



TO: Planning Committee South

BY: Head of Development

DATE: 18 September 2018

DEVELOPMENT: Demolition of existing garages and erection of 6 x 2 bed affordable dwellings and 3 x 1 bed affordable dwellings (including temporary accommodation) with associated car parking and landscaping.

SITE: Garage Block Rowan Drive Billingshurst West Sussex

WARD: Billingshurst and Shipley

APPLICATION: DC/18/0018

APPLICANT: **Name:** Horsham District Council **Address:** Parkside Chart Way Horsham RH12 1RL

REASON FOR INCLUSION ON THE AGENDA: The application has been made by Horsham District Council and over 8 letters of representation have been received which are of a contrary view to the Officer recommendation

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the construction of nine dwellings on Rowan Drive, close to its junction with Coombe Hill. The dwellings are to be provided as 100% affordable and/or used as temporary accommodation, similar to that provided by the Council on the Bishopric site in Horsham (now known as Burstow Court – DC/15/0594) and recently approved at Peary Close, Horsham (DC/18/0017).
- 1.3 The residential mix consists of three 1-bed flats and six 2-bed flats. Land at the rear of the proposed building will provide private amenity space to ground floor units and a communal amenity space which can be used by all residents.
- 1.4 Two separate parking areas are proposed, providing 9 allocated parking spaces and 2 visitor spaces. This results in an allocated parking ratio of 1 space per unit. 16 cycle spaces are to be provided on the ground floor of the building. Three bin storage areas will be provided – a small space area within the building at ground floor level and two freestanding timber bin stores within each of the car parking areas.
- 1.5 Following concerns raised by local residents, local Members and the Parish Council, the scheme has been amended from that originally submitted to provide a pitched roof to the

building rather a flat roof. Concerns were also raised with regard to the level of parking and two additional visitor spaces are now proposed within the scheme. The building will extend over two and three storeys. The 3 storey central element is adjoined by a series of 2 storey elements; each now with a pitched roof. A red brick is used as the principle material within the elevations with vertical cedar cladding introduced to some units to provide a visual contrast and create interest along the street scene. A slate tile has been chosen as the roof covering.

DESCRIPTION OF THE SITE

- 1.6 The application site is located at the northern end of Rowan Drive in Billingshurst, near the junction of Coombe Hill. The site is currently occupied by eighteen garages; many of which are now considered by the Applicant to be unsuitable for use. It is understood that of the eighteen garages of the site, some five were vacant in August 2017, with nine being occupied by people living over 1km from the site.
- 1.7 The site is surrounded by residential development. To the north of the site lies Osmund Court and Rowan Court which are brick built, three storey blocks of flats. To the south east and south west of the site lies 2 storey semi-detached dwellings. No's 49-57 Coombe Hill and no. 66 Rowan Drive directly adjoin the site boundaries. To the north west of the site and on the opposite side of Rowan Drive lies open space (Jubilee Fields) with the A29 beyond.
- 1.8 The Billingshurst Parish Design Statement (2009) describes the area as being of *"predominantly brick construction with large gardens, many now incorporating off road parking as the roads are fairly narrow and are further narrowed by on street parking."*

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- 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 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

Policy 43 – Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

2.3 Planning Obligations and Affordable Housing Supplementary Planning Document (SPD)

2.4 Billingshurst Parish Design Statement (2009)

RELEVANT NEIGHBOURHOOD PLAN

2.5 The Parish of Billingshurst was designated as a Neighbourhood Development Plan Area on 30 December 2015. To date no draft Plan has been produced.

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.6 There is no recent relevant planning history relating to the site.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Strategic Planning:** No Objection.

3.3 **HDC Landscape Architect:** No Objection.
Recommends conditions relating to hard and soft landscaping and fencing, and maintenance and management of the approved landscaping scheme.

3.4 **HDC Environmental Health:** No Objection.
Recommends conditions relating to land contamination, importation of soil, and requiring a construction management plan to be submitted.

