



**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Development Manager

**DATE:** 21 March 2017

**DEVELOPMENT:** Residential development of playing fields providing for 58 new dwellings including a new access from Jackdaw Lane.

**SITE:** The Holbrook Club North Heath Lane Horsham West Sussex

**WARD:** Holbrook East

**APPLICATION:** DC/16/2855

**APPLICANT:** Reside Developments Ltd and Horsham Football Club

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the officer's recommendation.

**RECOMMENDATION:** Subject to the committee's prior resolution to grant planning permission for the development of a new football ground on land at Horsham Golf and Fitness (ref: DC/16/2856), that planning permission be delegated for approval to the Development Manager, subject to the completion of a legal agreement and appropriate conditions. The legal agreement will secure the following:

- Affordable housing provision of at least 24% (14 units).
- Contributions for education, libraries, fire and rescue services, highway improvements and health improvements.
- A clause to state that the no works shall take at the Holbrook site until the pitches at the new HFC site are in place and in use by the community.
- A clause to require a review of the HMRC documentation to allow a clawback. Two thirds to go towards affordable housing provision in the District and one third towards improvements to the Holbrook Club to improve community facilities.

If application reference DC/16/2856 for development of a new football ground on land at Horsham Golf and Fitness is refused, the committee will be recommended to refuse this proposal for housing for the following reasons:

Lack of Affordable Housing:

1. The proposed development, by reason of the shortfall of affordable housing and the lack of an appropriate justification for this shortfall, fails to meet the identified housing needs of the

District and is therefore contrary to Policy 16 of the Horsham District Planning Framework (2015).

Loss of Recreation Space:

2. The proposed development, by reason of the loss of existing playing fields currently in use for recreation and the absence of any suitable alternative open recreational space of the equivalent quantity, quality and in a suitable location, would have a harmful impact on the health and well-being of the local community contrary to Policy 43 of the Horsham District Planning Framework (2015).

Lack of S106 Agreement:

3. The proposed development makes no provision for securing affordable housing units, or for contributions towards improvements to education provision; transport infrastructure; libraries; fire and rescue services; health provision; and is, therefore, contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015), as it has not been demonstrated how the infrastructure needs of the development would be met.

**1. THE PURPOSE OF THIS REPORT**

- 1.1 The purpose of this report is to consider the planning application in conjunction with the separate proposal for the relocation of Horsham Football Club to Horsham Golf and Fitness, Worthing Road (ref: DC/16/2856).

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for a residential development comprising of 58 dwellings on land forming the playing fields of The Holbrook Club. The proposed site is adjacent to Jackdaw Lane where a new vehicle access is proposed. The scheme would retain two full sized playing pitches as well as the main sports facility at the Holbrook Club.
- 1.3 The scheme proposes a mix of detached, semi-detached and terraced houses and flats. The buildings would be mainly two storeys high. Four of the dwellings are proposed to be two and half storeys with dormer windows to allow accommodation in the roofspace. The dwellings would be of traditional design with hipped roofs with a mix of external materials. The proposal includes 14 affordable units (24%). The scheme would have a density of 36 dwellings per hectare. The development would have a formal layout in a rectangular pattern. Except for the dwellings proposed adjacent the northern boundary, the dwellings would have an east to west orientation. The housing mix is as follows:

Market Housing	
2 Bed Houses	4
3 Bed Houses	30
4 Bed Houses	10
<b>Total</b>	<b>44</b>

Affordable Housing	
1 Bed Flats	4
2 Bed Houses	8
3 Bed Houses	2
<b>Total</b>	<b>14</b>

- 1.4 The proposed scheme would retain and sit behind the existing tree line that runs north-south and along the amenity strip that forms the western side of Jackdaw Lane. Vehicle access to the site is proposed from a two-way vehicular access point to the highway from

Jackdaw Lane. The new access would be in between the junctions of Admiral Street and Serrin Way. The proposal also includes two new pedestrian accesses to the site. One would be from Jackdaw Lane in the north east corner. The other is proposed in the south west corner and would allow access through to Kestrel Close.

- 1.5 A landscaped buffer (with fencing) would be provided along the western boundary of the application site. Landscaping is also proposed throughout the development including new trees. The proposal would largely retain the fence, hedge and tree boundary around the site. The site includes trees protected by a Tree Preservation Order along the northern boundary. The proposal requires the removal of two trees along the eastern boundary to facilitate access to the site.
- 1.6 A total of 135 car parking spaces would be provided on-site. This would be divided into 113 allocated spaces for the units, 11 unallocated bays and 11 designated bays. Parking would be within parking bays, garages and car barns. Cycle parking would be provided in the garden of each property in cycle stores (details to be agreed), with the exception of a dedicated cycle and bin store for the flatted block in the south west corner of the site.
- 1.7 The application is linked with planning application ref: DC/16/2856, also on this agenda, which seeks planning permission for new football ground facilities that will form the new home of Horsham Football Club. This would be located on the eastern side of Worthing Road in Southwater. The new facilities provide a full-size 3G pitch and a smaller 3G training pitch. Horsham Football Club currently own the application site, and the site of the Holbrook Club, and lease the land and buildings to the Holbrook Club. However, the Holbrook Club does not have all the facilities required by the FA in order to play there. An application for a new football stadium at the Holbrook site for Horsham Football Club was refused in 2008 (ref: DC/08/0734). HFC currently play at the YMCA on Gorings Mead. The YMCA have refused to allow HFC play at this site after the end of this season. The club are currently in discussions with The Sussex County FA for using their ground at Lancing.
- 1.8 The proposed follows a refusal for 57 dwellings on this site in 2015 (ref: DC/14/1091, which was also linked to an application for new football facilities, reference DC/14/1090). The changes from the previous application are as follows:
  - Increase in site area to 1.61 hectares (from 1.43 hectares).
  - One additional unit.
  - Increase in affordable housing provision to 14 units (24%). Previously 10 units were proposed (17.5%).
  - Increase in smaller housing units to 28% 1 and 2 bedroom properties. Previously proposed 21%.
  - Increase in plot size for the proposed units and larger separation distances.
  - Increase in car parking provision to 135 spaces. Previously 121 spaces were proposed.
- 1.9 This application is accompanied by the following supporting documents:
  - Design and Access Statement
  - Planning Statement
  - Statement of Community Involvement
  - Transport Statement
  - Floor Risk Assessment
  - Accommodation Schedule
  - Tree Schedule
  - Arboricultural Impact Assessment
  - Sustainability Statement

