



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 4 July 2017

DEVELOPMENT: Demolition of existing Vicarage and erection of 15 dwellings comprising 5 no. 2-bed maisonettes, 6 no. 3-bed houses and 4 no. 4-bed houses together with associated landscaping, vehicle access and car parking.

SITE: The Vicarage Church Street Warnham Horsham, RH12 3QW

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/17/0566

APPLICANT: Mr Mark Hendy

REASON FOR INCLUSION ON THE AGENDA: By request of Councillor Ritchie and due to more than 8 letters of objection having been received

RECOMMENDATION: To resolve to grant planning permission (subject to no objection from the Secretary of State) and delegate authority to the Head of Development to grant planning permission subject to the completion of the Phase II Ecology survey, the completion of a S106 agreement and appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Full planning permission is sought for a development of 15 residential dwellings within the defined built-up area boundary of Warnham Village, on a 0.8ha site comprising an area of rectangular unused grassland rear of a 1960's Vicarage.

1.3 The application proposes the demolition of the Vicarage to provide access to the 15 dwellings, and includes a new Vicarage on broadly the same site as existing. The dwellings would comprise 5 no. 2-bed maisonettes, 6 no. 3-bed houses and 4 no. 4-bed houses. As submitted the applicant makes no firm commitment to provision of affordable housing, although the supporting planning statement offers the 5 two-bed maisonettes as affordable housing should it be demonstrated to be viable.

1.4 The dwellings are detailed to be two storeys in height and traditional in appearance with pitched tile roofs and brick elevations, some with timber detailing to their gables.

1.5 Access to the site would be via the existing driveway from Church Street, with works proposed to improve visibility and manoeuvrability at its entrance. The development as

amended would provide parking for 35 vehicles set on hardstandings and in private garages.

- 1.6 Amended plans were received during consideration of the application to move the dwellings further away from the tree-lined western site boundary and re-position the replacement Vicarage away from the roadside.

DESCRIPTION OF THE SITE

- 1.6 The site forms a 0.8ha parcel of previously undeveloped former church grassland rear of the church Vicarage on Church Street. It sits adjacent to the central village cricket field within the Warnham Conservation Area and within the defined built-up area boundary.
- 1.7 The cricket field is set immediately to the west of the site and separated by a row of mature trees. A further row of trees and a drainage ditch run along the northern site boundary, with a public right of way and the playing fields to Warnham Church Of England Primary School immediately beyond. Residential dwellings (The Vicarage & The Glebe) sit to the west, with The Vicarage and its driveway forming part of the application site. The Vicarage is a modern building constructed circa 1969 and is of no historic interest. The rear gardens to three Grade II listed buildings sit adjacent to the south of The Glebe at 6-8 Church Street, with further dwellings abutting the site to the south side. Business units including a gymnasium closely adjoin the southeast corner of the site at 16 Church Street. The site is visible in public views from the cricket field and from the public footpath to the north.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 **National Planning Policy Framework**

2.3 **Horsham District Planning Framework (HDPF 2015)**

HDPF1 - Strategic Policy: Sustainable Development
HDPF2 - Strategic Policy: Strategic Development
HDPF3 - Strategic Policy: Development Hierarchy
HDPF4 - Strategic Policy: Settlement Expansion
HDPF15 - Strategic Policy: Housing Provision
HDPF16 - Strategic Policy: Meeting Local Housing Needs
HDPF24 - Strategic Policy: Environmental Protection
HDPF25 - Strategic Policy: The Natural Environment and Landscape Character
HDPF26 - Strategic Policy: Countryside Protection
HDPF31 - Green Infrastructure and Biodiversity
HDPF32 - Strategic Policy: The Quality of New Development
HDPF33 - Development Principles
HDPF34 - Cultural and Heritage Assets
HDPF35 - Strategic Policy: Climate Change
HDPF36 - Strategic Policy: Appropriate Energy Use
HDPF37 - Sustainable Construction
HDPF38 - Strategic Policy: Flooding
HDPF39 - Strategic Policy: Infrastructure Provision
HDPF40 - Sustainable Transport
HDPF41 - Parking
HDPF42 - Strategic Policy: Inclusive Communities

2.4 RELEVANT NEIGHBOURHOOD PLAN

Warnham Parish is a designated Neighbourhood Plan Area. To date no draft Plan has been produced.

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.5 **WN/34/68-** New vicarage and garage. Approved 01/04/1969

3. **OUTCOME OF CONSULTATIONS**

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

INTERNAL CONSULTATIONS

3.2 **HDC – Housing:** No objection.

3.3 **HDC - Strategic Planning (Summarised):** No objection.

The principle of residential development has already been established on the application site at the Vicarage in Warnham, as it is currently occupied by a dwelling alongside the vicarage. The proposed development is taking place in the main on previously undeveloped greenfield land partly on previously developed land within the Built Up Area Boundary (BUAB) and it is considered that the proposal complies with policies 2 (1), 2 (8), 3, 15 and 16 3(a) of the HDPF 2015. Subject to detailed policy considerations being acceptable on heritage, landscape, biodiversity and transport, there are no policy objections to the principle of this proposal.

3.4 **HDC – Technical Services (Drainage):** No Objection subject to conditions.

3.5 **HDC – Conservation (summarised):** Comment

The proposal to develop the application site by way of 15 residential properties is considered appropriate. The site is within a residential area and the proposed density shown on the site layout would appear to sit harmoniously against the existing built environment.

