



**TO:** Planning Committee

**BY:** Head of Development

**DATE:** 04 December 2018

**DEVELOPMENT:** Demolition of the existing outbuildings and erection of 6no. 3 bedroom dwellings with associated parking and private amenity served via approved access from Brighton Road.

**SITE:** Little Homefield Brighton Road Mannings Heath Horsham West Sussex RH13 6HZ

**WARD:** Nuthurst

**APPLICATION:** DC/18/1849

**APPLICANT:** **Name:** Manheath Limited **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

**RECOMMENDATION:** To approve application subject of Legal Agreement for affordable housing contribution

## **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 demolition of the existing outbuildings, and the erection of 6 no. semi-detached 3-bed dwellings. The proposed dwellings would be positioned along a continuous build line sited from north to south, and would comprise 3no. pairs of semi-detached dwellings.
- 1.3 Plots 1 and 2 would be positioned to the north of the site, and would be oriented to face west. The proposed built form would measure to a length of 13.95m and a maximum depth of 10.3m, and would incorporate a pitched roof measuring to an overall height of 8m. A single storey porch overhang would project from the frontage to a height of 3.1m, with a one and a half storey projection to the north, set down from the main ridgeline at a height of 6.3m. The proposed dwellings would measure to a total floor area of approximately 116sqm and 92sqm respectively, and would incorporate rear amenity space to the east. The proposed dwellings would be finished in facing brick and tile hanging, with clay tiles to the roof.

- 1.4 Plots 3 and 4 would be positioned centrally within the site, and would be oriented to face west. The proposed built form would measure to a length of 10.6m and a depth of 10.3m, and would incorporate a hipped roof measuring to an overall height of 8.3m. A single storey porch overhang would project from the frontage to a height of 3.2m, with rear amenity space provided to the east. The proposed dwellings would measure to a total floor area of approximately 93sqm, and would be finished in facing brick and tile hanging, with clay tiles to the roof.
- 1.5 Plots 5 and 6 would be positioned to the south of the site, and would be oriented to face west. The proposed built form would measure to a length of 13.95m and a depth of 10.3m, and would incorporate a pitched roof measuring to an overall height of 8m. A single storey porch overhang would project from the frontage to a height of 3.1m, with a one and a half storey projection to the north, set down from the main ridgeline at a height of 6.3m. The proposed dwellings would measure to a total floor area of approximately 92sqm and 117sqm respectively, and would incorporate rear amenity space to the east. The proposed dwellings would be finished in facing brick and tile hanging, with clay tiles to the roof.
- 1.6 The proposed access would extend along the western boundary of the site, with a turning head provided to the southern section of the site. Plots 1 and 6 would incorporate an attached garage, with additional parking space to the north and south respectively, with 2no. spaces provided in tandem for Plots 2-5.

## DESCRIPTION OF THE SITE

- 1.7 The application site is positioned to the west of Brighton Road, and lies within the built-up area of Manning Heath. The application site is positioned to the south of residential development that fronts Brighton Road, and lies directly adjacent to the strategically allocated site known as 'Land Opposite The Dun Horse' which has approval under reference DC/16/1753 for 8 no. dwellings. The site currently includes a number of utilitarian buildings which are positioned centrally in the site, with the remainder of the site having recently been cleared of vegetation.
- 1.8 The application site consists of a triangular plot of approximately 0.3ha in area positioned to the rear of the frontage dwellings. The site is defined by a mix of boundary treatments, including hedging and closeboarded fencing, with a public footpath running directly along the western boundary of the site.
- 1.9 The wider surroundings encompass a mix of residential development and open countryside, defining the area as a semi-rural locality. The main settlement of Mannings Heath is positioned to the north of the application site, with the surroundings to the south, east and west of the site defined by open, undulating countryside.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

- 2.2 **National Planning Policy Framework**

### 2.3 **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 25 - Strategic Policy: The Natural Environment and Landscape Character
- 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 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

### 2.4 Nuthurst Neighbourhood Development Plan 2015-2031

- Policy 1: A Spatial Plan
- Policy 4: Land opposite Dun Horse Public House, Mannings Heath
- Policy 10: Housing Design
- Policy 14: Green Infrastructure and Biodiversity

### 2.5 Nuthurst Parish Design Statement 2017

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/1753	Proposed residential development for 8 dwellings with associated parking and amenity space	Permitted Application on 01.06.2017
DC/18/1245	Demolition of the existing outbuildings and erection of 8x dwellings with associated parking and private amenity land	Withdrawn Application on 06.08.2018