3.5 **HDC Drainage Engineer:** No Objection.
Recommends a foul and surface water drainage condition.

3.6 **HDC Housing Services:** Supports the application.
The proposal exceeds policy requirements in terms of affordable housing provision and will provide significantly improved outcomes for households at risk of becoming or currently considered to be homeless.

OUTSIDE AGENCIES

3.7 **WSCC Highways:** No Objection.
Recommends conditions in respect of visibility splays, car parking and turning, cycle parking, and requiring a construction management plan to be submitted.

3.8 **Southern Water:** No Objection.
A formal application will be required for a connection to the public foul sewer. Recommends a drainage condition

PARISH COUNCIL

3.9 **Billingshurst Parish Council:** Objection.

In respect of the application as originally submitted, the Parish Council raised the following objections:

- Inappropriate design for this location
- Over-bearing impact on neighbouring properties
- Lack of consideration of the Parish Design Statement for Billingshurst
- Insufficient off-street parking
- Lack of on-street parking in the locality
- Highway safety
- Loss of trees and open space

Following the submission of amended plans, the following objections were raised:

- Parking provision remains inadequate
- Highway safety concerns
- Concerns with timing of parking survey
- Over-development of the site
- Over-bearing impact on neighbouring properties
- Inappropriate design for this location
- Lack of consideration of the Parish Design Statement for Billingshurst
- Overlooking of neighbouring properties

PUBLIC CONSULTATIONS

- 3.10 20 letters/emails of objection were received, from 17 households, in respect of the application as originally submitted. These raised the following concerns:
- Loss of privacy and amenity
 - Loss of light
 - Overbearing impact on neighbouring properties
 - Over-development of the site
 - Out of keeping with character of area
 - Insufficient off-street parking provision
 - Lack of on-street parking in the area
 - Highway safety issues
 - Loss of mature trees and green space
 - Noise and disturbance from car parking area
 - Distance and odour from the bin storage area
- 3.11 A further 7 letters/emails of objection have been received in respect of the amended scheme which raise the following concerns:
- Over-development of the site
 - Out of keeping with character of area
 - Highway safety issues
 - Insufficient off-street parking provision
 - Lack of on-street parking in the area
 - Loss of privacy and amenity
 - Overbearing impact on neighbouring properties
- 3.12 In addition, a letter of objection has been received from Wealden District Council (WDC). WDC has objected to the application on the grounds of the potential impact on the Ashdown Forest Special Area of Conservation (SAC) / Special Protection Area (SPA), Lewes SAC and Pevensey Levels SAC. WDC objected to the scheme on the grounds that it is unproven that the traffic created by this proposal would not result in air pollution which would detrimentally affect the biodiversity and ecology at the three SACs. Whilst Wealden have not officially withdrawn their objection to this application they have since advised that ‘...we will not as a matter of course challenge individual planning applications submitted to neighbouring councils, simply on the basis that they result in additional trips across Ashdown Forest. It is

not the function of WDC to oversee the decisions of neighbouring competent authorities and it would be impracticable to do so”.

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 issues in the consideration of the application are:-

- Principle of residential development
- Impact on the character and appearance of the streetscene
- Impact on the privacy and amenity of the occupiers of neighbouring properties
- Affordable housing
- Highway safety and car parking provision
- Community Infrastructure Levy (CIL)
- Impact on the Ashdown Forest Special Area of Conservation (SAC) / Special Protection Area (SPA), Lewes SAC and Pevensey Levels SAC

Principle of residential development

6.2 The application seeks full planning permission for the construction of nine dwellings on Rowan Drive, close to its junction with Coombe Hill. The dwellings are to be provided as 100% affordable and used as temporary accommodation, similar to that provided by the Council on the Bishopric in Horsham and recently approved at Peary Close in Horsham.

