



**TO:** Planning Committee North  
**BY:** Development Manager  
**DATE:** 4 April 2017  
**DEVELOPMENT:** Proposed demolition of existing garages, and erection of 9 No. affordable dwellings and associated parking and landscaping  
**SITE:** Garage Block Swann Way Broadbridge Heath West Sussex  
**WARD:** Broadbridge Heath  
**APPLICATION:** DC/16/2935  
**APPLICANT:** Saxon Weald

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Councillor French.

**RECOMMENDATION:** That delegated powers be granted to the Development Manager to approve the application subject to no further material considerations being received, conditions and the completion of a section 106 legal agreement to secure contributions towards infrastructure and linking this application to applications DC/16/2935 and DC/16/2936 to ensure that the appropriate affordable housing provision and mix is provided across the three sites

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.2 The application seeks full planning permission for the construction of 9 flats, comprising a mix of 6 one-bedroom flats and 3 two-bedroom flats, with associated parking and landscaping.
- 1.3 The proposal consists of a three storey block, each floor providing 2 one-bedroom flats and 1 two-bedroom flats. The walls of the scheme will be finished in three colours of bricks – a light coloured brick to the main building, a slightly darker brick beneath windows, and a blue grey coloured brick to a central recess. A slate tile is proposed for the roof. Grey windows and doors are proposed with black uPVC bargeboards.
- 1.4 A total of 7 car parking spaces are proposed, including a disabled bay, along with 4 spaces being made available at the neighbouring Sleets Road development under reference DC/16/2394 (considered also on this agenda). A fully enclosed, secure and lit cycle store will be provided with one space being provided per flat. Refuse stores are to be provided at the front of the building. Private garden areas are to be provided to the rear/sides of the building for the occupiers of the ground floor flats.

- 1.5 This application is to be considered in conjunction with two other applications – the proposed demolition of existing garages and the erection of 21 dwellings (16 market dwelling and 5 shared ownership) at Pelham and Waverley Court, Horsham under reference DC/16/2936; and the proposed demolition of existing garages and erection of 9 dwellings (all market dwellings) on land at Sleets Road, Broadbridge Heath under reference DC/16/2934. The total quantum of development over the three sites would comprise 14 affordable units and 25 market dwellings. This results in a 36% affordable housing provision across the three conjoined sites.

#### DESCRIPTION OF THE SITE

- 1.6 The application site is located within the built-up area boundary of Broadbridge Heath, in the eastern part of the village. The site lies to the south of Swan Way and currently comprises a number of garages arranged in two blocks.
- 1.7 The application site lies in an area of prevailing residential character, which comprises a mix of three storey apartment blocks and two storey dwellings. The properties to the immediate west and south of the site are two storey in height, with two three storey blocks to the east of the site and a number of three storey blocks on the opposite side of Swann Way. There is a mixture of designs and styles of properties in the immediate area along with a range of materials, although the prevailing material is brick.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework:**  
 NPPF4 - Promoting sustainable transport  
 NPPF6 - Delivering a wide choice of high quality homes  
 NPPF7 - Requiring good design  
 NPPF14 - Presumption in favour of sustainable development

#### RELEVANT COUNCIL POLICY

- 2.3 **Horsham District Planning Framework (HDPF 2015)**  
 HDPF1 - Strategic Policy: Sustainable Development  
 HDPF2 - Strategic Policy: Strategic Development  
 HDPF 3 - Strategic Policy: Development Hierarchy  
 HDPF15 - Strategic Policy: Housing Provision  
 HDPF16 - Strategic Policy: Meeting Local Housing Needs  
 HDPF24 - Strategic Policy: Environmental Protection  
 HDPF32 - Strategic Policy: The Quality of New Development  
 HDPF33 - Development Principles  
 HDPF35 - Strategic Policy: Climate Change  
 HDPF37 - Sustainable Construction  
 HDPF40 - Sustainable Transport  
 HDPF41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 There is no neighbourhood plan for the parish of Broadbridge Heath and no neighbourhood plan designation area application has been submitted.

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 There is no recent relevant planning history for the site.

### 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 **Drainage Engineer** – No objection subject to a condition requiring foul and surface water drainage details being agreed
- 3.3 **Housing Services Manager** – No objection
- 3.4 **Environmental Health** – No objection subject to conditions

#### OUTSIDE AGENCIES

- 3.5 **West Sussex County Council Highways** – No objection subject to conditions

#### PARISH COUNCIL

- 3.6 **Broadbridge Heath Parish Council** – Objects to the application on the following grounds:
- Inadequate parking provision for the new dwellings
  - Detrimental effect of the lack of on-street parking are those elderly and disabled residents of Sleets Road and Swann Way
  - Lack of consultation by applicant
  - Loss of privacy and general amenity to local residents

#### MEMBERS COMMENTS

- 3.7 Councillor French has raised concerns in respect of car parking provision and loss of garaging facilities.

