



TO: Planning Committee South

BY: Head of Development

DATE: 22nd September 2020

DEVELOPMENT: Outline application for the demolition of 8No garages and erection of 3No dwellings with all matters reserved except access.

SITE: Garage Block Blackstone Rise Blackstone Lane Blackstone West Sussex

WARD: Bramber, Upper Beeding and Woodmancote

APPLICATION: DC/20/0025

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

REASON FOR INCLUSION ON THE AGENDA: 1) Horsham District Council is the applicant

2) Over eight letters of representation contrary to Officer's recommendation.

RECOMMENDATION: To grant planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks outline planning permission for the demolition of eight garages and erection of three dwellings with all matters reserved except access. The application has been accompanied by illustrative drawings comprising a site plan and floor plans. These drawings show a row of 3 x two bedroom terrace dwellings. It is the Council's intention to sell the site with outline planning permission for three market units.
- 1.3 The illustrative site plan shows that the eight existing garages would be removed from the site and the three terrace dwellings would be positioned facing eastwards towards Blackstone Lane with rear gardens located to the south of the dwellings.
- 1.4 A new access is proposed 11 metres to the south of the existing access which would also be retained to form a new 'in and out' driveway. The illustrative site plan shows that two car parking spaces would be provided to the front of each dwelling, creating a total of 6 car parking spaces to serve the development.
- 1.5 During the consideration of this application the following additional documents and plans have been received:

- Amended layout showing indicative replacement hedge and tree planting adjacent to the eastern front boundary of the site
- Ecological Scoping Survey & Preliminary Bat Roost Assessment
- Bat Emergence & Re-Entry Survey
- Vehicle Patrol Survey showing parking use of the site over a 2 month period (August 2019 – October 2019)
- Details on the number of existing garages rented on the site
- Affordable Housing Viability report
- Details on the on-going management of Japanese Knotweed on the site

DESCRIPTION OF THE SITE

- 1.6 The site is located outside the built up area and on the northern periphery of the small settlement of Blackstone. The site is owned by Horsham District Council and currently comprises a row of eight garages which are positioned within the southern section of the site. It has been confirmed that four of the existing garages are rented and four are currently vacant.
- 1.7 The existing gated vehicular access to the site is from Blackstone Lane to the east. The topography of the site slopes slightly from south to north. The site is predominantly laid to tarmac with a grassed area to the west of the garages. The garage building is brick built with profiled metal sheeting to the mono-pitched roof. The existing site is bound by hedging to the northern, eastern and western boundaries. Trees line the southern boundary of the application site.
- 1.8 To the south of the site along Blackstone Lane, there are pairs of two storey semi-detached dwellings and terrace properties. To the north and west of the area is more rural in character with large expanses of farmland bound by hedgerows.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 15 - Strategic Policy: Housing Provision
- Policy 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 39: Infrastructure Provision
- Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

The Woodmancote Neighbourhood Plan 2016-2031

Policy 1: A Spatial Plan for the Parish

Policy 2: Housing Windfall Sites

Policy 3: Design

Policy 7: Broadband

PLANNING HISTORY AND RELEVANT APPLICATIONS

None relevant

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** Comment.

(Initial Comments): I am satisfied given the current use of the site and although the landscape character will be affected to some degree, the site has potential to accommodate development without significant local landscape harm or harm to the wider landscape character. Therefore, the principle of development can be supported on landscape grounds.

With regards to the illustrative layout, I have concerns with the eastern boundary proposals. The new dwellings will be more exposed to view by virtue of being 2 stories but in addition to that the loss of the hedgerow line will result in harm to the rural character and appearance of the road. I would strongly recommend, that a linear hedgerow is proposed within this boundary, to replicate the existing rural qualities of the area as failure to do so will likely result in unacceptable harm.

(Comment on Amended Plan): Comment.