## DESCRIPTION OF THE SITE

- 1.10 The application site comprises of rectangular parcel of land measuring 1.61ha. The site is presently used as playing fields for sports associated with The Holbrook Club, situated in the north of Horsham town. The area of playing fields, which is the subject of this application, is to the east of the Holbrook Club adjacent to Jackdaw Lane. The site forms approximately one third of the land at the Holbrook Club.
- 1.11 The club currently has four full sized playing pitches and is a well-established sport facility offering a wide range of sport and community activities. Access to the Holbrook Club is from North Heath Lane to the west.
- 1.12 The site is adjacent to residential properties in the cul-de-sacs of Kestrel Close to the south, Foxglove Avenue and Brook Road to the north, and partially extends alongside the rear gardens of the closest properties in Drake Close. The developable area of the site will be positioned behind the existing tree and vegetation belt between the playing fields and the grassed amenity strip fronting onto Jackdaw Lane. The site is mainly surrounded by trees and dense vegetation which for the most part screen the site from views from adjacent properties. The notable exception is the property at 44 Brook Road adjacent the northern boundary, where there are clear views of the site from this dwelling. The tree line along the northern boundary includes trees covered by a tree preservation order.
- 1.13 The character of the surrounding area is residential with a relatively tight grain of development in a suburban layout. The typical form of residential development is of semi-detached, link-detached or terraced properties of two storeys in height. There are no listed buildings adjacent or within any close proximity to the application site and the immediate area is not designated for any other heritage assets. The site is near to Littlehaven Train Station to the east of the site.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 1, 4, 6, 7, 8, 10 and 11.
- 2.3 Planning Practice Guidance (March 2014).

### RELEVANT COUNCIL POLICY

- 2.4 The following policies in the HDPF are considered to be relevant:

Policy 1: Strategic Policy: Sustainable Development  
Policy 2: Strategic Policy: Strategic Development  
Policy 3: Strategic Policy: Development Hierarchy  
Policy 4: Strategic Policy: Settlement Expansion  
Policy 15: Strategic Policy: Housing Provision  
Policy 16: Strategic Policy: Meeting Local Housing Needs  
Policy 24: Strategic Policy – Environmental Protection  
Policy 31: Green Infrastructure and Biodiversity  
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  
 Policy 42: Strategic Policy: Inclusive Communities  
 Policy 43: Community Facilities, Leisure and Recreation

2.5 Local Development Framework: Supplementary Planning Document:

- Planning Obligations (2007)

NEIGHBOURHOOD PLAN

2.6 The site is within the Parish of North Horsham. Currently, the Parish does not have a Neighbourhood Plan Designation.

PLANNING HISTORY

DC/08/0734	Holbrook Site: Formation of new football ground with associated development including the creation of car parking, hard surfacing, erection of stands, entrance and toilet block and flood lighting, ground levelling and re-arrangement of tennis courts and part interior of existing sports hall with access via existing entrance off North Heath Lane.	Refused 03.07.2008
DC/14/1091	Holbrook Site: Residential development of recreational land to provide for 57 one-, two-, three- and four-bedroom, two and two and a half storey houses with associated car parking and access off Jackdaw Lane (full planning permission)	Refused 17.02.2015
DC/14/1090	Horsham Golf and Fitness Site: Construction of football ground to include two pitches, a stand and associated dug-outs, clubhouse and associated structures, lighting, access and car parking, and landscaping works (Affects the setting of a Listed Building)	Refused 17.02.2015
DC/16/2856	Horsham Golf and Fitness Site: Proposed 3G Football Ground (including main pitch and training pitch), clubhouse, stands, access, parking and landscaping (to serve as the home ground for Horsham Football Club). 20m high netting and posts to adjacent golf driving range (amended description).	Pending consideration

**3. OUTCOME OF CONSULTATIONS**

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk).

INTERNAL CONSULTATIONS

- 3.2 **HDC – Housing (summarised)**: Support. The provision of 24% affordable housing is supported on the basis of the viability assessment. This is the second time an application at this site has been considered and the proposed number of affordable housing units has increased significantly (ten units to fourteen) since the original application. This application will be deliver much needed accommodation in an accessible location within the town.
- 3.3 **HDC - Strategic Planning (Summarised)**: No objection. The principle of residential development is acceptable on this site, providing that alternative sports pitch provision is made to accommodate Horsham Football Club. The developer will be providing new and improved leisure facilities elsewhere in the district, consequently, the community benefits of the scheme could outweigh the concerns regarding the number of affordable homes proposed.
- 3.4 **HDC – Technical Services (Drainage)**: No objection.
- 3.5 **HDC – Refuse Collections Supervisor (summarised)**: No objection.
- 3.6 **HDC – Environmental Health (summarised)**: No objection subject to conditions.
- 3.7 **HDC – Parks & Countryside**: Support subject to the approval of the new ground for HFC.
- 3.8 **HDC – Ecology Consultant (summarised)**: No objection subject to conditions.
- 3.10 **HDC – Leisure Services (summarised)**: Support. The application is supported on the grounds that the associated application for the new football ground at Horsham Golf and Fitness would more than mitigate the loss of the playing fields at the Holbrook site. The scheme would secure the future of both the Holbrook Club and Horsham Football Club. Both of these clubs provide community services which are important within the District.
- 3.11 **HDC – Property and Facilities**: No comment.

#### OUTSIDE AGENCIES

- 3.12 **West Sussex County Council – Flood Risk Management Consultant (summarised)**: No objection. The Flood Risk Assessment proposes sustainable drainage techniques which are acceptable in principle. Development shall not commence until a finalised surface water drainage design and details of the maintenance and management of the SuDS system have been submitted to and approved by the Local Planning Authority.
- 3.13 **West Sussex County Council - Highways (summarised)**: Subject to conditions no objection is raised to this application.
- 3.14 **West Sussex County Council – Section 106 (summarised)**: Comment. Contributions totalling £584,032 are required in relation to School Infrastructure (Primary and Secondary), Libraries, Fire and Rescue and Transport Infrastructure.
- 3.15 **Horsham and Mid Sussex Clinical Commissioning Group (summarised)**: No objection subject to a contribution of £34,581 towards improvements for local surgeries to accommodate the increase in patients.
- 3.16 **Southern Water (summarised)**: No objection subject to conditions and an application to Southern Water for formal approval.
- 3.17 **Environment Agency**: No comments received.

