickers declared a personal interest in this application as a close friend of hers lived opposite the application site.)

The Development Manager reported that this application sought permission for a minor material amendment to houses 12, 13, 14 and 15 to provide a dormer window within the front roof slopes of each house, above the first floor bedroom windows and garage below.

The dormer windows would measure 1.7 metres by 1.7 metres, with a depth of 2.5 metres. The dormer windows would facilitate the use of the roof space as an additional, fifth, bedroom by providing outlook and additional daylight to this habitable room.

The application site was located on the south side of the corner junction of the Farthings Hill interchange, with the A24 dual carriageway along the western boundary. Access to the site was from Farthings Hill and included part of the front gardens of Archers and Burleigh. There were properties along the eastern boundary, and the site adjoined Farthings Walk to the south. The development was at an advanced stage of development.

The National Planning Policy Framework 2012; National Planning Practice Guidance 2014; Local Development Framework Core Strategy Policies CP1, CP2, CP3, CP5, CP11, CP12, CP13 and CP19; Local Development Framework General Development Control Policies DC1, DC8, DC9, DC12, DC18, DC19 and DC40; Planning Obligations SP6; and the Horsham District Planning Framework Preferred Strategy were relevant to the determination of this application.
DCN/41 Planning Application: DC/14/0836 (cont.)

Relevant recent planning history included:

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Description</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/13/0429</td>
<td>Erection of 27 residential units comprising 4 x 4 bed houses, 5 x 4/5 bed houses 7 x 5 bed houses, 3 x 2 bed and 2 x 3 bed houses plus 2 x 1 bed and 4 x 2 bed flats) with associated access, parking, landscaping and infrastructure including demolition of existing structures (The Firs and land to the rear of Burleigh and Archers).</td>
<td>Granted</td>
</tr>
<tr>
<td>DC/12/0987</td>
<td>Erection of 28 residential units comprising 16 houses (3 x 4/5 bed, 4 x 4 bed and 9 x 5 bed) plus 12 flats (4 x 1 bed, 6 x 2 bed and 2 x 3 bed) with associated access, parking, landscaping and infrastructure including demolition of the existing structures.</td>
<td>Refused</td>
</tr>
<tr>
<td>DC/11/0404</td>
<td>Renewal of outline permission DC/07/1922 for demolition of existing dwelling and erection of assisted living care home with associated access (The Firs and land rear of Archers and Burleigh) - Outline</td>
<td>Granted</td>
</tr>
</tbody>
</table>

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Neighbourhood Council had raised no objection to the proposal. Neighbouring residents had been consulted but the consultation period had not expired. At the date of Committee no objections had been received.

The principle of the development had been established with the granting of planning permission DC/13/0429 and the main issues in the determination of the application were the impact the dormer windows would have on the appearance of the houses and on the amenity of neighbouring occupiers.

Members considered the change from four 4-bedroom to four 5-bedroom houses and its impact on the housing mix. Members noted that the affordable housing units would be unaffected by the proposal. It was noted that there would be no additional parking spaces provided, with units 12 – 15 being allocated three spaces each.

The provision of front dormer windows to the four houses would not materially affect the appearance of the houses or the character or appearance of the development and surrounding area. Members considered that the proposal was a minor change and there would be no material impact on the amenity of nearby residents.
DCN/41 Planning Application: DC/14/0836 (cont.)

Members therefore considered that proposal was acceptable in principle.

RESOLVED

(i) That a legal agreement be entered into to secure the necessary infrastructure contributions and affordable housing provision.

(ii) That, on completion of (i) above, and subject the expiration of the statutory notification period and the subsequent consideration of comments received, application DC/14/0836 be determined by the Development Manager. The preliminary view of the Committee was that the application should be granted.

DCN/42 PLANNING APPLICATION: DC/14/0986 – VARIATION OF CONDITION 5 OF PLANNING PERMISSION DC/09/0521 (PROPOSED COVERS TO EXISTING DRIVING RANGE BAYS INCLUDING 3 ADDITIONAL BAYS PLUS ENCLOSED LINK BETWEEN EXISTING CLUBHOUSE AND BAYS) TO ALLOW THE DRIVING RANGE TO BE OPERATED WITHOUT THE CURRENT OCTOBER-MARCH RESTRICTION

SITE: HORSHAM GOLF PARK, DENNE PARK, HORSHAM

APPLICANT: HORSHAM LEISURE LTD

The Development Manager reported that this application sought permission to vary Condition 5, regarding the use of artificial lighting, of previously approved application DC/09/0521, which granted permission for the extension of the existing driving range, providing covered shelter for all bays and the provision of a single storey link extension between the clubhouse and driving range.

Condition 5 restricted the use of artificial lighting to between 15.00 and 21.00 hours between October and March inclusive. The proposal would remove the restriction to the months of October to March, thus allowing the use of artificial lighting throughout the year.

The application had been deferred from the previous Committee to allow for the submission of a location plan, and to receive a consultation response from the Head of Public Health & Licensing.

The application site was located off Worthing Road within the complex of Horsham Golf & Fitness, which comprised a driving range, clubhouse with café & pro-shop and a fitness suite. The original 9 hole golf course had been closed to accommodate the new 18 hole golf course currently under construction.
The driving range was to the west of the car-park with a covered link leading to the clubhouse to the north. It was open from 07.00 – 21.00 Monday to Friday and 07.00 – 20.00 Saturdays and Sundays. Lighting within the driving range was limited to the covered area of the bays, with 12 lights within the outfield formed by earth mounds which protected the specially designed low level lighting in order to minimise light spillage.

Denne Park House was approximately 350 metres to the northeast of the site, along with a number of other residential dwellings. The nearest dwelling was approximately 220 metres away. Further dwellings are located to the northwest on Salisbury Road, the nearest dwelling being 500 metres away.

Members were referred to the previous report which contained details of relevant policies, planning history, the outcome of consultations and a planning assessment of the proposal.

The Head of Public Health & Licensing had raised no objection to the proposal. It was confirmed at the meeting that those properties to the south of the site had been included in the consultation and their views had been taken into account. One Member of the Public spoke in objection to the proposal and a representative of the Parish Council spoke in objection to the application.

Members considered the impact of the proposal on the amenity of nearby residents and discussed the extent to which the extended use of lighting would impact on the area. Whilst the concerns of nearby residents were noted, Members considered that the separation distance from the nearby residential properties and the extent of screening from foliage, which had grown significantly since the condition had been originally imposed in 1997, was sufficient to ensure that the proposal would not have a detrimental impact on the amenity of neighbouring occupiers. It was also noted that the lighting was not floodlighting, but low level lighting that did not overly project into the sky.

The variation would allow for the use of artificial lighting up to 9pm between April and September, in addition to the current permitted use during the rest of the year. Members considered that this extended use of artificial light would have a negligible impact on the natural environment and the surrounding area.

Members therefore concluded that the proposal was acceptable in principle. Members questioned the wording of the revised condition and requested that this be redrafted to clarify its meaning.
RESOLVED

That application DC/14/0986 be determined by the Development Manager, to allow for the wording of the amended condition to be finalised, in consultation with the Local Members. The preliminary view of the Committee was that the application should be granted.

PLANNING APPLICATION: DC/14/1179 – TWO STOREY REAR EXTENSION AND SINGLE STOREY SIDE EXTENSION TO MAIN DWELLING, WITH SIDE EXTENSION TO GARAGE/ANNEXE BUILDING, AND NEW ACCESS TO BRIGHTON ROAD WITH ENLARGEMENT OF VEHICLE ACCESS

SITE: 124 BRIGHTON ROAD, HORSHAM

APPLICANT: MR JULIAN ENOIZI

(Councillor David Holmes declared a personal interest in this application as he lived close to the application site.)

The Development Manager reported that this application sought permission for the erection of a two-storey rear extension measuring five metres by 4.8 metres with a pitched roof with a maximum height of 8.7 metres, and a single-storey side extension to either side, measuring 3.4 metres by 2.5 metres with a 3.4 metres high flat roof to the north-west, and measuring 1.2 metres by 9.6 metres to the south-east. The proposal also included a single-storey extension to the annexe building measuring 1.5 metres by 4.2 metres with a pitched roof.

The access located to the north-east of the site would be widened by repositioning the existing brick plinths to create a four metres wide access. An additional access point to the north-west, which already existed to a degree, would be widened to four metres.

The application site was located within the built-up area of Horsham to the south-west of Brighton Road. It was bordered by detached and semi-detached dwellings of various sizes and designs. There was an access track to the north-west of the site which served adjacent properties, approximately 20 metres to the rear of the site. The neighbouring properties to the east were bound by a low lying brick wall and overlooked the site through single ground floor and first floor side windows set to the rear.

The National Planning Policy Framework 2012; National Planning Practice Guidance; Local Development Framework Core Strategy Policy CP3; Local Development Framework General Development Control Policies DC9 and DC40; and the HDC Design Guidance Advice Leaflet 1 – House Extensions were relevant to the determination of this application.

There was no relevant planning history relating to the site.
DCN/43  Planning Application: DC/14/1179 (cont.)

The response from the Highway Authority, as contained within the report, was considered by the Committee.

The Parish Council had commented on the application, requesting alterations to the design of the front dormer window and that a condition be placed on the annexe to ensure it cannot be sold as a separate unit. Eight letters of objection from five households had been received. The applicant’s architect addressed the Committee in support of the proposal.

Members considered the principle of the development and considered whether the design was of a scale that was sympathetic to the original building and whether the design and layout had due regard to its surroundings. It was noted that the neighbouring property included extensions of a similar scale and design to the proposal.

Members discussed the proposed access and visibility onto the Brighton Road in the context of the Highway Authority’s comments.

It was noted that the use of the annexe building for ancillary purposes in connection with the main house could be controlled by condition. This would ensure that the annexe would not become an independent dwelling.

The distance from other dwellings and orientation of the annexe were considered sufficient to prevent any material harm. The design of the extensions was considered to be in keeping with the original building and Members concluded that the scale and design of the proposal were acceptable.

Members concluded that the proposal would not materially impact on the character, residential amenities, street scene or highway safety of the site and its surroundings and was therefore acceptable.

RESOLVED

That application DC/14/01179 be granted subject to the following conditions:

01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

02 The materials and finishes of all new external walls and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.
DCN/43  Planning Application:  DC/14/1179 (cont.)

03 Proposed visibility splays of 2m for pedestrians shall be provided at the site vehicular accesses onto Brighton Road in accordance with drawings submitted to and approved by the Local Planning Authority in writing. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

04 The driveway should be constructed of bound materials in accordance with drawings submitted to and approved by the Local Planning Authority in writing.

05 The garage/annexe building hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the existing property as a dwelling and shall not be occupied as a separate unit of accommodation.

REASON

01 The application is compliant with policies CP3 of the Core Strategy (2007), policies DC9 and DC40 of the General Development Control Policies (2007).

02 The application endorses those policies within the framework that seek to promote good design and sustainable development; namely sections 7 and 14 of the Framework.

DCN/44  PLANNING APPLICATION:  DC/14/1527 – ERECTION OF NEW SINGLE STOREY DOUBLE GARAGE PORT AND SMALL STORE TO DISUSED LAND ADJACENT TO PROPERTY

SITE:  1A GARDENERS GREEN, RUSPER

APPLICANT:  MR S BARTLEY

The Development Manager reported that this application sought permission for a detached single storey double garage.  The garage would be six metres by eight metres with a pitched roof.  It would be located close to the southern boundary and approximately four metres from the road.  The front of the garage would be in line with the rear of the property, set behind a protected oak tree.

The application site was located on the corner of Gardeners Green within the built up area of Rusper.  The two storey detached dwelling was
surrounded by properties of similar size and, apart from external detailing, similar appearance.

The public road ran along the southern boundary, with a green open space to the south-west of the site. Both the front elevation and side garden were visible from the street scene. The neighbouring properties to the north and west were built at an angle to the application site and set at a distance of between ten and fifteen metres from the location of the proposed garage.

The National Planning Policy Framework 2012; National Planning Practice Guidance; Local Development Framework Core Strategy Policy CP3; Local Development Framework General Development Control Policies DC9 and DC40; and the HDC Design Guidance Advice Leaflet 1 – House Extensions were relevant to the determination of this application.

Relevant recent planning history included:

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Description</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/13/1967</td>
<td>Non-material amendment to DC/13/0320 to extend the width of ground floor and first floor windows on front elevation from 2 casements to 3 casements and to insert 2 x additional windows on flank elevation</td>
<td>Granted</td>
</tr>
<tr>
<td>DC/13/0320</td>
<td>Demolition of existing garage and room over and construction of two storey replacement extension and small rear conservatory</td>
<td>Granted</td>
</tr>
<tr>
<td>DC/10/1623</td>
<td>Demolition of existing garage, construction of two-storey extension and replacement of existing garaging and garden store</td>
<td>Refused</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appeal Dismissed</td>
</tr>
</tbody>
</table>

The response from the Arboricultural Officer, who had raised no objection subject to conditions, was considered by the Committee. The Parish Council had objected to the application. No letters of representation had been received. A representative of the Parish Council spoke in objection to the application.

Members considered the principle of the development and considered whether the design was of a scale that was sympathetic to the original building and the surrounding area and whether the design and scale of the proposal would have an adverse impact on the streetscene.

The location of the site was visible from the public highway and Members discussed the potential impact of the proposal on the character of the surrounding area.

The reasons why application DC/10/1623 had been dismissed at appeal included the prominent location of the garage, which had been considered to
cause a detrimental impact to the existing pattern of development and character of the locality. Members were advised that the current application was further from the protected tree, smaller and of improved design.

Members requested details of the scale and design of DC/10/1623 so that they could determine whether the current proposal overcame the reasons for refusal. Details of the previous application were not available at the meeting and Members therefore requested that the application be deferred.

