



**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 07 January 2020

**DEVELOPMENT:** Erection of two semi-detached two storey two bedroom dwellings with on-site parking and associated works

**SITE:** 12 Hayes Lane Slinfold Horsham West Sussex RH13 0SQ

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/19/2232

**APPLICANT:** **Name:** Zena Mount **Address:** The Swan Inn Cone Valley Woolaston Lydney GL15 6AD

**REASON FOR INCLUSION ON THE AGENDA:** The application, if approved, represents a departure from the development plan.

**RECOMMENDATION:** To approve the application subject to conditions

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

1.2 The application seeks full planning permission for the erection of 2no. semi-detached dwellings to the rear of the frontage dwellings along Hayes Lane. The proposed dwellings would be positioned centrally within the site, and would be oriented to face north and west.

1.3 The built form would measure to a length of 8.4m and depth of 8.9m, and would incorporate a half-hipped roof measuring to a height of 7.7m. The proposal would incorporate gable features to the north and south elevations, which would be set down from the main ridgeline, with overhang porch features to the north and west elevations. The proposed dwellings would be finished in red/brown multi-stock brick to match the adjacent properties, dark brown plain concrete tile to the roof, and white double glazed windows. Each dwelling would provide living area, kitchen, w.c to the ground floor, and 2no. bedrooms and bathroom to the first floor.

1.4 The proposed development would provide rear amenity space for each dwelling, with the amenity space for Unit 1 located to the south and east of the built form, and the amenity space of Unit 2 provided further to the east. Each amenity space would be separated by 1.8 timber fencing, with new trees and shrubs planted along the eastern boundary. 2no. off-road parking spaces would be provided for Unit 1, which would be located to the south of the built form, with 2no. off-road parking spaces for Unit 2 located to the north.

## DESCRIPTION OF THE SITE

- 1.5 The application site comprises an area of land adjoining the application properties of 11-12 Hayes Lane, and is located to the west of Hayes Lane and the south of Brick Lane.
- 1.6 The site is located outside of, but adjoining, the designated built-up area of Slinfold, and is therefore within the countryside in policy terms.
- 1.7 The area of land comprises predominantly scrubland, and is currently used for off-road parking. There is a watercourse running to the eastern edge of the application site, with a new housing development located to the west.
- 1.8 The adjacent neighbouring properties are positioned to the east and west of the site by approximately 22m and 11m respectively.

## 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 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 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 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 **Slinfold Parish Neighbourhood Development Plan**

Policy 5: Development Principles  
Policy 6: Housing Mix

## PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1012	Proposed erection of 2 nos. semi-detached two bedroom dwellings with on-site parking and associated works.	Application Refused on 31.07.2017. Appeal dismissed 16.03.2018.
DC/19/1243	Erection of 2.No semi-detached dwellings with on-site parking and associated works	Application Refused on 15.08.2019

### 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 Environmental Health:** Comment. From reviewing historic maps it is apparent that part of the application site historically formed part of a brickworks with associated pits, pits which have subsequently been infilled with unknown and therefore potentially contaminated material. From undertaking a recent site visit it is also apparent that the site is currently being used to store vehicles and potentially contaminated materials. Given the historic and current land uses as detailed above we are of the view that the ground on the site has the potential to be contaminated. Contamination assessments will therefore need to be undertaken to assess the risks to future site users.
- 3.3 **HDC Drainage Engineer:** Comment. If this development is recommended for approval, it is suggested that a Drainage Strategy (Foul and Surface Water) condition be imposed.

#### OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** Comment. The Local Highways Authority does not consider that in principle this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

**Ecology Consultant:** No Comment

**Southern Water:** Comment. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

#### PUBLIC CONSULTATIONS

- 3.5 **Slinfold Parish Council:** No Objection but confirmation that the area covered by the timber sleepers has sufficient capacity to cope in extreme conditions is suggested. A condition requiring the watercourse to be kept clear of obstruction is also requested.
- 3.6 Two letters of objection were received, and these can be summarised as follows:
- Potential flooding
  - Additional traffic pressure
  - Parking issues
  - Overcrowding
  - Impact on privacy
  - Proximity to watercourse
  - Removal of trees
  - Overdevelopment

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

- 6.1 The application seeks full planning permission for the erection of a pair of semi-detached dwellings to the rear of Hayes Lane.