- 3.18 **Sussex Police (summarised)**: Comment. The scheme provides appropriate natural surveillance and active frontages. Further measures are recommended.
- 3.19 **Sport England**: No objection.
- 3.20 **Natural England**: No comment.
- 3.21 **Horsham District Cycle Forum (summarised)**: Comment. The Forum acknowledges that this application includes cycle parking but are concerned over the lack of access from adjacent streets and green spaces.

#### PUBLIC CONSULTATIONS

- 3.22 **North Horsham Parish Council**: Objection. The grounds for objection are as follows:
- Overdevelopment of the site;
  - Loss of a sports facility in North Horsham.
  - Traffic – the traffic survey undertaken on Jackdaw Lane did not appear to be representative of real issues that are faced on that stretch of road. Jackdaw Lane through to Rusper Road is a bus route and there are already significant issues with traffic being restricted from travelling along the relatively narrow Jackdaw Lane due to parked cars which overflow from Littlehaven Railway Station. Parking opportunities on the proposed development appear to be minimal and there is concern that cars from the development will add to the cars that already park along Jackdaw Lane and the other roads that lead out onto Rusper Road.
  - Pedestrian safety – there appears to be no footpaths on the development forcing pedestrians to have to walk along the roads;
  - The cumulative effect of development in and around Horsham raises concern regarding the capacity for services such as Health and Education.
- 3.23 **Southwater Parish**: Objection. The Council is concerned that the S106 development gain would go towards the Holbrook Club. The Council would have major concerns with any ring fenced gain going towards a private members sports club on land owned by one of the developers. Concern is also raised over the lack of affordable housing.
- 3.24 **The Holbrook Club**: Support. The Holbrook Club and Horsham Football Club have agreed a new 25 year lease which will only be triggered if HFC are granted permission for their new ground at Horsham Golf and Fitness. The new lease will enable the Holbrook Club to be eligible for funding from various sporting bodies and will secure the long term future of the club.
- 3.25 **Horsham Rotary Club**: Support. The scheme would secure the future of both the football club and the Holbrook Club. It is appropriate for Horsham to have its own football ground.
- 3.26 **The Horsham Society**: Objection. The Society has concerns over the layout of the development and connectivity with the adjacent residential areas. Potential links from the proposed development to Brook Road and the green area at Foxglove Grove / Drake Close should be explored.
- 3.27 **97** representations of support have been received. The grounds of support are as follows:
- The scheme would secure the futures of Horsham Football Club and the Holbrook Club, two of Horsham's sporting assets.
  - A town of Horsham's size needs the status of a representative football team and one which can boast of facilities that are the match of any in the league.
  - If the application is not approved, it is questionable whether the team can survive.
  - This would be a significant loss to the town.
  - The development will still leave the Holbrook Club facilities largely intact.

- The application is an excellent opportunity to provide 58 new homes in the town.
- The scheme has addressed the previous objections raised.
- The proposal fits in with surrounding area and is a sustainable location.
- The scheme has been designed to minimize impact on local traffic flows.
- Horsham District and the surrounding area need another 3G pitch to aid the sporting development of children.
- The new ground at Hop Oast would provide excellent community facilities including a replacement all weather pitch and is the most suitable location.
- The scheme would provide a good mix of much needed housing including social housing.

3.28 **40** representations of objection have been received. The grounds of objection are as follows:

- The scheme will destroy the open aspect of the area and have a detrimental visual impact. The proposal is over development of the site.
- The scheme would significantly impact on the amenity of adjacent properties. The plots adjacent the northern boundary are too close to the boundary and would have a detrimental impact on the amenity of dwellings on Brook Road who currently enjoy peace and quiet and are not overlooked.
- Jackdaw Lane is already a busy road with cars exceeding the speed limit. The extra traffic caused by the 58 units will add to this problem and increase air pollution.
- There is insufficient car parking in this area partly due to the commuters who use Littlehaven station and park on the adjacent estate. The additional vehicles proposed would add to this problem. The additional traffic would be dangerous for children using the play area nearby on Jackdaw Lane.
- The local schools are at capacity and there is no provision to accommodate this proposal.
- The current scheme has not addressed the previous reasons for refusal relating to the loss of playing fields and lack of affordable housing. The proposal is contrary to policy 43 of the HDPF.
- Developers should not be allowed to build on sports fields.
- There is insufficient infrastructure to accommodate this proposal. Doctors and dentists have waiting lists.
- Concern is raised regarding the siting of the affordable homes in the corner of the site.
- The scheme would not be considered appropriate if considered independently.
- The scheme would result in a reduction in the facilities at the Holbrook Club. The facilities provided at Hop Oast are 3 miles away and would not be accessible to the residents of Holbrook or by clubs being displaced.
- The scheme is contrary to Sport England's playing field policy and the NPPF.
- The scheme does not include enough affordable housing for the area.
- Concern is raised regarding the potential removal of trees and shrubs.
- The site is not earmarked for development in the HDPF.
- It is wrong of the football club to put the Holbrook Club at risk and hold the club to ransom. HFC do not 'deserve' a home or any special treatment. The management of the club is the root cause of their current problems. HDC should have helped the club find a home as part of local plan.
- The scheme would set an unwelcome precedent.
- HFC should have their ground at the Holbrook Club or as part of the North Horsham site and not in the countryside.
- The scheme does not include pavements.



#### **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 principle issues in the determination of the application are:

- i) Whether the principle of development is appropriate in this location;
- ii) The planning balance between the deficit in affordable housing provision and the benefits to be brought about by other material considerations;
- iii) The acceptability of all relevant material considerations including the effect of the development on townscape character, the amenity of neighbouring land uses, and highways safety and capacity;
- iv) The appropriateness of the development in respect of other environmental considerations including arboricultural, ecological, flooding and sustainability aspects;
- v) In light of the above, whether there are any adverse impacts arising from the proposed development that would significantly and outweigh the benefits of the proposal.

