



TO: Planning Committee North
BY: Development Manager
DATE: 4 April 2017
DEVELOPMENT: Proposed demolition of existing garages and erection of 21 No. dwellings and associated parking and landscaping.
SITE: Land at Pelham and Waverley Courts Bishopric Horsham West Sussex
WARD: Denne
APPLICATION: DC/16/2936
APPLICANT: Saxon Weald

REASON FOR INCLUSION ON THE AGENDA: Linked application with DC/16/2934 and DC/16/2935

RECOMMENDATION: That delegated powers be granted to the Development Manager to approve the application subject to conditions and the completion of a section 106 legal agreement to secure contributions towards infrastructure and linking this application to applications DC/16/2934 and DC/16/2935 to ensure that the appropriate affordable housing provision and mix is provided across the three sites

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

Residential units

- 1.1 The planning application proposals the demolition of the existing garages and parking areas currently located in the northeast corner of the site, and the construction of two three-storey residential apartment blocks linked by a one storey residential building. Within these blocks the following residential units would be created:
 - 8 x 2-bedroom apartments
 - 13 x 1 bedroom apartments
- 1.2 The internal floor space of the apartments would range between 50-51.5m² for the one bedroom apartments and between 60-70m² for the two bedroom apartments.
- 1.3 Of the dwellings proposed, 16 would be for sale on the open-market and 5 (all 1-bedroom units) would be offered for shared ownership.

Design and Materials

- 1.4 The apartment buildings are of a contemporary style with flat roofs and are comprised of two 3-storey sections separated by a single story section which runs alongside the boundary with 53-55 Bishopric.
- 1.5 The ground floor of the 3-storey sections of the proposed apartment building would be constructed of stock red brick to match the existing Pellham and Waverley Court, with the majority of the first and second floors constructed of smooth through-coloured white render with some parts in a grey fibre-cement cladding.
- 1.6 The single storey section would be clad throughout with the grey fibre-cement cladding. This would be set up against the existing wall between the application site and 53-55 Bishopric; no windows would be set into that wall and the new building would be set below the level of the existing wall.
- 1.7 The flat roof would be capped with 60mm zinc and the window/door frames and balconies are to be dark grey UPVC.
- 1.8 Each of the first and second floor apartments would be provided with a balcony, enabling the future residents to access outside amenity space. Of the ground floor apartments, two of the 2-bedroom ground floor apartments would be provided with a patio garden; one apartment would have access to an area enclosed by railings (of similar appearance to the balconies on the floors above); one apartment would have access to a semi-private area partly enclosed by a low wall; the others would be provided with French windows from which to access an area of semi public/private space or the communal open space surrounding the new building.
- 1.9 The southern-most part of the proposed building lies directly alongside the site boundary with service yard of the John Lewis and Waitrose (southeast of the site) with an internal lobby and hall set against much of the eastern elevation, with the bedrooms facing into the application site and furthest from the John Lewis service yard.

Bin and Cycle storage

- 1.10 A cycle storage area, with capacity for 20 bicycles, would be provided for the new units. This would be located on the ground floor and accessed directly from the car parking area via a dedicated external doorway.
- 1.11 The existing cycle storage area which currently provides storage for 20 bicycles for the existing residential units would be relocated to where the bin storage area is currently located and would be alongside the open parking area for the new residential units. An additional open cycle storage area for 32 bicycles would be provided; this would be located to the rear of the site near the southwestern site boundary.
- 1.12 The bin storage area for the existing residential units would be relocated from its existing position and would be located approximately 9m from the eastern elevation of Pelham Court and would be 9.5m in length, 3.5m width and 2.2m in height, accommodating 14 x 1100L bins and be constructed from dark grey stained timber panelling with doors at either end.
- 1.13 A second bin storage area for the existing residential units would be located close to the northern site boundary with A281 Bishopric. This would also be constructed from dark grey stained timber panelling and have the same dimensions as the other refuse storage area. It would accommodate 13 x 1100L bins and have a door at its eastern elevation only. The relocated substation would be located alongside the eastern elevation of this bin storage unit. These buildings would be located 6.2m from the northern elevation of Pellham Court.

- 1.14 The bin storage area for the new residential units would be located alongside the northern site boundary with 53-55 Bishopric and also alongside the patio garden area of Plot 1 of the new residential units. This bin storage area would be divided into 4 parts, each containing 2 bins x 1100L bins and accessed by double doors (containing 8 x 1100L bins in total). This would be constructed of timber, painted grey to match the cladding used on the remainder of the building.