RESOLVED

That application DC/14/1527 be deferred to allow for Members to be supplied with details of the previously refused application DC/10/1623 prior to the determination of the application.

*The meeting closed at 7.10pm having commenced at 5.30pm.*

CHAIRMAN
DEVELOPMENT CONTROL (NORTH) COMMITTEE – 7TH OCTOBER 2014
REPORT BY THE DEVELOPMENT MANAGER

APPEALS

1. Appeals Lodged

I have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

2. Written Representations/Householder Appeals Service

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Site</th>
<th>Appeal</th>
<th>Officer Recommendation</th>
<th>Committee Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/13/0955</td>
<td>Rudgwick Metals Ltd, Church Street, Rudgwick, Horsham</td>
<td>In Progress</td>
<td>Non Determination</td>
<td>N/A</td>
</tr>
<tr>
<td>DC/14/0618</td>
<td>The Levee, Loxwood Road, Rudgwick, Horsham</td>
<td>In Progress</td>
<td>Refused</td>
<td>N/A</td>
</tr>
<tr>
<td>DC/14/1151</td>
<td>Bakers, Copsale Road, Maplehurst, Horsham</td>
<td>In Progress</td>
<td>Refused</td>
<td>N/A</td>
</tr>
<tr>
<td>DC/14/0856</td>
<td>130 Trafalgar Road, Horsham</td>
<td>In Progress</td>
<td>Refused</td>
<td>N/A</td>
</tr>
</tbody>
</table>

4. Appeal Decisions

I have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Site</th>
<th>Appeal</th>
<th>Officer Recommendation</th>
<th>Committee Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC/13/2393</td>
<td>Land South of Woodlands Chase, Sedgwick Lane, Horsham</td>
<td>Allowed</td>
<td>Non-Determination</td>
<td>N/A</td>
</tr>
<tr>
<td>DC/14/1829</td>
<td>53 Guildford Road, Horsham</td>
<td>Allowed</td>
<td>Permit</td>
<td>Refuse</td>
</tr>
</tbody>
</table>
DEVELOPMENT MANAGEMENT REPORT

TO: Development Management (North) Committee
BY: Development Manager
DATE: 7th October 2014

Part demolition and redevelopment of Bishops Weald House, Albion Way including change of use of part of ground and first floor to provide A1/A2/A3/A5 uses, D2 and C3 uses comprising 53 apartments, and demolition and redevelopment of part of Lifestyle Ford site, Bishopric to provide 17 residential units

DEVELOPMENT:

SITE: Bishops Weald House Albion Way Horsham West Sussex
WARD: Denne
APPLICATION: DC/13/2126
APPLICANT: Westrock

REASON FOR INCLUSION ON THE AGENDA: Category of development

RECOMMENDATION: That planning permission be delegated for approval to the Development Manager subject to the expiration of the notification period and the subsequent consideration of any comments received, the securing of a S106 Legal Agreement and appropriate conditions.

1. INTRODUCTION

1.1 This application was previously reported to the Development Management (North) Committee on 5th August 2014 (as item A1), whereby Members resolved to defer the application in order to seek:

- clarification of the design and height of Bishops Weald House and its relation to the surrounding buildings, with a view to investigating opportunities to improve the design of the scheme (First Issue);

- details of the viability appraisal, and the consequential lower provision of affordable housing (Second Issue).

1.2 The red edged site location plan for the Bishops Weald House element of the proposal has been revised since the application was previously considered and as such a new 21 day period of notification, to West Sussex County Council (as Landowner), and consultation, to Denne Neighbourhood Council, has been commenced and this is reflected within the revised recommendation above.

1.3 The previous report is attached as an Appendix.
2. PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

2.1 The application seeks full planning permission for the redevelopment of the Bishops Weald House, Albion Way building and the demolition of existing buildings at No. 53 to No. 59 Bishopric. The application therefore covers two separate sites.

2.2 It is proposed to redevelop the Bishops Weald House building to retain the existing retail units fronting onto Worthing Road, to create 2 No. additional retail units that would front onto Albion Way, to create a gym at first floor level and to create a total of 53 No. residential units across the first, second, third and fourth floor levels. These units would comprise a mix of one and two bedroom flats.

2.3 The existing buildings at No. 53 to No. 59 Bishopric are proposed to be removed and replaced with a three storey block of apartments comprises 17 No. one and two bedroom flats.

DESCRIPTION OF THE SITE

2.4 The main part of the site is formed by Bishops Weald House, a two to three storey largely red brick building which occupies a ‘zig-zag’ shaped plot extending from the Bishopric/Worthing Road corner south along Worthing Road to a position opposite to the Bus Station. The building then extends back from here such that it also fronts onto Albion Way with the site then running down to adjoin the Tanbridge Retail Park roundabout. The existing Bishops Weald House incorporates food and non-food retail units (Use Classes A1, A3 and A5) and office space (Use Class B1).

2.5 The second part of the application site constitutes No’s. 53 to 59 Bishopric. These units are formed by the Lifestyle Ford showroom and 2 No. 3 bedroom dwellings. To the immediate west of these dwellings, there is an open area used for the display of Lifestyle Ford commercial vehicles. This part of the site lies opposite the Grade II listed Kings Arms PH and No’s. 66-70 Bishopric.

3. INTRODUCTION

STATUTORY BACKGROUND

3.1 The Town and Country Planning Act 1990
Planning (Listed Building and Conservation Areas) Act 1990

RELEVANT GOVERNMENT POLICY


- Section 1: Building a strong, competitive economy
- Section 2: Ensuring the vitality of town centres
- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
3.3 Planning Practice Guidance (2014)

RELEVANT COUNCIL POLICY

3.4 Horsham District Planning Framework: Preferred Strategy (August 2103)

The Horsham District Planning Framework (HDPF) Preferred Strategy was approved by Council for consultation on 25th July 2013. The consultation period ran from 16th August to 11th October 2013. This planning application will be considered following this consultation period and therefore the emerging Preferred Strategy is a material consideration with limited weight in the assessment of this planning application.

3.5 Local Development Framework: Core Strategy (2007) policies:

- CP1: Landscape and Townscape Character
- CP2: Environmental Quality
- CP3: Improving the Quality of New Development
- CP5: Built-Up Areas and Previously Developed Land
- CP11: Employment Sites and Premises
- CP12: Meeting Housing Needs
- CP13: Infrastructure Requirements
- CP17: Vitality and Viability of Existing Centres
- CP19: Managing Travel Demand and Widening Choice of Transport

3.6 Local Development Framework: General Development Control Policies (2007) policies:

- DC2: Landscape Character
- DC5: Biodiversity and Geology
- DC7: Flooding
- DC8: Renewable Energy and Climate Change
- DC9: Development Principles
- DC13: Listed Buildings
- DC18: Smaller Homes/Housing Mix
- DC34: New Retail Development Within the Defined Town and Village Centres
- DC40: Transport and Access

3.7 Local Development Framework: Site Specific Allocations of Land Development Plan Document (2007) (subsequently referred to as the Land Allocations DPD) policies:

- AL1: Previously Developed Land
- AL2: Lifestyle Ford, Bishopric, Horsham


3.9 Local Development Framework: Supplementary Planning Documents:

- Horsham Town Plan (2012)
- Planning Obligations (2007)
ADDITIONAL PLANNING HISTORY

DC/14/1897 Change of use of part ground and upper floors from B1a office to C3 residential use to create up to 40 no. units (20 no. 1 Bed and 20 no. 2 Bed) not including existing retail units at no 2-6 Worthing Road and 1-3 Bishopric (Prior Notification) Pending Consideration

4. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

4.1 Strategic Housing Manager (summarised): The applicant has confirmed that the 17 No. affordable units should be for shared ownership.
   • Although discussions have taken place with the applicant and Southern Housing Group (the intended Registered Provider), it does not appear to be possible to deliver the homes for rent.
   • Therefore, Housing Officers are not able to support the application. It is imperative that the Council maximises the number of rented homes delivered by partners, in order to meet the needs of those on lower incomes and remove households from the Housing Register.
   • The Council has asked Southern Housing Group for details of levels of subsidy required to change tenure from shared ownership to rent. Should this information be supplied prior to Committee, a supplementary note will be forwarded for Members’ consideration.

OUTSIDE AGENCIES

4.2 WSCC Highways have been re-consulted as a result of the revised plans, which now show bay windows and balconies projecting over the public highway along the eastern end of the Bishopric. At the time of writing, comments are awaited and this is reflected within the recommendation.

PUBLIC CONSULTATIONS

4.3 The original statutory consultation period had expired prior to the consideration of the application at the August Committee and the comments received are summarised within the attached report.

4.4 Denne Neighbourhood Council have been re-consulted following the submission of revised plans. At the time of writing, comments are awaited and this is reflected within the recommendation.

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

5.1 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.

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

6.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.
7. PLANNING ASSESSMENTS

7.1 As mentioned above in section 1, this application was considered at the Development Management (North) Committee on 5th August 2014, when it was resolved to defer the determination of this proposal in respect of the following:

- clarification of the design and height of Bishops Weald House and its relation to the surrounding buildings, with a view to investigating opportunities to improve the design of the scheme (First Issue);

- details of the viability appraisal, and the consequential lower provision of affordable housing (Second Issue).

These issues are therefore discussed here, but all other considerations in relation to this proposal remain as per the report to Committee for the 5th August 2014 meeting, attached here as an Appendix.

First Issue (Design)

7.2 At the meeting of the Committee on 5th August 2014 Members expressed concerns that there was insufficient detail provided to consider the impact of the proposal on the wider locality and that further opportunities to improve the design of the scheme should be considered prior to the determination of the application. The applicant has subsequently submitted the following revised details:

- Site Location Plan (to accommodate projecting bays and balconies);
- Elevations of Bishops Weald House;
- Floor Plans of Bishops Weald House;
- Sections of Bishops Weald House;
- Planning Addendum 3.

7.3 Subsequent to the Committee meeting in August, Horsham Members were invited to attend a presentation by the applicant’s architect in which they provided information and detail regarding the overall design of the redeveloped Bishops Weald House part of the application. Members were also able to make their specific comments relating to the design directly to the developers. The information provided by the applicant during this presentation, and details of the resulting revisions to the proposal, have been formally submitted as the aforementioned Planning Addendum 3 and are publicly available.

7.4 The applicants have advised that as the proposal involves a redevelopment of the existing building, with the existing retail units along Worthing Road to be retained and open for trade throughout any proposed works. This has significantly influenced the form and scope of the proposal, with both the existing retail floorspace, access areas and servicing arrangements needing to be retained. Working around these spaces, the applicants have sought to create a visual marker to the north east corner of the building (at the junction of Bishopric and Worthing Road) as a draw towards this part of the town centre. As this part of the building can be seen in views along West Street the applicants are proposing to add additional storeys to this section and to use distinctive materials in order to create this visual marker. The increased scale of this section is then tempered through the use of significant areas of glazing in order to reduce its massing. Following comments from some Members that the glazed balconies, which were shown to this corner facing towards Worthing Road, would be overly prominent and could become cluttered and detract from the design, these have been removed and a simplified glazed façade is now proposed.
7.5 The overall scale of the proposed redevelopment has been determined by the requirement to retain certain elements of the existing structure and the ability of the existing building to accommodate additional loading. This has resulted in the two taller elements of the proposal being situated such that they run along the Worthing Road and Albion Way frontages, with the central section being retained at a lower height to create a rooftop courtyard garden area. Away from the prominent Bishopric/Worthing Road corner the top storey is set back from the edge of the building in order to reduce the bulk of the building and to break-up the elevations. In addition, the upper floors have been set back from both the Worthing Road and Albion Way frontages and, in particular, have been moved further away from the southern extend of the building. This reduction to the southern section ensures that the redevelopment does not have any significant impact upon the setting of the grade II listed Horsham Unitarian Church. This relationship is considered in detail within the main report at paragraphs 6.29 to 6.36 (attached as an Appendix).

7.6 Members also raised some concerns regarding the proposed elevation of Bishops Weald House which would front onto the eastern section of the Bishopric, which was considered to lack interest. The applicants have revised this elevation subsequent to the August Committee meeting to show a series of projecting bays and balconies to this side. It is proposed to create fully glazed bay windows and glazed balconies to the residential units at second, third and fourth floor levels of this elevation in order to provide additional interest and articulation to this side. The projecting elements would also be obliquely viewed from West Street.

7.7 It is considered that the use of a modern style of building would not detract from the townscape character of the surrounding area, which displays a varied architectural form, and that the rationale behind the proposed design of Bishops Weald House is both reasonable and appropriate. The recent revisions to the proposal would address issues raised by Members and result in a clearly defined prominent corner, when viewed from along West Street, and additional visual interest and a breaking-up of the elevation fronting the Bishopric. As set out within the main report (attached), the NPPF, at paragraph 60, states that particular architectural styles should not be imposed upon new developments. In addition, policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007) seeks to promote a high standard of design and ensure that the scale and massing of developments are sympathetic to the surrounding built form. The proposed development would create a larger building than currently exists, however, this would not be out of scale with other existing developments in the immediate vicinity.

Second Issue (Viability)

7.8 The second issue raised by Members at the 5th August Committee meeting concerned the detail of the viability appraisal that had been carried out as an assessment of the affordable housing offer. The application proposes the provision of 17 No. shared ownership affordable units to be situated at the Bishopric site, with the 53 No. residential units proposed at the Bishops Weald House building to be open market flats.