##### **Background**

- 6.2 An application for 2no. semi-detached dwellings with parking and landscaping was originally submitted under planning reference DC/17/1012. This application was refused for the following reasons:

- 1 *The proposed development is located in the countryside, outside of any defined built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Plan. The Council is able to demonstrate a 5 year housing land supply and consequently this proposed development would be contrary to the overarching spatial strategy of the Horsham District Planning Framework (2015), in particular Policies 1, 2, 3, 4 and 26.*
- 2 *The proximity of the proposed new dwellings to the existing watercourse to the east of the application site is considered too close at 2.0m and is contrary to existing advice which usually suggests a minimum of 5.0m. This application is therefore considered to be contrary to Policy 24 of the Horsham District Planning Framework (2015).*

- 6.3 Following this refusal, the decision was appealed to the Planning Inspector. In considering the Appeal, the Planning Inspector agreed that there was conflict with policy, however questioned what harm would result to the spatial strategy or to the character of the area if the site were to be developed for housing. In considering this, the Inspector outlined that the site abuts the built-up area boundary to the east, and recognised that the site is adjacent to a large housing development providing 23 dwellings (under planning reference DC/13/2042) to the west. The Inspector thereby concluded that the site is surrounded by housing and forms part of a ribbon of land between the established and new areas of housing. It was therefore considered that the development would become functionally part of the settlement of Slinfold in the same way as the adjacent housing development.
- 6.4 The Inspector noted that Council's concerns that the development might appear cramped, but concluded that given the surrounding variations in plot sizes the proposal would not look out of place. The Council's concerns regarding the potential of the development to encourage a ribbon of development along the access track to the south, but considered that the Council would be able to determine any subsequent planning application for housing on its individual planning merits.

- 6.5 The Inspector considered that *“the proposal would not harm the broader aims of Council policy which is to concentrate growth around the settlements and to protect the character and appearance of the countryside. Indeed, the Council’s delegated report also states that “it is not considered that this application would result in any harm to the countryside surrounding Slinfold” and that “the area itself does have the feel of a built-up area”. Whilst I have found conflict with policies 3, 4 and 26, the proposal would be compatible with policies 1 and 2 to maintain the district’s unique rural character whilst ensuring that the needs of the community are met through sustainable growth.”* The Inspector thereby concluded that the site is suitable for residential development in terms of its location.
- 6.6 While the Inspector considered that the development was acceptable in respect of its location, concerns were raised in regard to the proximity of the development to the watercourse. The Inspector outlined that the flank wall of the easternmost dwelling would be located approximately 2m from the watercourse, and recognised that the Council’s Drainage Engineer had advised that an appropriately sized, development-free buffer zone, usually a minimum of 5m wide, should be left on both sides of the watercourse to conserve and enhance its habitats. The Inspector stated that no convincing justification had been put forward to demonstrate that the Riparian Buffer Advice referred to by the Council should not be adhered to, and thereby concluded that the proposed development would have a harmful effect upon the watercourse.
- 6.7 The Inspector concluded that whilst *“the site would be a suitable location for residential development the proposal would have a harmful effect upon the watercourse. For this reason, and having regard to all matters raised, the appeal is [sic] therefore dismissed.”*
- 6.8 A later application under planning reference DC/19/1243 sought permission for 2no. semi-detached dwellings with parking and associated works. This application was refused for the following reason:
- 1 *The proposed development would be of a quantum, scale, and layout that would result in overdevelopment of the site, in a manner that would provide a cramped form of development that would appear out of character with the build pattern of the locality. The resulting layout, particularly the awkward subdivision of the site to provide amenity space, would further exaggerate the cramped and incongruous form of development, with the resulting layout appearing at odds with the built pattern and characteristics of the surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).*
- 6.9 This application sought to address the reason for dismissal at Appeal, with the siting of the development further to the south of the site, and oriented to address the internal access track. In addition, the built form of the dwellings was increased in length to accommodate undercroft parking, with a reduction in the overall height and provision of additional dormers within the roof.
- 6.10 It was considered that the proposed development, due to the scale, extent and massing of the proposal, would result in a cramped form of development that would detract from the recognised linear build pattern of the surroundings. The proposed development, set further to the south of the site and oriented to face west, would sit in juxtaposition to recognisable build pattern, with the scale and extent of the built form considered to appear as a cramped and dominant addition within the context. It was thereby concluded that the proposed development would be of a quantum, scale, and layout that would result in overdevelopment of the site, in a manner that would provide a cramped form of development that would appear out of character with the build pattern of the locality. The proposal would sit in contrast to the linear form of development fronting the street, with the scale and massing of the proposal considered to result in a dominant and cramped form of development, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