Car parking and access

- 1.15 There are currently 99 parking spaces (including garages and car ports) within the site. The parking for the site as a whole will be revised to provide a total of 102 parking spaces located within 5 separate areas within the site. The parking spaces would be defined and would be allocated to individual units..
- 1.16 The proposal would include alterations to the access into the site from B271 Bishopric, improving the visibility splays and the kerb radii provided with an addition pedestrian footpath provided into the site separated from the vehicle access. The vehicle access would be separated from the pedestrian access by gates. The gates would be operated by fob or code and would be linked to the flats to allow access for deliveries and would be constructed with a steel frame with timber boarding stained dark grey.
- 1.17 The applicant has also advised that the internal roadway within the application site will be built to adoptable standards in order to take the weight of the refuse lorry (26 tonnes).

Boundary treatment and landscaping

- 1.18 The brick wall that forms the boundary between the application site and 53-55 Bishopric would remain in situ. The trees and landscaping situated around the site boundaries would remain although the proposal would result in alterations to existing landscaping within the central part of the site. The 'island' landscaped areas in the middle of the site are proposed to be removed and replaced by parking. The existing trees within these areas would be removed with a total of 11 trees throughout the site proposed for removal. A grassed area in the north western corner of the site (alongside the northwestern elevation of Pelham Court) would be replaced with an area for parking. Also two new parking spaces (Nos 18 & 19) would be created adjacent to the site access and alongside the A281 Bishopric.
- 1.19 No loss of TPO trees is proposed, with 'no dig' construction methods used in the construction of the the proposed new access road and car parking bays at the northwest part of the site.

DESCRIPTION OF THE SITE

- 1.20 The application site is located alongside the A281 Bishopric, one of the main routes into Horsham. Residential development lies alongside the western, southern and part of the northern site boundary (Tanfield, Cox House, Landgridge House and 53-55 Bishopric), with the service yard of the large John Lewis/Waitrose retail site lying alongside the site's eastern boundary.
- 1.21 The application site is occupied by two blocks of flats, garages, car ports, informal parking areas, landscaping and bin and cycle storage. The residential blocks are three stories high of buff brick with white UPV windows and a pitch roof and are understood to have been constructed c.1959.
- 1.22 Within the site, car parking is made up of 26 garages, 28 car ports and space for parking up to 45 vehicles (informal rather than formally delineated spaces) making a total of 99 car parking spaces. The applicant has provided information stating that of the 54 garages and

car ports, 25 are currently not used for parking of vehicles, 23 are let to residents of Pelham and Waverly Courts and 6 are let to people not resident at the application site.

- 1.23 The site's sub-station and a covered bin storage area are located to the south of the existing garages and a covered cycle storage unit is located to the southwest of the garages.
- 1.24 Other than the Pellham and Waverley Court apartment blocks, the closest residential properties to the site are those to be located at the flats to be located at 53-55 Bishopric which are currently under construction and will accommodate 17 affordable housing units. This is a three storey building rendered in white with a pitched roof and balconies. The southern elevation which faces the application site lies 1.0m from the existing boundary wall at its closest point. The closest balconies are set back from the boundary by 6.5m.
- 1.25 The flats are located in the central part of the application site with amenity grass, trees and a footpath around the outer part of the site. There are also two landscaped areas (grass, some shrubs and trees) within the central part of the site between the blocks of flats that act as traffic islands, around which vehicle parking takes place.
- 1.26 The site is subject to part of Tree Preservation Order 61/1960 which details three trees and two boundary tree groups located along the northern and western boundaries.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework:

- NPPF4 - Promoting sustainable transport
- NPPF6 - Delivering a wide choice of high quality homes
- NPPF7 - Requiring good design
- NPPF8 - Promoting healthy communities
- NPPF14 - Presumption in favour of sustainable development

Horsham District Planning Framework (HDPF 2015)

- HDPF1 - Strategic Policy: Sustainable Development
- HDPF2 - Strategic Policy: Strategic Development
- HDPF3 - Strategic Policy: Development Hierarchy
- HDPF5 - Strategic Policy: Horsham Town
- HDPF15 - Strategic Policy: Housing Provision
- HDPF16 - Strategic Policy: Meeting Local Housing Needs
- HDPF25 - Strategic Policy: The Natural Environment and Landscape Character
- HDPF32 - Strategic Policy: The Quality of New Development
- HDPF33 - Development Principles
- HDPF37 - Sustainable Construction
- HDPF39 - Strategic Policy: Infrastructure Provision
- HDPF40 - Sustainable Transport
- HDPF41 - Parking
- HDPF43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

The proposed development is located within part of the unparished area(s) of Horsham Town which have joined together to form the Horsham Blueprint Neighbourhood Forum. The Neighbourhood Plan area has been designated and includes all of the urban areas of Horsham with exception of the North Horsham Parish. The Horsham Blueprint Neighbourhood Forum has yet to publish a Neighbourhood Plan for public consultation.