The principle of the planting along that front boundary of the site is accepted but there are changes to the orientation required but that these details can be finalised by condition. The proposed hedgerows should follow the line of the front boundary, instead of the grass. I would also like to see the visibility splays marked on a plan to make sure the length of hedgerow is the maximum it can be to minimise the impact this will have on the street scene and rural character of the area.

- 3.3 **HDC Environmental Health:** Comment.

Recommends a contamination preliminary risk assessment is submitted and an assessment to demonstrate that the uses of the agricultural associated activities will not adversely impact the amenity of the occupiers of the proposed dwellings.

OUTSIDE AGENCIES

- 3.4 **Southern Water:** Comment. Southern Water informative recommended.

- 3.5 **WSCC Highways:** No Objection.

Whilst the applicant has not demonstrated achievable visibility from the proposed access, an inspection of WSCC and Local mapping suggests that visibility at the access is sufficient for the anticipated road speeds in this location. There is no evidence to suggest the existing

access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Eight garages will be lost as part of this proposal. The garages do meet the minimum internal dimensions for single car garages of 3m x 6m set out in Manual for Streets (MfS). Therefore, the garages are likely only large enough for a small car to park inside and as such, it is not unreasonable for the LHA to believe they may be being used for other purposes (e.g. storage). Notwithstanding this, the LHA does not anticipate that overspill parking from the garages would result in a severe highways safety concern. The planning authority may wish to consider the potential impacts from a small rise in on-street parking demand.

The in-out arrangement will allow vehicles exit the site in a forward gear. The plans have demonstrated a space of 6m behind each bay, allowing vehicles to manoeuvre in and out of the spaces safely. Details of parking and turning and cycle parking can be secured via condition.

3.6 **Ecology Consultant:**

(Initial Comments): Request for more information

We are not satisfied that there is sufficient ecological information available for determination. The Ecological Scoping Survey (Bramley Associates, April 2020) states that *“a bat roost survey of two emergence and/or return surveys should be undertaken to cover garage roost potential and also nearby oak tree bat roost potential.”*

This information is necessary, prior to determination, as paragraph 99 of the ODPM Circular 2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

(Comment on Additional Bat Survey): Comment.

We note from the Bat Survey report (Bramley Associates, July 2020) that further to an extra emergence survey of a previously locked garage, it is confirmed that no bats were found roosting in the garages or in the Oak tree near to the site. However the survey recorded moderate bat activity over the site and along the nearby road (east of the garages) so the applicant's ecologist recommends that the development minimises external lighting. If these are planned, any outside lighting should be low intensity, low set and engineered as downward projection as standard practice to reduce/avoid negative impact on bat behaviour. We therefore recommend that if any lighting is proposed, a wildlife sensitive scheme is secured as a condition of any consent.

To maintain foraging areas and connectivity for bats at this site the Bat Survey report also recommends that additional native deciduous trees and hedge lines are planted around the whole boundary of the planned development. No details are provided for the proposed tree/shrub planting identified on the submitted drawings.

The comments from the HDC landscape officer for a linear hedgerow within the boundary are also supported, particularly as a replacement hedgerow will be needed if the feature to be lost to the development meets the criteria for Priority habitat.

3.7 **Woodmancote Parish Council:** Objection.

- Contravenes Policy 2 of the Woodmancote Parish Neighbourhood Plan as it does not retain or increase parking at the site.
- Contravenes Policy 4 of the HDPF as the development does not assist the retention/enhancement of community facilities and services.
- There is a suggestion that private residences in Blackstone Rise/Blackstone Lane should put in private driveways to solve their parking issues. Not all of the homes

have adequate road frontage, and this would reduce the amount of available on road parking, and exiting from the driveways would be problematic in such a narrow lane.

- There is Japanese Knotweed on site that needs removing.
- As acknowledged in the decision notice for planning application DC/18/1138, this location is not a sustainable area and so is contrary to Policies 1, 2, 3, 4 and 26 of the HDPF.
- Contravenes Policy 33 of the HDPF as it has not been designed to avoid unacceptable harm to the amenity of nearby property and land. The applicant was working to replace the parking that would be lost, but this has not been covered in the application.