7.9 Given that this proposed provision of 17 No. units equates to 24% of the total number of residential units to be provided, the proposal falls short of the 40% target set out in policy CP12 of the Horsham District Local Development Framework: Core Strategy (2007). The applicant was therefore required to provide sufficient information for an independent assessment of the scheme’s viability to be undertaken, in line with the advice within the supporting text to policy CP12. This supporting text indicates, at paragraph 4.65 of the Core Strategy, that 40% affordable housing provision should be viewed as a ‘baseline’ or target which should be achievable unless sites are burdened with high abnormal costs. In
instances with such abnormal costs, where the Council is satisfied that the viability of the site is jeopardised, an appropriate level of provision can be negotiated with the developers. The viability assessment undertaken, based on the provision of only 24% shared ownership affordable housing, concluded that the anticipated profit level that would result from the proposed development would be significantly reduced from that of a reasonable market level.

7.10 Subsequent to this, the applicants have advised that a significant element of the overall costs associated with the proposed development arises from the need to work with the existing building to ensure the retention of the remaining retail tenants and their ongoing trading throughout the period of any works. They have also advised that the severance of any such existing tenancy agreement could add significantly to the overall costs of the scheme.

7.11 Separately, the applicants have advised that if they were to provide the 17 No. units for either affordable or social rent, rather than for shared ownership, this would substantially increase the overall cost of provision and would therefore impact upon the viability of the proposed development. It was reported to the Committee in August that shared ownership properties would not address the greatest need of households within the District, and that the Council would therefore seek to secure the units for either affordable or social rent. Whilst discussions have been undertaken with Southern Housing Group (the intended Registered Provider) it does not appear possible to deliver these 17 No. units for rent and therefore the provision of shared ownership units only must be considered.

7.12 Section A4 of the Planning Obligations SPD (2007) indicates that affordable housing should be provided as 62.5% as rented accommodation and 37.5% as intermediate housing (shared ownership). The proposal does not therefore accord with this mix. However, as mentioned above, the applicants have advised that the difference in cost associated with the provision of affordable rented units over the provision of shared ownership units is very considerable and would further impact upon the overall viability of the development, which has been independently assessed as having a significantly reduced profit margin in its current form.

7.13 As identified within the supporting text to policy CP12, where the viability of a development is shown to be jeopardised by the provision of 40% of units as affordable housing, this level can be reviewed. Given the independently assessed marginal level of viability across the proposed development, calculated on the basis of the provision of 17 No. shared ownership units, and the likely additional costs associated with the provision of either a higher percentage of units or the provision of rented units, it is considered that the proposed affordable housing offer is, on balance, acceptable.

7.14 It should also be noted that the recently submitted application for a prior approval scheme at the Bishops Weald House site could result in the change of this building’s office space to create 40 No. residential units with no requirement to provide any as affordable homes.

Conclusion

7.15 In conclusion, the detail provided by the applicant and their architects shows that the basis of the proposed design has been largely influenced by the requirement to retain the existing retail units in an operational state throughout any work and work within the limitations of redeveloping the existing building. The design includes a strong visual marker to the prominent Worthing Road/Bishopric corner, which is considered appropriate given its location. There have been some alterations to the design following comments from Members and, in particular, greater visual interest has been provided to the northern (Bishopric) elevation. It is considered that the design of the proposed development, in terms of its scale, massing and appearance, would accord with the requirements of the
NPPF and with the design elements of policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

7.16 Whilst the provision of 17 No. shared ownership units falls short of the targets set within policy CP12 and the Planning Obligations SPD, the applicant has provided sufficient information to enable an independent assessment of the scheme’s viability to be undertaken. This assessment has concluded that the development would result in a substantially reduced profit margin with the affordable housing offer proposed and it is therefore considered that any change in tenure, which the applicant has advised would significantly impact upon the overall costs of the scheme, would be likely to result in the overall scheme becoming unviable. As discussed within the main report, the introduction of additional retail units, the creation of a leisure facility (a gym at first floor) and the provision of residential units in this location would add to the vitality and viability of Horsham town centre, which is encouraged through the NPPF, policies CP17 and DC34 and the Horsham Town Plan SPD.

7.17 It is therefore considered, within both this report and the main report (attached as an Appendix) that the proposed redevelopment of the Bishops Weald House building and the Bishopric site would constitute sustainable development, as set out by the NPPF, and that therefore the presumption in favour of sustainable development (as set out in paragraph 14 of the NPPF) applies and the development is therefore considered acceptable.

8. RECOMMENDATIONS

8.1 That planning permission is delegated for approval to the Development Manager, following the expiration of the notification period and subsequent consideration of comments received, the completion of the required S106 legal agreement and subject to appropriate conditions.

8.2 Whilst this supplementary report relates only to the design and viability aspects raised following the consideration of this application at the Committee meeting of 5th August 2014, and all other considerations in relation to this proposal remain as per the original report to Committee, attached here as an Appendix, the conditions set out here reflect all those relevant to this proposal.

1. A2 – Full Permission (3 years)

2. Prior to the commencement of the development hereby permitted the following shall be submitted to and approved, in writing, by the Local Planning Authority:

   - a schedule of materials and samples of such materials and finishes and colours to be used for the external walls, roofs and fenestration of the new and redeveloped buildings;
   - details of all boundary treatments proposed, including operational details of the service yard gates;
   - details of any proposed ventilation systems and extraction flues as may be necessary;
   - details of any guttering and rainwater goods.

All materials and details used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and highway safety in accordance with policies DC9 and DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).
3. Prior to the commencement of development full details of hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. These works shall include, as well as the planting already shown on the approved drawings, and subject to further investigation of existing underground services, green façade planting of climbing plants on the intermittent brick columns between glazing panels along the Albion Way frontage. The details shall be submitted concurrently as a complete scheme, unless otherwise agreed, in writing, with the Local Planning Authority, and shall comprise:

- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers;
- Tree pit and staking/underground guying details;
- A written specification (National Building Specification compliant) of hard and soft works including ground preparation, cultivation, planting and other operations associated with plant and grass establishment);
- Existing and proposed levels;
- Hard surfacing materials: layout, colour, size, texture, coursing and levels;
- Walls, fencing and railings: location, type, heights and materials;
- Minor artefacts and structures – location, size and colour and type of street furniture, signage, refuse units and lighting columns and lanterns.

The approved scheme shall be implemented in full accordance with these details. Planting shall be carried out according to a timetable to be agreed, in writing, with the Local Planning Authority prior to 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 DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007)

4. No development, including works of any description, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:

- All required arboricultural works, including permitted tree felling and surgery operations and above ground vegetative clearance within such areas set out for development as indicated on the approved site layout drawing to be completed and cleared away;
- All trees on the site targeted for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6.2 of BS 5837 ‘Trees in Relation to Design, Demolition and Construction - Recommendations’ (2012). Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the
site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

5. Prior to the commencement of development details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations therefore, shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall demonstrate effective coordination with the landscape scheme submitted pursuant to condition 3 and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: To protect roots of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

6. Prior to the commencement of development a detailed long term 25 year Landscape Management and Maintenance Plan for all landscape areas shall be submitted to and approved, in writing, by the Local Planning Authority. The submitted plan shall include:

- Aims and objectives;
- A description of landscape components;
- Management prescriptions;
- Details of maintenance operations and their timing;
- 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, unless any variation is approved, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).
7. No existing trees, hedges or shrubs on the site, other than those the Local Planning Authority has agreed to be removed as part of this permission, shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. Any trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed, in writing, by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

8. Prior to the commencement of the development hereby permitted, including any works of demolition, site preparation or site clearance, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved, in writing, by the Local Planning Authority and thereafter implemented and maintained throughout the construction period. The CEMP shall include details and a plan including:

- Contractor/builder parking;
- Storage of materials, construction plant and equipment;
- Vehicle movements (including any site clearance works);
- Protective fencing;
- Details of any site construction access;
- Scheme of works for the control and mitigation of noise, dust and waste;
- Details of any external lighting or floodlighting to be installed;
- That no burning of materials shall take place on the site.

Reason: In the interests of road safety and/or in the interests of amenity and in accordance with policies DC9 and DC40 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

9. No work for the implementation of the development hereby permitted shall be undertaken on either of the sites except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank or Public Holidays unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

10. Prior to the commencement of development details of a) a noise insulation scheme to protect the internal environment of residential units from both traffic noise and any noise from the commercial units, and b) a BS4142 compliant assessment to demonstrate that the rating level of plant noise does not exceed, and preferably is significantly lower than, background noise levels, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall thereafter be fully implemented prior to the first occupation.
11. The development hereby permitted on the Bishopric part of the site shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved, in writing, by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

   a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a ‘conceptual site model’ and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required);

   b) If identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use;

   c) Thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

   d) A full closure report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that any pollution is dealt with in accordance with the NPPF and policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

12. Notwithstanding the details within the submitted Foul Water and Surface Water Drainage Assessment, no development shall commence until full details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water as appropriate. The submitted details shall prevent surface water from discharging onto the public highway and should
incorporate the use of Sustainable Drainage Systems where possible. The approved details shall be fully implemented prior to occupation of the development hereby permitted and shall thereafter be permanently retained and maintained solely for their intended purpose.

Reason: To ensure that the site is adequate drained, to reduce the risk of flooding and in the interests of highway safety, in accordance with the advice of the NPPF and policies DC7 and DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

13. No development shall take place within the Bishopric part of the site until the applicant, or the applicant’s agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that archaeological features and artefacts revealed during development works will be adequately recorded in accordance with policy DC10 of the Horsham District Local Development Framework: General Development Control Policies (2007).

14. No removal of any tree or shrub shall be carried out on site between March to August inclusive in any year, unless otherwise approved, in writing, by the Local Planning Authority. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. Any vegetation containing occupied nests will be retained until the young have fledged. The location details of the compensatory nesting provision to be supplied to the Local Planning Authority for approval prior to their erection.

Reason: To safeguard the ecology and biodiversity of the area in accordance with the NPPF and policy DC5 of the Horsham District Local Development Framework: General Development Control Policies (2007).

15. The new and redeveloped buildings hereby permitted shall achieve at least Code Level 3 or BREEAM ‘Very Good’ standard in accordance with the requirements of the British Research Establishment’s technical guidance (or such other equivalent national measures of sustainability as may be agreed, in writing, by the Local Planning Authority). No dwelling or commercial unit shall be occupied until a final certificate has been issued for it certifying that at least Code Level 3 or BREEAM ‘Very Good’ has been achieved.

Reason: To ensure the development makes the most efficient use of resources and to comply with policy DC8 of the Horsham District Local Development Framework: General Development Control Policies (2007).

16. The development hereby permitted at the Bishopric site shall not be occupied unless and until the site access, footway and kerbing across the Bishopric site frontage has been improved in accordance with plans and details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).
17. The development hereby permitted at the Bishopric site shall not be occupied unless and until all accesses other than those hereby approved have been permanently closed and obliterated.

*Reason: In the interests of highway safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

18. No part of the residential development hereby permitted shall be occupied unless and until the car parking spaces, associated turning areas and cycle storage facilities have been designed, laid out and constructed in accordance with plans and details to be submitted to and approved, in writing, by the Local Planning Authority.

*Reason: To ensure adequate parking and turning facilities are available to serve the development in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

19. The development at the Bishops Weald House site shall not be occupied unless and until a servicing plan has been submitted to and approved, in writing, by the Local Planning Authority. The submitted plan shall ensure that the arrival and departure times of service vehicles are effectively managed and do not disrupt the free flow of traffic along Albion Way or cause significant disruption to users of the private parking spaces associated with the development.

*Reason: In the interests of highway safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

20. Prior to the commencement of development at the Bishopric site precise details of the existing ground levels of the site, the proposed finished levels of the ground, the ground floor slab level of the building and the finished floor levels of the development, including landscaped areas, showing their relationship with the existing levels of the immediately adjoining land, shall be submitted to, and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

*Reason: To control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

21. Prior to the commencement of development, details of the means and location for the provision of refuse/recycling bin storage shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development and thereafter retained as approved.

*Reason: To ensure the adequate provision of recycling facilities in accordance with policy CP2 of the Horsham District Local Development Framework: Core Strategy (2007).*
22. At least one entrance doorway to the retail and leisure units of the development hereby permitted shall have a minimum width of 900mm (1800mm for a double door) and the threshold of the door shall have a flush surface.

_Reason: To ensure that the development is provided with access for disabled people in accordance with policy CP16 of the Horsham District Local Development Framework: Core Strategy (2007)._ 

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders amending or revoking and re-enacting the same) the development hereby permitted shall be used only for the following, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987:

- The ground and first floor level units fronting onto Worthing Road for purposes within either Use Class A1 or purposes within Use Class A3 with ancillary Use Class A5;
- The ground floor level units fronting Albion Way for purposes within Use Class A1, A2, A3 or A5;
- The first floor level commercial unit for purposes within Use Class D2.

_Reason: To enable the Local Planning Authority to control the use of the site and because other uses would be contrary to the guidance of the Horsham Town Plan SPD and with policy DC34 of the Horsham District Local Development Framework: General Development Control Policies (2007)._ 

24. The development shall not be open for trade or business except between the following hours:

- 07.30 hours and 23.00 hours Sunday to Thursday and 07.30 hours and 23.30 hours Friday and Saturday for the ground and first floor level unit to the corner of Bishopric/Worthing Road;
- 09.00 hours and 18.00 hours Monday to Saturday and 10.00 hours and 18.00 hours for the new and retained ground floor units fronting Worthing Road and Albion Way;
- 07.00 hours and 22.00 hours Monday to Friday and 07.00 hours and 20.00 hours Saturday and Sunday.

_Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007)._ 

25. The development hereby permitted shall incorporate no more than a total of 5 No. retail units across both the Worthing Road and Albion Way frontages.

_Reason: To enable the Local Planning Authority to control the use of the site and because other uses would be contrary to the guidance of the Horsham Town Plan SPD and with policy DC34 of the Horsham District Local Development Framework: General Development Control Policies (2007)._ 

26. Approved Plans List
Notes to Applicant:

1. The developer should advise Southern Water prior to the commencement of development of the measures to be undertaken to protect/divert the public sewers and water apparatus.