PLANNING HISTORY

DC/14/2416	Construction of a waste bin enclosure, also installation of modular lockable bicycle containers	Application Permitted on 08.01.2015
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3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 HDC Environmental Health Officer – This consultee identified that no environmental noise survey or air quality information had been submitted to accompany the planning application and that this information was required in order that the application be properly determined. The Environmental Health Officer (EHO) has indicated that in line with HDC's Air Quality Action Plan the application should make provision for residents to make green vehicle choices and identified that provision be made within the development for charging points for electric vehicles to facilitate the adoption of low emission and zero emission vehicles which is considered to be important for the sustainability of the development as a whole and especially important in urban areas.
- 3.2 With regard to noise the EHO advised the Council has received complaints from other nearby residents concerning late noise generated by activity at the loading bay serving the adjoining commercial premises and more generally that the Council also receives complaints concerning machinery plant and equipment used in electrical substations. Accordingly this consultee advised that whilst the applicant's assertions that the development has been designed to minimise noise exposure is welcomed, without information of the prevailing ambient noise climate the efficacy of these proposals cannot be ascertained with any confidence. Subsequently the applicant submitted a report detailing an ambient noise survey undertaken which indicates that World Health Authority night time noise standards would be met. The Council's EHO has accepted the conclusions of this report.
- 3.3 With regard to contaminated land this consultee has advised that the construction on and use of the land currently occupied by the garage block may pose a source of risk to future occupiers of the site. In addition, the relocation of the substation would involve the potential exposure and handling of extremely hazardous substances. It is considered however that these potential risks can be addressed by the addition to the planning permission of appropriate conditions.
- 3.4 HDC Drainage – No objection subject to conditions requiring submission of detailed information relating to foul and surface water drainage.
- 3.5 HDC Waste Management – This consultee has advised that the proposed bin provision is appropriate and requested that confirmation that the bin cupboard sited behind the A281 Bishopric must be suitable for a 26 tonne vehicle and include cast iron drains. The applicant has since confirmed that the roadway within the application site will be built to adoptable standards in order to take the weight of the refuse lorry.

- 3.6 HDC Housing Officer – This consultee has considered this application in the context of the other two linked applications (DC/16/2935 & DC/16/2934) and considers that the overall affordable housing provision of 14 affordable housing units of the total of 39 dwellings proposed between the three applications would equate to 36% affordable housing provision which is policy compliant. This consultee also advises that the 14 affordable units would be comprised of 11 x 1-bedroom units and 3 x 2-bedroom units and that smaller units are currently in great demand for those in housing need.
- 3.7 The proposed tenure split is 64% in favour of affordable rented accommodation which whilst slightly below the required 70/30 split detailed within the supporting statement to Policy 16 of the HDPF, the proposed tenure split is considered to be acceptable.
- 3.8 The consultee also advises that housing officers anticipate that the affordable rented units within application DC/16/2935 would be delivered prior to the units within this application and also those proposed within DC/16/2934.
- 3.9 HDC Landscape Officer – This consultee has advised that that much of the landscape concept ideas included within the pre-application proposals discussed with the Council and which were proposed to mitigate the loss of some of the open space within the site have not been included within this application. Pre-application comments relating to landscape included a number of suggestions relating to improvements to internal circulation routes/pathways; opportunities for gathering in the central open spaces and the creation of different ‘rooms’ within the remaining open areas; including informal playful elements. These have not been included within this application, nor has any information been provided as to how the existing underused public spaces will be improved and better used.
- 3.10 This consultee considers that it is important that landscape mitigation proposals are pursued to improve the amenity of existing and new residents and has suggested that the residents are engaged to identify whether there is any interest to create a community garden that they would be happy to look after and care for.
- 3.11 Further comments on the particulars of the application:
- No details have been provided for the type of planting and tree planting proposed within the Site Plan
 - The location of the proposed metal estate fence is not clear
 - DWG E6606 - impermeable areas drawing suggests that the parking bays are impermeable areas, however 4.07 and 4.14 Sustainability section of the DAS, refers to these being permeable block paving?
 - No reference is made to the green roof shown at pre-app stage, this should be considered in the interest of ecology and overall amenity of the area as discussed above
- 3.12 HDC Tree Officer – This consultee raises no objection to the proposed development. The concerns raised by the Horsham Society regarding the loss of trees on the site are noted however the consultee advises that the trees to be felled are small and/or poor and that they are to be replaced with 26 trees. The ground measures to be undertaken to ensure no harm to rooting areas of TPO trees is considered to be sufficient.
- 3.13 HDC Communities and Leisure – The Council’s contributions calculator has been applied and the following contributions would be required:
- Open Space Sport and recreation – there is no provision of amenity green space, natural green space or allotments within the development. Nor is there any provision of equipped play facilities, youth facilities, tennis courts, multi courts, park/recreation grounds or outdoor sports facilities within the development. A financial contribution of £17,888 would be required. There is a requirement for adult fitness equipment in nearby

