Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0202
Smith and Western, 37 North Parade, Horsham, West Sussex, RH12 2QR

DESCRIPTION:
Non-Material Amendment to previously approved application DC/21/1831 (Demolition of existing restaurant facility and erection of 20 residential apartments including all associated landscaping and external works) Curved walls, curved windows and curved surrounds changed to chamfered walls with straight windows and surrounds. Curved roof edge changed to square edged for simplicity over chamfered wall. Rear double door set at ground floor level to flat A-1 changed to a window. 1st floor portico over the balcony on the front elevation removed, 2nd floor projecting bay to the side elevation of Building A removed.

RELEVANT PLANNING HISTORY:

DC/21/1831	Demolition of existing restaurant facility and erection of 20 residential apartments including all associated landscaping and external works.	Application Permitted on 24.08.2022.

SITE AND SURROUNDS

The application site (approx. 0.19 ha) is located within the Built-up Area Boundary of Horsham and occupies a prominent corner plot on the corner of North Parade (B2237) and West Parade approximately 1 mile from the town centre of Horsham. The site was formerly occupied by 'Smith and Western,' an American Style restaurant located in the southern portion of the site, along with an associated car parking hard standing area that occupies the entire northern portion of the site which is accessed via North Parade. The site has since been cleared and the Smith and Western Restaurant has relocated to the Town Centre.

The area immediately surrounding the application site to the north, east, south, and west is residential in character, and has similar scale and density with flatted developments located on the opposing corners of the junctions opposite. To the west of the site is a terrace of three dwellings and a pair of semi-detached dwellings and to the south are larger detached dwellings .

To the east of the site approximately 62m away lies the western boundary of the (Horsham (Richmond Road) Conservation Area. To the south approx. 118m from the southern boundary of the application site lies White Cottage (25 North Parade) a Grade II listed building. The application site is well separated from and is not located within a distance that would be considered to affect the character or setting of this listed building or the character of the Conservation Area.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (HDPF 2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 9 – Employment Development

Policy 12 - Vitality and Viability of Existing Retail Centres
Policy 13 -Town Centre Uses
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Horsham Blueprint Neighbourhood Plan (2022).
Policy HB3: Character of development.

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five-year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 4.3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the district (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Applications under section 96A are not applications for planning permission, so they are not covered by these requirements. Local planning authorities therefore have discretion. No consultations have been carried out.

INTERNAL CONSULTATIONS:

None received.

OUTSIDE AGENCIES:

None received.

Parish Comments: None received.

Representations: None received

Member Comments: None received.

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

This application seeks to amend planning permission DC/21/1831 via s.96 A of the Town and Country Planning Act 1990 which allows for non-material amendments to be made to a planning permission. A supporting statement has been submitted in order to justify the works that have been sought.

The amendments include:

- changing the previously proposed curved walls, curved windows, and curved surrounds to chamfered walls with straight windows and surrounds (illustrated as red stars on drawings) to simplify construction and procurement and maintaining thermal and waterproof properties of walls (curved elements proving impossible to source). Windows remain facing in diagonal direction and no change to overall footprint.

The supporting statement advises that *'…investigative procurement process has concluded that manufacturers of curved, double-glazed windows that open, either on hinges or as sliding sashes, are very rare and not viable in such small quantities as required for this project. This is also true for the cast stone surrounds and cills and the cavity lintels required to support these elements, as moulds would be one-offs and therefore not economic…'*

It is also advised that *'the updated proposals consist of replacing the curved walls with angled, chamfered walls that do not change the floor area of the proposals. In addition, this allows the window and stone surround design to exactly match those designs already approved. It should also be noted that the view out from the centre of each window is exactly the same as the centre of the curved windows, therefore not creating any further overlooking or privacy concerns.*

- Changing the curved roof edge to square edged for simplicity over chamfered wall (illustrated as purple star on plans). The applicants advise that this is for the same reasons as above and provides a simpler detail to construct and in keeping with the design of the roof elsewhere.

