You are summoned to the meeting to transact the following business

AGENDA

1. Apologies for absence

2. To receive any declarations of interest from Members of the Committee – any clarification on whether a Member has an interest should be sought before attending the meeting

3. To receive any announcements from the Chairman of the Committee or the Chief Executive

4. To consider the reports of the Head of Planning & Environmental Services on the following applications and to take such action thereon as may be necessary:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Ward</th>
<th>Reference Number</th>
<th>Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Rusper and Colgate</td>
<td>DC/13/1437</td>
<td>Kilnwood Vale, Crawley Road, Faygate</td>
</tr>
</tbody>
</table>
A2  Denne  DC/12/2298  Land East of A24, Worthing Road, Horsham

5. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances.
TO: Development Management Committee North
BY: Head of Planning and Environmental Services
DATE: 15th October 2013
DEVELOPMENT: Engineering operations associated with landfill remediation and associated infrastructure including pumping station
SITE: Kilnwood Vale Crawley Road Faygate West Sussex
WARD: Rusper and Colgate
APPLICATION: DC/13/1437
APPLICANT: Crest Strategic Projects Ltd

REASON FOR INCLUSION ON THE AGENDA: Category of development

RECOMMENDATION: That planning permission be delegated for approval to the Head of Planning and Environmental Services, subject to appropriate conditions and securing a Supplemental S106 Legal Agreement.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 In October 2011 a hybrid planning permission, under reference DC/10/1612, was granted for the Holmbush Farm Landfill Site, Crawley Road, Faygate (the strategic location of Land West of Crawley and also known as Kilnwood Vale). This hybrid decision consisted of 4 No. parts, comprising: Part A which granted outline permission for the erection of approximately 2,500 dwellings, new accesses from the A264, a neighbourhood centre, main pumping station, land for a primary school and nursery, land for employment uses, a new railway station, an energy centre and associated amenity space; Part B which granted full planning permission for engineering operations associated with landfill remediation works across part of the site, associated infrastructure and a pumping station; Part C which granted full planning permission for the erection of 291 No. dwellings across Phase 1 of the development, along with internal roads and pathways, parking and garaging, a sub-station, flood attenuation ponds and associated amenity space; and, Part D which granted full planning permission for the construction of a noise attenuation bund measuring between 3m and 6m in height and running for approximately 700m along the boundary with the A264, landscaping associated with this, service provision and a pedestrian footpath/cycleway.
1.2 This current application seeks to replace Part B of the DC/10/1612 hybrid approval. The existing Part B permission allows for landform alterations associated with the remediation of the former inert landfill site and infrastructure works associated with this. Both Part B and this current application cover Phase 2 and part of Phase 3 of the wider Kilnwood Vale development site. These areas include the former Holmbush Farm inert landfill site and the surrounding land. The existing site has varying levels with a high point situated towards the southern edge being 94m above Ordnance Datum (AOD) and the central part of the site having a height of approximately 90m AOD. This height then reduces down towards the edges of Phase 2 and towards the Bewbush Brook, within the northern part of the site.

1.3 The current proposal seeks to revise the shape of the landform that would result from the remediation works. The consented Part B would create a domed landform within the central areas of Phases 2 and 3. This landform arrangement would have a high point around 'the knoll' and would then gently fall away to the eastern boundary with Bewbush, the western boundary with Phase 1 and towards the Bewbush Brook to the north.

1.4 The applicant's have stated that following the approval of this domed landform as part of the hybrid permission gained under application DC/10/1612, further technical analysis of the resultant levels has revealed that in order to create the broadly level plateaus that would be required to deliver some of the key facilities within Phases 2 and 3, there would be a need to create localised areas with steep levels changes or utilise retaining structures. It is anticipated that broadly level areas would be needed for the primary school site and for the food store (within the neighbourhood centre).

1.5 The current proposal seeks to amend the proposed landform for Phase 2 and part of Phase 3 such that it creates a simplified plateau. This would consist of a generally flatter plateau with a reduced height and the redistribution of some material towards the edges of Phases 2 and 3. The proposed landform would retain the high point of 'the knoll' with the land still reducing in height around this, but with slightly reduced gradients across the main central part of the application site and slightly increased gradients towards the edges, in particular adjacent to Phase 1 and the Kilnwood Vale Park (situated to the north east part of the site). These proposed changes would enable broadly flat areas to be created for key facilities without the need for steep levels changes or substantial retaining structures.

1.6 The extent of the application has been changed during the course of the consideration of this application, in order that it now reflects the entirety of the previously approved Part B. However, the scale and extent of the revised landform works have not been amended during this application and the land outside the demarcated section of the submitted plans is not altered as a result of this application.

DESCRIPTION OF THE SITE

1.7 The site lies to the north of the A264, and as mentioned above, forms part of the wider Land West of Crawley (Kilnwood Vale) strategic development site and previously formed the Holmbush Farm landfill site. The landfill site was used between 1977 and 2006 for the tipping of inert waste, largely construction waste of silts and clays, and does not contain domestic refuse.

1.8 The Kilnwood Vale site is bordered by the residential development of Bewbush, within Crawley Borough, to the east, by Kilnwood Lane to the north, by open fields to the west and by the A264 to the south. The Horsham to London mainline railway runs through the northern portion of the development site. Within the Kilnwood Vale area, the current application site constitutes the south eastern portion and lies to the immediate east of Phase 1 and to the south of the railway line. Phase 1 benefits from full planning permission for the erection of 291 No. dwellings and associated works, and this stage of the development is currently underway.
1.9 The application site extends to an area of approximately 58.7 hectares, but with the proposed landform alterations being restricted to an area of approximately 38.5 hectares within the southern part of this area.

2. INTRODUCTION

STATUTORY BACKGROUND


RELEVANT GOVERNMENT POLICY

   - Section 7: Requiring good design
   - Section 10: Meeting the challenge of climate change, flooding and coastal change
   - Section 11: Conserving and enhancing the natural environment

RELEVANT COUNCIL POLICY

2.3 Local Development Framework: Core Strategy (2007) policies:
   - CP1: Landscape and Townscape Character
   - CP2: Environmental Quality
   - CP3: Improving the Quality of New Development
   - CP6: Strategic Location – West of Crawley
   - CP13: Infrastructure Requirements

2.4 Local Development Framework: General Development Control Policies (2007) policies:
   - DC2: Landscape Character
   - DC4: Areas of Outstanding Natural Beauty (AONBs)
   - DC5: Biodiversity and Geology
   - DC7: Flooding
   - DC9: Development Principles
   - DC10: Archaeological Sites and Ancient Monuments
   - DC22: New Open Space, Sports and Recreation
   - DC40: Transport and Access

2.5 Horsham District and Crawley Borough Local Development Frameworks: West of Bewbush – Joint Area Action Plan (2009):
   - WB4: Design
   - WB9: Retail
   - WB12: Structural and Informal Landscaping
   - WB13: Biodiversity
   - WB16: Flood Risk/Management
   - WB18: Recreation and Open Space
   - WB19: Education
   - WB22: Former Inert Landfill Remediation

2.6 Local Development Framework: Supplementary Planning Document:
   - Planning Obligations (2007)
Horsham District Planning Framework (HDPF) Preferred Strategy was approved by Council for consultation on 25th July 2013. The consultation period runs from 16th August to 11th October 2013. The planning application will be considered within the consultation period and therefore the Preferred Strategy is a material consideration which carries limited weight in the assessment of this planning application.

PLANNING HISTORY

DC/10/1612 Outline approval for the development of approximately 2500 dwellings, new access from A264 and a secondary access from A264, neighbourhood centre, comprising retail, community building with library facility, public house, primary care centre and care home, main pumping station, land for primary school and nursery, land for employment uses, new rail station, energy centre and associated amenity space. Full planning permission for engineering operations associated with landfill remediation and associated infrastructure including pumping station. Full permission for the development of Phase 1 of 291 dwellings, internal roads, garages, driveways, 756 parking spaces, pathways, sub-station, flood attenuation ponds and associated amenity space. Full permission for the construction of a 3 to 6 metre high (above ground level) noise attenuation landform for approximately 700 metres, associated landscaping, pedestrian/cycleway and service provision (land known as Kilnwood Vale)

3. OUTCOME OF CONSULTATIONS

3.1 The following section provides a summary of responses received as a result of consultation, however officers have considered the full comments of each consultee, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

3.2 Arboricultural Officer: No objection

3.3 Environmental Officer (summarised): No comments received to date

3.4 Landscape Architect (summarised): No objection subject to conditions
- Satisfied that the amendments to the landform would be beneficial to the overall design and appearance of the scheme;
- The gently sloping linear space to the central greenway open space replaces a much steeper and less useable landform;
- The relationship between the south eastern edge of the development and Chetwood Road, Bewbush would be improved, with scope for a potential new ditch/swale on the lower land;
- Improvements to the very steep banks of the primary school site;
  It also maintains a positive relationship between Phase 1 and Phase 2, with a slight reduction in levels differences between the housing on each these Phases, whilst avoiding any impact on the root protection areas of existing trees;
- The Design and Access Statement demonstrates that the revised landforms give scope for remodelling the Bewbush Brook corridor with more gently graded slopes. This would be an enhancement to the riparian corridor.
3.5 **Public Health & Licensing:** No objection

3.6 **Technical Services (Drainage) Officer:** No objection

**OUTSIDE AGENCIES**

3.7 **Crawley Borough Council (summarised):** No comments received to date

**Environment Agency (summarised):** No objection

**Gatwick Airport Safeguarding (summarised):** No objection

Recommends informative relating to the use of cranes on site.

**Natural England (summarised):** No objection

- The site is in close proximity to the House Copse Site of Special Scientific Interest (SSSI). The proposed development carried out in strict accordance with the submitted details will not damage or destroy the interest features for which the site has been notified. We therefore advise that this SSSI does not represent a constraint in determining this application;
- Do not believe that the development is likely to adversely affect the purpose of the High Weald AONB;
- Refer to Standing Advice in relation to protected species;
- The Local Planning Authority should ensure sufficient information has been submitted to fully understand any impacts on local wildlife sites;
- The application may provide opportunities for landscape and biodiversity enhancements.

**WSCC Strategic Planning (summarised):** No objection

The submitted information indicates that the proposed remodelled landform would comprise a balance of cut and fill material with no inert material needing to be disposed off-site. As such the current proposal would not be expected to result in any impact upon the local highway network beyond that already permitted.

**PUBLIC CONSULTATIONS**

**Colgate Parish Council (summarised):** Comment

Insufficient information has been provided to enable the Council to make an informed decision. The information was received by the Council too late for it to be given due consideration and an informed decision.

A total of 5 No. letters of representation have been received, these raise the following summarised concerns:

- The proposed works may encroach on the current peaceful environment adjacent to Bewbush;
- There is insufficient information relating to the pumping station;
- The pumping station may lead to noise and emissions that adversely affect nearby residents;
- Strong opposition if this proposal would create a landfill site;

**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:

- The principle of the development
- Impact on the character and appearance of the surrounding area and the amenities of nearby and future residents
- Drainage, ecology and archaeology issues
- Contamination and remediation issues
- Environmental Impact Assessment
- S106 obligations

Principle of the development

6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.

6.3 This current application seeks to amend, and ultimately replace, Part B of the hybrid planning permission granted under DC/10/1612. Part B of DC/10/1612 secured full planning permission for engineering operations to undertake landform alterations and associated infrastructure works across this site. As the current proposal seeks only a revised form for these engineering operations, the principle of the proposed works remains acceptable and consideration only needs to be given to the proposed changes and whether they would materially alter the scale and form of the wider approved development across the Kilnwood Vale site.

Impact on the character and appearance of the surrounding area and the amenities of nearby and future residents

6.4 The majority of the existing site forms the former inert landfill site and has undulating ground levels which have been raised during the operation of the landfill. The extant hybrid planning permission granted full permission for engineering operations to change the levels of this site to create a more useable landform. This current application seeks to change this approved landform in order to allow for a generally flatter site. The applicant has stated that the reasoning for these proposed changes relate to creating more useable approximately level areas for the primary school and retail store, which are to be delivered as part of the Outline approval.

6.5 Within the central part of the application site, it is considered that the proposed changes in levels would not result in any adverse impacts in terms of the character of the resultant development or the relationship between nearby and adjacent buildings within this area. Indeed the proposed revisions would enable the creation of the Central Greenway (a green corridor running from ‘the knoll’ to Kilnwood Vale Park) with a flatter profile than the approved levels. This will provide a more user-friendly green space. The approved ‘knoll’, a
raised conical shaped landform towards the centre of the southern boundary, would be retained within the revised landform and therefore views from and to this landscape feature would remain per the extant permission.

6.6 Towards the western side of the application site, where it adjoins the eastern edge of Phase 1, the proposed engineering operations would result in a slightly increased change in levels over those of the approved scheme. However, the spacing that would exist between the built development within Phase 1 and that within Phase 2 would remain considerable due to the retained tree belt which runs along the eastern boundary of Phase 1 and it is not considered that the change in levels would result in an unsatisfactory relationship between dwellings in this location. The revised levels would reconnect with existing levels outside the root protection areas for the retained trees to this boundary.

6.7 To the eastern side of the site, similarly to the western side, the revised landform would create a slight increase in gradient adjacent to the boundary. This increased gradient would create a slope of approximately 1 in 5.5m across the East Greenway and would allow for the creation of a ditch within this corridor as part of the SuDS network across the site. It would not affect the root protection area of trees running along this boundary. The general level of built development adjacent to this eastern boundary would not be significantly altered and it is considered that the relationship to the nearby dwellings within Bewbush would not be compromised.

6.8 To the northern part of the site, around the realigned Bewbush Brook corridor, the submitted Design and Access Statement indicates that the revised landform would allow for a reduction in gradients to the Brook corridor which could improve the accessibility of this area. Whilst specific details of these improvements are not provided, it is considered that these could be satisfactorily controlled by way of an appropriate condition.

6.9 Although the proposed revisions to the landform would result in some changes to the consequent overall building heights, these would still remain within the approved parameters established within the extant hybrid permission (DC/10/1612).

6.10 It is considered that the likely impacts of this proposal on the character and appearance of the site itself and the wider surrounding area are not significant and neither would they adversely impact upon the landscape opportunities within the development. It is therefore considered that the proposed changes would accord with the design, landscape and amenity requirements set out in policy CP1 of the Horsham District Local Development Framework: Core Strategy (2007), policies DC2 and DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007) and policy WB4 of the Horsham District and Crawley Borough Local Development Frameworks: West of Bewbush – Joint Area Action Plan (2009).

**Drainage, ecology and archaeological issues**

6.11 The application site benefits from an extant full planning permission, which could therefore be implemented at any time, for the undertaking of engineering operations to alter the landform of the area. The details submitted for consideration at the time of this original hybrid application included a Flood Risk Assessment (FRA) carried out by SLR. This FRA concluded that surface water run-off would be attenuated to simulate greenfield rates for all events up to and including a 1 in 100 year rainfall event (including an allowance for climate change). The currently proposed alterations to the landform of Phase 2 and part of Phase 3 would not lead to additional surface water run-off and the measures designed to accommodate and attenuate this flow from the approved scheme therefore remain acceptable and appropriate. Although the contours of the now proposed landform would differ from those of the approved landform, these would only result in insignificant
alterations to the direction of flow of surface water run-off and as such, the drainage catchments and discharge locations can remain as originally proposed.

