



TO: Planning Committee (South)

BY: Head of Development

DATE: 20 August 2019

DEVELOPMENT: Variation of conditions 6, 8, 9, 10, 13 and 15 attached to DC/15/0193 (Erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking. Provision of a new footpath adjacent to Threals Lane) to allow pre-construction/occupation conditions to be dealt with by each individual plot owner. Variation of condition 2 (plans compliance condition) to allow plots 7 and 8 to be merged to provide 1 x market dwelling rather than 2 x affordable units, plot 1 to be split to provide 2 x market dwellings, and amendments to siting and design of dwelling proposed to plot 5.

SITE: Chilton Pig Farm Threals Lane West Chiltington West Sussex RH20 2RF

WARD: Chanctonbury (Historic Ward)

APPLICATION: DC/19/0720

APPLICANT: **Name:** Mr Walls and Steel **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: At the request of Thakeham Parish Council who have requested to address the Committee.

RECOMMENDATION: To approve the application subject to appropriate conditions and the completion of a legal agreement.

In the event that the legal agreement is not completed within three months of the decision of this committee, or other later date as agreed by the Head of Development, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

BACKGROUND TO APPLICATION

1.2 Planning application DC/15/0193 sought full planning permission for the erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking and the provision of a new footpath adjacent to Threals Lane. Each dwelling would be 2-storeys in height. There were five different house types proposed:

- Plot 1: Detached with 6-bedrooms. Detached garage.
- Plots 2 & 4: Detached each with 6-bedrooms. Detached garage.

- Plots 3 & 5: Detached each with 6-bedrooms. Attached garage.
 - Plot 6: Detached with 4-bedrooms. Detached garage.
 - Plots 7 & 8: Semi-detached each with 3-bedrooms. Attached garage.
- 1.3 Each house was proposed to have garaging, plus hardstanding areas for car parking and turning within each individual plot. The dwellings would be of a variety of different materials and design styles including stock bricks, herringbone brick work panels, plain tile hanging to some upper elevations and painted render panels with timber frame boarding. The windows will be black aluminium framed with the roof of each house comprising plain clay tiles.
- 1.4 Application DC/15/0193 was refused under delegated powers on 29 January 2016 and the decision notice was issued on the same day. The reasons for refusal were as follows:
1. *The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Development Plan. By virtue of its location, the proposed development would have limited accessibility to sustainable modes of transport and access to local services, and residents would have a reliance upon the private car. The proposal is therefore considered to be unsustainable development that would not accord with the requirements of the National Planning Policy Framework or the presumption in favour of sustainable development. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework, in particular policies 2, 3 and 4 of the Horsham District Planning Framework (2015), and the National Planning Policy Framework (2012).*
 2. *The proposal is contrary to policies 16 and 39 of the Horsham District Planning Framework, the Horsham District Local Development Framework: Planning Obligations Supplementary Planning Document and the NPPF, in particular paragraph 50, as there is no completed legal agreement to secure the provision of affordable housing and infrastructure improvements.*
- 1.5 The applicants subsequently appealed the decision of the Council, and an inquiry was held by the Planning Inspector in October 2016, with a decision issued on 25 November. The Inspector in granting planning permission concluded that the proposal would result in a small conflict with one single element of Policy 4 of the HDPF however the benefits of the scheme, including the provision of 8 homes, of which 2 three bedroom dwellings (20%) would be affordable, and an area set aside for dormice, would weigh significantly in favour of the proposal. The contributions proposed towards community facilities, and public open space and recreation, the creation of direct and indirect jobs during the construction phase and the introduction of a further 8 households which could help to sustain services within the wider locality and the sustainable location of the development weigh moderately in favour of the proposal.

