



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Development Management (North) Committee

Tuesday, 4th October, 2016 at 6.00 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors: Liz Kitchen (Chairman)

John Bailey
Andrew Baldwin
Toni Bradnum
Alan Britten
Karen Burgess
Peter Burgess
John Chidlow
Roy Cornell
Christine Costin
Leonard Crosbie
Jonathan Dancer
Matthew French

Tony Hogben
Adrian Lee
Christian Mitchell
Josh Murphy
Godfrey Newman
Brian O'Connell
Connor Relleen
Stuart Ritchie
David Skipp
Simon Torn
Claire Vickers
Tricia Youtan

You are summoned to the meeting to transact the following business

Agenda

	Page No.
1. Apologies for absence	
2. Appointment of Vice-Chairman	
3. Minutes	3 - 10
To approve as correct the minutes of the meeting held on 6 th September 2016	
4. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
5. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

To consider the following reports of the Development Manager and to take such action thereon as may be necessary:

6.	Appeals	11 - 12
	Applications for determination by Committee:	
7.	DC/16/1073 - Land North of Old Guildford Road, Broadbridge Heath (Ward: Broadbridge Heath)	13 - 30
8.	S106/16/0009 - Land West of Worthing Road, Southwater (Ward: Southwater) Applicant: Mrs Olivia Forsyth	31 - 40
9.	S106/16/0007 - Martin Grant Homes Development Site, Rusper Road, Ifield (Ward: Rusper & Colgate) Applicant: Matthew Spilsbury	41 - 50
10.	DC/16/1944 - Hop Oast Depot, Worthing Road, Horsham (Ward: Southwater) Applicant: Horsham District Council	51 - 76
11.	DC/16/1213 - Home Farm Cottage, Denne Park, Horsham (Ward: Southwater) Applicant: Mrs Diana McKnight	77 - 84
12.	DC/16/1531 - Horsham District Council Changing Rooms, Bennetts Field, Brighton Road, Horsham (Ward: Horsham Park) Applicant: Horsham District Council	85 - 90

To consider the following report of the Head of Community & Culture and to take such action thereon as may be necessary:

13.	DC/09/2101 - Land South of Broadbridge Heath, Old Wickhurst Lane, Broadbridge Heath (Ward: Broadbridge Heath) Applicant: Countryside Properties	91 - 96
14.	Urgent Business	

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

Development Management (North) Committee
6 SEPTEMBER 2016

Present: Councillors: Liz Kitchen (Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, John Chidlow, Christine Costin, Leonard Crosbie, Matthew French, Godfrey Newman, David Skipp, Simon Torn, Claire Vickers and Tricia Youtan

Apologies: Councillors: Karen Burgess, Peter Burgess, Roy Cornell, Jonathan Dancer, Tony Hogben, Adrian Lee, Christian Mitchell, Josh Murphy, Brian O'Connell, Connor Relleen and Stuart Ritchie

The Chairman of the Committee paid tribute to Councillor Ian Howard, who had passed away on 30th August. She spoke of his valued contribution, integrity and commitment, in particular with regard to planning matters, and what a pleasure it had been to work with him over the years.

DMN/35 **MINUTES**

The minutes of the meeting of the Committee held on 2nd August were approved as a correct record and signed by the Chairman.

DMN/36 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

DMN/37 **ANNOUNCEMENTS**

There were no announcements.

DMN/38 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated, was noted.

DMN/39 **DC/16/1263 - LAND SOUTH OF BROADBRIDGE HEATH LEISURE CENTRE, WICKHURST LANE, BROADBRIDGE HEATH (WARD: BROADBRIDGE HEATH) APPLICANT: HORSHAM DISTRICT COUNCIL**

The Development Manager reported that this application sought permission for five all-weather MUGA (multi use games area) pitches, with associated floodlights, fencing and access footpath, on land to the south of the bowls club. The MUGA pitches would be next to each other towards the eastern boundary of the site. The rest of the open space would eventually include three sports pitches, spectator facilities and a skate park.

The wider site was being redeveloped for leisure and recreation purposes, and an application for a new leisure centre (DC/16/1844) on land to the north of the site had also been submitted.

There would be a series of floodlights around the perimeter of the MUGAs, and the precise details of this floodlight scheme would be dealt with by condition. A 4.5 metre high fence around the perimeter was proposed, in accordance with the standard recommended by the Football Association. A footpath would join the MUGAs to the land adjacent to the bowls club and tennis courts, and to the entrance to the proposed new leisure centre should that permission be granted.

The application site was located west of the A24 slip road and north-east of a wider sports area, with the Horsham District Indoor Bowls Club directly north of the site. Beyond the sports pitches to the west was a large housing development currently under construction. Broadbridge Heath Tesco lay beyond the bowls club to the north.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. Members were advised that the Arboricultural Officer had raised no objection.

It was noted that any drainage issues relating to the surrounding area would be addressed through the planning application for the leisure centre and sports pitches.

The Parish Council raised no objection to the application. No further letters of representation had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its impact on the adjacent highway; parking; and the impact on neighbouring amenity, in particular with regard to floodlights and noise.

RESOLVED

That planning application DC/16/1263 be granted subject to the conditions and reasons as reported.

DMN/40 **DC/16/1320 - WINTERTON COURT, HORSHAM (WARD: HORSHAM PARK) APPLICANT: SAXON WEALD HOMES LTD**

The Development Manager reported that this application sought permission for the demolition of buildings and the erection of 66 dwellings with parking and external works. The application followed the refusal of DC/15/0154 for 69 dwellings.

There would be 20 affordable rent units, comprising twelve 1-bedroom flats and eight 2-bedroom flats, and three affordable shared ownership 3-bedroom houses. The remaining 43 would be private market units, with an intention to rent rather than sell.

Five blocks of buildings with garden areas around a central public open space were proposed, with a vehicular access route running around the central square.

- Block A would be three-storey and include nine 2-bedroom flats and three 1-bedroom flats.
- Block B would be two-storey and comprise seven terraced 3-bedroom dwellings, including the three shared ownership units.
- Block C would be three-storey and include nine 2-bedroom flats and three 1-bedroom flats.
- Block D would be four storey and provide the 20 affordable rented units.
- Block E would be three storey and comprise nine 1-bedroom flats and six 2-bedroom flats.

There would be 68 un-allocated surface parking spaces distributed throughout the site.

The application site was located within the built-up area of Horsham and was currently occupied by sheltered housing accommodation comprising 27 dwellings. These had been vacated and the site was surrounded by hoarding. The site was bordered to the north by a public footpath, opposite which was a new development of two-storey dwellings and a block of flats at Standings Court. The rear gardens of dwellings fronting New Street were to the south east, the railway station

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Neighbourhood Council had objected to the application. Forty-six letters of objection from 38 households had been received, including a letter from the Horsham Society. Three members of the public spoke in objection to the application and the applicant's architect addressed the Committee in support of the proposal.

Members considered the officer's planning assessment, and whether the reasons for refusal of the previous application for 69 dwellings had been overcome, in the light of the current policy context.

Members discussed aspects of the proposal, in particular: the impact of the proposal on the amenity of future and neighbouring occupiers; the design and appearance of the development, in particular with regard to its height; the provision of open space, including areas suitable for children to play; traffic

movements generated by the site and highway safety; and affordable housing provision in the light of current policy.

After careful consideration, Members concluded that the amendments that had been made to the previous planning application were not significant enough to overcome the first two reasons for refusal of that application. The proposal would still lead to overdevelopment of the site, which would lead to a poor level of amenity for future occupiers, and the height of buildings did not reflect that of the existing residential area. Furthermore, no Legal Agreement was in place to secure the proposed affordable housing.

RESOLVED

That planning application DC/16/1320 be refused for the following reasons:

- 01 The proposed development represents the overdevelopment of a confined site, leading to a poor level of amenity for future occupiers of the development due to a deficiency of private and communal outdoor space for safe outdoor play, for residents to sit out in reasonable privacy, for drying washing out of doors and other ancillary residential purposes. In addition, the proposed layout has resulted in internal conflicts between adjacent room types in separate flats and many bedrooms facing the adjacent car park and railway line, leading to potential noise disturbance and the need to provide mechanical ventilation to bedrooms, as opening windows would result in noise disturbance for future residents. This is not a sustainable approach to addressing the relationship of the site with the railway, and would not result in a good quality living environment for future occupiers. The proposal is therefore contrary to Policies 1, 24, 32, 33 and 37 of the Horsham District Planning Framework (Adopted November 2015) as well as to the NPPF, in particular paragraph 17.
- 02 The height of proposed buildings does not respect or reflect the overall scale of buildings in this residential area and would result in an overly prominent appearance, forming a dominating backdrop to the smaller scale buildings on New Street and Standings Court. The proposal would therefore be harmful to the character and appearance of the locality and is contrary to Policies 1, 32 and 33 of the Horsham District Planning Framework (Adopted November 2015) as well as to the NPPF, in particular section 7.
- 03 Policy C16 requires provision of at least 35% affordable units on developments of this scale. The provision of affordable housing must be secured by way of a Legal Agreement. No completed Agreement is in place by which to secure this Policy requirement. As such, the proposal is contrary to Policy 16 of

the Horsham District Planning Framework (Adopted November 2015), to the Horsham District Local Development Framework Planning Obligations Supplementary Planning Document, and to the NPPF, in particular paragraph 50.

DMN/41 **DC/16/1490 - FAIRLEE COTTAGE, BUCKS GREEN, RUDGWICK (WARD: RUDGWICK) APPLICANT: GLADMAN DEVELOPMENTS LTD**

The Development Manager reported that this application sought outline permission for up to 65 dwellings (including 35% affordable housing) with a new vehicular access off Guildford Road. The existing access at Fairlee Cottage would be retained as a pedestrian access. There would be planting and landscaping, public open space, and surface water flood mitigation and attenuation. Matters for consideration under this outline application were the principle of the development and access, with all other matters reserved for future determination.

The application site was located outside the built-up area of Bucks Green, with a small proportion of it adjoining the built-up area boundary. It was opposite the junction of Church Street, fronting Guildford Road, and included an agricultural field and Fairlee Cottage with its annex and garden. A group of agricultural buildings lay to the south. The site sloped down to the south, towards the river Arun. There were a number of listed buildings close to the site, including Mill Hill House to the west, Green Lanes and Old Stores Place.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council had objected to the application. Two hundred and forty-five letters of objection, from 206 households, had been received. These included three letters from the Rudgwick Preservation Society, one letter from the Haven Society, one letter from the CPRE and one letter from a Planning Consultant on behalf of an unspecified number of residents of Rudgwick. A Technical Note from a Transport Planning Consultant, commissioned by a local resident, had been included with one of the letters. One letter of support had been received. Three members of the public spoke in objection to the application, including a representative of Rudgwick Preservation Society.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal included: the principle of development; its impact on the landscape, in particular with regard to the settlement boundaries of Bucks Green and Rudgwick and the gap between the two settlements; townscape character and density of the proposal; heritage assets; the amenity of existing and future occupiers; highways and parking; ecology; and affordable housing.

RESOLVED

That planning application DC/16/1490 be refused for the following reasons:

- 01 The application site is located outside of the built-up area boundary and is not allocated for residential development in a Local Plan or a Made Neighbourhood Plan. The development of the site is therefore contrary to the spatial strategy for growth in Horsham District and is contrary to Policies 1, 2, 3, 4 and 15 of the Horsham District Planning Framework (Adopted November 2015).
- 02 The application is located outside of the existing settlement in a prominent position between the settlements of Rudgwick and Bucks Green, which provides a rural setting for these two settlements and contributes to the sense of place and separate identity of the settlements. The proposed development, by reason of its location and amount, would result in the urbanisation of the site and the significant reduction in the gap between these settlements, harming the open and rural landscape character of the site and locality and failing to protect conserve and enhance landscape character. In addition, the application is sited adjacent to the A281, which is a noise source due to the level of traffic. The submitted information is not sufficient to demonstrate that the amount of development proposed can be delivered without the need for mitigation which would exacerbate the landscape harm arising. The proposal is therefore contrary to Policies 2, 24, 25, 26 and 27 of the Horsham District Planning Framework (Adopted November 2015).
- 03 The application site is located to the east of the settlement of Bucks Green, which is a linear development of mainly residential units set in relatively large plots. The proposed development would be significantly at odds with this general pattern of development, by reason of the development both at higher density than the adjacent settlement and projecting significantly further south than the existing residential plots within the settlement. The proposal therefore does not integrate well with, conserve, or enhance the existing townscape character and is contrary to Policies 2, 25 and 33 of the Horsham District Planning Framework (Adopted November 2015).
- 04 There are a number of listed buildings in the vicinity of the site, including immediately adjacent to it. The rural character of the site forms part of the setting of these buildings, with the open and rural character of the site and dispersed form of development in the wider area contributing to the understanding of the heritage assets and their significance. The proposed

development of the site would result in harm to the setting of these heritage assets by reason of the loss of a gap between two nearby settlements, and the loss of transition from urban to rural character. The proposal therefore does not retain or improve the setting of heritage assets and is contrary to Policies 2, 33 and 34 of the Horsham District Planning Framework (Adopted November 2015).

- 05 It has not been demonstrated that safe and suitable crossing facilities can be achieved from the site across the A281 Guildford Road and Church Street towards Rudgwick village. The formation and use of the crossing points as proposed would give rise to unsafe conditions for non-motorised road users. The development therefore conflicts with paragraph 32 of the NPPF and Policies 32, 33 and 40 of the Horsham District Planning Framework (Adopted November 2015).
- 06 Policy 16 requires 35% affordable housing provision on developments of this size. Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (Adopted November 2015).

DMN/42 **S106/16/0009 - LAND WEST OF WORTHING ROAD, SOUTHWATER**
(WARD: SOUTHWATER) APPLICANT: MRS OLIVIA FORSYTH

Item removed from the agenda.

The meeting closed at 7.44 pm having commenced at 6.00 pm

CHAIRMAN

This page is intentionally left blank

Development Management Committee (North)

Date: 4th October 2016



**Horsham
District
Council**

Report by the Development Manager: APPEALS
Report run from 24/08/16 to 21/09/16

1. Appeals Lodged

I have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/16/0978	26 Patchings Horsham West Sussex RH13 5HL	25 th August 2016	Refuse	
DC/16/1194	Bon Marche 45 West Street Horsham West Sussex RH12 1PP	30 th August 2016	Refuse	

2. Live Appeals

I have received notice from the Department of Communities and Local Government that the following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
EN/16/0213	Brooklyn Farm Bonnetts Lane Ifield West Sussex	Written Reps	24 th August 2016	Enforcement Notice	
DC/16/1215	4 Fir Cottages Forest Road Colgate Horsham West Sussex RH12 4SZ	Written Reps	14 th Sept 2016	Refuse	

3. Appeal Decisions

I have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/15/1997	94A Rusper Road Horsham West Sussex RH12 4BN	Written Reps	Dismissed	Refuse	

DC/15/2120	69 Trafalgar Road Horsham West Sussex RH12 2QJ	Written Reps	Dismissed	Refuse	
DC/15/1848	Shiremark Barn Horsham Road Capel Dorking West Sussex RH5 5JP	Written Reps	Dismissed	Refuse	
DC/15/2536	Parkholme Bonnetts Lane Ifield Crawley West Sussex RH11 0NY	Written Reps	Dismissed	Refuse	
DC/15/2504	Grand Oaks Grange Worthing Road Southwater West Sussex	Written Reps	Allowed	Not Determined within 8 weeks	



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 4 October 2016

DEVELOPMENT: Reserved Matters application for the residential element of outline planning permission DC/13/2408, comprising 165 residential units, including 66 affordable units, and associated parking, landscaping and open space

SITE: Land North of Old Guildford Road Broadbridge Heath West Sussex

WARD: Broadbridge Heath

APPLICATION: DC/16/1073

APPLICANT: C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than 5 letters of representation contrary to the Officer's recommendation have been received

RECOMMENDATION: That the application be delegated for approval to the Development Manager, subject to the completion of a relevant Deed of Variation, the resolution of the parking layout with WSCC and the appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application comprises a Reserved Matters application, as detailed above, pursuant to outline planning permission reference DC/13/2048 which was granted on appeal in 2015 for the development of the site for 165 residential units, a 60-bed care home and associated staff accommodation, infrastructure, parking, landscaping and open space. That part of the site which accommodated the care home within the original application has been separated from this application and a separate application has been submitted for the development of that part of the site. This application therefore pursues the reserved matters solely for the housing part of the site. The original outline application reserved all matters except access and included two new accesses, but as part of that application parameter plans were approved agreeing details of building heights and land use.
- 1.2 The application provides a detailed layout and design for 165 houses with associated access (already approved), open space within the scheme, allotments, attenuation basins and open space lying around the edge of the development. Submitted plans indicate:

Proposed Storey Height

- single storey dwellings situated to the rear of the site of the proposed care home on the eastern side of the site
- 2 storey development forms the vast majority of the units throughout the site and all the units around the edges of the site would be 2 storeys
- Limited numbers of 2 ½ storey development comprising two blocks of flats, one terrace of three units and 6 pairs of semi-detached houses located mostly within the centre of the site – the terrace being located close to the boundary with Hollands field.

Unit Type

This indicates a mix of 1 and 2 bed apartments, 2 bed bungalows and houses and 3 x 4 and 5 bedroom houses. Apart from the enclave of bungalows the rest of the unit types are mixed around the site.

Tenure Layout

This indicates the affordable housing units spread around the site in three groups: adjacent to the bungalows, just inside the main entrance and towards the south and western corner/side of the site.

Information Layout

This identifies 4 architectural character areas around the site: lower east field is the area mainly of bungalows; green lane is a ring of housing around the eastern and northern part of the site adjacent to the natural green space of a more spacious character than other parts of the site; three courtyard development areas comprising mainly higher density terraced development adjacent to the entrance and running through the central/western part of the site and the main street which is a central ring of housing of mixed size and type that lies adjacent to the southern boundary and around the central core of the site.

- 1.3 Open space is provided both within the central part of the site with a central green that would be visible from Old Guildford Road which leads into a finger of green space leading from the centre of the site through adjacent housing to the green space around the northern edge of the site. This space is formed of three attenuation basins and land around which in turn leads towards the north western edge of the site where allotments are proposed. An existing hedgerow and tree line which runs from Old Guildford Road past the application site for the care home and towards the northern eastern corner of the site will be retained with some green space either side. An existing footpath which runs along this tree line towards and then around the northern edge of the site will be retained.
- 1.4 The design of the proposed units is traditional in form with brick, render and weatherboarded elevations with pitched tiled roofs.
- 1.5 This scheme utilises one of the two accesses approved at the outline stage onto the Old Guildford Road, that adjacent to the Shelley Arms Public House. Parking is provided either in individual garages, parking spaces or in parking courtyards.
- 1.6 Amenity space is provided to the individual houses in both front and rear gardens. The two blocks of flats would have a small amount of green space between the flats and the adjacent parking areas. That part of the site that adjoins Old Guildford Road will accommodate the main access into the site with a detached house on either side. Where adjacent to existing housing the proposed house aligns with the adjacent existing development and where adjacent to the public house it is set back behind an access drive and garage.

