



TO: Planning Committee North

BY: Head of Development

DATE: 3rd November 2020

DEVELOPMENT: Outline application for the erection of up to 24 dwellings, including eight affordable units, with access from Lyons Road, landscaping and associated works, and the demolition of the existing cricket pavilion and replacement with new two-storey cricket pavilion and provision of 25 car parking spaces. All matters reserved except for assess.

SITE: Land North of Slinfold Cricket Club Lyons Road Slinfold Horsham West Sussex RH13 0RX

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/19/1386

APPLICANT: **Name:** Kevin Morley & Slinfold Developments Ltd **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

As requested by Councillor Youtan.

RECOMMENDATION: To approve outline planning permission, subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Outline planning consent is sought for the erection of up to 24 dwellings, including the provision of 35% affordable housing (providing 8 onsite units), with all matters except for access being reserved for later consideration. The proposal also includes the demolition and redevelopment of the existing cricket pavilion, with associated parking, landscaping and highways works. Space is also included along the southern boundary of the adjacent cricket ground for the provision of ball-stop netting for the cricket club, details of which are reserved for later consideration.
- 1.2 The site would be accessed via an existing track from the north of Lyons Road – the track is currently under private ownership and has been proposed to be upgraded for vehicular traffic and includes a separate pathway to be transferred to a Public Right of Way. The indicative

layout includes a central green space with trees, parking and landscaping travelling to the north of the site. The housing is divided by the central greenspace into two distinct parcels of housing: to the west, housing is set on reasonably sized plots, with detached dwellings with garaging sited to the northern side, and a terrace of houses and flats to the southern side, and; to the east, the housing is organised within a barn courtyard arrangement, two storeys in height.

- 1.3 The proposal also includes works to the highway on Lyons Road, comprising widening of the existing access road to the site, with the associated removal and replanting of the adjacent hedge and drainage ditch further west, the creation of a wider two-way carriageway, and the addition of a new 2m wide footpath from Lyons Road into the site (to be offered as a Public Right of Way). In order to attain the necessary visibility splays to the access onto Lyons Road, the grassed verge and pathway to the south side of Lyons Road is to be removed, the carriageway moved south by 1.1m at its maximum extent, and a new 2m wide footway installed with tactile paving.

DESCRIPTION OF THE SITE

- 1.4 The application relates to a 1.2hectare parcel of land located to the north of Slinfold cricket club on Lyons Road, Slinfold. The site currently hosts two large detached agricultural storage barns, constructed of blockwork, timber cladding, and a corrugated metal roof, including large areas of hardstanding to the east. To the west, the site is laid to grass with fencing and hedges to its boundaries. Two detached converted barns (now offices) are located to the north of the site, though are not included within the development area of this application.
- 1.5 The site is on the edge, though included within the built-up area boundary of Slinfold. Slinfold cricket ground and pavilion are sited to the south of the site, with open fields sited to the immediate north and east.
- 1.6 The Slinfold Conservation Area is located immediately to the west and is formed of dwellings and commercial premises of varying size, styles and character. A number of listed buildings are located within the Conservation Area with the nearest (Grade II listed The Old Bakery, The Old Post Office, and Slinfold House) set some 52m from the western boundary of the site beyond an existing non-listed building (The Garden House). Grade II listed St Peters Church sits 100m west of the site. More contemporary (20th century) housing is located to the south of Lyons Road and the Conservation Area.