The amended scheme now seeks to retain the existing vegetated boundary along the western boundary to the site with a visually lightweight and appropriately designed timber post and rail fence erected along the boundary to the eastern side of the vegetation. Furthermore, it is understood that the protection and maintenance of this boundary will be controlled by way of condition which does provide some comfort. However, this element of the proposal, including the pressure placed on the trees and their impact on amenity of future residents remains a concern- the trees positively contribute to the character and appearance of the conservation area and are a feature that must be retained.

On further consideration of the proposed scheme, the loss of the well-established and aesthetically pleasing, thick hedge running along the existing access lane to the vicarage is a significant soft landscape component within the immediate historic context which enhances the setting of the grade I listed St Margaret's Church. This hedge should be retained and if the case officer is minded to recommend approval for this development, the hedge should be protected. If the loss of the hedge is supported, replacement hedging should be controlled by way of condition with a timeframe set out for the planting- the

hedge should ideally be ready grown/instant hedging so to maintain this soft green feature in the streetscene.

3.6 **HDC – Environmental Health (summarised):** Objection.

The site is adjacent to a previous industrial site which over time included use as a print works, manufacturing and research facility. This site currently has permission for use as a gymnasium and dance studio. Information in regards to noise and contamination has not been supplied and it is therefore not possible to adequately assess this application. In the absence of this information and should the application be granted then, in order to mitigate adverse environmental impacts conditions to secure contaminated land remediation and noise mitigation from the commercial premises should it be found to be required.

3.7 **HDC – Parks & Countryside:** No objection.

3.8 **HDC – Ecology Consultant (summarised):** Comment.

Evidence of roosting bats has been confirmed in The Vicarage, and there is also potential for bats to be roosting in an oak tree.

As stated in paragraph 4.39 of the Preliminary Ecology Appraisal (PEA); *‘Further Phase II bat emergence / re-entry surveys are required to establish the status of the roost, in order that appropriate mitigation can be designed to protect bats during redevelopment of the site, in line with existing legislation and planning policy’*. These nocturnal surveys should be completed by licensed ecologists in accordance with BCT (2016). The results of these surveys are required to fully inform the potential impacts of the proposed development, as well as measures for avoidance, mitigation and enhancement for inclusion with the final proposals. Assuming that planning permission is obtained, a Natural England development licence would be required to proceed with demolishing the roost and as such all mitigation would need to be agreed with Natural England once full planning permission had been granted.

In addition to the roost in The Vicarage, paragraph 4.42 of the PEA states that: *‘The site contains a mature oak on the northern boundary that has several potential roosting features (PRFs)’*. However, it is not clear which tree this is, and the level of potential impact on the tree, and any bats roosting within. As outlined in paragraph 6.17 and 6.18 of the PEA, further assessment / survey is required of this tree to confirm its value to roosting bats, and inform mitigation measures.

We recommend that the proposed specification of the netting is discussed with the applicant’s ecologists, so that they can consider the potential for impacts on protected and notable species such as bats (commuting and foraging, as well as roosting), birds, dormice, hedgehogs etc., and propose appropriate avoidance and mitigation measures if necessary. It is possible that further surveys may be required to inform the netting specification, for example, activity surveys for commuting / foraging bats. It is likely that netting on match days only would be preferable from an ecological point of view. However, if permanent netting is required, then the applicant’s ecologist may consider it less likely to impact bats / birds if it is under tension, rather than loose.

3.9 **HDC – Landscape Architect (summarised):** No objection

From a landscape perspective, the development of the site is acceptable in principle as it sits within the settlement boundary and its context is mainly residential. The site falls within the conservation area of Warnham and the proposed layout must be sensitive to its sensitive location.

To the western boundary of the application site sits the village's cricket ground and a strong line of hedgerow and mature trees form the boundary between this and the application site. Records show that this landscape feature is of considerable age (first available record dates back to 1876) and therefore considered of high value and an asset to the character of the conservation area.

No solid fences or walls should be proposed along the site's western boundary to help the sense of openness and green space and maintain visual amenity. A post and timber fence with planted hedge to provide screening and privacy for residents is supported.

A link between the proposed development and the existing public footpath (PROW1429) running along the northern boundary of the site should be provided to increase the permeability and connections of the site with the village thus encouraging future occupants to use sustainable means of transport.

Update 13/06/2017 following receipt of amended plans:

No objection subject to a clear direction as to how the hedgerow would be maintained and retained in perpetuity. An arrangement could be made, on the Section 106 or property covenants, for the hedge to be maintained in perpetuity either by a management company or the individual owners. The agreement should also make clear that no hedge is to be removed and/or replaced without the fully agreement and prior approval of the Local Planning Authority. The hedge is also to be managed and maintained fully in accordance with the approved Landscape Management and Maintenance Plan.

3.10 **HDC – Arboriculturalist:** Objection

The slight re-siting of the building line along the western boundary of the site (by approximately 1m) is noted; this takes the west-facing flank walls of the dwellings slightly further away from the trees along the western boundary hedgerow (and tree stock). However, this will not make any substantive difference in regard to a key concern, that of the pressure that will inevitably result from this style of layout upon the hedgerow and tree stock along the boundary, resulting in an inappropriate urbanisation of this highly aesthetically pleasing part of the conservation area.

Whilst the matter of shadowing from the tree stock might be seen to have been allayed by the re-siting of the building line (albeit to a very small degree only), the risk to the longevity to the hedgerow (and, indeed, to the trees) remains. The principle that the hedgerow will be within the private gardens to each of the west-facing dwellings on the site is noted. However occupiers of residential dwellings are well known to see the presence of what is in essence an old field hedgerow on their property as inappropriate, especially should they have children; the presence of hawthorn, blackthorn, holly and other 'spikey' or thorny species is seen as unacceptable. The net result has been the loss of the hedgerow, its replacement with urban-type planting of stock seen to be less anti-social and more commensurate with private residential gardens. Should this occur here, within a conservation area, this would result in irreversible damage to the character of the conservation area and the loss of an historic landscape feature.