ITEM A01 - 3

- 1.7 In total the scheme would provide the following housing units:
- 13 x 1-bedroom apartments
 - 3 x 2-bedroom apartments
 - 4 x 2-bedroom bungalows
 - 26 x 2-bedroom houses
 - 11 x 3-bedroom bungalows
 - 58 x 3-bedroom houses
 - 37 x 4-bedroom houses
 - 13 x 5-bedroom houses

Affordable housing:

- 4 x 2-bed shared ownership bungalows
- 9 x 2-bed shared ownership houses
- 18 x 3-bed shared ownership houses
- 13 x 1-bed affordable rented units
- 14 x 2-bed affordable rented units
- 8 x 3-bed affordable rented units

DESCRIPTION OF THE SITE

- 1.7 The site lies adjacent to but outside the settlement boundary of Broadbridge Heath and comprises 2 arable fields. These are crossed by an existing tree/hedgerow line which runs in a northerly direction and alongside which runs a public footpath. This meets another footpath in the northern part of the site which then proceeds out of the site along the northern boundary. An informal path runs along the northern edge of the site towards the north west corner. The site gently slopes downhill towards the northern boundary. The site boundaries provide a mixed level of planting which obscure adjacent sites to a greater or lesser degree.
- 1.8 Swan Ken, a listed building lies outside the site some 70 metres from the north west corner. Mulberry Place another listed building lies some 165m's to the east of the site.
- 1.9 Broadbridge Heath is identified as a small town/larger village within Policy 3 of the Horsham District Planning Framework. It has a good range of services and facilities together with reasonable public transport access. It continues to undergo substantial levels of development pursuant to previous planning approvals located in and around Wickhurst Lane.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

National Planning Policy Framework

- 2.2 Building a strong, competitive economy (Section 1)
Promoting sustainable transport (Section 4)
Delivering a wide choice of high quality homes (Section 6)
Requiring good design (Section 7)
Promoting healthy communities (Section 8)
Meeting the challenge of climate change, flooding and coastal heritage (Section 10)
Conserving and enhancing the natural environment (Section 11)

ITEM A01 - 4

Conserving and enhancing the historic environment (Section 12)

Technical guidance to the National Planning Policy Framework

Planning Practice Guidance

RELEVANT COUNCIL POLICY

2.3 **Horsham District Planning Framework**

Policy 1 (Strategic Policy: Sustainable Development)

Policy 2 (Strategic Policy: Strategic Development)

Policy 3 (Strategic Policy: Development Hierarchy)

Policy 4 (Strategic Policy: Settlement Expansion)

Policy 15 (Strategic Policy: Housing Provision)

Policy 16 (Strategic Policy: Meeting Local Housing Needs)

Policy 24 (Strategic Policy: Environmental Protection)

Policy 25 (Strategic Policy: The Natural Environment and Landscape Character)

Policy 26: (Strategic Policy: Countryside Protection)

Policy 31 (Green Infrastructure and Biodiversity)

Policy 32 (Strategic Policy: The Quality of New Development)

Policy 33 (Development Principles)

Policy 34 (Cultural and Heritage Assets)

Policy 35 (Strategic Policy: Climate Change)

Policy 37 (Sustainable Construction)

Policy 38 (Strategic Policy: Flooding)

Policy 39 (Strategic Policy: Infrastructure Provision)

Policy 40 (Sustainable Transport)

Policy 41 (Parking)

Policy 42 (Strategic Policy: Inclusive Communities)

Policy 43 (Community Facilities, Leisure and Recreation)

RELEVANT NEIGHBOURHOOD PLAN

2.4 None

PLANNING HISTORY

DC/13/2408	Outline application for the erection of up to 165 residential dwellings (use class C3) including affordable housing, a 60-bed care home (use class C2) with separate staff accommodation, two new vehicular accesses, associated infrastructure, groundworks, open space and landscaping (Outline) (Development affects the setting of a Listed Building)	Refused by HDC – Granted on appeal
DISC/16/0126	Application for approval of details pursuant to condition 5 on appeal decision DC/13/2408	Pending Consideration
DISC/16/0127	Application for approval of details pursuant to condition 11 on appeal decision DC/13/2408	Pending Consideration
DISC/16/0171	Application for approval of details pursuant to condition 6 on appeal decision DC/13/2408	Pending Consideration

3. OUTCOME OF CONSULTATIONS

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

3.1 **Environmental Health Officer:** Comment

With respect to the submitted Geo-Environmental Site Investigation report the sampling analysis results and gas monitoring results do not appear to be included. Accordingly the conclusions of the report cannot be confirmed.

The Construction Environment Management Plan is broadly satisfactory. However an indicative programme of works together with the type of mechanised plant and noisy activities to be deployed in the various stages in the program should be included, together with the locations of noise sensitive receptors. This will ensure potentially adverse noise impacts are managed appropriately.

3.2 **Strategic Planning: Drainage:**

No comment

3.3 **HDC Landscape & Horticultural Officer:** Comment

Provided that the s106 contributions that were previously recommended regarding the adjacent NEAP (no less than 50K) and other leisure facilities in Broadbridge Heath (i.e. the village centre, scout hut, Leisure Centre and Byfleets Lane pitches/BMX track) are not compromised in any way, then the main comments we have are concerning the allotment site. These comments are as follows.

- All the plots need to be separated by 800mm wide paths of grass or loose-filled surfacing material. This may be achievable by reducing the typical plot size to 60 sq m.
- All the plots need to have a minimum of 300mm loam topsoil (10-20% organic matter; pH range 6.0-7.5) roughly cultivated and free of perennial weeds.
- There needs to be vehicular access (with field gate) for deliveries of bulky materials etc and a permeable hard surfaced area approx. 60m² for deliveries and storage
- Adjacent to this hard surfaced area, there needs to be a robust timber shed (approx. 3.5m x 2.5m on a concrete base) for storage of equipment and meetings amongst plot holders.
- Also adjacent to the shed there needs to be an area approx. 120 sq m fitted with 8 no. timber raised beds, 5m x 1m and 600mm high, filled with loam topsoil (10-20% organic matter; pH range 6.0-7.5). These beds to be separated by 1.2m wide disabled access paths and accessible from the entrance by those users.

We also have some concern over the use of hoggins for paths, due to its potential for erosion and the resulting difficulties in access throughout the year, especially for users with wheelchairs and mobility scooters.

We would want details to show that the construction of paths would facilitate all-year-round access for all users and that there would be no damaging impacts, to paths or vegetation, where routes pass through wooded areas.

3.4 **HDC Environment Management: Collections Supervisor (summarised):** No Objection

Having reviewed the submitted information the refuse/recycling strategy is correct and we do not have any further issues with this application.

3.5 **HDC Arboricultural Officer:** No Objection

My previous concerns as you are aware (report 29 Jul 16) regard the likelihood of irresistible post-development pressure upon the two oak trees for reasons of shading,

ITEM A01 - 6

placing the scheme, in my judgement, in conflict with BS 5837 'Trees in relation to design, demolition and construction - Recommendations' (2010) in this regard.

I am accordingly pleased to advise that, in arboricultural terms, the amended layout proposals in this corner of the site make a most significant and satisfactory difference to the likelihood of post-development pressure occurring. This is because the use of the area to the immediate east of the trees as open space/hard standing relieves the pressure found subsequent to development in regard to private gardens, where shade can make living conditions unsatisfactory.

As I no longer feel that this is a problem, I am happy to WITHDRAW my objection to this development scheme.

OUTSIDE AGENCIES

3.6 **WSCC Highways (summarised):** Comment

1. The location of the access onto Old Guildford Road has been approved in principle. This access would need to be laid out with a 5.5m access width, 9m radii bellmouth and 2.4m x 43m visibility splays in both directions.
2. The first part of the access road to the first internal access would need to be 5.5m wide. It can then be reduced to 4.8m wide with widening on bends.
3. The general internal access road layout is acceptable.
4. I am concerned that visitor parking to plots 1 and 150 could obstruct the access road close to the junction and would recommend that a layby be provided to accommodate this.
5. There is no visitor parking in the first cul-de-sac serving plots 135-149.
6. There is no visitor parking in the private court serving plots 13-18.
7. Refuse and service vehicles would not be able to turn outside plot 111 – I assume the refuse collection points would need approval by HDC waste services?
8. Is the emergency link to be offered for adoption?
9. The public rights of way passing through the site would need to be improved to a specification to be agreed with WSCC.

3.7 **WSCC Public rights of Way:**

No objection

3.8 **Southern Water: (Summarised)**

The applicant is required to submit a formal application under S98 of the Water Industry Act 1991 for off site sewers, or improvements to existing sewers to service the development.

3.9 **Environment Agency:**

Views awaited

3.10 **Ecology:**

The supporting ecological information by EAD Consultants is old (with the report dated December 2013). Based on the habitats recorded, there are unlikely to have been sufficient significant changes to result in grounds for refusal / changes in layout. However, protection, mitigation and enhancement measures are warranted in respect of protected / notable species and it is important that these are based on up-to-date information.

The following condition is recommended to ensure compliance with biodiversity policy:

No development shall commence until a wildlife protection, mitigation and enhancement plan, covering construction phase, lighting impacts and long-term management has been

ITEM A01 - 7

submitted to, and approved in writing by the, local planning authority. These details will be supported by an updated ecological survey report.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF.

PUBLIC CONSULTATIONS

3.11 **Broadbridge Heath Parish Council (summarised):** Objection

The Parish Council Objects to the plans as presented for the following reasons:-

The Development

- Design Parameters and the Approach – the plans have changed quite significantly from the original plans presented, consulted upon and put forward on appeal by Gleeson and the amenity of the existing residents has not been considered in all cases. Previous accommodations made by Gleeson have not been factored into this new layout and designs put forward by Bellway;
- There is no sign of the expected substantial tree and hedgerow screening (both existing and new); the plans actually show the complete removal of some hedgerow and trees. In the outline application it was stated that existing trees/hedgerow would be retained and enhanced; the current application is not consistent with that statement;
- Page 12 of the DAS (bottom paragraph) states that the Planning Conditions specify that the development shall be carried out in accordance with the Land Use and Building Height Plans. The use of the available land has been changed by Bellway to that put forward by Gleeson and some proposed houses are now much closer to existing properties, this is particularly noticeable with plots 77 and 23. The Parish Council feels that there is no need for any part of the development to be so close to existing dwellings;
- Nearby residents make reference to the loss of hedgerow, the building over of ditches etc. the Parish Council supports the points made by these residents and would request that their concerns be fully considered.

Dwelling Mix and Tenure

- It has been brought to our attention that there is a shortage of affordable rental properties in the village. We would request that the 62.5% as specified in the s106 agreement is maintained instead of the 50% stipulated;
- There should be a small number of private apartments or small one bed houses or flats for first time buyers;
- 2.5 storey dwellings should not be on the outside of the development; the Parish Council would prefer to see 1 or 2 storey buildings to the outside

Allotments

- There are not enough parking spaces for the allotments

Safety Issue

- There should be double yellow lines at the entrance to the development to prevent parking at the junction. WSCC should be consulted with regard to implementing a Traffic Regulation Order for the junction.

3.12 **Warnham Parish Council:**

No objection

3.13 14 letters of objection have been received from those residents consulted through three consultation periods raising the following issues:

- over development of the site
- loss of countryside

ITEM A01 - 8

- Increased traffic and highways safety issues
- Potential harm to protected trees *
- harm to existing boundary planting *
- harm to neighbours amenities resulting from proximity of proposed new development *

* Officer Comment: Amendments to the scheme have overcome most of these objections

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The principle of the development has already been established and the main planning issues therefore are: design/character of streetscene and impact upon the surrounding area; trees and landscaping; impact upon the adjacent highway network; impact upon neighbours amenities; impact upon nearby heritage assets; open space; housing/affordable housing; and ecology, drainage and infrastructure.

Design/Impact Upon Character of Surrounding Area

- 6.2 The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and should contribute positively to making places better for people.
- 6.3 This is interpreted at a local level by Policies 32 and 33 of the Horsham District Planning Framework (HDPF). Policy 32 seeks to ensure high quality inclusive design for all developments providing an attractive, functional, accessible, safe and adaptable environment. New development should complement locally distinctive character and contribute to a sense of place both in the buildings and spaces and the way they integrate with their surroundings.
- 6.4 The surrounding area to this site has a range of property types and designs, so there is no clear style that this site needs to complement. The unifying character is that the surrounding area takes a generally traditional approach to design with brick and render facades and pitched tiled roofs. There are a variety of densities and ages of properties in the close locality. This site therefore has no clear character that needs to be reflected or replicated.
- 6.5 The scheme takes a traditional approach to design with brick render and weatherboarded elevations and tiled pitched roofs. The wider site encompasses 4 different character areas with a slightly different design approach to each of those four areas. This varies in terms of both building design, but also levels of spaciousness with the more spacious dwellings generally around the edges of the site and the taller more closely positioned houses in

ITEM A01 - 9

clusters towards the central and western parts of the site where the site adjoins existing development.

- 6.6 The scheme follows the previously approved parameter plans in respect of land use and building heights.
- 6.7 A feature of this-scheme is the easternmost parcel of land which lies to the rear of the adjacent proposed care home (for consideration under planning application DC/16/1329) upon which is proposed a small cluster of bungalows. The design and general character of this part of the site would respond well to the surrounding uses and adjacent open countryside.
- 6.8 The general approach with the open space and allotments around the northern boundaries works well in terms of providing a buffer between the adjacent countryside and this housing site – this approach already having been established at outline stage.
- 6.9 Overall when viewed from within the site it is considered that the combination and relationship between open spaces, different character areas and retention of existing landscape features within the site would provide a good quality environment.
- 6.10 When viewed from outside the site the development would be mostly viewed through and from adjacent residential development. In that context it is considered that the scheme would fit sympathetically with the general residential character of the adjacent settlement. When viewed from Old Guildford Road, two houses would lie relatively close to the highway – blending well with existing development and with views through to the open space and surrounding housing beyond which would provide an acceptable impact upon the character of Old Guildford Road and the existing housing.
- 6.11 Overall it is considered that the scheme would comply with the aims of providing a well-designed environment.

Trees and Landscaping:

- 6.12 The NPPF requires the planning system to contribute to and enhance the natural and local environment recognising the value that woodland and landscaping can play in creating an attractive environment.
- 6.13 Policy 33 of the HDPF refers to the presumption in favour of retention of existing important landscape and natural features for example trees, hedges, banks and watercourses.
- 6.14 The boundaries around the site contain a mixed level of existing planting – creating varying levels of screening to existing residents. The planting on the northernmost boundaries is particularly plentiful and a strong hedgerow/tree line runs through the site adjacent to an existing public right of way. There are no other trees lying in the middle of the site.
- 6.15 The scheme has been amended to respond to resident’s concerns about the proximity of proposed development to existing planting and in accordance with the advice of the Councils Arboricultural Officer. The south western corner of the site has been redesigned in order to significantly reduce likely future pressures for works to existing protected trees lying just outside the site boundaries . The redesigned scheme takes the nearest private residential garden areas further away from these trees and the Arboricultural Officer is now satisfied that the development would not be likely to lead to undue pressure to these trees.
- 6.16 As part of the development a new landscaping scheme will be implemented incorporating a variety of planted areas – most specifically around the edges of the scheme and the central

ITEM A01 - 10

open space. The layout plan shows the level of tree planting that would be achieved in the public parts of the site.

- 6.17 Overall it is considered that existing planting can now be sufficiently protected by the amended layout and that the level of new planting would create an acceptable and appropriate environment. The application therefore accords with the requirements of Policy 33 of the HDPF and the advice of the NPPF.

Highways:

- 6.18 The HDPF at Policy 40 refers to the commitment to provide a community connected by a sustainable transport system. The location of the development on the edge of Broadbridge Heath has already been accepted and in terms of its proximity to the facilities available within the village is considered a sustainable location for new development. Policy 41 seeks to ensure that sufficient parking is provided in accordance with specified standards.
- 6.19 The access into the site was approved at the outline stage and no concerns are raised about the safety of this access where it joins Old Guildford Road. Some concerns have been raised about the layout of parking spaces at the time of writing this report, although the number of spaces provided would accord with the relevant standard. Discussions are ongoing regarding the layout of the parking spaces in relation to the houses which they would serve and it is anticipated that an amended layout for the spaces in this parking area will be provided prior to the committee meeting. Officers will provide a verbal update to Members at the Committee meeting in respect of the parking layout. The recommendation reflects this ongoing discussion at the time of writing this report.
- 6.20 Given the acceptance of the safety of the proposed access and the conformity with WSCC parking standards it is not anticipated that the scheme would result in any highways safety or capacity issues on Old Guildford Road or the surrounding highway network, or the displacement of parking into surrounding areas.
- 6.21 Cycle parking will be provided either in individual garages or where a dwelling does not have a garage within a storage area within the rear garden. Those properties relying on a cycle storage area within the garden would have access to the highway without the need to take bicycles through the individual houses
- 6.22 The scheme is considered to be compliant with relevant policies.

Neighbours Amenities:

- 6.23 The NPPF at paragraph 17 seeks to ensure that new development secures a good standard of amenity for all existing and future occupants of land and buildings. At a local level Policy 33 of the HDPF refers to the need to ensure that new development is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land for example through overlooking or noise.
- 6.24 At the outline stage an illustrative plan was put forward indicating how the scheme could be developed. This was for illustrative purposes only and the subsequent application showed a different layout. This raised concern primarily from residents in Hollands Field in terms of the proximity of new houses to their boundaries with the resulting impact upon their light and outlook with potential harm to nearby protected trees lying in neighbours gardens.
- 6.25 The scheme has been amended to take account of those concerns with particular changes around the south west boundary – giving a greater distance between the site boundaries and the nearest development, enabling the retention of existing boundary planting which would protect the outlook of existing residents. The position of houses around the side/rear

ITEM A01 - 11

of 9 and 10 Hollands Field was of particular concern. A separation distance of 25m has been achieved between the rear of number 10 Hollands Field and the flank wall of the nearest house within the site. This distance allows for the retention of existing boundary planting within the site – that can be retained as part of a common planting area rather than part of an individual garden – thereby providing more certainty about its retention. An existing ditch that lies within that planting area will also now be retained as a result of the changes made. Any contribution it makes towards the surface water drainage of the site is being considered as part of a separate application dealing with drainage matters (DISC/16/0126).

- 6.26 Further changes have been made to gain additional distance between the side of 10 Hollands Field and the flank wall of the nearest house lying adjacent. There is now a separation distance of 9.5m. Number 10 Holland Field has a kitchen window overlooking the side part of their garden and onto the flank wall of plot 33c of the proposed scheme. The main outlook from the kitchen is onto the rear garden where a much wider separation distance, as detailed above, has been gained. It is not considered that the secondary windows overlooking the side garden area would be significantly compromised by the proposed layout and it is considered that 9.5m separation between the flank wall of both houses is adequate to ensure a satisfactory level of amenity to existing residents.
- 6.27 The south west corner of the site has a revised layout to provide an adequate separation between protected trees that lie in the gardens of properties in Hollands Fields and the new development. The layout will now ensure that the protected trees will not be compromised by the proximity of development thereby protecting the outlook of residents in Hollands Fields.
- 6.28 The separation between units along the southern boundary and existing residents is over 30 m and would thereby protect the amenities of existing and proposed residents. The scheme is therefore considered to provide a satisfactory level of amenity for future residents and to not adversely impact upon the amenities of existing residents around the site.

Impact upon Heritage Assets

- 6.29 The NPPF requires that the significance of any heritage assets that may be affected by a proposal be assessed. The desirability of sustaining and enhancing the significance of heritage assets should be considered. At a local level Policy 34 of the HDPF recognises that heritage assets are an irreplaceable resource and that such assets should be positively managed and their setting protected.
- 6.30 Swan Ken, a grade II listed building, lies in relatively close proximity to the north west corner of the application site. However the principle of the development, including the land uses and building heights across the site have already been considered acceptable as part of the outline application. It is not considered that the detail of this application raises any new considerations such as to conclude that this scheme would adversely affect the setting of the listed building where the outline scheme would not. The grade II listed building at Mulberry Place is situated somewhat further distant and again, the potential for impact upon the setting of this building was considered at the outline stage. The development shown on the current application does not alter the previous conclusion that residential development in this location would not cause significant harm to this heritage asset.
- 6.31 The appeal Inspector considered the proposed development of this site for residential uses as appropriate having regard to the proximity of nearby listed buildings. This application accords with the principles established at that outline stage and as such it is not considered that any harm would be caused to the setting of these listed buildings. Therefore the relevant policies of the HDPF and NPPF are complied with.

Open Space

- 6.32 The NPPF recognises the benefits of the provision of public open space and the contribution this can make to the health and well-being of communities. At a local level Policy 43 of the HDPF seeks the provision of open space in accordance with the identified needs of local communities.
- 6.33 The outline application identified the land uses across the site with which this application needs to comply. The S106 agreement agreed as part of that scheme included a financial contribution towards open space. That money will be used in combination with other S106 monies (in accordance with the CIL regulations) to contribute towards the Broadbridge Heath sports pitches to the south of the proposed new leisure centre. Consequently the open space this site provides is in addition to that contribution and can remain as an undeveloped and natural open space rather than being designated for formal play.
- 6.34 Allotments are proposed adjacent to the north west corner of the site as agreed as part of the outline application. The submitted plan indicates 29 full size plots and 3 half plots. The Councils Landscape and Horticulture officer recommends the manner in which these allotments should be laid out and completed. It is considered that these matters can be appropriately dealt with by condition.
- 6.35 The scheme accords with the original outline application and is considered to provide a satisfactory level of publicly available open space for informal recreation. Its management needs to be the subject of further information and this can be dealt with by means of a relevant condition.