3.8 PUBLIC CONSULTATIONS

25 letters of objection have been received from 16 households. The comments made are summarised below:

- Loss of parking for existing residents within Blackstone Lane some of which do not have off-street parking
- Will cause additional unsafe parking in the road leading to highway safety concerns and restricted access for refuse or emergency vehicles
- Does not comply with policies of the Neighbourhood Plan which require additional parking to off-set loss of parking by redevelopment
- Japanese knotweed on the site
- The rural nature and character of the hamlet will be eroded by the visual impact of large numbers of vehicles parking along its length.

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

Principle

- 6.1 The spatial strategy for development within the District is set in Policies 2, 3 & 4 of the HDPF.
- 6.2 Policy 4 relates to development outside of defined settlement boundaries and states that the expansion of settlements will be 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.

- 6.3 Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.
- 6.4 The Council has recently undertaken the Regulation 18 Draft Local Plan Consultation which ended on 30th March 2020. Within the Draft Local Plan a number of settlements which are currently unclassified in the HDPF are proposed to be allocated as secondary settlements in which limited in-fill development would be considered acceptable. Policy 2 of the Draft Local Plan includes a list of secondary settlements within the settlement hierarchy which includes the hamlet of Blackstone. The site would be within the proposed secondary settlement boundary of Blackstone. Secondary settlements are described within this policy as very small villages and hamlets that generally have some limited local employment, services or facilities and/or evidence of a defined local community. As the Draft Local Plan has not been formally adopted limited weight can be given to this draft Local Plan policy.
- 6.5 The application site is located within the Parish of Woodmancote which has a 'made' Neighbourhood Plan. Given the particularly rural nature of the Parish, there are only two settlements within the Parish of Woodmancote - Woodmancote and Blackstone, both of which are currently unclassified settlements according to the settlement hierarchy of the HDPF. Woodmancote Parish Neighbourhood Plan (WPNP) highlights in paragraph 3.9 that there is no expectation on the WPNP to allocate sites for new homes. However it notes that modest growth is anticipated with a reliance on windfall sites to meet the growth of the Parish.
- 6.6 Policy 2 of the WPNP relates to Housing Windfall Sites and states the following;
Development proposals for small scale housing development of 5 or fewer dwellings on infill and previously developed sites within the Parish will be supported subject to the proposals being well designed and meeting all relevant requirements in other policies in the neighbourhood plan, and where such development:
- i. preserves the essential open character of the parish and does not lead to the subdivision of larger sites of a unified character;
 - ii. the proposal delivers, wherever feasible and viable, on-site affordable homes in accordance with the development plan policy in force at the time of application, and implements the adopted Horsham Housing Register and Nominations Policy in respect of the allocation of some homes to those households with a local connection;
 - iii. is appropriately contained and avoids harming the amenities of adjoining residential properties nor results in unsuitable access;
 - iv. where the site lies within or adjoins a designated Green Link defined in Policy 6 of the Neighbourhood Plan and indicated on the policy map, the layout and landscape scheme contributes to maintaining and improving the Green Link;
 - v. respects and where possible enhances the natural, built and historic environment including where appropriate the landscape setting of the South Downs National Park.
- 6.7 Paragraph 5.21 of the WPNP does reference the Blackstone Rise Garage site as a possible redevelopment site and comments that Policy 2 of the WPNP would support the development

proposals intending to secure the long term benefit of this site as long as the existing parking facilities are retained or increased at the site.