DESCRIPTION OF THE APPLICATION

- 1.6 This section 73 application (variation of condition application) seeks to vary a number of conditions pursuant to the original planning permission, so as to allow the proposed development to be delivered as 8 individual self/custom build units. To facilitate this, it is necessary for all pre construction/occupation conditions to be re-worded, placing discharge liability on each separate plot owner and not on the whole site.
- 1.7 In addition to the variation to the wording of the non-discharged conditions, the following minor revisions to the development approved under DC/15/0193 are now also proposed:

- Plots 7 and 8 – Replacement of 2 affordable semi-detached units permitted under DC/15/0193 with one market unit (now described as ‘plot 7’). The siting of the proposed open market single dwelling on the site of the former plots 7 and 8 has been moved southwards to avoid the existing water main.
- Plot 1 – Replace 1 x unit as permitted under DC/15/0193 with 2 x market units (described as ‘plot 1a’ and ‘plot 1b’); and,
- Plot 5 – The design and siting of plot 5, as permitted under DC/15/0193, has been altered and moved south and west to avoid the existing main sewer.

1.8 To accommodate the changes to the original permission the intention is that there will be a new section 106 agreement to replace that associated with DC/15/0193. The s106 agreement will set out that provided each plot is sold off individually and built out as self-build then no affordable housing or an equivalent financial contribution towards off-site provision will be required. If for whatever reason there is not demand for any particular plot as a self-build plot, and instead it is developed by a developer, then it is proposed that an affordable housing contribution will still be required.

1.9 All other financial contributions as per the section 106 agreement associated with DC/15/0193 have been proposed to carry over to this section 73 application. The only difference being that the payment triggers are now proposed to be aligned with the Council’s Planning Obligations and Affordable Housing SPD adopted in September 2017 which allows 50% on commencement of each plot and 50% on occupation of each plot.

DESCRIPTION OF THE SITE

1.10 The site is situated on the east side of Threals Lane. The appeal site comprises two separate parcels of land, with the larger plot lying to the south. The larger plot to the south lies within the parish of Thakeham albeit it is on the edge of West Chiltington, with the smaller plot of land lying within the parish of West Chiltington.

1.11 The site has a total area measuring approximately 2.28 hectares. The site currently has a number of buildings situated on it, mainly positioned close to the highway. Amongst other things, the site has formerly been in use as Chilton Pig Farm, but the land is now vacant, and appears fairly overgrown and unmanaged.

1.12 Sandwiched between the two parcels of land that form the appeal site is a single property, named ‘Pentlow’. To the rear of the appeal site is a stream and further woodland within the appellant’s control. Beyond this there are 3 dwellings (‘Corins’, ‘Lyndwood’ and ‘Hardbarrow Copse’), whilst to the south is ‘The Gate House’, a further pair of cottages, and ‘Threals Barn’. On the opposite (west) side of Threals Lane is the built-up area of West Chiltington Common, which in this location comprises mainly detached houses on spacious plots.

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 4 - Strategic Policy: Settlement Expansion.
- Policy 15 - Strategic Policy: Housing Provision.
- Policy 16 - Strategic Policy: Meeting Local Housing Needs.
- Policy 24 - Strategic Policy: Environmental Protection.
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character.
- Policy 26 - Strategic Policy: Countryside Protection.
- Policy 31 - Green Infrastructure and Biodiversity.
- Policy 32 - Strategic Policy: The Quality of New Development.
- Policy 33 - Development Principles.
- Policy 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.

Supplementary Planning Guidance:

- 2.3 Planning Obligations and Affordable Housing SPD (September 2017).

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Thakeham Parish Neighbourhood Plan (January 2017).

The relevant policies are as follows:

- Thakeham1: A Spatial Plan for the Parish.
- Thakeham6: Design.
- Thakeham 9: Development in the Countryside.
- Thakeham10: Green Infrastructure and Valued Landscapes.