Housing/Affordable Housing:

- 6.36 Policy 16 of the HDPF requires development of this size to provide 35% of the dwellings to be affordable.
- 6.37 It also refers to meeting local housing needs and advises that development should provide a mix of housing sizes, types and tenures to meet the needs of the District communities. It recognises that the appropriate mix of housing types and sizes for each site will depend upon the established character and density of the neighbourhood and viability of the scheme.
- 6.38 The provision of affordable housing was resolved at the outline stage, the point at which permission was granted, and a legal agreement signed to confirm the level of provision. That agreement has been recently revised to change the percentage of affordable rented accommodation and intermediate housing with the agreement of the Councils Strategic Housing Manager. This aspect of the scheme is therefore already secured through the legal agreement.
- 6.39 The site will provide a range of housing sizes with 28% of the units being 1 & 2 bedroom units and 70% of the units being 1-3 bedroom units. It will provide 35% (66) affordable units across the site for affordable rent and shared ownership. It is considered that this responds well to Policy 16, to the general character of the surrounding village and housing needs, enabling a new development that responds to the character of the existing settlement in terms of its housing mix and the manner in which that creates a built character. The development would accord with the criteria of Policy 16 of the HDPF.

Ecology:

- 6.40 The NPPF and Policy 31 of the HDPF seek to ensure that new development contributes to the enhancement of existing biodiversity and takes opportunities to enhance this where possible.
- 6.41 This matter was considered as part of the outline application when the Inspector concluded that in the medium term the impact of the scheme would be beneficial – with new habitats being created to replace the arable fields.
- 6.42 The scheme has been assessed by the Councils ecologist who, whilst commenting that the submitted details could now be considered to be out-of-date, raises no objection to the development, subject to the inclusion of an appropriately worded condition to ensure that a scheme of ecological enhancement measures are brought forward. The proposed development is therefore acceptable in this regard.

Drainage

- 6.43 The NPPF advises that Local Authorities adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change including risks of flooding.
- 6.44 Policy 38 of the HDPF adopts this approach and considers the use of sustainable drainage systems where feasible and the need to incorporate water management measures to reduce the risk of flooding. Drainage techniques should be encouraged that mimic natural drainage patterns and manage surface water as close to its source as possible.
- 6.45 The outline planning permission contained a condition requiring details of foul and surface water drainage to be submitted to and approved by the Local Planning Authority. Such an application has been submitted to the Council and is currently under consideration.

Infrastructure

- 6.46 Both the NPPF and HDPF, in Policy 39, seek to ensure that new development makes a contribution to the services new residents will rely upon. This aspect of the scheme was resolved at the outline stage when a S106 agreement and Unilateral undertaking were completed to make contributions to fire and rescue, libraries, education, transport improvements, the provision of affordable housing, allotments, and contributions towards allotment management, community facilities, NHS services, public art, open spaces and recreation. That aspect of the scheme has already therefore been resolved in accordance with the policy requirements at the time.
- 6.47 In view of the fact that the original application included a larger site area and a care home a Deed of Variation may be required to ensure that those infrastructure commitments are transferred to this scheme.

7. RECOMMENDATIONS

- 7.1 That the application be delegated for approval to the Development Manager, subject to the completion of a relevant Deed of Variation, the resolution of the parking layout with WSCC and the appropriate conditions.
- 1. A condition listing the approved drawings.

ITEM A01 - 14

Reason: For the avoidance of doubt and in the interests of proper planning

- 2 Prior to the commencement of the development full details of all underground services, including the position/layout, sizes and depths of service ducts, pipes, soakaways, manhole covers, and any above ground boxes/units shall be submitted to and approved by the Local Planning Authority in writing. These details shall demonstrate effective coordination with the landscape scheme 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 D33 of the Horsham District Planning Framework 2015.

- 3 Within 6 months of the commencement of the development a full timetable of implementation and details shall be submitted to and approved in writing of the following:
- a) details of street furniture, including bollards (or suitable alternative)
 - b) details of lighting

The approved scheme shall be implemented in accordance with the approved timetable.

Reason: To ensure a satisfactory development in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework 2015

- 4 Within 6 months of the commencement of development a detailed long term Landscape Management and Maintenance Plan for the landscape areas including the attenuation basins and the landscape buffer adjacent to properties in Hollands Field shall be submitted to and be approved by the Local Planning Authority in writing.

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 be 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 33 of the Horsham District Planning Framework 2015.

- 5 Before development commences precise details of the finished floor levels of the development in relation to a nearby datum point shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: To control the development in detail in the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework (2015).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or Orders amending or revoking and re-enacting the same, no

ITEM A01 - 15

windows, dormer windows or other openings (other than those shown on the plans hereby approved) shall be formed in the houses on plots 10, 18, 21 and 77 of the development without the prior permission of the Local Planning Authority pursuant to an application for the purpose.

Reason: To protect the amenities of adjoining residential properties and in accordance with policy 33 of the Horsham District Planning Framework (2015).

- 7 No development shall take place until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected. Thereafter the screen walls and/or fences shall be retained as approved and maintained in accordance with the approved details.

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

- 8 Prior to the occupation of any part of the development hereby approved full details of all hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with a schedule to be agreed by the Local Planning Authority.

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

- 9 Prior to the first use of the allotments, wire mesh fencing, incorporating a vehicular and pedestrian access gate to a height of 1.5m's shall be erected around the allotments and shall thereafter be maintained in perpetuity.

Reason: To ensure satisfactory appearance and security in accordance with the provisions of policy 33 of the Horsham District Planning Framework 2015.

10. No development shall commence until a wildlife protection, mitigation and enhancement plan, covering construction phase, lighting impacts and long-term management has been submitted to, and approved in writing by the, local planning authority. These details will be supported by an updated ecological survey report.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF.

11. Prior to first occupation of the scheme details shall be provided of the design of the proposed cycle storage areas in individual rear gardens and within units 26-33 and 44-51.

Reason: To ensure a satisfactory standard of provision in accordance with policy 33 of the Horsham District Planning Framework.

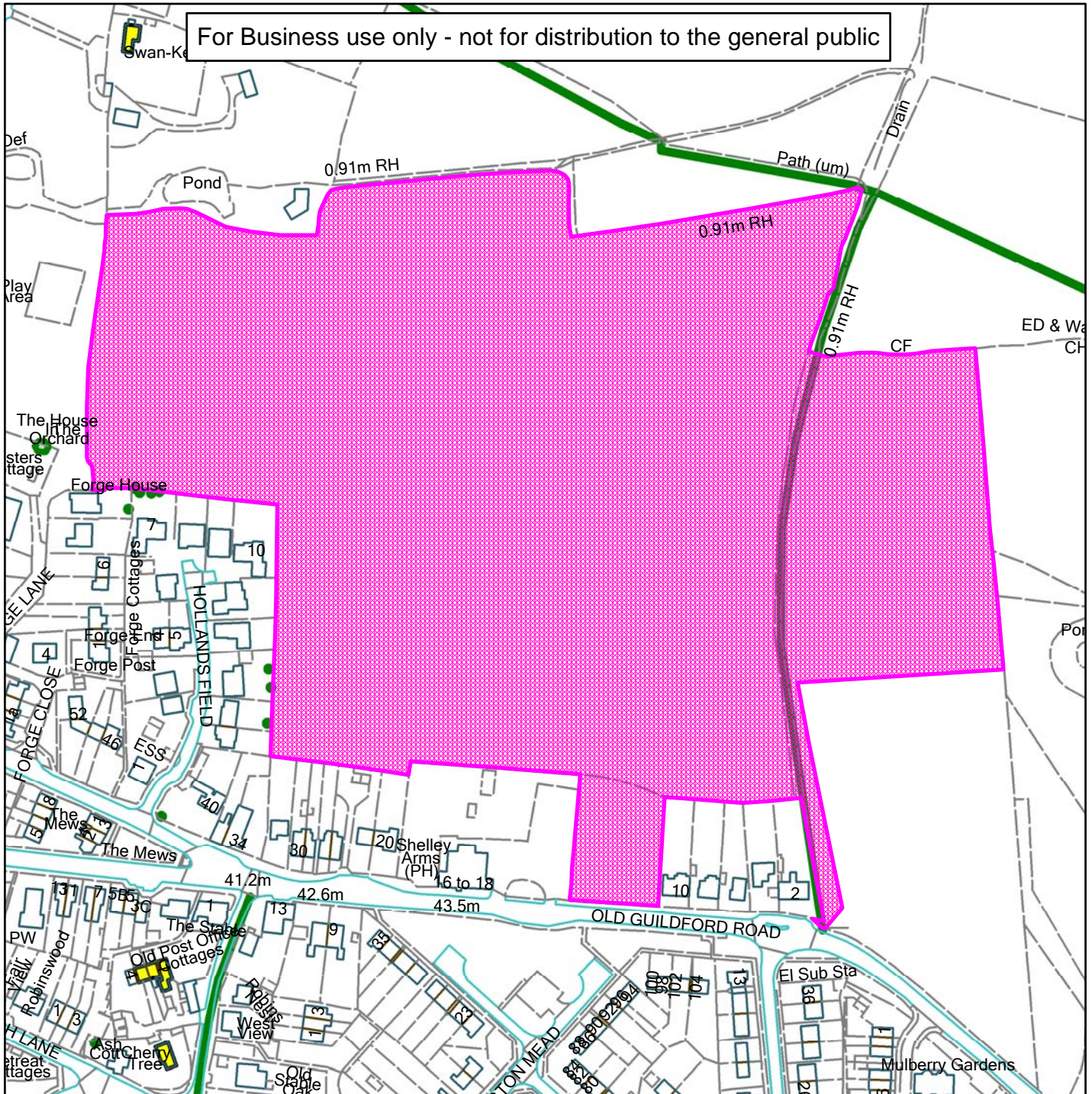
Background Papers: DC/16/1073 & DC/13/2408

This page is intentionally left blank



Land North of Old Guildford Road

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Horsham District Council
Department	
Comments	
Date	20/09/2016
SA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 4 October 2016

DEVELOPMENT: Modifications to planning obligations attached to DC/14/0590

SITE: Land West of Worthing Road Southwater West Sussex

WARD: Southwater

APPLICATION: S106/16/0009

APPLICANT: Mrs Olivia Forsyth

REASON FOR INCLUSION ON THE AGENDA: The application proposes modifications to a Legal Agreement previously considered by the Committee.

RECOMMENDATION: To agree the proposed changes to the Legal Agreement and enter into a Deed of Variation in relation to the agreed amendments set out at the end of this report.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application proposes modifications to the Legal Agreement of DC/14/0590, which was an outline application permitting up to 540 dwellings and 54 retirement flats with associated parking and landscaping.

1.3 The proposed modifications are as follows:

- Requirement to carry out A24 Pollards Hill Junction Improvement Works to be removed (no longer required by WSCC)
- Definition of 'Application' to be amended to include all reserved matters and subsequent variations.
- 'Plan 2' to be amended, as this shows the A24 Hop Oast Junction Improvement Works and these have been revised.
- Amend the split of affordable housing to reduce the number of age-restricted dwellings.
- Require approval of the Cricket Pitch Specification prior to the implementation of the Cricket Pitch.
- Require approval of the Sports Area Specification prior to the implementation of the Sports Area.

ITEM A02 - 2

- Require approval of the Football Pitch Specification prior to the implementation of the Football Pitch.
- Require approval of the Sports Club Car Park Specification prior to the implementation of the Sports Club Car Park.
- Require approval of the Tennis Court Specification prior to the implementation of the Tennis Court.
- Require approval of the Sports Pavilion Specification prior to the implementation of the Sports Pavilion.
- Require approval of the Church Car Park Specification prior to the implementation of the Church Car Park.
- Require approval of the MUGA Specification prior to the implementation of the MUGA.
- Require approval of the First LEAP Specification prior to the implementation of the First LEAP.
- Require approval of the NEAP Specification prior to the implementation of the NEAP.
- Require approval of the Skateboard/BMX Park Specification prior to the implementation of the Skateboard/BMX Park.
- Require approval of 3x Bus Shelter Specifications at first occupation, 2x Bus Shelter Specifications at 200th occupation (linked to Church Lane Improvement Works) and 1x Bus Shelter Specification at 250th occupation (linked to delivery of Worthing Road/Church Lane Improvement Works)
- Require completion of 3x Bus Shelters at 50th Occupation, 2x Bus Shelters at occupation of 100 dwellings south of the Downs Link (linked to Church Lane Improvement Works) and 1x Bus Shelter within 60 working days of the final occupation (linked to delivery of Worthing Road/Church Lane Improvement Works).

DESCRIPTION OF THE SITE

- 1.3 The application site is as per DC/14/0590, described in the Officers report of that application. Reserved Matters approval for part of the site has been issued (DC/15/2064) and works have commenced.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), in particular paragraphs 203-206 (relating to Planning Conditions and Obligations)

RELEVANT COUNCIL POLICY

- 2.3 The Development Plan consists of the Horsham District Planning Framework (November 2015) (HDPF).
- 2.4 The relevant Policies of the HDPF are 1 (Sustainable Development), 2 (Strategic Development), 3 (Development Hierarchy), 15 (Housing Provision), 16 (Meeting Local Housing Needs), 39 (Infrastructure Provision) and 40 (Sustainable Transport).

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Southwater Parish is a designated Neighbourhood Plan Area, although no Draft NP has been published at this time.

PLANNING HISTORY

DC/11/1394	Residential development of up to 500 dwellings with associated vehicular, cycle and pedestrian access, drainage and landscape works, provision of land for a new secondary school and sport/recreation facilities (Land west of Worthing Road) (Outline Planning Permission)	Withdrawn
DC/14/0590	Residential development of up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works (Outline)	Permitted
DC/15/2064	Erection of 244 dwellings (including 54 retirement living apartments) with associated access, parking and landscape works pursuant to outline planning permission DC/14/0590 (Approval of Reserved Matters)	Permitted
DC/15/2594	Provision of temporary construction access with associated landscape works	Permitted
DC/15/2849	Application for the approval of reserved matters following outline application DC/14/0590 (residential development of up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works) for the provision of 2 x football pitches, cricket pitch, 2 x tennis courts with associated access, parking and landscape work	Pending consideration
DC/16/0582	Erection of temporary sales and marketing suite with associated parking and landscape works for period of 4 years	Permitted
DC/16/0638	Sales and Marketing Signage, 2 x v-Board and 6 x Flags (Advertising Consent)	Permitted
DC/16/0863	Erection of building (Phase 2 Block B) to provide 25no apartments (13 x 1 bed, 12 x 2 bed) with associated parking and landscape works	Pending consideration
DC/16/1775	Non Material Amendment to previously approved application DC/15/2064 (erection of 244 dwellings (including 54 retirement living apartments) with associated access, parking and landscape works pursuant to outline planning permission DC/14/0590), amendments to plots 20-23, 24-27, 28-31, 32-33, 34-35, 36-37, 39-40, 41-44, 45-46, 47, 48, 49, 55, 65, 112, Block A plots 0-9, Block C plots 116-130, Blocks A, B, C, refuse and cycle stores, and garage plots 114-115	Pending consideration

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 HDC Head of Community and Culture: No comments to make on proposed trigger dates.
- 3.2 HDC Housing Manager: No objection. Removal of age restriction on affordable units and addition of three shared ownership units speeds up delivery of much needed affordable homes.

OUTSIDE AGENCIES

- 3.3 WSCC Highway Authority: No objections to the proposed modifications.

PUBLIC CONSULTATIONS

- 3.4 Southwater Parish Council: No objection to this proposal, but request that the Parish Council are kept informed at all stages of any variations to legal agreements.

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 Application requests a number of modifications to the Legal Agreement of DC/14/0590, as listed in section 1 of this report. This is not a planning application, and permitting this application would not result in any separate planning permission. If the application were permitted, it would be necessary to complete a Deed of Variation to the original Legal Agreement to secure the changes. Each of the proposed amendments is assessed below.

Removal of the requirement to carry out A24 Pollards Hill Junction Improvement Works

- 6.2 The County Highway Authority has advised that these works are no longer necessary to make the development acceptable. They have advised that the works proposed at the outline stage have been reviewed on the basis of a more detailed survey and found to offer little in the way of tangible capacity benefits, and yet would be very disruptive to build. As such, it would not be reasonable to require these to be carried out, as planning obligations can only be secured where they are necessary to make the development acceptable and the application would otherwise be refused without the obligation. No objection is therefore raised to this proposed modification.

Definition of 'Application' to be amended to include all reserved matters and subsequent variations.

- 6.3 The Minor Material Amendment procedure (an application under Section 73 of the Town and Country Planning Act) allows the developer to make an application for the substitution

of approved drawings or for the variation of conditions of the original permission. If such applications are approved, it results in the issuing of a fresh, stand-alone planning permission and the developer has the option of implementing either the original permission or the new permission for the amended scheme. Therefore, applications for Minor Material Amendments and for the variation of conditions often require a Legal Agreement to ensure that any of the planning obligations secured by the original permission are also secured in the event that the new permission is implemented. With large developments such as this, changes often arise during the detailed design stages which necessitate applications under S73. The completion of a Legal Agreement in connection with a S73 application can add significantly to the time taken to determine such applications, and to the Applicant's and Council's costs associated with determining the application.

6.4 In new and recent Legal Agreements, the Council has included clauses allowing any subsequent applications under S73 for Minor Material Amendments or for the variation of conditions to also be covered by the original Legal Agreement, but still allowing the Council discretion to require the Applicant to enter into a fresh Legal Agreement or Deed of Variation where it considers it necessary or desirable to do so. Such clauses speed up the process of dealing with amendments to permitted schemes and reduce the cost of such processes. Officers therefore raise no objection to this proposed modification.

'Plan 2' to be amended, as this shows the A24 Hop Oast Junction Improvement Works and these have been revised

6.5 As the proposals for these improvement works have altered slightly through discussions with WSCC, the original Plan is now out of date and should be replaced to reflect the current position. It should be noted that the Legal Agreement as originally worded does include the scope for these works to alter, as the definition of 'Plan 2' states that the works are shown indicatively only. Officers therefore raise no objection to this proposed modification.