- 6.8 The site comprises previously developed land which consists of a row of eight garages and an area of tarmac hardstanding. This proposal seeks outline planning permission for three dwellings on the site which would meet the threshold requirement of policy 2 of the WPNP. Given the outline nature of the application with all matters reserved except access, considerations such as design, scale and layout of the development would be reviewed at the reserved matters stage. It is considered that the site has the potential to adequately accommodate three terrace dwellings and parking as shown on the indicative plans submitted without appearing cramped or out of keeping with the character of residential development to the south of the site.
- 6.9 The redevelopment of the site would involve the demolition of the existing garages and changes to the existing tarmac hardstanding. The proposal would not therefore lead to the subdivision of any larger sites of unified character. The proposed development would be retained within the existing boundaries of the current garage site and would not impact on the open and rural character of the landscape to the north and west of the application site. The proposal would therefore comply with policy 2(i) of the WPNP.
- 6.10 It should be noted that paragraph ii of Policy 2 requires proposals, where feasible and viable, to provide on-site affordable homes in accordance with development plan policy in force at the time of application. Policy 16 of the HDPF does not require affordable housing provision on sites with fewer than 5 dwellings. Further to this, paragraph 63 of the revised NPPF (July 2018) states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. As the development proposes 3 dwellings, there would be no requirement to provide on-site affordable homes in relation to the HDPF policy.
- 6.11 Whilst the design and scale of the dwellings would be considered at the later reserved matters stage, it is not considered that the indicative drawings which show 3 x two storey terrace dwellings would give rise for any obvious harm to the amenities of adjoining residential properties or the landscape setting in which it is located. The existing access will be retained and a new access formed to Blackstone Lane which would provide a suitable 'in and out' driveway to serve the residential development. The site is not located within or adjoining the Green Link. The proposal would therefore meet the requirements of Policy 2 (iii-v) of the WPNP.
- 6.12 Whilst it is acknowledged that the proposal would not conform with Policy 26 of the current HDPF and is not a specific allocation in the Neighbourhood Plan as per Policy 4, the proposal is considered to comply with policy 2 of the 'made' Neighbourhood Plan which allows for small scale housing developments of 5 or fewer dwellings on infill and previously developed windfall sites. The site has also been identified within the supporting text of the Neighbourhood Plan as a possible redevelopment site as long as the existing parking facilities are retained or increased at the site. It is therefore considered that the principle of the proposed small scale residential development on this site would be acceptable and would accord with the provisions of Policy 2 of the WPNP. Additionally, the site is within the proposed secondary settlement boundary of Blackstone, which is also a consideration in the determination of this application. The principle of the development of this site is therefore considered acceptable.

Loss of Parking

- 6.13 Policy 41 of the HDPF states that development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for the development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