Horsham Park and the recommendation is that all of the £17,888 of OSR money is directed towards that.

- Community Centres and Halls – There are no such facilities provided within the development and a financial contribution of £4,324 would be required. A suitable project for the community centres/halls contribution would be improvements to the Royal British Legion’s Edwyn Hall in order to extend its community use.

OUTSIDE AGENCIES

- 3.14 WSSC Local Highways Authority – This consultee considers that the modified vehicular access onto Bishopric appears to be designed to meet current standards, also that the car parking provision is anticipated to satisfy the likely parking demands.
- 3.15 Whilst no initial concerns were raised to the application, the Local Highways Authority requested some further information from the applicant in relation to a Stage 1 Road Safety Audit (RSA). Since the initial consultation response the LHA has undertaken discussions with the applicants Transport Consultant on the way forward with an RSA.
- 3.16 The LHA has advised that it will accept a RSA1/2 submitted post planning consent, however the applicant has been made aware that if there are issues with the design this could hold up the application post consent (if granted). We will on that basis agree to the RSA1/2 for this application as the works are of a minor nature, but on the understanding of the points raised above. The RSA can be conditioned as part of any planning consent.
- 3.17 The consultee has advised that the access has been designed to meet current standards with kerb radii of 6 metres provided and visibility splays of 2.4 by 43 metres available. Also given the site’s location within the centre of Horsham with passenger transport facilities within short walking distance, parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC). Based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.
- 3.18 The LHA has advised that it does not consider that the proposed development would have a ‘severe’ impact on the operation of the highway network, therefore it is not contrary to paragraph 32 of the NPPF and there are no transport grounds to resist the proposal subject to conditions relating to access, car parking and road safety audit.
- 3.19 WSCC S106 Consultation – This consultee has stated that the following contributions would be required for the provision of necessary infrastructure associated with this proposed development:

S106 Type	Monies Due	Purpose of contribution
Education Primary	£8,277	Additional equipment at Arunside Primary School
Education Secondary	£8,908	Supporting the National Curriculum at Tanbridge House School
Libraries	£4,104	Providing flexible shelving to enable increased community use at Horsham Library
Fire and Rescue	£1,500	
No. of Hydrants	Secured under Condition	
TAD (Total Access Demand)	£19,776	

- 3.20 This consultee has also advised the where the developer intends to keep some of the estate roads private WSCC will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

- 3.21 Southern Water – This consultee has advised that following initial investigations it can provide a water supply to the site and provide foul sewage disposal to service the proposed development and that formal applications for connection to the water supply and also the public sewer would be required.
- 3.22 The consultee has also advised that the proposal to divert the existing public surface water sewer would require a formal application under S185 of the Water Industry Act 1991 and that no development or new tree planting should be located within 3.5m either side of the centreline of the public sewer and that no new soakaways should be located within 5m of a public sewer or water main.
- 3.23 However Southern Water also advises that initial assessment indicates that it cannot accommodate the surface water discharge needs of the proposed development without providing additional local infrastructure. The proposed development would increase flows into the surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. Discharge of surface water may occur however if it is ensure that there is no overall increase in flows into the surface water system and that no surface water flows no greater than existing levels are discharged. Detailed information would be required to confirm this.
- 3.24 With regards to Sustainable Drainage Systems (SuDS), Southern Water advises that arrangements for the long term maintenance of these facilities will need to be made as it is critical that the effectiveness of these systems is maintain in perpetuity.
- 3.25 The consultee has requested that should the application receive planning approval that a number of planning conditions and informatives relating to formal applications for connection to the sewerage and water supply systems; drainage strategy and surface water disposal; are attached to the consent.
- 3.26 Horsham and Mid Sussex Clinical Commissioning Group (CCG) – This consultee has advised that given the increased number of patients resulting from the application and also the current pressure on NHS capital budgets, a developer contribution towards Healthcare capital infrastructure improvements is appropriate. The level of contribution has been assessed as being £8,044, calculated using West Sussex average occupancy figures and using the Senior District Valuer’s approved formula.
- 3.27 Denne Neighbourhood Council – This consultee raised a number of issues directly with the applicant regarding proposed materials, refuse collection and landscaping. In addition, the consultee has queried whether any provision is required for storing electric buggies; whether there is a legal requirement for a minimum number of disabled & visitor spaces; and whether there is any provision for charging electric vehicles.
- 3.28 UK Power Networks – No objection