The threat to both the hedgerow on the western boundary of this site, and to the trees therein, arises simply and solely from the manner in which development on this site has been proposed. Despite the re-siting of the building line, there remains a great deal of open space adjacent to the eastern site boundary (adjacent to the neighbouring property, 'The Glebe') which appears to serve no purpose whatsoever. It is considered that this proposal takes inadequate account of the special circumstances of the site – its position within a conservation area – commensurate with policy 34(4) of the Horsham District Planning Framework (*November 2015*).

No objection to the pruning required to facilitate the temporary cricket ball netting.

OUTSIDE AGENCIES

3.11 **West Sussex County Council – Flood Risk:** No objection

The site is at low risk from surface water flooding and groundwater flooding. There are no records of historic flooding within the confines of the proposed site.

3.12 **West Sussex County Council - Highways (summarised):** No Objection.

Trip Generation

The Transport Statement indicates that the development of 15 dwellings is likely to generate around 11 two way vehicular movements in the AM peak hour and 9 in the PM peak. This level of trips is not expected to give rise to any highway capacity concerns that could be considered severe under paragraph 32 of the National Planning Policy Framework (NPPF).

Vehicle Access/Visibility

There is an existing vehicular access onto Church Street, it is proposed that this cross over style access is modified into a bell mouth (simple priority junction), as indicated in drawing 16_T051 01 Rev E. This drawing demonstrates access to the site in accordance with Manual for Streets (MfS) standards and the advice sought from the Local Highway Authority at the pre application stage.

The internal roadway narrows within the site, although there is enough room for two vehicles to pass at the access and for the first section of roadway to avoid standing traffic in the highway. Given the low vehicle trips related with the site it is not expected that two opposing vehicles would meet frequently. Visibility has been shown from a setback of 2.4m x 25m in each direction; this is in accordance with the 20mph speed limit zone in the vicinity of the access and meets standards set out in MfS

There is a turning head within the site which allows a refuse vehicle and fire appliance to turn, allowing them to enter Church Street in forward gear. This turning head should be kept clear at all times.

Parking

The proposed parking arrangements accord with the West Sussex County Council Parking Demand Calculator. Parking on site will be accommodated via a mixture of garages and driveway spaces, along with some bays off of the internal access road. Covered and secured cycle parking is also proposed to standards either in sheds or in garages.

3.13 **West Sussex County Council – Section 106 (summarised):** Comment.

Contributions are required in relation to School Infrastructure (Primary and Secondary), Library Infrastructure, Transport and Fire & Rescue Service Infrastructure.

3.14 **Sport England:** Objection

The proposed development site and the existing cricket field share a boundary, partially tree-lined. Therefore the chief area of concern is whether the proposed development prejudices the use of the existing cricket field due to ball strike.

In considering this application, Sport England consulted the English Cricket Board (ECB), who are of the opinion that the proposed location of the development would result in the potential for ball strike.

The ECB therefore recommends that a detailed risk assessment be undertaken by a company such as Labosport to determine a solution to mitigate against potential ball strike. Any solution would need to be in place whenever cricket is played at the site. The applicant is strongly encouraged to explore this as a potential way forward.

In light of the above, Sport England objects to the application because it is currently not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

Update 20 June 2017

Sport England are reviewing the above objection in consultation with the ECB following the submission of the recommended risk assessment and Applicant's commitment to fund the provision of temporary netting along part of the western site boundary. In the event the objection is not removed as a result of the proposed mitigation, the Town and Country Planning (Consultation) (England) Direction 2009 requires that any determination to grant planning permission to be forwarded to the National Planning Casework Unit for consideration by the Secretary of State as to whether the final decision is to be taken by the Secretary of State or by the Local Planning Authority.

- 3.15 **Southern Water:** No objection.

PUBLIC CONSULTATIONS

- 3.16 **Warnham Parish Council (summarised):** Objection.

Warnham Parish Council accept the principle of development of the site. It is included in the draft Warnham Neighbourhood Plan as a short-listed site and has village support. The Council recommend refusal though on the following grounds:

- The junction of the access road onto Church Street is heavily constrained and represents a potential accident hazard as the visibility splays are minimal. The higher speeds of passing vehicles needs to be considered
- The access drive is to be shared with pedestrians but no pedestrian footpath is provided. It is too narrow for two-way traffic and may require some vehicles to dangerously reverse onto Church Street creating a hazard for passing vehicles and pedestrians. This would be particularly acute during construction work.
- Inadequate parking for visitors and service vehicles. The vicarage regularly holds meetings requiring parking for 5-6 vehicles
- Pedestrian links are requires to the cricket field and footpath to avoid an 'enclave development'
- Broadband connection is required
- There is a danger to future residents from cricket balls entering the gardens
- No mitigation measures are proposed to offset the additional traffic in the village
- The development is isolated from public access. It would promote the antithesis of village life; non-inclusive communities and fragmentation of the public realm in a prime location at the heart of the village

- 3.17 **Councillor Ritchie** has objected on the grounds that the applicant has made insufficient provision regarding the neighbouring Warnham Cricket Club (Nb this objection was received prior to the proposals for netting being submitted).