2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk.

3. A formal application for connection to the water supply is required in order to service this development. To initiate a Water Capacity Check, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk.

Background Papers: DC/13/2126
DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North
BY: Development Manager
DATE: 5th August 2014

DEVELOPMENT:
Part demolition and redevelopment of Bishops Weald House, Albion Way including change of use of part of ground and first floor to provide A1/A2/A3/A5 uses, D2 and C3 uses comprising 53 apartments, and demolition and redevelopment of part of Lifestyle Ford site, Bishopric to provide 17 residential units

SITE: Bishops Weald House Albion Way Horsham West Sussex
WARD: Denne
APPLICATION: DC/13/2126
APPLICANT: Westrock

REASON FOR INCLUSION ON THE AGENDA: Category of development

RECOMMENDATION: That planning permission be delegated for approval to the Development Manager subject to appropriate conditions and securing a S106 Legal Agreement.

1. THE PURPOSE OF THIS REPORT
To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks full planning permission for the redevelopment of the Bishops Weald House, Albion Way building and the demolition of existing buildings at No. 53 to No. 59 Bishopric and their replacement with a block of apartments. The application therefore covers two separate sites.

1.2 The Bishops Weald House building currently accommodates food (Use Class A3/A5) and non-food (Use Class A1) retail units at ground floor level fronting onto the eastern end of the Bishopric and Worthing Road, these currently being occupied by McDonalds, The Entertainer, Argos and Ragdolls Framing. The unit occupied by McDonalds also extends to the first floor level and the unit occupied by Argos extends back from the Worthing Road frontage to allow for access to the service yard at the rear (Albion Way). The ground floor level fronting onto Albion Way plus the majority of the first floor and the entire second floor provide office accommodation (Use Class B1).
1.3 It is proposed to redevelop the building such that the double height A3/A5 retail unit to the Worthing Road/Bishopric corner would be retained albeit in a slightly larger format with the existing retail unit fronting Worthing Road being subsumed within this. The other existing retail units to Worthing Road would be retained and a further 2 No. retail units are proposed fronting onto Albion Way.

1.4 The majority of the first floor is proposed as a gym (Use Class D2) and with 4 No. residential units proposed towards the Worthing Road side. Above this a further 3 No. floors of residential units are proposed. In total 53 No. residential units are proposed within the redeveloped Bishops Weald House building, these being 23 No. 1 bed flats and 30 No. 2 bed flats.

1.5 The existing service yard to the southern side of the building and its access from Albion Way would remain, along with one loading/unloading bay to serve the retail units. It is proposed to erect sliding metal gates across the service access and to continue the existing wall and railings along Albion Way to adjoin with these gates. The existing car parking area to the south of the service yard will also be retained to provide 30 No. car parking spaces, which would be for use in connection with the residential units and would be accessed via the existing access point from the Albion Way Tanbridge Retail Park roundabout.

1.6 The second area of the application relates to No. 53 to No. 59 Bishopric and the adjacent vehicle display area. It is proposed to demolish the existing buildings across this site and erect a three storey block of apartments. This proposed block would have a ‘T’ shaped form with a gable end fronting onto the Bishopric adjacent to the existing vehicular access into the Lifestyle Ford site, and then a slightly subservient wing running parallel with the Bishopric.

1.7 The proposed block would accommodate a total of 17 No. residential units, with these being comprised of 8 No. 1 bed flats and 9 No. 2 bed flats. These units would be served by a total of 12 No. car parking spaces, with 6 No. to be provided to the west of the site with a new vehicular access and 6 No. to be provided to the east accessed from the Lifestyle Ford access, which is to be upgraded as part of the approved Waitrose scheme (DC/13/1599).

1.8 In summary, the proposed development would provide the following:

**Bishops Weald House site**
- 4 No. non-food retail units (2 No. of which are existing);
- 1 No. food retail unit (existing);
- Gym
- 23 No. 1 bed flats
- 30 No. 2 bed flats
- 30 No. car parking spaces

**Bishopric site**
- 8 No. 1 bed flats
- 9 No. 2 bed flats
- 12 No. car parking spaces

**DESCRIPTION OF THE SITE**

1.9 The main part of the site is formed by Bishops Weald House, a two to three storey largely red brick building which occupies a ‘zig-zag’ shaped plot extending from the Bishopric/Worthing Road corner south along Worthing Road to a position opposite to the Bus Station. The building then extends back from here such that it also fronts onto Albion
Way with the site then running down to adjoin the Tanbridge Retail Park roundabout. The existing Bishops Weald House incorporates food and non-food retail units (Use Classes A1, A3 and A5) and office space (Use Class B1).

1.10 The building has a level ground floor although the service yard and car parking area accessed from Albion Way slope down towards the south. The car parking area provides parking for Bishops Weald House and also provides access to car parking areas serving buildings fronting Worthing Road. Similarly, the existing service yard, with 3 No. loading/unloading bays serves Bishops Weald House, but also provides vehicular access through to a car parking area for Horsham Unitarian Church.

1.11 The southern elevations of Bishops Weald House wrap around Horsham Unitarian Church (Grade II listed) and its churchyard. The buildings of No’s.16-18 Worthing Road lie to the immediate south of the Worthing Road frontage of Bishops Weald House and the Grade II listed buildings of No’s. 20, 22-24, 26-28 and the Friends Meeting House all lie to the south east of the application site. The northern end of Bishops Weald House lies adjacent to No’s. 5-13 Bishopric and obliquely opposite the Grade II listed No. 12 Bishopric (The Olive Branch PH).

1.12 The second part of the application site constitutes No’s. 53 to 59 Bishopric. These units are formed by the Lifestyle Ford showroom and 2 No. 3 bedroom dwellings. The Lifestyle Ford showroom is a two storey flat roofed building with large picture windows at ground floor level and green and white cladding at first floor level. The 2 No. dwellings are two storey red brick and pebbledash rendered properties which are unoccupied and boarded up. To the immediate west of these dwellings, there is an open area used for the display of Lifestyle Ford commercial vehicles. This area has a bonded gravel surface and incorporates a large mature Oak tree. This part of the site lies opposite the Grade II listed Kings Arms PH and No’s. 66-70 Bishopric.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990
Planning (Listed Building and Conservation Areas) Act 1990

RELEVANT GOVERNMENT POLICY

- Section 1: Building a strong, competitive economy
- Section 2: Ensuring the vitality of town centres
- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

2.3 Planning Practice Guidance (2014)

RELEVANT COUNCIL POLICY

2.4 Horsham District Planning Framework: Preferred Strategy (August 2103)
The Horsham District Planning Framework (HDPF) Preferred Strategy was approved by Council for consultation on 25th July 2013. The consultation period ran from 16th August to 11th October 2013. The planning application will be considered following this consultation period and therefore the emerging Preferred Strategy is a material consideration with limited weight in the assessment of this planning application.

2.5 Local Development Framework: Core Strategy (2007) policies:

- CP1: Landscape and Townscape Character
- CP2: Environmental Quality
- CP3: Improving the Quality of New Development
- CP5: Built-Up Areas and Previously Developed Land
- CP11: Employment Sites and Premises
- CP12: Meeting Housing Needs
- CP13: Infrastructure Requirements
- CP17: Vitality and Viability of Existing Centres
- CP19: Managing Travel Demand and Widening Choice of Transport

2.6 Local Development Framework: General Development Control Policies (2007) policies:

- DC2: Landscape Character
- DC5: Biodiversity and Geology
- DC7: Flooding
- DC8: Renewable Energy and Climate Change
- DC9: Development Principles
- DC13: Listed Buildings
- DC18: Smaller Homes/Housing Mix
- DC34: New Retail Development Within the Defined Town and Village Centres
- DC40: Transport and Access

2.7 Local Development Framework: Site Specific Allocations of Land Development Plan Document (2007) (subsequently referred to as the Land Allocations DPD) policies:

- AL1: Previously Developed Land
- AL2: Lifestyle Ford, Bishopric, Horsham

2.8 Local Development Framework: Proposals Map (2007)

2.9 Local Development Framework: Supplementary Planning Documents:

- Horsham Town Plan (2012)
- Planning Obligations (2007)

PLANNING HISTORY

Bishops Weald House

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>HU/309/73</td>
<td>Supermarket, showroom, offices &amp; car parking (outline)</td>
<td>03.07.73</td>
</tr>
<tr>
<td>HU/486/73</td>
<td>Construction of building to form supermarket, showroom, offices and car parking</td>
<td>20.11.73</td>
</tr>
<tr>
<td>HU/37/89</td>
<td>Change of use from retail to restaurant (Use Class A3)</td>
<td>05.04.89</td>
</tr>
<tr>
<td>HU/474/89</td>
<td>Change of use from A3 to A1 (retail &amp; auxillary area)</td>
<td>07.02.90</td>
</tr>
<tr>
<td>HU/149/90</td>
<td>Use of ground floor as open A2/B1 financial &amp; professional office use; 1st floor as B1 offices &amp; 2nd</td>
<td>19.09.90</td>
</tr>
</tbody>
</table>
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floor plant room as B1 offices
HU/225/92 Change of use to health & fitness studio Permitted 07.10.92
DC/04/2568 Variation of condition 4 of HU/36/89 to allow opening hours from 7.30am to 11pm Sunday to Thursday and 7.30am to 11.30pm Friday and Saturday Permitted 17.01.05
DC/10/1360 New shopfront Permitted 03.09.10

Lifestyle Ford, Bishopric
HU/579/71 Proposed showroom and offices Permitted 20.01.72
HU/230/94 Renewal of permission for used car sales area, fencing and surfacing Permitted 05.10.94
DC/07/0521 Refurbishment of existing building to accommodate motor dealership Permitted 26.04.07
DC/13/1599 Demolition of existing buildings and redevelopment for retail purposes within Use Class A1, including car parking and undercroft parking, revised accesses, landscaping, improvements to public realm along Albion Way, Bishopric and to the Albion Way/Bishopric junction Permitted 18.03.14
DC/14/0526 Demolition of all existing buildings on Lifestyle Ford site including Mazda and Horsham Bowling Club clubhouse Prior Approval Granted 21.05.14

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 Design and Conservation Officer (summarised): Objection – It should be noted that these comments were received prior to the latest revisions to the proposed development

- The application does not sustain and enhance the significance of the Horsham Unitarian Church as it will cause harm to the setting of this Grade II listed building. The level of harm is considered to be less than substantial as per paragraph 134 of the NPPF and should be given great weight in the consideration of the application when considering public benefits and other material considerations, as described in paragraphs 132 and 134 of the NPPF. The application would be contrary to policy DC13;
- The revisions are considered to be an improvement to the previous designs, however, there are still concerns regarding the bulk and scale of the proposals, particularly with regard to the southern elevation, which should be further revised;
- It is acknowledged that some changes have been made to address previous concerns and these have, in the majority, been successful;
- The design of the Bishopric part of the site, in terms of its bulk, scale and architectural composition, is considered to be compliant with paragraphs 61 and 64 of the NPPF and would meet the design requirements of policy DC9.

3.3 Economic Development / Town Centre Manager (summarised): Comment

- Is there adequate provision for residential parking (Officer’s Note: a total of 42 No. spaces would be provided across both sites for use by residents);
- The apartments would overlook Worthing Road and there should be an awareness that this area is used for town centre activities (street markets, street
cleaning, events, live music, loud motor vehicles etc);

- The retail units fronting Albion Way appear isolated from the town centre and would work better as extensions to the existing units that front Worthing Road;
- Any improvements to pedestrian connectivity through and around this site to the new Waitrose development along Albion Way would be welcomed.

3.4 **Environmental Health (summarised):** No objection subject to conditions

- Site clearance, site preparation and construction works should be controlled by a construction environmental management plan in order to control noise, dust and waste impacts to local residents. This can be conditioned;
- A site waste management plan is likely to be necessary due to the project cost and this will cover controls on waste arising from the construction and demolition activities;
- Construction hours and the prevention of burning waste can be controlled through conditions;
- Initial concerns regarding noise impacts for future residents have been addressed through progression of the design specification for the residential units to include ‘whole house ventilation’ to those worse affected. A condition requiring a noise insulation scheme to be submitted will ensure this can be controlled;
- The Bishopric part of the site lies on a former petrol filling station, repair workshop and car wash and it is therefore probable that the underlying ground has been impacted by a number of contaminants, most notably hydrocarbons and heavy metals. It is recommended that a condition is included to ensure that land contamination is investigated, assessed and, where necessary, remediated and validated to ensure a suitable environment.

3.5 **Landscape Architect (summarised):** No objection subject to conditions

- The latest plans have addressed some of the issues raised in connection with the Bishops Weald House part of the site, namely by providing some greening/landscaping to the service yard boundary and the extended roof garden to the southern end;
- It is unfortunate that no greening to the walls around the Horsham Unitarian Church courtyard has been attempted, however, the reduced bulk of the building in this location and the retained trees to the courtyard would provide some appropriate softening;
- Whilst roof garden areas can provide limited landscape benefits, they offer no wider public recreational benefits. A contribution towards improvements to the public realm of the surrounding area, including planting, is therefore important;
- There are some concerns over the townscape impact of the north east corner of the proposed building;
- The proposed works at the Bishopric site are considered satisfactory.