6.3 Policies within the HDPF seek to direct new development to the main settlements of the District to ensure that the countryside is protected from inappropriate development. The site is located within the built-up area boundary of Billingshurst, categorised as ‘Small Towns and Larger Villages’ in the HDPF and is therefore sited in a settlement that has “...a good range of services and facilities, strong community networks and local employment provision together with reasonable rail and / or bus services” and “...act as hubs for smaller villages to meet their daily needs, but also have some reliance on larger settlements / each other to meet some of their requirements”. The principle of providing additional residential accommodation in this location is therefore supported, subject to other material planning considerations.

6.4 Whilst the proposal will result in the loss of a number of garages, they are not a community facility requiring protection as detailed in Policy 43 of the HDPF. It is understood that the garages were mainly used by non-local residents for purposes other than the parking of vehicles. Therefore the loss of the garages is not a material planning consideration of appreciable weight.

Impact on the character and appearance of the streetscene

- 6.5 Policy 32 of the HDPF requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 relates to Development Principles and requires development, amongst other matters, to recognise any constraints that exist, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.6 The immediate area is characterised by mainly two storey semi-detached and terraced properties of brick construction with tiled roofs. Some properties have areas of tile hanging or cladding to walls. On the opposite side of Rowan Drive there are two blocks of flats (Osmond Court and Rowan Court) which are three storey in height and constructed of brick with pitched tiled roofs. The application site lies on a corner on Rowan Drive, close to its junction with Coombe Hill, and the development of the site presents an opportunity to introduce a building that makes a feature of the site.
- 6.7 The structure will extend over two and three storeys which, given that there is a mixture of two and three storey properties in the immediate area, is in keeping with the general character of the area. The design of the structure, which now includes pitched roofs, adds interest to this corner plot and the use of a series of steps visually reduces the overall scale and mass of the building. The three storey element works as a transition from the 2-3 storey buildings either side of the site and with the topography of the street which rises to the north. A red brick is used as the principle material, which is in keeping with the materials in the locality which are predominantly brick. The Billingshurst Parish Design Statement sets out that *“The predominant wall material found within the parish is brick or brick with tile hanging. To a lesser extent painted brick or render and timber cladding can be found”*. Elements of vertical cedar cladding have been added to parts of the structure to provide visual interest and helps to further reduce visually the massing of the building.
- 6.8 The Council’s Landscape Officer supports the proposal subject to conditions. It has been advised that the *“...The height of the buildings is staggered to provide a relationship with the adjoining buildings on the street frontage”* although it has been suggested that *“The landscaping proposals could be improved with the alteration of the access to the communal space and the introduction of more trees on the street frontages and in the communal area.”* These issues can be dealt with through a condition requiring a landscaping scheme to be submitted to and agreed by the Local Planning Authority. Although the proposal will result in the loss of two trees which are sited within the verge area, the Council’s Arboricultural Officer has raised no concerns with the proposal but has suggested that the trees are replaced with trees of a more suitable species for the site.
- 6.9 Having considered the overall scale, layout, design and form of the proposed buildings, it is considered that the proposal would draw on the design principles established through nearby development in terms of the scale of development, roof form and materials. The NPPF at paragraph 130 states *‘where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.’*
- 6.10 Whilst the proposal as submitted does make full use of the site in terms of its scale and footprint and is of a relatively high density for the locality, it is not considered that the scheme as submitted would result in harm to the character and appearance of the streetscene. Whilst it is acknowledged that private gardens and the communal garden area are smaller than those in the locality, it is considered that there is sufficient open space within close proximity (Jubilee Fields), the level of open space being provided for future residents is acceptable. The proposal is therefore considered to comply with the requirements of policies 32 and 33 of the HDPF.