6.12 The foul water drainage strategy submitted in connection with the extant hybrid permission proposed a system involving the construction of a total of 4 No. pumping stations, the location of which were secured. The main pumping station situated to the north of the Kilnwood Vale Park adjacent to the eastern boundary of the site; pumping station 1 (PS1) was to be located to the north eastern corner of Phase 1, adjacent to the edge of Phase 2; pumping station 2 (PS2) was to be located to the east of the site, near to the boundary with Bewbush; and, pumping station 3 (PS3) was to be situated north of the railway line, just to the south west of the proposed railway station site. The proposed changes to the landform of the site would result in an increase in ground levels to the eastern part of Phases 2 and 3. This increased level would result in a sufficient fall to allow foul water from the eastern side of these Phases to be conveyed by gravity to the main pumping station, rather than requiring pumping from PS2. Therefore, PS2 is no longer required and is subsequently removed from the proposed scheme.

6.13 The wider Kilnwood Vale development site includes Pondtail Shaw and Capon Grove Ancient Woodlands, however, these are located outside the current application site, either within the other part of Phase 3 or within Phase 5. The application site does not include any environmental designations but House Copse Site of Special Scientific Interest (SSSI) and Ancient Woodland and Kilnwood Copse Ancient Woodland and Site of Nature Conservation Importance (SNCI) are located adjacent it. However, given the former use of the site, the biodiversity value of the land is limited.

6.14 Although the current application seeks permission for a revised landform, the likely impacts upon the site in terms of ground disturbance would not be dissimilar to those previously considered, and approved, under the hybrid application. Ecological surveys submitted at the time of the consideration of the hybrid application indicated that there were no ecological constraints to development of the site and that appropriate mitigation measures could be ensured through condition. Given that ground investigation and other works associated with the implementation of permission DC/10/1612 have subsequently commenced on site, it is not considered that the ecological value of the site is likely to have changed since this time. The conditions attached to the outline planning permission for the site (Part A of DC/10/1612) would remain applicable and unchanged by this current proposal.

6.15 Similarly to above, the Kilnwood Vale site does not constitute a site of particular archaeological importance, however, the Bewbush Moat Scheduled Ancient Monument is located just to the east of the site. The hybrid permission required the submission of a programme of archaeological work prior to the commencement of development of any phase, and these details have subsequently been submitted and approved in relation to Phases 1, 2 and 3. As the current application would cover Phase 2 and part of Phase 3, this previously agreed scheme of archaeological works would remain applicable and the proposed revisions to the landform do not alter this position.

6.16 The proposed alterations to the landforms of the site, over those previously approved, would not result in differing impacts in terms of surface water drainage, ecology or archaeology across the development. The details provided or required by condition in relation to the extant planning permission therefore remain appropriate and relevant. Whilst the revised landforms would result in an alteration to the foul water drainage scheme, this would reduce the amount of infrastructure required to drain the development through the elimination of the need for one of the four pumping stations. It is considered that the proposed landform alterations would not have a detrimental impact upon flood risk, local ecology or archaeological interest and as such would be in accordance with policies DC5, DC7, DC10 of the Horsham District Local Development Framework: General Development

Contamination and remediation issues

6.17 As part of the application site constitutes a former inert landfill site these former activities and associated land raising have resulted in a potential for soil and ground gas contaminants. Remediation works are therefore required across the site, in order to mitigate any potential impacts and to improve the ground stability to make the site suitable for housing development. The potential for contaminants to be present across the site does not significantly change the overall approach to the earthworks and ground improvement strategy, but rather provides an opportunity to move sources of contamination away from sensitive receptors. This approach was established under the extant hybrid permission and appropriate conditions to ensure the undertaking of the necessary works were imposed.

6.18 The proposed alterations to the landform across the site would not impact upon the remediation strategy for the site. The original remodelling of the landform involved cut and fill operations to achieve the domed platform. The current proposal to create a broadly flatter simplified plateau would require some additional cut and fill, but the applicant has stated that the total volume of material required on site would ensure that there would remain no need to dispose of any inert landfill materials off site. The Council's Public Health and Licensing Officer is satisfied with the revised landform and the associated contamination and remediation strategies. It is therefore considered that the proposal is in accordance with policy WB22 of the Horsham District and Crawley Borough Local Development Frameworks: West of Bewbush – Joint Area Action Plan (2009).

Environmental Impact Assessment (EIA)

6.19 Prior to the submission of this current application, the applicant’s agent submitted a request for a formal Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council’s Environmental Officer concluded that an EIA was not required as part of the submission for the consideration of this proposal. As the current proposal forms an application for full planning permission it would result in an alteration to the wider development considered under the original hybrid application (DC/10/1612). The original hybrid submission was considered to be EIA development and therefore, the current proposal was screened under Schedule 2 section 13(b). This section relates to proposals which constitute changes and extensions to a development is already authorised, executed or in the process of being executed.

6.20 Under these circumstances a further EIA would only be required if the proposed alterations were considered to have significant adverse impacts on the environment. The screening assessment of the Council’s Environmental Officer assessed the proposal in relation to the Environmental Statement of the original hybrid application. Their assessment concluded that the proposed landform alterations would not alter the quantum of development that has already been permitted on this site and that the majority of the impacts arising from the amended scheme remain as set out in the previously submitted and considered Environmental Statement.

Section 106 obligations

6.21 The proposed revised landform across Phase 2 and part of Phase 3 would not result in a requirement for any additional contributions towards affordable housing or infrastructure provision at either the District or County level. However, as the proposal would replace Part B of the hybrid permission DC/10/1612, it is necessary to tie this current application to the original Section 106 Agreement by way of a supplemental agreement.
6.22 The supplemental agreement will update the definitions within the original S106 to ensure reference to this current application and will insert an additional plan to show the areas covered by the various Parts of the hybrid application and the area covered by this current application. The supplemental agreement is currently being drafted.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission be delegated for approval to the Head of Planning and Environmental Services, subject to securing a Supplemental S106 Legal Agreement, and the following conditions (and any conditions which may arise during the delegation period):

1. A2 Full Permission

2. Prior to the commencement of part b) of the development a construction environmental management plan (CEMP) for the works associated with part b) shall be submitted to the Local Planning Authority for its written approval and thereafter implemented and maintained throughout the construction period in accordance with the approved CEMP. The CEMP shall include:

- Details of the working hours agreed with the LPA for the implementation of the development;
- Details of the design and location of the construction access;
- Details of proposed wheel washing facilities located adjacent the construction site access;
- Details of an area for the storage of materials, parking for construction traffic and an appropriate turning area has been provided within the site clear of the public highway;
- A site waste management plan
- Details of any temporary utilities required
- How the construction will comply with the sustainable use of soils on construction sites.
- Details of a communication strategy to include the provision of a dedicated phone line for residents to contact the site manager directly with complaints which should be manned at all times while site works are in progress.
- Details of a routing agreement for the site construction traffic and HGV traffic associated with the movement of bulk material to and from the site;
- Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
- Details of the measures to mitigate the noise and vibration from construction including those measures identified in sections 13.5.1 to 13.5.4 of the Environmental Statement;
- Details of a surface water drainage scheme for the temporary drainage of the Site. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:
  - demonstration that there will be no increase in the volume or rate of surface water runoff leaving the site for the duration of the earthworks and associated stabilisation period.
  - measures to mitigate any increased risk of sediment entering the watercourses and groundwater.
  - demonstration that there will be no discharge to ground that has been affected by contamination
- Measures for tree and hedgerow protection throughout the development programme;
- A detailed method statement for the removal or long-term
management/eradication of Japanese Knotweed on the site. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981.

Reason: In the interests of highway safety and ensuring the free flow of traffic on the highway network; to minimise the risk of damage to the highway; to safeguard the amenity of existing and proposed residents; to ensure a strategy is in place to manage surface water drainage and safeguard existing watercourse and groundwater; to safeguard existing landscape features and secure the eradication of Japanese Knotweed in accordance with policies DC5, DC7, DC9 and DC40 of the Horsham District Local Development Framework: General Development Control Policies 2007.

3. No development shall commence on part b) of the development until all existing trees/bushes/hedges to be retained within (and immediately adjacent to) any areas of works, have been protected by a fence erected in accordance with the guidance contained in BS 5837:2005 and maintained during the course of development for part b). Within the areas so fenced off the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored within such areas without the prior written approval of the local planning authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree root encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies 2007.

4. A detailed scheme for temporary hydroseeding of the Knoll shall be submitted to and approved in writing by the local planning authority prior to the commencement of the earthworks operations that will form the basic landform of the Knoll. The approved scheme shall then be implemented according to an agreed timescale to be submitted to and approved in writing with the Local Planning Authority.

Reason: To ensure no erosion of the Knoll feature occurs before the precise final landform details for the Knoll are agreed as part of a future reserved matters submission and implemented in accordance with policies DC2 and DC9 of the Horsham District Local Development Framework: General Development Control Policies 2007.

5. Notwithstanding the submitted details, no development shall begin, or other such date or stage in development as may be agreed in writing with the Local Planning Authority, until full details of the earthworks proposals along the Bewbush Brook corridor have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include existing and proposed levels, grading and contours to be formed, existing and proposed cross sections showing the relationship of the proposed slopes to the surrounding landform, together with details of the proposed Bewbush Brook realignment and profile, and any associated structures. The proposals should demonstrate how an accessible, useable and attractive riparian corridor would be created and include illustrative planting and footpath proposals. The development shall then be carried out in full accordance with the approved details.
Reason: To ensure the delivery of a high quality development as required by policy CP1 of the Horsham District Local Development Framework: Core Strategy and the Land West of Bewbush Joint Area Action Plan.

6. No earthworks or recontouring shall begin until a scheme for the temporary drainage of the site has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details/timings embodied within the scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

The scheme shall also include:
- demonstration that there will be no increase in the volume or rate of surface water runoff leaving the site for the duration of the earthworks and associated stabilisation period.
- measures to mitigate any increased risk of sediment entering the watercourses.

Reason: To prevent the increased risk of flooding and to protect water quality, in accordance with the NPPF and policy DC7 of the Horsham District Local Development Framework: General Development Control Policies (2007).

7. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plan(s), numbered 19956_50 Rev A, 19956_46 Rev A, 19956_52 Rev A, 47062285/PH2-3/140 Rev P0 and 47062285/Ph2-3/163 Rev P01 contained within the application and no variations shall take place without the prior approval in writing of the Local Planning Authority.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

Notes to Applicant – Informatives

1. The development hereby permitted shall be carried out in accordance with the schedule of approved documents below:

   Barton Willmore Design and Master Plan Statement – Rev E dated July 2013
   Savills Planning Statement – dated July 2013
   URS Report on Earthworks Land Form and Remediation Options – dated July 2013
   URS Surface Water, Foul Water and FRA Statement – dated July 2013

2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant’s attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com. The crane process is explained further in Advice Note 4 ‘Cranes and Other Construction Issues’ (available at www.aoa.org.uk/operations-safety/).

8. REASONS FOR RECOMMENDATIONS
Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Background Papers: DC/10/1612, DC/13/1599
Case Officer: Helen Lowe
DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North
BY: Head of Planning and Environmental Services
DATE: 15th October 2013

Construction of an extra care facility (C2 Use class) to include 105 apartments (43 x 1-bed, 62 x 2-bed) and communal facilities to include fully serviced restaurant, living/activity room, therapy/hairdressing suite, staff facilities with associated access, car parking and landscape works.

SITE: Land East of A24 Worthing Road Horsham West Sussex
WARD: Denne
APPLICATION: DC/12/2298
APPLICANT: Berkeley Homes (Southern) Ltd & Saxon Weald Homes Ltd

REASON FOR INCLUSION ON THE AGENDA: Category of development

RECOMMENDATION: That the affordable housing mix and collection of West Sussex County Council required infrastructure contributions be agreed and that planning permission be therefore delegated for approval to the Head of Planning and Environmental Services, subject to appropriate conditions and securing a Supplemental S106 Legal Agreement.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 This report relates to the mix of affordable rented extra care apartment sizes and infrastructure contributions required by the County Council in relation to this proposal, which was first considered in detail at the Development Control North Committee on 21st August 2013. At that time, the West Sussex County Council (WSCC) comments, as summarised, explained that the County Council had no objections to the proposal. The substantive comments indicated the level of contributions required towards local infrastructure provision arising from 107 No. extra care units. WSCC have now confirmed the contributions required from the revised proposed development of 105 No. extra care units and this report seeks to update Members and seeks authority for the contributions.

1.2 Initial contributions totalling £71,236 were sought by WSCC in relation to the originally submitted scheme for 107 No. units. These initial contributions were not explicitly considered within the previous report to Committee (attached at Appendix A) and updated contributions in relation to the revised scheme, comprising 105 No. units, had not been received at that time. This report therefore seeks to set out and consider the revised level...
of contributions required by WSCC in relation to the provision of 105 No. extra care units within the Land East of the A24 site.

1.3 The previous report to Committee indicated that the 60 No. affordable rented extra care units were to replicate the mix of unit sizes initially required within Phase 3 of the Land East of the A24 development site. This mix, as specified within Table B of Schedule 26 of the Principal S106 Agreement, comprised 25 x 1 bed units and 35 x 2 bed units. However, subsequent to the consideration of this proposal at the Committee on 21st August, one of the applicants (Saxon Weald Homes Ltd) have stated that the extra care facility is to provide the 60 No. affordable rented units with a split of 43 x 1 bed and 17 x 2 bed.

1.4 All other elements of the scheme and the site remain the same as previously described and assessed. This report should therefore be read in conjunction with the previous report for all other aspects of the scheme and this is attached at Appendix A for reference. Also attached for reference, at Appendix B, is the report (also dated 21st August 2013), which considered the requirements for a variation to the Principal S106 Agreement relating to the Land East of the A24 site.

UPDATE SINCE COMMITTEE 21ST AUGUST 2013

1.5 At the meeting of the Development Control North Committee on 21st August 2013, Members resolved to delegate authority to grant permission, to the Head of Planning and Environmental Services, subject to relevant conditions and the securing of a supplemental S106 agreement. However, Members requested that, within the period of delegation, Officers were to double check with the applicant as to whether there was a potential to increase parking provision. This was to then be reviewed and agreed in conjunction with the Local Members and the Chairman of the Committee.

1.6 Subsequent to this, the applicant was duly approached to consider the proposed provision of car parking spaces within the development. The applicant stated that the only way in which additional car parking spaces could be provided would be through significantly affecting the space available for the residents’ garden. Officers, of both HDC and WSCC, did not raise an objection to the proposal in relation to car parking provision, and Saxon Weald (as future operators of the facility) are satisfied with the arrangement proposed.

1.7 The potential loss of residents’ amenity space in order to provide additional parking spaces, which would be unlikely to benefit residents, is not considered acceptable by Officers. Councillor Kitchen, as Chairman of the Development Control North Committee, and Councillor Sheldon, as local Member, have agreed this position, and therefore the approval of the scheme as reported to Committee in August. Councillor Deakins, as local Member did not wish to comment as he had not been present at the Committee during the discussion and debate on this proposal.