Amend the definition of 'Affordable Housing Units' to reduce the number of age occupancy restriction of affordable housing

6.6 The original Legal Agreement secured affordable housing mix as follows:

Amount	Size	Tenure	Age Restriction
11	1-bed flat	Affordable Rent	None
27	1-bed flat	Affordable Rent	Over 55s
10	2-bed flat	Affordable Rent	None
11	2-bed flat	Affordable Rent	Over 55s
10	2-bed house	Affordable Rent	None
20	3-bed house	Affordable Rent	None
20	1-bed flat	Shared Ownership	None
5	1-bed flat	Shared Ownership	Over 55s
29	2-bed flat	Shared Ownership	None
11	2-bed flat	Shared Ownership	Over 55s
23	2-bed house	Shared Ownership	None
1	3-bed house	Shared Ownership	None
178 Total			

The proposed modifications would result in the following affordable housing mix:

Amount	Size	Tenure	Age Restriction
17	1-bed flat	Affordable Rent	None
20	1-bed flat	Affordable Rent	Over 55s
10	2-bed flat	Affordable Rent	None
12	2-bed flat	Affordable Rent	Over 55s
10	2-bed house	Affordable Rent	None
20	3-bed house	Affordable Rent	None
26	1-bed flat	Shared Ownership	None
39	2-bed flat	Shared Ownership	None

ITEM A02 - 6

23	2-bed house	Shared Ownership	None
1	3-bed house	Shared Ownership	None
178 Total			

- 6.7 The same number of affordable units would therefore be delivered, and maintains a 50/50 tenure split between rented and shared ownership units. However, there would be a reduction in the number of units with an age occupancy restriction. The HDC Housing Manager raises no objection to this change.
- 6.8 The description of development permitted by DC/14/0590 was “*Residential development of up to 540 dwellings and 54 retirement living apartments, associated vehicular, cycle and pedestrian access, drainage and landscape works (Outline)*” (my underlining). Reducing the number of retirement apartments to 32 would effectively amend the description of development and therefore the basis on which Members made their resolution to grant planning permission. It is not appropriate to use a Deed of Variation to alter the description of development and therefore what has previously been applied for and permitted. Officers therefore do not recommend agreeing the proposed modification to the affordable housing age occupancy restriction and tenure under this application for modification of a S160 agreement. The proper process for such an amendment would be a fresh planning application. This change is proposed by application DC/16/0863, which is currently under consideration.
- Specifications for the Sports Area, Sports Club Car Park, Sports Pavilion, Cricket Pitch, Football Pitch, Tennis Courts, Multi-Use Games Area (MUGA), Skateboard/BMX park, NEAP, First Leap and Church Car Park to be submitted prior to commencement of each of these elements*
- 6.9 The Legal Agreement currently requires Specifications for these facilities to be submitted prior to the commencement of development, and for them to be delivered in accordance with the approved Specifications either prior to the 250th occupation (in the case of the Football Pitches, Cricket Pitch, Tennis Courts, Sports Area, Sports Club Car Park, Sports Pavilion, MUGA, Skateboard/BMX park and Church Car Park), or a phased delivery for the LEAPs, NEAPs and LAPs.
- 6.10 The applicant does not propose to deliver these facilities any later in the process, and it is considered reasonable to amend the triggers for approval of Specifications for these facilities to prior to commencement of the construction of each facility, rather than prior to commencement of any development at the site. There is a need to link the delivery of the Pavilion and Sports Club Car Park to the completion of the first sports facility or the 250th occupation, whichever is the sooner. This will ensure that the ancillary parking and changing facilities provided by the Car Park and Pavilion are in place in the event that one or more of the sports facilities are delivered prior to the 250th occupation.
- 6.11 The play areas (LEAPs and NEAPs) will be dispersed through the development, and therefore requiring approval of details of these prior to commencement of any development is not practical, as construction will be phased and some play areas will therefore be within later phases, the details of which are not yet known. It is therefore entirely reasonable to amend the triggers for approval of the Specifications of these areas to prior to their commencement, as it will allow consideration of the integration of the play areas with the detailed residential layout.
- 6.12 The Council’s Head of Community and Culture has raised no objection to the proposed amendments to trigger points. Officers therefore have no objection to the amendment to trigger points for the submission of these Specifications. For information, application DC/16/1919 is currently under consideration and seeks approval of reserved matters relating to the sports area element of the outline planning permission.

ITEM A02 - 7

Require approval of 3x Bus Shelter Specifications at first occupation, 2x Bus Shelter Specifications at 200th occupation (linked to Church Lane Improvement Works) and 1x Bus Shelter Specification at 250th occupation (linked to delivery of Worthing Road/Church Lane Improvement Works) and Require completion of 3x Bus Shelters at 50th Occupation, 2x Bus Shelters at occupation of 100 dwellings south of the Downs Link (linked to Church Lane Improvement Works) and 1x Bus Shelter within 60 working days of the final occupation (linked to delivery of Worthing Road/Church Lane Improvement Works).

- 6.13 The Legal Agreement currently requires approval of Bus Shelter Specifications to be agreed at the Reserved Matters Stage and delivered before the occupation of the 50th dwelling. The Bus Shelters are linked to off-site highway works, some of which will be carried out in the later phases of development. The proposed amendments seek to address the timetable for delivery of the off-site highway works, and ensure that the Bus Shelters are delivered in accordance with this. The Highway Authority have raised no objection to this, and Officers therefore do not object to this proposed modification.

7. RECOMMENDATIONS

- 7.1 To delegate the completion of a Deed of Variation to the Legal Agreement of DC/14/0590 to the Development Manager to include amendments to:
- Remove the requirement to carry out A24 Pollards Hill Junction Improvement Works
 - Include clauses to allow the provisions of the Legal Agreement to apply to subsequent S73 applications for the variation of conditions, at the discretion of the Council
 - Amend 'Plan 2' showing the A24 Hop Oast Junction Improvement Works
 - Amend the trigger points for approval of Specifications for the Sports Area, Sports Club Car Park, Sports Pavilion, Cricket Pitch, Football Pitch, Tennis Courts, Multi-Use Games Area (MUGA), Skateboard/BMX park, NEAP, First LEAP, Church Car Park and Bus Shelters
 - Amend the trigger points for delivery of the Bus Shelters.

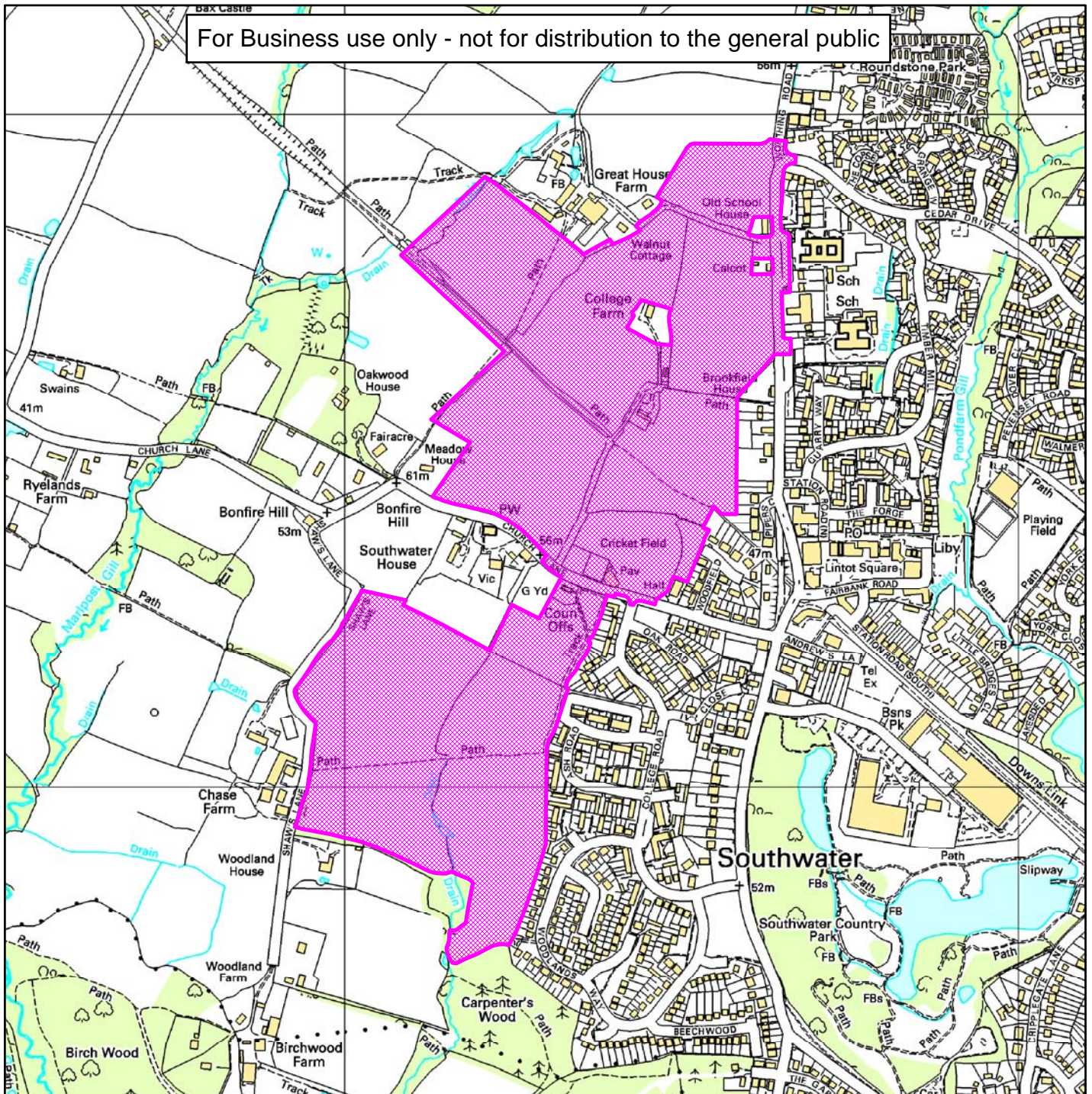
Background Papers: DC/14/0590

This page is intentionally left blank



Land West of Worthing Road

For Business use only - not for distribution to the general public



Scale: 1:8,570

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Horsham District Council
Department	
Comments	
Date	20/09/2016
SA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

- TO:** Development Management Committee (North)
- BY:** Development Manager
- DATE:** 04 October 2016
- DEVELOPMENT:** Application for the modification of the S106 Agreement in connection with planning permission DC/13/0368 to reduce the level of affordable housing provided to 25% (a total of 9 shared ownership units) and remove the requirement for a payment of £180,000 towards off-site provision of affordable housing
- SITE:** Martin Grant Homes Development Site Rusper Road Ifield West Sussex
- WARD:** Rusper and Colgate
- APPLICATION:** S106/16/0007
- APPLICANT:** Matthew Spilsbury
- REASON FOR INCLUSION ON THE AGENDA:** The application proposes modifications to a Legal Agreement previously considered by the Committee.
- RECOMMENDATION:** Delegate approval to the Development Manager to enter into a Deed of Variation to vary the original s106 Legal Agreement with regard to affordable housing provision.

1. THE PURPOSE OF THIS REPORT

To consider the application to modify the original s106 agreement in relation to affordable housing provision.

BACKGROUND

- 1.1 This application has been made under section 106BA of the Town and Country Planning Act 1990. In 2013, sections 106BA, BB and BC were inserted into the Town and Country Planning Act by the Growth and Infrastructure Act (for a temporary 3-year period) to introduce a new application and appeal procedure for the review of affordable housing planning obligations on viability grounds. This was to enable a positive approach to planning to allow sustainable development to come forward without delay, and to unlock stalled development sites which already have the benefit of planning permission. The s106BC provisions allow for a statutory right of 'accelerated' appeal by applicants to the Planning Inspectorate if the Planning Authority refuses the application or fails to determine it. At the end of April 2016 as the 3-year period came to an end, the provisions of sections 106BA, BB and BC were repealed, but applications made before 30th April remain valid as per the procedures of the legislation. This application was made before this time so can be considered as per the provisions of the s106BA legislation.

ITEM A03 - 2

- 1.2 Outline planning permission (ref: DC/13/0368) was granted by Horsham District Council in July 2014 for the redevelopment of this land for up to 36 dwellings with associated access, car parking, landscape and open space. The site has since been acquired by Martin Grant Homes and a Reserved Matters application (ref: DC/14/1971) was granted in April 2015. A s106 Legal Agreement was signed pursuant to the Outline approval (DC/13/0368) – within which the level of affordable housing provision was agreed.
- 1.3 The signed Legal Agreement (completed 10 June 2014) requires 11x affordable housing units (30.6%) to be provided on site. This comprises 9x 2-bed affordable rented apartments, and 2x 3-bed shared ownership houses. In addition, a commuted sum of £180,000 (index linked) is to be paid towards the provision of off-site affordable housing.

DESCRIPTION OF THE APPLICATION

- 1.4 Since acquiring the site, the applicant has been unable to implement the extant planning consent due to viability constraints, and requires the scheme to generate additional revenue to proceed. The modifications sought by the applicant to the existing s106 agreement are to:
- Reduce the provision of on-site affordable housing to 25% of the total units, which equates to 9x 2-bed flats of Shared Ownership tenure; and
 - Removal of the requirement to provide a financial contribution of £180,000 (index linked) towards off-site affordable housing.
- 1.5 In support of the application, the applicant has provided information to explain the changing circumstances that have led to the need to seek a reduction in affordable housing provision on this site (letters dated 25 April 2016 and 22 August 2016). This includes evidence of the applicant's engagement with Registered Providers of affordable housing, and confirmation of the various factors that have contributed to making the scheme as permitted unviable (including high abnormal and construction costs, and design requirements leading to a reduction in saleable floorspace). This information is supported by a detailed viability assessment undertaken by the applicant's consultants Whiteleaf Consulting, and a report detailing the 'Development Abnormals Cost Plan'.

DESCRIPTION OF THE SITE

- 1.6 The site lies on the boundary of Horsham and Crawley with Ifield Golf and Country Club sites to the west and other, denser, residential properties abutting the site to the south. The site is 1.8 ha in size, is rectangular in shape and the land is generally flat. The site is located to the south of Rusper Road in Ifield and formally consisted of 7 relatively modern, detached properties set within large residential curtilages.
- 1.7 At present, the site has been cleared (the 7 previously existing properties have been demolished), and hoarding has been erected around the site perimeter. No works have been undertaken on site since early 2015.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 106BA of the Town and Country Planning Act 1990 (as inserted by the Growth and Infrastructure Act 2013).

ITEM A03 - 3

2.2 PLANNING HISTORY

DC/13/0368	Outline application for the redevelopment of land at Rusper Road, Ifield (encompassing Summerwood, Avalon, Rose Lawn, High Trees, Budleigh, White Cottage, Ventura and Avebury) for up to 36 dwellings, together with associated access road, car parking, landscaping and open space	Permitted 31 July 2014
DC/14/1971	Redevelopment of land at Rusper Road, Ifield (encompassing Summerwood, Avalon, Rose Lawn, High Trees, Budleigh, White cottage, Ventura and Avebury) for 36 dwellings, together with associated access road, car parking, landscaping and open space (application for approval of reserved matters following outline planning permission DC/13/0368)	Permitted 16 April 2015

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 HDC's Housing Manager was consulted early in the process of this application, and noted that the determination of the appropriateness of this proposed modification will rely on the outcomes of the viability review as undertaken by the Council's consultants. The Housing Manager noted that the applicant's efforts to engage with Registered Providers seemed reasonable, and agreed that the block of flats proposed should be 'mono-tenure' with a preference for affordable rented units.

OUTSIDE AGENCIES

- 3.2 Dixon Searle Partnership (DSP) was instructed by the Council in May 2016 to undertake a review of the applicant's viability assessment and associated supporting information. In September 2016, DSP produced a final report into the submitted viability position and concluded that from their review, a reasonable approach has been taken to the viability assessment; and that the proposed modifications are reasonable and should support the progression of the development. DSP further conclude that they would be unable to support an alternative outcome of a higher affordable housing level and/or contribution than what has been proposed as part of this modification.

THIRD PARTIES

- 3.3 As required by the provisions of s106BA, the applicant has provided copies of letters sent to all signatories of the original s106 Legal Agreement to notify them of the application. No responses or other correspondence from these signatories has been received by the Council.

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 main consideration in the determination of this application is whether the proposed variation to the affordable housing provision as agreed in the existing s106 agreement is acceptable; taking into account the reasons why the development has stalled since the extant planning permission was granted, and the viability rationale supporting the proposed variation.
- 6.2 To support this affordable housing variation as applied for under s106BA, the April 2013 DCLG guidance '*Section 106 affordable housing requirements: Review and appeal*' details what an applicant should submit to the Local Authority to enable proper consideration of the proposed variation. The applicant needs to clearly demonstrate to the planning authority that the affordable housing obligations as agreed make the scheme unviable in current conditions, therefore causing the development to stall. The applicant should submit a revised affordable housing proposal that underpins the case for reduced affordable housing provision. This should be based on prevailing viability which should be supported by relevant viability evidence. The revised proposal should deliver the maximum level of affordable housing possible, with an optimum mix, tenure and phasing of provision. As an original viability assessment was not required when the Outline permission was granted, in order to support the proposed variation, the applicant must submit clear and explicit, up-to-date evidence of why the existing scheme is not viable and why a variation in the affordable housing provision is required to recommence development on site.

Information Submitted in Support of the Application

- 6.3 The applicant has submitted information to explain the nature of the site and why the existing affordable housing obligations render the site's development to be unviable and therefore why development has stalled. The applicant states that they were not party to the original negotiations for the signed Legal Agreement, and since acquiring the site are unable to implement the extant planning consent as provision of 30.6% affordable housing on site plus a £180,000 financial contribution would not allow a competitive return to the developer. Subsequently, the applicant states that the scheme needs to generate additional revenue which cannot be achieved by scheme design alterations alone. Instead, it necessitates converting a proportion of the required affordable housing to open market product to enhance sales receipts and to improve the viability to enable the development to recommence.
- 6.4 As per the requirements of s106BA, the applicant has submitted a viability assessment in support of their application to reduce the affordable housing provision. The viability assessment details the assumptions made within the appraisal (including the mix of accommodation, revenue assumptions, sales/marketing costs, building costs, fees, abnormal costs, s106 costs, interest, profit and land values). The assessment also explains the key issues affecting viability in this case, which includes high build infrastructure and abnormal costs, poor offers from Registered Providers, and high existing use values (i.e. because the site originally consisted of 7 detached residential properties). The conclusion of the applicant's viability assessment reveals that the consented scheme (as per the existing s106 agreement) is an unviable option. The assessment into potential viability at the applicant's proposed affordable housing offer (9x Shared Ownership units and removal of any financial contribution) is accepted in the viability assessment as '*reasonably close to the realms of potential viability*', so whilst likely to be supportable [by the applicant], this is noted as still not achieving a fully viable solution.

Engagement with Registered Providers

- 6.5 To further support the submitted viability assessment, the applicant was asked to clarify the approach that was taken to engage with Registered Providers (RP's) of affordable housing to demonstrate the various affordable housing options available on site, and to highlight the

ITEM A03 - 5

responses received by the RP's. The applicant instructed Jolliffe and Flint (J+F) an affordable housing specialist surveying firm in February 2016 to engage with a selection of RPs and to seek current market offers on 3 options, including:

- Option 1: 9x Shared Ownership units
- Option 2: 9x Affordable Rent units
- Option 3: Mixed Tenure (totalling 9x affordable units)

Officers queried with the applicant why an option for RP's to offer 11x affordable units (including 9x flats and 2x houses) was not made. The applicant explains that this offer was not made as it was not considered to return sufficient enough revenue to enable the development to recommence.

Contact was made with 14 RP's, and from this, 3 offers were received for Option 1, and 1 offer (at a low price) was received for Option 2. Evidence of this RP contact has been supplied by the applicant.

- 6.6 Reasons for RPs declining to offer are supplied by the applicant, and include:
- It is not feasible to offer for more than 50% Affordable Rent (i.e. Option 2), due to government rent reductions (of 1% per annum for 4 years from April 2016).
 - Shared tenure (i.e. Affordable Rent and Shared Ownership) in the same block is not acceptable (i.e. Option 3).
 - The overall number of affordable units is too low (9x units). Many RPs now only typically offer for over 20 units on individual sites.
 - Several RPs will only consider acquiring Affordable Rent dwellings if they are to be delivered beyond April 2019.

Other Factors Stalling Development

- 6.7 Since acquiring the site in September 2014 with the benefit of Outline Planning Permission and a signed s106 Legal Agreement, an application for Reserved Matters was submitted by Martin Grant Homes which was approved in April 2015. Since then, detailed design and costing work has revealed several factors that have affected the viability and therefore deliverability of the site.
- 6.8 The applicant has provided full details of these factors, but in brief they include:
1. Increased costs associated with abnormal works (including foundations extra-overs, off-site highways and need for imported topsoil);
 2. Escalation of normal construction costs (reflecting a response to inflation in materials and labour, which have increased by around 16% since the original Outline approval was submitted in 2013);
 3. Design requirements of the development by Horsham District Council at Reserved Matters stage which has resulted in a reduction of approximately 2,000ft² of saleable floorspace from the volume assumed at Outline stage.

HDC Review of the Viability Assessment

- 6.9 In order to assess the accuracy and robustness of the assumptions made in the submitted Viability Appraisal and supporting information, the Council instructed independent viability consultants Dixon Searle Partnership (DSP) to review the applicant's submitted viability position. The outcome of the DSP report notes that the appraisal methodology used by the applicant in their Viability Appraisal is appropriate, and reflects the usual accepted principles and methodology. DSP note that in some aspects of the submission the assumptions made were not considered to be correct (i.e. they influenced viability too negatively), but in other aspects, the assumptions made were considered to be overly positive (i.e. influencing the viability more positively). In essence, DSP were able to

ITEM A03 - 6

'pressure-test' the submission by making a balanced judgement on the appropriateness of the overall picture to form a view.

- 6.10 The DSP review concluded that a reasonable and balanced approach has been taken to the viability assessment. DSP consider that the submission represents a scheme that should be deliverable with the modifications sought (i.e. 9x Shared Ownership units) and confirm that they would be unable to support a higher affordable housing level / contribution in this instance.