- 6.11 The current application has sought to address the reason for dismissal, and the reason for refusal in respect of the most recent application (planning reference DC/19/1243). The current proposal has been re-sited further to the west, outside of the Riparian Buffer Zone, with the built form and appearance reflective of that considered at Appeal, albeit to a reduced scale and footprint. A larger area of amenity space has also been provided, with alterations to the layout of the site and parking arrangement.

### **Principle of Development**

- 6.12 The priority of Policies 3 & 4 of the HDPF is for development to be located within the built-up area boundaries, with a focus on brownfield land. The appeal site is situated outside of any of the defined settlement as categorised under Policy 3 of the HDPF, and therefore is considered to be in a countryside location in policy terms. The scheme is therefore classed as a departure from the Local Plan.
- 6.13 Policy 4 of the HDPF outlines that the expansion of settlements outside the built-up area are supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 6.14 The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; with new development focused in the larger settlements of Horsham, Southwater and Billingshurst; with limited new development elsewhere, only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.
- 6.15 Paragraph 78 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."
- 6.16 The site lies between the established frontage properties of Hayes Lane, with an area used as extended curtilage, with the new housing development of Brick Lane located to the west. The site is adjacent to the built-up area for Slinfold which runs along the back gardens of the properties fronting Hayes Lane.
- 6.17 A previous application under planning reference DC/17/1012 was refused by the Council on the grounds that while the proposal would not result in harm to the countryside surrounding Slinfold, the site is outside of the defined built-up area boundary and would be contrary to the overarching spatial strategy within the Development Plan. The principle of development was therefore considered unacceptable. This was addressed by the Planning Inspector at appeal, where it was noted that the site abuts the built-up area boundary of Slinfold to the east, while to the west it is adjacent to a large housing development. The site is therefore surrounded by housing, and forms part of a ribbon of land between established and new housing areas. It was therefore considered that the site would become a functioning part of the settlement of Slinfold, and would not harm the broader aims of Council policy. The Inspector concluded that the site would be suitable for residential development in terms of its location.

- 6.18 Given the Inspector's conclusions, which considered that the site is in a suitable location that would not harm the broader aims of the spatial strategy, it is considered that the principle of residential development would be acceptable in this location.