2. INTRODUCTION

2.1 The statutory background and relevant government and Council policies are as set out within the previous report (see Appendix A), with the exception of the Horsham District Planning Framework (HDPF) Preferred Strategy.

2.2 The HDPF was approved by Council for consultation on 25th July 2013 with the consultation period running from 16th August to 11th October 2013. As this planning application will be considered within the consultation period the Preferred Strategy is therefore a material consideration, which carries limited weight in the assessment of this planning application.
2.3 Similarly, the planning history for this site is set out within the attached previous report to Committee.

3. **UPDATED CONSULTATION RESPONSES**

3.1 The following section provides a summary of additional responses received, as a result of consultation in relation to the amended scheme for 105 No. units rather than the originally proposed 107 No. units and in response to the confirmed split of one and two bed affordable units. These responses were received following the reporting of this application to Committee in August 2013.

3.2 Whilst these are summarised comments, officers have considered the full comments of each consultee, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk).

**INTERNAL CONSULTATIONS**

3.3 **Housing Services Manager (summarised):** Supports the application and mix
- Government grant for affordable housing on sites such as Land East of the A24 has been virtually eliminated and therefore values expected by developers and enshrined within the S106 are unlikely to be achieved;
- An extra care scheme carries substantial communal spaces that are essential for the well-being of residents and the operation of the scheme. These communal areas are not revenue generating and the cost of their construction must be recovered by other means;
- It is agreed that the majority of demand for affordable rented extra care housing will be from single elderly people;
- Under the affordable rent regime, 80% of market rent on a 2 bed unit could be onerous for single tenants;
- There is also a risk that if Government policy were to change with a reduction in housing benefit for elderly under-occupiers, this could cause tenants to fall into difficulties;
- Experience suggests that a majority of 1 bed units for this client group is preferable and will be a better match with the District Council’s likely nominations.

**OUTSIDE AGENCIES**

3.4 **WSCC Strategic (summarised):** Revised contributions received
- Infrastructure contributions relating to the revised scheme for 105 No. extra care units totalling £25,479 are sought.

3.5 **WSCC Archaeology (summarised):** No objection subject to condition
- The submission of the amended plans do not change the comments previously provided.

3.6 **WSCC Ecology (summarised):** No objection to the amended plans

3.7 No other additional consultation responses or letters of representation have been received and all other consultation responses remain within the report presented to Committee in August 2013, attached at Appendix A.

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 report must be read in conjunction with the report presented at the Development Control North Committee on 21st August 2013, and therefore forms an update. This previous report, along with the associated report seeking approval to vary the Principal S106 Agreement, are appended for reference. These reports, when taken together, form a full assessment of the proposal.

6.2 This report focuses only on the infrastructure contributions sought by WSCC and the mix of affordable rented units, as all other aspects of the proposal remain as previously considered. The principle of the development; its design and character; landscaping and drainage proposals; and, the highway accessibility were all considered acceptable to the Committee and it was resolved to delegate authority for the grant of planning permission, subject to relevant conditions, the securing of an appropriate supplemental S106 agreement, and further consideration of the parking arrangements for the facility (see paragraphs 1.5 to 1.7 above).

### S106 obligations

6.3 The contributions towards local infrastructure provision sought by WSCC in relation to the revised 105 No. unit scheme total £25,479. This total is broken down into the elements shown within the following table. The contributions shown in this table are to be index linked. WSCC are not seeking contributions towards education (primary, secondary or 6th form) or waste, given the nature of the proposed development.

<table>
<thead>
<tr>
<th>Contribution required</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Libraries</td>
<td>£2,854</td>
</tr>
<tr>
<td>Fire &amp; Rescue</td>
<td>£1,330</td>
</tr>
<tr>
<td>Total Access Demand (TAD)</td>
<td>£21,295</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>£25,479</strong></td>
</tr>
</tbody>
</table>

6.4 The County Council have asserted that the above contributions are required pursuant to section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of the proposed development due to the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to this proposal. It is also considered that the contributions above meet with the legal tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) and the policy tests set out within the NPPF, namely, that they are ‘necessary to make the development acceptable in planning terms; directly relate to the development; and, are fairly and reasonably related in scale and kind to the development.’

6.5 In addition, the above contributions meet with the requirements set out within the Horsham District Local Development Framework Supplementary Planning Document: Planning Obligations (2007). It is therefore considered that these contributions should be sought and their payment ensured through a supplemental deed.

6.6 The previous reports to Committee in relation to this application and relating to varying the Principal S106 Agreement, attached as Appendices, set out that an additional supplemental agreement is required. Appropriate mechanisms to control the payment of
these required infrastructure contributions to WSCC can therefore be inserted into this supplemental legal agreement.

**Affordable housing**

6.7 The initially submitted application forms and Extra Care & Affordable Housing Statement were not consistent in their breakdown of the affordable rented unit sizes. Furthermore, when the proposed development was revised to reduce the total number of units to 105 No. from 107 No. the addendum to the Affordable Housing Statement did not set out the mix of one and two bed affordable rented extra care units to be provided. The mix of unit sizes was therefore taken to follow that of the general needs affordable rented units that were to be provided within Phase 3 of the Land East of the A24 development, and the report to Committee was on that basis.

6.8 Saxon Weald Homes Ltd, who currently do not have a legal interest in the land, but who, as joint applicants, it is intended will be responsible for managing the proposal, have subsequently confirmed that the 60 No. affordable rented extra care units are to be provided with a mix of 43 x 1 bed apartments and 17 x 2 bed apartments. It is proposed that a greater number of 1 bed units are provided as the majority of demand for affordable rented extra care housing is likely to be from single elderly people, rather than family groups requiring a second bedroom. Saxon Weald have advised that, given this likely occupation by single persons, there is a concern that under the affordable rent regime the cost of living in a 2 bedroom unit could be unnecessary and overly onerous if they are having to self fund all or part of the 80% of market rent. In addition, Saxon Weald also suggest that 1 bedroom homes for the anticipated client group is preferred and that such units will provide a better match with the likely nominations from Horsham District Council.

6.9 In terms of the quantity of provision of affordable rented units throughout the Land East of A24 development site, whilst an increased number of 1 bed units and a reduced number of 2 bed units would amount to an overall reduction in affordable rented bedspaces, the additional facilities and services to be provided within the extra care scheme, over those of general needs affordable units, need to be considered. The nature of the proposed extra care scheme is such that communal facilities including a commercial kitchen, a communal dining area, lounge areas and rooms for care and management staff are needed to be provided for use by all residents. These facilities are not revenue-generating and the cost of their provision needs to be met by Saxon Weald. Further to this, Saxon Weald have advised that the proportion of 2 bed affordable rented apartments needs to be less than the assumed 35 No. in order that the sale of the market 2 bed units (within the finite 105 No. total) can cross subsidise the costs associated with the provision of the substantial communal areas.

6.10 The proposed split of affordable rented extra care units, such that 43 x 1 bed and 17 x 2 bed apartments are provided within the facility, is considered to be acceptable. This split of one and two bed units is also considered to be acceptable by the Council’s Housing Services Manager. Whilst the overall number of affordable rented bedspaces would be lower than the form set out in the Principal S106 Agreement, it is likely that the total number of people in housing need who would be nominated by Horsham District Council for acceptance into this extra care facility would not be reduced. Furthermore, the provision of affordable rented extra care units, with their associated facilities and services, have been considered to be acceptable by Members in lieu of the general needs affordable rented units previously sought as part of Phase 3, and it is considered that 1 bedroom units are likely to be more appropriate and affordable to those in need of such facilities.

7. **RECOMMENDATIONS**
7.1 It is recommended that the affordable housing mix and the collection of the West Sussex County Council required infrastructure contributions be agreed and that planning permission be therefore delegated for approval to the Head of Planning and Environmental Services, subject to securing a Supplemental S106 Legal Agreement, and the following conditions (and any other conditions which may arise during the delegation period):

1. A2 Full Permission
2. M1 External Materials
3. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) full details of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall be submitted concurrently as a complete scheme, unless otherwise agreed, in writing, by the Local Planning Authority, and shall comprise:
   - A detailed plan and specification for topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice;
   - Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers;
   - Tree pit and staking/underground guying details;
   - A written soft and hard landscape specification (National Building Specification compliant) for planting (including ground preparation, cultivation and other operations associated with plant and grass establishment) and a written hard landscape specification;
   - Existing and proposed hard and soft landscape levels, and cross sections for the proposed grass terracing;
   - Hard surfacing materials, to include layout, colour, size, texture, coursing and levels;
   - Walls, retaining walls, fencing and railings, to include location, type, heights and materials;
   - Minor artefacts and structures, to include location, size and colour and type of street furniture, signage, refuse units and lighting columns and lanterns.

The approved scheme shall be implemented in full accordance with these details. Planting shall be carried out according to a timetable to be agreed in writing with the Local Planning Authority prior to commencement 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.


4. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) a detailed long term Landscape Management and Maintenance Plan for all landscape areas shall be submitted to and approved, in writing, by the Local Planning Authority.
The plan shall include:

- Aims and objectives;
- A description of landscape components;
- Management prescriptions;
- Details of maintenance operations and their timing;
- Details of the parties/organisations who will maintain and manage the site, to include a plan delineating the areas that they will be responsible for.

The plan shall demonstrate full integration of landscape, biodiversity and arboricultural considerations. The areas of planting shall thereafter be retained and maintained in perpetuity in accordance with the approved Landscape Management and Maintenance Plan, unless any variation is approved in writing by the Local Planning Authority.

*Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

5. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations there for, shall be submitted to and approved by the Local Planning Authority in writing. These details shall demonstrate effective coordination with the landscape scheme submitted pursuant to condition 3 and with existing trees on the site by submission of a plan overlaying these details on the landscape scheme. All such underground services shall be installed in accordance with the approved details.

*Reason: To protect roots of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

6. No development, including works of any description, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, shall take place until:

- A detailed plan showing the location of tree protective fencing has been submitted to and approved, in writing, by the local planning authority;
- All trees on the site targeted for retention shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6.2 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. No alterations or variations to the approved tree works or
tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

*Reason:* To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

7. No existing trees, hedges or shrubs on the site, other than those the Local Planning Authority has agreed to be removed as part of this permission, shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. Any trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

*Reason:* To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

8. The applicant shall, within a period of six months following the felling of the trees the subject of this application, plant the same number of replacement trees of a species and maturity and in positions to be approved by the Local Planning Authority. In the event that any of these trees should die following planting, they shall be replaced with similar trees in similar positions within six months of the death of each specimen.

*Reason:* In the interest of amenity, and in accordance with policy DC6 of the Horsham District Local Development Framework: General Development Control Policies (2007).

9. Any removal of bird breeding habitat shall be undertaken outside the bird breeding season (March-August inclusive) unless a suitably qualified ecologist confirms absence of breeding birds, that further nesting opportunities can be provided for birds and a suitably qualified ecologist will be present during all demolition and vegetation removal operations.


10. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) details of boundary treatments shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the building shall not be occupied until such boundary treatments associated with them have been erected. Thereafter the boundary treatments shall be retained as approved and maintained in accordance with the approved details.


11. D6 Finished Floor Levels

12. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) a scheme of works to reduce the intrusion of external noise to all habitable rooms within the development shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the building and shall thereafter be retained at all times.

Reason: In the interests of residential amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

13. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), details of the proposed means of foul and surface water drainage and sewerage disposal shall be submitted to and approved, in writing, by the Local Planning Authority, in consultation with Southern Water and/or the Environment Agency where appropriate. The submitted information shall include:
   - details of all sustainable drainage systems (SuDS) that are to be utilised across the site;
   - details of how the SuDS are to be maintained and managed after completion;
   - details of how the development has been designed for exceedance events and flood flow paths.

The approved details shall be fully implemented prior to the first occupation of the building and shall thereafter be retained and maintained as approved.

Reason: To ensure the development is properly drained and to prevent the increased risk of flooding, in accordance with policy DC7 of the Horsham District Local Development Framework: General Development Control Policies (2007).

14. H1 Access (General)

15. The building hereby approved shall not be occupied until the parking and turning facilities have been provided in accordance with the plans hereby approved (or in accordance with plans submitted to and approved in writing by the Local Planning Authority) and the parking and turning facilities shall thereafter be retained solely for that purpose and solely in connection with the development.

Reason: To ensure adequate parking and turning facilities are available to serve the development in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and to ensure compliance with the Horsham District Local Development Framework: Land West of Horsham Design Principles and Character Areas SPD (2009).

16. The building hereby permitted shall not be occupied until the provision of facilities for visitors’ and staff cycle parking have been made within the site in
accordance with the plans hereby approved, unless otherwise agreed, in writing, by the Local Planning Authority. The facilities provided shall thereafter be retained solely for that purpose.

*Reason: To ensure that there is adequate provision for the parking of cycles in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and to ensure compliance with the Horsham District Local Development Framework: Land West of Horsham Design Principles and Character Areas SPD (2009).*

17. The use hereby permitted shall not be commenced unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the adequate provision of recycling facilities in accordance with policy CP2 of the Horsham District Local Development Framework: Core Strategy (2007).*

18. No development shall take place within the site until the applicant, or the applicant’s agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which shall have been submitted to and approved, in writing, by the Local Planning Authority.

*Reason: In order to ensure that archaeological features on the site will be properly recorded before and where appropriate during development and that the records will be satisfactorily reported in accordance with policy DC10 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

*Reason: To ensure that any pollution is dealt with in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

20. Prior to the commencement of the development hereby approved (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) details of the proposed construction methods incorporating sustainable construction techniques to achieve at least BREEAM ‘Very Good’ rating (or other third party accredited environmental assessment to a standard to be agreed with the Local Planning Authority) shall be submitted to and approved, in writing, by the Local Planning Authority. A water reduction strategy to minimise water consumption across the development shall be submitted to show achievement of the agreed level of sustainable construction rating. Thereafter works shall be undertaken in accordance with the approved details, unless otherwise agreed, in writing, by the Local Planning Authority and the development shall not be occupied until formal certification has been issued, and submitted to the Local Planning Authority, showing that the agreed
level of rating has been achieved.

*Reason: In the interests of sustainability and in accordance with policy DC8 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

**21.** Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), details to reduce the carbon emissions of the predicted energy use of the proposed development by at least 10% shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the building.

*Reason: In the interests of sustainability and in accordance with policy DC8 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

**22.** Prior to the occupation of any unit within the Extra Care facility hereby approved, a Green Travel Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The travel plan shall set out details of the proposed sustainable transport initiatives.

*Reason: To offer and encourage a choice of sustainable transport modes in order to reduce dependence on the private car in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

**23.** Prior to the commencement of the development, a construction environmental management plan (CEMP) shall be submitted to and approved, in writing, by the Local Planning Authority and thereafter implemented and maintain throughout the construction period. The CEMP shall include:

- Details of the design and location of the construction access;
- Details of proposed wheel washing facilities located adjacent to the construction site access;
- Details of an area for the storage of materials, parking for construction traffic and an appropriate turning area within the site clear of the public highway;
- Details of a routing agreement for the site construction traffic and HGV traffic associated with the movement of bulk material to and from the site;
- Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
- Measures for tree and hedgerow protection throughout the development programme.