## 3. **OUTCOME OF CONSULTATIONS**

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

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

On balance, it is considered that there is no policy objection for the erection of six dwellings at the application site. While the site does not fully accord with Policy 4 of the Nuthurst Neighbourhood Plan (the site is not fully located within the strategic allocation boundary), the site is located within the defined built-up area of Mannings Heath, and would contribute towards meeting the identified need of housing in the Parish. This is also in accordance with paragraph 59 of the NPPF which seeks to significantly boost housing supply, and is considered to meet Policy 3 of the HDPF.

### 3.3 **HDC Landscape Architect: No Objection**

Subject to ensuring that the appearance of the boundary treatment facing the new access is broadly in line with that proposed under the neighbouring planning approval to ensure a cohesive street scene.

**3.4 HDC Conservation:** No Objection

It is considered that the proposed dwellings are sufficiently distanced from the Listed Building to not affect its setting.

**3.5 HDC Environmental Health:** No Objection

The submitted Ground Investigation Report is based on limited intrusive investigations, and does not include the area of the existing outbuildings associated with metal working. The number of soil samples is not sufficient to form a statistically valid assessment of ground contamination at the site. If the application is approved, it is recommended that conditions in respect of land contamination be attached.

**3.6 HDC Drainage Engineer:** No Objection

The surface water drainage strategy proposed is acceptable. The Applicant should be advised that any discharge to the local watercourse might require 'Ordinary Watercourse Consent'.

**OUTSIDE AGENCIES**

**3.7 WSCC Highways:** No Objection

The Local Highways Authority does not consider that the proposal would have a severe impact on the highway network, and therefore the proposal would not be contrary to National Planning Policy Framework, and there are no transport grounds to resist the proposal.

Parking is provided at two spaces per dwelling, with the WSCC Parking Demand Calculator outlining that a maximum demand of 14 spaces would be generated by this proposal. The Applicant has provided a total of 12 parking spaces, generating a shortfall of 2 spaces, one of which would be considered a visitor parking space. The Local Highway Authority does not consider that overspill parking would occur within Brighton Road given the frequency of movements associated with the road and the nature of the highways as an 'A' classified road which does not lend itself to on street parking. Therefore, consideration of additional parking pressure within the application site itself would need to be given.

In terms of the internal layout, the applicant has outlined within the associated Transport Statement that it would be possible for emergency and refuse vehicles to turn within the turning head provided. The manoeuvre albeit rather tight would provide sufficient turning to allow refuse and emergency vehicles to egress the site in a forward gear, in line with Manual for Streets standards and Schedule 1, Part H of the Building Regulations (2000).

**3.8 WSCC Public Rights of Way:** No Objection

**3.9 Ecology Consultant:** No Objection – It is noted that the site was clear prior to the Ecology Survey, so the assessment of the impact is limited. Based on the Tree Report by Harper Tree Consulting, it appears as though a number of trees have potential to support roosting bats. Additional tree planting should be included within the proposals to compensate for the loss of mature trees and vegetation.

**3.10 Southern Water:** No Comment



## PUBLIC CONSULTATIONS

### 3.11 **Nuthurst Parish Council:** Objection for the following reasons:

- Site is potentially outside of the built-up area boundary
- Site is not allocated in the made Neighbourhood Plan
- Additional 6no. dwellings are not needed in the Parish
- The application constitutes inappropriate backland development
- Road safety implications entering and leaving the site
- Development of residential gardens is inappropriate
- Development would remove the gradual transition from the built environment to the countryside beyond
- Layout of the dwellings is unsympathetic to the setting and introduces an urbanising feature
- Does not reflect the scale of surrounding buildings
- Do not benefit from adequate amenity space
- Site is covered in an unacceptable amount of buildings and hardstanding
- Adverse impact on heritage assets
- Encroachment of Public Right of Way

### 3.12 A total of 67 objections were received from 57 separate households, and these can be summarised as follows:

- Not allocated in the 'made' Neighbourhood Plan
- Road safety concerns
- Outside of built-up area boundary
- Encroachment on the countryside
- Insufficient amenity space
- Noise issues
- Overdevelopment of the site
- Inappropriate backland development
- No identified need for the dwellings given 5-year housing land supply
- Creation of precedent
- Loss of woodland
- Flooding issues
- Contrary to 'made' Neighbourhood Plan

## **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 seeks full planning permission for the demolition of the existing outbuildings, and the erection of 6 no. semi-detached 3-bed dwellings. The proposed dwellings would be positioned along a continuous build line sited from north to south, and would comprise 3 no. pairs of semi-detached dwellings.