##### Principle of Development and Loss of Playing Fields:

- 6.2 Policy 3 of the HDPF states that development will be permitted within the built-up areas of villages and towns and in accordance with strategic development hierarchy, with Horsham identified as the Main Town. As development within the built-up area boundary of Horsham, the proposal is in accordance with this policy. Near to a local railway station, local amenities and Horsham town centre, this site is considered a sustainable location where the principle of development is appropriate and in accordance with the HDPF approach to strategic development, subject to compliance with the relevant Policies of the HDPF. Additionally, subject to a satisfactory layout and other material considerations, the proposal would further assist with the delivery of the 16,000 homes required under the HDPF.
- 6.3 The redevelopment of the site would result in the loss of playing fields totalling approximately 1.61 hectares. This equates to a single football pitch and a training area. The proposal would retain two full sized playing pitches as well as the main sports facility and sports courts including hockey, rugby, a gym, archery and tennis. Policy 43 of the HDPF states that proposals that result in the loss of sites and premises currently used for leisure activities will be resisted unless equally usable facilities can be conveniently provided nearby. The policy also requires a significant enhancement to the nature and quality of an existing facility will result from the redevelopment for alternative uses.
- 6.4 As stated, this application is being determined in association with the planning application for a new football ground at Horsham Golf and Fitness (reference DC/16/2586). The new ground would provide two 3G all weather pitches (a full sized pitch and a training pitch) which would meet FA standards. Unlike normal grassed playing fields, 3G pitches can be used all year round and are more durable than grass. The pitches would also have the benefit of floodlighting and the pitches would be available for outside use up to 10.30pm on

weekdays. The pitches can also be used for rugby. As these all-weather pitches would replace the existing grass pitches, this is a benefit of the proposal.

- 6.5 The Sport, Open Space and Recreation Assessment: February 2014 (SOSR) is a background document to the local development framework. Policy 43 confirms that the document is to be taken into consideration in the provision of new community facilities. The Leisure Service Manager has commented that SOSR 2014 is likely to be updated through minor changes following a new sports pitch and facility audit, which will be completed in the Autumn. However, he is not expecting exhaustive changes to this document, and the Leisure Services consultation response in respect of this application, and the linked application at Horsham Golf and Fitness, supports the current proposals.
- 6.6 The SOSR 2014 identifies quantity and quality standards for a range of sports facilities in the District. There is currently a deficiency of 3G pitches in the District as identified in the SOSR. The SOSR recognises the importance of 3G pitches and states that towns and larger villages in the District should have at least sufficient 3G artificial turf pitches to accommodate a proportion of local football demand. It does not identify a deficit of adult football pitches but it does state (Pg.11 Sports Pitches) that 'all of the club and private facilities play an important role in meeting demand by offering opportunities for individuals to join a facility-owned club'. It also identifies a deficiency in youth, mini and 3G artificial pitches. The proposal at Worthing Road would provide high quality 3G pitches which could be used by adult and youth teams to alleviate some of the difficulty with pitch deterioration as identified in the SOSR.
- 6.7 The proposal would result in the displacement of teams who currently benefit from the playing fields to be lost as a result of this proposal. Chesworth Rovers FC and Holbrook FC 3<sup>rd</sup> and 4<sup>th</sup> teams would be displaced. As part of the proposal for the new HFC ground at Horsham Golf and Fitness, the new ground will accommodate Chesworth Rovers FC and the Holbrook FC 3<sup>rd</sup> team. The proposed schedule of the use of the new 3G pitches indicates that the pitches will be reserved for the use of Chesworth Rovers FC and Holbrook FC 3<sup>rd</sup> team. Additionally, HDC Parks and Countryside have commented that a pitch and changing facilities will be reserved for Holbrook 4<sup>th</sup> Team at Horsham Park on alternate Saturdays. There would be no displacement of the Archery Club, hockey, Holbrook RFC or Holbrook FC 1<sup>st</sup> and 2<sup>nd</sup> teams who will remain at the Holbrook Club and use the retained pitches.
- 6.8 The new facilities at Horsham Golf and Fitness may require additional travelling for some players who currently use the Holbrook Club. However, the new HFC ground is within close proximity to Horsham and can be easily accessed via public transport. Given the number of supporters anticipated to be in attendance on HFC match days, spectators will be expected to use the park and ride car park. When there are no HFC matches on, the on-site parking provision is anticipated to be sufficient to meet the parking requirement of the clubs using the new facility. The new facility would also offer modern facilities in line with FA standards and provide 3G all weather pitches which could be used by the displaced clubs throughout the year. It is therefore considered that any convenience resulting from the displacement of these two teams from the Holbrook site is compensated by the new facilities and opportunities offered at the new HFC ground. Sport England has commented they support the new ground at the Worthing Road site.
- 6.9 Horsham Football Club currently owns the site of the Holbrook Club, including the application site, and leases the land and buildings to the Holbrook Club. The lease of the Holbrook Club has ended and the Holbrook Club currently have a rolling tenancy on a monthly basis. This affects the ability of Holbrook Club to obtain funding for improvements and equipment, as its location at the site is not secure in the long term.

- 6.10 Following negotiations between HFC and the Holbrook Club agreement has been reached on the terms of a new 25 year lease, subject to the grant of permissions for the housing development and new ground at Horsham Golf and Fitness. A new lease would enable the Holbrook Club to be eligible for funding from various sporting bodies. Consequently, in accordance with Policy 43, the proposal would also provide an opportunity to enhance the existing facilities as permission would assist in securing the long term retention and expansion of the Holbrook Club.
- 6.11 HFC's current use of the YMCA pitch does not meet their needs and is to be terminated by the YMCA. It is their intention to return to the Holbrook site in the event that planning permission is not granted for their new site at Horsham Golf and Fitness and the enabling development at the Holbrook Club. This would mean that HFC would have to restart possession proceedings as they would require the entire site.
- 6.12 Whilst the current application would result in the loss of grass pitches at the Holbrook Club, this loss would be mitigated, in fact surpassed, by the provision of a new full size 3G artificial grass pitch, plus a 3G training pitch and facilities at the new Horsham FC ground. To ensure that the scheme does not result in a loss of playing fields at any time, the S106 will include a clause that states that no development shall commence at the Holbrook site under permission DC/16/2855, until the 3G pitches and associated facilities (ref: DC/16/2856) have been provided and are in use by the public and displaced teams.
- 6.13 The loss of playing fields is therefore considered acceptable in light of the provision of the new 3G pitches at the HFC site and the relocation of displaced teams, in accordance with Policy 43 of the HDPF.