*Reason: In the interests of controlling the impact of the development during the construction.*

**24.** No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.
Reason: In the interests of the amenities of the locality and future residents and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or Orders amending or revoking and re-enacting the same, the building hereby permitted shall be used only for the purposes of providing a residential Extra Care facility and associated facilities/services and for no other purpose, unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.

Reason: To enable the Local Planning Authority to exercise a measure of control over the nature and provision of such care facilities and in the interests of amenity, and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or Orders amending or revoking and re-enacting the same, the building shall not be extended or altered in any way unless planning permission has been granted by the Local Planning Authority pursuant to an application for that purpose.

Reason: To maintain control over the development in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

27. O1 Hours of Working

28. O2 Burning of Materials

29. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plan(s), numbered S821/EC/LP Rev B, AA3112/2.1/02 A, AA3112/2.0/01, AA3112/2.1/10 E, AA3112/2.1/11 E, AA3112/2.1/12 D, AA3112/2.1/13 D, AA3112/2.1/14 F, AA3112/2.1/15 D, AA3112/2.1/20 F, AA3112/2.1/21 E, AL3112/1.1/01_I, AL3112/1.1/02_D, AL3112/2.1/03_B, AL3112/2.1/04, AL3112/2.3/05 and tf 898/TPP/200 Revision A contained within the application and no variations shall take place without the prior approval in writing of the Local Planning Authority.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

Notes to Applicant:

1. The development hereby permitted shall be carried out in accordance with the schedule of approved documents below:
   - PRP Design and Access Statement – dated December 2012
   - PRP Addendum to Design and Access Statement – dated July 2013
   - Bell Cornwall Planning Statement – dated December 2012
   - Extra Care & Affordable Housing Statement
   - Addendum to Planning Statement and Affordable Housing Statement – dated July 2013
   - PRP Visual Appraisal and Photomontages – dated December 2012
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- FES Energy Statement – dated July 2013
- FES BREEAM 2011 ‘Multi-Residential’ (Supported Living Facility) Pre Assessment – dated November 2012
- ASE Heritage Statement – dated November 2012
- ASE Archaeological Watching Brief – dated November 2012
- Derek Finnie Associates Ecological Appraisal – dated November 2012
- WSP Flood Risk Assessment – Addendum – dated December 2012
- WSP Transport Statement – dated December 2012
- WSP Framework Site Waste Management Plan – dated December 2012
- WSP Environmental Impact Assessment Screening Request Report – dated December 2012
- WSP Sustainability Statement – dated December 2012
- Statement of Community Involvement – dated December 2012

2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk

3. A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk

4. The detailed planting plan to be submitted for approval in respect of condition 3 of this approval shall demonstrate consideration of sustainable planting design within the housing area i.e. the use of a mix of shrubs, perennials and ornamental grasses, including drought resistant species (adapted to climate change) rather than single species blocks of amenity horticulture shrub planting.

5. The applicant/developer is encouraged to incorporate biodiversity enhancements within the development where possible and is advised to review the Town and Country Planning Association’s publication ‘Biodiversity by Design’ available at: www.tcpa.org.uk/pages/biodiversity-by-design.html

8. REASONS FOR RECOMMENDATIONS

Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Background Papers: DC/09/2138, DC/11/2044, DC/12/2298
Case Officer: Helen Lowe
Blank
TO: Development Management Committee North
BY: Head of Planning and Environmental Services
DATE: 21st August 2013
DEVELOPMENT: Construction of an extra care facility (C2 Use Class) to include 105 apartments (43 x 1-bed, 62 x 2-bed) and communal facilities to include fully serviced restaurant, living/activity room, therapy/hairdressing suite, staff facilities with associated access, car parking and landscape works
SITE: Land East of A24 Worthing Road Horsham West Sussex
WARD: Denne
APPLICATION: DC/12/2298
APPLICANT: Berkeley Homes (Southern) Ltd

REASON FOR INCLUSION ON THE AGENDA: Category of development

RECOMMENDATION: That planning permission be delegated for approval to the Head of Planning and Environmental Services, subject to appropriate conditions and securing a Supplemental S106 Legal Agreement.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 In August 2010 Outline Planning Permission was granted for the development of 48.20 hectares of Land to the East of the A24. The Outline permission is for a development of up to 1044 dwellings including provision of employment floorspace, a fire station, a community centre and expanded school facilities along with associated highway infrastructure, public footpaths, landscaping, recreational and community facilities (application reference DC/09/2138). The Outline permission is subject to a legal agreement which secures a range of benefits associated with the development. Planning application DC/11/2004 permitted an amendment to condition 32 (relating to bus stops) of the Outline planning permission DC/09/2138. As this required the re-issuing of the Outline planning application this now forms the most up to date Outline planning permission on this site.

1.2 Whilst this application falls within the boundary of the Outline approval DC/09/2138 (as amended by DC/11/2004) it is not a reserved matters application. This application seeks full planning permission for an extra care facility comprising 105 self-contained residential units with ancillary communal amenities and services. The application has been amended during the course of consideration to reduce the total number of units from 107 down to
105 and to remove reference to drainage basin 2, the temporary batter works to the A24 junction access road, the commercial area access road and part of the north/south spine road. These elements were removed following the resolution to grant permission for these works under application DC/12/2022 at the meeting of the Committee on 21st May 2013.

1.3 This application is not able to be submitted as a reserved matters application as it does not comply with the description of development and parameter plans approved as part of the Outline application, primarily for two reasons: a) this proposal is for a C2 use which falls outside of the scope of the uses permitted by the outline consent, and b) an element of the scheme whilst complying with the building heights parameter plan in metres does not comply with this plan in terms of storey heights.

1.4 For the sake of clarify, an extra care scheme is a building/buildings which provide self-contained accommodation for the occupiers, enabling them to live independently but with access to care and support on site. The scheme also provides communal facilities, such as a restaurant and lounge area, and provides access to a package of 24 hour care.

1.5 This full planning application is supported by a number of technical reports, including, but not limited to:

- Design and Access Statement & Addendum
- Planning Statement & Addendum
- Heritage Statement
- Sustainability Statement
- Energy Statement
- Transport Statement
- Environmental Impact Assessment – Statement of Conformity
- Arboricultural Development Report
- Noise Assessment and Air Quality Assessment
- Ground and Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal
- Archaeological Watching Brief

1.6 A number of plans have been submitted to accompany this application which show the site layout, street scenes, floor plans and the elevations of the proposed extra care scheme together with open space, access and parking provision on site.

1.7 The proposed extra care scheme would form an approximate ‘L’ shape and run parallel with the new access road to the A24 junction and parallel to the main north/south spine road through the development. Three parking areas are proposed, a small area to the east of the proposed building accessed from the north/south spine road, one to the south of the proposed building, also accessed from the north/south spine road, and one to the west of the site accessed from the commercial area access road. The south western portion of the site would provide a communal landscaped woodland garden area.

1.8 Due to the differences in ground levels across the site, the proposed building would exhibit 4 storeys of accommodation towards the north, but 5 storeys towards the south and the garden area. The element running parallel to the north/south spine road would largely exhibit 3 storeys towards the east and 4 storeys towards the west. The building would have a mainly pitched roof with some fully glazed sections and hidden areas having a flat roof. The elevations of the proposed building would be broken up through the use of projecting gables and glazed linkage sections. It is also proposed to utilise a number of different external materials.
1.9 The application proposes 105 self-contained units, which would comprise 43 No. 1 bed flats and 62 No. 2 bed flats, corresponding to 41% and 59% respectively. The communal facilities within the building would comprise: a refuse store; buggy/cycle stores; a library; activity room; kiosk; hairdressing/therapy room; a residents lounge; and, a dining/café area. A total of 51 No. car parking spaces are proposed together with 2 No. drop-off bays and 2 No. identified visitor bays.

1.10 The Principal S106 Legal Agreement relating to the consented Outline scheme DC/09/2138 secures the delivery of 60 affordable rented flats (25 x 1 bed and 35 x 2 bed) within the general location of the extra care scheme. This scheme proposes the transfer of these 60 affordable rented one and two bedroom flats into 60 affordable rented extra care units.

DESCRIPTION OF THE SITE

1.11 The strategic allocated site is located approximately 1.5km from Horsham Town Centre and is bordered by the A24 on its western boundary, the Bognor/London mainline railway to the south, Tanbridge House School to the north and Hills Farm Lane, Henderson Way and Windrum Close to the east.

1.12 Hills Farm Lane, Henderson Way and Windrum Close to the east of the development site mark the existing built up boundary where a mix of detached, semi-detached and terraced properties of two and to a lesser extent 3 storeys in height are served off a series of cul-de-sacs. The land to the west of the A24 also forms part of the wider strategic allocated site to the West of Horsham and was granted permission for 963 dwellings under planning reference DC/09/2101.

1.13 The site the subject of this application falls within the northern section of the wider development site and sits to the immediate east of the commercial site, is bounded by the main access into the site from the new A24 junction to the north and lies to the immediate west of the north/south spine road through the development site.

1.14 The site therefore lies between the approved Phase 1 Reserved Matters site to the north, the A24 to the west and the approved Phase 3a Reserved Matters site to the east. The primary vehicular access for this site will be through Phase 1 and onto Hills Farm Lane until such time as the new A24 grade separated junction is constructed. This is required prior to the occupation of the 470th dwelling. The main pedestrian access will also be through Phase 1 and on to Hills Farm Lane together with access to the northern twitten which follows the footbridge over the A24 to Tesco. This bridge will also be upgraded to a pedestrian and cycle bridge prior to the occupation of the 470th dwelling and will form part of the same project programme as the new junction, to be delivered at a similar time to the junction.

1.15 The total application site covers an area of approximately 1.48 hectares. The ground level of the site slopes gently downwards from the north eastern corner towards the south west, with a small hollow being formed to the south western corner. Surrounding this hollow are a number of mature Oak and Ash trees and a group of other smaller trees, which also run along the south western boundary of the site. The majority of these are to be retained within the proposed scheme.

2. INTRODUCTION

STATUTORY BACKGROUND

RELEVANT GOVERNMENT POLICY

2.2 National Planning Policy Framework (2012) (NPPF)

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding & coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

RELEVANT COUNCIL POLICY

2.3 Local Development Framework: Core Strategy (2007) policies:

- CP1: Landscape and Townscape Character
- CP2: Environmental Quality
- CP3: Improving the Quality of New Development
- CP4: Housing Provision
- CP7: Strategic Allocation – West of Horsham
- CP12: Meeting Housing Needs
- CP16: Inclusive Communities

2.4 Local Development Framework: General Development Control Policies (2007) policies:

- DC1: Countryside Protection and Enhancement
- DC2: Landscape Character
- DC3: Settlement Coalescence
- DC5: Biodiversity and Geology
- DC6: Woodland and Trees
- DC7: Flooding
- DC8: Renewable Energy and Climate Change
- DC9: Development Principles
- DC10: Archaeological Sites and Ancient Monuments
- DC31: New/Extensions to Retirement Housing and Care Home Schemes
- DC40: Transport and access

2.5 Local Development Framework: Supplementary Planning Documents:

- Land West of Horsham Masterplan (2008)
- Land West of Horsham Design Principles and Character Areas (2009)
- Planning Obligations (2007)

2.6 Policy CP7 sets out the key principles for this strategic development site, however, specific guidance on the ‘visions’ for this development are set out in the Land West of Horsham Masterplan SPD and the Land West of Horsham Design Principles and Character Areas SPD. The ‘visions’ for the strategic development of Land West of Horsham as set out in the Masterplan SPD are:

- An approach based on partnership with the local community who, through their involvement, will be in a position to be actively involved helping to ensure the long term success of this development beyond just buildings, bricks and mortar.
- An extension to the communities of both Horsham and Broadbridge Heath that reflects their differing needs, retains their characteristics and gives the expanded communities a sense of identity, which will include innovative design.

- A development that delivers a sustainable and balanced community through the provision of a wide range of housing types and tenures including affordable homes that meet housing need and demand in the District, alongside a range of business and employment opportunities.

- A development in which leisure and recreation acts as a focal point for both the new and wider communities of Horsham and Broadbridge Heath, encompassing a wide range of facilities and activities from formal sports uses to informal walks.

- A development with the minimum impact on the environment which recognises the existing pressures on the natural environment, the need to conserve resources and includes strong links between the communities, biodiversity, heritage, and the natural features of the site and its surroundings.

- A development that is exemplar in terms of the use of sustainable construction techniques and renewable and low-carbon energy supply.

- A development in which good transport, pedestrian and cycle facilities provide a realistic alternative to the car and where roads do not present a significant barrier to the integration of communities and the access to services / facilities and the wider countryside.

- A development which provides for the needs of the new communities without detriment to the existing, through the inclusion of education, health, infrastructure and community facilities and in which the location of such services and facilities provides lively focal points.

PLANNING HISTORY

Since the granting of the original outline consent a number of reserved matters applications for residential phases have been granted, together with a number of smaller reserved matters and ancillary planning applications on this site. The site history relevant to this application is included below:

DC/11/2004 Variation of Condition 32 of DC/09/2138 (Outline permission for development of up to 1044 dwellings) to be revised as follows: "The provision of a northbound bus stop adjacent to the Hills Farm Lane (north) access, raised kerbing and shelter; provision of a south bound bus stop and raised kerbing together with a scheme for the provision of an additional bus stop and/or shelter to be submitted and approved in writing by the Local Planning Authority"

DC/12/2022 Infrastructure application to include access ramp from A24, piazza junction, commercial access road, north/south spine road, levelling groundworks, surface water detention basin 2, BMX track and associated landscape works (Approval of Reserved Matters)

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 **Strategic Land & Property:** No objection
There are no strategic property issues associated with this application, therefore no comments.

3.3 **Arboricultural Officer (summarised):** No objection subject to conditions
The proposed buildings and parking bays are outside the Root Protection Areas of trees to be retained, which is satisfactory. The reinforcement of the ecology of the woodland garden with native species is appropriate.

3.4 **Housing Strategy and Development Officer (summarised):** Comment
The proposal for 105 Extra Care units and ancillary accommodation is in partnership with Saxon Weald and 60 units would be provided for affordable rent. Extensive discussions have resulted in a proposal which meets housing need in the District, especially that of the aging population, and has the potential to deliver a flagship scheme that will be the pioneer of similar development in the future.

3.5 **Design & Conservation Officer (summarised):** No objection subject to conditions
- The scale and variety of heights of the proposal is not a design concern and is not considered to be a barrier to an approval.
- The reduction down to 3 storey height closer to the southern area of the site provides an acceptable transition between the urban context of the junction and the more suburban context to the south.
- The density is substantially higher than previously recommended for this site, but this does not cause a design concern.
- The overall architectural style of the building shows that of the local mill vernacular and the general principles all indicate compliance with the general design guidance for character area 1 of the Land West of Horsham Design Principles and Character Areas SPD and paragraph 60 of the NPPF.
- The inclusion of balconies, flat roofed dormers and glazing breaks adds vitality, variety and interest to the building design.
- There are clear demarked areas for car parking and refuse which generally do not detract from the attractiveness of the building and spaces.
- Whilst it is slightly disappointing that the amended scheme moves away from a more contemporary interpretation of a Sussex mill, the proposal is still considered compliant with the provisions of the NPPF chapter 7 and relevant policies.
- The scheme complies with design objectives for its location and with policies of the Core Strategy and policy DC9.