### **Design and Appearance**

- 6.19 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.20 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.21 The previous application under planning reference DC/19/1243 related to the erection of 2no. semi-detached dwellings with on-site parking and associated works. The proposal was refused for the following reason:
- "The proposed development would be of a quantum, scale, and layout that would result in overdevelopment of the site, in a manner that would provide a cramped form of development that would appear out of character with the build pattern of the locality. The resulting layout, particularly the awkward subdivision of the site to provide amenity space, would further exaggerate the cramped and incongruous form of development, with the resulting layout appearing at odds with the built pattern and characteristics of the surroundings, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015)."*
- 6.22 The current proposal has sought to address these concerns by re-siting and re-orienting the proposed dwellings, with alterations to the design to encompass dual frontages at a reduced scale and footprint. The parking arrangement has also been altered to provide parking to the north and south of the built form, with the layout of the residential curtilage remaining as previously proposed. The proposed built form sits in general conformity of the build pattern between the garages serving 11a-11c Hayes Lane and the dwelling known as 1 Brick Lane.
- 6.23 While acknowledged that the proposal represents backland development, given the context of the wider surroundings, which includes the detached garaging to the east and the detached residential properties comprising Brick Lane to the west, it is considered that the provision of the semi-detached dwellings as proposed would create a general build line of development fronting Brick Lane. Given this specific context, it is considered that the proposed infill development would sit comfortably within the surrounds and would not appear out of character with the build pattern and characteristics of the immediate locality.
- 6.24 The proposal has been reduced in scale and footprint, with the 2no. semi-detached dwellings designed to address the existing access lane to the west and Brick Lane to the north. The built form would sit in line with the adjacent buildings, with the overall form and appearance considered to reflect the character and finish of the adjacent properties to the west. Given these reductions and alterations, it is considered that the development would sit in better relation to the built pattern and characteristics, and would not result in harm to the townscape character and visual amenities of the street scene.

- 6.25 It is recognised that the layout of the amenity space remains as previously proposed albeit that the spaces themselves have been re-arranged and enlarged. These alterations have included the provision of a patio area and enlarged amenity space to Unit 1, and the provision of a narrow rear/side garden to Unit 2. Concerns were raised in respect of the previous arrangement, which was considered to result in an awkward layout that would result in a convoluted division that would be incongruous within the established settlement pattern. While this arrangement remains, albeit with slightly larger amenity spaces, it is recognised that the arrangement would not be readily appreciable from the street scene. It is not therefore considered that there would be sufficient harm arising from this arrangement to justify a reason for refusal.
- 6.26 The Inspector, in considering the appeal under reference DC/171012, stated that “the site abuts the built up area boundary to the east whilst to the west it is adjacent to a larger housing development providing 23 dwellings on land to the rear of 1-25 Hayes Lane (reference DC/13/2042). The site is surrounded by housing. It forms part of a ribbon of land between the established and new areas of housing. The development would become functionally part of the settlement of Slinfold in the same way as the adjacent housing development.”
- 6.27 While the proposed development would contrast the build pattern and character of the surroundings, the scheme is similar in scale to that subject of the appeal decision. In considering the appeal, the Inspector raised no objections to the scale, layout and form of the development, with the appeal only dismissed on the impact of the development on the watercourse.
- 6.28 Given the conclusions of the Inspector, and the alterations to the scheme as a whole, which has reduced the scale of the development and resulted in a form and appearance that better reflects the characteristics of the surroundings, it is considered that the proposal would relate sympathetically to the build pattern and characteristics of the townscape and locality. The proposed development is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Amenity Impacts**

- 6.29 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.30 The application site lies to the rear of the frontage dwellings comprising Hayes Lane, which are located approximately 22m to the east, with the new development comprising Brick Lane positioned to the west at a distance of approximately 11m.
- 6.31 The proposed development would incorporate ground and first floor windows to the southern and eastern elevations, which would open to bedrooms and a bathroom.
- 6.32 While the proposal would result in additional built form and the increased perception of overlooking, it is considered that the proposal has taken sufficient account of the relationship with the neighbouring properties. The proposed development would be located a reasonable distance from the neighbouring properties to the east and west, and is not considered to result in harm to the amenities of neighbouring properties through overlooking or loss of privacy.
- 6.33 While the amenity spaces provided would result in an awkward arrangement, it is considered that each unit would benefit from a reasonable amount of private amenity space. It is not therefore considered that sufficient harm would arise to justify a reason for refusal in this regard.
- 6.34 On the balance of the considerations, it is considered that the proposed development would accord with Policy 33 of the Horsham District Planning Framework (2015).