#### Affordable Housing and Housing Mix

- 6.14 In accordance with the NPPF there is a requirement to plan for a mix of housing types. Within this context Policy 16 of the HDPF requires that the mix of housing types should be based on evidence set out in the latest Strategic Housing Market Assessment (SHMA). In November 2016, Chilmark Consulting Ltd undertook a Market Housing Mix Assessment of Crawley and Horsham. The assessment indicates that in the Horsham District there is a good spread of market housing choice at present. However, there is a need to refine and maintain the market mix to ensure that choice and access to appropriate housing remains in future. In conclusion, the assessment states that there is a need to maintain a spread of choice in market housing sizes, especially for smaller units.
- 6.15 The current proposal includes a significant proportion of smaller units in line with the requirements of the recent market housing assessment. It proposes 4 x 2 bed and 30 x 3 bed market housing, units out of a total of 44 market units. This is considered an appropriate proportion of smaller units in accordance with the recent market assessment recommendations and is also an increase in the percentage of smaller units being provided when compared to the previous refused scheme.
- 6.16 In relation to affordable housing, the current scheme would provide 14 units of affordable accommodation (6 units of shared ownership and 8 units of affordable rented accommodation). The affordable housing is positioned in a group in the south west corner of the site. The registered housing provider has confirmed that they require the affordable units to all be sited together, and on this basis there is no objection to this grouping. The 14 units equates to 24%. Under Policy 16 of the HDPF, schemes of more than 15 units are required to provide 35% affordable. The proposal is therefore 6 units short of the required percentage. This is an increase in the previous refused scheme which only offered 17.5% (10 units). However, whilst an improvement on the previous refused scheme, the proposal would still fall short of the policy requirement of 20 units.

- 6.17 A Viability Report has been submitted with the proposal to justify the lack of a fully policy compliant scheme. The Viability Report states that the residential development of land at the Holbrook Club will fund the purchase of the land and construction of the football ground at Horsham Golf and Fitness for HFC. The assessment states that taking all costs into account, the scheme is only viable with 24% affordable housing. The proposal also includes £618,162 for contributions to mitigate the impact of the development on the surrounding area.
- 6.18 The Viability Report has been assessed by the District Valuer for an independent evaluation of the viability argument put forward. The District Valuer has commented that he disagrees with some of the costs and assumptions outlined in the report. The biggest difference is the inclusion of a sum of £1,450,000 within the applicant's viability model, which is to be used for the payment of Horsham FC's outstanding corporation tax. This sum of money has been listed as an expenditure (development cost). The applicant states that this amount would need to be paid to HMRC through the sales receipt of the application site in order to enable the development of the football club to proceed.
- 6.19 For the avoidance of any doubt, an applicant or landowner's tax liability is not considered as an acceptable development cost within a viability appraisal. As stated by the District Valuer, the inclusion of the football club's business tax liabilities would not normally be accepted as a legitimate "cost" to development in terms of a viability appraisal. The District Valuer advises that if this 'cost' were omitted from the viability appraisal, the full 35% provision of affordable housing could be achieved.
- 6.20 However, under the previous application, Counsel's advice was obtained on the question of whether the tax liability could legitimately be considered as a material consideration in the planning decision. Counsel's advice was as follows:

*"In its report DSP states that the inclusion of the HFC's tax liabilities 'would not normally be accepted as a legitimate 'cost' to development in terms of a viability appraisal'. I believe that is right. Neither the Planning Practice Guidance (paragraph 022) nor the RICS guidance note, Financial Viability in Planning (1<sup>st</sup> edition), mentions financial liabilities of the landowner unconnected with the development as a cost to be taken into account in assessing a scheme's viability. But that does not mean that the existence of those liabilities, if they have a bearing on the likelihood of development coming forward, must be excluded from all consideration..."*

*If the reality is that the club owes tax and is obliged to use some of the proceeds from the sale of its land at The Holbrook Club to pay what it owes in order to proceed with the development of a new ground at Hop Oast, that is a factor which the Council can take into account. There may be good or bad reasons for the existence of the liability, but if it exists and can be met in no other way it represents an obstacle to the development of the land with the level of affordable housing sought by the development plan. Whether that justifies a reduction in the number of affordable houses is for the Council to determine."*

- 6.21 As previously proposed, this application relates to the development of part of The Holbrook Club for housing, and sits alongside application DC/16/2856, which seeks to provide a new football club in Worthing Road. As such, the matter of viability of the scheme is again a matter to be examined in detail by Members. Taking into account the two schemes, the community benefits of the proposals are threefold:
- The proposal would secure the long term future of the Holbrook Club. The Holbrook Club is a well-established facility which offers wide range of sports facilities and community facilities. The Leisure Services Manager has commented that the Holbrook Club is a key provider of Sport and Physical Activity, particularly in North Horsham, and has strategic importance from a Community and Culture perspective.

The Holbrook Club and Horsham Football Club have agreed a new 25 year lease which will only be triggered if HFC are granted permission for their new ground at Horsham Golf and Fitness and for the housing development at Holbrook which would make that possible. The new lease will enable the Holbrook Club to be eligible for funding from various sporting bodies and will secure the long term future of the club as an asset for the local community.