Impact on the privacy and amenity of the occupiers of neighbouring properties

- 6.11 Policy 33 of the HDPF requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise. The Council's design guidance on house extensions sets out that window to window distance between any habitable rooms should be no less than 21 metres and where a blank gable is proposed a minimum of 10.5 metres should be provided between the blank gable and any windows serving a habitable room in a neighbouring property. This guidance usually applies to rear elevation to rear elevation and relates to habitable rooms only which include spaces such as living rooms and bedrooms.
- 6.12 The structure will extend over two and three storeys and uses of a series of steps which visually reduces the overall scale and mass of the building as well as the potential for overlooking of adjoining properties. The neighbouring properties most likely to be effected by the proposal are 66 Rowan Drive to the immediate south west of the site and four properties on Coombe Hill to the east of the site (51-57 Coombe Hill).
- 6.13 In terms of the impact of the proposal on the privacy and amenity of the occupiers of 66 Rowan Drive, the nearest part of the proposal is some 3.9m from the side elevation of the neighbouring property, increasing to 12.2m at second floor level due to the stepped nature of the scheme. There is one window proposed to the second floor within the elevation closest to 66 Rowan Drive. This however will be some 10.8m from the boundary of the site. Plans submitted with the application demonstrate that the scheme footprint complies with the '45 degree rule' as set out within the Council's Design Guidance.
- 6.14 51 and 53 Coombe Hill are sited to the east of the application site. The proposal as submitted will be some 21m from the rear elevations of these properties and 6.6m from their rear boundaries. There are a number of windows at ground floor level within the rear elevation of the proposal which are to bedrooms, bathrooms and kitchen/living areas. Any potential overlooking from the ground floor windows can be mitigated by planting or fencing along the eastern boundary of the site and a condition requiring boundary treatments to be agreed is recommended. In terms of windows to the first floor, there are two windows proposed to the communal hallway, one window proposed to a hallway within one of the first floor flats and one window to a bedroom. The windows to the communal hallway and hall in flat no. 7 are shown as being fixed shut and obscure glazed to 1.8m. Also at first floor level there is a window to a master bedroom within the element closest to no's 55 and 57 Coombe Hill, which will have views over the end of the rear gardens of 51 and 53 Coombe Hill. There are also two windows to hallways however these will primarily overlook the communal garden area of the proposal. At second floor level there is a window to a hall and to the master bedroom (note this bedroom also has another window to the side elevation). These are both shown as being obscure glazed and fixed shut. A further window to a hall will overlook the communal garden area. It should be noted that only a section of the scheme at this point is three storey due to the stepped nature of the proposal.
- 6.15 Whilst there is the potential for some overlooking of the end of the gardens of the neighbouring properties and the sense of being overlooked from some windows, the proposal as submitted complies with guidance as set out in the Council's Design Guidance in terms of the rear to rear window distance between habitable rooms. In order to reduce the perception of being overlooked however and despite the scheme meeting the guidance set out in the Council's Design Guidance, it is recommended that a condition is imposed requiring the windows to the lobby areas and halls to be obscure glazed above 1.8m and fixed shut/non-opening as shown on the submitted plans. In terms of the windows to the bedrooms which could overlook the neighbour's gardens, it not considered that obscure glazing would provide an acceptable solution given that these are windows to habitable rooms. Whilst it is acknowledged that there will be some overlooking of the ends of the gardens of the neighbouring properties from these windows, it is considered that, given that the site is within

a residential area of Billingshurst where a degree of mutual overlooking of neighbouring properties already exists, the impact on neighbouring properties is not so significant as to warrant refusal of the application.