### Principle of Development

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.
- 6.3 Paragraph 68 of the NPPF states that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area...to promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes..."
- 6.4 The majority of objections received make reference to the adopted Nuthurst Neighbourhood Development Plan (NPNP), and the unallocated nature of the application site within it. As stated within Policy 1 of the Nuthurst Neighbourhood Development Plan 2015 - 2032, development proposals within the built-up area boundary of Mannings Heath will be permitted, provided they accord with the other provisions of the NPNP and Horsham District Council's adopted development plan. The housing figure provided within the Nuthurst Parish Neighbourhood Plan does not reflect a definitive upper limit to acceptable housing numbers, albeit that it provides a future supply of land which is suitable, available, and achievable for housing development. Policy 15 of the HDPF makes provision for windfall sites, with Policy 3 of the HDPF stating that development will be permitted within built-up areas provided it is of an appropriate nature and scale to maintain characteristics and function of the settlement.
- 6.5 In terms of the overall housing needs for Nuthurst Parish, paragraph 60 of the NPPF states that a housing needs assessment should identify the minimum number of homes needed. This is also reflected within paragraph 4.12 of the NPNP which states that:
- 'In overall terms, the indicative total number of houses specifically provided for in the NPNP is approximately 50 over the plan period....As the policy allows for sustainable development proposals in the form of windfall and other sites within the Built up Area Boundary of Mannings Heath and the confines of Maplehurst, Monks Gate and Nuthurst, the total number of dwellings consented over the plan period will be greater than the number resulting from the allocations of the NPNP.'*
- 6.6 In addition, paragraph 3.36 of the Examiner's Report for the Nuthurst Parish Neighbourhood Plan, the Examiner makes it clear that the housing figure contained within the supporting text for each policy is not prescriptive and is given as a range.
- 6.7 On this basis, neither the Development Plan nor the Nuthurst Parish Neighbourhood Plan can place an absolute cap on development. The Government have made it clear that an absolute cap on numbers of new homes is not justified, particularly if proposals are acceptable in all other respects. The District's housing targets are a minimum, and development cannot be refused when this target has been reached; with the same principle applicable to Local Needs Assessments.
- 6.8 As stated within paragraph 4.12 of the Nuthurst Parish Neighbourhood Plan, paragraph 4.12 states that Policy 1 "allows for sustainable development proposals in the form of windfall and other sites within the Built-Up Area Boundary of Mannings Heath..."

- 6.9 The application site lies within the designated built-up area of Mannings Heath, categorised as a "Smaller Village" within Policy 3 of the HDPF. The application site forms part of the existing settlement of Mannings Heath where development proposals that are of an appropriate nature and scale to maintain characteristics and function of the settlement are considered acceptable. There is a presumption in favour of sustainable development within the built-up area, and as such, the proposed residential development is considered acceptable in principle, subject to all other material considerations.

### **Design and Appearance**

- 6.10 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.11 Policy 10 of the Nuthurst Parish Neighbourhood Plan (NPNP) states that the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of surrounding buildings. Residential development proposals should make use of high quality building materials and finishes, and include adequate functional private garden space appropriate to dwelling size and type.
- 6.12 The wider surroundings are characterised by dwellings that front the public highway, set within relatively large and spacious plots. It is acknowledged that there are limited examples of smaller terrace and semi-detached dwellings within the locality, with these dwellings set within a linear build pattern fronting the public highway. It is noted that the recent approval directly north of the application site is designed with 2 no. pairs of semi-detached dwellings positioned to the rear of the site, however, these form a book-end to the ribbon of development along this section of Brighton Road, and is considered to relate to the built pattern and character of the surroundings.
- 6.13 The application site forms a backland setting to the rear of the frontage dwellings that are positioned along Brighton Road. While noted that the build pattern of the proposal would contrast the recognised layout of surrounding development in the wider locality, it does follow the form and layout of the site approved at the Land Opposite the Dun Horse under planning approval reference DC/16/175, and acts as a continuance to the frontage of this approved development. The proposal does also make efficient use of land. The site is screened from wider views, and reads more with the domestic curtilages of the surrounding residential development than the open countryside. The resulting built form is considered to sit comfortably within the context of the site, and given its relatively screened nature, is not considered to result in landscape harm to the justify a reason for refusal.
- 6.14 A number of objections have been raised in respect of the design and vernacular of the proposed dwellings, and how these are not considered to relate to the established character and appearance of dwellings within the locality.
- 6.15 Policy 10 of the NPNP states that development should reflect the architectural and historic character and scale of the surrounding buildings, with the Nuthurst Parish Design Statement outlining that new development should have houses of varied design which are sympathetic to the locality and neighbouring houses.
- 6.16 It is acknowledged that the surrounding area is characterised by an eclectic array of dwellings of a variety of styles and vernacular. The residential dwellings incorporate a mix of materials