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 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 34 - Cultural and Heritage Assets
 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
 Policy 42 - Strategic Policy: Inclusive Communities
 Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (September 2017)
 Slinfold Conservation Area Appraisal (September 2020)

RELEVANT NEIGHBOURHOOD PLAN

Slinfold Parish Neighbourhood Plan (Made, January 2018)

Policy 1 - Conservation Area
 Policy 4 - Conserve and Enhance Biodiversity
 Policy 5 - Development Principles
 Policy 6 - Housing Mix
 Policy 8 - Crosby Farm

PLANNING HISTORY AND RELEVANT APPLICATIONS

SF/40/59	Pavilion Comment: b.regs (From old Planning History)	Application Permitted on 26.08.1959
SF/32/61	Pavilion (From old Planning History)	Application Permitted on 13.09.1961
SF/46/66	Proposed erection of implement garage (From old Planning History)	Application Permitted on 16.09.1966
SF/44/70	Extn of existing club house providing two new changing rooms, showers (From old Planning History)	Application Permitted on 13.11.1970
SF/46/74	Outline: 12 houses village hall complex & parking (From old Planning History)	Application Refused on 25.04.1975
SF/54/95	Retention of cricket nets on concrete base Site: Pavilion Lyons Road Slinfold	Application Permitted on 07.02.1996
SF/7/03	Installation of patio Site: Pavilion Lyons Road Slinfold	Application Permitted on 02.04.2003
DC/19/1387	Relocation of agricultural barns	Pending Consideration

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

HDC Arboricultural Officer: Objection

Initial comments (summary- No Objection) – a small number of trees require removal to facilitate the scheme, but these are generally specimens of low merit. Existing trees of note to be retained.

Additional comments 22 October 2020- Regarding the Oak tree (T41) to the corner near the access, the specimen is excellent, and of very high amenity value. Even without this threat of removal it would certainly be worthy of a TPO in amenity terms. I would raise a substantial objection to this, and call into question why such extensive works connected with drainage are required. I consider it important that a way around this is found.

HDC Landscape Architect: No Objection

(summary) – the revised scheme now delivers a layout with smaller units and additional space between the public footpath and the development

HDC Conservation: No Objection

(summary) – The changes to the setting of the Conservation Area by development of the scale proposed would result in a less than positive change to its semi-rural character. The proposed development would change the setting of the Conservation Area, and cannot be considered to result in no harm. However, with the changes proposed the current scheme would be considered to be at the lower end of less than substantial harm as set out in paragraph 196 of the NPPF. I am aware that there may be public benefit that would outweigh this harm. I am also aware that the site is designated for housing within the 'made' Slinfold Neighbourhood Plan.

Due to the position of the heritage assets and the existing boundary treatment I am of the opinion that overall the proposal would not harm the fabric of the identified listed buildings nor their individual close and intimate settings. The proposal would however, due to its scale and layout change the wider setting in which the assets are experienced and for that reason it can be said that the harm would be less than substantial as per paragraph 196 of the NPPF. The level of harm within the setting of the listed buildings would be towards the lower end of the scale of less than substantial. Again this harm should be weighed against the public benefits of the proposal.

HDC Environmental Health: No Objection

(summary) – suggested conditions (attached).

HDC Housing: Support

HDC Drainage Engineer: No Objection

(summary) – suggested conditions and informatives

OUTSIDE AGENCIES

WSCC Highways: No Objection

(summary)– The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. As the application is outline seeking matters of access approval only, details of the internal layout, car and bicycle parking would be expected at reserved matters stage. Suggested conditions (attached)

Ecology Consultant: No Objection

(summary) – We have reviewed the Updated Ecological Assessment (Ecosupport Ltd, October 2020) supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species, particularly bats and slow worms and identification of proportionate mitigation. We are satisfied that there is sufficient ecological information available for determination.

Southern Water: No Objection

WSSC Flood Risk Management: No Objection

(summary) – The FRA/Drainage Impact Assessment included with this application state that Sustainable Drainage techniques (permeable paving/below ground attenuation) would be used to control the surface water runoff from the site. These methods would, in principle, meet the requirements of the NPPF and associated guidance documents. Appropriate planning conditions should be applied.

WSSC Rights of Way: No Objection

(summary) – the Public Right of Way team is satisfied with the contents of the revised PROW note provided by the applicant. The specification & materials for the resurfacing of Footpath 1440_3 with the Applicant prior to the commencement of the works.