3.6 **Environmental Officer (summarised):** Screening opinion: not EIA development
The proposal for the Extra Care home would, if granted enable the increase in the overall quantum of development that could take place in the West of Horsham envelope.

The proposal falls under Schedule 2 of the EIA Regulations which states that an EIA may be required for "any change or extension to a development listed (in Schedule 2), where that development is already authorised, executed or in the process of being executed." A further EIA would therefore be necessary if the additional units were considered to have significant adverse impacts on the environment.

Although the application could, in the long term result in an increase to the amount of the development on the site, the current application for the Extra Care Home falls within the scale of development assessed in the outline EIA. Furthermore, a Screening Opinion has
been prepared which has determined that no further EIA work is required at this stage, taking into account issues such as the increased storey height etc.

If the quantum of development across the wider site is exceeded by future applications then it will be necessary to undertake further Screening, either on request of the developer prior to submission of an application, or by HDC at the point when the application is submitted.

3.7 **Building Control (summarised):** Recommends condition

I have reviewed the Energy Statement dated July 2013, submitted by Berkeley Home’s consultant, FES, in support of the BREEAM Very Good rating. The statement confirms the client is intending to achieve a BREEAM Very Good rating and is written to show how the scheme will achieve a 10% Reduction in CO2 emissions. Unfortunately, I am unable to confirm that the submitted statement indicates that a BREEAM Very Good rating will be achieved or a 10% reduction in CO2 emissions can be provided. Other third party accredited environmental assessment methods may be equally appropriate for this scheme.

3.8 **Landscape Architect (summarised):** No objection subject to conditions

- The majority of the landscape issues raised with the applicant during the course of the application have been satisfactorily addressed, particularly the need for effective boundary planting, the creation of an attractive garden area, and the sensitive integration of the small area of existing woodland.
- It is disappointing that further opportunities for sustainable drainage measures have not been included.
- However, on balance, I have no objection to the proposals.

3.9 **Operational Services (summarised):** No objection

- Satisfied that a refuse vehicle could manoeuvre into and out of the site. Whilst this would require reversing, this is acceptable in this instance.
- Consideration should be given to the internal management of refuse and recycling, i.e. how the internal stores would be accessed/managed and how green waste would be managed.

3.10 **Public Heath and Licensing (summarised):** Objection on noise grounds

- Principal concern relates to noise exposure of habitable rooms and balconies adjacent to the highway.
- Satisfactory internal noise levels can be achieved through acoustic ventilation and glazing, but this approach does reduce amenity for occupiers.
- Removal of the balconies or their replacement with glazed atria, which would provide some protection, would be preferred.
- Noise arising from the adjacent proposed fire station is difficult to address, but acoustic protection to the community garden should be considered.
- Lighting of the adjacent elevated road could be intrusive.
- Significant contamination is unlikely, but a precautionary condition is recommended.

3.11 **Strategic Planning (summarised):** No objection

- This application should be considered against Horsham District Local Development Framework, in particular the adopted Core Strategy (2007) and General Development Control Policies (2007) DPD. In addition, the NPPF and, as the application is linked to the Strategic Allocation – West of Horsham, specifically policy CP7 and the SPD’s Land West of Horsham Masterplan and Design Principles and Character Areas.
- The Council currently has a shortfall in its 5 year housing land supply.
- There is a requirement for extra care housing (self contained units within Use Class C2) to provide affordable housing in accordance with the Planning Obligations SPD.
There is no objection in principle to this application with regards to the overall numbers of dwellings linked to this site, subject to completion of an appropriate S106 agreement and affordable housing provision.

3.12 **Technical Services (Drainage) (summarised):** No objection

The drainage strategy/concepts for this application appear to show that only one of the SuDS objectives has been considered: flood risk management. It is disappointing that the applicant’s have not shown any further details of how SuDS could be incorporated into the development to achieve a minimisation in impacts on the quantity and quality of runoff or how amenity and biodiversity opportunities could be maximised.

**OUTSIDE AGENCIES**

3.13 **Environment Agency:** Comments awaited

3.14 **Highways Agency:** No objection

3.15 **Natural England (summarised):** No objection

The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However, when considering this application the Council should encourage opportunities to incorporate biodiversity in and around the development.

3.16 **Southern Water (summarised):** Comment & recommends condition

There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 99 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

The applicant will need to ensure that arrangements exist for the long term maintenance of any SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity.

3.17 **Sussex Police (summarised):** No objection

I am very satisfied with the crime prevention measures that are to be included into the proposed development and I look forward to receiving a Secured by Design application in due course.

3.18 **WSCC Archaeology (summarised):** No objection subject to condition

- The proposed extra care building and woodland garden path would be built across the probable location of a former long pond and wheelpit of a 17th or 18th century fulling mill. The submitted archaeological information notes that any surviving archaeological deposits here are likely to be destroyed.
- Alterations to the woodland garden path are proposed within the submitted archaeological report and these should be feasible and minimise damage in this location.
- Other archaeological mitigation works are proposed and involve small scale archaeological fieldwork, observation and recording during construction and permanent on-site interpretation.
3.19 **WSCC Ecology**: No objection

3.20 **WSCC Highways Strategic Planning (summarised)**: No objection

It is noted that amended plans have now been received reducing the number of apartment units from 107 to 105. The access and parking arrangements though will remain broadly similar and are therefore acceptable.

**PUBLIC CONSULTATIONS**

3.21 **Denne Neighbourhood Council (summarised)**: The addition of extra care facilities to the original outline plan is welcomed. The Council has no objection to the application or the proposed amendments. The Council is satisfied that their initial concerns have either been resolved or will be dealt with by conditions.

3.22 No other letters of representation have been received.

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 the 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 proposed development would have any impact on crime and disorder.

6. **PLANNING ASSESSMENTS**

6.1 The detail and components of the proposed development have been reviewed and amended during the course of the consideration of the application. The discussion within this section refers to the most recently amended form.

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

- The principle of the development
- Design and character of the development and compliance with the Land West of Horsham Design and Character SPD
- Landscaping, drainage and highway issues
- Affordable housing provision
- S106 obligations
- Any other issues, including those arising from public consultation

**Principle of the development**

6.3 Although falling within the boundary of the Outline permission for up to 1044 units on Land to the East of the A24 (DC/09/2138 and subsequently DC/11/2004), the proposed extra care facility, and associated works, forms an application for full planning permission, rather than an application for the approval of reserved matters. An application for full planning permission is required in this instance as the extra care units would comprise a C2 Use Class that does not fall within the description of development established by the Outline permission, and because the overall height of the development would exceed the number of storeys shown on the approved parameter plans of the Outline permission.
6.4 The proposed extra care facility has been deemed to fall within Use Class C2 (Residential Institutions) rather than Use Class C3 (Dwellinghouses), due to the care package that would be available on-site to residents and the age and care need restrictions that would be applicable on the occupation of units.

6.5 Whilst it should be noted that the parameter plans of the Outline approval are not a material consideration in the determination of this application, as it is for full planning permission, they do provide an indication of the scale and quantum of development that was previously considered acceptable and comparison with these previously approved details can provide a useful assessment. In this regard, the parameter plans show that the area to the immediate south of the new commercial area and A24 access roads should accommodate 4 storey development up to 18.5m in height and that this should then reduce down to 2.5 storey development with a maximum height of 12.7m moving towards the south along the north/south spine road. The proposed extra care building would accord with these maximum heights, but would not follow the number of storeys of development shown on these parameter plans. However, this is due to the sloping nature of the existing ground levels which cause the land across the site to slope down towards the south west. These sloping levels mean that the proposed 4 storey development facing towards the north (the A24 and commercial area access roads) becomes 5 storeys facing towards the south and the communal garden area, through the creation of a lower ground floor level.

6.6 Furthermore, the building heights parameter plan clearly shows that the highest forms of development are to be concentrated around the new A24 junction and its access road, in order to provide a strong visual presence upon arrival into the development. It is considered that the creation of a 5 storey development through the logical utilisation of differing ground levels across the extra care site, allows for an efficient use of this site and accords with the underlying vision for this part of the wider Land East of the A24 development. It is therefore considered that the proposed scale of the development is acceptable in principle, subject to consideration of the detailed design (see paragraphs 6.15 to 6.21 below).

<table>
<thead>
<tr>
<th>Outline permission (DC/09/2138 &amp; DC/11/2004)</th>
<th>Total No. of units across Land East of A24</th>
<th>1044</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicative No. of these units shown across Extra Care site</td>
<td>59 (51 No. apartments &amp; 8 No. dwellings)</td>
<td></td>
</tr>
<tr>
<td>Extra Care Scheme (DC/12/2298)</td>
<td>Total No. of units proposed</td>
<td>105 (43 No. 1 bed &amp; 62 No. 2 bed)</td>
</tr>
<tr>
<td></td>
<td>Including 60 affordable</td>
<td></td>
</tr>
</tbody>
</table>

6.7 In addition to the building heights parameter plan, and despite being a separate full planning application, an assessment against the previously approved details of the Outline permission provides a useful comparison. Further to this, the illustrative masterplan for this part of the wider development site shows that a total of 59 No. residential units were planned across the site of the proposed extra care facility. These units were to be provided within two apartment blocks and 8 No. dwellings. The current proposal seeks 105 No. extra care residential apartments across the site. Of these units, 43 No. would provide 1 bed apartments and 62 No. would provide 2 bed apartments (this breakdown is shown in the table above). The extra care site has an area of approximately 0.87 hectares, which equates to a density of 121 dwellings per hectare. Whilst this is a high density, it is not
considered inappropriate, given the 4/5 storeys of development proposed and the provision of all 105 No. units as 1 and 2 bed apartments. Indeed, the Design and Access Statement pursuant to the Outline approval states that ‘a high density area with apartments adjacent to the access road to and from the A24’ is anticipated, and the approved residential density parameter plan shows this site as falling within the higher density area of the northern part of the development site.

6.8 The Outline approval for the wider Land East of the A24 site established the key principles for development of this land and identified the current application site for high density residential development. Whilst the proposed extra care facility has been deemed to fall within Use Class C2 rather than Use Class C3, it would still provide residential accommodation, and therefore, in this respect, accords with the key principles of policy CP7, as secured through the Outline approval. Furthermore, national planning policy, at paragraph 50 of the NPPF, states that:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should” … “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as” … “older people, people with disabilities)”

The provision of Class C2 residential accommodation, through extra care units, broadens the type and choice of accommodation available across the development site and complies with this advice within the NPPF.

6.9 The extra care facility is to be restricted to those people who meet specific age and care need criteria, to be controlled through a S106 obligation, and therefore, it is appropriate to consider the principle of this facility under policy DC31 of the LDF General Development Control Policies, as this policy relates to new retirement and care home schemes.

6.10 Policy DC31 refers to retirement housing, larger scale ‘continuing care retirement communities’ and care/nursing homes. The proposed extra care facility would fall within the larger scale ‘continuing care retirement communities’ category. Such a category of development is to be permitted in appropriate locations where they can be justified in terms of meeting an identified need, and:

“i. provide accommodation for a full range of needs, including care provision separate from the self contained accommodation;
   ii. include ‘affordable’ provision to meet identified local needs and appropriate services and facilities, including transport, to meet the needs of residents/staff and which contribute to the wider community;
   iii. incorporate a scale of buildings which is appropriate to the local urban context; and,
   iv. provide for substantial environmental improvement and the wider enhancement of the local environment.”

6.11 The location and scale of the proposed buildings are considered to be appropriate given the strategic allocation of the wider site and the situation of the scheme adjacent to the main access point into this development. The applicants have stated that there is a shortage of extra care housing across the District and that this form of supported housing can often be more appropriate for residents, due to the flexibility of care options, than more traditional sheltered housing schemes or care/nursing homes. The West Sussex County Council ‘Needs Analysis for Supported Housing in West Sussex’ (2009) states that the number of residents within Horsham District who are aged 65 years and over is likely to increase by 23% between 2006 and 2016 and then again by 19% between 2016 and 2026. This report also acknowledges that there is likely to be a 42% increase in demand for extra care type housing for older people within Horsham District between 2006 and 2026.
6.12 The proposed scheme would incorporate a mix of 1 and 2 bed apartments and provide a range of on-site facilities for residents, including a lounge, a dining/café area, a library, hairdressing/therapy rooms and an activity room. These facilities together with the availability of 24 hour on-site care and support to assist residents will ensure that the proposed extra care facility offers accommodation which is appropriate and suitable to a wide range of people. In addition to the on-site facilities and services provided, the extra care scheme would fall within the remit of the Residential Travel Plan for the Land East of the A24 development, and as such both residents and employees would be kept informed of local public transport information, enabling them to utilise other services within the town. It is anticipated that frequent bus services from more closely related and upgraded bus stops along Hills Farm Lane would allow for access to Horsham Town Centre, the hospital and the railway station. These services are also due to be extended into the southern part of the development site following the implementation of these later phases.

6.13 The proposed extra care facility would be situated adjacent to the new access road from the A24 and would therefore form a prominent feature upon arrival into the development. The scale, appearance and form of the proposed scheme have been designed to reflect this important location and to provide a sense of arrival. The specific design of the proposal, which utilises the importance of its location, together with the retention of the existing mature trees to the south western corner of the site, which are to be incorporated within the communal garden area, ensures that the environment of the location is appropriately considered. It is therefore considered that the proposed scheme would comply with the requirements of policy DC31.

6.14 In summary, as the principle of residential development, albeit under a C3 Use Class, has been previously established for this site, through the West of Horsham Masterplan SPD and Outline permissions DC/09/2138 and subsequently DC/11/2004, and the current proposal accords with relevant policies of national guidance and the development plan, it is considered that the principle of an extra care facility and associated works is acceptable.

Design and character of the development and compliance with the Land West of Horsham Design Principles and Character Areas SPD

6.15 The layout of the proposed extra care facility utilises the position of the existing mature trees to the south western corner of the site, and the layout of the north/south spine road and access roads, to create a strong built presence of frontage development with a more secluded communal courtyard garden area for residents. In addition, the layout of the building and the scale of built form seek to promote the visual impact of the arrival ‘piazza’ junction whilst still respecting the scale of future adjacent developments. In this regard, the streetscene from the north and around the ‘piazza’ junction exhibits predominantly 4 storeys of development that form a well defined entrance and enclosure of this more formally landscaped space. The scale of the development then reduces down to 3 storeys as it extends towards the south. This reduction in scale is considered appropriate in relation to the more domestic scale of the adjacent development to the south, especially as the southern areas of the site provide a more suburban scale when compared to the main junction areas.