## **Highways Impacts**

- 6.35 Policy 41 of the HDPF promotes development that provides safe and adequate access, suitable for all users.
- 6.36 The proposed development would be set back from the public highway, and would be accessed via the existing internal access track. Off-road parking would be provided to each dwelling, with 2no. tandem parking spaces serving Unit 1 located to the south of the built form, and 2no. parking spaces serving Unit 2 located adjacent to Brick Lane.
- 6.37 Following consultation with WSCC Highways, it is considered that the existing access functions appropriately. The WSCC Parking Demand Calculator outlines that the proposed development would require provision of 5no. off-road parking spaces, with the proposal providing a shortfall of 1no. space. While the proposal would result in the shortfall of 1no. visitor space, it is recognised that there is availability to park on nearby streets. It is not therefore considered that a reason for refusal on parking grounds could be sustained.

## **6.38 Impact on Watercourse**

- 6.39 Policy 24 of the HDPF states that development will be expected to minimise exposure to and the emission of pollutants including noise, odour, air and light pollution. Development should, among other things, maintain or improve the environmental quality of any watercourses, groundwater and drinking water supplies, and prevent contaminated run-off to surface water sewers.
- 6.40 The appeal under reference DC/17/1012 was dismissed due to the harmful effect the development would have on the watercourse. This followed concerns from the Drainage Engineer in regard to the proximity of the development to the watercourse, which was located within the 5m development-free Riparian Buffer Zone.
- 6.41 The current application has altered the layout, arrangement and siting of the proposed dwellings, with the proposed development located outside of the 5m Riparian Buffer Zone. Following consultation with the Drainage Engineer, no objections have been raised to the proposal. The imposition of a Foul and Surface Water condition has been suggested, and this has been imposed on the recommendation.
- 6.42 Subject to the suggested condition, the proposal is not considered to have a harmful effect on the watercourse, and is considered to accord with Policy 24 of the Horsham District Planning Framework (2015).

## **Conclusion**

- 6.43 The conclusions of the Planning Inspector when considering the earlier application under planning reference DC/17/1012 are considered to be of significant weight in the consideration of the current application. While the proposal would result in new-build development within a countryside location, the Inspector concluded that the development would not harm the broader aims of the spatial strategy and development plan policies. Given this conclusion, it is considered that the principle of development has been established.
- 6.44 The proposed development would sit in line with the adjacent buildings, with the overall form and appearance considered to reflect the character and finish of the adjacent properties to the west. The proposal would result in infill development that would follow the build pattern created between the existing garages to the east and 1 Brick Lane to the west, with the scale, form and siting considered to reflect the recognised character and appearance of the wider surroundings. While recognised that the proposal would involve an awkward subdivision of the site to provide amenity space for both dwellings, it is acknowledged that this would not

be readily perceptible from the street scene. On the balance of all considerations, it is not therefore considered that a singular reason for refusal on the grounds of the amenity layout would be reasonable. The proposed amenity space is considered appropriate given the size of the units, with the proposal not considered to result in conflict with the amenities of the surrounding properties.

- 6.45 On the balance of all material considerations, including the conclusions of the Planning Inspector, the proposal is recommended for approval as a departure from the development plan as it is considered that the site would be a suitable location for a windfall site, and would not result in harm to the character of the site and surroundings, the amenities and sensitivities of neighbouring properties, or the function and safety of the public highway.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	447		447
		<b>Total Gain</b>	
		<b>Total Demolition</b>	

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

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

## 7. RECOMMENDATIONS

- 7.1 To approved the application subject to the following conditions:

### Conditions:

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

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

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

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

- 4 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with

contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

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

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

- 5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until 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).

- 6 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
  - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
  - A written outline soft specification, including ground preparation, cultivation and other operations associated with plant and grass establishment
  - Details of all hard surfacing materials and finishes
  - Details of all boundary treatments

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

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

- 7 **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 10A 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).

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

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

- 9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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

- 10 **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).

- 11 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the Application Form.

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

Background Papers: DC/17/1012  
DC/19/1243  
DC/19/2232