- 3.18 1 letter of support has been received. The grounds of support include the following points:
- The layout and scale is tasteful and considers neighbouring properties
 - Consideration should be had to moving the public footpath to create a wider access drive

3.19 **14** letters of objection have been received from local residents. The grounds of objection include the following points:

- Danger to property and residents from cricket balls, with at least 2-3 balls entering the field at pace every Saturday and Sunday during the cricket season, and some evenings. This will put the cricket club at risk of claims of liability.
- Any netting may impact on the cricket field, conservation area and the public footpath along the boundary, and gives rise to maintenance and storage issues
- A full risk assessment and mitigation needs to be carried out for the best solution to stop cricket balls entering properties
- Increased liability costs would endanger the sustainability of the cricket club
- The vicarage should be moved back to give more space between its front and the access road
- The visibility splays rely on the 20mph speed limit along Church Street being observed, which it isn't.
- Increased traffic on Church Street with associated noise and pollution and accident risk
- Insufficient parking leading to overspill
- Overlooking and loss of privacy to properties on Church Street and Hollands Way
- Loss of views and sunlight
- Nice area does not need building on
- Too many houses in Warnham
- Noise impact
- Loss of protected species
- Loss of small and tranquil area in the heart of the village
- Demolition of Vicarage without merit
- Impact on boundary wall along southern site boundary
- Impact of netting on birds and bats
- Potential fatalities to schoolchildren from increased traffic and high speeds on Church Street
- The land could alternatively be given to the Village for sporting facilities or allotments

3.20 **4** letters of comment have been received from local residents. The comments are as follows:

- Concern with the number of cricket balls that get hit onto this land. This risk needs to be taken into consideration
- The Vicarage is too close to the access road impairing visibility and should be moved back
- Insufficient parking for visitors

3.21 **Warnham Cricket Club** have raised no objection subject to the agreed £20,000 sum for contribution towards the purchase and maintenance of demountable netting.

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 This application is assessed against the relevant policies of the Horsham District Planning Framework (HDPF) and the national planning policies contained in the National Planning Policy Framework (NPPF), with regard to all other relevant material considerations.

6.2 The main issues for the Local Planning Authority to consider in the determination of this application for planning permission are the principle of the proposed development in land use terms; the impact on the character and visual amenity of the landscape and locality, including the Warnham Conservation Area and adjacent Grade II listed buildings; the impact of the development on prospective and neighbouring residential and business occupiers; whether safe vehicular and pedestrian access can be provided to the site and the impact of the development on highway and pedestrian safety; whether appropriate provision can be made for car and cycle parking, refuse storage/collection, drainage/flooding and; whether the development can be delivered without harming the interests of nature conservation, flooding and land contamination. Representations have raised concern over the impact of cricket balls entering the site on the future sustainability of Warnham Cricket Club which is also a material consideration.

Principle of Development

6.3 The application site sits within the defined built-up area boundary of Warnham. Strategic policy 3 of the HDPF identifies that development will be permitted within the built-up area boundaries subject to it being of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy. Policy 3 identifies Warnham as a medium village in the hierarchy, defined as being villages with '*a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements.*'

6.4 The addition of 15 dwellings on this site is considered proportionate to the nature and scale of Warnham, and at 18 dwellings per hectare (dph) would not amount to an overdevelopment of the site relative to existing surrounding development. Warnham Parish Council have supported the principle of housing on this site as being in accordance with their emerging Neighbourhood Plan (although at pre-Regulation 14 stage the draft Plan itself can only carry very limited weight in decision making). 6.5 For these reasons, the principle of the residential development of this mainly previously undeveloped site with 15 dwellings is considered acceptable in accordance with the spatial strategy for Horsham District as set out Policies 2 & 3 of the HDPF.

Dwelling Mix and Tenure

6.5 The proposal is for 15 units of residential accommodation comprising five 2-bed maisonettes (33%), six 3-bed houses (40%) and four 4-bed houses (26%). This mix compares appropriately with the recommended housing mix for rural areas of Horsham District of 45% 2-bed (6.75 dwellings), 35% three-bed (5.25 dwellings), and 5% 4+-bed dwellings (0.75 dwellings) set out in the latest Market Housing Mix report dated November 2016.

6.6 The application proposes the setting aside of the five 2-bed maisonettes as affordable units subject to viability appraisal. This represents 33% affordable housing against policy 16 requirement for 35% affordable housing. The subsequent viability appraisal submitted by the Applicant sets out that no onsite affordable housing or off-site affordable housing contribution is viable for this development. The District Valuation Service (DVS) has

assessed the Applicant's viability appraisal and determined that no affordable housing provision is viable. This is though based on the applicant's stated need to use pile foundations for the new dwellings. The DVS is of the view that such foundations may not prove to be necessary. If ultimately found not to be necessary, the development would be able to support the provision of two of the two-bedroom apartments as affordable rented units. Given this small number of units within part of a block of four, it is highly unlikely a Registered Provider would be willing to take them on. Consequently it is considered appropriate in this instance to accept a commuted sum payment towards the delivery of affordable units off-site, dependant on a review mechanism clause in the s106 should it be established that pile foundations are not necessary. The DVS calculates that a figure of approximately £135,000 would be viable in this scenario.