6.16 The design, scale and form of the proposed extra care facilities have been influenced by, and provide an interpretation of, historical watermills from across Sussex. As there is evidence that a fulling mill was previously located in the vicinity of the this proposal, it is considered that this approach is appropriate given this local connection and the potential to incorporate both traditional and contemporary design elements along with achieving the higher density proposed. The submitted Design and Access Statement refers to the robust, sturdy construction of mills with pitched roof forms and smaller subservient additions. Using this Sussex Mill approach the extra care scheme has been designed with ‘main’ or larger
sections to the northern part of the site and with smaller subservient elements to the south and west. Each of these sections or elements display projecting gables and through the use of such features and vertically aligned windows and timber hoist houses the overall scheme displays a vertically proportioned form and does not appear overly bulky or squat.

6.17 Each section internally provides a cluster of residential apartments linked by glazed circulation spaces. The sections are visually separated from one another externally through the use of these set back, subservient and glazed links. The sectional form of the building allows for its considerable size to be visually broken down into easily readable elements. This is further enhanced through the use of a variety of external materials.

6.18 The public facing elevations of the building (north and east) are proposed with a slightly more traditional design than the elevations facing towards the private residents garden area (south and west). The northern and eastern elevations show more generously proportioned gables, the use of timber hoist houses as a design feature, and open balconies. Conversely, the southern and western elevations display narrower gables incorporating enclosed balconies and show a greater use of dormer windows. Whilst it is unusual to have a differing design approach to different elevations of the structure, the layout and orientation of the building is such that these differences would not be seen together, but rather they would be read in isolation.

6.19 The open balconies proposed to the northern and eastern elevations have raised some concerns from the Council’s Public Heath and Licensing department in relation to noise. Whilst the applicant has satisfactorily shown that acceptable noise levels within habitable rooms of apartments to these sides, which front onto the A24 access/commercial area access and the north/south spine road, can be achieved through appropriate glazing and acoustic ventilation, the balconies are not afforded the same protection. It is accepted that this situation is not ideal, however, there is no requirement to provide balconies and whilst they could provide supplementary amenity space for future residents they should be viewed as an additional benefit rather than a necessity. Their inclusion is considered to assist in the overall design approach and any future use should remain a choice for residents. For this reason, it is not considered that potential noise on private balconies would warrant refusal of the scheme on this basis.

6.20 The site is located within Character Area 1 as defined within the Land West of Horsham Design Principles and Character Areas SPD. Character Area 1 encompasses the northern section of the Land to the East of the A24. This character area lies between Tanbridge House School to the north, the A24 to the west, the River Arun to the south and Boldings Brook and Hills Farm Lane to the east. The specific design guidance for Character Area 1 is set out in the table below together with comments to demonstrate the general conformity of the current application:

<table>
<thead>
<tr>
<th>DESIGN GUIDANCE</th>
<th>COMMENT</th>
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<tbody>
<tr>
<td>Densities of about 40 - 50 dwellings per hectare.</td>
<td>This refers to the entire northern part of the Land East of the A24 development site and does not show variation for different elements within this area. As detailed above (paragraph 6.7) the residential density parameter plan of the Outline permission established the principle of higher density in this area which is further detailed within the Design and Access Statement.</td>
</tr>
<tr>
<td>Lower densities in the western section and in the vicinity of watercourses.</td>
<td>The current application does not fall within the western portion of the site or</td>
</tr>
<tr>
<td>DESIGN GUIDANCE</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Dwellings 2 – 2 ½ storeys high.</td>
<td></td>
</tr>
<tr>
<td>The current application does not propose dwellings (C3 use class).</td>
<td></td>
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</tbody>
</table>

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<thead>
<tr>
<th>DESIGN GUIDANCE</th>
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<tbody>
<tr>
<td>3 – 4 storey dwellings or apartments in vicinity of new junction onto A24.</td>
</tr>
<tr>
<td>The proposed extra care facility would be adjacent to the A24 junction and would exhibit 3/4 storey development to the publicly visible northern and eastern elevations.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>DESIGN GUIDANCE</th>
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<tbody>
<tr>
<td>Mainly terraced and semi-detached dwellings and small apartment blocks with potential for a small amount of detached housing to soften densities.</td>
</tr>
<tr>
<td>This comment relates to the whole of the character area and whilst the proposed extra care facility would constitute one large building, it has been designed such that it would appear as a group of smaller buildings connected by subsidiary glazed sections.</td>
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</tbody>
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<thead>
<tr>
<th>DESIGN GUIDANCE</th>
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<tbody>
<tr>
<td>Dwellings arranged to front public areas including streets, footpaths and watercourses/informal open space.</td>
</tr>
<tr>
<td>The proposed building would form an approximate ‘L’ shape and front onto the adjacent streets.</td>
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<tr>
<th>DESIGN GUIDANCE</th>
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<tbody>
<tr>
<td>Key focal points or landmark buildings max 2 – 3 storeys.</td>
</tr>
<tr>
<td>This application does not include key focal point or landmark buildings.</td>
</tr>
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<thead>
<tr>
<th>DESIGN GUIDANCE</th>
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</thead>
<tbody>
<tr>
<td>Provision of space for planting to soften streetscene.</td>
</tr>
<tr>
<td>An illustrative landscape proposal has been provided which illustrates the street planting design strategy. The provision of further details will be conditioned.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>DESIGN GUIDANCE</th>
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</thead>
<tbody>
<tr>
<td>Retention and enhancement of the existing right of way (FP1633).</td>
</tr>
<tr>
<td>There are no public rights of way within this application site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DESIGN GUIDANCE</th>
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</thead>
<tbody>
<tr>
<td>Retention/reinstatement of the foot/cycle path from the A24 footbridge to the bridge over Boldings Brook.</td>
</tr>
<tr>
<td>This falls outside of the current application site.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>DESIGN GUIDANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variety in design including roof form and materials, colouring should be sympathetic to locality but not detract from innovative design.</td>
</tr>
<tr>
<td>The proposed extra care facility has been designed to reflect a Sussex Mill building with a ‘main’ brick structure with secondary elements using a variety of materials, such as timber cladding and rendering. The massing of the building is broken up through the use of differing roof heights and glazed linking sections.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>DESIGN GUIDANCE</th>
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<tbody>
<tr>
<td>Unallocated parking for some smaller units e.g. in overlooked communal courts.</td>
</tr>
<tr>
<td>A total of 53 unallocated car parking spaces would be provided within two overlooked parking courts.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>DESIGN GUIDANCE</th>
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<tbody>
<tr>
<td>Open spaces could be designed around existing trees to ensure their long term retention is feasible and so that they can contribute to the local amenity</td>
</tr>
<tr>
<td>Key areas of open space and woodland, along with retained trees, were defined in the landscape strategy parameter plan approved as part of the Outline permission. The current application has been designed around the existing mature trees within the site and retains them within the communal garden area.</td>
</tr>
</tbody>
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<tr>
<th>DESIGN GUIDANCE</th>
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<tbody>
<tr>
<td>Roads off new A24 junction to be set down in the landscape as far as possible to help reduce visual impact. Sympathetic earthworks could be designed to help localise views of the junction and alleviate some of the road noise</td>
</tr>
<tr>
<td>The new access road leading into the commercial area and the north/south spine road will be set permanently lower than the new A24 junction.</td>
</tr>
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</table>

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<tr>
<th>DESIGN GUIDANCE</th>
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</thead>
<tbody>
<tr>
<td>Adequate planting to screen and reduce the</td>
</tr>
<tr>
<td>Landscaping of the verge between the</td>
</tr>
</tbody>
</table>
visual impact of the new road junction and development as perceived from the offsite views, including views from Highwood Hill and the A24.

A24 junction access road and the commercial area access road will be controlled through conditions on this application, and DC/12/2022 (drainage basin 2). The provision of landscape buffers is secured by the Outline permission fall outside the scope of this application.

Highways lighting to be sympathetic to the countryside edge setting and designed to try to avoid any unnecessary glare.

A lighting strategy for the site is to be subject to agreement with West Sussex County Council and the applicant in liaison with the Local Planning Authority (subject to condition). This will likely continue the details which have been approved by condition for Phase 1 with regard to the visual, ecological and highway implications.

Potential buffer planting between the new road junction and the proposed housing to help reduce the impact of the road junction on individual properties.

Landscaping around the edge of the site will be controlled through conditions. In addition, landscaping of the verge between the A24 junction access road and the commercial area access road will be controlled through conditions on this application, and DC/12/2022 (drainage basin 2).

Exploit the natural low lying and undulating topography to advantage; i.e. sympathetic rooftscapes and judicial use of tree planting to help to visually contain the built form.

The proposed scheme utilises the changes in ground level across the site to make the best use of available land and also incorporates a variety of roof forms and heights.

Landscape enhancement of the open space adjacent to the river corridor and Boldings Brook.

The open space adjacent to the river corridor and Boldings Brook fall outside the area of this application.

Retention of the WWII pillbox near the Fulling Mill earthworks

The WWII pillbox is outside the application site.

6.21 It is considered that the general design approach to the extra care facility is acceptable and that the detail of this, the form of the building and the variety of external materials proposed, would result in a visually pleasing feature building in this prominent and important location within the wider development site. It is also considered that the proposal accords with guidance set out in the Land West of Horsham Design Principles and Character Areas SPD.

**Landscaping, drainage and highway issues**

**Landscaping**

6.22 An illustrative landscape proposal for the extra care site has been submitted with the application and shows the creation of a communal woodland garden area to the south western side of the site, a landscaped main entrance area and boundary planting. The main entrance area would provide both a stepped and ramped access together with grassed and planted areas to form a semi-circular feature. The proposed woodland garden area would incorporate a perimeter footpath, private/communal terraces/patios, grassed areas, a woodland path and an elevated boardwalk leading across the lower lying
Drainage

6.23 The proposed scheme would include the use of permeable block paving to the parking court areas and would otherwise drain to basin 2, for which it has been resolved to grant permission under a separate application. Whilst there may be additional sustainable drainage systems (SuDS) that could potentially be employed across the site the proposal would not lead to an increase in the risk of flooding elsewhere and as such it is considered to comply with policy DC7. It is considered reasonable to control the provision of SuDS on site through a condition.

Highway issues

6.24 The proposal would encompass a total of 105 No. units and would provide vehicular access from the north/south spine road and from the commercial area access road. The Transport Statement submitted in support of the application includes a comparison between the current proposal and the residential use of this site for 51 No. apartments and 8 No. dwellings, as considered under the Outline permission. This comparison, using the TRICS database, indicates that the proposed extra care facility would generate fewer trips during peak hours and as such would have a reduced impact upon the highway network during these times. The Highways Authority at WSCC therefore raise no objections to the proposal.

6.25 The extra care site would provide a total of 53 No. car parking spaces together with a mini-bus drop-off bay and an ambulance bay. WSCC have confirmed that the non-residential parking standards set out within Appendix A of the Land West of Horsham Design Principles and Character Areas SPD have not been superseded, and therefore remain relevant to this proposal. These standards specify different levels of parking provision for sheltered accommodation for the elderly and care/nursing homes, with the latter having a significantly reduced demand due to the likely reduced levels of car ownership of residents at such facilities. As the proposed extra care facility would provide for independent living but with access to care, it is considered that the likely demand for car parking would be similar, but slightly less than that for sheltered accommodation.

6.26 The aforementioned parking standard for sheltered accommodation for the elderly seeks a maximum of 1 No. space per 2 No. units, plus staff space. The proposed extra care facility of 105 No. units would provide 53 No. spaces, with additional mini-bus and ambulance spaces. It is considered that this is in very close alignment with the parking standard set out in the SPD and, given the anticipated slightly lower levels of car ownership associated with a care need, is therefore considered acceptable.

6.27 In addition to this anticipated parking demand, the submitted Transport Statement shows the commitment of the developer to adopt a Green Travel Plan for the development in order to promote more sustainable modes of transport than the private motor vehicle. It is considered that the proposed extra care facility would provide sufficient car parking spaces to meet the likely demand and that this, together with the implementation of a Green Travel Plan, which can be controlled by condition, would ensure that the proposal would accord with the requirements of policy DC40. WSCC have not raised any objection to the level of car parking provision proposed.

6.28 The proposal would incorporate a total of 10 No. cycle spaces and 16 No. buggy parking spaces. Whilst this level of cycle parking would not meet with the required level of provision for residential dwellings under Use Class C3, there is no standard for C2 Uses.
envisaged that levels of cycle usage amongst residents would be low and therefore cycle parking is provided mainly for staff and visitors. It is considered that 10 No. spaces for this purpose is acceptable.

**Affordable housing provision**

6.29 The proposed extra care facility would be located across part of phase 3 of the wider Land East of the A24 development. This phase was required to provide a total of 60 No. affordable rented units under the Principal S106 Agreement entered into at the time of the Outline permission. These 60 No. affordable units were to be provided as 25 x 1 bed apartments and 35 x 2 bed apartments.

6.30 The extra care scheme proposed would incorporate 60 No. affordable rented units of both 1 bed and 2 bed apartments. This number and provision of affordable rented homes corresponds with those secured through the Principal S106 Agreement and would ensure the delivery of such units. Whilst these units would be restricted to those who meet the required age and care need criteria, to be controlled through a supplemental legal agreement (see paragraphs 6.34 to 6.37 below), there is a need for such housing within the District and it would allow for people in housing need to be taken off the Council’s Housing Register (see paragraph 6.11 above).

6.31 The developer has entered into an agreement with Saxon Weald, who would become freehold owners of the entire extra care site, to provide the affordable rented units. Nominations rights for these units will fall to this Council and priority will be given to those nominees who: have existing requirements for social care services; have difficulties managing in the physical environment in their current home; will benefit from help to manage personal and domestic care tasks; will benefit from support to maintain their independence and/or improve their quality of life; have difficulties caused by communication problems (including sensory impairment); and, have an isolated lifestyle which is to the detriment of their health, safety or well-being.

6.32 The draft nominations agreement, for inclusion in the supplemental legal agreement, states that the first tenants will be agreed between the Council and Saxon Weald (who hold the District’s list of older people requiring adapted/special needs/extra care accommodation) prior to the opening of the facility. The Council will be able to nominate to all rented apartments within the extra care scheme and these units would only be allocated to others, on Saxon Weald’s own waiting list, should nominees not be provided by the Council. The procedure for subsequent allocations would be established through a lettings protocol to be agreed between the Council and Saxon Weald. Whilst there is a possibility that there will not be sufficient appropriate households within Horsham District, it should be noted that this scheme is the only proposed specialised older persons housing provision scheduled across either the wider West of Horsham development. Therefore, it is considered that the extra care proposal will meet the housing needs of the District, especially those of the aging population, and accords with the visions set out in the Land West of Horsham Masterplan SPD (provided here at paragraph 2.6).

6.33 The true affordability of these rented units would be ensured through the supplemental legal agreement, which would include not only the rent chargeable but also the service costs related to communal facilities provided within the site. In addition, the affordability of care packages that would be available to residents would be ensured through existing care commissioning arrangements handled by the County Council.

**S106 obligations**

6.34 This current application seeks full planning permission for the proposed extra care scheme and as such falls outside the scope of the legal agreement attached to the Outline
permission for the Land East of the A24 site, known as the Principal Agreement. This Principal Agreement secured the provision of 60 No. affordable rented units across phase 3 of the development site. As the proposed extra care scheme forms a separate entity and would provide these 60 No. affordable rented units, thereby replacing the existing requirement set out in the Principal Agreement, a supplemental agreement is required. This supplemental agreement is known as the ‘sixth supplemental’.