- 6.16 55 and 57 Coombe Hill are also sited to the east of the site, however given the layout of the site, the distance of the proposal as submitted is some 15.7m to the rear elevation of 55 and 57 Coombe Hill. This distance increases to some 22m given the stepped nature of the proposal at the second floor level. In terms of windows within this element of the proposal, there are no windows to the ground floor and those within the first and second floors are proposed to be obscure glazed and fixed shut. There is a small balcony, providing some 5sqm of floorspace, proposed to second floor flat closest to 55 and 57 Coombe Hill. This balcony is inset some 7.4m from the eastern site boundary and will be some 22m from the rear elevation of 55 and 57 Coombe Hill. Again, whilst there is the potential for overlooking of the neighbouring properties, the proposal as submitted complies with guidance as set out in the Council's Design Guidance.
- 6.17 Having considered the distances set out above against the Council's guidance in respect of window to window distances, and given that the site is within a residential area of Billingshurst where a degree of mutual overlooking already takes place, it is considered that the scheme as submitted will not have a significant adverse impact on the privacy and amenity of the occupiers of the neighbouring properties and is therefore in compliance with Policy 33 of the HDPF.

Affordable housing

- 6.18 Policy 16 of the HDPF states that on sites providing between 5 and 14 dwellings, the Council will require 20% of dwellings to be affordable, or, where on-site provision is not achievable a financial contribution equivalent to the cost of providing the units on site.
- 6.19 The scheme, as submitted, will provide 100% affordable and/or temporary accommodation. Affordable housing as set out in the NPPF is defined as "*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.*" The HDPF sets out that affordable housing is "*Housing provided with a subsidy to enable the sale price or rent to be substantially lower than the prevailing market prices or rents in the locality...*".
- 6.20 Whilst temporary accommodation does not fall within the definition of affordable as set out in the NPPF or the HDPF, the Council's Head of Housing Services is satisfied that the requirements of the relevant policies of the HDPF in respect of affordable housing can be met through the provision of temporary accommodation. The development as proposed would be similar to that recently acquired by the Council in the Bishopric (Burstow Court) and recently approved at Peary Close and would provide a temporary housing solution for local people in priority housing need. The Council's Head of Housing Services has advised that "*This application will provide much needed additional accommodation to increase the Council's temporary housing stock to best meet the demands placed upon it and provide a vastly improved outcome for households.*" The Head of Housing Services has gone on to advise that "*The Council has an obligation to accommodate certain households when homeless and often has to rely upon bed and breakfast accommodation outside of the Horsham District to meet this demand. This can lead to households with dependants having no private access to kitchen and bathing facilities, no outdoor space away from social or work support networks in unfamiliar areas.*"
- 6.21 The Council would usually require such accommodation to be secured by a Section 106 Agreement however the Council cannot enter into an agreement with itself. It is therefore recommended that a condition is imposed requiring a detailed scheme for the provision of affordable housing and/or temporary accommodation to be submitted to and approved in writing by the Local Planning Authority which shall include such detail as the type, tenure

and location on the site of the affordable/temporary units and the arrangements to ensure that the units remain as affordable housing/temporary accommodation for both first and subsequent occupiers of the units.

Highway safety and car parking provision

- 6.22 Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.
- 6.23 West Sussex County Council as the Local Highway Authority have raised no concerns in respect of the proposal. In respect of the most recently submitted scheme, WSCC has advised '*WSCC has previously raised no objections to the development as it provides the relevant parking, and also has sufficient on-street car parking capacity to absorb any fluctuations in parking need. The development is in a very sustainable location and provides good access to public transport and meets requirements set out in the NPPF promoting sustainable developments.*' Whilst concern has been raised by local residents and the Parish Council in respect of the potential for vehicles to reverse out onto the road, it has been advised that there are other driveways similar to this in the locality and that speed survey results are low. It is therefore considered by WSCC that the likelihood of a collision is low.
- 6.24 In terms of car parking provision, this is also considered to be acceptable by WSCC, who consider that there is a demand for 12 spaces associated with the development. The proposal will provide 9 spaces for the 9 units which equates to 1 space per unit, with an additional two visitor spaces creating a total of 11 spaces. There would therefore be a requirement for some on-street parking to take place. A parking survey was undertaken, despite no concern being raised by WSCC in this respect. The survey detailed that the current on-street parking stress is 59.17% and this could increase to 60.83% when taking into account any increase created as part of this proposal. WSCC Highways have advised that the survey has been undertaken using the appropriate methodology and that the results support their view that they have no concerns over the additional parking stress the proposal may cause. In addition the Head of Housing Services has advised that "*The application further proposes allocated parking to each of the units, whilst this is welcomed, allocated parking is not considered necessary for this accommodation type. Assessment of alternative rural temporary accommodation sites suggests parking demand to be at approx. 20% occupancy against the number of accommodation units.*"
- 6.25 In conclusion, given that WSCC as the Local Highway Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network and taking into account the comments of the Head of Housing Services, it is not considered that there are any transport grounds to resist the proposal. Whilst there is some limited potential for overspill parking, given the above this is not considered likely to be of a quantum that would result in an appreciable harm to the character of the area.