#### PUBLIC CONSULTATIONS

- 3.8 5 representations (from 3 households) have been received which raise the following concerns:
- Loss of garage facilities
  - Impact on privacy and amenity of adjacent properties
  - Overdevelopment of the area
  - Lack of parking provision for flats and wider area
  - Congestion/highway safety concerns
  - Safety during demolition and construction phases
  - Noise impact during demolition and construction phases
  - Lack of publicity
  - No existing utilities to the garages (gas, water, electricity)

- Loss of green highway verges

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

- 6.1 The key issues for consideration in relation to this proposal are:

- Principle of development
- Housing
- Impact on the character and appearance of the surrounding area
- Impact on the privacy and amenity of neighbouring residential properties
- Highway safety impacts and car parking provision

##### Principle of development

- 6.2 The application seeks full planning permission for the construction of 9 flats comprising a mix of 6 one-bedroom flats and 3 two-bedroom flats, with associated parking and landscaping.
- 6.3 Policies within the HDPF seek to direct new development to the main settlements of the District to ensure that the countryside is protected from inappropriate development. The site is located within the built-up area boundary of Broadbridge Heath, categorised as a 'Small Towns and Larger Villages' in the HDPF and is therefore sited in a settlement that has *"...a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/or bus services. The settlements act as hubs for small villages to meet their daily needs, but also have some reliance on larger settlements/each other to meet some of their requirements."* The principle of providing residential accommodation in this location is therefore supported.

##### Housing

- 6.4 Policy 16 of the HDPF states that on sites providing between 5 and 14 dwellings, the Council will require 20% of dwellings to be affordable, or, where on-site provision is not achievable a financial contribution equivalent to the cost of providing the units on site. On sites providing 15 or more dwellings, or on sites over 0.5 hectares, the Council will require 35% of dwellings to be affordable.
- 6.5 This application will deliver 100% affordable units of accommodation and has been put forward in conjunction with two other applications, the proposed demolition of existing garages and the erection of 21 dwellings at Pelham and Waverley Court, Horsham (16 market dwelling and 5 shared ownership) under reference DC/16/2936; and the proposed demolition of existing garages and erection of 9 dwellings on land at Sleets Road, Broadbridge Heath under reference DC/16/2934. The total quantum of development over

the three sites would comprise 14 affordable units and 25 market dwellings. This results in a 36% affordable housing provision across the three conjoined sites.

- 6.6 This approach has been considered by the Council's Housing Manager who has raised no objections to the applications (across the 3 sites), advising that smaller units are in great demand for those in housing need. Further, while the tenure split is 64% in favour of affordable rented accommodation (9 of the 14 units), slightly below the required 70/30 split detailed in the HDPF, this split is acceptable in this instance.
- 6.7 The affordable housing is secured through a s106 agreement which will also address the phasing of development across the three sites. It is considered that the three schemes can be physically constructed simultaneously, but that the units at Pelham and Waverley Court (ref: DC/16/2936) and Sleets Road (ref: DC/16/2934) cannot be occupied until this development, which provides the majority of the affordable housing, has been completed. The development would therefore accord with Policy 16 of the HDPF.

#### Character and appearance

- 6.8 Policies 32 and 33 of the HDPF require developments to be of a high quality and inclusive design based on a clear understanding of the context for development, and recognise any constraints to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.9 The proposed building would be three storeys in height with a shallow pitched roof. The surrounding area is a mixture of single, two and three storey properties with the application site in the centre of a main settlement where there are a number of three storey blocks in the immediate vicinity. The proposed scale and roof form is therefore considered acceptable and would relate appropriately to surrounding development.
- 6.10 There is a mixture of styles of development in the area as a result of the growth of the area since the 1960's. The design and detailing of the development would comprise a brick finish which would reflect the dominant material of the surrounding area. The scheme would incorporate sufficient articulation, through a central recess and windows / reveals, and this approach coupled with the variation in brick tone would help reduce the apparent mass and bulk of the building.
- 6.11 It is considered that the scale, layout, design and form of the proposed building would sufficiently reflect the design principles established by the nearby development and would not result in any harm to the character or appearance of the locality. The proposal is considered to accord with Policies 32 and 33 of the HDPF.