Impact on heritage assets and the visual amenity of the locality

- 6.7 The site sits within the Warnham Conservation Area and within the setting of three Grade II listed dwellings at 6-8 Church Street. The scale, layout, density and general design of the development is considered to relate sympathetically to the surrounding Conservation Area. While there is no defined architectural style or regular layout to this part of the Conservation Area, buildings are generally of a traditional design set in spacious plots with mature landscaping, and the dwellings vary in age, design and layout. The proposed dwellings are of a traditional design and detailing and as such would complement the traditional forms found in this part of Warnham. Whilst the loss of the glebe field would reduce the openness of this part of the Conservation Area, the field itself and its relationship to the surrounding area is not of significant historic importance, as modern development has already occurred between the church and the glebe field, severing any former visual and functional link between the two. As such no harm to the Conservation Area through its development would arise.
- 6.8 The development of this site would impact on the setting of the listed buildings, however given the position and separation of the site set rear of the rear gardens to these properties with a landscaped buffer between, no harm to the setting of these heritage assets is identified. Consequently the dwellings would not unduly impose on the historic interest of the listed buildings, their gardens, or their wider setting.
- 6.9 It is noted that concern has been raised over the potential impact of the development on the historic and visually important line of trees and hedgerows between the site and the adjacent cricket field which contributes positively to the character of the Conservation Area. These trees and hedgerow sit part within and part outside of the application site. Whilst the buildings themselves would not impact on the trees or their root systems, concern has been raised that shading from the trees across the rear gardens would likely result in future pressure to significantly trim or even fell them. Further concern has been raised at the potential removal of the hedgerow by future occupiers of the houses.
- 6.10 To address the concerns relating to the trees, the proposed dwellings have been moved an additional 1.4m away from the trees to allow for 16m deep rear gardens. In addition a shading study has been provided to help understand the severity of this impact. The tree shading study calculates the level of shading that would occur at 9am, 1pm and 5pm on 21 March, 21 June and 21 September. The report broadly identifies that at least half of each rear garden would receive direct sunlight for a minimum 2 hours per day from April to September, thereby according with British Research Establishment (BRE) guidance. Given that the trees are deciduous, any shading would not be as severe as would result from a building, with the trees creating a 'dappled' shade when cast. Further, given the east-west orientation of the houses the direct sunlight would mostly occur between 11am and 2pm with longer periods closer to 21 June, rather than early morning or late evening.

- 6.11 Whilst noting the concerns from consultees on this issue; having further visited the site to specifically assess the impact of the tree it is not considered that the proximity of the development would result in pressure to excessively trim or fell this important line of trees such that the development requires significant amendment or refusal. As these trees are within a Conservation Area, any future proposals by residents for works to these trees would require approval from the Council.
- 6.12 The application proposes the removal of seven individual trees (3x Oak and 4 x Sycamore) and a single group of Hawthorn trees within the site, all assessed as being low quality category 'C' trees with little/no amenity value. Minor crown lifting is also proposed to five category 'A' and 'B' trees. No objection is raised to these works.
- 6.13 In terms of the hedgerow, the site layout plan details post and rail fencing between the hedgerow and the gardens. To ensure the hedgerow is suitably maintained and retained a clause is included in the s106 to require the maintenance of the hedgerow to be the responsibility of the relevant dwelling occupiers and/or the maintenance company that would take on the communal areas of the site, with the removal of any part of the hedgerow to be first agreed in writing by the Local Planning Authority. This approach has been agreed with the applicants.
- 6.14 Conditions are recommended to secure final details of the materials for the dwellings, suitable hard and soft landscaping, and to ensure the rear boundaries facing the cricket field are of an open fencing and maintained as such through the removal of Permitted Development rights. This will ensure views of the development from the cricket field and surrounding public spaces are not dominated by close-boarded fencing (which would not be in-keeping with the character of the Conservation Area), and will enable the suitable retention of the boundary hedging. The landscaping scheme would also be expected to retain as much of the hedging alongside the access road as possible, and include suitable replacement hedging. Subject to these conditions the proposed development would form an appropriately designed addition to the area that would not harm the Warnham Conservation Area or the setting of the adjacent listed buildings, in accordance with Policies 32, 33 & 34 and the aims of the Warnham Parish Design Statement.

Impact on the Amenity of Existing and Prospective Occupiers

- 6.15 Policy 33 of the HDPF states that developments are required to ensure they are designed to avoid unacceptable harm to the amenity of occupiers / users of nearby properties through, for example, overlooking or noise disturbance. The plans show all units to be of a good size meeting or exceeding the Nationally Described Space Standards. The dwellings are well-spaced to minimise inter-overlooking and set in plots with private gardens commensurate in size to those in the wider area.
- 6.16 In terms of amenity impact, the dwellings are orientated to minimise their impact on adjacent residents, with suitable garden separations. The replacement Vicarage is in broadly the same position as existing and will not have a harmful impact on the amenities of The Glebe bungalow. It is noted that the rear garden to The Glebe has an open timber fence to the application site. The proposed dwellings are set to the opposite side of the access road and adjacent wide landscaped strip from The Glebe thereby reducing their potential dominance in outlook. Details of all fencing is recommended by condition and this will ensure appropriate fencing is included rear of The Glebe to protect their rear windows and garden from undue loss of privacy. Subject to this condition the proposed development would not harm the amenities of adjacent occupiers in accordance with policy 33.