- 6.14 Policy 43 of the Horsham District Planning Framework states that proposal that would result in the loss of sites and premises currently or last used for the provision of community facilities will be resisted unless equally usable facilities can be conveniently provided nearby.
- 6.15 Policy 5 of the WPNP relates to design and states that adequate off-road car parking spaces should be provided in line with the WSCC residential parking standards and the amount and method of parking provision should not adversely affect road safety, or result in unacceptable levels of on-road parking demand.
- 6.16 Concerns have been raised within the letters of representation received regarding the loss of parking for the local residents with the proposed redevelopment of the site and the highway safety implications of additional cars parking on Blackstone Lane which is a narrow single track road. Having been aware of these concerns from an early stage, detailed discussions have taken place between Planning Officers and the Applicant prior to the submission of this application. The site comprises a row of eight single garages which have been rented out by Horsham District Council. It has been confirmed that four of the existing garages are rented to local people living within Blackstone and the remaining four garages have been vacant since 2018. The remainder of the site is privately owned land by Horsham District Council and does not comprise a public car park. It is however understood that at times cars are parked on the site as the gate is unlocked for access to people renting the garages.
- 6.17 Of the eight properties within Blackstone Rise to the south of the site, four have created off street parking capable for parking at least two cars. Four properties within Blackstone Rise have no off street parking. Six properties within North View, approximately 100 metres to the south of the site appear to have no off-street parking.. There is also limited parking for the row of cottages along Blackstone Street, further to the south. It is noted that a number of cars park on Blackstone Lane, outside the front gardens serving properties 1-8 Blackstone Rise. Whilst this appears to have been established practice, it is acknowledged that this creates further narrowing of the single track road.
- 6.18 In order to assess whether the proposed loss of the garages would provide a harmful loss of parking provision for local residents within Blackstone and a detriment to highway safety associated with the overspill parking along Blackstone Lane, Officers requested further information from the Applicant regarding the usage of the site for parking of vehicles.
- 6.19 A daily parking survey was undertaken over a two month period between August to October 2019. The results showed that the same three vehicles were consistently parked on the site every day during the 57 day period. In addition to these 3 regular vehicles, an additional 1 to 2 cars parked on the site on 5 days out of the 57 day survey period, thereby creating 5 cars parked on the site. During the Case Officer's daytime site visits to the site in January 2020 and June 2020, it is noted that there have been no more than 3 vehicles parked on the site.
- 6.20 The West Sussex Highways Authority has commented that the garages do not meet the minimum internal dimensions for single car garages of 3m x 6m set out in Manual for Streets. It therefore considered that the garages are only large enough for a small car to park inside and as such, it is not unreasonable to believe they may be being used for other purposes such as storage. An inspection by the Council of the four rented garages in August 2020 to check for evidence of bats showed that only one out of the four garages was used for parking. The remaining three rented garages were found to be used for storage. It is noted that only one of the eight garages on the site is therefore being used for parking purposes. Notwithstanding this given their limited size the garages cannot reasonably be counted as parking spaces in any planning assessment. The one space that is being occupied is for a particularly narrow car.
- 6.21 There is no formal agreement for any cars being parked on the site outside of garages and any cars doing so are essentially parking on private land. The WSCC Highways department

have confirmed that they would raise no objection on highway safety grounds in relation to the anticipated minor increase in overspill parking from the site. It is therefore considered there are no reasonable grounds to refuse this proposal in terms of the impact of overspill parking on highway safety.

Design, Appearance and Character of the Area

- 6.22 Policies 25, 32 and 33 of the HDPF promote development which is of high quality design and is sympathetic to the distinctiveness of the dwelling and surroundings. Development should protect, conserve and enhance the landscape character, taking account of the natural environment, landscape and landform pattern to which it forms a part.
- 6.23 Policy 3 of the WPNP states that the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings, and is appropriate to the plot size.
- 6.24 A site plan has been provided detailing an indicative layout for the site which comprises three terrace dwellings with parking spaces to the front of the dwellings. The application site consists of a plot measures 974 square metres, which is considered to be of an appropriate size to accommodate the proposed development. There is adequate space to provide appropriate distancing from the neighbouring property to the south, 8 Blackstone Rise and the wider open landscape to the north and west.
- 6.25 Blackstone Lane comprise pairs of two storey semi-detached properties and two storey terrace dwellings. The Blackstone Rise properties are set in a relatively uniform position and alignment in relation to the road. It would be preferable for any development on the site to mimic a similar orientation and set back position from the Blackstone Lane to remain in keeping with the pattern and character of residential development within the road. Whilst the proposed dwellings, as indicated on the indicative site plan, would be set slightly further back from the road in comparison to the Blackstone Rise properties, they would not be greatly disproportionate in terms of their position and orientation in comparison to the existing residential development to the south. Overall, the indicative plans show that three terrace dwellings could be appropriately sited and scaled in such a way that it would be commensurate with the character of residential development within Blackstone Lane.
- 6.26 The proposed dwellings would be contained within the existing site boundaries and although visible from the open landscape to the north and west would be viewed in conjunction with the existing residential development in Blackstone Lane. The proposed development would not therefore have a detrimental impact on the rural character or appearance of the wider area. The dimensions, design, appearance and layout of the dwellings, as well as the landscaping of the site would be subject to an application for reserved matters.
- 6.27 The submitted plans show that a replacement hedge and three trees would be planted adjacent to the grassed verge between the in and out access along the eastern frontage of the site. The Council's Landscape Officer supports the principle of the replacement planting along that eastern frontage of the site but has requested that the proposed front hedgerow should follow the line of the boundary, instead of the grass, closest to the road. The Council's Landscape Officer has advised that any landscaping plans submitted through discharge of condition should include visibility splays to ensure the length of hedgerow is the maximum in order to minimise the impact of the development on the street scene and rural character of the area.