#### Impact on neighbouring amenity

- 6.12 Policy 33 of the HDPF requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise. The Council's design guidance on house extensions sets out that window to window distance between any habitable rooms should be no less than 21 metres and where a black gable is proposed a minimum of 10.5 metres should be provided between the blank gable and any windows serving a habitable room in a neighbouring property.
- 6.13 The proposal is set approximately 6.2 metres from the side elevation of 20 Swann Way; approximately 7.5 metres from the side elevation of 22-44 Swann Way; and, approximately 10 metres from the side elevation of 11 Heath Close. Whilst it is acknowledged that these distances are below those detailed in the Council's design guidance the site is within an

area of Broadbridge Heath that is relatively high density where a degree of mutual impact exists between buildings.

- 6.14 The scheme has been amended to include a hipped roof on the rear off-shoot to limit any overbearing impact on the properties to the rear (11 Heath Close) and windows to the rear of the property have been designed to limit any overlooking of the properties on Heath Close, with views directed south-eastwards over a car parking area and the windows proposed to the side elevations of the first and second floors are also to be obscure glazed. It is therefore considered that the scheme as submitted will not have a significant adverse impact on the privacy and amenity of the occupiers of the neighbouring properties.

#### Highway considerations

- 6.15 A number of concerns have been raised relating to the perceived under provision of parking for future residents of the development, along with the implications of the loss of garages on the on-street parking provision.
- 6.16 A total of 6 unallocated car parking spaces plus 1 disabled space are proposed for the 9 dwellings which WSCC highways have advised meets the anticipated demand allocated in the parking demand calculator. A further 4 spaces are proposed at the Sleets Road site (DC/16/2934).
- 6.17 The development would result in the loss of 24 garages on the site which are currently used for a mixture of parking and informal storage. To assess the impact of this loss of parking the applicant undertook an overnight and daytime parking survey of capacity within a 250 metre radius of the site. The survey found that at times of peak parking stress there were still between 25 and 28 parking spaces available within 200m of the site. It is considered that potential overspill parking resulting from the proposal, and that at Sleets Road (ref: DC/16/2934), could be accommodated in the surrounding area without detriment to neighbouring amenity or highway safety. The methodology and results of the parking survey have been accepted by the Highway Authority and it is therefore considered that a refusal of permission on highway / safety grounds would not be warranted.
- 6.18 It is proposed that a section of public highway bounding Swann Way will be absorbed within the site boundary, i.e. it will no longer be public highway, and this would be subject to a formal stopping up process.

#### Contributions

- 6.19 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.
- 6.20 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 sport, recreation and community facilities in the local area.

#### Other considerations

- 6.21 The Council's Environmental Health Team have commented that the submitted phase one and two site investigations identified some risks to future occupiers of the site but did not

include the footprint of the garages, which will also need to be investigated, and therefore a condition is recommended requiring the submission of a scheme dealing with components of land contamination to be submitted and approved by the Local Planning Authority prior to commencement of works. This would include a preliminary risk assessment and a site investigation report. Subject to this condition, the scheme is considered to be in accordance with Policy 24.

- 6.22 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. Southern Water and the Council's Drainage Engineer have all raised no objection to this proposal, a condition is included in this recommendation 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.

### Conclusions

- 6.23 Taking all matters into account, the proposal is considered an acceptable form of development. The scheme would result in an appropriate development in accordance with the requirements of the strategic and locational strategy policies of the HDPF. The scheme is 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 It is recommended that planning permission is granted subject to the following conditions:

1 A list of 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 residents of the neighbouring properties 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 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 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).

- 8 **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).

- 9 **Pre-Commencement Condition:** Prior to first occupation of the hereby approved development maximum visibility splays at all site access points shall be provided, by the cutting back of vegetation adjacent to the site access, in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. The visibility splays shall be provided in accordance with the agreed details prior to the first occupation of the development. Once provided the splays shall thereafter be maintained and kept free of all obstructions over the height of 0.6m above adjoining carriageway level or otherwise agreed.

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

- 10 **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).

- 11 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a landscape management plan (including 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).

- 12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) 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).

- 13 **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).

- 14 **Pre-Occupation Condition:** The building hereby permitted shall not be occupied until the windows shown to be obscure glazed on drawing no's PL-005 and PL-006 have been fitted with obscured glazing. The windows shall be fixed shut/non-openable. Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.

Reason: To protect the privacy of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 15 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

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

- 16 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Policy 41 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, 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).

Background Papers: DC/16/2935, DC/16/2934 & DC/16/2936