including brick, tile hanging, cladding and render, with the recently approved dwellings at the adjacent site incorporating brick and tile hanging to all elevations. The proposed dwellings are considered to be of a style, vernacular, and appearance that would utilise materials and finishes recognised within the locality, and as such it is considered that the proposed dwellings would be of a character and appearance that would relate sympathetically to the local character of the surroundings and neighbouring houses.

- 6.17 The proposed development is considered to be of a number, scale, design, and appearance that would relate sympathetically to the character of the site and build pattern of the locality, and is therefore considered to accord with Policies 32 and 33 of the Horsham District Planning Framework and Policy 10 of the Nuthurst Parish Neighbourhood Plan.

### **Trees and Landscaping**

- 6.18 Policy 33 of the HDPF states that development should relate sympathetically with the built surroundings and landscape, and should presume in favour of the retention of existing important landscape and nature features, and use high standards of landscaping where appropriate.
- 6.19 The application site has been cleared prior to the submission of the current application, with the proposal seeking to retain the boundary trees and hedge along the perimeter. It is proposed to lay the rear amenity space to grass, with hardstanding provided to the frontage.
- 6.20 Given the context of the surroundings, it is considered that proposal would relate to the character of the locality, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

### **Heritage Impacts**

- 6.21 Paragraph 193 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.22 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.23 Policy 34 of the Horsham District Planning Framework states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.
- 6.24 The Grade II Listed Building known as Chumleigh is positioned to the north-west of the application site. The building fronts Brighton Road, and is positioned within a triangular plot separated from the application site by an area of woodland.
- 6.25 Following consultation with the Councils Conservation Officer, it is considered that the proposed development would be of a sufficient distance from the Listed Building so as not to affect its setting. No objection on heritage grounds are therefore raised to the proposal.

## **Amenity Impacts**

- 6.26 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.27 The proposed dwellings would be positioned to the rear of the ribbon of residential dwellings that sit along Brighton Road, with the proposed development positioned along a staggered build line running from north-east to south-west. The proposed dwellings would be positioned between approximately 25m and 35m from the frontage dwellings, with the closest dwelling of Plot 1 incorporating a first floor bathroom window to be obscure glazed.
- 6.28 The proposed dwellings would be positioned an appropriate distance from the existing ribbon of residential development to the north-east, and are considered to be oriented in a manner that would reduce the potential for overlooking into the residential amenity areas of these dwellings. It is therefore considered that given the context of the site, and its relationship with the neighbouring properties, it is considered that the proposed development would result in limited harm to the amenities of the neighbouring properties on and off the site.
- 6.29 The proposed dwellings would be positioned along a slightly staggered build line and oriented at a slight angle. It is recognised that this would result in a degree of mutual overlooking, however this is not considered to be to such a degree to be harmful to the amenities and sensitivities of the proposed dwellings.
- 6.30 It is therefore considered the proposed development would not result in material harm to the amenities and sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

## **Highways Impacts**

- 6.31 Policy 41 states that development should provide safe and adequate access and parking, suitable for all users. Policy 10 of the NPNP also states that residential development should include adequate off-street parking so as to minimise any need for on-street parking.
- 6.32 The proposed development would utilise an access recently approved in connection with the residential development at Land Opposite the Dun Horse under reference DC/16/1753. It is proposed to accommodate 14 no. unallocated parking spaces, with a turning head to provide access and turning on site.
- 6.33 The proposal would utilise the existing access, as permitted under DC/16/1753, which following consideration by WSCC Highways, is considered to provide safe and adequate access for all users. The WSCC Parking Demand Calculator suggests that a total of 14 parking spaces would be required for the proposed development, comprising 12no. allocated spaces and 2no. visitor spaces. The proposal seeks to provide a total of 14no. car parking spaces, and as such would provide sufficient parking for the anticipated requirements.
- 6.34 It is therefore considered that the proposed development would provide safe and adequate access, suitable for all users, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