Summary

- 6.11 Paragraph 173 of the NPPF seeks to ensure that sites earmarked for development should be viable and should not be subject to such a scale of obligations that their ability to be developed is threatened. NPPF para 173 states that the cost of any requirement placed on the development should still provide competitive returns to the landowner and/or developer to enable the development to be deliverable. Paragraph 205 of the NPPF, reminds decision takers that where obligations are being revised (as in this case) Local Planning Authorities should be aware of and take into account changes in market conditions over time, and to be sufficiently flexible to prevent planned development being stalled. Paragraphs 016 – 024 of the Planning Practice Guidance (PPG) explore in more depth issues around viability and decision taking. Paragraph 019 states that when making decisions, the LPA must understand the impact of planning obligations on the proposal. The PPG states that where a planning obligation (particularly one for affordable housing contributions) would cause the development to be unviable, the LPA needs to be flexible in seeking these obligations. Regard for this must be made to individual scheme viability, and it is important to ensure that current costs and values are considered.
- 6.12 The viability assessment submitted with the application, alongside the independent review of this assessment by the Council's specialist viability consultants (DSP), confirms that reducing the on-site affordable housing provision to 25% (9x Shared Ownership units) and removing the £180,000 financial contribution, would sufficiently increase revenues to enable unlocking of the site so development can recommence, and for the applicant to achieve an acceptable return as per the requirements of Paragraphs 173 and 205 of the NPPF as well as the provisions of the Government's 'Section 106 affordable housing requirements: review and appeal' advice document.
- 6.13 As verified by the DSP report, without the reduction in affordable housing contributions as sought by this application, the development as approved on this site is likely to remain stalled, and the development of 36 dwellings are not likely to come forward in the foreseeable future. Given that these dwellings are included in the Council's housing trajectory as 'committed' units, the Council are reliant on them coming forward in order to maintain a healthy 5-year housing land supply going forward.
- 6.14 Given the circumstances including the reduced ability for RPs to acquire affordable units and higher construction costs generally, it is considered that the request to reduce the amount of affordable housing on this site would, on balance, be acceptable and in accordance with the provisions of the NPPF and government guidance in connection with applications made under Section 106BA of the Town and Country Planning Act 1990, which seeks to enable a positive approach to planning to allow sustainable development to come forward without delay, and to unlock stalled development sites which already have the benefit of planning permission

7. RECOMMENDATIONS

7.1 Delegate approval to the Development Manager to enter into a Deed of Variation to vary the original s106 Legal Agreement with regard to affordable housing provision to:

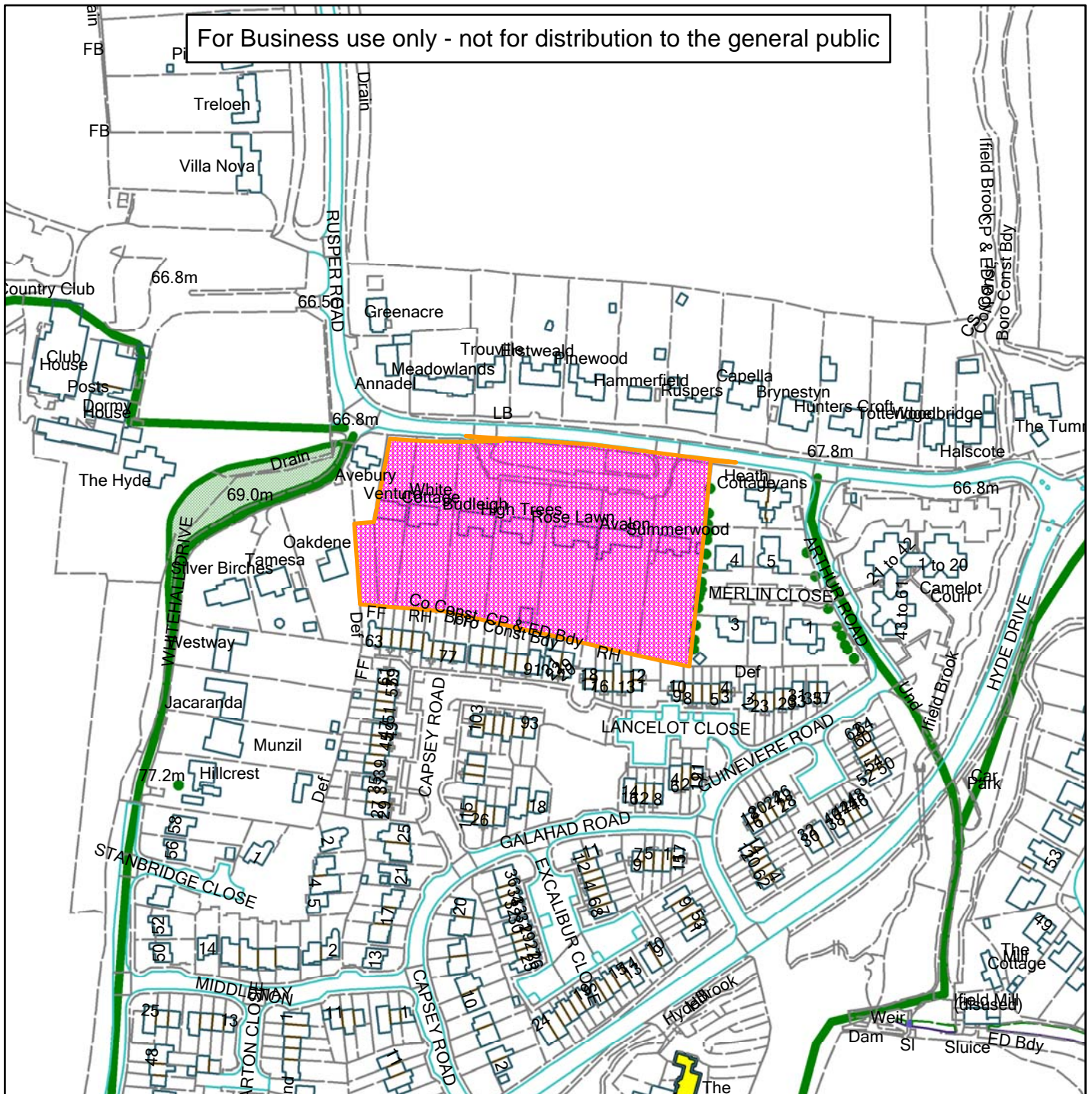
- Reduce the provision of on-site affordable housing to 25% of the total units, which equates to 9x 2-bed flats of Shared Ownership tenure; and
- Removal of the requirement to provide a financial contribution of £180,000 (index linked) towards off-site affordable housing.

Background Papers: DC/13/0368

This page is intentionally left blank



For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Horsham District Council
Department	
Comments	
Date	20/09/2016
SA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 4 October 2016

DEVELOPMENT: Variation of condition 1 of DC/15/2814 to alter floor levels, entrance and canopy

SITE: Hop Oast Depot Worthing Road Horsham West Sussex

WARD: Southwater

APPLICATION: DC/16/1944

APPLICANT: Horsham District Council

REASON FOR INCLUSION ON THE AGENDA: Applicant is Horsham District Council

RECOMMENDATION: To grant planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission was granted by the Development Management Committee (North) on 10 May 2016 for a replacement workshop building and adjoining single-storey office facilities (ref: DC/15/2814). The existing buildings are to be demolished once the new building is nearing completion so the depot can continue to function throughout the building works (the previous report is attached for information).
- 1.2 This application seeks a minor material amendment to this permission to revise the finished floor level. The proposed drainage design has increased the overall height of the building by 500mm, rising from 10.4m to 10.9m. The actual height of the building remains unaltered; it is the floor levels in relation to the nearby datum point that have changed. Due to the changes in the finished floor level, access to the main entrance has also been altered to include ramps and stairs. The design change has also led to a reduction of the external canopy.

DESCRIPTION OF THE SITE

- 1.3 The application site is located at the interception of the A24 Worthing Road and B2227 Hop Oast Roundabout between the current 'Park and Ride' facility to the north, the Household Waste recycling facility to the west and the Shell Petrol Station to the south.
- 1.4 The area surrounding the application site is largely industrial / commercial in nature comprising with nearest buildings being either warehouse or farm buildings. There are no

ITEM A04 - 2

residential properties within the immediate vicinity of the application site. The nearest residential properties are located approximately half a mile to the south of the site.

- 1.5 The site levels vary across the site and slopes towards the south west corner with a change in level of approximately 3.4m. The site levels slope across the south east axis and there is a change in levels with the creation of a sharp incline to the culminating on a soil bank. The site is enclosed along its external boundaries by trees and vegetation of varying heights and views through the site are therefore fairly limited. There is an 8m chain link fence around the perimeter of the site. A topographical survey of the site shows the highest land levels to be 10.000 and the lowest level to be 6.527mm.
- 1.6 Although located within the countryside outside of any defined built up area boundaries it forms part of an existing commercial site and is well located with regard to the strategic road network and the District of Horsham.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012) (NPPF) Section 1 – Building a strong competitive economy, Section 3 – Supporting a prosperous rural economy, Section 7 – Requiring good design and Section 11 Conserving and enhancing the natural environment.
- 2.3 National Planning Policy Guidance (March 2014)

RELEVANT COUNCIL POLICY

- 2.4 The following policies of the Horsham District Planning Framework (2015) are considered relevant to the consideration of the is application;

HDPF Policy 1 – Sustainable Development
HDPF Policy 2 – Strategic Development
HDPF Policy 7 – Economic Growth
HDPF Policy 9 – Employment Development
HDPF Policy 10 – Rural Economic Development
HDPF Policy 24 – Environmental Protection
HDPF Policy 25 – District Character and Natural Environment
HDPF Policy 26 – Countryside Protection
HDPF Policy 31 – Green Infrastructure and Biodiversity
HDPF Policy 32 – The Quality of New Development
HDPF Policy 33 – Development Principles
HDPF Policy 40 – Sustainable Transport
HDPF Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 The Southwater Parish Neighbourhood Plan is at a very early stage and no draft planning policies have yet been formed.

ITEM A04 - 3

PLANNING HISTORY

SQ/128/00	Construction of a park and ride car park 535 spaces (county consultation) Site: Hop Oast Depot (Land Adj) Worthing Road Southwater	PER
SQ/10/02	Variation of condition 22 of sq/128/00 to enable the proposed park & ride development be constructed in one phase (county consultation) Site: Hop Oast Depot Worthing Road Southwater	PER
SQ/124/02	Use of service road approved under sq/128/00 to provide off highway queuing for adjacent civic amenity site (county consultation) Site: Hop Oast Amenity Tip Worthing Road Southwater	PER
SQ/9/02	Variation of condition 21 of sq/128/00 for extension to opening hours from 20.00-22.00 proposed park & ride facility (county consultation) Site: Hop Oast Depot Worthing Road Southwater	PER
HR/200/63	Proposed entrance road Comment: No obj. - will be determined by wsc or minister (From old Planning History)	PER
HR/200/73	Construct by-pass and associated works and improvements Comment: No obj. - will be determined by wsc or minister (From old Planning History)	PER
HR/96/82	Erection of filling station and repair workshop (From old Planning History)	PER
SQ/146/88	Depot premises (regulation 4) Comment: Outline (From old Planning History)	PER
SQ/22/89	Depot premises (regulation 4) (From old Planning History)	PER
SQ/51/89	Secondary vehicle maintenance workshop (From old Planning History)	PER
SQ/22/93	Continued use of land as a recycling centre/amenity tip (county consultation) Site: Hop Oast Recycling Centre Worthing Rd Horsham	PER
SQ/56/96	Erection of a radio mast for district council radio Site: Hop Oast Depot Worthing Road Southwater	PER
DC/15/2814	The redevelopment of a waste recycling depot. The existing dated facilities are to be replaced with a new workshop building and adjoining single storey office facilities. The existing buildings are to be demolished once the new building is nearing completion so the depot can continue to function throughout the building works	PER

DISC/16/0203 Discharge of conditions 3, 4, 5, 7, 9, 10, 11, 12 and 14 on PCO
DC/15/2814

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 **Environmental Health**: No objection

3.3 **Tree Officer**: Any comments received to be advised verbally at committee

3.4 **Property Services Drainage**: Any comments received to be advised verbally at committee

3.5 **Environmental Management Waste and Cleansing**: Any comments received to be advised verbally at committee

3.6 **Ecology**: No objections

OUTSIDE AGENCIES

3.7 **Southwater Parish Council**: Object to increase in height and visual impact of the building and its impact on the street scene by virtue of its mass. Concerns over lack of screening which would help to mitigate against impact on the surrounding area. Query as to whether the design is compliant with HDC Green Design policies.

3.8 **West Sussex County Council Highways**: Any comments received to be advised verbally at committee

3.9 **Horsham District Cycling Forum**: Any comments received to be advised verbally at committee

PUBLIC CONSULTATIONS

3.10 None received at time of preparing this report. Any comments received to be advised verbally at committee

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 main considerations in the determination of this application are considered to be the visual impact of the proposal and the effect on neighbouring residents.

Principle

- 6.2 The principle of the land use in this location for refuse and recycling purposes in this countryside location is long established, thus it is considered that the continued use of the site for such purposes is acceptable. The redevelopment of the waste recycling depot, and the associated visual, transport and amenity impact was found to be acceptable as part of the existing planning permission, ref: DC/15/2814. These issues remain the same as part of the current application which seeks solely to revise the finished floor level, due to the drainage design which has increased the overall height of the building by 500mm, rising from 10.4m to 10.9m. The actual height of the building remains unaltered; it is the floor levels in relation to the nearby datum point that have changed. Due to the changes in the finished floor level, access to the main entrance has also been altered to include ramps and stairs. The design change has also led to a reduction of the external canopy.
- 6.3 It is therefore the visual appearance of the amended proposals and the impact on the street scene that are being considered against relevant policy criteria. Policy 33, Development Principles, requires that new development should be to a high standard of design and layout, in keeping with the character of the nearby development and the surrounding area. Consideration of the precise applications details are as set out below.

Design and amenity issues

- 6.4 Full details of the application details are set out in the description of development above, but essentially include amendments to the overall height of the building by 500mm, resulting in a higher ridge height of 10.9m (previously 10.4m) from the revised ground level which is higher as a result of the drainage works beneath. The change in ground level has also resulted in changes to the access to the main entrance which now includes ramps and stairs along the East Elevation. There is no impact on the cycle storage area resulting from the revisions to the access into the building, and the cycle area remains in the same position as previously agreed. The design change has also led to a reduction of the external canopy, which would extend around the single storey offices / ancillary accommodation and a small section on the south elevation of the workshop.
- 6.5 The increase in the overall ridge height by 500mm (0.5m) would result in a higher building than that previously approved on the site and thus there would be some resulting impact on the visual amenity of the locality. It is not though considered that the increase in height would be so harmful to the visual amenity of the area as to cause any additional appreciable or significant harm over that of the building already approved in this countryside location, which is located at the interception of the A24 Worthing Road and B2227 Hop Oast Roundabout between the current 'Park and Ride' facility to the north, the Household Waste recycling facility to the west and the Shell Petrol Station to the south. The impact on the visual amenity of the area is therefore considered to be neutral.
- 6.6 The objections of Southwater Parish Council are noted and it is considered appropriate to impose a landscape condition in order to consider additional landscaping measures, and, potential screening measures to mitigate against any perceived visual harm arising from the increase in height of the proposed building on the site.
- 6.7 The proposed amendments, including the change in ground levels and apparent increase in building height, revisions to the canopy and the new stairs and ramp shown to the east elevation, are considered acceptable and would not result in any harm to visual amenity. All other details remain as previously approved.

Materials

- 6.8 Details of building materials have been submitted as part of the material amendment application. The elevation and roof details include Marley Eternit - Fibre Cement Rain Screen Cladding (RAL7040 Gunmetal Grey and RAL 9017 Matt Black); Kalzip - PPC Standing-seam metal cladding; Metal Technology, Comar & Prima - PPC Aluminium/Steel Windows, roof lights external doors (RAL 7021); Ibstock - Below DPC Structural Brickwork (Staffordshire smooth Blue) PCC Aluminium Canopy (RAL 7035) and Capping – PPC Aluminium (RAL7021); HAG The Door Specialists – Roller Shutter Doors PPC (RAL 7021); Armco & Marshalls Crash Barriers & Street Furniture Bollards; PPC Aluminium rainwater Gutters/Hoppers & Downpipes and PPC Aluminium Louvres & Vents (RAL 7021).
- 6.9 The proposed materials are considered to be appropriate for the commercial/industrial nature of the proposed building and within the context of the surrounding area, including existing buildings and land uses within this countryside location in which the application site relates to and as such are considered to be acceptable and complies with HDPF policy 33 Development Principles.

Impact on neighbouring amenity

- 6.10 There are no immediate residential properties in the locality of the application site and thus there are no issues regarding private amenity arising from the proposed development.

Other matters

- 6.11 The concerns of Southwater Parish Council with regards to whether the proposed building complies with HDPF Green Policies is noted. These issues were considered as part of the original application and are set out within paragraphs 6.28 – 6.32 of the committee report considered by the Planning Committee in May 2016. In this respect, the application details relating to Sustainability and the Environmental Strategy were considered to be acceptable and in accordance with the energy hierarchy set out within policy 36, Appropriate Energy, which seeks to encourage efficient development which are 'Lean' and use less energy, are 'Clean' and supply energy efficiently and are 'Green' and use renewable energy sources.

Conclusion

- 6.12 The proposed redevelopment of the Hop Oast Refuse and Recycling Facilities and material amendments to DC/15/2514 are considered acceptable and complies with the adopted policies within the HDPF, specifically Policies 26 Countryside Protection and 33, Development Principles; and with the overarching policies contained within the National Planning Policy Framework.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted with the following conditions:
1. List of the approved plans.
 2. The development hereby permitted shall be begun before the 20 May 2019.

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

ITEM A04 - 7

3. No works or development shall take place unless and until full details of all hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting 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 otherwise agreed in writing by the Local Planning Authority.

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

4. Full details of means of surface and foul water drainage, including details for the implementation and maintenance of SuDs features to serve the development shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained in accordance with Policy 38 of the Horsham District Planning Framework (2015).

5. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of surface water in accordance with Policy 38 of the Horsham District Planning Framework (2015).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, the building(s) shall not be extended or altered in any way unless planning permission has been granted by the Local Planning Authority on application in that respect.

Reason: A more intensive use of the site would be likely to cause congestion on adjacent roads through overflow vehicle parking contrary to Policy 40 of the Horsham District Planning Framework (2015)

7. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

ITEM A04 - 8

- c) The site investigation results and the detailed risk assessment (c) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

8. If contamination, including presence of asbestos containing materials, 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: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

9. Prior to the commencement of any works of demolition or refurbishment all asbestos containing materials shall be removed by an appropriately licensed and competent contractor. A written report detailing these works shall be submitted to and approved in writing by the local planning authority. The report shall include details of validation measures undertaken to ensure the all areas where works have been undertaken are free from asbestos.

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

10. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a. An indicative programme for carrying out of the works
 - a. The arrangements for public consultation and liaison during the construction works
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
 - d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - e. the parking of vehicles of site operatives and visitors
 - f. loading and unloading of plant and materials
 - g. storage of plant and materials used in constructing the development
 - h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - i. wheel washing facilities
 - j. measures to control the emission of dust and dirt during construction
 - k. a scheme for recycling/disposing of waste resulting from demolition and construction works

ITEM A04 - 9

- I. No burning of any materials from site clearance or from any other source shall be undertaken at the site.

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

11. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. The design of any new lighting shall take into account the recommendations detailed within the Bat Survey Report by The Ecology Consultancy dated September 2015. Any external lighting shall be installed and maintained in accordance with the approved details.

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

12. No work shall be carried out on site, with the exception of the construction of the site access and construction parking areas, until there is available within the site provision for an appropriate level of parking having regard to the nature of the site, together with suitable provision for the loading and unloading of vehicles and the storage of materials and equipment associated with the building works; all in accordance with precise details to be approved by the Local Planning Authority in writing before development commences. The approved facilities shall be retained and available for use throughout the period of work required to implement the development hereby permitted unless alternative details are agreed in writing by the Local Planning Authority.

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

13. All buildings and structures shown to be demolished on the hereby approved plans, dated 22/12/15, shall be demolished, the debris removed and the site cleared within 3 months of the first occupation of the hereby approved development.