Other considerations

Ecology

- 6.26 In terms of ecology and biodiversity, paragraph 170 of the NPPF states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Paragraph 174 expands on this stating that local planning authorities should when determining planning applications encourage opportunities to incorporate biodiversity in and around developments. A Preliminary Ecological Assessment has been submitted which notes that "*the garages are assessed to have negligible potential to support bat roosts*",

whilst the trees were assessed as having no potential features for bats. The report does however set out a number of recommendations in case occasional temporary roosts are found during construction works. No concerns are therefore been raised to the proposal.

Contamination

- 6.27 Policy 24 of the HDPF states that the high quality of the district's environment will be protected through the planning process. Developments are expected to minimise exposure to and the emission of pollutants. This includes addressing land contamination and making sure sites are appropriate for development taking into account ground conditions. A Phase I-II Geo-Environmental Site Assessment has been submitted with the application which sets out that active pollution pathways have been identified within proposed private gardens and areas of soft landscaping based on the proposed residential development of the site and that remedial works will be required within areas of private gardens and soft landscaping. The Council's Environmental Health Team have advised that conditions should be imposed in respect of contamination, the submission of a construction management plan and the safe removal of waste.

Flooding/Drainage

- 6.28 HDPF Policy 38 Flooding advises that development proposals will follow a sequential approach to flood risk management, giving priority to development sites with the lowest risk of flooding and making required development safe without increasing flood risk elsewhere in accordance with policy criteria. The site is located within Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. Southern Water and the Council's Drainage Engineer have all raised no objection to this proposal, subject to the use of a condition requiring the submission and approval of details relating to the proposed means of foul and surface water drainage for the site. To ensure that water drains from the site and does not increase flooding on the site or cause impact harmfully on the wider drainage network conditions are recommended to secure an appropriate drainage strategy.

Wealden District Council Objection

- 6.29 Wealden District Council (WDC) has objected to the application on the grounds of the potential impact on the Ashdown Forest Special Area of Conservation (SAC) / Special Protection Area (SPA), Lewes SAC and Pevensy Levels SAC. WDC objected to the scheme on the grounds that it is unproven that the traffic created by this proposal would result in air pollution which would detrimentally affect the biodiversity and ecology at the three SACs.
- 6.30 A number of recent decisions by the Secretary of State (SoS) relating primarily to applications for housing within Mid-Sussex District have addressed the potential impact on the Ashdown Forest SAC/SPA, Lewes SAC and Pevensy Levels SAC. These schemes were of a much larger scale (totalling approximately 500 units) than the current proposal, and were situated in closer proximity to the SACs and SPA. Having considered the evidence, the SoS concluded that the schemes would have no likely significant effect on the SAC and SPA, either alone or in combination with other plans and projects, and as such a full Appropriate Assessment would not be required.
- 6.31 The application site and proposed scheme differs from these recent appeals in a number of ways. The site is located at a considerably further distance from the Ashdown Forest SAC/SPA, Lewes SAC and Pevensy Levels SAC, with the proposal of a considerably smaller scale in comparison. In addition, the application site does not benefit from direct travel routes to the SAC and SPA.