3.6 **Strategic Housing Manager (summary of verbal comments):** Comment

- It is regrettable that affordable housing provision across the proposed development can only be achieved at a level of 24% of the total number of units, however, this is accepted in light of the viability assessment;
- The 17 No. affordable housing units are proposed for shared ownership and these would not meet the needs of households on the Housing Register;
- Given the highly sustainable location of the proposed development, the 17 No. units at the Bishopric site should be secured as either social or affordable rented units and the Council will seek to ensure this through discussions with the Registered Provider (proposed in this case to be Southern Housing Group);
- The applicant is encouraged to reach an agreement with a Registered Provider as soon as possible to ensure that the layout and specifications of the affordable units meet with requirements.
3.7 **Strategic Planning (summarised):** No objection

- The latest AMR (published December 2013) identifies that the District currently has 64.3% of its five year (plus 5% buffer) housing land supply set against the South East Plan targets;
- In the absence of a five year housing land supply, the NPPF indicates that policies for the delivery of housing should be considered out-of-date. However, the RMC Engineering Works, Washington appeal indicates that it would be more appropriate to identify those elements of policies which should be given less weight;
- The site is sustainably located within the built-up area of Horsham and being close to the town centre and associated services and employment;
- The proposal is in accordance with the NPPF and Development Plan policies in terms of supporting economic growth;
- The NPPF promotes vitality and viability in town centres and identifies that residential development can play an important role in this;
- Policy DC19 requires any loss of commercial use to be justified by evidence that it is no longer needed/viable. The applicant has submitted justification information which appears to comply with this requirement of policy DC19;
- The Horsham Town Plan SPD identifies that there is considerable vacant office accommodation within the town, including Bishops Weald House (which is considered to be poorly designed) and redevelopment of this western end of the town centre offers an opportunity for improvements;
- The Bishopric part of the site is allocated under policy AL2 for commercial development. The application does not proposed this use, but commercial use would be secured across the remainder of the Lifestyle Ford site and, in light of the flexibility promoted by the NPPF, this is considered to be acceptable on balance in order that sustainable development can be achieved;
- The proposal would meet the requirements of policy DC18 in terms of the provision of smaller residential units.

3.8 **Technical Services (Drainage) (summarised):** Comment and recommends conditions

- The submitted Foul & Surface Water Drainage Assessment appears to miss opportunities to apply the principles of SuDS to this urban brownfield site.

OUTSIDE AGENCIES

3.9 **NHS Property Services (summarised):** No objection subject to S106 contribution

- All Horsham GP Practices are already operating at, or over, capacity and some in close proximity to the development require capital improvements. In addition, community facilities such as Horsham Hospital will be accessed by these new residents/patients as part of their healthcare needs.
- The development is likely to increase the population of Horsham by 161 residents, who are likely to become patients of the nearby surgeries such as Park, Courtyard, Orchard or Riverside and put further pressure on medical services generally.
- The additional demand on these services will require investment in the infrastructure of practices and the services offered and a contribution of £17,184 is therefore sought.

3.10 **Southern Water (summarised):** No objection subject to conditions

- There are foul and surface water sewers in the vicinity of both the Bishops Weald House and Bishopric sites and the exact position of these public sewers on the site must be determined by the applicant and any necessary diversions paid for at the developer’s expense.
- There is currently insufficient capacity in the local network to provide foul sewage
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disposal to service the proposed development. Improvements or additional capacity would therefore be required to service the development.

- The developer should also contact Southern Water to establish if a water supply will be available. Recommends conditions and informatives to the applicant.

3.11 **Sussex Police (summarised):** No objection

- The level of crime at this location is lower than the average for Sussex and I do not have concerns over this development;
- The retail units should have adequate door & window security, lighting at entrances and monitored intruder alarms fitted to each unit;
- The A3 uses should limit alcohol sales to being ancillary to food preparation on the premises and be served at the table by waiters/waitresses;
- The residential units should have access controls to communal doors, audio or audio/visual entrance systems, secure accessible windows and secure postal arrangements;
- Clear demarcation between private and public spaces is essential and defensible planting is recommended;
- Courtyard landscaping should not exceed 1m in height with tree canopies not being lower than 2m, to allow for a window of surveillance;
- Anti-skateboard measures should be considered for raised planting and seating;
- CCTV camera operation should refer to Home Office guidance.

3.12 **WSCC Archaeology (summarised):** No objection subject to condition

- Buried archaeological remains, associated with the medieval Bishopric suburb, may have existed and survive below the Bishopric part of the application site;
- New ground excavations in this location could result in such archaeological remains being removed completely and as such appropriate investigations and recording should be ensured through a condition;
- All but the deepest archaeological features across the Bishops Weald House site are likely to have been removed given previous building works and no mitigation measures are therefore warranted in this location.

3.13 **WSCC Ecology:** No objection subject to condition

3.14 **WSCC Highways (summarised):** No objection subject to conditions

- Both application sites are in central Horsham, within a reasonable walk of the railway and bus stations, a wide range of shops, services and employment opportunities and are therefore considered to be sustainable locations;
- Existing cycle routes in the town would be accessible and residents and visitors would not be dependent on the private car for many trips;
- The proposed units at Bishops Weald House would be serviced from the existing service yard and utilise the existing access points onto Albion Way, however, changes are proposed to the servicing area and therefore a condition requiring a servicing plan for arrivals and departures will ensure use of this area is adequately managed;
- Car parking at the Bishops Weald House site would be limited for use by some residential occupiers only and no on-site parking would be provided for users of the gym or retail units. These visitors would have to use non-car modes or ton centre public car parks in the vicinity;
- Overspill car parking on surrounding roads is unlikely during the day as these roads fall within the Horsham controlled parking zone, although any visitors can park along Bishopric in the evenings;
- The submitted plans show acceptable access and parking arrangements at the Bishopric site. Whilst parking provision would be less than 1 space per unit, the site is located close to the town centre and no highway objection is raised;
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- Highway works along Bishopric to ensure a full kerb is reinstated here can be secured by condition.

PUBLIC CONSULTATIONS

3.15 Denne Neighbourhood Council (summarised): Object
- The proposed building at Bishops Weald House remains bulky and negatively dominates the listed buildings in the vicinity;
- The design of the Bishops Weald House building does not suit the architecture and character of the town centre and conservation area, but looks very utilitarian;
- The proposal would not merge with the approved Waitrose development or sympathetically lead into the town centre;
- There is insufficient landscaping to the Albion Way frontage;
- The pavement along Albion Way is narrow and this should be redesigned;
- No objection to the proposed Bishopric block.

3.16 A total of 4 No. letters of representation making comments have been received, 3 No. of which are from Horsham Unitarian Church. The more recent comments from Horsham Unitarian Church, received following the submission of amended plans, and those of the interested party can be summarised as follows:
- The roofline to the west of the Unitarian Church has been reduced to a level similar to that of the existing building, with the taller element set back;
- There would appear to be limited opportunities for overlooking of the Church garden area, but windows facing this direction should be non-opening and obscured;
- Access to the Church car park would be retained through the reconfigured car parking area to the south of the building, but should be retained at all times during construction;
- Due care should be taken for any construction works requiring access over Church land;
- Agreement should be reached between the developers and the Church in relation to party wall matters and the maintenance and management of trees and vegetation;
- Hours of construction works should respect Church services times;
- Impacts during construction activities should be controlled.

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 key issues for consideration in the determination of this proposal are:
- The principle of the development (including the mix of residential proposed)
- Impact on the character and appearance of the surrounding area
- Impact upon the setting of nearby heritage assets
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. Paragraph 7 of the NPPF sets out that there are three dimensions to the achievement of sustainable development, these being economic, social and environmental. The economic and social aspects of sustainability are discussed within this section and the environmental aspects considered under subsequent sections below.

6.3 Bishops Weald House lies within the identified Horsham town centre boundary with the Worthing Road side falling within the primary shopping area and primary shopping frontages and the Bishopric side falling within the secondary shopping frontages, all as defined by the Horsham District Local Development Framework: Proposals Map (2007). The Bishopric site straddles the town centre boundary and lies outside any identified shopping frontage.

Loss of commercial floorspace

6.4 The existing Bishops Weald House comprises a total of approximately 3,600 sqm of office accommodation (Use Class B1a) across the ground, first and second floors. Policy CP11 of the Horsham District Local Development Framework: Core Strategy (2007) (the Core Strategy) and policy DC19 of the Horsham District Local Development Framework: General Development Control Policies (2007) (the GDCP) seek to protect existing employment sites and premises. However, policy DC19 allows for the redevelopment of commercial sites, outside Employment Protection Zones, where evidence is submitted showing that the unit(s) are no longer needed and/or viable for employment use, that the site can be adequately accessed and that environmental improvements would result. In addition, paragraph 5.9 of the Horsham Town Plan SPD states there are approximately 32,516 sqm of vacant office floorspace within the town centre and that the Council will consider proposals which result in the loss of office floorspace, if it can be demonstrated that this office space is of a low quality or obsolete.

6.5 The applicant has submitted marketing information from a local chartered surveyor with the application which states that since its initial conversion to office space in the late 1980’s the building has not been 100% occupied at any time. There are currently 9 No. suites on the market for rent and these have been available for a period of nearly 5 years. The rent sought is considered to be comparable to others in the town and there has been a willingness to offer incentives such as free rent periods. It is stated that the premises have been advertised on site and via national property listed websites along with circulation to local agents and occupiers. The surveyors also state that the office market in Horsham is suppressed and has struggled to attract inward migration of office occupiers in recent years and that the accommodation provided at Bishops Weald House suffers from a poor layout and a lack of natural light and prominence. This is supported by paragraph 6.18 of the
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Horsham Town Plan SPD, which identifies Bishops Weald House as being poorly designed and comprising considerable vacant space.

6.6 In view of the evidence provided, it is considered that the existing office space within Bishops Weald House is surplus to the current office requirements of Horsham town centre and that it doesn’t represent particularly high quality office space. The loss of this office space would not therefore be contrary to policies CP11 or DC19, but rather would accord with the aims of the Horsham Town Plan SPD Site Specific Guidance 4: Bishopric, in so far as the redevelopment of this site would assist in the creation of a high quality western extension to the town centre. The existing vehicular showroom at the Bishopric site constitutes a sui generis use against which there are no policy requirements relating to retention or re-provision.

Proposed uses

6.7 The NPPF strongly supports economic growth and ensuring the vitality of town centres and states that planning policies should be positive and promote competitive town centre environments where residential developments can play an important role. This is supported by policy CP17 of the Core Strategy and policy DC34 of the GDCP. Policy CP17 seeks to improve Horsham town centre and states that appropriate development will be encouraged provided that it assists in reinforcing the town centre’s role as a focus for retailing, leisure and residential uses, amongst others. Similarly, policy DC34 states that retail development within town centres will be permitted provided that certain criteria are met.

6.8 These criteria of policy DC34 relate to the size of the proposed units, their relationship with the primary shopping area and defined frontages, the vitality and viability of the centre, and improving the range and quality of retail opportunities. The proposed additional retail floorspace would not exceed the threshold set within this policy, or that within policy CP17, and by adding additional retail floorspace and partially reconfiguring the existing retail footprint, it is considered that the range and quality of retail opportunities within the town centre would be enhanced.

6.9 The proposed additional retail units would front onto Albion Way, which lies outside the defined primary shopping area and shopping frontages, however, these units would be within close proximity (less than 100m) to the primary shopping area. In addition, following the recent approval for the Waitrose/John Lewis at Home stores to the opposite side of Albion Way, the proposed retail floorspace would be situated directly between these new approved stores and the town centre. Similarly, the proposed creation of a gym at first floor level, accessed from Albion Way, would provide a leisure use within the town centre and easily accessible to those using both existing town centre facilities and those of the recently approved new stores.

6.10 The site constitutes previously developed land within Horsham town centre and as such is considered, by policy CP5 of the Core Strategy, as a sustainable location for the situation of new development. The introduction of housing across the upper levels of Bishops Weald House would assist in addressing the District’s current shortage of deliverable housing sites. As detailed above, the loss of the existing office accommodation is considered to be acceptable and the creation of residential units in this location would assist with the overall vitality of this town centre location, as promoted by paragraph 23 of the NPPF. It is therefore considered that the proposed introduction of additional retail units, the creation of a gym and the introduction of residential properties in this location would reinforce the town centre’s role as a focus for retail and leisure uses as well as being sustainably located in terms of its relationship to the existing town centre and facilities.

6.11 The Bishopric portion of the application site forms part of the larger Lifestyle Ford site identified within the Land Allocations DPD (2007), under policy AL2, for a mixed use
redevelopment comprising residential, commercial and open space. This policy states that commercial premises shall be provided along the Bishopric frontage. The current application seeks to provide residential units in this location and as such represents a departure from the Development Plan. Whilst the application has therefore been advertised as a departure, the Department for Communities and Local Government Circular 02/2009: The Town and Country Planning (Consultation) (England) Direction 2009 does not require this application to be referred to the Secretary of State and it should therefore proceed to be considered on its merits and in light of all material considerations.

6.12 Although the provision of residential units to the Bishopric frontage of the Lifestyle Ford site does not follow the commercial allocation of policy AL2, the wider Lifestyle Ford site would deliver the mixed use redevelopment sought by this policy. The recently approved and soon to be commenced Waitrose/John Lewis at Home stores on the southern portion of the Lifestyle Ford site, will ensure that the commercial element of this allocation is met. Therefore, whilst not according with policy AL2 in terms of where the various elements of the mixed use allocation would be brought forward, the overall aim of policy AL2 to create a mixed commercial and residential scheme in this location would be met and, in this instance, is therefore considered acceptable on balance, subject to all other material considerations as discussed below.

Mix of residential proposed

6.13 The proposed residential units at the redeveloped Bishops Weald House site would consist of 23 No. 1 bed flats and 30 No. 2 bed flats and the proposed residential units at the Bishopric site would comprise 8 No. 1 bed flats and 9 No. 2 bed flats. All units proposed would therefore be considered as smaller homes, as defined within policy DC18 of the GDCP, and the proposal would therefore help to address the identified need for smaller dwellings and exceed the requirements of this policy.