WSSC Minerals and Waste: No Objection

(summary) – The submitted MRA details that an overriding need for non-mineral development can be demonstrated as the application site is identified within the Slinfold Neighbourhood Plan as an allocated housing site. The Note continues to propose that prior extraction is neither practicable nor environmentally feasible as a result of the proximity of the site to the Slinfold Conservation Area, and its limited commercial viability due the small site area and abundance of Weald Clay within the county.

PUBLIC CONSULTATIONS

3.2 60 letters of representation have been received from 24 separate addresses *objecting* to the proposal on the following grounds:

- The site is currently used as feeding grounds for Barn Owls
- Overdevelopment of the site
- The proposed cricket pavilion is too large
- Too much parking
- Increased noise
- No need for further housing in Slinfold
- Increased traffic
- No school places available
- Loss of protected views
- Increased risk of injury from cricket balls
- Adverse visual impact from cricket netting
- The proposal is contrary to the Neighbourhood Plan
- Unacceptable loss of trees and hedgerows
- Insufficient tree replanting
- Adverse impact on landscape
- A new cricket pavilion not needed in the village
- Insufficient water supply to accommodate housing
- Impact on biodiversity on the site
- Increased risk in flooding
- Loss of character to footpath
- Proposal would lead to substantial harm to the setting of the Conservation Area
- There is no public benefit to this scheme

- No Environmental Impact Assessment was undertaken
- Proposed plan is not detailed enough, and includes deceptive visuals
- Inappropriate and poorly designed drainage method
- The existing cricket pitch and play area is to be moved and will increase ball strike
- Loss of a greenfield site

3.3 3 letters of representation have been received from 2 separate addresses *neither objecting nor supporting* the proposal, commenting:

- It appears from the plans that the development takes in the existing public footpath to the north of the site that runs from The Old Dairy to the churchyard. Presumably this Right of Way will be protected.
- Public Rights of Ways should be protected and/or enhanced

3.4 **Slinfold Parish Council:** Comment

(summary) – Slinfold Parish Council at its meeting on 30th July agreed not to object to the most recent amendment to the proposed scheme at Crosby Farm. This is a sensitive site on the boundary of the Conservation Area and next to valued footpaths and open fields. It is vital that the wishes of the residents of the parish and the principles of the 'made' Slinfold Neighbourhood Plan are taken into account at reserved matters stage, to ensure that the detailed scheme respects these and is sympathetic to the Conservation Area.

A further representation was received from the Parish dated 14.10.2020 seeking clarification on matters relating to the proposal's access, and for the Council's Arboricultural and Landscape Officers to review this access' visual impact. The Parish made further observations relating to the highway layout and design:

- Removal of the verge will result in a harsh look to the area and damage to a very long established rural streetscene.
- the present verge on the south side of Lyons Road, east of Mitchell Gardens, is 1.5m at its widest. & the footpath 1.35m. Is it really necessary, in moving the road 1m southwards, to urbanise the footpath & make it 2m wide? The present footpath could be retained as it is. Similarly it is not necessary to have a 2m footpath on the west side between Mitchell Gardens & Lyons Close
- The plans show the realigned ditch on the northeast corner curving into the existing (old) ditch running inside the cricket field hedge. This would mean it running uphill along a ditch which is rarely used. 15-20 years ago a trench was cut across Lyons Road & the culverted ditch running alongside the farm road was diverted by Southern Water into the ditch on the south side of the road, with a new brick headwall, This extra water (which caused the south ditch to flood in extreme weather) then flowed along the ditch on the south side of Lyons Road in an easterly direction, until met with the north/south stream that is culverted under Lyons Road to the north side again. The point here is, is the agent/developer aware that the present ditch actually drains into the south ditch? If not, the drawing is incorrect in channelling water into the field ditch, & it might mean that they do not need to remove the nice oak tree on that corner (not even mentioned on the drawing)
- A nearby resident makes some very relevant points particularly about safety and the look and feel around this part of the village which forms the entrance to the village. We have already asked that the developer/Neame Sutton to look at this aspect of the traffic plan as this is a very important crossing point to village walks, the cricket club, a bus stop as well as being "the entrance to Slinfold village" It is very important that any proposed scheme does not urbanise the entrance to Slinfold village and that any new scheme protects its rural character. Please may we ask that WSCC visit the site, look at the current gateway close to the site entrance together with crossing points and determine if enhancements are required given the increased flow of traffic in and out of the site. Crossing points for school children and residents meeting buses also need careful consideration. A site visit as opposed to a desk top assessment would be most welcome.