- 2.5 West Chiltington – The Draft Pre-Submission version of the neighbourhood plan for the Parish of West Chiltington was consulted on between May and June 2017 and December 2017 and January 2018.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 The most recent and relevant planning history relating to the site is as follows:

DC/15/0193	Erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking. Provision of a new footpath adjacent to Threals Lane	Application Refused on 29.01.2016. Subsequently allowed on appeal.
DISC/17/0453	Approval of details reserved by condition 14 on DC/15/0193	Approved 15.01.2018
DISC/18/0217	Approval of details reserved by conditions 3, 4, 5, 9, 11 and 12 on DC/15/0193	Approved 18.10.2018

DC/18/2472	Fell 10 x Trees of Various Species	Approved 01.02.2019
DISC/18/0373	Approval of details reserved by condition 7 on DC/15/0193	Approved 13.02.2018

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

3.2 **WSSC Highways:** No Objection.

3.3 **Ecology Consultant:** Comment.

Satisfied that the variation of conditions will not impact on the dormouse mitigation area. No further surveys are required and monitoring of the site will continue under the Natural England licence conditions.

3.4 **Southern Water:** No Objection.

PARISH COUNCIL COMMENTS

3.5 **Thakeham Parish Council:** Objection.

- The proposed change of construction approach to each unit becoming a 'self-build' project is clearly a stratagem to mis-use NPPF 2019 guidance in order to avoid normal affordable housing expectations. With only two of the eight units being affordable, the scheme already falls below HDC's 35% standard. If this abuse of the self-build exemption is allowed, it creates a strategic danger to HDPF plans, as HDC will see many other small housing schemes following suit, with the loss of significant numbers of affordable homes.
- The self-build approach is also unacceptable in the specific context of this scheme at this location because it implies an unpredictable, piecemeal and incoherent construction process. It implies multiple different builders on site at sometimes, with no coordination of groundworks, deliveries and heavy equipment movements. Neighbouring properties and others using the fragile single-track Threats Lane will be subject to interminable and repeated disruption.
- The applicant's supplementary argument for not providing affordable units because of lack of housing association provider is also unsound and inadequate. Leaving aside the question of why a provider wasn't required and committed to this scheme from the start, a single letter from one housing association does not prove that a provider cannot be engaged. There are other nearby small affordable schemes with providers secured.
- Should officers be minded to recommend approval of this proposal, Council requests that it be considered by HDC Development South Committee, where it would speak against.
- Council also flags that if officers were minded to recommend approval, it would be essential to either review current s106 arrangements, or bring this scheme within the CIL regime, in such a way that Thakeham received some compensation for the fact that 6 of these 8 dwellings are within the Thakeham boundary. This site is immediately adjacent to bridleway 2473 which connects central Thakeham with West Chiltington. If this scheme goes ahead it will be at least as convenient for its residents to use this bridleway for pedestrian/cycle access to the new shop and other facilities at Abingworth (1.4km) as opposed to the nearest shop and centre facilities in West Chiltington (1.4km and 1.9km respectively). The bridleway is also in urgent need of resurfacing works with the Thakeham boundary.

3.6 **West Chiltington Parish Council: Objection.**

- It is contrary to the appeal, which was allowed due to the inclusion of affordable housing. In reality, the replacement of the two affordable homes with an open market single dwelling, if permitted, would be a major revision, because the Inspector who decided to permit DC/15/0193 considered that their provision “would be a significant benefit in favour of the proposed development” The proposed replacement is therefore a significant departure from the application permitted at Appeal.
- Their reasoning is not sound and there are other ways of making the houses affordable
- The application is a major revision and not minor amendment
- A series of new applications should be submitted not variations on the existing application
- Becoming self-build is unacceptable, as individual plots is not a single development but a major variation on the existing application. Self-build would be a very disruptive approach
- If self-build, then there will be no s106 funds.
- If Officers were mindful to recommend approval it would be essential to review the current s106 arrangement. Funds would be used for the adjacent bridleway to allow good access between West Chiltington and Thakeham.

PUBLIC CONSULTATIONS

3.7 7 letters/emails of objection have been received to the application, in addition to a letter from Campaign to Protect Rural England (Sussex). The objections raised can be summarised as follows:

- The amendments proposed are not minor in nature.
- There is a need for affordable units in the area and that was the basis of the Inspectors decision.
- The need for affordable housing in the area has increased since the Threals Lane appeal decision.
- Could the affordable housing unit being set up by the Council deliver the two affordable units?
- The proposed footpath would be out of keeping with the area.
- How will the tree roots be protected during construction works?
- Self-build plots are likely to result in longer build times and increased traffic using the lane.
- Smaller properties are much needed in the parish.
- The small lane off Threals Lane is badly damaged and would not be able to handle additional traffic.
- Loss of trees that were a haven for wildlife and rare species.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 This section 73 application (variation of condition application) seeks to vary a number of conditions pursuant to the original planning permission, so as to allow the proposed development to be delivered as 8 individual self/custom build units. To facilitate this, it is necessary for all pre construction/occupation conditions to be re-worded, placing discharge liability on each separate plot owner and not on the whole site.
- 6.2 In addition to the variation to the wording of the non-discharged conditions, the following minor revisions to the development approved under DC/15/0193 are now also proposed:
- Plots 7 and 8 – Replacement of 2 affordable semi-detached units permitted under DC/15/0193 with one market unit (now described as ‘plot 7’). The siting of the proposed open market single dwelling on the site of the former plots 7 and 8 has been moved southwards to avoid the existing water main.
 - Plot 1 – Replace 1 x unit as permitted under DC/15/0193 with 2 x market units (described as ‘plot 1a’ and ‘plot 1b’); and,
 - Plot 5 – The design and siting of plot 5, as permitted under DC/15/0193, has been altered and moved south and west to avoid the existing main sewer.
- 6.3 To accommodate the changes to the original permission the intention is that there will be a new section 106 agreement to replace that associated with DC/15/0193. The s106 agreement will set out that provided each plot is sold off individually and built out as self-build then no affordable housing or an equivalent financial contribution towards off-site provision will be required. If for whatever reason there is not demand for any particular plot as a self-build plot, and instead it is developed by a developer, then it is proposed that an affordable housing contribution will still be required. All other financial contributions as per the section 106 agreement associated with DC/15/0193 have been proposed to carry over to the new s106 agreement. The only difference being that the payment triggers are now proposed to be aligned with the Council’s Planning Obligations and Affordable Housing SPD.

Loss of Affordable Housing and Provision of Self Building Housing

- 6.4 Until recently, building your own home was known as ‘self-build’. In 2011 the term ‘custom build housing’ was introduced in the Government’s Housing Strategy for England. Self build defines projects where an individual or group directly organises the design and construction of their own home/s. Custom build homes are where someone works with a developer as an individual or a group to help deliver their own homes. This is more a hands-off approach, but homes are often tailored to match individual requirements. The Council is legally obliged to keep a register of people who are interested in self build or custom projects in the district. This helps to gauge interest from people wishing to undertake such projects and to inform future planning policies on the provision of suitable building plots throughout the district. As of 1 July 2019, there are 46 entries on the Council’s Self and Custom Build Register of Interest, of which 36 are residents of the district.
- 6.5 It is acknowledged that the Inspector in granting permission for 8 dwellings on the site considered that significant weight should be given to the fact that the scheme would bring forward two affordable units and that the emerging West Chiltoningon Neighbourhood Plan and other documents identified that there is local demand for such accommodation. Further the Inspector considered that whilst the Council’s stance at the time of the Inquiry was inconsistent with national guidance in respect of the provision of affordable housing on sites less than 10 units, there was a *‘real and pressing need for affordable housing within the region, within the district, and within the immediate vicinity of the appeal site.’* He considered that the provision of the two affordable units would be a significant benefit in favour of the proposed development.

- 6.6 The applicant has contacted eleven registered providers asking if they would be willing to acquire the two affordable units on the site. Of those contacted only three responded directly to the enquiry; each advising that they would not be interested in taking on the affordable units. The reasons relate to the site being in a rural location, being too far south within the district and the anticipated property values being too high for the majority of applicants to be able to afford either as affordable rented properties or through a shared ownership scheme.
- 6.7 Paragraph 64 of the NPPF (as revised in 2018) aims to boost the provision of affordable housing coming forward and directs that at least 10% of the affordable housing provision on a 'major' development should be aimed at the affordable home ownership market. There are however exemptions to this requirement, such as where the site or proposed development '*is proposed to be developed by people who wish to build or commission their own homes...*'.
- 6.8 The applicant has put forward that to accommodate the changes to the original permission the intention is that there will be a new section 106 agreement to replace that associated with DC/15/0193. The s106 agreement will set out that provided each plot is sold off individually and built out as self-build then no affordable housing or an equivalent financial contribution towards off-site provision will be required. If for whatever reason there is not demand for any particular plot as a self-build plot, and instead it is developed by a developer, then it is proposed that an affordable housing contribution is still required as the exception as set out in paragraph 64 of the NPPF would not apply.
- 6.9 Whilst the proposal as submitted will not now provide on-site affordable housing, or potentially a financial contribution towards affordable housing in lieu of on-site provision as paragraph 64 of the NPPF directs, the provision of 8 self/custom built properties will help to meet the demand for such housing in the district. Therefore, whilst regrettable that the scheme will not provide the two affordable units as originally proposed, it is considered that the amendment as proposed is acceptable, subject to a legal agreement securing the provision of a financial contribution towards off-site affordable housing provision should the plots not come forward as self-build plots.

Other Amendments

- 6.10 As part of the proposal put forward, the layout and siting of the dwellings is proposed to be amended. Plots 7 and 8 (the two affordable units) are proposed to be amended to form one detached open-market property rather than a pair of semi-detached properties (renamed plot 7). Plot 1 is proposed to be split into two plots to form allow for two detached properties as opposed to a single detached property (renamed plots 1a and 1b). The dwelling on plot 5 is proposed to be re-sited to avoid a mains sewer which runs through the site. The total number of dwellings on the site will not increase.
- 6.11 Concerns have been raised in respect of the suitability for the small lane of Threals Lane to accommodate the access into the newly created plot 1a. West Sussex County Council as the Local Highway Authority have raised no objection to the amendments, and given that the track is to provide access to one property only and is shown to be within the ownership of the applicant, no concerns are raised by Officers in this respect.
- 6.12 To facilitate the development being delivered a 8 self/custom build units, it is necessary for all pre-construction and pre-occupation conditions attached to DC/15/0193 to be re-worded, placing discharge liability on each separate plot owner and not on the whole site. Reworded conditions are set out at section 7 of this report.

Other Matters

- 6.13 Concerns have also been raised in respect of the proposed footpath along the edge of Threals Lane being out of keeping with the area and the loss of trees on the site being a haven for wildlife. Whilst these concerns are acknowledged, the principle of the development,

including the loss of trees on the site and the construction of a footpath, formed part of the original scheme allowed at appeal and for which an extant permission exists for the site. It would not therefore be reasonable for this application to be refused on this basis. In respect of potential damage to tree roots during construction work, conditions were attached to the appeal decision requiring the development to be carried out with the submitted tree survey, including the protection of root protection areas during construction works. Further, a condition required details of any trenches or pipe runs for services, drains or any other purpose which are to be excavated within the root protection area of any tree or hedge to be retained on the site, or off site, to be submitted to the Council for agreement. The details were approved in October 2018 under application DISC/18/0217, with the Council's Arboricultural Officer raising no objection to the details submitted. For the avoidance of doubt however, and as the siting of some of the dwellings is to be amended, suitably worded conditions are recommended to be attached to any permission granted to ensure the protection of the trees/hedges to be retained on the site.

- 6.14 It is acknowledged that the building out of the site as self/custom build units may result in increased build times and increased traffic using the lane than if a single developer was to build out the whole site. However, whilst this may be the case, it may also be the case that as the construction of the houses on each plot are being funded by an individual rather than a developer who then sells on the properties, that build times may not be prolonged. In any event, the construction phase of the development is likely to be time limited and as such it is not considered reasonable to refuse the application on these grounds.
- 6.15 Concerns have also been raised in respect of smaller properties being much needed in the parish. While this may be the case, it should be noted that an extant permission exists for six large detached properties (5 x 6 bedrooms and 1 x 4 bedrooms) and a pair of semi-detached properties on the site, each being 3 bedroomed. While the amendments would no longer provide for any 3 bedroom properties, there is would be an increase in the number of 4-bedroom properties and a decrease in the number of 6-bedroom properties (now 4 x 6-bedroom properties, 1 x 5-bedroom property and 3 x 4-bedroom properties). Given that extant permission exists for the construction of large properties set within generous plots, and that the character of Threals Lane is similar, the construction of similar sized properties to that allowed on appeal would seem reasonable and it is not considered that a reason for refusal based on the lack of smaller properties being provided on the site is warranted.

Conclusion

- 6.16 Planning permission was allowed on appeal for the erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking and the provision of a new footpath adjacent to Threals Lane. Whilst the proposal as submitted will not now provide on-site affordable housing, or a financial contribution towards affordable housing in lieu of on-site provision as paragraph 64 of the NPPF directs, the provision of 8 self/custom built properties will help to meet the demand for such housing in the district. Whilst regrettable that the scheme will not provide the two affordable units as originally proposed, it is considered that the amendment as proposed is acceptable, subject to the variation of the legal agreement. The proposed amendments to the layout of the scheme to provide for eight detached properties rather than six detached and a pair of semi-detached properties are considered acceptable given the character of Threals Lane and the scheme that forms the extant permission for the site.

7. RECOMMENDATIONS

- 7.1 It is recommended that the application is approved subject to appropriate conditions and the completion of a legal agreement.

- 7.2 In the event that the legal agreement is not completed within three months of the decision of this committee, or other later date as agreed by the Head of Development, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

Conditions

1. Plans Condition.
2. **Time Condition:** The development hereby permitted must be commenced by the 24 November 2019.

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

3. **Pre-Commencement Condition:** Prior to the commencement of any part of the development hereby permitted, details of surface water drainage designed so as to prevent the discharge of water onto the public highway shall be submitted to and approved in writing by the local planning authority. The development thereafter shall be carried out in accordance with the approved details.

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).

4. **Pre-Commencement Condition:** No part of the development shall take place, including any works of demolition or site clearance, until a Construction Method Statement and Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Statement and Plan shall provide for:
 - i) the anticipated phasing of site clearance including demolition and the construction of the dwellings, which should take into account the avoidance of specific times of the year in order to protect local biodiversity and species on or near to the appeal site;
 - ii) the anticipated number, frequency and types of vehicles used during clearance and construction phases;
 - iii) the method of access and routeing of these vehicles;
 - iv) the parking of vehicles of site operatives and visitors;
 - v) loading and unloading of plant, materials and waste;
 - vi) storage of plant and materials used in constructing the development;
 - vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - viii) wheel washing facilities;
 - ix) measures to control the emission of dust and dirt during construction;
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - xi) delivery, demolition and construction working hours.

The approved Construction Method Statement and Management Plan shall be adhered to throughout the construction period for the development.

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 of the development hereby approved shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) a statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) a detailed plan and specification for topsoil stripping, storage and reuse on the site in accordance with recognised codes of best practice;
- iv) planting and seeding plans and schedules which specify the species planting size, densities and plant number and locations. Such details should also include those to be used in the area set aside for dormice as part of Condition 16 of this decision;
- v) tree pit and staking/underground guying details;
- vi) a written hard and soft specification of planting, including ground preparation, cultivation and other operations associated with plant and grass establishment;
- vii) means of enclosure and retaining structures;
- viii) boundary treatments, including details of the finishes and materials for any walls, fences or other similar structures;
- ix) vehicle parking layouts;
- x) other vehicle and pedestrian access and circulation areas;
- xi) hard surfacing materials, including their layout, colour, size, texture, coursing and levels;
- xii) proposed and existing functional services above and below ground [for example drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
- xiii) lighting, floodlighting and/or CCTV; and
- xiv) full details of a scheme of management and/or maintenance of the items listed from i) to xiii).

The landscaping works to each plot shall be carried out in accordance with the approved details before any part that plot is first occupied. The completed scheme shall be managed and/or maintained in accordance with the scheme of management and/or maintenance set out at xiv) of this condition.

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).

6. **Pre-Commencement Condition:** Prior to the commencement of development on each individual plot, a sample panel of the materials to be used in the construction of the external surfaces of the building/s on that plot shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre by 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

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).

7. **Pre-Commencement Condition:** Prior to the commencement of any part of the development hereby permitted, full details of foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The drainage works shall thereafter be implemented and retained as approved.

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 Condition:** No part of the development hereby permitted shall be occupied until the proposed vehicular accesses and the footpath are installed and made available for use as shown on drawing 599/02 Rev E. Thereafter the footpath shall be retained and shall not be permanently blocked or obstructed.

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-Commencement Condition:** No part of the development hereby permitted shall be occupied until visibility splays of 2 metres by 39 metres have been provided at the proposed vehicular accesses into and from the proposed dwellings. The visibility splays shall thereafter be retained and no structure exceeding 0.6 metres in height shall be placed within these visibility splays.

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

10. **Regulatory Condition:** The development hereby permitted shall be carried out strictly in accordance with the Tree Survey & Report by Furse Landscape Architects Ltd dated 20 January 2015 and amended 10 February 2015. In particular, the root protection areas (RPAs) relating to each individual plot shall be implemented and retained during construction works relating to that plot, and in accordance with BS5837:2012 or any replacement or updated standard.

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).

11. **Pre-Commencement Condition:** Prior to the commencement of any part of the development hereby permitted, full details of any trenches or pipe runs for services, drains or any other purpose, to be excavated anywhere within the root protection area of any tree or hedge targeted for retention on or off the site shall be submitted to and agreed in writing with the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

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).

12. **Pre-Commencement Condition:** No part of the development hereby approved shall commence until an assessment of the risks posed by any contamination (including but not limited to asbestos), carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by 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).

13. **Regulatory Condition:** Any contamination that is found during the course of construction of the approved development, that was not previously identified, shall be reported immediately to the local planning authority in writing. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

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).

14. **Pre-Commencement Condition:** No part of the development hereby approved shall take place, including any works of demolition or site clearance, until an Ecological Mitigation and Management Plan (EMMP) is submitted to and agreed in writing by the local planning authority. The plan shall include;
- i) Any necessary pre-work surveys, updates or assessments;
 - ii) A detailed dormouse, badger and reptile mitigation method statement;
 - iii) A lighting plan for the site;
 - iv) Capture recommendations where necessary; and,
 - v) Full details of any biodiversity enhancements, including features such as bird and bat boxes, and any other recommendations to be implemented as made in the PJC Ecology/The Ecology Partnership 2015 supporting documents.

Any measures submitted within the approved EMMP shall be implemented as agreed, and thereafter retained.

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

15. **Regulatory Condition:** The extent of the grounds serving the proposed dwellings shall reflect those shown in Figure 6 of the Dormouse Survey and Mitigation Strategy – Land at Threals Lane, West Chiltington by the Ecology Partnership (December 2015). No domestic or residential building, structure, or means of enclosure shall be erected on the land contained within the orange polygon (on the eastern side of the site) of the aforesaid drawing, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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