6.14 Policy CP12 seeks to meet the District’s housing needs and states that residential developments of 15 No. of more units will be expected to include an appropriate proportion of affordable homes, with the target being 40% of the total. The application proposes 24% of the total number of units to be provided as affordable dwellings, this equates to the provision of 17 No. shared ownership units. These 17 No. affordable housing units are proposed to be provided at the Bishopric site and comprise both one and two bed flats. Whilst this site is clearly separate from the remaining residential units proposed at Bishops Weald House, the provision of all affordable units in one block will allow for ease of management by the Registered Provider and the location remains highly accessible and desirable for affordable provision. In addition, although separate from the proposed market units, the proposed flats at the Bishopric site would not be readily identifiable, in terms of their design or standard, as affordable units.

6.15 The proposed level of provision falls below the target set out in policy CP12 and therefore the applicant has been required to provide detailed information relating to the site economics and viability. The submitted information has been subject to a detailed assessment by an independent assessor, in accordance with section A6 of the Planning Obligations SPD (2007). The conclusions of this viability assessment show that the proposed redevelopment, incorporating 24% shared ownership units, would return a significantly reduced profit level compared with a reasonable market level and that an increased provision of affordable units would further reduce these levels and subsequently impact upon the viability of the development. Paragraph 173 of the NPPF states that all requirements likely to be applied to a development (affordable housing, standards, infrastructure contributions) need to be taken into account to ensure viability of a scheme and to enable the development to be deliverable. For these reasons, and in this instance as evidenced, it is considered that a 24% provision of affordable units is acceptable.
6.16 Whilst the affordable units proposed are identified (and assessed within the viability appraisal) for shared ownership, this type of tenure would not address the greatest need of households, which is for rented properties. Therefore, as this is a key town centre site and considered to be highly sustainable, the Council will seek to secure the units for either social or affordable rent. Discussions are ongoing between Horsham District Council and Southern Housing Group (the intended Registered Provider) to this end. The tenure mix of the 17 No. affordable units will be secured through a Section 106 legal agreement once agreed.

Conclusions

6.17 It is considered that the redevelopment of the Bishops Weald House site and the introduction of a mix of uses in this location would complement the facilities offer of the town centre and provide economic growth. In addition, the provision of much needed residential accommodation, given the Council’s lack of a five year supply of deliverable housing sites, and the construction of affordable housing units amount to significant benefits that would arise from this proposal. The proposed development is therefore considered to be acceptable in principle and would accord with both the NPPF’s economic and social strands of sustainability, as set out in paragraph 7 of the NPPF.

6.18 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development and promotes economic growth and competitive town centres. The loss of the existing commercial floorspace is considered to be justified through a lack of demand for such space and the proposed uses (retail, restaurant, gym and residential) are considered to be appropriate for this location and would add to the vitality and viability of Horsham town centre in accordance with the NPPF, policies CP17 and DC34 and the Horsham Town Plan SPD.

Impact on the character and appearance of the surrounding area

6.19 The NPPF requires, at paragraphs 61 and 64 respectively, that planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environments; and that opportunities for improving the character or quality of an area should be taken. Policy DC9 of the GDCP seeks developments to be locally distinctive in character, whilst respecting the character and townscape features of the locality.

Bishops Weald House site

6.20 Bishops Weald House is situated to the corner of the Bishopric and Worthing Road and as such occupies a prominent location within the town centre, with the corner of the building being visible upon approach along West Street. The existing three storey building is not of any particular merit in terms of its architectural design, with the Bishopric and Worthing Road elevations appearing very box-like with little visual interest. The proposed redevelopment would see this prominent section being of five storey height with an inset corner. The building would exhibit a modern appearance with a mix of cladding and brickwork and would utilise a varied building line with projecting elements to create the retail frontages and entrance areas for the gym and residential uses. The Bishopric/Worthing Road corner would have a largely glazed form with this continuing across the retail frontages of the Worthing Road elevation and at two storey height along the Bishopric and Albion Way elevations.

6.21 As the building moves along Worthing Road towards the south its overall scale is reduced down to four storeys, with the section nearest to No. 16 – 18 Worthing Road being staggered in terms of its height. Similarly, the Albion Way fronting part of the building would have a maximum of five storeys, however, the top three storeys would be staggered back
from the frontage and from the southern elevation. The central element of the building would be retained at two storey height creating an entrance and communal rooftop garden area for the residential units.

6.22 Whilst the proposed redeveloped building would be of a considerable scale, it would not appear unduly sized for this town centre location, where the Travelodge to the opposite side of Worthing Road is also of five storeys in height and the Trend building to the opposite side of the Shelley Fountain is, in part, five storeys. It is also considered that the modern design of the building would not be detrimental to this part of the town centre and indeed no objection was raised to the design approach by the Design and Conservation Officer. The building is located outside any conservation area and although its design would not mirror the traditional appearance of some of the surrounding buildings, the use of a more contemporary style is not considered to detract from the townscape character of the area, which already displays a varied architectural form, including the existing Bishops Weald House. The NPPF, at paragraph 60, establishes that architectural styles should not be imposed upon new developments, stating:

‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.’

6.23 In terms of landscaping, the proposed development would create a rooftop communal garden area towards the centre of the building and terraced areas to the southern end, which it is considered will provide some greening of the proposal for future residents. The roof terraces to the southern end would be visible from Albion Way upon approach to the site from a southerly direction and would provide a degree of softening to this elevation. In addition, it is proposed to create a landscaped area just to the north of the service yard access. It is considered that these elements will provide some publicly visible landscaping, however, the emphasis of the site would remain that of built form. Whilst it is regrettable that further landscaping and greening around the Bishops Weald House site are not proposed, it is recognised that the constraints of the site provide significant limitations and that the existing building does not provide any level of landscaping.

6.24 In order to assist with wider landscape improvements, a contribution is proposed towards public realm enhancements along the eastern end of the Bishopric, between the junction with Albion Way and the northern end of Bishops Weald House. It is considered that enhancements to this area would improve the environment immediately around the application site, but also aid with the connection of this end of the town centre with the core of the Primary Shopping Area to the east. This contribution is discussed further below in paragraphs 6.55 to 6.60.

Bishopric site

6.25 The Bishopric part of the site lies between the three storey office building of No. 51 Bishopric and the entrance to Pelham and Waverley Courts (both also three storeys in height). The existing showroom building on the site has a somewhat dated appearance and does not sit comfortably adjoining the residential properties of No. 57 and 59 Bishopric. Whilst the existing buildings on site are of two storeys in height, their replacement with a three storey building would not appear unduly oversized or out of character with the area, given the number and proximity of existing buildings of a similar scale.

6.26 The proposed block of 17 No. residential units in this location would have a brickwork and rendered exterior, with the elevation facing towards the north (towards the Bishopric) being largely brickwork. The building would have an approximate ‘T’ shaped form with gables facing towards the north and south and with two subservient gables facing towards the west. The building would have a vertical emphasis achieved by the alignment of the
windows and individual balconies and would also provide 2 No. roof terraces (one at first floor level and one at second floor level), situated to the western end of the building. It is considered that the proposed design of this building would not detract from the character of the area and would respect the scale and form of surrounding buildings.

6.27 The existing mature Oak tree located to the west of the site is to be retained with low level evergreen planting proposed beneath this within the parking court area. It is also proposed to provide hedge planting to the southern and eastern boundaries and to plant shrubs to the northern side coupled with railings to create the boundary with the Bishopric. It is considered that these landscape works would assist in softening the overall appearance of this part of the development.

Conclusions

6.28 It is considered that the design of both parts of the proposed development, in terms of their scale, massing and appearance, would accord with the requirements of the NPPF and with the design requirements of policy DC9 of the GDCP. The proposed retention of the existing mature Oak tree at the Bishopric site and the creation of a courtyard garden area and planting to the Albion Way frontage of the Bishops Weald House site would accord with the requirements of policy CP1 of the Core Strategy and policy DC9 of the GDCP.

Impact upon the setting of nearby heritage assets

6.29 The Bishops Weald House part of the application site lies adjacent to and within close proximity of a number of Grade II listed buildings. It is considered, by the Council’s Design and Conservation Officer, that although the proposed works would alter the setting of No’s. 20 to 28 Worthing Road, No. 12 Bishopric and the Friends Meeting House, Worthing Road, that this change would be neutral and would not cause harm to the significance of these assets, given their location, relationship to the site and the existing situation.

6.30 However, the relationship between Bishops Weald House and Horsham Unitarian Church is somewhat closer, with Bishops Weald House wrapping around the north eastern and north western sides of this building and its churchyard. Horsham Unitarian Church is a Grade II listed building set back from the edge of Worthing Road within a courtyard garden setting. The existing expanse of Bishops Weald House does form part of the setting of this heritage asset.

6.31 Due to the set back position of Horsham Unitarian Church from the Worthing Road frontage, it is seen in almost isolation and viewed within a relatively tranquil garden setting, with a mature tree to the front. Views from Worthing Road experience the asset with the existing red brick walls of Bishops Weald House to the rear, with these being seen at the approximate level of the Church roof. The section of Bishops Weald House to the north east of the Church appears slightly separated, by No’s. 16 to 18 Worthing Road, when viewed from this same location, although it becomes more apparent once inside the churchyard.

6.32 The NPPF states, at paragraph 132, that great weight should be given to the conservation of heritage assets, as required by Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, and that the more important the asset the greater the weight should be. This paragraph of the NPPF goes on to state that substantial harm to or loss of a Grade II listed building should be exceptional. Paragraph 134 adds that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’
6.33 The Design and Conservation Officer’s comments concluded that the level of harm to the setting of Horsham Unitarian Church would be less than substantial, but that the harm caused should be given great weight in the consideration of the application, in accordance with the NPPF. The application has been subsequently amended to reduce the bulk of the redeveloped building, particularly that aspect to the northernmost corner of the courtyard.

6.34 The proposed redevelopment of Bishops Weald House would increase the scale of the building around the Church courtyard, but has been revised to take the higher storeys further away from the edges of this enclosed area. The revisions to the proposed development would result in the southern portion of Bishops Weald House, that to the rear of the Church, having a slightly greater height, but a reduced span, to that of the existing building. The additional storeys to this part of the building would be set further towards the north and set back. Whilst these would remain visible within views from Worthing Road, they would appear less intrusive and the level of harm to this asset is therefore considered to have been reduced by these revisions. The built form to the north eastern edge of the churchyard would partially comprise the second floor level rooftop garden area. This section would have only a slightly increased height to that of the existing building and it is proposed that a planting strip is created along the edge of this rooftop garden in order to provide a degree of separation and limit the level of activity at this level that would be apparent from within the churchyard.

6.35 It is recognised that the proposed works would cause harm to the setting of Horsham Unitarian Church through altering a key view of the heritage asset and introducing additional activity around the relatively tranquil courtyard. However, the level of this harm is considered to be less than substantial and indeed has been further reduced since the comments of the Design and Conservation Officer were provided.

6.36 Whilst this harm would be less than substantial, the importance of conserving the heritage asset must be given great weight. In accordance with paragraph 134 of the NPPF, the benefits of the proposed development should be weighed against the identified level of harm. The proposed redevelopment would secure new and extended uses for an existing largely underused building, thereby providing retail, leisure and residential uses in an accessible location on previously developed land. The promotion of economic growth for Horsham town centre, together with the provision of residential accommodation, for which there is a recognised and significant need within the District, together amount to extensive benefits arising from the proposal. It is therefore considered that these benefits, taken together, would outweigh the great weight of the reduced level of harm to the Horsham Unitarian Church, that it is considered would arise. Therefore the proposal complies with the requirements of the NPPF.

6.37 In relation to the Bishopric part of the application site, although this lies to the opposite side of the Bishopric to the Grade II listed Kings Arms and No’s. 66 to 70 Bishopric, and therefore is considered to be within their setting, the proposed building would be set slightly back from the edge of the highway and would replace existing structures which do not contribute to that setting. It is therefore considered that the proposal would have a neutral impact upon the setting of these nearby heritage assets.

Conclusions

6.38 It is not considered that the proposed development works would have any adverse impact upon the setting of the majority of the nearby heritage assets. However, it is acknowledged that the setting of Horsham Unitarian Church would be impacted upon. It is considered that the level of harm caused to the setting of this heritage asset (a Grade II listed building) would be less than substantial and that this has been reduced following revisions to the proposed development. Although great weight is attached to the conservation of designated assets, the level of harm, in this instance, is considered to be outweighed by
the very considerable public benefits that would result from the proposed development. It is therefore considered that the proposal would comply with the relevant paragraphs of the NPPF.

**Impact upon the amenities of nearby and future residents**

6.39 To the west of the northern part of Bishops Weald House, the buildings of No’s. 5 to 13 (odds) Bishopric have some residential uses situated at first and second floor level, which would be the closest residential accommodation to the proposed works at this part of the site. In terms of noise and disturbance to these residents, the proposed redeveloped building would create additional retail uses and a first floor level gym along with new residential units at first floor level and above. It is not considered that the introduction of these uses would cause any significant impact to existing residents given the level of activity associated with this town centre location.

6.40 The proposed new residential units situated at second, third and fourth floor levels to the western side of the northern part of this building, would have their windows and balconies set back from the edge of the intervening parking court. Whilst some views from the existing residences above No’s. 5 to 13 Bishopric towards the proposed flats would be possible (and vice versa), these would be at oblique angles and it is not considered that these would result in an unacceptable relationship for either of the occupiers. It is not proposed to insert windows serving residential units into the northern elevation of the building that would overlook this parking court area.

6.41 The nearest residential properties to those proposed at the Bishopric site, would be the properties to the opposite side of the Bishopric and those within Pelham Court. It is considered that both of these sets of residents would be adequately distant from the proposed new block of flats such that they would not experience an unacceptable relationship or degree of overlooking.