- Bus stop – please confirm that provisions are being made to ensure that there is a ‘safe’ bus stop in the area

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 of the Development

- 6.1 The application site is located within the built-up area boundary of Slinfold, and is allocated for development within the Slinfold Neighbourhood Plan 2014-2031 (Policy 8: Crosby Farm).
- 6.2 Policy 3 (Development Hierarchy) of the Horsham District Planning Framework (HDPF) states that development will be permitted within town and villages which have defined built-up area. The policy establishes the District’s settlement hierarchy, in which the settlement of Slinfold has been characterised as a medium village – this is defined as a settlement with a moderate range of services and facilities, community networks and local employment provision, and also benefits from some access to public transport.
- 6.3 Policy 15 (Housing Provision) of the HDPF establishes the District’s housing need within the development plan period (2011-2031). This has been identified as 16,000 homes. Criterion (4) of the policy states that part of this provision is expected to be delivered through neighbourhood planning, amounting to 1,500 homes over the plan period.
- 6.4 Policy 8 (Crosby Farm) of the Slinfold Neighbourhood Plan (SNP) states that residential development on this site will be supported where:
1. The design positively responds to the prevailing character of the surrounding area;
 2. The houses are no more than two storeys in height to reflect the local vernacular
 3. Proposals allow for the retention of existing mature trees and hedges;
 4. Proposals creates a Public Rights of Way to link the site to the existing Public Rights of Way, and;
 5. The site facilitates the development of a new cricket pavilion
- 6.5 The subsequent sections will detail how the proposal has demonstrated to accord with criterion (1) – (5) of this policy.
- 6.6 Given the location of the site within a built-up area, and the site’s allocation within the SNP, there is no objection in principle to the development of this site for housing. Consideration must therefore be given to any site-specific constraints, and the detail of the scheme. As such, the principle of development on the site is considered to be acceptable, subject to the detailed considerations as set out below.

Affordable Housing and Housing Mix

- 6.7 Policy 16 of the HDPF states that development should provide a mix of housing sizes, types, and tenures to meet the needs of the district's communities as evidenced in the latest Market Housing Mix study (Iceni, November 2019) in order to create sustainable and balanced communities. Table 66 of the study shows that residential development market housing should comprise the suggested mix:
- 1 bedroom housing – 6%
 - 2 bedroom housing – 27%
 - 3 bedroom housing – 41%
 - 4+ bedroom housing – 26%
- 6.8 Policy 16 of the HDPF continues to state that development providing 15 or more dwellings the Council will require 35% of the dwellings to be affordable. The proposal includes an on-site affordable housing provision of 8 dwellings, equivalent to 33% of the proposed dwellings. In order for the development to be policy compliant, the additional 2% will be required to be provided to the Council by way of financial contribution, and has been drafted into the Section 106 Legal Agreement. For affordable housing, the study shows that residential development should comprise:
- 1 bedroom housing – 26% (shared ownership) and 46% (rented)
 - 2 bedroom housing – 42% (shared ownership) and 30% (rented)
 - 3 bedroom housing – 25% (shared ownership) and 22% (rented)
 - 4+ bedroom housing – 7% (shared ownership) and 2% (rented)
- 6.9 Policy 6 (Housing Mix) of the SNP states that developments which provide a suitable mix of one, two, three and four bed dwellings will be supported. This also includes centrally located level sites suited to older residents.
- 6.10 The application seeks consent for the erection of up to 24 dwellings comprising 18 market units and 8 affordable. The proposed housing mix would comprise:

Dwelling Type	Market	%age	Affordable	%age
1 Bedroom Units	0	0%	0	0%
2 Bedroom Units	2	13%	6	75%
3 Bedroom Units	7	44%	2	25%
4+ Bedroom Units	7	44%	0	0%

- 6.11 It is recognised that the proposed housing mix does not include the provision of any one bedroom market and affordable units, and includes an over-provision of three and four bedroom market units. However, the Local Planning Authority are satisfied that this is balanced out by the over-provision of smaller affordable units. In any case, whilst the housing mix established within this outline consent would set the parameters for the subsequent reserved matters, this may change (within reason) at a later date, and can be formally agreed and secured at the reserved matters stage. Overall, the proposed housing mix as currently presented is considered to broadly comply with the Council's expectations for a residential development of this quantum and is therefore considered in accordance with Policy 16 of the HDPF.
- 6.12 The affordable housing tenure would be split at a ratio of 70:30 in favour of affordable rent, as per the requirements of Policy 16 of the HDPF and the accompanying Planning Obligations and Affordable Housing SPD. A Section 106 legal agreement has been drafted to secure the provision, the tenure of the affordable housing, and the registered provider who will take on the site.
- 6.13 With the above in mind, the proposed affordable housing provision is considered appropriately compliant with Policy 16 of the HDPF.
- Layout, Amount, Scale and Appearance

- 6.14 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.15 The proposal seeks outline consent with all matters except for highways access reserved for later consideration. Therefore, matters relating to layout, appearance, scale and landscaping are to be dealt with at the reserved matters stage. However, the application was accompanied with a relatively detailed indicative proposed site layout in order to provide assurance that 24 dwellings can be appropriately delivered on this site.
- 6.16 Representations received during the course of this application have raised concern at the proposed quantum and density of development for this site. Whilst Policy 8 of the SNP (and housing allocations in the Plan in general) does not specifically allocate a housing number for this site, it is noted that the initial submission draft neighbourhood plan stated '*up to 24 dwellings*'. Furthermore, at paragraph 4.9 of the Examiner's report, the Examiner agreed with Horsham District Council that the overall allocation of housing in the Neighbourhood Plan (at some 77 dwellings, toward the upper end of the identified range of housing need) was in proportion to the scale and size of the village and its function. Collectively the allocations will deliver these new housing numbers. As a result, the applicant's proposal for 24 dwellings on this site is considered proportionate to the evidence base that supported this site's allocation for housing development.
- 6.17 The indicative layout (latest revision dated 13.07.2020) has been subject to considerable amendment during the course of this application to appropriately balance its impact on the adjacent conservation area and wider landscape setting of Slinfold. As now proposed, the indicative layout splits the site into two distinctive parcels of housing separated by a central greenway, with the form and character of the housing to the east taking on a more rural aesthetic to address the transition of this site from the village into the countryside. The buildings indicated are two storey and are indicated to reflect the material finishes that characterise Slinfold, including red brick and clay tiles.
- 6.18 In respect of the adjacent Conservation Area, the Slinfold Conservation Area Appraisal (September 2020) states that '*Within the Conservation Area there are a variety of building materials and building types which add a diversity of style which are unified by the scale of development and the use of local/natural materials. As noted in the brief history of Slinfold above, the village has evolved slowly and consequently the buildings can be grouped into three main styles – medieval, Georgian and Victorian*'. It continues to state that dwellings are formed of a use of 'natural materials' and comprises a variety of house types and designs. It would be expected that the final details are reserved matters stage reflect this Appraisal to ensure the historic core of the village is suitably preserved.

Heritage Impacts

- 6.19 Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Section 72 of the Town and Country Planning (Listed Building and Conservations Areas) Act requires that development should preserve or enhance the character or appearance of the [conservation] area. Chapter 16 of the National Planning Policy Framework (NPPF) follows these statutory provisions and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset.