The supporting statement advises that *'…During the design development process, it was established that curved eaves would be considerably difficult to construct and make watertight, with irregular shaped tiles and eaves ventilation trays required. In addition, it would not be possible to fix rainwater guttering to this element and therefore all water hitting this portion of the roof would fall directly to ground level.'*

The Supporting Statement advises that '*the newly proposed eaves design will be squared off, complementing other areas of the design and the chamfered wall below, ensuring consistency in materials and rainwater collection.'*

- Changing the rear double door set at ground floor level to flat A-1 to a window (illustrated as blue star on plans) in order to provide safety and security between car parking area and flat.

The Supporting Statement advises that '…*the original design intent for this double doorset was to provide direct access out onto the smaller car parking area. This doorset was in addition to the double doorset leading out onto the private front garden for this flat as well as the secure front entrance door accessed via the common entrance lobby.'* Furthermore, it was considered that the '*doorset did not provide a suitable level of security to this flat, as the accessibility of this door directly from a "public" area of the site was considered high risk. Furthermore, an additional door off of the kitchen / dining / living space of this flat was considered unnecessary and the wall space created below a window would be of greater value to the layout and usability of the kitchen / dining space.*

The window design would match those already approved.

- Removing the 1st floor portico over the balcony on the front elevation (illustrated as orange star on plans) as is considered by applicants to be an unnecessary element at first floor level and not in keeping with the design of the facades adjacent.

The Supporting Statement advises that *'…during the detailed design process, this element stood out as being at odds with the architectural design of other balconies in the proposals and the structural design of such an element has proven very difficult, particularly in relation to fixing of the handrail and balustrade to the uprights and avoiding a 100mm or greater gap around these elements - a safety concern for occupants of this flat.'* It is also advised that '*the proposals include extending the balcony over the front entrance door below and removing the portico over a portion of it, opting for an uncovered balcony and balustrade design that is in keeping with the approved design adjacent, as depicted within the supporting statement.'*

- Removing the 2nd floor projecting bay to the side elevation of Building A (illustrated as green star on plans) as is considered by applicants to encroach on fire separation between buildings and difficult to detail.

The Supporting Statement advises *that 'the planning-approved drawings illustrate a projecting, timber-clad bay window to the side of Block A (the larger block), accessed via the flat's dining area.* It is advised that *'.during the design development process and review against the fire regulations and Part B, it was determined that this element extended into the 2m gap between the buildings and created a combustible element and fire risk. In addition, only a minimal amount of windows (unprotected areas) are allowed in buildings immediately adjacent to one another so this element was considered unnecessary.* Furthermore, the Supporting Statement advises that '... *from a construct-ability point of view, this would also be extremely difficult to achieve, as the structure necessary to support this projecting floor would need to cross the cavity, creating a thermal and moisture weak point in the design.'*

The proposals now remove this element completely with a continuation of the brick cavity walling.

No other amendments are proposed or have previously been made. Whilst the amendments would slightly diminish the overall quality of the building's design, this diminishment would not be significant or harmful, with the resultant building retaining the principal character and appearance of the original design, and the key important detailing. Accordingly, these amendments are not considered to compromise the character or appearance of the site or wider surroundings in accordance with HDPF policies 32, 33 and 40, and are considered to be non-material in the context of the approved development. The application is recommended for approval.

As this permission has been made under s.96 A of the Town and Country Planning Act, this decision only relates to the non-material amendments sought and is not a reissue of the original planning permission DC/21/1831 which still stands.

Recommendation: Application Permitted

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0202

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	Proposed first	2021.12.11 REV D	06.02.2024
Floor plan	Proposed ground	2021.12.10 REV C	06.02.2024
Floor plan	Proposed second	2021.12.12 REV D	06.02.2024
Floor plan	Proposed third	2021.12.14 REV B	06.02.2024
Roof plan	Proposed	2021.12.15 REV B	06.02.2024
Elevation plan	Proposed east	2021.12.06 REV D	06.02.2024
Elevation plan	Proposed west	2021.12.07 REV D	06.02.2024
Elevation plan	Proposed north and south	2021.12.08 REV C	06.02.2024
Elevation plan	Proposed north and south	2021.12.09 REV C	06.02.2024
Supporting Statement			26.02.2024

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date

DELEGATED

Case Officer sign/initial Amanda Wilkes Date: 04/03/2024

Authorising Officer sign/initial Adrian Smith Date: 05/03/2024