- 6.16 Whilst concerns have been raised over disturbance from additional traffic movements generated by the development, this is not considered to be of sufficient scale or harm to warrant the refusal of permission. Measures to protect residents from harmful effects of noise, vibration and dust during the construction period can be controlled by a suitably worded condition requiring the submission of a Construction Environmental Management Plan.
- 6.17 It is noted that a gymnasium and office businesses occupy 16 Church Street to the southeast corner of the site. This building sits in close proximity to the site boundary and has the potential to cause noise disturbance to future occupiers of the development. Plot 15 sits closest to this building and has the potential to be most impacted. The gymnasium operates from 8.30am to 8.30pm weekdays and 8.30am to 3.00 Saturdays, with no Sunday opening, although its planning consent allows for opening from 8.30am to 9.30pm Mondays to Saturdays. Applications to extend these opening hours have been refused on the grounds of impact on neighbouring amenity, with the last application refused in 2003 under WN/56/03. The report for the 2003 application noted noise complaints that had been received from neighbouring residents. Environmental Health have confirmed that no complaints have subsequently been received.
- 6.18 It is noted that the gym is already located close to existing residential properties which sit to the north, south and east sides. The rear windows to the building however currently face west towards the open field therefore there is the potential for disturbance from these windows to impact on the proposed houses. The gym is laid out with a weights room at rear ground floor level with back-office rooms above. The main studio rooms are to the front of the building. Noise from the weights room, including background music, was negligible within the rear yard at the time of an unannounced site visit. The yard is though laid out with lifting equipment (tyres and parallel bars etc.) which are used mainly in summer months. This has the potential to create some intermittent noise disturbance from users. Environmental Health have raised no objection to the principle of residential development adjacent to the gym subject to a condition requiring a scheme of works to minimise any potential disturbance that may occur. This is considered appropriate in this instance.
- 6.19 On this basis, and subject to the recommended condition, it is not considered that the introduction of residential properties adjacent the gym would likely result in complaints that would prejudice the continued operation of the gym.

Impact on the adjacent cricket field

- 6.20 A number of objections have been received raising concern that the proximity of the housing to the cricket field would prejudice the future of cricket on this land. The concern is centred on the high likelihood of cricket balls landing within the application site risking damage to property and person, and therefore risking claims against the cricket club which could threaten this community facility financially and operationally. Given the small outfield to the cricket pitch and the evidence that balls regularly stray into the application site this concern is considered a relevant material consideration. Following initial consultation Sport England raised objection on these grounds.
- 6.21 The Applicants have sought the advice of Sport England and the cricket club, and have provided a risk assessment conducted by specialists recommended by Sport England and the English Cricket Board (ECB). The risk assessment calculates the likelihood of cricket balls reaching the application site when hit by a non-elite community/amateur player. In response to the risk assessment the Applicants have agreed with the Cricket Club and Parish Council to fund £20,000 necessary to purchase and maintain a 6m high temporary netting set along 20m of the outfield adjacent the application site. The risk assessment confirms that this extent and height of netting is a 'sensible and suitable solution' that would significantly reduce the frequency of shots landing within the application site. The netting

would be hung between poles that are easily removed and raised into position. Minor pruning works are required to the adjacent trees which would not significantly alter their appearance. No objection is raised to these enabling tree works. Sport England have been re-consulted following the submission of the risk assessment and netting proposal and at the time of this report have not formally advised as to whether they wish to maintain their objection. Sport England have been seeking the advice of the ECB and it is understood that it is likely that their objection will be withdrawn. In the event the objection of Sport England is upheld and the application is determined for approval, the Town and Country Planning (Consultation) (England) Direction 2009 requires that the Secretary of State then be consulted prior to the final decision being issued. The Secretary of State would then advise as to whether the final decision is to be taken by the Secretary of State or by the Local Planning Authority.

- 6.22 On the basis that the contribution is provided to allow for the cricket club to source the necessary netting ready for installation prior to the first occupation of the development, it is not considered that the proposed development would prejudice Warnham Cricket Club from being able to operate or remain viable.

Highway Impact, Access and Parking

- 6.23 The development will be served in its entirety from the existing access point from Church Street, which is to be upgraded to reflect the increased vehicles movements the development will generate. The development will provide for 30 parking spaces within private garages, on driveways in front of the dwellings, and on-street. Concerns have been raised in representations over the safety of the access point given passing speeding vehicles and pedestrians and the narrow access road which may result in vehicles needing to reverse onto Church Street when unable to pass.
- 6.24 West Sussex County Council (WSCC) Highways have considered the concerns raised, in particular those raised by the Parish Council, and re-iterated their position that the access point and overall transport and highways impacts are acceptable. Whilst the comments over speeding vehicles were noted, the Highways Officer clarified it is only reasonable to require access points to be designed to the enforceable speed limit. In any case the narrow nature of the access drive beyond the bell-mouth junction is such that vehicles would need to be moving relatively slowly to safely enter and exit the site. In terms of the width of the access road, it has been confirmed that this is sufficient to allow vehicles to pass, in particular when entering and exiting the junction where there is sufficient space for large vehicles to pass without needing to pause partially on the highway or reverse out. Once on the access road there is a suitable passing point if required 27m inside the site where the road splits to form the driveway for The Glebe, with good visibility from this point to the site access. Accordingly it is not considered that vehicles, be it cars or lorries, would need to or be likely to reverse onto the main road in an unsafe manner.
- 6.25 Sufficient parking is to be provided for the development for a total of 35 vehicles, with each dwelling having dedicated spaces including garages and/or hardstandings, with five visitor parking spaces elsewhere. It is not considered that this arrangement in a cul-de-sac would result in overspill parking occurring outside of the site.
- 6.26 In terms of pedestrian access and overall linkage into the wider village, the applicants have revised the plans to include a pedestrian link opposite the vicarage to link directly to the adjacent public footpath. This will alleviate concerns the development would be isolated within the centre of the village.

- 6.27 Subject to conditions to secure a Construction Management Plan and the timely delivery of the enlarged site access, driveway and parking facilities, the proposed development would accord with Policy 40 of the HDPF and paragraph 32 of the NPPF.