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

14. No development shall take place until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied until such screen walls and/or fences associated with them have been erected. Thereafter the screen walls and/or fences shall be retained as approved and maintained in accordance with the approved details.

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

15. Prior to the commencement of the development details showing the proposed location(s) of one fire hydrant or a static stored water supply of at least 45 cubic metres (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided in accordance with the agreed details prior to the first occupation of the hereby approved development.

Reasons: In the interests of amenity and in accordance with HDPF 39 and HDPF 40 of the Horsham District Planning Framework 2015.

16. If building demolition and site clearance works not have commenced by 1st May 2017 an updated bat survey report shall be submitted to and approved in writing by the Local

ITEM A04 - 10

Planning Authority. The report shall outline any mitigation required and development shall take place in accordance with the agreed details.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

17. The biodiversity enhancements (bird boxes and refugia piles) shall be implemented in accordance with the measures detailed in the Preliminary Ecological Appraisal Report by The Ecology Consultancy (dated April 2015) prior to the first occupation of the hereby approved development.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

Background Papers: DC/16/1944
DC/15/2814



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 10 May 2016

DEVELOPMENT: The redevelopment of a waste recycling depot. The existing dated facilities are to be replaced with a new workshop building and adjoining single storey office facilities. The existing buildings are to be demolished once the new building is nearing completion so the depot can continue to function throughout the building works

SITE: Hop Oast Depot Worthing Road Horsham West Sussex

WARD: Southwater

APPLICATION: DC/15/2814

APPLICANT: Horsham District Council

REASON FOR INCLUSION ON THE AGENDA: Applicant Horsham District Council

RECOMMENDATION: Grant Planning Permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission for the redevelopment of the existing refuse and recycling depot site and the erection of a new refuse and recycling vehicle depot building of dual height, comprising a single storey office with a larger attached commercial workshop of contemporary design. The proposals include the demolition of the two existing buildings (workshop and offices facilities), which are no longer considered to be suitable to meet the growing needs and demands of the service.
- 1.2 The two main elements of the proposed replacement building comprise a mechanics workshop under a pitched roof (411.33sqm), incorporating three internal bays with associated facilities for both servicing and future maintenance of the refuse vehicles; and the single story offices under a flat roof (128.67sqm), with remaining ancillary floor space associated with the administrative services, staff breakout areas, and shower / WC facilities etc. for the depot staff.
- 1.3 The application also includes the removal of the existing Oil Tank (currently located at the north west boundary of the site) and its replacement with a new 50,000 litre fuel tank to be buried underground, with a new fuel dispensing pump (2 hoses) within the new 'Refuel Zone' located at the north eastern corner of the site, and a new secure bin store located within the south west corner of the site.

- 1.4 The proposals include re-configured parking areas on site comprising 40 x 11 metre bays for the refuse vehicles. The bays are shown as comprising 30 spaces along the southern boundary and 10 spaces northern boundary. There are 6 standard car parking spaces and 1 disabled car parking space, as well as 1 electric car charge point and a 'Dudley' cycle storage shelter (for 10 cycles) shown located adjacent to the east side of the proposed new building. Photo voltaic panels (5 rows each comprising 4 panels) are proposed within the roof profile.
- 1.5 A one way access road is proposed allowing ingress from the east side of the site with egress to the north (opposite the park and ride facility), allowing vehicles to safely enter and leave the site with improved visibility. The new access incorporates the existing non adopted two way access retaining the 'in' and effectively extending the access road northwards to allow a continuous one way system exiting to the west of the existing roundabout which serves the waste recycling facility and the park and ride site.
- 1.6 Three 18m diameter turning areas are provided within the site boundaries, two at the west end of the site, along with a truck wash down area, and one at the east end of the site. Vehicles are capable therefore of entering the site and turning the vehicles to face forwards before parking / leaving.
- 1.7 An additional vehicle parking area is proposed adjacent to the offices along the proposed southern elevation of the building, adjacent to the vehicle entry area to the garage / workshop area and the three bay 'steam cleaning zones'.
- 1.8 An improved pedestrian pathway is also proposed to link the application site to the adjacent park and ride facilities to the north of the site which is available for vehicle parking by staff.
- 1.9 Trees within the north eastern quadrant of the site have been removed to facilitate the new location of the proposed replacement workshop and office building. Advice was sought from the Council's Tree Officer prior to their removal.
- 1.10 The proposed site would be operational between the hours of 5:00am – 6:00pm Monday to Friday and 5am – 3pm on Saturdays.
- 1.11 The application has been accompanied by the following supporting documents;
 - Planning Statement
 - Tree Survey
 - Arboricultural Survey Report
 - Transport Assessment
 - Asbestos Survey Report
 - CCTV Drainage Survey
 - Ecology and Bat Survey
 - Acoustic Statement
 - Topographical Survey
 - Site investigation and Risk Assessment Report
- 1.12 The Hop Oast development is located within 1km of Flood Zone 1 and the site is less than 1 hectare, as such a Flood Risk Assessment was not required with this application.

DESCRIPTION OF THE SITE

- 1.13 The application site is located at the interception of the A24 Worthing Road and B2227 Hop Oast Rondabout between the current 'Park and Ride' facility to the north, the Household Waste recycling facility to the west and the Shell Petrol Station to the south.

- 1.14 The area surrounding the application site is largely industrial / commercial in nature comprising with nearest buildings being either warehouse or farm buildings. There are no residential properties within the immediate vicinity of the application site. The nearest residential properties are located approximately half a mile to the south of the site.
- 1.15 The site levels vary across the site and slopes towards the south west corner with a change in level of approximately 3.4m. The site levels slope across the south east axis and there is a change in levels with the creation of a sharp incline to the culminating on a soil bank. The site is enclosed along its external boundaries by trees and vegetation of varying heights and views through the site are therefore fairly limited. There is an 8m chain link fence around the perimeter of the site. A topographical survey of the site shows the highest land levels to be 10.000 and the lowest level to be 6.527mm.
- 1.16 Although located within the countryside outside of any defined built up area boundaries it forms part of an existing commercial site and is well located with regard to the strategic road network and the District of Horsham.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012) (NPPF) Section 1 – Building a strong competitive economy, Section 3 – Supporting a prosperous rural economy, Section 7 – Requiring good design and Section 11 Conserving and enhancing the natural environment.
- 2.3 National Planning Policy Guidance (March 2014)

RELEVANT COUNCIL POLICY

- 2.4 The following policies of the Horsham District Planning Framework (2015) are considered relevant to the consideration of the is application;

HDPF Policy 1 – Sustainable Development
HDPF Policy 2 – Strategic Development
HDPF Policy 7 – Economic Growth
HDPF Policy 9 – Employment Development
HDPF Policy 10 – Rural Economic Development
HDPF Policy 24 – Environmental Protection
HDPF Policy 25 – District Character and Natural Environment
HDPF Policy 26 – Countryside Protection
HDPF Policy 31 – Green Infrastructure and Biodiversity
HDPF Policy 32 – The Quality of New Development
HDPF Policy 33 – Development Principles
HDPF Policy 40 – Sustainable Transport
HDPF Policy 41 - Parking

- 2.5 The Southwater Parish Neighbourhood Plan is at a very early stage and no draft planning policies have yet been formed.

PLANNING HISTORY

SQ/128/00	Construction of a park and ride car park 535 spaces (county consultation) Site: Hop Oast Depot (Land Adj) Worthing Road Southwater	PER
SQ/10/02	Variation of condition 22 of sq/128/00 to enable the proposed park & ride development be constructed in one phase (county consultation) Site: Hop Oast Depot Worthing Road Southwater	PER
SQ/124/02	Use of service road approved under sq/128/00 to provide off highway queuing for adjacent civic amenity site (county consultation) Site: Hop Oast Amenity Tip Worthing Road Southwater	PER
SQ/9/02	Variation of condition 21 of sq/128/00 for extension to opening hours from 20.00-22.00 proposed park & ride facility (county consultation) Site: Hop Oast Depot Worthing Road Southwater	PER
HR/200/63	Proposed entrance road Comment: No obj. - will be determined by wsc or minister (From old Planning History)	PER
HR/200/73	Construct by-pass and associated works and improvements Comment: No obj. - will be determined by wsc or minister (From old Planning History)	PER
HR/96/82	Erection of filling station and repair workshop (From old Planning History)	PER
SQ/146/88	Depot premises (regulation 4) Comment: Outline (From old Planning History)	PER
SQ/22/89	Depot premises (regulation 4) (From old Planning History)	PER
SQ/51/89	Secondary vehicle maintenance workshop (From old Planning History)	PER
SQ/22/93	Continued use of land as a recycling centre/amenity tip (county consultation) Site: Hop Oast Recycling Centre Worthing Rd Horsham	PER
SQ/56/96	Erection of a radio mast for district council radio Site: Hop Oast Depot Worthing Road Southwater	PER

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 **Environmental Health**: No objection, subject to conditions relating to land contamination, construction method and external lighting.
- 3.2 **Tree Officer**: No objections to removal of trees as indicated and subject to no encroachment to the retained woodland to the west. A key concern of the development is the visual impact; no buffer has been left for vegetation therefore the development would be reliant on screening from outside of the site, the ownership of which is unknown. Visual appraisals are needed, as well as elevations, to assess how the scheme would sit within its wider context.
- 3.3 **Property Services Drainage**: No objection to the surface water drainage strategy proposed, therefore until detailed design information has been submitted at the appropriate planning stage, suitable drainage conditions should be applied that also include securing the implementation and maintenance of the SuDS features to ensure they remain effective for the lifetime of the development.

It should be noted that that there was a substantial pollution incident in 2012 with regards the existing septic tank and biofilter unit to which the new development is intending to utilise. The developer should satisfy themselves that the existing arrangement (septic tank and bio filter unit) for disposal of foul drainage is fit for purpose.

- 3.4 **Environmental Management Waste and Cleansing**: No objection

OUTSIDE AGENCIES

- 3.5 **Southwater Parish Council**: No objection in principle, suggest that given the increase in vehicle traffic, an additional access road be considered. Query whether design of building is compliant with HDC green policies.
- 3.6 **West Sussex County Council Highways**: No objection. The application is supported by way of a short Transport/Planning Statement. This reviews the pertinent highway matters arising from the development.

In terms of trip generation, the site already accommodates an existing similar facility. This proposal will result in any increase in daily trips. These trips are however expected to be dispersed across the day, or take place away from the peak hour. The site will in any case generate peak hour trips at present. Materially, this proposal is not anticipated to result in any significant intensification of use of the site beyond that which could already result.

Changes are proposed to the vehicular access arrangements. These changes are proposed onto roads that are not maintained by the Local Highway Authority. As such the LHA's comments in respects of these changes are for advice only.

The proposal will create a new access a short distance to the east of the existing roundabout serving the waste recycling facility and the park and ride site. The creation of this access will allow for a one way system through the site; the existing two way access would be retained as the 'in' and the proposed access operate as an 'out'. Whilst the 'out' access is quite close to the existing roundabout, good visibility is afforded to both the east and west. The access will also be lightly trafficked.

In summary, the impact upon the local highway network would be minimal; no highway objection would be raised in these respects.

- 3.7 **West Sussex County Council: Fire Services:** Hydrant or stored water required by imposition of condition.
- 3.8 **Ecology:** No objection, subject to conditions relating to breeding birds, vegetation clearance, bats and external lighting. The information relating to DC/15/2814, in particular, the Preliminary Ecological Appraisal and Bat Survey reports carried out by The Ecology Consultancy in 2015, has been reviewed.
- 3.9 **Health and Safety Executive:** No objection. It would seem sensible to have the out road separate from the in road especially that the current situation is that the entrance/exit is located on a blind bend. Using it for Inward traffic would be sensible as it is better able to see round the bend before driving in. Outward traffic cannot see around the bend and so may pull out in front of a vehicle, so moving it away from here may prevent an incident in the future.
- As to the rest of the site the layout seemed sensible, the overriding concern for HSE is that where practicable reversing manoeuvres are removed and people and vehicles have suitable separation either by distance or more usually by bollards etc. One way is to have, where possible and practicable, a one way system is employed on site.
- 3.10 **Environment Agency:** Any comments received to be advised verbally at committee
- 3.11 **Horsham District Cycling Forum:** Welcome the inclusion of cycling parking facilities at this site, noting the commitment to a Dudley cycle shelter with 10 spaces. However the cycle facilities at the junction with Worthing Road and conditions along the Worthing Road are very poor. Cycling facilities and safety needs to be improved along the whole length of Worthing Road in order to benefit access to the Depot, access to the Park and Ride, access to the golf club and on towards Southwater.

PUBLIC CONSULTATIONS

- 3.12 None 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 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 main considerations in the determination of this application are considered to be the principle of the land use in this location and the environmental impact of the development, the effect on neighbouring residents and traffic/highway implications and whether the economic justification for the expansion of the existing business would outweigh the proposed encroachment into the countryside and the requirements of the economic and environmental policies within the Horsham District Planning Framework.

- 6.2 The application seeks planning permission for the redevelopment of the existing refuse and recycling depot site and the erection of a new refuse and recycling vehicle depot building of dual height, comprising a single storey office with a larger attached commercial workshop of contemporary design. The proposals include the demolition of the two existing buildings (workshop and offices facilities), which are no longer considered to be suitable to meet the growing needs and demands of the service.
- 6.3 The application site is located outside of any defined built up area boundaries and is thus located within the countryside where the Council's adopted countryside policies apply. The principle of the use of the site for purposes as a refuse and recycling depot site is long established and thus its continued use for such purposes is considered acceptable, albeit that the acceptability and consideration of the extended site boundary needs to be considered against relevant policy criteria. The replacement of the existing buildings within the extended site boundaries with new upgraded buildings and facilities, to accommodate the provision of refuse and recycling activities on this site, is subject to the acceptability of the specific details and consideration of any amenity issues arising from the proposed development as considered against relevant policies set out below.

Principle of development

- 6.4 Paragraph 28 of the NPPF notes that *"planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development."*
- 6.5 HDPF Policy 10 Rural Economic Development follows the thrust of paragraph 28 by confirming that:

"Sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities.

In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must:

1. *Contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside; and either*
 - a. *Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or*
 - b. *Result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.*
2. *Demonstrate that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative, logical solution is proposed."*

- 6.6 The principle of the use of the site for refuse and recycling purposes in this countryside location is long established, thus it is considered that the continued use of the site for such purposes is acceptable.
- 6.7 With regards to criteria [a] of policy HDPF 10 set out above, it is noted that the existing site boundaries of the refuse and recycling plant have been extended along the north eastern boundary to include land within the applicant's ownership, to accommodate the revised position of the proposed new workshop / office building. A belt of trees previously accepted by the Council's Tree Officer as not having any special amenity value have been removed to facilitate the development in this area. Given that the extended site area sits immediately opposite the Hop Oast Park and Ride car park, which is separated by the access road into the Council's household waste site, it is considered that the 'expansion' of the site boundaries to include this small area of land is acceptable in this location as it is expanding an existing facility.
- 6.8 With regards to criteria [b] of policy HDPF 10 as set out above, it is considered that the proposed replacement workshop / office buildings and tidying of the site generally, through the removal of ancillary paraphernalia associated with the site's refuse and recycling use would result in an environmental improvement, and furthermore that the use of the site in this rural area is considered to support sustainable economic growth towards balanced living and working communities in accordance with policy criteria.
- 6.9 The NPPF and HDPF actively promote and encourage a sustainable economy which supports opportunities for growth; whilst respecting and taking into account the conservation and enhancement of the natural environment as well as the vibrancy, health and character of existing settlements and communities within them. A balanced approach must be taken when considering the merits of the proposed development against any impact to the wider setting.
- 6.10 Policy 26, Countryside Protection, states that outside of built up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas. Criterion [2] of Policy 26 refers to the extraction of minerals or the disposal of waste as being proposals essential to its countryside location and the proposal is considered to support these aims.
- 6.11 Policy 33, Development Principles, requires that new development should be to a high standard of design and layout, in keeping with the character of the nearby development and the surrounding area. Consideration of the precise applications details are as set out below.

Design and amenity issues

- 6.12 Full details of the application details are set out in the description of development above, but essentially include a mechanics workshop under a pitched roof (411.33sqm), incorporating three internal bays with associated facilities for both servicing and future maintenance of the refuse vehicles; and the single story offices under a flat roof (128.67sqm), with remaining ancillary floor space associated with the administrative services, staff breakout areas, and shower / WC facilities etc. for the depot staff. Re-configured parking areas on site, comprising 40 x 11 metre bays for the refuse vehicles and 6 standard car parking spaces and 1 disabled car parking space, as well as 1 electric car charge point, and a 'Dudley' cycle storage shelter (for 10 cycles) shown located adjacent to the east side of the proposed new building.

- 6.13 The application also includes the removal of the existing Oil Tank (currently located at the north west boundary of the site) and its replacement with a new 50,000 litre fuel tank to be buried underground, with a new fuel dispensing pump (2 hoses) within the new 'Refuel Zone' located at the north eastern corner of the site, and a new secure bin store located within the south west corner of the site.
- 6.14 A one way access road is proposed allowing ingress from the east side of the site with egress to the north (opposite the park and ride facility), allowing vehicles to safely enter and leave the site with improved visibility.
- 6.15 In regard to the proposed design and visual appearance, the building has a contemporary appearance and comprises two elements, the larger main workshop section, three integral bays with folding doors under a pitched roof, and the attached single storey office element which has a flat roof behind a parapet wall, with cladded elevations.
- 6.16 The proposed replacement workshop / office building, has a utilitarian appearance similar to agricultural buildings normally found within the countryside. There would be unrestricted views of the rear of the proposed new buildings from the Hop Oast Park and Ride car park to the north of the application site, but these views are not considered to result in any significant or appreciable harm to the visual amenities of the area and no more so than the existing uses of land in the immediate vicinity of the application site, including the Shell Petrol Garage to the south of the site, and the amenity household waste site to the north west of the site.
- 6.17 It is considered that any views of the proposed workshop / office buildings from the main A24 Worthing Road would be well screened from the southbound carriageway given the existing tree screen along the western boundary of the site. Some limited views of the workshop building, and in particular the roof profile from the northbound carriage way and roundabout would be more apparent although given the presence of existing boundary screening provided by a narrow belt of trees, the impact of these views is not considered to result in any significant or appreciable harm to visual amenities. The proposed workshop / office building would essentially replace the existing outdated facilities on site and although higher than the existing buildings would not result in any significant or appreciable visual impact.
- 6.18 There are no residential properties in the immediate vicinity of the application site. Therefore, the proposed replacement buildings associated with the recycling and refuse facility would not result in any loss of private amenity.

Highway issues

- 6.19 West Sussex County Council Highways Department have been consulted and have raised no objections to the proposed redevelopment of the Hop Oast Refuse and Recycling facilities to provide the erection of a new depot to support Horsham District Council's Operations Services Team.
- 6.20 Information provided within the Highway Statement (Wilbur Associates Ltd, dated the 17 December 2015) states that the revised layout of the site would provide for the increase in refuse and recycling vehicles from 32 undefined spaces to 40 defined spaces. The proposals include the creation of a new access on the north side of the site thus creating an 'in' and 'out' one way arrangement and addresses the current poor visibility safety concerns.
- 6.21 The submitted Highways Statement advises that there will be a marginal increase in the predicted daily traffic movements into and out of the site. The current and proposed vehicle movements take place outside of peak period. The existing 5 day average 12 hour daily traffic flows on the B2237 is currently recorded as 11812 vehicles. This data is taken from

WSSC data collection site on the B2237 just to the north of the traffic signals. The proposed total movement from the proposed redevelopment in relation to the total movements on the B2237 is insignificant and will have no impact on the highway network.

- 6.22 It is advised that due to the unsociable hours worked staff travel to the site by car or car share. Cycling will be encouraged and cycle parking facilities, including showers, are proposed as part of the redevelopment.
- 6.23 Daily vehicle movements are as set out in the Highway Statement and the majority of vehicle movements would be between 6 and 7am, when the collection vehicles set off, and 2 and 3pm, when they return.
- 6.24 West Sussex County Council Highways advise that in terms of trip generation, the site already accommodates an existing similar facility. While the proposal would result in an increase in daily trips it is considered that these would be dispersed across the day, or take place away from the peak hour, and the site would already generate peak hour movements at present. Materially, this proposal is not anticipated to result in any significant intensification of use of the site beyond that which could already result and the impact upon the local highway network would be minimal, no highway objection would be raised in these respects.