6.42 In terms of the future residents, both those at the Bishopric site and those of the redeveloped Bishops Weald House building, each unit would benefit from either a small balcony or access to a terrace area to provide a degree of outdoor space, together with the landscaped communal roof garden area towards the centre of the Bishops Weald House building. The location of the sites are such that a degree of noise is likely, from the adjacent highway, town centre activities, commercial uses etc, however, this is not an uncommon situation and indeed replicates that of other existing residential units within Horsham town centre. Information has been submitted to indicate that the internal environment for future residents, of this building and that proposed at the Bishopric site, can be satisfactorily controlled to maintain noise at an appropriate level. This can be ensured through a condition requiring details of a noise insulation scheme to be submitted. Similarly, noise from plant can be controlled to the British Standard level.

6.43 Given the previous land uses of the Bishopric site, particularly as a petrol filling station, there is a possibility of land contaminants being present. It is therefore recommended that investigations and an assessment of risk be carried out at this site and a strategy for any appropriate remediation works to be submitted. This can be ensured by condition.

6.44 It is not considered that the proposed redevelopment works would lead to any significant impacts upon the amenities of nearby residents and construction activities can be controlled through the use of a Construction Environmental Management Plan. Whilst the environment that would be afforded to future residents would reflect the town centre location of the site, it is considered to be acceptable. The proposed development can be satisfactorily controlled, through conditions, to ensure that it complies with the NPPF and with policy DC9 of the GDCP.
Potential impacts upon neighbouring development opportunities

6.45 The location of the Bishops Weald House part of the application site is such that it is positioned in very close proximity to a number of adjacent premises. The relationship with the adjacent Horsham Unitarian Church and the existing units at No’s. 5 to 13 Bishopric have been discussed above, however, the potential for the proposed redevelopment of Bishops Weald House to impact upon any future development opportunities of these adjacent sites should be considered.

6.46 In this respect it is recognised that the proposed redevelopment of Bishops Weald House would introduce a number of windows serving residential properties looking towards both the churchyard area to the south and the neighbouring parking court area to the north. The positioning of these windows in relatively close proximity to the boundaries of the application site would necessitate that any future development adjacent to them be governed by a need to retain a level of amenity to these residents.

6.47 Given the very significant constraints that any possible future development within the churchyard of Horsham Unitarian Church would experience, due to its Grade II listed status, it is not considered that a future redevelopment of that site would be likely to be able to exhibit a scale that would subsequently need to be curtailed in order to maintain amenity levels for residents of Bishops Weald House. In terms of the relationship to No’s 5 to 13 Bishopric, it is considered that an appropriate level of amenity for residents within Bishops Weald House (adjacent to the parking court of these buildings) could be maintained through an inter-relationship not dissimilar to that of the current situation. It is not considered that this would place undue restrictions upon any redevelopment of the adjacent site, should this come forward in the future.

Highway impacts and parking

6.48 The Bishops Weald House site would be accessed via the existing service yard access along Albion Way and the existing car parking area access at the Tanbridge Retail Park roundabout. It is proposed to reconfigure the service yard so that one loading/unloading bay would be retained and the service yard would be screened by telescopic metal gates across the Albion Way access. Although the size of the service yard would be reduced, with parking to be provided to the eastern part, sufficient space would remain for the access and manoeuvring of delivery vehicles, as these do not need turn around given the one-way nature of Albion Way. The Highways Authority have not raised any objection to these revised service yard arrangements, but recommend that a servicing plan be conditioned in order to ensure that deliveries do not cause any significant disruption to highway users.

6.49 The retained and proposed retail units and the proposed gym would not be provided with any car parking spaces. This reflects the current situation where the existing retail units do not benefit from any on-site parking provision and is not considered to be unacceptable. The Bishops Weald House site lies within the town centre, within very close proximity to the bus station and walking distance of Horsham railway station. In addition, the public car parks serving the town centre, including the recently approved car park to the front of the Waitrose/John Lewis at Home stores on Albion Way would be nearby. It is considered that the retail and gym uses would be easily accessible for staff by public modes of transport and that customers would have a sufficient range of options available for their accessibility.

6.50 In terms of residential car parking, it is proposed to provide a total of 30 No. car parking spaces at the Bishops Weald House site and a total of 12 No. car parking spaces at the Bishopric site, including 2 No. accessible spaces. Whilst it is recognised that this level of provision would not provide one parking space per unit, it is considered that the accessible location of both sites is such that this level of parking is not inappropriate. Both sites are
within a short walk of all the retail, leisure and employment opportunities of the town centre and residents would have a good choice of modes of transport, including cycling, with cycle parking to be provided at 42 No. spaces at the Bishops Weald House site and 18 No. spaces at the Bishopric site.

6.51 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’ (Officer’s emphasis). The Highways Authority have therefore not raised any objection to the proposed development in terms of any impact upon highway capacity or safety issues, nor have they raised any concerns relating to increased pressure for on-street car parking spaces. The level of car parking provision proposed is considered to be acceptable given the town centre location of the site and the ease of access to modes of transport other than the private motor vehicle. A number of highway and parking conditions are recommended to ensure that the proposal would accord with the requirements of the NPPF and with policies CP19 of the Core Strategy and DC40 of the GDCP.

Drainage, ecology and archaeology issues

Drainage

6.52 The submitted drainage assessment states that the existing impermeable areas across both the Bishops Weald House and Bishopric sites would not be increased as a result of the proposed development and as such the surface water run-off would be unchanged from the existing situation. In terms of foul water drainage, it is anticipated that the proposed works at both sites would increase the level of foul water discharge over that of the current situation and that additional capacity within the local sewer network will be required for the Bishops Weald House site. The submitted documentation states that this additional capacity can either be provided on site in the form of an attenuation tank under the car parking area, or through upgrading the local pipe network. Both options will involve the agreement of Southern Water and would be required before any occupation of the buildings. The Council’s Drainage Engineer has advised that opportunities to utilise sustainable drainage techniques have not been taken on this site and it is therefore recommended that a suitably worded condition be added to any approval to ensure that such measures are further considered.

Ecology

6.53 The existing sites have little in the way of biodiversity value given their largely built form nature and therefore it is not anticipated that the proposed development would cause harm to important or protected species or habitats. As a precaution, a condition preventing vegetation removal during the bird nesting season is proposed.

Archaeology

6.54 Given the location of the Bishopric part of the site, within an area associated with the medieval Bishopric suburb of the Archbishop of Canterbury, there is a possibility of buried archaeological features at this site, which would be removed by the proposed works. It is therefore considered appropriate that a condition be attached to any approval requiring a scheme of archaeological investigation to be undertaken on this part of the site. There are not considered to be any archaeological concerns relating to the Bishops Weald House site.

Legal obligations

6.55 In order to ensure that there is sufficient infrastructure capacity to serve the proposed development there is a requirement for the applicant to enter into a legal agreement under
Section 106 of the Town and Country Planning Act. This requirement is set out in policy CP13 and within the adopted SPD on Planning Obligations.

6.56 A mixed use development in this location and of this scale and form would be required to make contributions to Horsham District Council totalling £87,163 towards open space, sport and recreation; community centres and halls; local recycling; and public art. In this instance it has been agreed with the developer that the open space, sport and recreation contribution of £58,104 will all be used towards public realm enhancements in the vicinity of Bishops Weald House. This contribution would be used, along with the £150,000 public realm enhancement contribution secured through the Waitrose/John Lewis at Homes Section 106, to carry improvements to the pedestrianized eastern end of the Bishopric where it extends from the northern corner of Bishops Weald House to the junction with Albion Way.

6.57 It is considered that the requirement for this contribution as set out in section B2 of the Planning Obligations SPD provides an indication, but not exhaustive list, of how these funds will be allocated and enables allocations towards specific proposals where there is a local need. The requirement set out in section B2 states the following:

‘Contributions will be sought towards the provision or improvement of open space, sport and recreation facilities such as (Officer’s emphasis) amenity green space, equipped play areas, youth activity areas, outdoor sports facilities and indoor sports facilities. The total contributions for individual schemes will depend on the specific proposals and identified local need’.

6.58 It is considered that public realm enhancements in this area would improve the open space around the application site, thereby promoting pedestrian connectivity through this part of the Bishopric and linking the Primary Shopping Area with the new retail units and gym proposed within this development and the recently approved Waitrose/John Lewis at Home stores along Albion Way. It is considered that the use of the open space contribution for such works would meet the requirements of the CIL Regulations (paragraph 122) particularly given the very close geographical link to the application site and the improved connectivity of the proposed retail and gym uses. Furthermore, securing an additional contribution towards these public realm enhancements would be likely to prove difficult through other means.

6.59 Separately to the above, West Sussex County Council are seeking contributions towards education provision, libraries, and fire and rescue services, and the NHS are seeking a contribution towards the provision of local health services. The provision of the 17 No. affordable units, together with their tenure mix, once agreed, will also be ensured through a legal agreement.

6.60 It is considered that the aforementioned contributions and requirements relating to this proposed development are in accordance with policy CP13 of the Horsham District Local Development Framework: Core Strategy (2007) and with the Planning Obligations SPD (2007). It is also considered that the above elements accord with the tests of the Community Infrastructure Levy Regulations.

Conclusion

6.61 The proposed development would introduce additional retail and leisure uses within this town centre location and would provide a number of residential units within locations that are easily accessible to existing facilities, services and sources of employment. The level of affordable housing provision is considered to be acceptable in terms of ensuring the overall viability of the proposed development and it is therefore considered that the principle of the proposal is acceptable.
6.62 The discussion of all other material considerations above identify that the sites are well located, that the proposal would not cause harm to the townscape of the area and that the impact upon the setting of the nearest heritage asset, although of great importance, is outweighed by the benefits that would arise from the scheme. In addition, the proposed development can be satisfactorily controlled to ensure that no other significant impacts arise. It is therefore considered that the economic, social and environmental aspects of sustainability, as set out by the NPPF, are met and the proposed development therefore constitutes sustainable development to which the presumption in favour (as set out in paragraph 14 of the NPPF) applies.

7. RECOMMENDATIONS

7.1 It is recommended that the application be delegated for approval to the Development Manager subject to appropriate conditions and securing a S106 Legal Agreement.

1. A2 – Full Permission (3 years)

2. Prior to the commencement of the development hereby permitted the following shall be submitted to and approved, in writing, by the Local Planning Authority:

   - a schedule of materials and samples of such materials and finishes and colours to be used for the external walls, roofs and fenestration of the new and redeveloped buildings;
   - details of all boundary treatments proposed, including operational details of the service yard gates;
   - details of any proposed ventilation systems and extraction flues as may be necessary;
   - details of any guttering and rainwater goods.

   All materials and details used shall conform to those approved.

   Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and highway safety in accordance with policies DC9 and DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

3. Prior to the commencement of development full details of hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. These works shall include, as well as the planting already shown on the approved drawings, and subject to further investigation of existing underground services, green façade planting of climbing plants on the intermittent brick columns between glazing panels along the Albion Way frontage. The details shall be submitted concurrently as a complete scheme, unless otherwise agreed, in writing, with the Local Planning Authority, and shall comprise:

   - Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers;
   - Tree pit and staking/underground guying details;
   - A written specification (National Building Specification compliant) of hard and soft works including ground preparation, cultivation, planting and other operations associated with plant and grass establishment);
   - Existing and proposed levels;
• Hard surfacing materials: layout, colour, size, texture, coursing and levels;
• Walls, fencing and railings: location, type, heights and materials;
• Minor artefacts and structures – location, size and colour and type of street furniture, signage, refuse units and lighting columns and lanterns.

The approved scheme shall be implemented in full accordance with these details. Planting shall be carried out according to a timetable to be agreed, in writing, with the Local Planning Authority prior to 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 DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

4. No development, including works of any description, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:

• All required arboricultural works, including permitted tree felling and surgery operations and above ground vegetative clearance within such areas set out for development as indicated on the approved site layout drawing to be completed and cleared away;
• All trees on the site targeted for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6.2 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012). Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

5. Prior to the commencement of development details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations therefore, shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall demonstrate
effective coordination with the landscape scheme submitted pursuant to condition 3 and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: To protect roots of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

6. Prior to the commencement of development a detailed long term 25 year Landscape Management and Maintenance Plan for all landscape areas shall be submitted to and approved, in writing, by the Local Planning Authority. The submitted plan shall include:

- Aims and objectives;
- A description of landscape components;
- Management prescriptions;
- Details of maintenance operations and their timing;
- 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, unless any variation is approved, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

7. No existing trees, hedges or shrubs on the site, other than those the Local Planning Authority has agreed to be removed as part of this permission, shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. Any trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed, in writing, by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

8. Prior to the commencement of the development hereby permitted, including any works of demolition, site preparation or site clearance, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved, in writing, by the Local Planning Authority and thereafter implemented and maintained throughout the construction period. The CEMP shall include details and a plan including:

- Contractor/builder parking;
- Storage of materials, construction plant and equipment;
Appendix to Item 1 – 7th October 2014

- Vehicle movements (including any site clearance works);
- Protective fencing;
- Details of any site construction access;
- Scheme of works for the control and mitigation of noise, dust and waste;
- Details of any external lighting or floodlighting to be installed;
- That no burning of materials shall take place on the site.

Reason: In the interests of road safety and/or in the interests of amenity and in accordance with policies DC9 and DC40 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

9. No work for the implementation of the development hereby permitted shall be undertaken on either of the sites except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank or Public Holidays unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

10. Prior to the commencement of development details of a) a noise insulation scheme to protect the internal environment of residential units from both traffic noise and any noise from the commercial units, and b) a BS4142 compliant assessment to demonstrate that the rating level of plant noise does not exceed, and preferably is significantly lower than, background noise levels, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall thereafter be fully implemented prior to the first occupation.