PUBLIC CONSULTATIONS

- 3.29 Seven letters of objection have been received from members of the public including the Horsham Society. The concerns raised by the letters of representation include the following points:
- Removal of trees and other landscaping and impact on biodiversity
 - Quality of materials proposed for new buildings
 - Lack of survey for bats and the potential impact on that species
 - Impacts of construction process including disturbance to residents also access into the site and parking of contractor’s vehicles and plant
 - Over development of the site

- Existing lack of parking of the site which will be made worse particularly if garages are removed before remainder of parking provision on site is provided/reorganised.
- Road safety – pedestrian crossing open access
- No allocated visitor or disabled car parking spaces or parking provision for mobility scooters currently parked within garages
- Garages currently used to house valuable vehicles that should not be parked outside
- Risk assessment of asbestos removal

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

The Principle of the Development

- 6.1 Policy 1 of the HDPF states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF (paragraph 14). Paragraph 49 of the NPPF goes on to state that housing applications should be considered in the context of the presumption in favour of sustainable development, also that if the LPA is able to demonstrate a five year supply of deliverable housing sites, then the relevant policies within the Local Plan can be considered to be up-to-date. The Council's Authority Monitoring Report for the period 1st April 2015 – 31st March 2016 (published December 2016) demonstrates that the Council has a 109% Five Year Housing Land Supply (5YHLS) against the HDPF requirement so that its HDPF housing policies remain up-to-date and relevant to this application.
- 6.2 The application site lies within the Built Up Area Boundary of Horsham which is identified within Policy 3 of the HDPF as the 'Main Town' within the District. HDPF Policy 2 sets out that the Council's spatial strategy is (*inter alia*) to focus development in and around Horsham; encourage the effective use of land that has been previously developed and provide for the varied housing needs of the community. Policy 5 of the HDPF specifically relates to development within Horsham Town, stating that development within the built-up area of Horsham will be allowed where it (*inter alia*) "*Delivers a mix of residential properties which meet the needs of the population and contributes to quality modern living that is compatible with a town centre setting*".
- 6.3 As such, provided there is no conflict with other policies within the HDPF, the principle of the development in this location is considered to be acceptable.

Housing Sizes, Types and Tenures

- 6.5 Of the 21 residential units proposed, 16 would be developed as market housing and the remaining 5 (23%) will be offered for affordable housing. This would fall below the 35% required by Policy 16 of the HDPF nor would it provide for the 70% affordable properties for rent /30% intermediate/shared ownership tenure split defined in the HDPF. However, the applicant has proposed that this application be linked, by means of legal agreements, to

applications DC/16/2934 and DC/16/2935 so that in terms of affordable housing provision and tenure split, these three applications are considered as one. This approach has been accepted by Council officers.