- The proposal would secure the future of Horsham Football Club with a new ground. Horsham FC is a well-known and respected senior football club and this is an opportunity for the club to have its own ground. Currently, the club shares its ground with the YMCA but this agreement is nearing an end and the club will then be homeless. While HFC could move to the Holbrook Club, this would result in a reduction in the level of other sports and leisure provision currently provided at the Holbrook Club. Relocating back to the Holbrook Club would also mean that HFC would have to drop down football leagues due to the lack of adequate facilities to meet FA standards. The proposal will ensure the survival of both the football club and the Holbrook Club. HFC has long history in the town and is largely recognised for its charity and community work. The Leisure Services Manager has stressed the importance of ensuring the long term future of the club as the District's leading football club.
- The proposal at Horsham Golf and Fitness would provide 3G pitches for the community with new facilities which could be used all year round with the benefit of floodlights. This provision is supported by the Council's Leisure Services team and provides much needed 3G provision for football and rugby for the District. Currently, there is lack of 3G pitches in the district as identified in the SOSR. The applicant has submitted a statement in support which outlines community support for the new 3G pitches including 4 local schools and 6 local sports teams.

6.22 The provision of a non-policy compliant level of affordable housing is a material consideration in the determination of this application. The community benefits (above) that will be brought about by both additional housing on the application site and the provision of a new football club are also a material consideration. Furthermore, there are no viable alternative proposals to secure the long-term retention of both the Holbrook Club and Horsham Football Club. The ability of this scheme to enable to these community benefits to come forward is therefore a very strong material consideration in support of the proposal. Having reviewed the Applicant's submitted information, the third party representations, consultee comments and the relevant local and national planning policies, guidance and background documents, Officers conclude that there are sufficient benefits arising from the proposal to tip the balance of material considerations in favour of granting permission, subject to securing the new HFC site.

6.23 It should also be noted that when the outstanding corporation tax liability is agreed with the HM Revenue and Customs, the amount may be lower than factored into the viability appraisal. The applicant has agreed that one third of any unexpected gains from the HMRC assessment will go to the Holbrook Club and two thirds will go to HDC for affordable housing provision in the District. Given the viability arguments put forward, it is appropriate that any unexpected financial gain which was not taken into consideration in the viability assessment is used to close the gap between the scheme as proposed, and a policy-compliant scheme. To this end, a clause is recommended for the S106 agreement stating that 6 months after the decision notice is issued, the applicant shall submit the HMRC documentation relating to the club's corporation tax liability to HDC for their assessment and HFC agree to two third and one third split as outlined above. This will ensure that, in the event that there are unexpected gains as a result of the tax assessment, these funds go towards mitigating the impacts of the development. The contribution to the Holbrook Club will also help fund these community facilities.

### Townscape Character and Layout

- 6.24 The application site is presently well contained by the tree and vegetation belt that screens the playing fields from views north and south from the cul-de-sacs of Kestrel Close/Trefoil Close and Foxglove Avenue, Brook Road and Drake Close respectively. The site is also well contained from Jackdaw Lane with a dense and substantive level of tree and vegetation screening, even in the winter months, as well as a natural set-back between the edge of the carriageway and the application site.
- 6.25 As in the previous proposal, the application also includes the formation of a dense tree screening buffer along the western side of the developable area of the site. Views of the proposal within the context of surrounding development will therefore be limited. This is especially the case in consideration of the orientation and layout of the proposed dwellings, which are such that they predominantly face towards the centre of the site, or in the case of those houses facing Jackdaw Lane, are set-back behind the internal road.
- 6.26 Nonetheless, the surrounding tree and vegetation screening is not absolute, and there will be cases where (especially in winter months), a greater extent of the built form will be visible from the surrounding area. In this regard, it is considered that the street scene along the eastern frontage with Jackdaw Lane is representative of the character of the surrounding built form, being of two storeys in height and a closely knit urban grain.
- 6.27 The density of development within the surrounding streets and cul-de-sacs that adjoin or sit adjacent to the application site ranges from 24.5 dph (Brook Road) to 53.7 dph (Swallowtail Road/ Red Admiral Street). This application proposes a density in the region of 36 dph. This is readily comparable with the surrounding area. It should also be noted that to address the one of the reasons for refusal on the previous scheme, the current proposal has increased the plot size for the proposed site which allows larger separation distances between the proposed units. Overall, it is considered that the current scheme proposes an appropriate layout with adequate amenity space for all proposed units.
- 6.28 Subject to a condition requiring details of materials, no objection is raised to the design and appearance of the proposed buildings. The proposed houses would all be two or two and half stories tall with traditional appearance and a mix of materials. This is considered appropriate in the context of this site and the surrounding area.

### Highways and Parking

- 6.29 The vehicle access to the site would be provided by a new dedicated access onto Jackdaw Lane. This would be sited in between the junctions for Red Admiral Street and Serrin Way. The access road leads to an internal road for the site. A total of 135 parking spaces would be provided for the development in the form of garages, car barns, allocated and unallocated parking spaces. The parking would be divided into 113 allocated spaces for the units, 11 unallocated bays and 11 designated bays. Cycle parking is to be provided to the flats within a dedicated cycle store. The cycle storage for the dwellings would be provided in stores in the gardens or garages of each unit. The proposal has been accompanied by a Transport Assessment which has been assessed West Sussex County Council Highway Authority (WSCC).
- 6.30 WSCC have commented that, subject to conditions, the development is appropriate in relation to highway safety and demand on parking. The proposed access onto Jackdaw Lane takes the form of a simple 4.8 metre wide priority junction with over-runnable areas for large vehicles. This form is appropriate given the number of dwellings proposed. Stopping sight distances in excess of 43 metres (i.e. that required for a 30mph speed limit) are achievable in both directions from the vehicular access. The design of the vehicular access is considered to comply with relevant standards. WSCC have also commented that

in relation to trip generation, a development of this size is unlikely to generate any significant detriment to highway capacity.

- 6.31 In terms of accessibility, the site is located within an existing residential area with various services and facilities within reasonable walking distance. This includes Littlehaven train station, from which there is a regular train service towards Horsham, Crawley, and beyond. Continuous footways are available and appropriate crossing facilities are provided on key desire lines. There are no apparent barriers to walking. For cycling, again there are a range of services and facilities within reasonable distance. This includes Horsham town centre.
- 6.32 Subject to conditions and having regard to the comments of WSCC, the proposal would not result in a significant impact on highway safety or parking demand in the area and is in accordance with Policies 40 and 41 of the HDPF.