Ecology

- 6.28 The application is supported by a Preliminary Ecological Appraisal report. The report identifies a bat roost in the Vicarage building and the potential for a bat roost in a mature oak tree along the northern site boundary. The report recommends further Phase II surveys are carried out to identify the type of bat roost present in order for an EPS licence for their demolition to be granted. The Phase II surveys will enable an appropriate scheme of mitigation to be identified. A bat-sensitive lighting scheme is recommended for the development.
- 6.29 In terms of other ecology, the report recommends avoidance measures and enhancements for dormice, although the likelihood of dormice being present in the boundary hedge is identified as being low. Ecological enhancements by way of bird boxes, planting and hedgehog-friendly fencing are also recommended.
- 6.30 Further bat surveys have been requested on the Vicarage building and oak tree in line with the Appraisal report recommendation to inform a scheme for ecological mitigation and management. These surveys are currently being carried out, and the recommendation is to not grant planning permission until they are complete and have identified that any impacts can be suitably mitigated. Any mitigation necessary would be secured by the recommended condition. The ecology consultant has also requested that the potential impact of ball-stop netting on protected and notable species be considered, with a preference for temporary match-day netting.
- 6.31 Subject to the recommended condition securing the additional surveys and mitigation scheme the proposed development would comply with Policy 31 and paragraph 118 of the NPPF.

Flooding and Drainage

- 6.32 The site is located outside of Flood Zones 2 & 3 and subject to a condition requiring the approval and implementation of a sustainable drainage system the proposed development would not increase risk of local ground or surface water flooding, thereby according with Policy 38.

Land Contamination

- 6.33 Policy 24 of the HDPF states that the high quality of the district's environment will be protected through the planning process. Developments are expected to minimise exposure to and the emission of pollutants. This includes addressing land contamination and making sure sites are appropriate for development taking into account ground conditions.
- 6.34 Environmental Health have identified that the site sits adjacent to a previous industrial site which included a print works, manufacturing and research facility. These uses may have resulted in localised land contamination. No contaminated land information has been submitted with the application however given the nature of the potential risk such matters can be suitably addressed by condition.

Legal Agreement

- 6.35 Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, contributions towards indoor and outdoor sports provision, community facilities, libraries, education, transport infrastructure, fire and rescue, transport infrastructure and affordable housing of up to £156,528 could potentially be secured, subject to a relevant CIL-compliant project for the contributions being identified.

WSSC Transport Access Demand	£37,422
WSSC Education (Primary)	£41,308
WSSC Education (Secondary)	£44,458
WSSC Libraries	£4,159
Fire and Rescue	£1,520

HDC Community Centre & Halls:	£5,490
HDC Open Space and Recreation:	£24,858

WSSC Total: £128,867

HDC Total: £ 27,661

- 6.36 The County Council have identified CIL-compliant (Community Infrastructure Levy) projects in connection with their requested contributions. In terms of the potential District Council contributions, in this case, the site is not of a size appropriate to provide on-site community infrastructure such as play areas, and therefore consideration can be given to the provision of a financial contribution to off-site provision, subject to meeting the tests of the Community Infrastructure Levy (CIL) Regulations. In order to be CIL compliant a contribution must only be sought where this is necessary to make the development acceptable in planning terms; where the contribution is fairly and reasonably related in scale and kind to the development; and, where it is directly related to the development. The Planning Obligations SPD includes a Contributions Calculator, which provides an assessment of the level of contributions that a development should be able to afford to provide, and also the amount of contribution that it is reasonable to secure towards infrastructure based on the typical occupancy rates of the proposed dwellings. Based on the housing mix proposed, the Contributions Calculator indicates that £27,661 would be a proportionate sum, subject to specific CIL-compliant projects, which would be necessary to make the development acceptable in planning terms, being identified for the funding. Following responses from the Council's Community and Culture department and the Parish Council, unfortunately, in this instance no CIL compliant schemes have been identified at the time of drafting this report.

- 6.37 A further contribution of £20,000 would also be included in the agreement to be payable to Warnham Cricket Club to enable them to fully purchase and maintain the necessary temporary ball-stop netting. Subject to these necessary contributions the development would provide for the infrastructure needs it would generate in accordance with Policies 16 and 39 of the HDPF.

Planning Balance and conclusion

- 6.38 The application site is located within the defined settlement boundary of Warnham and the development of this field would not harm the historic character or appearance of the Warnham Conservation Area or the setting of the adjacent Grade II listed buildings. Whilst concern has been raised that the addition of housing on this land in the manner proposed may result in pressure to undertake works to the adjacent historic line of hedging and trees to the west, on balance the separations and garden lengths are considered sufficient such

that any risk is low. Likewise the addition of dwellings on this site is not considered to significantly impact on the operation of the adjacent gymnasium or vice versa.

- 6.39 The application would provide for benefits in terms of local housing provision and the re-development of the currently vacant Vicarage building, would provide for its access and parking needs without resulting in highway safety issues, and would provide appropriate contributions towards affordable housing and local infrastructure improvements, including the provision of ball-stop netting for the adjacent Warnham Cricket Club. Appropriate conditions would also appropriately secure the ecological interest of the site and ensure the development is suitably landscaped
- 6.40 For these reasons the proposed development is considered acceptable in accordance with the Horsham District Planning Framework, National Planning Policy Framework and all other relevant material considerations.