6.35 The sixth supplemental agreement, which is subject to a separate report to this Committee, will enable appropriate definitions relating to the extra care scheme, its affordability and its facilities to be set out and agreed. This agreement will also provide the mechanism to ensure the delivery of the affordable rented extra care units and set out the timeframe for their provision.

6.36 Although this proposal falls outside the remit of the Outline permission and could therefore result in additional units across the wider Land East of the A24 site (over and above the 1044 established through the Outline) additional contributions towards affordable housing provision have not been sought. The proposed scheme would be delivered by Saxon Weald, who have agreed to input funding from their own resources, following a lack of available grant funding, to provide 10 No. of the 60 No. affordable rented units. It is considered that, given this commitment, together with the not-for-profit nature of Saxon Weald, it is not appropriate to seek additional contributions in relation to this scheme.

6.37 However, should the total number of units to be provided across the wider Land East of the A24 site subsequently exceed 1090 No., being the 1044 No. units from the Outline plus the additional 46 No. units that would arise from the extra care scheme (see table below) then further contributions should be payable on each of these additional units. A clause to ensure this would be entered into the sixth supplemental agreement.

<table>
<thead>
<tr>
<th>Number of units</th>
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<tbody>
<tr>
<td><strong>Total No. of units on Land East of A24 for which Outline permission exists</strong></td>
</tr>
<tr>
<td><strong>Illustrative No. of units shown across Extra Care site on Outline permission</strong></td>
</tr>
<tr>
<td><strong>Proposed No. of Extra Care units</strong></td>
</tr>
<tr>
<td><strong>Difference between illustrative Outline and Extra Care scheme</strong></td>
</tr>
<tr>
<td><strong>Total No. of units that could be built across Land East of A24 following Extra Care scheme (subject to relevant reserved matters approvals)</strong></td>
</tr>
</tbody>
</table>

Any other issues, including those arising from public consultation

Sustainable construction

6.38 The applicants have advised that the extra care facility is to be constructed to the BREEAM ‘very good’ rating standard and that a 10% reduction in total carbon emissions will be achieved. Sustainability and Energy Statements have been submitted in support of this application. Whilst these reports show the applicant’s commitment further details are
required to ensure compliance with policies DC8 and DC9. This can be controlled through conditions.

*Environmental Impact Assessment*

6.39 The extra care proposal has been screened by the Council’s Environmental Officer and it has been established that it does not constitute Environmental Impact Assessment (EIA) development. As the proposal forms an application for full planning permission, it could result in an additional 105 units across the wider Land East of the A24 development site, over and above the level of development considered under the Outline application. Therefore, in addition to screening this proposal in its own right, the extra care proposal has been assessed as a change or extension to a development listed in Schedule 2 of the EIA Regulations, where that development is already authorised, executed or in the process of being executed.

6.40 Under these circumstances a further EIA would only be required if the additional units were considered to have significant adverse impacts on the environment. The Council’s Environmental Officer has assessed the proposal in relation to the Environmental Statement of the Outline application and took into account the detailed aspects of this scheme, including the increased number of storeys. Whilst this application for an extra care scheme is not considered to be EIA development, any future applications would need to be individually assessed where they may exceed the parameters and scope of the work carried out for the Outline permission.

*Archaeology*

6.41 The extra care site includes an area known as Fullingmill Copse and the facility would be built across a former pond that was likely used as the mill pond of a 17th or 18th century fulling mill. In addition, the Fullingmill Copse is likely to contain the sites of water wheels and mill structures. The proposed communal woodland garden area would incorporate this Copse area.

6.42 The applicants have submitted an Archaeological Watching Brief and subsequent additional Archaeological Impact Assessment by Archaeology South-East. These reports establish the level of mitigation proposed to deal with the archaeological findings.WSCC’s Archaeologist has considered the detail of these reports and findings and believes that the recommendations are reasonable and proportionate in terms of the significance of the earthworks and the degree of development impact. A condition is therefore recommended to ensure the implementation of this appropriate archaeological mitigation.

7. **RECOMMENDATIONS**

7.1 It is recommended that planning permission be delegated for approval to the Head of Planning and Environmental Services, subject to securing a Supplemental S106 Legal Agreement, and the following conditions (and any conditions which may arise during the delegation period):

1. A2 Full Permission
2. M1 External Materials
3. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) full details of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall be submitted concurrently as a complete scheme, unless otherwise agreed, in writing, by the
Local Planning Authority, and shall comprise:

- A detailed plan and specification for topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice;
- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers;
- Tree pit and staking/underground guying details;
- A written soft and hard landscape specification (National Building Specification compliant) for planting (including ground preparation, cultivation and other operations associated with plant and grass establishment) and a written hard landscape specification;
- Existing and proposed hard and soft landscape levels, and cross sections for the proposed grass terracing;
- Hard surfacing materials, to include layout, colour, size, texture, coursing and levels;
- Walls, retaining walls, fencing and railings, to include location, type, heights and materials;
- Minor artefacts and structures, to include location, size and colour and type of street furniture, signage, refuse units and lighting columns and lanterns.

The approved scheme shall be implemented in full accordance with these details. Planting shall be carried out according to a timetable to be agreed in writing with the Local Planning Authority prior to commencement 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 in the interests of amenity in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

4. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) a detailed long term Landscape Management and Maintenance Plan for all landscape areas shall be submitted to and approved, in writing, by the Local Planning Authority.

The plan shall include:

- Aims and objectives;
- A description of landscape components;
- Management prescriptions;
- Details of maintenance operations and their timing;
- Details of the parties/organisations who will maintain and manage the site, to include a plan delineating the areas that they will be responsible for.

The plan shall demonstrate full integration of landscape, biodiversity and arboricultural considerations. The areas of planting shall thereafter be retained and maintained in perpetuity in accordance with the approved Landscape Management and Maintenance Plan, unless any variation is approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

5. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations therefor, shall be submitted to and approved by the Local Planning Authority in writing. These details shall demonstrate effective coordination with the landscape scheme submitted pursuant to condition 3 and with existing trees on the site by submission of a plan overlaying these details on the landscape scheme. All such underground services shall be installed in accordance with the approved details.

Reason: To protect roots of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

6. No development, including works of any description, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, shall take place until:

- A detailed plan showing the location of tree protective fencing has been submitted to and approved, in writing, by the local planning authority;
- All trees on the site targeted for retention shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6.2 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. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

7. No existing trees, hedges or shrubs on the site, other than those the Local Planning Authority has agreed to be removed as part of this permission, shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. Any trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees,
hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

*Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

8. The applicant shall, within a period of six months following the felling of the trees the subject of this application, plant the same number of replacement trees of a species and maturity and in positions to be approved by the Local Planning Authority. In the event that any of these trees should die following planting, they shall be replaced with similar trees in similar positions within six months of the death of each specimen.

*Reason: In the interest of amenity, and in accordance with policy DC6 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

9. Any removal of bird breeding habitat shall be undertaken outside the bird breeding season (March-August inclusive) unless a suitably qualified ecologist confirms absence of breeding birds, that further nesting opportunities can be provided for birds and a suitably qualified ecologist will be present during all demolition and vegetation removal operations.

*Reason: To protect breeding birds (Wildlife and Countryside Act 1981) in accordance with the advice of the NPPF and with policy DC5 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

10. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) details of boundary treatments shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the building shall not be occupied until such boundary treatments associated with them have been erected. Thereafter the boundary treatments shall be retained as approved and maintained in accordance with the approved details.

*Reason: In the interests of amenity in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

11. D6 Finished Floor Levels

12. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) a scheme of works to reduce the intrusion of external noise to all habitable rooms within the development shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the building and shall thereafter be retained at all times.

*Reason: In the interests of residential amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*
13. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), details of the proposed means of foul and surface water drainage and sewerage disposal shall be submitted to and approved, in writing, by the Local Planning Authority, in consultation with Southern Water where appropriate. The submitted information shall include:
   - details of all sustainable drainage systems (SuDS) that are to be utilised across the site;
   - details of how the SuDS are to be maintained and managed after completion;
   - details of how the development has been designed for exceedance events and flood flow paths.

The approved details shall be fully implemented prior to the first occupation of the building and shall thereafter be retained and maintained as approved.

Reason: To ensure the development is properly drained and to prevent the increased risk of flooding, in accordance with policy DC7 of the Horsham District Local Development Framework: General Development Control Policies (2007).

14. H1 Access (General)

15. The building hereby approved shall not be occupied until the parking and turning facilities have been provided in accordance with the plans hereby approved (or in accordance with plans submitted to and approved in writing by the Local Planning Authority) and the parking and turning facilities shall thereafter be retained solely for that purpose and solely in connection with the development.

Reason: To ensure adequate parking and turning facilities are available to serve the development in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and to ensure compliance with the Horsham District Local Development Framework: Land West of Horsham Design Principles and Character Areas SPD (2009).

16. The building hereby permitted shall not be occupied until the provision of facilities for visitors’ and staff cycle parking have been made within the site in accordance with the plans hereby approved, unless otherwise agreed, in writing, by the Local Planning Authority. The facilities provided shall thereafter be retained solely for that purpose.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and to ensure compliance with the Horsham District Local Development Framework: Land West of Horsham Design Principles and Character Areas SPD (2009).

17. The use hereby permitted shall not be commenced unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of recycling facilities in accordance

18. No development shall take place within the site until the applicant, or the applicant’s agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that archaeological features on the site will be properly recorded before and where appropriate during development and that the records will be satisfactorily reported in accordance with policy DC10 of the Horsham District Local Development Framework: General Development Control Policies (2007).

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any pollution is dealt with in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

20. Prior to the commencement of the development hereby approved (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) details of the proposed construction methods incorporating sustainable construction techniques to achieve at least BREEAM ‘Very Good’ rating (or other third party accredited environmental assessment to a standard to be agreed with the Local Planning Authority) shall be submitted to and approved, in writing, by the Local Planning Authority. A water reduction strategy to minimise water consumption across the development shall be submitted to show achievement of the agreed level of sustainable construction rating. Thereafter works shall be undertaken in accordance with the approved details, unless otherwise agreed, in writing, by the Local Planning Authority and the development shall not be occupied until formal certification has been issued, and submitted to the Local Planning Authority, showing that the agreed level of rating has been achieved.

Reason: In the interests of sustainability and in accordance with policy DC8 of the Horsham District Local Development Framework: General Development Control Policies (2007).

21. Prior to the commencement of development (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), details to reduce the carbon emissions of the predicted energy use of the proposed development by at least 10% shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the building.

Reason: In the interests of sustainability and in accordance with policy DC8 of the Horsham District Local Development Framework: General Development Control Policies (2007).
22. Prior to the occupation of any unit within the Extra Care facility hereby approved, a Green Travel Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The travel plan shall set out details of the proposed sustainable transport initiatives.

Reason: To offer and encourage a choice of sustainable transport modes in order to reduce dependence on the private car in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

23. Prior to the commencement of the development, a construction environmental management plan (CEMP) shall be submitted to and approved, in writing, by the Local Planning Authority and thereafter implemented and maintain throughout the construction period. The CEMP shall include:

- Details of the design and location of the construction access;
- Details of proposed wheel washing facilities located adjacent to the construction site access;
- Details of an area for the storage of materials, parking for construction traffic and an appropriate turning area within the site clear of the public highway;
- Details of a routing agreement for the site construction traffic and HGV traffic associated with the movement of bulk material to and from the site;
- Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
- Measures for tree and hedgerow protection throughout the development programme.

Reason: In the interests of controlling the impact of the development during the construction.

24. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and future residents and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or Orders amending or revoking and re-enacting the same, the building hereby permitted shall be used only for the purposes of providing a residential Extra Care facility and associated facilities/services and for no other purpose, unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.

Reason: To enable the Local Planning Authority to exercise a measure of control over the nature and provision of such care facilities and in the interests of amenity, and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or Orders amending or revoking and re-enacting the same, the building shall not be extended or altered in any way unless planning permission has been granted by the Local Planning Authority pursuant to an application for that purpose.

Reason: To maintain control over the development in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

27. O1 Hours of Working

28. O2 Burning of Materials

Notes to Applicant:

1. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk

2. A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk

3. The detailed planting plan to be submitted for approval in respect of condition 3 of this approval shall demonstrate consideration of sustainable planting design within the housing area i.e. the use of a mix of shrubs, perennials and ornamental grasses, including drought resistant species (adapted to climate change) rather than single species blocks of amenity horticulture shrub planting.

4. The applicant/developer is encouraged to incorporate biodiversity enhancements within the development where possible and is advised to review the Town and Country Planning Association’s publication ‘Biodiversity by Design’ available at: www.tcpa.org.uk/pages/biodiversity-by-design.html

8. REASONS FOR RECOMMENDATIONS

The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality.

The proposal includes satisfactory provision for the parking, loading and unloading of vehicles and would not impinge upon the safety and convenience of other highway users.

The proposal is consistent with the provisions of the development plan.

Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
Background Papers: DC/09/2138, DC/11/2004, DC/12/2298
Case Officer: Helen Lowe
DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North
BY: Head of Planning and Environmental Services
DATE: 21st August 2013

DEVELOPMENT:
Variation of S106 Agreement for the inclusion of: the extra care facility, its associated definitions and delivery of the affordable rented extra care units; a clause to ensure payment of additional contributions should total units across the Land East of the A24 development exceed 1090; and, confirmation of the negotiated commuted sum (in place of the 24 No. shared ownership units within phase 1), and the associated payment mechanism.

SITE: Land East of A24 Worthing Road Horsham West Sussex
WARD: Denne
APPLICATION REFERENCES: DC/09/2138, DC/11/2004, DC/12/2298, Legal Agreement Section 106/1825
APPLICANT: Berkeley Homes (Southern) Ltd

REASON FOR INCLUSION ON THE AGENDA: To consider the proposed variation of the S106 agreement

RECOMMENDATION: Agree to Variation of S106 Agreement for the inclusion of: the extra care facility, its associated definitions and delivery of the affordable rented extra care units; a clause to ensure payment of additional contributions should total units across the Land East of the A24 development exceed 1090; and, confirmation of the negotiated commuted sum (in place of the 24 No. shared ownership units within phase 1), and the associated payment mechanism.

1. BACKGROUND

1.1 In August 2010 Outline Planning Permission was granted under reference DC/09/2138 for the development of up to 1044 dwellings including provision of employment floor space, fire station, community centre and expanded school facilities together with the construction of a principal vehicular access from the A24 (southbound), secondary bus/cycle/pedestrian accesses from Hills Farm Lane, internal highway network, diversion of existing public footpaths and a replacement footbridge over the A24. The application also included the formation of associated landscape works including playing fields, allotments, recreation facilities and construction of acoustic bund/fence alongside the A24.
The Outline Planning Permission was subject to a legal agreement (Section 106/1825 referred to within this report as the ‘Principal Agreement’), which secured a number of benefits. The scope of the S106 package (amounting to in the region of £31million) included amongst other things:

- The undertaking of highway works by the developer or payment by the developer to the County Council for off site highway works (to include a contribution towards the maintenance of highway works);
- The delivery of affordable housing and Discount Market Sales (DMS) units (subject to a review mechanism and the potential to elect to take the equity in the DMS units);
- A contribution towards public art;
- The provision of land and a contribution towards the provision of a community building;
- The allocation of an area for a BMX park;
- The provision of open space encompassing amenity green space (approximately 0.975ha) sports pitches (approximately 2ha); natural green space; structural landscaping and buffer strips (approximately 0.9ha) and allotments (approximately 0.35ha) plus a contribution toward future maintenance;
- The provision of balancing ponds within the site plus a contribution for future maintenance

In January 2011 a Reserved Matters application for the first phase was granted under reference number DC/10/0006 for 196 dwellings, creation of a new vehicular/pedestrian/ cycle access from Hills Farm Lane, together with the internal highway network, footpaths, and drainage works; formation of the related landscaping, open space and recreation facilities, including additional facilities for Tanbridge House School.