Reason: To safeguard the amenities of nearby and future residents in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

11. The development hereby permitted on the Bishopric part of the site shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved, in writing, by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

   a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a ‘conceptual site model’ and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required);
   b) If identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into
account the site’s existing status and proposed new use;
c) Thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.
d) A full closure report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that any pollution is dealt with in accordance with the NPPF and policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

12. Notwithstanding the details within the submitted Foul Water and Surface Water Drainage Assessment, no development shall commence until full details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water as appropriate. The submitted details shall prevent surface water from discharging onto the public highway and should incorporate the use of Sustainable Drainage Systems where possible. The approved details shall be fully implemented prior to occupation of the development hereby permitted and shall thereafter be permanently retained and maintained solely for their intended purpose.

Reason: To ensure that the site is adequate drained, to reduce the risk of flooding and in the interests of highway safety, in accordance with the advice of the NPPF and policies DC7 and DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

13. No development shall take place within the Bishopric part of the site until the applicant, or the applicant’s agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that archaeological features and artefacts revealed during development works will be adequately recorded in accordance with policy DC10 of the Horsham District Local Development Framework: General Development Control Policies (2007).

14. No removal of any tree or shrub shall be carried out on site between March to August inclusive in any year, unless otherwise approved, in writing, by the Local Planning Authority. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. Any vegetation containing occupied nests will be retained until the
young have fledged. The location details of the compensatory nesting provision to be supplied to the Local Planning Authority for approval prior to their erection.

Reason: To safeguard the ecology and biodiversity of the area in accordance with the NPPF and policy DC5 of the Horsham District Local Development Framework: General Development Control Policies (2007).

15. The new and redeveloped buildings hereby permitted shall achieve at least Code Level 3 or BREEAM ‘Very Good’ standard in accordance with the requirements of the British Research Establishment’s technical guidance (or such other equivalent national measures of sustainability as may be agreed, in writing, by the Local Planning Authority). No dwelling or commercial unit shall be occupied until a final certificate has been issued for it certifying that at least Code Level 3 or BREEAM ‘Very Good’ has been achieved.

Reason: To ensure the development makes the most efficient use of resources and to comply with policy DC8 of the Horsham District Local Development Framework: General Development Control Policies (2007).

16. The development hereby permitted at the Bishopric site shall not be occupied unless and until the site access, footway and kerbing across the Bishopric site frontage has been improved in accordance with plans and details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

17. The development hereby permitted at the Bishopric site shall not be occupied unless and until all accesses other than those hereby approved have been permanently closed and obliterated.

Reason: In the interests of highway safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

18. No part of the residential development hereby permitted shall be occupied unless and until the car parking spaces, associated turning areas and cycle storage facilities have been designed, laid out and constructed in accordance with plans and details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure adequate parking and turning facilities are available to serve the development in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

19. The development at the Bishops Weald House site shall not be occupied unless and until a servicing plan has been submitted to and approved, in writing, by the Local Planning Authority. The submitted plan shall ensure that the arrival and departure times of service vehicles are effectively managed and do not disrupt the free flow of traffic along Albion Way or cause significant disruption to users of the private parking spaces associated with the development.

Reason: In the interests of highway safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).
20. Prior to the commencement of development at the Bishopric site precise details of the existing ground levels of the site, the proposed finished levels of the ground, the ground floor slab level of the building and the finished floor levels of the development, including landscaped areas, showing their relationship with the existing levels of the immediately adjoining land, shall be submitted to, and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

21. Prior to the commencement of development, details of the means and location for the provision of refuse/recycling bin storage shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development and thereafter retained as approved.

Reason: To ensure the adequate provision of recycling facilities in accordance with policy CP2 of the Horsham District Local Development Framework: Core Strategy (2007).

22. At least one entrance doorway to the retail and leisure units of the development hereby permitted shall have a minimum width of 900mm (1800mm for a double door) and the threshold of the door shall have a flush surface.

Reason: To ensure that the development is provided with access for disabled people in accordance with policy CP16 of the Horsham District Local Development Framework: Core Strategy (2007).

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders amending or revoking and re-enacting the same) the development hereby permitted shall be used only for the following, as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987:

- The ground and first floor level unit to the corner of Bishopric/Worthing Road for purposes within either Use Class A1 or purposes within Use Class A3 with ancillary Use Class A5;
- The retained and new ground floor level units fronting both Worthing Road and Albion Way for purposes within Use Class A1;
- The first floor level commercial unit as a gymnasium within Use Class D2.

Reason: To enable the Local Planning Authority to control the use of the site and because other uses would be contrary to the guidance of the Horsham Town Plan SPD and with policy DC34 of the Horsham District Local Development Framework: General Development Control Policies (2007).

24. The development shall not be open for trade or business except between the following hours:

- 07.30 hours and 23.00 hours Sunday to Thursday and 07.30 hours and 23.30 hours Friday and Saturday for the ground and first floor level unit
to the corner of Bishopric/Worthing Road;

- 09.00 hours and 18.00 hours Monday to Saturday and 10.00 hours and 18.00 hours for the new and retained ground floor units fronting Worthing Road and Albion Way;
- 07.00 hours and 22.00 hours Monday to Friday and 07.00 hours and 20.00 hours Saturday and Sunday.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

25. Approved Plans List

Notes to Applicant:

1. The developer should advise Southern Water prior to the commencement of development of the measures to be undertaken to protect/divert the public sewers and water apparatus.

2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk.

3. A formal application for connection to the water supply is required in order to service this development. To initiate a Water Capacity Check, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk.

Background Papers: DC/13/2126
DEVELOPMENT MANAGEMENT REPORT

TO: Development Management (North) Committee
BY: Development Manager
DATE: 7th October 2014
DEVELOPMENT: Construction of a swimming pool, gym and home office at rear of existing garden
SITE: Gardeners Cottage Warnham Lodge Northlands Road Warnham Horsham
WARD: Itchingfield, Slinfold and Warnham
APPLICATION: DC/14/1393
APPLICANT: Mr Kevin Walton

REASON FOR INCLUSION ON THE AGENDA: Five letters have been received contrary to officers’ recommendation

RECOMMENDATION: To Grant Planning Permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks planning permission for the erection of; swimming pool, gym and home office at the rear of the existing garden of Gardeners Cottage. Amended plans were received on the 18th July 2014 as the floor plans showed a smaller building than was shown on the elevations. The elevations therefore have been amended to reflect this.

1.2 The proposed building has been designed with two components; a higher northern element and a lower southern element. Both components will have flat roofs lit from above by roof lights and the roof will have pitched sides. The building will be constructed of faced brickwork to match the garden wall with plain clay roof tiles. Windows and doors will be stained timber

1.3 The proposed building would be an ‘L’ shaped structure measuring 13.5metres by 15.5metres. The height of the roof above the pool adjacent to the southern boundary would be 3.5metres and the roof above the gym/home office that is adjacent to the northern boundary would be 4.5metres.
1.4 The application is a resubmission of a recently withdrawn application (DC/14/0185) for a similar proposal. The amended scheme follows pre application advice and meetings prior to the resubmission of the current application. The amended scheme is for a smaller building than previously proposed.

DESCRIPTION OF THE SITE

1.5 The application site comprises a two-storey detached house that occupies a large ‘L’ shaped plot which is accessed via a part shared driveway with Five Gables from the east side of Northlands Road in a countryside location.

1.6 The property forms part of a complex of buildings that were originally part of the Warnham Lodge estate which occupy a relatively isolated position in the road. The properties surrounding the application site are in the main attached and form courtyard developments, bounded by existing high (in excess of 2 metres in height), rounded top walls, which are characteristic of walled gardens within large country homes.

1.7 Gardeners Cottage is singular in that it enjoys a large spacious plot that is well screened to the rear by existing high boundary walls. The property is located outside of the Built Up Area Boundary and for the purposes of planning is located within the open countryside.

2. INTRODUCTION

STATUTORY BACKGROUND


RELEVANT GOVERNMENT POLICY

NPPF 7 – Requiring Good Design
NPPF 14 – Presumption in favour of sustainable development

RELEVANT COUNCIL POLICY

CP1 – Landscape and Townscape Character
CP3 – Improving Quality of New Development
DC9 – Design Principles
DC28 - House Extensions, Replacement Dwellings and Ancillary Accommodation

The Horsham District Planning Framework (HDPF) Proposed Submission was submitted to the Secretary of State on Friday 8th August 2014. The HDPF Proposed Submission is considered a material consideration within limited weight in the assessment of this application.
PLANNING HISTORY

WN/44/00 2-storey rear and 1st floor extension
Site: Gardeners Cottage Warnham Lodge Warnham

DC/06/2977 2-storey rear extension and garage extension
DC/07/0554 Two-storey and single-storey extension and extension to existing garage
DC/08/2061 Single-storey extension to existing garage (Full Planning)
DC/14/0185 Construction of swimming pool, gym and home office at rear of existing garden

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 Warnham Parish Council - No objection

PUBLIC CONSULTATIONS

3.2 SIX LETTERS OF OBJECTION - raising the following

- Design
- Overdevelopment
- Loss of general amenity
- Privacy light and noise
- The development is out of character within the complex of buildings and would not blend in well
- Proportions are too large to fit in with surroundings, will dominate the living space of the surrounding properties, would be out of keeping with the area generally
- Detrimental to outlook, it will have a negative visual impact and likely to cause noise disruption
- Building set to close to boundaries and would introduce an urban element.

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**

Garden building

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

- The character of the dwelling and the visual amenities of the rural area
- The amenities of the occupiers of adjacent properties

6.2 As stated above, the proposal is for the erection of a garden building to provide leisure facilities ancillary to the main dwellinghouse. The application is an amendment to an earlier scheme that was withdrawn, as it was considered to be a substantial building that was disproportionate to the main dwellinghouse.

6.3 Policy DC9 states that; planning permission will be granted for developments which make efficient use of land, do not cause unacceptable harm to the amenities of neighbouring occupiers, ensures that the scale, massing and appearance is of a high standard of design and is locally distinctive in character, Policy DC28 states that:- outside the defined built up areas house extensions, will be permitted subject to extensions being in sympathy with and subservient to the scale and character of the existing dwelling.

6.4 The proposed building in its amended form is located approximately 25metres from the rear wall of the main house. Given the topography of the land, the proposed development would sit at a higher level than the host dwelling. The raised height of the garden has been mitigated by setting the proposed outbuilding in the ground, in order to reduce the overall height and mass and to ameliorate previous concerns expressed.

6.5 There are no issues raised in respect of the general design of the building, as it is accepted that the application proposes a design of outbuilding that would be generally sympathetic with the host property and the surrounding buildings, due to the use of sympathetic materials and similar roof style. The surrounding outbuildings and dwellings are large buildings in their own right and given the significant amount of outbuildings associated with the properties would not be out of keeping in this respect.

6.6 Additionally, whilst the application proposes a building, which would occupy a substantial part of the rear garden space, it is considered the remaining garden space is adequate to serve a family dwelling.
6.7 It is noted that the main house, which is a detached property, (the surrounding properties are attached to each other, in some form), does occupy a larger plot than its neighbours. Whilst the neighbouring properties are close to each other and the associated outbuildings, the proposed garden building would be sited well away from neighbouring properties and is contained within a walled part of the garden that would largely screen it from wider views. The only part of the outbuilding that would be visible from the neighbouring properties would be the proposed roof.

6.8 The proposed new building would be sited adjacent to the common boundary wall on three sides, and given the height of the walled boundary treatment, it would not be viewed as out of context with the surrounding properties. The Warnham Lodge development is relatively unique, as the properties form several courtyard areas, that together with the substantial outbuildings and garages, do not form regular building lines and together with the walled boundaries, only the roofs or first floor levels can be seen from public areas. The proposal is therefore considered to be in keeping with the character of the area and visual amenities in this respect and fully accords with Policy DC9.

Neighbour Amenity

6.9 Although the height of the garden room would project higher than the boundary wall, this is not considered detrimental to the amenity of the adjacent neighbouring properties, in particular Five Gables, which is located to the south of the application site, is set well back from the boundary a distance of 18metres. Whilst the top of the outbuilding would be visible from certain vantage points, the visual presence of the building would not harm the residential amenities of the occupiers of the neighbouring property to a significant degree and would fully accord with Policy DC9.

6.10 In respect of noise pollution expressed in the objections from the neighbouring properties, any possible noise disruption generated by the swimming pool building is not considered detrimental beyond the use of the existing garden during the summer. Furthermore, enclosing the swimming pool within a building is considered to help reduce any noise emanating from the users. The proposal is therefore considered acceptable in terms of its impact on neighbour amenity thereby fully according with Policy DC9.

Conclusion

6.11 It should be noted that as a fall-back position, under permitted development rights, were the height of the building, to be reduced to 4metres and orientated within the site, so that it was set in from the side boundaries by 2metres, it could be constructed under the applicants permitted development rights, and would not require planning permission.

6.12 Having carefully considered the impact of the proposal, the proposed outbuilding is considered to be in-keeping with the character and appearance of the host dwelling and the character of the surrounding rural area. There would be no overlooking issues associated with the development, no loss of light to neighbouring properties,
and the proposal would have limited views from the public domain. As such there is no significant harm to visual or residential amenity. The proposal therefore is considered to comply with the relevant part of Policies DC9 and DC28 of the Horsham District General Development Control Policies 2007

7. **RECOMMENDATIONS**

That the application be approved subject to the following conditions -

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

   - Proposed Site plan Drwg no. 1312 001 - A  Received: 01.07.2014
   - Block, Site & Proposed Floor plan Drwg no. 1312 002 - A  Received: 01.07.2014
   - Proposed Location Plan Drwg no. 1312 003  Received: 01.07.2014
   - Proposed Elevations plan Drwg no. 1312 004 - Received: 01.07.2014
   - Section plan Drwg no. 1312 005  Received: 01.07.2014

2. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

   Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

3. The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Gardeners Cottage as a dwelling and shall not be used as a separate unit of accommodation.

   Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

**Background Papers:** DC/14/1393

**Contact Officer**  Pauline Ollive