- 6.6 The total number of residential units provided by all three applications is 39, comprising 25 (64%) market dwellings and 14 (36%) affordable units with a tenure split of 9 affordable rent (64%) and 5 (36%) shared ownership. The provision of 14 affordable units equates to a provision of 35% which meets the requirements of Policy 16 of the HDPF. Whilst the tenure split proposed is slightly lower than that specified within the HDPF, it is considered acceptable.
- 6.7 It should be noted that if application reference DC/16/2935 is not granted planning permission, and that this application is considered purely on its own merits, the proposed provision of affordable housing would not be sufficient (17% only) and would be contrary to Policy 16 of the HDPF. As such, the acceptability of this application relies on a resolution to grant permission for DC/16/2935
- 6.8 Policy 16 also requires that development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessments.
- Market housing¹ - for Horsham Town the market housing size mix for owner occupiers is recommended to be 15% 1-bedroom; 40% 2-bedroom, 30% 3-bedroom; and 15% 4+ bedroom dwellings. The market housing size mix for this application is evenly split between 1 and 2 bedroom units having a particularly high concentration of 1-bedroom units when compared with the published guidance and as such does not appear to fully support this part of Policy 16 of the HDPF. However, the units will make a contribution to meeting overall market housing need and does provide a significant proportion of two-bedroom units, for which the 2016 Market Housing Mix report identifies the highest demand for.
 - Affordable housing² - the requirement for affordable housing for Horsham District is for 20% of 1-bedroom units; 45% of 2-bedroom units; 25% 3-bedroom units; and 10% 4-bedroom units. When considered in conjunction with application DC/16/2935 the mix of affordable dwelling sizes is 11x 1-bedroom units (78%) and 3 x 2-bedroom units (22%). Whilst the proposal does not reflect the mix of sizes as set out above, Council Housing Officers have confirmed that smaller units are currently in great demand for those in housing need and as such the proposal is considered to support Policy 16 of the HDPF.
- 6.9 The legal agreement to secure the provision of affordable housing is currently under preparation. This will link this proposal to DC/16/2935 and DC/16/2934 to ensure that the total affordable housing requirement generated by the three applications is secured across the sites of this application and DC/16/2935. The legal agreement will also secure the financial contributions for the provision of infrastructure as required by Policy 39 and discussed below. As such the application complies with paragraph 50 of the National Planning Policy Framework (2012), the Horsham District Local Development Framework: Planning Obligations Supplementary Planning Document (2007) and Policy 16 of the Horsham District Planning Framework (2015).

¹ Market Housing Mix: Crawley Borough Council and Horsham District Council. November 2016. Chilmark Consulting Ltd

² Northern West Sussex Housing Market Area: Affordable Housing Needs Model Update. Chilmark Consulting October 2014

Design and Layout

- 6.10 The external materials and colours proposed for the render, windows, doors and balconies of the new residential units are similar to those used in the adjacent 53-55 Bishopric development currently under construction (DC/15/0594). The brickwork used for the ground floor part of the residential units will be selected to match the colour of the bricks used within the existing Pelham and Waverley Court buildings. As such it is considered that the materials proposed will be in keeping with the surrounding streetscene.
- 6.11 No detail has as yet been provided of the paving to be used throughout the site, however this can be controlled through condition which forms part of this recommendation.
- 6.12 The layout of the site includes modifications to the vehicular access which has been designed to meet current standards in terms of kerb radii and visibility splays. As a Stage 1 Road Safety Audit (RSA) has not been submitted with the application, the details of the site access may alter depending on the outcome of the Stage 1/2 RSA which would be required and could be conditioned to be submitted post consent (if granted). The applicant has been advised of the potential delay that this could cause to the development.
- 6.13 The site is located within a central location within Horsham, with passenger transport facilities, shops, services and leisure opportunities within short walking distance. Given this, the extent of parking has been assessed and meets the requirements of the WSCC Parking Demand Calculator (PDC). The proposed development is therefore considered to satisfy Policy 41 of the HDPF.
- 6.14 The construction of the new car park areas would result in changes to the layout of the pedestrian footpaths that run around the site which would be shortened and would run through the car park areas. There is no dedicated pedestrian footpath through the central part of the site, with pedestrians sharing the space with cars and other vehicles; this situation would not change. However, pedestrian access into the site would be improved (for pedestrians coming from the west) with a separate gate for pedestrian access to be provided which would lead to pavement into the site. Pedestrians from the east would however be likely to use the vehicle access into the site, as currently occurs.
- 6.15 One of the concerns raised by respondents was that the proposal would lead to the overdevelopment of the application site. Whilst the majority of the development would occur on land currently occupied by the car ports and garages, other parts of the site that are currently landscaped would be lost to provide car parking. Whilst the majority of this area is not considered to provide useable amenity space, there may be a visual impact of its loss. However a large part of the site would remain open and available for use for amenity. As such it is not considered that the proposed development would result in overdevelopment of the application site.
- 6.17 As such, should the proposed development be permitted, provided that appropriate conditions are applied the proposed development is considered to satisfy Policies 32 and 33.