## **Ecology**

- 6.35 The applicant has submitted an Ecological Appraisal by Crossman Associates reference M1143.001 Issue 3 dated 12 July 2018. The report outlines that the site has been recently cleared and is mostly occupied by bare ground, with features on site including grassland, boundary hedgerow, a defunct pond, and a cluster of makeshift buildings. It states that the site supports nesting birds, while the buildings and boundary trees do not support roosting

bats. The recommendations state that precautionary vegetation removal in relation to nesting birds should take place, with incorporation of new bird nesting features, and protection of boundary features with incorporation of a low level lighting scheme.

- 6.36 Following consultation with the Ecologist, no objection is raised to the proposed development subject to the recommendations as outlined in the report being carried out. It is therefore recommended that should the application be approved, conditions relating to the carrying out of works and lighting be attached.

### **Affordable Housing Contribution**

- 6.37 Policy 16 of the Horsham District Planning Framework relates to meeting housing needs. In particular, part 3 of this policy relates to the provision of affordable housing for all residential development of 5 or more dwellings. Part 3.b) states that on sites of 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 to the developer of providing the units on site would be anticipated.
- 6.38 Since the adoption of this policy, the NPPF has been revised, with paragraph 63 stating that "the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)."
- 6.39 While the revised NPPF does not allow for contributions for less than 10 dwellings, it is considered that the application site forms a subdivided part of the wider site of Land to the North of Dun Horse. Although it is acknowledged that both sites were purchased separately following the initial permission, it is evident that the sites would be developed together, and would share an access. Given these factors, it is considered that the application site and the adjacent site (subject of planning approval DC/16/1753) would be sufficiently connected to be considered as part of a whole.
- 6.40 On this basis, paragraph 4 of Policy 16 of the HDPF would be relevant, where it is stated "*if a development site is sub-divided so as to create two or more separate development schemes one or more of which falls below the relevant threshold, the Council will seek an appropriate level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the site*". As such, a financial contribution for the 6no. dwellings would be required, and would be subject of a Legal Agreement.
- 6.41 As required by the Planning Obligations and Affordable Housing Supplementary Planning Document September 2017, the financial contribution is calculated at a rate of £155 per square metre of Gross Internal Area of all 6no. units. As such, the financial contribution for the proposed development would total £91,600.35.

### **Conclusion**

- 6.42 The proposed development is considered to be acceptable in principle, and is considered to be of a scale, number, layout and appearance that would relate sympathetically to the character of the semi-rural locality. The proposal would not result in harm to the amenities of neighbouring properties, and is not considered to result in harm to the function and safety of the public highway network. The proposal is therefore considered to accord with Policies 1, 2, 3, 25, 32, 33, 34, and 41 of the Horsham District Planning Framework (2015).

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> 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	590.97		590.97
		<b>Total Gain</b>	
		<b>Total Demolition</b>	<b>167.26</b>

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 To approve the application, subject of the following conditions:

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

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

- 3 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following

the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until vehicle wheel-cleaning facilities have been installed at the site entrance(s). The vehicle wheel-cleaning facilities shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: As this matter is fundamental in the interests of road safety and visual amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 5 **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).

- 6 **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).

- 7 **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 Section 4 of the Ecological Appraisal by Crossman Associates dated 14.08.2018

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).

- 8 **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan AAL-18-217-P01 rev A received 05.10.2018 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **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 number AAL-18-217-P01 rev A received 05.10.2018. 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).

- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. 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).

- 11 **Regulatory Condition:** 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, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** Notwithstanding the provisions of Class F of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no hard surfacing (other than that shown on the plans hereby approved) shall be erected or constructed forward of the principal elevation of any dwelling without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** All works of demolition, construction and ancillary activities, including deliveries and dispatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

- 14 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Ecological Appraisal reference M1143.001 dated 14.08.2018 and received 31.08.2018.

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).

- 15 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

- 16 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement by Harper Tree Consulting dated 21 August 2018 and received on 31.08.2018.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** All works shall be executed in full accordance with the Drainage Strategy Report reference A18305C dated August 2018 and received on 31.08.2018.

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