Health and Safety Executive

- 6.25 The Health and Safety Executive has been consulted and no objections have been raised by them in respect of the proposed development.

Ecology

- 6.26 No objections have been raised by the Council's Consultant Ecologist in respect of the proposals and conditions are recommended to mitigate any concerns in relation to any potential ecological impacts of the development. Those conditions which are relevant to this development have been included as part of the recommendation.

Trees

- 6.27 It is noted that some trees have been removed from the site. These works were agreed with the Council's Tree Officer prior to the works taking place.

Sustainability and Environmental Strategy

- 6.28 The applicant's Planning Statement states that 'the environmental strategies for sustainable development for the proposals will take into account the Target Emission Rate(TER), outlined in the national Building Regulations. The environmental strategy for the new building will focus on a fabric first approach to sustainable design; considering the building envelope and natural ventilation design principles before additional technologies. This will ensure that capital and longer term running costs are reduced as much as possible. A number of design features will support this approach where appropriate, these include:
- Levels of insulation.
 - Thermal mass.
 - Natural ventilation.
 - Air source heat pumps'.
- 6.29 The proposed development will be in accordance with the energy hierarchy set out within HDPF policy 36 - Appropriate Energy, which seeks to encourage efficient development

which are 'Lean' and use less energy, are 'Clean' and supply energy efficiently and are 'Green' and use renewable energy sources.

- 6.30 In respect of compliance with the 'LEAN' strategy, the proposed development seeks through the application of passive design and low energy measures to reduce the risk of summer overheating and reliance on mechanical cooling in both current and future scenarios. The strategies employed will include openable windows at high and low level within the continually occupied office spaces and canteen area, along with enhanced solar performance glazing. Integrating these measures minimises the risk of the occupied spaces overheating.
- 6.31 The air source heat pump heating solution reached as part of the "CLEAN" heating hierarchy appraisal is noted within West Sussex Sustainable Energy Study as being "not strictly a renewable technology...", however it does note that "the system can still offer significant carbon savings over certain conventional fossil fuel systems" and it therefore forms part of the paper's assessment of renewable technologies.
- 6.32 In summary the 'GREEN' measures will include the utilisation of an air source heat pump system to provide heating to the building and the use of photovoltaic cells to offset a portion of the site's electricity demand.

Conclusion

- 6.33 The proposed redevelopment of the Hop Oast Refuse and Recycling Facilities are considered acceptable and comply with the adopted policies within the HDPF, specifically Policies 10, Rural Economic Development, 26 Countryside Protection and 33, Development Principles; and with the overarching policies contained within the National Planning Policy Framework.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted with the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed buildings(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

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

3. Full details of means of surface and foul water drainage, including details for the implementation and maintenance of SuDs features to serve the development shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained in accordance with Policy 38 of the Horsham District Planning Framework (2015).

4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of surface water in accordance with Policy 38 of the Horsham District Planning Framework (2015).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, the building(s) shall not be extended or altered in any way unless planning permission has been granted by the Local Planning Authority on application in that respect.

Reason: A more intensive use of the site would be likely to cause congestion on adjacent roads through overflow vehicle parking contrary to Policy 40 of the Horsham District Planning Framework (2015)

6. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (c) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

7. If contamination, including presence of asbestos containing materials, 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: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

8. Prior to the commencement of any works of demolition or refurbishment all asbestos containing materials shall be removed by an appropriately licensed and competent contractor. A written report detailing these works shall be submitted to and approved in writing by the local planning authority. The report shall include details of validation measures undertaken to ensure the all areas where works have been undertaken are free from asbestos.

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

9. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a. An indicative programme for carrying out of the works
 - b. The arrangements for public consultation and liaison during the construction works
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
 - d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - e. the parking of vehicles of site operatives and visitors
 - f. loading and unloading of plant and materials
 - g. storage of plant and materials used in constructing the development
 - h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - i. wheel washing facilities
 - j. measures to control the emission of dust and dirt during construction
 - k. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - l. No burning of any materials from site clearance or from any other source shall be undertaken at the site.

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

10. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. The design of any new lighting shall take into account the recommendations detailed within the Bat Survey Report by The Ecology Consultancy dated September 2015. Any external lighting shall be installed and maintained in accordance with the approved details.

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

12. No work shall be carried out on site, with the exception of the construction of the site access and construction parking areas, until there is available within the site provision for an appropriate level of parking having regard to the nature of the site, together with suitable provision for the loading and unloading of vehicles and the storage of materials and equipment associated with the building works; all in accordance with precise details to be approved by the Local Planning Authority in writing before development commences. The approved facilities shall be retained and available for use throughout the period of work required to implement the development hereby permitted unless alternative details are agreed in writing by the Local Planning Authority.

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

13. All buildings and structures shown to be demolished on the hereby approved plans, dated 22/12/15, shall be demolished, the debris removed and the site cleared within 3 months of the first occupation of the hereby approved development.

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

14. No development shall take place until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied until such screen walls and/or fences associated with them have been erected. Thereafter the screen walls and/or fences shall be retained as approved and maintained in accordance with the approved details.

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

15. Prior to the commencement of the development details showing the proposed location(s) of one fire hydrant or a static stored water supply of at least 45 cubic metres (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided in accordance with the agreed details prior to the first occupation of the hereby approved development.

Reasons: In the interests of amenity and in accordance with HDPF 39 and HDPF 40 of the Horsham District Planning Framework 2015.

16. If building demolition and site clearance works not have commenced by 1st May 2017 an updated bat survey report shall be submitted to and approved in writing by the Local Planning Authority. The report shall outline any mitigation required and development shall take place in accordance with the agreed details.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

17. The biodiversity enhancements (bird boxes and refugia piles) shall be implemented in accordance with the measures detailed in the Preliminary Ecological Appraisal Report by The Ecology Consultancy (dated April 2015) prior to the first occupation of the hereby approved development.

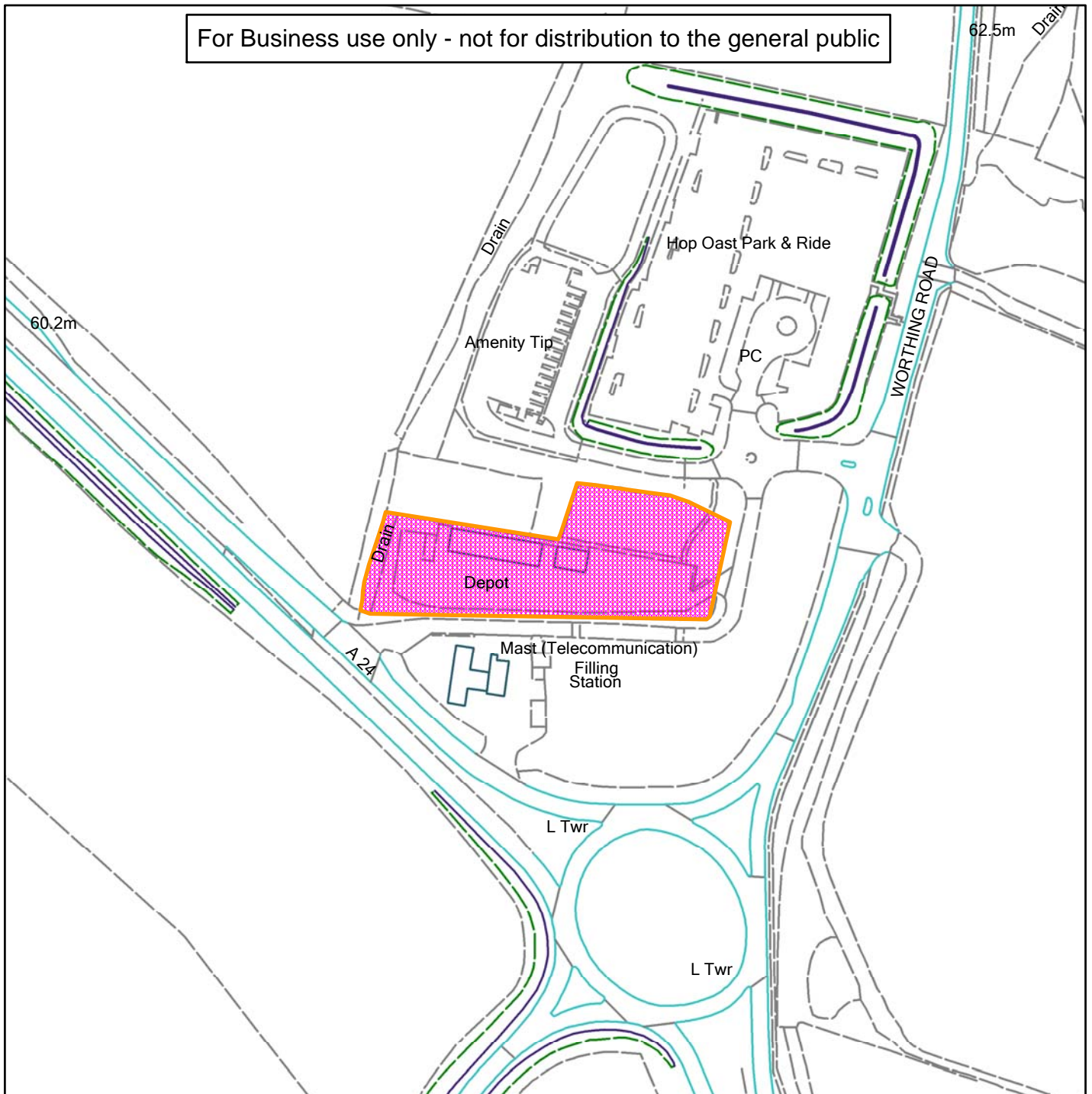
Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

Background Papers: DC/15/2814



Hop Oast Depot

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Horsham District Council
Department	
Comments	
Date	20/09/2016
MSA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 4 October 2016

DEVELOPMENT: Erection of single dwelling with associated garden, landscaping, driveway and carport (Outline)

SITE: Home Farm Cottage Denne Park Horsham West Sussex

WARD: Southwater

APPLICATION: DC/16/1213

APPLICANT: Mrs Diana McKnight

REASON FOR INCLUSION ON THE AGENDA: The application if permitted would represent a departure within the meaning of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

RECOMMENDATION: Refuse Planning Permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks outline planning consent in relation to the principle of development for 1 new dwelling (passive house) on the application site which comprises land to the south of Home Farm Cottage (the donor dwelling), with all matters reserved.
- 1.3 Although in outline plans have been submitted which indicate a two-storey (flat roofed) dwelling to the south of Home Farm Cottage. The plans indicate a maximum height of 6.2m and a footprint of 172.2sqm. Solar panels are indicated to the flat roof of the dwelling. A detached three bay car port is indicated with a garden roof of native planting, with a maximum height of 2.6m and a footprint of 48sqm. The proposed car port would be located to the east of the proposed dwelling. The driveway itself is indicated as being just over 110sqm.
- 1.4 Indicative floor plans indicate an open plan layout at ground floor comprising living room, dining room, kitchen cloaks, and utility and first floor comprising 1 x en-suite bedroom with 2 additional bedrooms and a family bathroom. The plans indicate an L shaped decked area at ground floor along the south and west elevations with an external spiral staircase on the south western corner of the dwelling leading to a first floor decked area along the west elevation.

ITEM A05 - 2

- 1.5 The indicative plans also show the proposed access (involving the removal of part of the existing mature hedge) with a new gate off of the private access road which leads towards the existing dwelling and which is part shared by Horsham Golf and Fitness Club, which adjoins the northern boundary of the existing dwelling 'Home Farm Cottage'. The proposed access is located opposite the neighbouring property known as Harwood Cottage.
- 1.6 The outline application is accompanied by a Sustainability Appraisal comprising a Passive House Standard Design Statement and the applicants advise that the unit could be built to a higher specification which would be Bere Architects 'Passive House Plus' standard.

DESCRIPTION OF THE SITE

- 1.6 The application site (approximately 0.12 hectares) comprises a parcel of land within the residential curtilage to the south of Home Farm Cottage (the donor site), which is itself a traditional two storey brick built dwelling with pitched roofs featuring two gable projections. The site is located outside of any defined Built up Area boundaries and is thus located within the Countryside.
- 1.7 The site is accessed via a private track off of the east side of Worthing Road (B2237). The access track leads up to the donor dwelling Home Farm Cottage and is also shared by Horsham Golf and Fitness Club which adjoins the northern curtilage of the application site, and two further detached houses located close to the application site, Harwood Farm House to the west and Harwood Cottage to the South. There is no prevailing style or design of dwellings along the access track, however both properties are timber clad and of appropriate design and character within this rural location.
- 1.8 The site is well screened by a mature hedgerow along the south, east and west boundaries. Within the site itself there are a number of mature trees and there are some established trees close to the boundaries. There is a gated access within the west boundary of the site.
- 1.9 To the west of the access track leading to the application site and on the opposite side of Worthing Road is the Park and Ride facility. To the east of the application site is a Public Right of Way (ROW1666) which runs along a north / south axis. The site falls within Flood Zone 1.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework:**
 - NPPF6 - Delivering a wide choice of high quality homes
 - NPPF7 - Requiring good design
 - NPPF11 - Conserving and enhancing the natural environment
 - NPPF14 - Presumption in favour of sustainable development

RELEVANT COUNCIL POLICY

- 2.3 **Horsham District Planning Framework (HDPF 2015)**
 - HDPF1 - Strategic Policy: Sustainable Development
 - HDPF2 - Strategic Policy: Strategic Development

ITEM A05 - 3

HDPF3 - Strategic Policy: Development Hierarchy
HDPF4 - Strategic Policy: Settlement Expansion
HDPF15 – Housing Provision
HDPF26 - Strategic Policy: Countryside Protection
HDPF32 - Strategic Policy: The Quality of New Development
HDPF33 - Development Principles
HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 There is currently no Neighbourhood Plan for the Parish of Southwater.

PLANNING HISTORY

SQ/16/92	2 storey extension Site: Home Farm Cottage Denne Park Southwater	PER
SQ/94/92	Single storey extension to form cloakroom and link Site: Home Farm Cottage Denne Park Horsham	PER
SQ/102/93	Conservatory extension Site: Home Farm Cottage Denne Park Horsham	PER
SQ/1/97	2-storey extension Site: Home Farm Cottage Denne Park Horsham	PER

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 **Arboricultural Officer** There was no response from this consultee at the time of report preparation.

OUTSIDE AGENCIES

- 3.3 **West Sussex County Council Highways**: To be reported verbally at committee

PUBLIC CONSULTATIONS

- 3.4 No neighbour letters received.
- 3.5 Cllr Vickers and Cllr Chidlow support a refusal of the application on the basis that the proposals are contrary to housing and countryside policies.

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

The application seeks outline consent for 1 new dwelling with all matters reserved. Indicative details are as set out in Paras. 1.3 & 1.4 of the detailed description.

Principle of 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 The application site lies in the countryside outside of the identified built-up area of any settlement. Given this location, the initial principle of the proposal moves to be considered in the context of paragraph 55 of the NPPF, and policy 3, 4 and 26 of the Horsham District Planning Framework (HDPF).
- 6.4 Policy 3 seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield land. As the site is outside of the built-up area boundary of a town or village it would not meet the requirements of Policy 3 of the HDPF.
- 6.5 Policy 4 relates to settlement expansion and states that; *“Outside built-up area boundaries, the expansion of settlements will be supported where;*
a.the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge.
b.the level of expansion is appropriate to the scale and function of the settlement type.
c.the development is demonstrated to meet the identified local housing needs and employment needs or will assist the retention and enhancement of community facilities and services.
d.the impact of the development individually or cumulatively does not prejudice comprehensive long term development, in order not to conflict with the development strategy; and
e.the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.” The Council can demonstrate that it has a 5-year HLS against this newly adopted strategy.
- 6.6 The site has not been allocated for development in any Made Neighbourhood Plan or within the HDPF and the application has not sought to demonstrate how it would meet identified housing needs, nor would it maintain or enhance the locality’s landscape character features. It is therefore considered that the proposal does not comply with Policy 4.

ITEM A05 - 5

- 6.7 Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. Consistent with this, Policy 26 states that any development should be essential to its countryside location and should support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas.
- 6.8 The proposed development of the site for residential purposes would not constitute a development which is essential to this countryside location, neither is it considered that the proposal would contribute to existing rural enterprises, activities or recreational opportunities. The proposal does not involve the conversion of existing rural buildings. The proposal therefore fails to accord with the NPPF and with policy 26 of the HDPF.
- 6.9 The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. This strategy was examined through the Examination in Public and was found to be sound and the plan was adopted in November 2015. On these grounds the proposal is not in accordance with Policies 1, 2, 3, 4 and 26 of the HDPF Development Plan and thus is not acceptable in principle.

Character and appearance

- 6.10 The application site is situated in a rural location, where development is sporadic and organic in form. Section 7 of the NPPF provides guidance relating to design and states that good design is a "key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." It also notes in paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.11 Whilst the application seeks approval of the principle of development only, the indicative design is based on a passive house proposal and would be of a contemporary design. The proposed dwelling with associated garden and parking would result in the sub division of the existing plot of land associated with Home Farm Cottage. The proposed dwelling would be sited on the southern side of the existing dwelling and, although behind the existing mature hedgerow, would be visible from views approaching the site from the west. While the submission suggests the dwelling would not be as high or bulky as neighbouring dwellings there would be some impact on the openness and views through the site, resulting in some impact on the visual amenities of the rural area in which the existing small cluster of residential dwellings exists. In this respect, there is concern that the erection of a dwelling on this site would lead to the consolidation of sporadic development in the countryside which would have an adverse impact on the visual amenities of the locality and would therefore be contrary to policy 25, 26, 32 and 33 of the HDPF.

Impact on neighbouring amenity

- 6.12 Notwithstanding the principle of development as outlined above it is considered that the proposed development due to its siting and design would not have an adverse impact on the amenities of neighbouring properties. It is considered that adequate separation could be achieved between the proposed dwelling and neighbouring properties in order to prevent any harmful loss of light or outlook. Similarly it would be possible to design a dwelling so as to prevent any harmful overlooking of adjoining properties. If this current outline application was approved the impact of the dwelling would need to be considered further as part of a reserved matters application.

Sustainability

- 6.13 It is considered there are some benefits deriving from the use of Passive House Homes, in that they provide an advanced low energy construction standard in terms of energy consumption, a thermal bridge free super insulation, draft free construction solar shading, natural and high efficiency ventilation and renewable energy systems (as asset out in their accompanying Passive House Standard Design Statement). It is not though considered that the benefits of the Passive House are as innovative or outstanding as to justify a new dwelling in the countryside which is contrary to the HDPF.

Conclusion

- 6.14 The application site is located outside of the defined built up area boundary. The strategic approach of the HDPF is very clear in that it seeks to concentrate development within the main settlements of the District, where there is the best concentration of services and facilities to support new development. The site has not been allocated for development in the Neighbourhood Plan or the HDPF, and is not essential to its countryside location. It is therefore considered that the proposal does not comply with policy 1, 2, 3, and 26 of the HDPF and paragraph 55 of the NPPF.