Impact on Residential Amenity

- 6.28 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.29 The neighbouring property that would be most affected by the proposed development is located to the south, 8 Blackstone Rise. The indicative site plan indicates that the nearest proposed dwelling within the development would be located 2.2 metres from the side boundary of the neighbouring property with a distance of 6.7 metres separating the two properties. This is considered to be an adequate separation distance between residential properties. Providing no windows are proposed within the southern elevation of the southernmost dwelling, the development would not cause any loss of amenity to the existing occupiers of 8 Blackstone Rise. As such, it is considered that the indicative plans demonstrate that three terrace dwellings could be appropriately accommodated on the site without adversely impacting on the privacy and amenity of the occupiers of neighbouring properties, subject to consideration of its exact scale, layout, design and landscaping.

Parking & Access

- 6.30 Policy 33 of the HDPF requires development to incorporate where appropriate convenient, safe and visually attractive areas for the parking of vehicles and cycles, and the storage of bins/recycling facilities without dominating the development or its surroundings.
- 6.31 Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users. Consideration should be given to the needs of cycle parking, motorcycle parking, charging plug-in or other low emission vehicles and the mobility impaired.
- 6.32 The proposed development would utilise the existing access and construct a new second access to create an in-out arrangement for this site. Whilst the submitted plans do not show achievable visibility splays from the proposed access, the Highways Authority have confirmed that visibility at the access is sufficient for the anticipated road speeds in this location. Furthermore, an inspection of collision data provided by Sussex Police reveals no recorded injury accidents within the vicinity of the site within the last five years. It is therefore considered that there is no evidence to suggest the existing access is operating unsafely or that the proposed development would exacerbate an existing highway safety concern.
- 6.33 The indicative site layout shows six parking spaces to serve the development which meets the WSCC Highways car parking demand calculator of six parking spaces for this development. The proposed parking bays meet the minimum specifications of 2.4 x 4.8m as set out in Manual for Streets. The proposed in-out access arrangement allows for vehicles to exit the site in a forward gear. The plans have also demonstrated a space of 6m behind each bay, allowing vehicles to manoeuvre in and out of the spaces safely. The proposal would therefore provide an adequate and safe access, turning and parking provision to serve the development in accordance with policies 33 and 41 of the HDPF.

Ecology

- 6.34 Policy 31 of the HDPF states that proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.
- 6.35 An Ecology Scoping Survey, Preliminary Bat Roost Assessment and Bat Entry and Emergence Surveys were submitted during the consideration of this application. The initial ecology survey found given the tarmac surfacing and maintained grassland nature of the

site, the proposal was unlikely to have an impact on protected species. The Ecology Scoping Survey commented that bats likely forage along Blackstone Lane and that the old Oak trees approximately 20m north of the site provide limited roost potential. The report recommended a bat roost survey of two emergence and/or return surveys should be undertaken to cover garage roost potential and also nearby oak tree bat roost potential.

- 6.36 The Bat Entry and Emergence Surveys submitted found no bats roosts in the garages or in the Oak tree near to the site. Subsequent internal inspection of the garages by an Ecologist has also revealed no evidence of bats. The survey recorded moderate bat activity over the site and along the nearby road (east of the garages) so the report recommends that the development incorporates minimal external lighting. The Report also recommends that additional trees and hedge lines of a native plant species are planted around the whole boundary of the planned development to maintain foraging areas and connectivity for bats.
- 6.37 Conditions to secure compliance with the mitigation measures within the submitted Ecology Reports, the additional boundary hedge planting, a wildlife sensitive lighting scheme and biodiversity enhancement layout will also be included as per the Ecology Consultant's recommendation.