Amenity of current and future residents

- 6.18 The new developments will be located within the northwest corner of the application site, lying alongside the western site boundary with the John Lewis Service yard and also the apartment building at 53-55 Bishopric to the north. The internal layout of the new residential units has been arranged so that the bedrooms face into the application site, with halls and foyers lying immediately adjacent to the boundary wall with the John Lewis site. The applicant has commissioned an ambient noise survey which indicates that the noise levels experienced within the proposed apartments would remain within World Health Authority standards and this report is accepted by the Council's EHO

- 6.19 At its closest point, the proposed residential units would be located approximately 12m from the eastern elevations of Pelham Court, however this building is set at an angle, such that views from the new development would be somewhat oblique. It is not considered that the proposed development would have direct views into the windows of Pelham Court and would not result in an unacceptable loss of privacy to the residents of this building. The windows of the southern part of the proposed residential block would directly face part of Waverly Court, however these buildings would be 20m apart and as such it is not considered that any adverse effect on privacy or amenity would result.
- 6.20 A small area of green open space at the northeastern corner of the application site would be lost in order to provide additional car parking. This would be located close (approx. 1.5m) from the eastern elevation of Pelham Court and would alter the view from the apartments in that part of the building however the loss of view is not a planning consideration. Throughout the application site, car parking is currently located in close proximity to the windows of ground floor residential units, so this relationship is not considered to represent an unacceptable loss of amenity to those residents.
- 6.21 The two new refuse and recycling storage areas would be located 6.2m (located in the northeast of the site) and 9m (central part of the site) from the nearest elevation of the existing Pelham and Waverly Courts. The existing bins are currently located 6.7m from the northern elevation of Waverley Court; so that the new bin location would be only minimally closer to residential properties. As such it is considered that the relocation of the refuse storage areas would not result in an unacceptable loss of amenity to existing residents at the site.
- 6.22 Plot 1 of the proposed residential units would be located adjacent to the bin storage area for the new buildings, however, no windows are provided within the northern elevation of that residential unit, so that the passage of people to access these bins is not considered to result in an adverse effect on the privacy and amenity of the future residents of plot 1.
- 6.23 Given the proximity of the proposed residential units to the residential building at 53-55 Bishopric it is considered that there is the potential that the patio gardens provided for plots 1 and 5 may be subject to overlooking from windows, balconies and the second floor roof terrace at 53-55 Bishopric. For Plot 5 the oblique angle of view from the position of the nearest windows in 53-55 would reduce the potential for overlooking. Whilst the small size and the surrounding walls would mean that the patio garden for No. 5 could result in this space being in shade for a relatively high proportion of time, it is considered that despite this the proposed patio garden would represent useful outside amenity space for this unit.
- 6.24 It is considered that there may be some mutual overlooking from the roof garden of 53-55, however Given the location within the town centre, a degree of mutual overlooking is expected and is not considered to result in any undue harm.
- 6.25 As set out above, the proposal involves the loss of some open and landscaped areas within the existing site. Overall, it is considered that the total area of amenity space provision (including the private balconies and patios) is acceptable. However, the existing occupiers will experience a reduction in the area of amenity space as a result of the creation of new parking areas, bin/cycle storage and circulation space within the site. As such, it will be necessary to ensure that the remaining, reduced area of amenity space is enhanced to improve its appearance, flexibility and create a better quality space to compensate for the overall loss in area. This is discussed in more detail below.
- 6.26 Given the above, subject to appropriate conditions, the design of the development is considered to ensure that the amenity of future residents and neighbours would not be subject to unacceptable harm and that the proposed development is considered to be in line with Policies 32 and 33 of the HDPF.

Sustainable Construction

- 6.27 The refuse and recycling storage facilities that are proposed are of sufficient size and capacity for the number and size of existing and proposed residential units within the application site, and the internal roads will be designed to a standard sufficient to accommodate the size and weight of the refuse collection vehicles used by the Council.
- 6.28 The development has provided cycle storage facilities for the new residential units and retained the cycle storage for the existing development, at a level that the LHA has deemed sufficient.
- 6.29 No detail has been submitted regarding provision of access to high speed broadband or regarding limiting water use within the new residential units to 110 litres/person per day as required by Policy 37, however it is considered that these element of the design can be controlled by appropriate conditions
- 6.30 The development is therefore considered to comply with Policy 37 of the HDPF.

Trees and Landscaping

- 6.31 The proposed development would remove a number of trees of limited value and would plant 26 trees throughout the site. No trees subject to TPO would be removed and provided that the recommendations set out within the submitted Tree Survey ensuring protection of roots of protected trees, no adverse impact on these trees would be expected. As such the proposal complies with policies 31 or 32 of the HDPF.
- 6.32 The Council's Landscape Architect has raised concerns that measures to mitigate the loss of existing amenity space and landscaped areas within the application site, and improvements to the remaining open space are limited in nature. As set out above, the reduction in the total area of amenity space results in harm to the amenity of existing occupiers of these flats and suitable measures to ensure that the remaining spaces are improved are necessary. A landscaping scheme has not been presented with this application which can be secured by condition requiring full details to be submitted.