This Reserved Matters application required a Deed of Variation to the Principal Agreement (referred to as the First Supplemental Agreement) and amended the definitions of the following specifications required to be brought forward as part of the overall development:

- Amenity Green Space Specification
- Natural Green Space Specification
- NEAP Specification
- Open Space Strategy and Phasing Plan
- Structural Landscaping and Buffer Strips Specification

Two further Supplemental Agreements (referred to as the Second Supplemental Agreement and the Third Supplemental Agreement) were agreed in May 2012 and July 2012 respectively for the amendment to the definition of ‘Application’ and ‘Planning Permission’ together with the relocation of a fence around the perimeter of land to be transferred to Tanbridge House School and replacement of Plan 6 showing the location of two bus stops/shelters close to the northern access of the site on Hills Farm Lane. These variations were agreed to ensure the benefits already secured within the Principal Agreement did not fall away following approval of amendments to the approved first phase Reserved Matters application.

A Fourth Supplemental Agreement was confirmed 21 December 2012 following the resolution by Committee to grant 35 affordable dwellings at Phase 1A, land west of Windrum Close. This supplemental agreement agreed the replacement of Plan 7 and Plan 11 following the revision of the defined boundary for Phase 1A.

On 19th March 2013 it was resolved by Committee to confirm a Fifth Supplemental Agreement to allow for the replacement of Plan 3 and Plan 12 of the Principal Agreement and to enable an amendment to Schedule 5 relating to Public Art. This Fifth Supplemental has not currently been finalised.
2. INTRODUCTION

STATUTORY BACKGROUND


RELEVANT GOVERNMENT POLICY

2.2 National Planning Policy Framework (2012) (NPPF)

RELEVANT COUNCIL POLICY

2.3 Local Development Framework: Core Strategy (2007) policies:
   - CP1: Landscape and Townscape Character
   - CP2: Environmental Quality
   - CP3: Improving the Quality of New Development
   - CP4: Housing Provision
   - CP7: Strategic Allocation – West of Horsham
   - CP12: Meeting Housing Needs
   - CP16: Inclusive Communities

2.4 Local Development Framework: General Development Control Policies (2007) policies:
   - DC1: Countryside Protection and Enhancement
   - DC2: Landscape Character
   - DC3: Settlement Coalescence
   - DC5: Biodiversity and Geology
   - DC6: Woodland and Trees
   - DC7: Flooding
   - DC8: Renewable Energy and Climate Change
   - DC9: Development Principles
   - DC10: Archaeological Sites and Ancient Monuments
   - DC31: New/Extensions to Retirement Housing and Care Home Schemes
   - DC40: Transport and access

2.5 Local Development Framework: Supplementary Planning Documents:
   - Land West of Horsham Masterplan (2008)
   - Land West of Horsham Design Principles and Character Areas (2009)
   - Planning Obligations (2007)

2.6 Policy CP7 sets out the key principles for this strategic development site, however, specific
guidance on the ‘visions’ for this development are set out in the Land West of Horsham
Masterplan SPD and the Land West of Horsham Design Principles and Character Areas
SPD.

PLANNING HISTORY

2.5 The full planning history for this strategic development is available on the Council’s
planning public access website. The following is considered to be applicable in the
consideration of this amendment to the S106 agreement.

DC/10/0006 Erection of 196 dwellings, comprising phase 1 of the comprehensive development of Land East of A24, West...
Horsham, for primarily residential purposes. Creation of a new vehicular/pedestrian/cycle access from Hills Farm Lane, together with the internal highway network, footpaths and drainage works. Formation of the related landscaping, open space and recreation facilities, including additional facilities for Tanbridge House School

DC/11/2004 Variation of Condition 32 of DC/09/2138 (Outline permission for development of up to 1044 dwellings) to be revised as follows: "The provision of a northbound bus stop adjacent to the Hills Farm Lane (north) access, raised kerbing and shelter; provision of a south bound bus stop and raised kerbing together with a scheme for the provision of an additional bus stop and/or shelter to be submitted and approved in writing by the Local Planning Authority"

DC/11/2243 Erection of 35 dwellings (27 x 3-bed and 8 x 4-bed) Phase 1A of outline permission DC/09/2138 (1044 dwellings) on land West of Windrum Close, Horsham (Approval of Reserved Matters)

DC/12/2298 Construction of an extra care facility (C2 Use class) to include 105 apartments (43 x 1-bed, 62 x 2-bed) and communal facilities to include fully serviced restaurant, living/activity room, therapy/hairdressing suite, staff facilities with associated access, car parking and landscape works

3. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

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 the application. Consideration of Human Rights forms part of the planning assessment below.

4. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

It is not considered that the proposed development would have any impact on crime and disorder.

5. PLANNING ASSESSMENT

5.1 The need for a variation to the Principal Agreement (S106/1825) secured as part of the Outline planning permission DC/09/2138 (as amended by DC/11/2004) has arisen following the submission of the application for full planning permission for an extra care facility (DC/12/2298). However, in addition, this Sixth Supplemental Agreement also provides the opportunity to agree and control the payment of a commuted sum, as allowed within the cascade mechanism of the Principal Agreement, in replacement of the provision of 24 No. shared ownership units. The proposed variations to the Principal Agreement cover 2 sections and are set out in more detail below.

Extra care

- To set out and agree the relevant definitions, interpretations and references to the proposed provision of extra care residential units, the provision of affordable units within this, the associated communal facilities, the mix of dwelling sizes and the form of the nominations agreement.
To insert plans showing the extent of the extra care site, the extent of the communal facilities and the positions of the affordable rented extra care units.

To ensure the provision of 60 No. affordable rented extra care units to an appropriate standard.

To establish the definition of a ‘qualifying person’ for extra care.

To include a clause to prevent the developer from possibly cascading out of the provision of the affordable rented extra care units in the future (this could be possible as the Sixth Supplemental would link back to the Principal Agreement).

To include a requirement for the developer to enter into a contract with Saxon Weald (or other agreed Registered Provider).

To insert a clause for the collection of additional contributions should the total number of units constructed across the Land East of the A24 site (as defined by DC/09/2138) exceed 1090 No. in the future.

Cascade out of 24 No. shared ownership units

To confirm that the developer has followed the steps within the cascade mechanism in the Principal Agreement.

To confirm the agreement of an appropriate negotiated commuted sum.

To insert a mechanism for the control of payment and use of the commuted sum.

Replace Table B of Schedule 26 of the Principal Agreement, which sets out the affordable housing phasing schedule.

To amend references within the Principal Agreement in line with the changes set out above.

Subject to the resolution to grant planning permission for the extra care facility (DC/12/2298), the timely provision of these units needs to be ensured. In addition, the provision of the 60 No. affordable rented extra care units, in replacement of the 60 No. rented units to be provided within phase 3 of the Land East of the A24 development, need to be controlled and guaranteed. Furthermore, to ensure the provision of these units it is proposed to remove the cascade mechanism that currently exists within the Principal Agreement, so far as it would relate to the affordable rented extra care units.

The Sixth Supplemental would also enable the definitions of extra care and qualifying persons, amongst others, to be confirmed, establish the minimum level of care package that shall be available to qualifying residents and confirm that affordable rents are to include services charges.

A template nominations agreement, which has been extensively discussed with Saxon Weald, would also be inserted within the Sixth Supplemental and would ensure that the Council maintains the right to nominate tenants to the affordable rented extra care units. The Council would nominate tenants in housing need who meet the relevant care and support criteria. However, should the Council fail to nominate a tenant within the agreed timeframe, or no such qualifying tenants exist on the Council’s Housing Register at that time, then Saxon Weald would be able to nominate from their own housing list, giving priority to those with care and support needs. Therefore, tenants with a local connection would be given priority to the affordable rented extra care units, however, a cascade mechanism would be needed to allow for nominees from within West Sussex, should there not be qualifying persons at that time within Horsham District.

As the extra care facility would provide 105 No. apartments on a part of the Land East of the A24 site that was previously shown, on the illustrative masterplan, as accommodating 59 No. units, it could lead to an overall increase in the number of units across the wider development site. The Outline permission allows for up to 1044 units across the whole site. Whilst no additional contributions are sought in relation to the extra care facility (please see
the separate report on DC/12/2298 within this Agenda), should the total number of units to be provided across the wider Land East of the A24 site subsequently exceed 1090 No., being the 1044 No. units from the Outline plus the additional 46 No. units that would arise from the extra care scheme (see table below) then further contributions should be payable on each of these additional units. It is proposed to include a clause to this effect within the Sixth Supplemental.

<table>
<thead>
<tr>
<th>Number of units</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total No. of units on Land East of A24 for which Outline permission exists</td>
<td>1044</td>
</tr>
<tr>
<td>Illustrative No. of units shown across Extra Care site on Outline permission</td>
<td>59</td>
</tr>
<tr>
<td>Proposed No. of Extra Care units (DC/12/2298)</td>
<td>105</td>
</tr>
<tr>
<td>Difference between illustrative Outline and Extra Care scheme</td>
<td>+46 (105 - 59)</td>
</tr>
<tr>
<td>Total No. of units that could be built across Land East of A24 following Extra Care scheme (subject to relevant reserved matters approvals)</td>
<td>1090 (1044 + 46)</td>
</tr>
</tbody>
</table>

5.6 The second element for which this Sixth Supplemental seeks authority is controlling the payment and use of the commuted sum to be made by the developer in lieu of providing 24 No. shared ownership units within phase 1 of the Land East of the A24 development. The Principal Agreement includes a cascade mechanism to allow Berkeley Homes to provide a commuted sum to the Council rather than on-site provision of affordable homes. For the reasons discussed here it is considered that Berkeley Homes have reasonably followed the requirements of the cascade mechanism within the Principal Agreement, and that the commuted sum and its control should be agreed.

5.7 The Principal Agreement sets out, at Schedule 20, the affordable housing unit prices that were established at the time of its drafting. These unit prices assumed the provision of grant funding from the Homes and Communities Agency. However, since this time (2010) the Homes and Communities Agency have introduced the Affordable Homes Programme, which dramatically reduced the amount of capital funding available. This significantly reduced the chances of any rented affordable units being delivered across the development site.

5.8 The mechanism, within Schedule 15 of the Principal Agreement, allows for the developer to cascade out of the provision of affordable dwellings within phase 1 of the development, should no grant funding be available and no Registered Provider is able to purchase the affordable dwellings at the price specified within Schedule 20. Berkeley Homes have made a valid application to the Homes and Communities Agency and no funding is available. They have also marketed the units to Saxon Weald, who have confirmed that they are unable to meet the prices set out in Schedule 20 of the Principal Agreement.

5.9 Subsequent to this, negotiations have taken place with Berkeley Homes to provide an appropriate level of commuted sum. These negotiations have resulted in a commuted sum of £953,500 in lieu of the 24 No. shared ownership units within phase 1 of the development. This contribution, which would be index linked, is agreed to be of an
acceptable level by Officers, including the Housing Development & Strategy Officer and Strategic Land & Property Manager.

5.10 The securing of this commuted sum will enable the Council to ensure the provision of the 35 No. affordable rented family homes off Windrum Close. Whilst the delivery of these units falls within the remit of the Principal Agreement, given the lack of grant funding available from the Homes and Communities Agency there would remain a real and significant possibility that the developer would seek to cascade out of this provision in the future. However, a provisional agreement has been reached between Berkeley Homes and Saxon Weald to deliver the rented units off Windrum Close, and Saxon Weald have confirmed that they would be able to achieve the required unit prices (as set out in Schedule 20 of the Principal Agreement) provided that the Council is able to contribute £795,250 to bridge the funding gap that would otherwise exist.

5.11 It is therefore considered that whilst the allowable cascading out of the 24 No. shared ownership units on phase 1 of the development is unfortunate, the negotiated commuted sum will ensure the provision of the much needed affordable rented dwellings off Windrum Close, which could not be guaranteed without additional bridge funding from the Council. The remaining amount of the commuted sum would be used by the Council to fund other affordable housing schemes.

5.12 It is therefore proposed that the Sixth Supplemental includes a mechanism for the timely payment of the negotiated commuted sum and for its subsequent use to bridge the funding gap to ensure the delivery of 35 No. affordable rented units off Windrum Close. The triggers for the payment of the commuted sum are, as yet, undetermined, but it is envisaged that this can be satisfactorily agreed between Officers and Berkeley Homes prior to the completion of the supplemental agreement. In addition, Table B of Schedule 26 of the Principal Agreement, which sets out the affordable housing phasing schedule, is to be updated accordingly.

5.13 It is considered that the variation of the Principal Agreement, through entering into a Sixth Supplemental Agreement as proposed, is reasonable as it controls the delivery of the extra care facility, the affordable rented extra care units and the associated facilities and allows for the payment of an appropriate commuted sum which will ensure the delivery of 35 No. affordable rented units off Windrum Close.

6. **RECOMMENDATIONS**

6.1 Agree to Variation of S106 Agreement for the inclusion of: the extra care facility, its associated definitions and delivery of the affordable rented extra care units; a clause to ensure payment of additional contributions should total units across the Land East of the A24 development exceed 1090; and, confirmation of the negotiated commuted sum (in place of the 24 No. shared ownership units within phase 1), and the associated payment mechanism.

Background Papers: DC/09/2138, DC/10/0006, DC/11/2004, DC/12/2298, S106/1825

Case Officer: Helen Lowe
RECOMMENDATION: To agree the recommendation as set out within the main report, AND to agree to the Variation of S106 Agreement to amend Plan 13.

PLANNING ASSESSMENT

In addition to the proposed variations to the Principal Agreement set out within the main report to this Committee, it is also necessary to amend Plan 13.

Plan 13 of the Principal Agreement indicates the positions of the affordable rented flats within the Land East of the A24 development site. This Plan is referred to within Schedule 15, Part 1, paragraph 10 of the Principal Agreement. Plan 13 shows affordable rented flats to be situated to both the north and south of the new A24 junction access road. It is proposed, subject to the resolution to grant planning permission for the extra care facility (DC/12/2298), that these 60 No. affordable rented flats are now to be provided within the extra care facility. As this facility is located to the south of the new A24 junction access road and to the immediate west of the main north/south spine road, Plan 13 needs to be amended to reflect this change in the location of the affordable rented flats.
Background Papers: DC/09/2138, DC/10/0006, DC/11/2004, DC/12/2298, S106/1825