#### Neighbouring Amenity

- 6.33 Policy 33 of the HDPF requires that developments are designed to avoid unacceptable harm to the amenity of occupiers / users of nearby properties and land.
- 6.34 The introduction of a residential development of 58 no. dwellings into what is currently an open field would result in increased levels of activity associated with, for instance, the comings and goings of vehicles. However, it is not considered that this would result in an unacceptably harmful impact on the living environment of adjacent residents, given that this is a residential development proposed within a residential area.
- 6.35 In terms of impact on adjacent properties, it was clear during pre-application discussions and on site that the scheme would most affect the property at 44 Brook Road. This dwelling is located adjacent the northern boundary of the site. Unlike all the other properties to the north and south of the site, this dwelling does not have the advantage of a substantial tree and hedge boundary to soften the appearance of the development when viewed from this neighbouring property. The site is surrounded by high level fencing to protect the adjacent properties from sports balls. Over time the high fencing has been covered with substantial vegetation which together with trees limit views of the site from adjacent properties (with the exception of 44 Brook Road). This fencing and the substantial vegetation boundary around the site are to remain in situ. Additionally, the dwelling 44 Brook Road is in close proximity to the boundary when compared to other adjacent properties around the boundaries of the site, on account of its shorter rear garden.
- 6.36 To mitigate the impact on the residents of 44 Brook Road, the applicant has agreed to several measures. Following discussions with the residents of 44 Brook Road, the measures are as follows:
- The scheme includes four houses which would all have rear elevations facing the boundary with 44 Brook Road. These units would have limited rear windows. As amended, the rear windows proposed would also be bow windows. These windows are triangular shaped and would protrude from the elevation of the dwellings. To stop overlooking of 44 Brook Road, the north east section of these windows shall be obscure glazed and fixed shut. This would only allow views facing north west. This will stop any direct views of the garden or the dwelling at 44 Brook Road.
  - Planting is proposed in the gardens of plots 38, 39 and 40 in the form of pleached trees. Pleached trees are trees which are trained to grow in an inter-twined fashion and overtime join together at branch level to limit overlooking. These trees are to be included in a landscape management to ensure their retention.
  - Replacement fencing for 44 Brook Road. The replacement fencing at 44 Brook Road would be higher than the existing fencing in order to stop overlooking from the proposed units. The exact details of the fencing are to be agreed via a

recommended condition requiring details to be submitted for approval by the Local Planning Authority. It is important the height of the fencing is appropriate to stop overlooking but not so high that it would result in overshadowing and an increased sense of enclosure.

- The applicant has agreed to additional planting in the garden of 44 Broom Road along the boundary. As this is outside the application site, this cannot be secured through the planning process and would take the form of a private agreement between the applicant and the residents of 44 Brook Road.
- A condition will be imposed removing permitted development rights for extensions for the units in question along the northern boundary.

6.37 With the above measures in place, the proposal would not result in a significant impact on the amenity of 44 Brook Road. The remaining houses proposed would all be set a significant distance from any adjacent properties, shielded by substantial trees and hedgerows around the boundaries of the site, and would not result in a loss of amenity in relation to loss of light, outlook, overshadowing or an increased sense of enclosure. Measures to protect residents from harmful effects of noise, vibration and dust during the construction period could be controlled by a suitably worded condition requiring the submission of a Construction Environmental Management Plan to be approved by the Local Planning Authority.

6.38 In terms of amenity space, each of the houses would include a private garden of an appropriate size. Whilst no balconies are provided for the flats, the scheme includes adequate outside amenity areas incorporated into its layout, including the use of an area of open space for the flats, and therefore is considered acceptable in this respect.

#### Nature Conservation, Ecology and Biodiversity

6.39 Policy 31 of the HDPF states that proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigate or compensate for this loss and ensures that the ecosystem service of the area is retained.

6.40 The scheme includes a Extended Phase 1 Habitat Survey which assesses the potential impact of the proposal on ecology. The Council's consultant ecologist has commented that the proposal is appropriate subject to conditions. As playing fields the site has limited ecology. The first recommended condition requires the submission of an Ecological Mitigation and Enhancement Plan for the approval of the Local Planning Authority prior to commencement of works. This will include details of habitat protection for retained habitats, and avoidance measures with regards to protected and notable species, such as nesting birds.

6.41 A condition is also recommended requiring details of all external lighting for the site to be submitted and approved by the Local Planning Authority, in consultation with the Consultant Ecologist, prior to the installation of any lighting. Subject to these conditions, the scheme is considered appropriate in terms of its potential impacts upon ecology and can be controlled to comply with Policy 31 of the HDPF.

6.42 In relation trees, the proposal would retain the majority of trees around the boundaries of the site. This includes the retention and protection of trees covered by a tree preservation order along the northern boundary. The proposal includes an Arboricultural Impact Assessment and Tree Protection statement. This outlines measures to protect the trees to be retained during construction works. In order to provide access from Jackdaw Lane, the proposal requires the removal of two trees. The trees to be removed are of medium and low quality. With the retention and protection of the majority of the trees surrounding the



site, the loss of these two trees is considered appropriate. Additionally, the scheme includes landscaping as part of the development which includes replacement trees.

#### Flooding and Drainage

- 6.43 The site is located within Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. West Sussex County Council Flood Risk Management Consultant (WSSCC) has commented that current mapping shows that the majority of the proposed site is at 'low risk' from surface water flooding and 'low risk' from ground water flooding based on current mapping.
- 6.44 Southern Water, West Sussex County Council and the Council's Drainage Engineer have all raised no objection to this proposal, subject to the use of a condition requiring the submission and approval of details relating to the proposed means of foul and surface water drainage for the site. Subject to this condition, the scheme is in accordance with Policy 38 of the HDPF.

#### Renewable Energy and Refuse

- 6.45 In accordance with Policies 35, 36 and 37 of the HDPF, the scheme includes a Sustainability and Renewable Energy Statement. The statement incorporates sustainable design measures to reduce energy use. This includes a commitment to limiting the water supply to 110 litres per person per day, in line with the requirements of Policy 37. The proposal also measures to deal with potential impacts arising from waste generated by the site.
- 6.46 As amended, the Council's Waste Collection Supervisor has commented that the details in relation to refuse collection are acceptable.