7. RECOMMENDATIONS

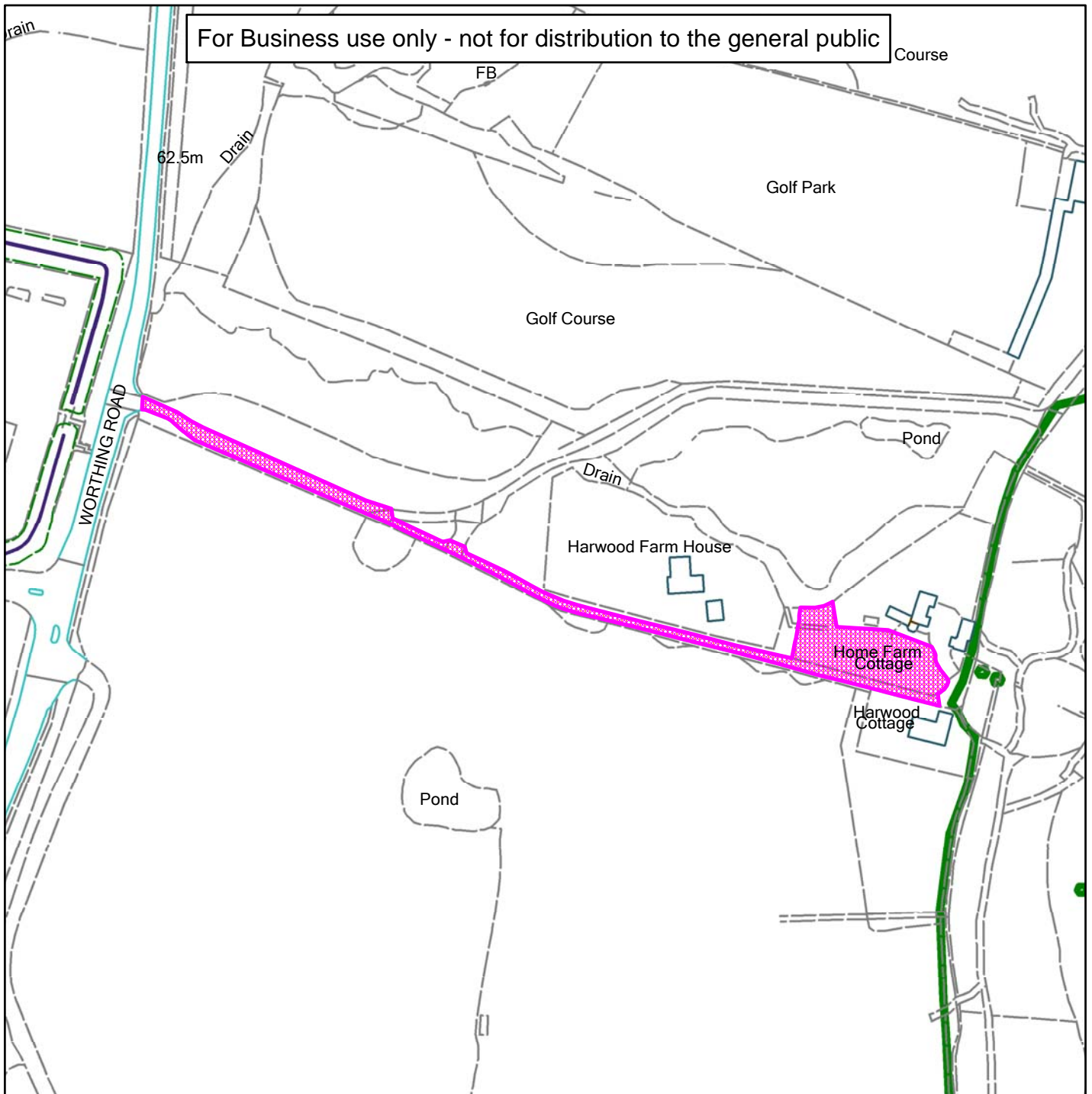
- 7.1 It is recommended that the application be refused for the following reason:
1. The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to Policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
 2. The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would result in the consolidation of sporadic development within the countryside which would be detrimental to the visual amenities of the surrounding area and would therefore conflict with Paragraph 55 of the National Planning Policy Framework, and with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.

Background Papers: DC/16/1213



Home Farm Cottage

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Horsham District Council
Department	
Comments	
Date	20/09/2016
MSA Number	100023865

This page is intentionally left blank



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 4 October 2016

DEVELOPMENT: Refurbishment of building to provide 2 changing rooms and Change of Use of the northern half to B1(a) Business and B8 Storage

SITE: Horsham District Council Changing Rooms Bennetts Field Brighton Road

WARD: Horsham Park

APPLICATION: DC/16/1531

APPLICANT: Horsham District Council

REASON FOR INCLUSION ON THE AGENDA: Horsham District Council is the applicant.

RECOMMENDATION: To grant planning permission.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks consent for the refurbishment of the existing building to create two hipped roofs, with solar panels, with alterations to existing door openings throughout the building. The proposal would allow the refurbishment of two changing rooms, within the southern part of the building, and a B1(a) (office) / B8 (storage) use within the northern building. The B1 / B8 use is speculative, with no end-user identified, but it is understood that in the first instance the applicant (Horsham District Council) is likely to occupy the unit.

DESCRIPTION OF THE SITE

1.3 The application site relates to a detached single-storey flat-roofed building to the south of Bennett's Field, a recreation ground within the built-up area of Horsham. The building has an off-set footprint and is currently unused, having previously provided 4 changing rooms. The site is accessed off Brighton Road, via Higgins Way which gives access to off-street parking, garages and the rear of properties on St Leonards Road. The nearest residential property is approximately 19m to the south.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

ITEM A06 - 2

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012)

RELEVANT COUNCIL POLICY

- 2.3 Horsham District Planning Framework (HDPF 2015), the most relevant policies are:-

HDPF1 - Strategic Policy: Sustainable Development
HDPF32 - Strategic Policy: The Quality of New Development
HDPF33 - Development Principles
HDPF43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Forest Neighbourhood Council is part of the Horsham Blueprint Neighbourhood Forum, for which there is no 'made' neighbourhood plan.

PLANNING HISTORY

HU/15/52	Application to station and use a caravan (From old Planning History)	PER
HU/25/79	New sports changing rooms Comment: Tp (From old Planning History)	PER
HU/279/84	Extension to existing changing rooms (From old Planning History)	PER
HU/73/67	Clothing and equipment store (From old Planning History)	PER

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 Economic Development: The proposal will result in the refurbishment of the changing rooms and create an opportunity for storage and business use.

OUTSIDE AGENCIES

- 3.2 WSCC – Highway Authority: No objection, it is not expected that the proposal would result in a material increase or change in trips generation or the character of traffic in the vicinity of the site.

PUBLIC CONSULTATIONS

- 3.3 No comments 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 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 of consideration relate to the principle of development in this location, and the impact on the character and appearance of the area, on neighbouring amenity and on highways.

Principle of development

- 6.2 The application relates to an existing building on the edge of Bennett's Field within the built-up area of Horsham. It is understood that the building has not been used for approximately 2 years and that prior to this only one set of changing rooms were in use. The proposal would entail refurbishment of the existing building to provide two improved and enhanced changing rooms for use in association with the recreation ground. In this context there is no objection to the partial loss of changing rooms on the site, with the provision of enhanced facilities supported by policy 43 of the HDPF.
- 6.3 The change of use to the northern section of the building would create an open-plan Class B1(a) (i.e. offices) / B8 (storage) unit. Policy 7 (Economic Growth) and Policy 9 (Economic Development) of the HDPF both support the provision of small, start-up and move on business units. While the end user is at this stage unknown it is considered that the size of the unit could potentially be used by a small business that are either starting up or moving onto larger premises. As such there is no objection in principle to a change of use, subject to detailed amenity considerations.

Character and appearance

- 6.4 The proposed external alterations would comprise the formation of hipped roofs, which would accommodate solar tubes, to each block; the reconfiguration of window and door openings; and, replacement rainwater goods. The proposed alterations would improve the appearance of the building and immediate surroundings and are therefore considered acceptable.

Impact on neighbouring amenity

- 6.5 The proposed B1 / B8 element would introduce a commercial element to the building which is not currently present. The unit would though provide a low-key use in an accessible location adjoining an existing car park. It is considered that the scale and siting of the unit would minimise the potential for disturbance and the absence of windows and doors would effectively control noise from within the premises. It is noted that no concerns have been raised by neighbouring residents and B1 uses are by definition appropriate in residential locations; this reinforces the view outlined above and no conditions are considered necessary relating to operating hours.
- 6.6 The building is sited a considerable distance from adjoining residential properties and the external alterations would not result in any harmful loss of light, outlook or privacy for adjoining residents.

ITEM A06 - 4

- 6.7 The refurbished changing rooms would not amount to a change of use and, given the nature of the surrounding recreation ground, would not be expected to result in a material increase in noise or disturbance.

Highway impacts

- 6.8 The proposal is not considered likely to generate an increase in trips to or from the site and there would therefore be no material impact on adjoining highways. The Highway Authority has raised no objections to the proposal.

7. RECOMMENDATIONS

- 7.1 That the application be approved, subject to the following conditions:

1. A list of the approved plans
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework (2015).

4. The premises, as identified on drawing no. 5638/202, shall be used as an office (Use Class B1(a)) and / or storage (Use Class B8) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

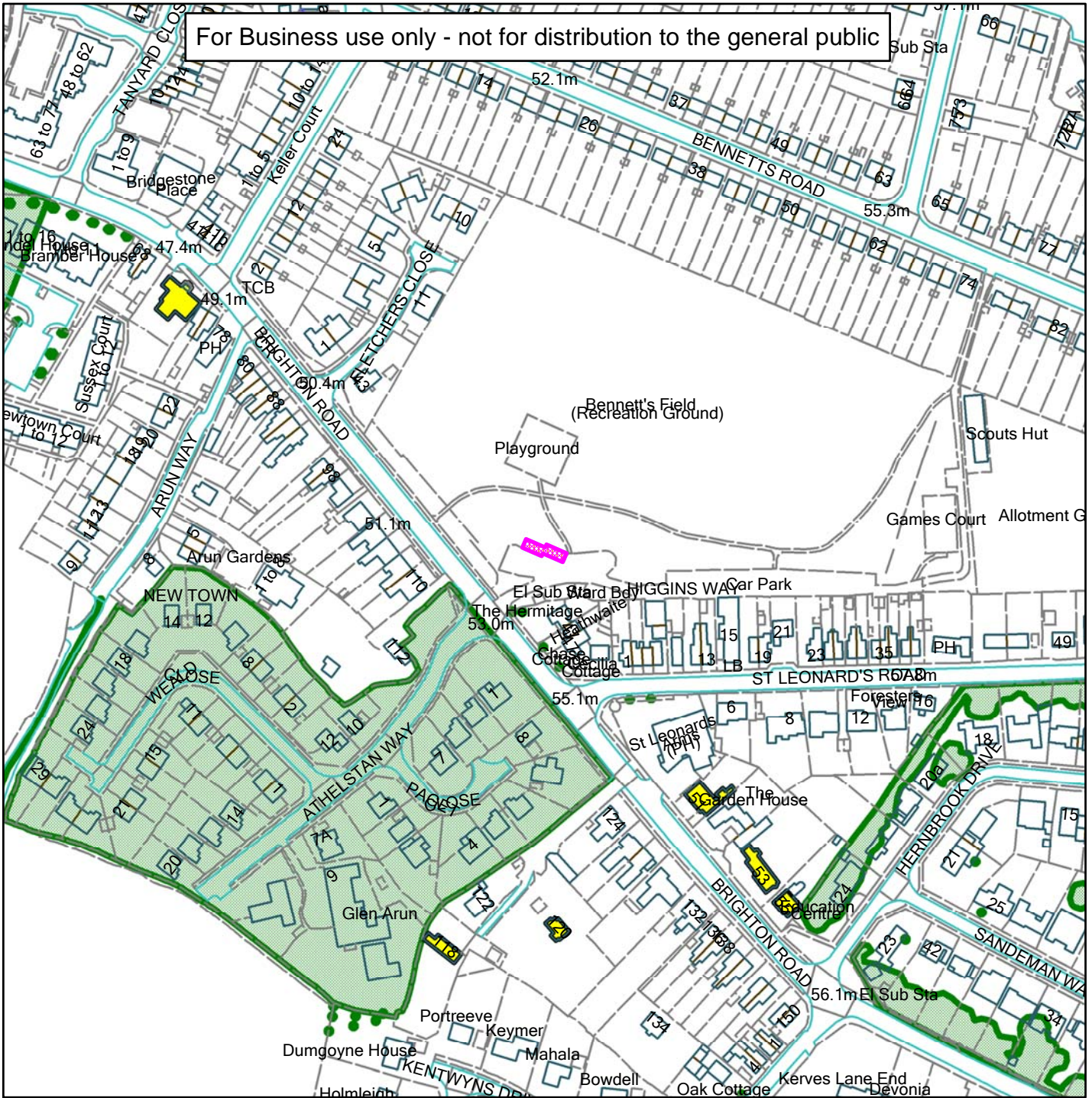
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/16/1531



HDC Changing Rooms, Bennetts Field

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Horsham District Council
Department	
Comments	
Date	20/09/2016
USA Number	100023865

This page is intentionally left blank



DEVELOPMENT MANAGEMENT REPORT

- TO:** Development Management Committee (North)
- BY:** Head of Community and Culture
- DATE:** 4th October 2016
- DEVELOPMENT:** Countryside Development
- SITE:** Land South of Broadbridge Heath, Old Wickhurst Lane, Broadbridge Heath, West Sussex
- WARD:** Broadbridge Heath
- APPLICATION:** To vary the Original 2011 Section 106 Agreement.
- APPLICANT:** Countryside Properties
- REASON FOR INCLUSION ON THE AGENDA:** Variation to a S106 Agreement
- RECOMMENDATION:** That the Committee agrees to the Section 106 Agreement being varied.

1. THE PURPOSE OF THIS REPORT

- 1.1 In 2010, the Committee agreed to grant the planning application approval under reference DC/09/2101 subject to the completion of a legal agreement.
- 1.2 The legal agreement was completed on 3rd October 2011. This has been varied three times and it needs to be varied again.
- 1.3 The Outdoor Sports Facilities are ready to be delivered. However, various changes to the outline plans and the respective obligations in the Original legal agreement need to be amended.
- 1.4 The Committee's authority is required in order for the Original Agreement to be varied again.
- 1.5 Both Countryside and the Council therefore need Committee's approval to enter into the further variation (Fourth Supplemental Agreement) to the original s106 Agreement dated 3rd October 2011
- 1.6 The reasons for the variation are as follows:
 - a. To deliver the intentions of the original sports and recreation master plan as set out in the Original Agreement as amended by further discussions
 - b. The Original Agreement required the developer to provide a 500 sqm pavilion subject to a £250,000 index linked costs cap.

- c. Since the date of the Original Agreement, the costs of providing a pavilion that is suitable have far exceeded this amount and a modified approach is required to enable the developer to deliver an appropriate pavilion and club house to service the new sports pitches/recreation ground south of Broadbridge Heath Leisure Centre in time for the 2017/18 football season
- d. In lieu of the improved specification for the Pavilion, Council officers have negotiated to provide the two MUGAs and a kick about area itself, on land that is to be transferred to the Council, instead of being provided by Countryside as required by the original s106.
- e. The commuted sums for the maintenance of the MUGAs and the sports pitches will remain to be paid to the Council by Countryside but will be reduced to enable the developer to build the pavilion to the requirements of the Council. These sums are satisfactory to the Council.
- f. In order for the Council to build the MUGAs the Broadbridge Heath Leisure Extension Land will need to be transferred to the Council earlier than set out in the Original Agreement and the Original Transfer Deed will have to be amended to reflect this. The Deed of Variation will have a new Transfer Deed and Plan and a new Plan 2 for the revised layout of the Outdoor Sports Facilities.
- 1.7 This variation will speed up the overall delivery of the sports pitches and outdoor sports facilities

DESCRIPTION OF THE APPLICATION

- 1.8 In brief, the deed of variation will amend the following:
- the obligations on the developer to provide 2 MUGAs and the kick about area will be removed and they will be provided by the Council instead
 - the obligations to provide a pavilion will be amended from providing a 500 sqm pavilion at a cost of no more than £250,000 to providing a 455 sqm pavilion at a cost of £881,341
 - the obligation to provide a skate park will remain
 - the obligations to pay commuted sums for the maintenance of the outdoor facilities will remain but will be apportioned accordingly
 - the obligation to transfer the Broadbridge heath leisure extension land and the outdoor sports facilities land will remain but the leisure centre extension site will be brought forward to enable the Council to arrange for the two MUGAs to be built.
 - there will be new obligations on the council to provide two MUGAs and a kick about area.
 - There will be a new obligation on the developer to pay a further open space contribution for the provision of open space facilities in the parish
 - The indicative outdoor sports facilities site plan will be replaced
 - The Transfer Deed and the Plan for the Broadbridge Heath Leisure Centre Extension Site will be replaced.

DESCRIPTION OF THE SITE

- 1.8 The outdoor sports facilities are situated to the south of the Broadbridge Heath Leisure Centre.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (2012):

RELEVANT COUNCIL POLICY

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

Policy 39 (Strategic Policy: Infrastructure Provision)

- 2.4 Local Development Framework: Supplementary Planning
 - Facilitating Appropriate Development (2009) (FAD)
 - Planning Obligations (2007)

2.5 PLANNING HISTORY

DC/09/2101 - erection of 963 residential units, community facilities including land for a primary school, neighbourhood centre, youth and recreational facilities, other formal and informal open space, landscaping and environmental works, transport and access arrangements, new east-west link road, improvements to Five-Oaks roundabout, realignment and partial closure of existing A264 Broadbridge Heath by-pass and other ancillary works (outline planning permission).

DC/11/2059 – Details of first phase infrastructure works pursuant to outline DC/09/2101 comprising details of new roundabout etc.(reserved matters)

DC/11/2074 – Development of 105 residential units and open space (reserved matters)

DC/12/0814 – reserved matters approval for residential development of 135 houses (reserved matters)

DC/12/1651 – development of 101 residential units and open space (reserved matters)

DC/12/1251 – Details of second phase infrastructure works comprising eastern section of 40mph dual carriageway etc. (reserved matters)

DC/12/2202 – approval of reserved matters for the erection of 320 residential units (reserved matters)

DC/13/1144 – variation of condition 22 – footpaths/cycleway linked to DC/11/2074

DC/13/1690 – Development of 136 residential units including 22 affordable units, creation of open space etc. (reserved matters)

DC/14/0109 – erection of 70 residential units, etc. (reserved matters)

DC/15/0284 – reserved matters application for Neighbourhood Centre at Wickhurst Green (to be determined)

DC/16/1263 – development of 5 MUGAs, playing pitches etc.

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 The Head of Community and Culture fully supports the proposed deed of variation and comments that it is essential to obtain best value for both the MUGAs and the pavilion. It will also enable the delivery of a pavilion that is essential if the intended tenant (Broadbridge Heath Football Club) to maintain its FA status following the demolition of the existing Broadbridge Heath Leisure Centre in 2017 and the eventual relocation of the Athletics track (which currently doubles as a first team pitch for Broadbridge Heath Football Club). The variation also ensures the delivery of a pavilion that is critical to the business plan of the intended tenant and their ability to maintain the site in perpetuity after the commuted sums are eroded. Finally it ensures that the MUGAs, skate park and kick about area can be delivered within necessary and appropriate time lines given that site access will become problematic for construction of the MUGAs once work on the new Leisure Centre starts.

OUTSIDE AGENCIES

- 3.3 Broadbridge Heath Parish Council is aware of the proposed variation and has been party to the conversations and rationale that led to its construction.

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 The variation will facilitate the delivery and sustainability of important recreation and sporting infrastructure which will provide positive participation opportunities for young people and adults in perpetuity.

6. PLANNING ASSESSMENTS

- 6.1 The key issue for consideration in relation to this proposal is the impact of making the changes sought upon the ability to deliver the sports pitches and outdoor sports facilities as defined in the original S106 Agreement. The variation has no impact in this respect.

- 6.2 Its sole purpose is to enshrine changes in responsibilities between the Council and Countryside Properties' in the way that the facilities will be delivered. This is to obtain best value for both parties and is linked to the Councils decision to build a new Broadbridge Heath Leisure Centre. This included 3 MUGAS that will now be conjoined with the 2 additional MUGAS provided through the original s106 which has helped to unlock resources to help deliver the pavilion.

7 CONCLUSION

- 7.1 This application seeks the Committee's approval to vary some of the clauses contained in the original S106 agreement which relate to the sports pitches and outdoor sports facilities. The changes are to enable the Council and the developer to re-divide their respective responsibilities to ensure best value and the long term sustainability of the new sports ground. The changes are considered compliant with those policies that seek to ensure appropriate infrastructure, particularly sporting infrastructure, is secure to meet the demands as a result of the overall development.

8. RECOMMENDATIONS

- 8.1 That the Committee agree to delegate to the Development Manager the power to vary the relevant Clauses in the original S106 Agreement as detailed in this report.

Officer responsible: Trevor Beadle – Head of Community and Culture
Supporting papers: Paula Slinn – Legal Services

This page is intentionally left blank