7. RECOMMENDATIONS

- 7.1 To resolve (subject to no objection from the Secretary of State) to delegate authority to the Head of Development to grant permission subject to the completion of the Phase II Ecology survey, the completion of a S106 agreement, appropriate conditions:
1. A condition listing the approved plans and requiring development to be carried out in accordance with them.
Reason: For the avoidance of doubt and in the interest of proper planning
 2. 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 Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for, but not be limited to:
 - a. An indicative programme for the carrying out of the works
 - b. Hours of construction works
 - c. The arrangements for public consultation and liaison prior to and during the demolition and construction works
 - d. The anticipated number, frequency and types of vehicles used during demolition and construction works,
 - e. The method of access and routing of vehicles during demolition and construction,
 - f. Details for the provision of a vehicle turning space within the site throughout the duration of the works to enable all vehicles to exit the site in a forward gear.
 - g. 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)
 - h. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - i. The parking of vehicles of site operatives and visitors
 - j. The location for the loading and unloading of plant, materials and waste
 - k. The location for the storage of plant and materials used in constructing the development
 - l. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

- m. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- n. Measures to monitor and control the emission of dust and dirt during construction
- o. A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of adjacent occupiers 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 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).

6. **Pre-commencement condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

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

7. **Pre-commencement condition:** No development, including any works of demolition or site clearance, shall commence until an Ecological Mitigation and Management Plan has been submitted to and approved by the Local Planning Authority in writing. The Ecological Mitigation and Management Plan shall incorporate the measures set out in Section 6 of the Preliminary Ecology Appraisal by ACD Ecology (March 2017) and include the following details:

- Findings of Phase II nocturnal bat surveys of the Vicarage building and oak tree;
- Details of a scheme for the protection for retained habitats including protected and notable species (such as bats, dormice and nesting birds), to be implemented prior to development commencing (including works of site clearance and demolition);
- Details of enhancement measures for biodiversity across the site, to be implemented prior to first occupation of the development and retained as such thereafter.
- A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the development to go ahead; or a statement in writing from Natural England to the effect that it does not consider that the development will require a licence.

The Plan will be revised if necessary to incorporate any methodologies agreed with Natural England during the licensing process. Any such measures shall thereafter be implemented in

accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

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

8. **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 Impact Assessment and Method Statement (ACD Environmental revision A dated 30/05/2017) as well as those off-site whose root protection areas ingress into the site, to include also the hedgerow along the western site boundary, 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).

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 such time as revised plans and details incorporating the recommendations given in the Stage 1 Road

Safety Audit and accepted in the Designers Response within the Transport Statement (Iceni Projects Ltd dated March 2017) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

11. **Pre-commencement condition:** No development shall commence until the approved vehicular access serving the development onto Church Street has been constructed and made available for use. The access shall include visibility splays of 2.4 metres by 25 metres which shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed. The access shall be retained as such thereafter.

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

12. **Pre-slab 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 proposed buildings have been submitted to and approved by the Local Planning Authority in writing and all materials used 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).

13. **Pre-slab 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).

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

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

15. **Pre-occupation condition:** The dwellings hereby permitted shall not be occupied until their respective covered and secure cycle parking spaces/facilities have been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained at all times solely for that purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including Policy 40 of the Horsham District Planning Framework (2015).

16. **Pre-occupation condition:** The dwellings hereby permitted shall not be occupied until their respective refuse and recycling storage facilities have been fully implemented and made available for use in accordance with plans and details that shall have been 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).
17. **Pre-occupation condition:** No dwelling shall be first occupied until the roadways, footways, vehicle turning areas and parking spaces necessary to serve that dwelling have been constructed, surfaced, drained and been made available for use.
Reason: To provide the necessary vehicle and pedestrian access to serve each dwelling in accordance with Policy 40 of the Horsham District Planning Framework (2015).
18. **Pre-occupation condition:** Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.
Reason: To ensure a sustainable development that meets the needs of future occupiers and in compliance with the provisions of the National Planning Policy Framework, particularly paragraph 42 and Policy 37 of the Horsham District Planning Framework (2015).
19. **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 have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include:
- Details of existing and proposed levels for all external works associated with the landscape proposal
 - Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
 - Tree pit and staking/underground guying details
 - A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
 - Hard surfacing materials - layout, colour, size, texture, coursing, levels
 - Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
 - Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns
- The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).
20. **Pre-occupation condition:** Prior to the first occupation (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).

21. **Pre-occupation condition:** Prior to first occupation of the development hereby permitted, details of all external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in full accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter.

Reason: To ensure safe operation of the roadway and to safeguard the ecology and biodiversity of the area in accordance with Policies 31 and 40 of the Horsham District Planning Framework (2015).

22. **Pre-occupation condition:** Units 12-15 shall not be occupied until a scheme of works to reduce the intrusion of noise to habitable rooms and amenity spaces from the adjacent commercial uses has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall have regard to the requirements of BS8233:2014, shall have been fully installed prior to first occupation of Units 12-15, and shall be retained as such thereafter.

Reason: To safeguard the amenities of occupiers of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

23. **Pre-occupation condition:** Prior to first occupation of the development hereby permitted, the pedestrian link to the adjacent public right of way running along the northern boundary of the site as detailed on drawing no.1325.PLN.101 rev.A received on 24 May 2017 shall be fully implemented and made available for use. The pedestrian link shall be retained as such thereafter.

Reason: To ensure pedestrian access is sufficiently provided for in accordance with Policy 40 of the Horsham District Planning Framework (2015).

24. **Regulatory condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no boundary treatments falling within Part 2 of Schedule 2 (amend classes and schedule as necessary) of the order other than those hereby permitted shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity in accordance with Policies 33 & 34 of the Horsham District Planning Framework (2015).

25. **Regulatory condition:** The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety and to comply with Policy 40 of the Horsham District Planning Framework (2015).

26. **Regulatory condition:** 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.

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).

Informatives:

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.

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>.

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.

The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

Background Papers: DC/17/0566