#### Contributions

- 6.47 Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, contributions would be required towards health provision, sports provision, community facilities, libraries, education, fire and rescue and transport infrastructure. In addition the provision of affordable housing needs to be secured through a legal agreement.
- 6.48 The developer contributions, secured in the event that planning permission is granted, would be allocated towards improvements within the local area, to ensure they benefit future residents of the development. The provision of a commuted sum for specific local projects is considered a fair approach to deal with the cumulative pressure of additional residents on existing qualitative and quantitative deficiencies in the District and in this case, to enhance existing facilities in the local area.
- 6.49 Under the Horsham District Infrastructure Study Main Report (2010) health is included as an essential criteria in the consideration of developments. The Clinical Commissioning Group (CCG) have commented that currently the GP practices will struggle to cope with the increasing patient numbers. On this basis, the CCG have commented that S106 funding to be used towards improvements for the existing facilities in North Horsham and have suggested a tariff for calculating the potential contribution.

6.50 The amounts required for the above contributions are as follows:

WSSCC Contributions	
Education: Primary	£192,314
Education: Secondary	£206,978
Libraries	£20,687
Fire & Rescue	£6,481
Transport	£157,571
Clinical Commissioning Group	
Health	£34,581
<b>Total</b>	<b>£618,612</b>

### Conclusions

- 6.51 Taking all matters into account, the proposal is considered an acceptable form of development. It is acknowledged that the development would not provide a full policy compliant scheme with only 24% affordable housing. However, it is considered that the community benefits of the scheme (including securing a site for HFC, and assisting in the long-term retention of the Holbrook Club) are significant material consideration to be taken account. These benefits are considered to outweigh the lack of fully policy compliant scheme. Additionally, the provision of market and affordable homes in this sustainable location also constitutes a benefit in favour of the development. With the joint application for the land at Horsham Golf and Fitness, the loss of the pitches on site would also be more than compensated for with the new 3G pitches to be provided and the relocation of the displaced football teams to this new facility.
- 6.52 The scheme is therefore considered to be in accordance with the requirements of the HDPF and NPPF and would result in a sustainable form of development. The proposal is also considered appropriate with respect to its impact on demand for travel and highway considerations, trees, sustainability, ecology and flooding.

## **7. RECOMMENDATIONS**

- 7.1 Subject to the approval of DC/16/2856, planning permission be delegated for approval to the Development Manager subject to appropriate conditions (as outlined below) and subject to the satisfactory completion of the necessary Legal Agreement.
- 7.2 If the application for the new facility at Horsham Golf and Fitness is refused under DC/16/2856, then this proposal is recommended for refusal for the reasons as outlined at the beginning of this report.

### **7.3 CONDITIONS**

1. Approved Plan Numbers.

2. **Standard Time Condition:** The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of adjacent properties during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the approved landscaping scheme and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory development in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

7. **Pre-Commencement Condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological

context of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 & 38 of the Horsham District Planning Framework (2015).

8. **Pre-Commencement Condition:** No development shall commence, until an Ecological Mitigation and Management Plan has been submitted to and agreed in writing by the Local Planning Authority. This will include details of avoidance measures with regards to protected and notable species (such as nesting birds), as well as enhancement measures for biodiversity. The measures shall thereafter be implemented in accordance with the agreed details.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

9. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing number LLD1000/02/Rev02, 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 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.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10. **Pre-Commencement (Slab level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved buildings has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11. **Pre-Commencement (Slab level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the measures to facilitate the provision of high speed broadband internet connections to the development have been submitted to and approved in writing by the local planning

authority, details shall include a timetable and method of delivery for high speed broadband of each dwelling/unit. The delivery of high speed broadband infrastructure shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

12. **Pre-Commencement (Slab level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place level until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

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

13. **Pre-occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the boundary treatments associated with that dwelling have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

14. **Pre-occupation Condition:** No dwelling hereby permitted shall be occupied until provision for the storage of refuse/recycling has been made for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

15. **Pre-occupation Condition:** No residential property located directly adjacent to the remaining playing pitches at the Holbrook Club shall be occupied until such a time as full details of the design of a means of enclosure for the purpose of preventing balls or other sports paraphernalia from entering the curtilages and causing damage to the new residential properties and future occupiers have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved plans.

Reason: In the interests of the residential amenity of the properties along the western boundary and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16. **Pre-occupation Condition:** No dwelling hereby permitted shall be occupied until details of the pedestrian and cycle access, including the dropped crossing points on Jackdaw Lane, as indicatively shown on drawing number 02/Q, have been submitted to and approved by the Local Planning Authority. The scheme shall be constructed in accordance with approved details prior to the occupation of any dwelling.

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

17. **Pre-occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces (including garages) serving it have been constructed and made available for use in accordance with approved drawing number 02/Q. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

18. **Pre-occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure [and covered] cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

19. **Pre-occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part 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 unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

20. **Pre-occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a landscape management plan, including long term design objectives, management responsibility and maintenance schedules for all communal landscape areas and for the landscaping proposed in the garden of units 38, 39 and 40 shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

21. **Pre-occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to reduce the risk of flooding, to improve and protect water quality, improve habitat and

amenity, and ensure future maintenance in accordance Policies 35 & 38 of the Horsham District Planning Framework (2015).

22. **Pre-occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a lighting strategy shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

23. **Regulatory Condition:** Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A B C and E of Part 1 of Schedule 2 to the order shall be erected, constructed or placed within the curtilages of the dwelling at plots 37, 38, 39 and 40.

Reason: In the interest of the amenity of 44 Brook Road and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

#### Notes to Applicant:

1. Please be advised that there are conditions on this notice that will require formal discharge. In order to secure the discharge you will need to submit an "Application for approval of details reserved by condition" application form and pay the appropriate fee, guidance and the forms can be found at [www.planningportal.gov.uk/planning/applications/paperforms](http://www.planningportal.gov.uk/planning/applications/paperforms).
2. The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.
3. The applicant is advised to contact West Sussex County Council Highways, tel no: 01243 642105 or to visit <https://www.westsussex.gov.uk/> for information on how to obtain formal approval from the highway authority to carry out works to the public highway. All necessary costs, the appropriate license and application fees for any works and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed.
4. Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
5. A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link <https://www.horsham.gov.uk/planning/development-management>.
6. The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

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

Background Papers: DC/16/2855 and DC/16/2856