Climate Change

- 6.38 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development will include the following measures to build resilience to climate change and reduce carbon emissions which will be secured by condition:

- o Biodiversity mitigation and enhancement
- o Electric vehicle charging point
- o Cycle parking facilities
- o Dedicated refuse and recycling storage capacity

Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Other Matters

- 6.39 Concerns have been raised in a letter of representation regarding Japanese Knotweed on the site. It is understood from the information provided that a small area of Japanese Knotweed within the site is being managed by the Council. This has involved the regular spraying with a formula to kill the Knotweed. As the Knotweed is being actively treated by the Council for its intended future removal, it is not considered that this would form an adequate reason to refuse planning permission.

Conclusion

- 6.40 The provision of three dwellings on this site would contribute to meeting housing needs locally. The Neighbourhood Plan provides support for windfall development of this scale, and the redevelopment of this site more generally, and officers therefore consider that the proposal would comprise sustainable development of rural areas as enabled by HDPF Policy 26. Furthermore, officers note that in line with the objectives of the Framework, HDPF Policies 2 and 33 prioritise effective use of previously developed land.
- 6.41 The proposal would conflict with some aspects of the development plan, specifically Policy 4 given it is not an allocated site and sits outside of a current built-up area boundary; and the

requirement within HDPF Policy 26 that proposals outside of built-up area boundaries are essential to a countryside location. However, the development would accord with the principles of the Neighbourhood Plan and would make effective use of a previously developed site without detrimental impact on the rural character of the area. Additionally, there would be no harm to the overall settlement pattern and function.

- 6.42 The impact of the loss of parking for local residents has been considered in detail following concerns raised. The proposed development would only cause a minor potential increase in overspill parking in relation to the existing practise of vehicles parking along Blackstone Lane, and it is difficult to justify re-provision in planning terms given it is private land with garages that do not meet current size standards. Notwithstanding this it is not considered the minor increase in overspill parking would cause any harmful impacts on highway safety or to the visual amenity of the rural area. The proposal is not considered to raise any material effect on the amenities of neighbouring properties, landscape character, highway safety or ecology. Officers therefore conclude that the proposed development would provide a suitable location for housing.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to the following conditions:

Conditions:

1. Plans list

2. Regulatory (Time) Condition:

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

- #### **3. 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 to protect the development from flood risk in accordance with Policies 33 and 38 of the Horsham District Planning Framework (2015).

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

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

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

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.

(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 a Biodiversity Enhancement Strategy for protected and priority species has been 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;
- b) detailed designs to achieve stated objectives;
- c) location of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected and Priority Species 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 Development Framework 2015.

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

9. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, the vehicular access facilities shall be implemented in accordance with the approved details as shown on plan 1921.PL02 received on the 06.04.2020 and shall be thereafter retained as such.

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

10. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of the parking and turning facilities shall have been submitted to and approved by the Local Planning Authority in writing. No dwelling shall be first occupied until the approved parking and turning facilities necessary to serve it have been fully implemented. The parking and turning facilities shall thereafter be retained as such.

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

11. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for nocturnal species and that are likely to cause disturbance along important routes used for foraging and roosting; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their territory. All 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. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

12. **Pre-Occupation Condition:** Prior to the first occupation of the 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).

13. **Pre-Occupation Condition:** The proposed dwellings hereby permitted shall not be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard to the requirements for electric vehicle charging within the latest West Sussex Parking Standards (2019). The approved scheme shall be installed prior to first occupation of the dwellings and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

14. **Regulatory Condition:** All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Scoping Survey (Bramley Associates, April 2020) and Bat Survey (Bramley Associates, July 2020) 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species), s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham Development Framework.

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

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