- 6.32 Given the location of the site, the scale of the proposed development, and the distance from the Ashdown Forest SAC/SPA, Lewes SAC and Pevensey Levels SAC it is considered that the proposed scheme will have no likely significant effect on the SAC and SPA. As such, Horsham District Council as the Competent Authority does not require an Appropriate Assessment to be completed, and the proposed development can proceed without significant adverse effects on the integrity of these Internationally Designated Sites.

Conclusion

- 6.33 Taking all matters into account, including the now pitched roof and additional parking, the proposal is considered an acceptable form of development. The scheme would result in an appropriate development in accordance with the requirements of the strategic and locational strategy policies of the HDPF. Whilst it is acknowledged that the development would alter the character of the site and some views from surrounding areas, it is considered that the provision of affordable homes and/or temporary accommodation would constitute significant benefits in favour of the development. The scheme is considered to be in accordance with the requirements of the HDPF and NPPF and would result in a sustainable form of development. The proposal is also considered appropriate with respect to its impact on demand for travel and highway considerations, trees, sustainability, ecology and flooding.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.34 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	676.15	225.83	450.32
	Total Gain		676.15
	Total Demolition		225.83

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted subject to the following conditions:-

1 **A list of the approved plans**

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

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

3 **Pre-Commencement Condition:** The proposed development shall not commence until a detailed scheme for the provision of affordable housing and / or temporary accommodation has been submitted to and approved in writing by the Local Planning

Authority. The affordable housing and/or temporary accommodation shall be provided in accordance with the approved scheme which shall include:

- i. details of the type, tenure and location on the site of the affordable/temporary units;
- ii. the arrangements to ensure that the units remain as affordable housing/temporary accommodation for both first and subsequent occupiers of the units; and
- iii. the occupancy criteria to be used for determining the identity of the occupiers of the units and the means by which such occupancy criteria shall be enforced.

Any alterations to the approved scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with Policy 16 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
 - ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

- 5 **Pre-Commencement Condition:** No development, other than works of demolition, shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to

such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement Condition:** No development, other than works of demolition, shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 8 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting

- Ecological enhancement measures set out in the Preliminary Ecological Assessment by Calyx Environmental Ltd, dated January 2018

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling in accordance with drawing numbers 014 Rev P5 and 002 Rev P8. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the parking spaces associated with it have been provided in accordance with drawing number 003 Rev P7. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 13 **Pre-Occupation Condition:** No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular accesses onto Rowan Drive in accordance with drawing number 003 Rev P7. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 14 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 010 Rev P7. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 15 **Pre-Occupation Condition:** The building hereby approved shall be occupied until the following windows have been fitted with obscure glazing to 1.8m and fixed shut/non-openable:

First floor:

- Two windows within flat 04 (to kitchen/living/dining and bathroom) detailed as being 'obscure glazed fixed shut' on drawing no. 011 Rev P7
- One window to hall of flat 04 (as shown on drawing no. 011 Rev P7) facing south west
- One window to lobby at first floor level (as shown on drawing no. 011 Rev P7) facing south west
- Two windows to lobby (as shown on drawing no. 011 Rev P7) facing south east and detailed as being 'obscure glazed to 1800mm fixed shut'
- One window to hall of flat 07 (as shown on drawing no. 011 Rev P5) facing south east

Second floor:

- One window within flat 08 (to bathroom) detailed as being 'obscure glazed fixed shut' on drawing no. 012 Rev P7
- Two windows within flat 09 (to hall and Master Bedroom) as shown on drawing no. 012 Rev P7 as being 'obscure glazed fixed shut'

Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.

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

- 16 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Preliminary Ecological Assessment by Calyx Environmental Ltd, dated January 2018.

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

- 18 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

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

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

Background Papers: DC/18/0018