Parking

- 6.33 The level of parking provision has been considered and given the site's location in central Horsham is considered to be acceptable and not contrary to Policy 41 of the HDPF.
- 6.34 Concern has been raised by respondents regarding the impact and inconvenience that would be caused to residents of Pelham and Waverley Courts that currently rent the garages, in particular regarding parking provision for mobility scooters and motorcycles. No specific provision for undercover parking for these types of vehicles has been included within the development, however both of these types of vehicles are able to be stored outside. A condition requiring the provision of charging points for electric vehicles forms part of this recommendation. As such, whilst the loss of the garages and car ports and their replacement with open car parking spaces may be inconvenient to a small number of people, it is not considered that this would represent a loss of amenity to existing residents or neighbours of sufficient weight to amount to a conflict with the development plan
- 6.35 The overall level of parking has been assessed by WSCC Highways, and they confirm that the proposed provision is acceptable and would not cause any undue impact on the local highway network. As such the proposal is considered to be acceptable and complies with Policy 41 of the HDPF.

Environmental Protection

- 6.36 There is considered to be potential risk of contamination at the site, however a condition forms part of this recommendation to address any contamination risk. .

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions.

Conditions:

1. A condition listing the approved plans
2. **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3. **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:
 - a. an indicative programme for carrying out of the works;
 - b. the arrangements for public consultation and liaison during the construction works;
 - c. the parking of vehicles of site operatives, contractors and visitors;
 - d. loading and unloading of vehicles, plant and materials;
 - e. storage of plant and materials and the siting of temporary buildings/structures used in and/or during constructing the development;
 - f. the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
 - g. the provision of wheel washing facilities if necessary;
 - h. measures to control the emission of dust and dirt during construction;
 - i. a scheme for recycling/disposing of waste resulting from demolition and construction works including any hazardous waste;
 - j. details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - k. measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)

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

4. **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).

5 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 within the Arboricultural Appraisal Report, 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).

6 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).

7 Pre-Commencement Condition: No development shall commence until details of the proposed means of foul and surface water sewerage disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. 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).

8 Pre-Commencement Condition: No development shall commence until a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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).

9 Pre-Commencement Condition: No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

10. **Pre-Commencement Condition:** No development shall commence until a schedule detailing the phasing and timescales of the relocation and construction of the refuse and recycling storage areas has been submitted to and approved in writing by the Local Planning Authority. Both the relocated and new refuse and recycling stores shall thereafter be implemented in accordance with the approved timescales and 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).

11. **Pre-Commencement Condition:** No development shall commence until a schedule detailing the phasing and timescales of the relocation and construction of the cycle storage areas has been submitted to and approved in writing by the Local Planning Authority. Both the relocated and new cycle storage areas shall thereafter be implemented in accordance with the approved timescales and thereafter be retained for use at all times.

Reason: To ensure the adequate provision of cycle storage facilities in accordance with Policy 40 of the Horsham District Planning Framework (2015).

12. **Pre-Commencement Condition:** No development shall commence until such time as a Stage 1/2 Road Safety Audit and accepted in the Designers Response have been submitted to an approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 13 **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 building(s) 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).

- 14 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place 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).

- 15 **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).

- 16 **Pre-Occupation Condition:** Prior to the first occupation (or use) 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).

- 17 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a biodiversity and landscape management plan (including biodiversity enhancements, long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The

landscape areas shall thereafter be managed and maintained in accordance with the approved details.

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).

- 18 **Pre-Occupation Condition:** Prior to the first occupation (or use) 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 (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) 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).

- 19 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 20 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces (including provision for charging electric vehicles) serving it have been constructed and made available for use in accordance with approved drawing number Site Plan 6357-03 Ver F . The car parking spaces and the electric vehicle charging points 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).

- 21 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

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 and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Note to Applicant

In preparing a scheme of hard and soft landscaping to address the requirements of the above conditions, the Applicant should take note of the comments of the Council's Landscape Architect dated 8th March 2017 and the need to improve and enhance the retained amenity spaces and landscape areas which will be reduced in size as a result of this proposal.

Note to Applicant

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms .

Note to Applicant

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 .

Note to Applicant

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

Note to Applicant

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>.

Note to Applicant

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk .

Note to Applicant

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Note to Applicant

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Background Papers: