



**TO:** Planning Committee (North)  
**BY:** Head of Development  
**DATE:** 7 January 2020  
**DEVELOPMENT:** Demolition of No.6 vacant bungalow dwellings and the erection of No.6 two storey dwellings with associated parking and landscaping.  
**SITE:** Pathfield Close Rudgwick Horsham West Sussex RH12 3HT  
**WARD:** Rudgwick  
**APPLICATION:** DC/18/2747  
**APPLICANT:** **Name:** Mr Philip Tunnicliffe **Address:** 38 - 42 Worthing Road Horsham, West Sussex RH12 1DT

**REASON FOR INCLUSION ON THE AGENDA:** Over 8 letters of representation have been received which are contrary to the recommendation

**RECOMMENDATION:** To delegate authority to the Head of Development to grant planning permission subject to appropriate conditions, the satisfactory completion of a s106 legal agreement to secure the provision of 100% affordable rented units.

In the event that the legal agreement is not completed within three months of the decision of this Committee, 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**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 The application seeks planning permission for the erection of 6 dwellings (2 storeys) with associated parking 2 per unit with 2 visitor spaces (14 spaces in total) and associated landscaping following demolition of the existing bungalows. The units are all proposed as housing for affordable rent.
- 1.2 The proposed dwellings comprises two x 5 bed detached dwellings (5 persons), one at each end of Pathfield Close with two x pairs of 2 bed semi-detached dwellings (4 persons) located centrally between them under a pitched interlocking concrete tile roof.
- 1.3 All of the proposed dwellings would be built in a mixed palette of materials comprising, elevations with red brick at ground floor level and cedar weatherboard panels which wrap

around the front, sides and rear of the dwelling at first floor level. Fenestration and water goods are of dark grey UPVc, and the units all have composite doors with a simple timber flat roof porch over the front entrance.

- 1.4 The first floor windows of the semi-detached units (Plots 2-3 and Plots 4-5) have angled windows at first floor with obscure glazing, as indicated in the submitted details. The semi-detached dwellings are all of the same design and appearance, however the two detached dwellings identified as Type A (Plot 1 located at the northern end of the application site) and Type B (Plot 6 located at the southern end of the application site) whilst essentially the same in terms of their scale and dimensions, have a different internal floor layout and subsequently the fenestration arrangements and elevations differ. In contrast with the units on Plots 1 – 5, the unit on Plot 6 is orientated with the east elevation (flank) towards the adopted road).
- 1.5 The application includes proposals to extend Pathfield Close further south to facilitate an improved parking arrangement and turning head. The applicant will therefore be required to enter into a S38/278 legal agreement with West Sussex County Council to cover the proposed adoptable on site Highway works.

#### DESCRIPTION OF THE SITE

- 1.6 The application site forms a relatively long and narrow parcel of land located on the west side of Pathfield Close, which is a cul de sac accessed via Queen Elizabeth Road to the north. The site is located within and bounded by the southern edge of the Built up Area Boundary of Rudgwick. The application site is located within Flood Zone 1, which is classed as having a very low risk of flooding.
- 1.7 The site currently comprises 3 pairs of semi-detached bungalows (6 x 1 bed dwellings in total) with brick elevations under a concrete tiled roof. The semi-detached blocks comprising plots 1 & 2 and plots 3 & 4 are slightly staggered along the north / south axis, and plots 5 & 6 are positioned along the east / west axis at the southern end of the site. All existing dwellings have a relatively small rear garden with the exception of plot 5 which has a generous garden area spanning three sides of the dwelling. The rear gardens of Plots 1-5 are orientated to the west and face Church Street (B2128). There is a generous verge, approximately 7.6m - 9.25m, wide between the rear boundaries of the existing dwellings and the public highway. Plots 5 – 6 have side / rear boundary that adjoins an open field to the south. Plots 2, 5 and 6 have small ponds in the garden areas. Plot 6 shares a common side boundary with 'Jazzmans' 1 Pathfield Road. The existing dwellings do not have the benefit of private parking facilities which results in parking of vehicles on street and on the Publicly Maintained verge.
- 1.8 Land levels across the site decline gradually from the north to south, although existing garden areas are relatively flat. The north, south and west boundaries of the site benefit from existing soft boundary screening with hedges and some mature trees. There are no trees that are subject to Tree Preservation Orders. It is noted that some tree work may be required to facilitate any future development of the site. There is a graduated small dwarf brick wall along Church Street that forms a rear boundary to the dwellings, glimpses of the bungalows can be seen through existing trees and planting.
- 1.9 Although the application site is characterised by bungalows, the general character of the surrounding area is characterised by two storey residential dwellings that are a mix of terraced, semi-detached and detached properties.
- 1.10 The site is close to the A281 which is the principle access route to Rudgwick. The site itself is located off of the B2128 which is an arterial route running through Rudgwick. The site is served with a linked pedestrian footways which offer sustainable travel to a nearby shop, surgery, schools and amenities. A number of these footways are served with tactile

paved crossing locations to ensure pedestrians are encouraged to cross at safe locations on the network. Bus services operate from Watts Corner a 2 minute walk to the south of the B2128, this provides links to Horsham and Guildford roughly on an hourly basis.

- 1.11 It is noted that the existing single storey bungalows are affected by subsidence and although the site was partially occupied by tenants at the time of the original site visit, it is understood that the applicants (Saxon Weald) have since rehoused the previous tenants.

## **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:

#### **2.3 National Planning Policy Framework**

#### **2.4 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 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:

Planning Obligations and Affordable Housing SPD (2017)  
Community Infrastructure Levy (CIL) Charging Schedule (2017)

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Rudgwick Parish has been designated a Neighbourhood Development Plan Area. There are ongoing discussions with Horsham District Council to progress the plan to Regulation 14.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 There is no relevant planning history relating to this 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](http://www.horsham.gov.uk)

## INTERNAL CONSULTATIONS

### 3.2 **HDC Housing:** No Objection:-

- Whilst the loss of the bungalows would be disappointing they are not all in use as they are not fit for purpose currently. There is alternative provision in the parish for retirement accommodation with Mount Green Housing Association (formally Hawkridge accommodation) and a number of general needs properties increasing the overall number of affordable units within the parish.
- A snapshot of demand in accordance with the Council's housing register currently shows low levels of demand for retirement accommodation in the parish. In addition no household has only identified Rudgwick as their sole area of choice for permanent accommodation which means it would be possible to meet their needs elsewhere.

### 3.3 **HDC Environmental Health:** No objection subject to conditions.

### 3.4 **HDC Drainage Engineer:** Comment. No drainage information has been submitted to make any relevant comments or observations. Our historical drainage records highlights an existing surface water sewer / highway drainage system crossing the site. The exact position of this system must be determined on site by the applicant before the layout of the proposed development is finalized. Therefore if this development is permitted suitable drainage conditions should be applied that show full details of the measures to dispose of both foul and surface water.

### 3.5 **HDC Tree Officer:** No objection. Referred to WSCC Arboriculture Officer for further comment.

## OUTSIDE AGENCIES

### 3.6 **WSCC Highways:** No objection subject to conditions. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at either the junction with the public highway, onto Queen Elizabeth Road. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

### 3.7 **Ecology Consultant:** No Objection subject to conditions to secure appropriate mitigation measures.

### 3.8 **Southern Water:** No Objection. The applicant is advised to contact Southern Water regarding the servicing of the proposal.

### 3.9 **Southern Gas Networks:** Comment. Advisory comments which to be included as informatives for the benefit of the applicant.

### 3.10 **WSCC – Arboriculturist:** The trees must be retained and protected in accordance with BS5837:2012 and industry good practice especially if the western boundary of the site may be altered in any way. The verge must not be used for material / plant / vehicular storage etc. and regarded as an exclusion zone.

## PUBLIC CONSULTATIONS

### 3.11 **Rudgwick Parish Council:** Object. With the Barleycroft development two storey affordable housing is available in Rudgwick. The single storey dwelling demand and meeting the need of the mature Rudgwick population is not been addressed and this development therefore

objected to. Rudgwick Design Statement is still not adhered to, 'in particular cladding and concrete roof tiles'.

3.12 15 Neighbour letters received on the original and 5 neighbour letters on the amended schemes objecting on the following grounds:

- Loss of Private Amenity
- Loss of bungalows for elderly residents
- Parking and traffic
- Design and materials
- Small gardens
- Increased height (two storey)
- Overdevelopment
- Precedent
- Doesn't satisfy local affordable housing need
- Loss of rented tenure
- Neighbourhood Plan Housing Needs Assessment
- Viability evidence to justify loss of bungalows and replacement
- Overbearing

3.13 **Rudgwick Preservation Society** – Object. There is no housing need in the Village for 2 storey affordable housing, this has been met elsewhere. There is a need for single storey housing for the elderly and units for rent. The proposed design does not follow the Rudgwick Design Statement. The proposed dwellings are imposing and will totally change the aspect of the area to its detriment.

#### **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 planning application seeks permission for 6 two storey dwellings with associated parking and landscaping. Comprising 4 x 2 bed and 2 x 3 bed dwellings. The main considerations within this application are:

- The principle of the development in this location
- Design and the impact on the character of the area
- Impact on residential amenity
- Highway considerations
- Ecological impact

##### Background

6.2 The existing bungalows managed by Saxon Weald are affected by subsidence and as such are to be demolished as part of the application proposals. The six bungalows, which

provided social housing, were vacated between the 15 April 2018 and 5 August 2018 and as such, the bungalows within the application site, are now vacant. The applicant advises that prior to the submission of the application a public consultation exercise was carried out and 158 letters were sent to residents living in the area around Pathfield Close. The Parish Council were also invited to a consultation event, the event attracted 30 people including 25 local residents and 5 Parish Members, it is advised that a summary of responses was sought via a feedback questionnaire to ascertain whether people agreed with the Saxon Wealds proposals to re-develop the site. As a result of this there were eight written responses, comprising 6 feedback forms and two emails. One of the written comments was duplicated by an email and therefore overall there were seven responses in total. It is advised that 4 of the consultees indicated their approval for the redevelopment of the site, and three disagreed with the re-development. Overall, from the Saxon Weald Public consultation exercise carried out and the responses received, the balance of opinion was tipped in favour of redevelopment of the site. It is noted that following the Councils consultation and notification period carried out during consideration of the application, 15 letters of representation were received relating to the original scheme and 5 to the amended scheme, details relating to the grounds of objections raised during this period are set out later within this report.

- 6.3 At the time the Councils Housing Department were consulted on the loss of the bungalows they advised that whilst the loss of the bungalows would be disappointing they were not fit for purpose. It was also advised that there is alternative provision in the parish for retirement accommodation with Mount Green Housing Association (formally Hawkridge accommodation) and a number of general needs properties increasing the overall number of affordable units within the parish. A snapshot of demand in accordance with the Council's housing register currently shows low levels of demand for retirement accommodation in the parish. In addition no household has only identified Rudgwick as their sole area of choice for permanent accommodation which means it would be possible to meet their needs elsewhere.

### **Principle of Development**

- 6.4 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 and redevelopment 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.
- 6.5 The application site is located within the built up area of Rudgwick, which is classified as a medium village within the defined settlement hierarchy. Policy 3 describes these settlements as having a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small towns and larger settlements to meet a number of their requirements.
- 6.6 The site is located within the built-up area boundary of Rudgwick where there is a presumption in favour of development that is appropriate in nature and scale to maintain the characteristics and function of the settlement. As such, the principle of new development is considered acceptable subject to a thorough assessment of the application details, materials considerations and compliance with all relevant policy criteria.
- 6.7 Policy 16 [part 3 (b) refers] states that on sites providing between 5-14 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 the developer of providing the units on site is required. Notwithstanding the policy requirements as set out above, new advice within paragraph 63 of the National Planning Policy Framework 2018 states that provision for affordable housing should not be sought for residential development that are not major

developments other than in rural areas (where policies may set a lower threshold than 5 units or fewer). Therefore, as the development proposals do not fall within the definition of a major development for the purpose of housing provision (10 + dwellings, or have a site area of more than 0.5 hectares) the requirements of Policy 16 [part 3(b)] are not triggered and affordable housing contributions are not required for this development which proposes 6 units on a site area of 0.16 ha. However, a legal agreement securing 100% provision of affordable housing will be secured as part of the application proposals should planning permission be granted. The applicant (Saxon Weald) are a locally-based registered provider of affordable homes, and as such are proposing that all 6 units provided as part of the scheme will be available for affordable rent, which is welcomed. Given the proposal offers 100% affordable housing, this will exempt the applicant from CIL payments, therefore this 100% provision of affordable housing will be secured within the accompanying s106. The Councils Housing Manager has confirmed that they are in support of the application and that the Council would have 100% nomination rights from the housing list to the new properties when completed, it is also advised that criteria will include a local connection stipulation in the nominations agreement. Officers therefore consider that the provision of the affordable housing units for affordable rent to replace the existing bungalows in this location is a benefit that weighs in great favour of this application.

### **Design and Appearance:**

- 6.8 Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensure that it will; complement locally distinctive characters and heritage, contribute to both the buildings and spaces and integrate well with their surroundings, is locally distinctive in character and respects the character of the surrounding area.
- 6.9 The proposed 2 storey dwellings which replace the 6 existing bungalows to be demolished. The proposed dwellings have been sited in a linear pattern of development, albeit slightly staggered from the north of the site along the north south axis. The height of the proposed dwellings to the ridge height is approximately 8m. Plot 1 comprises a 3 bed (5 person) dwelling that has a footprint of approximately 9.53m (L) x 6m (W), this plot is set back from the two pairs of 2 bed (4 person) semi-detached dwellings at Plots 2-3 & Plots 4-5, each of these semi- detached pairs have a foot print of approximately 10.63m (L) x 9.8m (W) located centrally within the application site. Plot 6 comprises a 3 bed (5 person) unit with a foot print of approximately 6.12m (L) x 9.3m (W) and is positioned on the east west axis, with the rear elevation adjacent to and overlooking the open land to the south of the site.
- 6.10 The elevation plans have been amended over the course of the consideration of this application. Fenestration arrangements at first floor level for Plots 2 and 3 and Plots 4 and 5 now have angled window bays / projecting windows, which although not a common feature in the street scene provide a functional purpose in protecting the private amenity of the neighbouring dwelling at 'Jazzmans' 1 Pathfield Close.
- 6.11 The scale of the proposed building derived from the three dimensional mass (height, depth and footprint) is considered to be acceptable, along with the overall layout and set back position of the units. Separation distance between each unit has been retained in the proposed scheme and is considered to respect the open character and village feel of the wider area. The proposed dwellings would have a greater three dimensional mass compared to the existing bungalows on site, however this is not considered inappropriate within the wider street scene and character of the area as the surrounding area is mainly characterised by two storey semi-detached and detached dwellings.
- 6.12 The proposed materials, include a mixed palette of predominantly red brick elevations, with dark grey cedar weatherboard panels at first floor level that wrap around the front and side elevations of the proposed dwellings, giving them a modern and contemporary visual appearance. The dwelling sits beneath a concrete tiled pitched roof.

- 6.13 It is considered that there is good separation distance between the proposed dwellings which allows for the provision of 2 tandem parking bays for off road parking for each individual unit. There are 14 parking bays in total across the site. The road layout has been amended in order to accommodate individual access to each dwelling.

**Trees and Landscaping:**

- 6.14 The proposals comes with a full tree survey and report from Lizard Landscapes. The Council's Tree Officer has been consulted and has advised that given that the distances from the large trees to the west appear similar to existing, it was not considered necessary to comment, however it is noted that the wide strip of land on the eastern side of the B2128 is adopted County Council land and as such the County Council Arboriculture Officer has been consulted particularly given concerns relating to subsidence of the existing bungalows. It has subsequently been advised that the trees on this land must be retained and protected in accordance with BS5837:2012 and industry good practice especially if the western boundary of the site may be altered in any way. The verge must not be used for material / plant / vehicular storage etc. and regarded as an exclusion zone. It has also been advised that WSCC should be compensated if any Highway trees are to be removed for this development.

**Amenity Impacts:**

- 6.15 The scheme has been amended during the course of consideration of the application and the design of the window openings at first floor elevation of the two pairs of semi-detached dwellings (Plots 2 & 3 and Plots 3 & 4), which now have an angled bay with obscure glazing and blind projecting cheeks, in order to protect the private amenity of the adjacent dwelling at 1 Pathfield Close (Jazzmans).
- 6.16 Considerate siting and design amendments have now overcome previous concerns regarding overlooking of the amenity space (raised patio) at the rear of the neighbouring property known as 1 Pathfield Close (Jazzmans). With a separation distance of 15.5 m between the proposed dwellings (Plots 2 and Plot 3) to the flank of 1 Pathfield Road, it is considered that there is adequate separation distance between the front elevation of the proposed dwellings and the flank elevation, residential amenity area and patio area located at the northern end of the rear garden area to the adjacent dwelling immediately opposite the application site.
- 6.17 Appropriate boundary treatment would be required to the rear of each plot to ensure that the rear gardens and private amenity of future occupiers is secured. It is noted that that the existing trees outside of the application site on land owned by WSCC will also provide a degree of privacy and screening from passing traffic and pedestrians using the adjacent Public Highway.
- 6.18 It is considered that the proposals do not result in any significant or appreciable impact on the visual amenities of the street scene and follow a similar pattern of development in terms of their siting to those that they are proposed to replace. Furthermore the replacement of the existing 6 x 1 bed bungalows with 2 x 3 bed and 4 x 2 bed two storey dwellings is not considered to result in any appreciable or significant harm arising from the larger scale of dwellings or the increased level of occupancy and associated residential activity, which are considered to relate well in both size and scale to the surrounding development. As such the proposed bungalow are considered to be acceptable within the context of the wider street scene and character of the immediate area. Therefore it is not considered that the proposals would result in any significant or appreciable harm to visual or private amenities. In this respect, the development proposals is considered to accord with policies 32 and 33 of the HDPF.

### **Highways Impacts:**

- 6.19 In regards to the current scheme, it is proposed to extend Pathfield Close further south to facilitate an improved parking arrangement and turning head. The road takes the form of an approximately 5 metre wide arrangement. This is considered suitable as this follows the existing widths of Pathfield Close and will be a low speed, low traffic environment. The Access arrangement to Pathfield Close from Queen Elizabeth Road is an existing arrangement, however the current proposal seeks to extend Pathfield Close further south to facilitate an improved parking arrangement and turning head. The road takes the form of an approximately 5 metre wide arrangement which reflects the existing widths of Pathfield Close and will be a low speed, low traffic environment. The road is to be constructed to adoptable standards, the applicant will therefore be required to enter into a S38/278 legal agreement with WSCC to cover the proposed adoptable on site Highway works.
- 6.20 The applicants have submitted an updated Transport Technical Note by Reeves Transport Planning Ltd dated September 2018. WSCC Highways has been consulted and they have confirmed that given the scale of the proposal and the existing permitted use a TRICS assessment and Travel Plan are not required. Whilst the LHA acknowledge that there will be a difference in the pattern of traffic movements given the increased floorspace, it is not considered that there will be a severe material increase in traffic movements over that currently generated. In addition there are no known capacity and congestion issues within the immediate vicinity of the site.
- 6.21 In terms of parking and access for the individual properties, the existing arrangement of 6 x 1 bed dwellings provides a nil parking provision for residents and this arrangement results in the parking of vehicles on street and on the Publicly Maintained verge. The proposed development includes the provision of 14 car parking spaces in total, which equates to 2 spaces per dwelling and 2 visitor spaces as well as cycle parking from each unit. The number of car parking spaces proposed is in accordance with the requirements of WSCC residential car parking standards and from a capacity perspective it has been confirmed that WSCC Highways are satisfied that the proposal will not have a severe residual impact and is in accordance with Paragraph 109 of the NPPF and Policy 40 of the HDPF.

### **Ecology:**

- 6.22 The Ecology Consultants at Place Services have assessed the Preliminary Ecological Appraisal (PEA), the Preliminary Bat Roost Assessment (March 2018), the eDNA survey report (25th July 2018), and the Bat Emergence Report (August 2018) submitted by Lizard Landscape Design and Ecology. Additionally they have reviewed the later submitted Ecological Impact Assessment (EclA) (Lizard Landscape Design and Ecology, October 2019), which consolidates the results of many of these surveys.
- 6.23 Further to the Ecology Consultants initial comments which required further supporting information in regards to Great Crested Newt, further discussion took place between the applicants Ecologist and the Council's Ecology Consultants during the consideration of the application and subsequent supporting information was provided in writing (letter dated 6th December 2019). With the additional information, the Council's Ecology Consultants are now satisfied that sufficient information has been provided to provide certainty to HDC of the likely impacts from the development. The Ecologist are satisfied that any necessary mitigation will be effective and can be secured either by condition of any consent or a licence from Natural England.

## **Refuse Collection**

- 6.24 The requirement for all houses within the District is that they should have enough space for three bins (refuse, recycling and garden waste). Blocks of flats are required to provide sufficient bin capacity to cater for 180 litres per dwelling for refuse, and 240 litres per dwelling for recycling. The proposed development provides bin storage areas located at the front of the North West elevation. Plans show that refuse storage is to the side or rear of the proposed dwellings. Further details relating to refuse and recycling storage are subject to a condition requiring further details.

## **Community Infrastructure Levy**

- 6.25 The application has been submitted by Saxon Weald a registered social housing provider, and the 9 units proposed are being provided for 100% affordable rented accommodation, therefore although the scheme is liable for CIL the proposal is eligible for exemption from CIL payments. A legal agreement securing 100% provision of affordable housing will be secured as part of the application proposals.

## **Conclusions and Planning Balance:**

- 6.26 In summary, the principle of this development in this location is in accordance with the Council's overarching development strategy. The proposals are welcomed by the Council as they will provide 100% affordable rent tenure which will meet an identified demand for this type of accommodation in the District. It is considered that the proposed design, scale and siting of the development has been sensitively achieved within the constraints of the site and are in accordance with the context and character of the wider area and the relationship with nearby existing two storey dwellings is following amendments to the fenestration details on the two central dwellings comprising obscure and blind-sided windows at first floor level to overcome concerns regarding overlooking and loss of private amenity to 1 Pathfield Close, it is considered that the proposals are acceptable and do not result in significant harm to private or visual amenities.
- 6.27 There is no overall objection from the Highways Authority regarding highway safety and overall the development proposals to provide 6 new dwellings for affordable rent are considered acceptable subject to the imposition of conditions and the completion of a satisfactory S106 agreement to secure 100% affordable housing for rent.

## **7. RECOMMENDATIONS**

- 7.1 Grant planning permission subject to completion of S106 legal agreement and the following conditions:-

1 **Plans Compliance Condition**

- 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:** The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;

- ii. A description of management responsibilities;
- iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust and the provision of wheel washing facilities.
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LBL and local community regarding key construction issues - newsletters, fliers etc.

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP for the related phase, unless the written consent of the Local Planning Authority is received for any variation.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 4 **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 on approved drawing number LLD1361 ARB DWG 001 Pathfield 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).

- 5 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of 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).

6 **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.

In accordance with the requirements (a) and (b) above and as submitted within the Phase 1 Desk Study & Phase 2 Preliminary Site Investigation & Risk Assessment Report dated 14 September 2018 (Ref: J13681) the following information is required

- (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).

7 **Pre-Commencement Condition:** No development 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).

- 8 **Pre-Commencement Condition:** No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles (Good population of Slow Worm and Low population of Grass Snake) has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.
- a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
  - i) Details for monitoring and remedial measures.
  - j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991 and Policy 31 of the Horsham District Planning Framework.

- 9 **Pre-Commencement Condition:** An invasive non-native species protocol shall be submitted to and approved by the local planning authority. This shall include details of the containment, control and removal of the Parrot's Feather present on site. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991 and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 10 **Pre-Commencement (Slab Level) Condition:** Notwithstanding the details submitted, 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).

- 11 **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).

- 12 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures (including off-site measures);
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (including off-site measures);
- d) timetable for implementation
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species and Policy 31 of the Horsham District Planning Framework).

- 13 **Pre-Occupation Condition:** The building/extension hereby permitted shall not be occupied until the window(s) at first floor level Plots 2 &3 and Plots 4 & 5) on Plan [201 (PL) 8280 Rev A] have been fitted with obscured glazing. The window(s) shall be fixed shut/non-openable. Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.

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

- 14 **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 004-(PL)-8280 rev B 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).

- 15 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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)

- 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 **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 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 including specification
- Details of all external lighting including a lighting design scheme for Biodiversity showing how and where external lighting will be installed (with provision of an appropriate technical specification).
- A Landscape and Ecological Management Plan

The approved landscaping 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.

The approved external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No external lighting shall be installed without the prior consent from the local planning authority.

The (LEMP) shall include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out how contingencies and /or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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).

- 18 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made in

accordance with details that have been submitted to and approved in writing by the Local Planning Authority. 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).

- 19 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the following Ecological Reports: Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (March 2018), eDNA survey report (25th July 2018), Bat Emergence Report (August 2018), Ecological Impact Assessment (October 2019) and Ecology Letter (6th December 2019) all by Lizard Landscape Design and Ecology as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and 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).