- 6.20 Policy 34 of the HDPF states that development affecting the setting of a Conservation Area will be required to (amongst others) reinforce the special character of the district's historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques; make a positive contribution to the character and distinctiveness of the area.
- 6.21 The revised indicative layout has been produced in close consultation with the Council's Senior Conservation Officer in order to demonstrate that the proposed 24 dwellings are capable of having an acceptable impact on the adjacent Conservation Area and Grade II listed buildings. The revisions presented now have sought to overcome concerns from the Senior Conservation Officer that the semi-rural countryside setting of the conservation area and listed buildings would be unacceptably impacted.
- 6.22 The Senior Conservation Officer is now satisfied that the amendments would mitigate most of the harm to the Conservation Area and setting of the listed buildings, to the extent that the resultant harm would be at the lower end of 'less than substantial'. In reaching this conclusion, the Senior Conservation Officer has advised that the very allocation of this site for housing will inevitably lead to some harm to the conservation area and setting of these listed buildings, therefore the key consideration is whether a layout can be provided that best minimises this harm. In this case officers are satisfied that the indicative layout shows that to be the case.
- 6.23 Paragraph 196 of the NPPF (2019) states that 'less than substantial harm' to heritage assets should be weighed against the public benefits of the proposal. The following public benefits include (but are not limited to):
- The provision of market housing (16 units)
 - The provision of affordable housing (8 units)
 - The delivery of an allocated site within an adopted neighbourhood plan
 - Upgrading the existing PROW to the north of the site
 - An additional PROW traveling north into the site from Lyons Road
 - The provision of public open space
- 6.24 In this instance the public benefits to the scheme are considered to outweigh the harm identified when applying the test of NPPF paragraph 196.
- 6.25 Overall, officers consider that the site can suitably accommodate up to 24 dwellings and be designed to appropriately to integrate with the surrounding area without causing unacceptable harm to the adjacent conservation area or the setting of the nearby listed buildings. The low level of heritage harm that is identified is capable of being outweighed by the public benefits of the development as outlined above. Officers are therefore satisfied that criterion (1) and (2) of the SNP Policy 8 could be achieved at the detailed design stage, and that Policies 32, 33 and 34 of the NPPF would not be conflicted.
- 6.26 The proposed replacement Cricket Pavilion would replace the existing pavilion and is indicated to include a slightly larger floor plan that would include an additional storey. No indicative designs of the replacement pavilion have been provided as this aspect is reserved for later consideration. Concerns have been raised in the representations over the Pavilion's potential size, however these details will be secured at the reserved matters stage and would be expected to suitably relate to the character of the area in scale and form, including its impact on the conservation area and setting of nearby listed buildings. As the proposal facilitates the development of the replacement Cricket Pavilion to the south, the principle of criterion (5) of SNP Policy 8 is therefore considered to have been satisfied.

Landscape and Arboricultural Impacts

- 6.27 Matters relating to the landscaping of the site itself are reserved for later consideration. However, a number of trees surround the site that would be impacted by the development. The submission is accompanied by an Arboricultural Impact Assessment (AIA) (prepared by Broad Oak Tree Consultant Ltd, dated December 2018). The report details that a number of trees require removal to facilitate the scheme, or are proposed to be removed due to poor health. The AIA details the trees' condition and removal in appendices 3 and 6. This includes a collection of eleven lesser graded trees to the south of the housing development (comprising poplar, wild cherry, and horse chestnut trees), and six alongside the hedge close to the site's access (comprising silver birch, beech, and a common oak). A further oak tree (T41) is to be removed on the corner of the access road with Lyons Road.
- 6.28 The Council's Arboricultural Officer has been consulted on the proposal, and has raised no objection to the scheme, stating that the majority of the trees on or abutting this site are of no especial or particular merit, and therefore does not dispute the conclusions of the AIA.
- 6.29 With regards to the proximity of built form to retained trees, the site layout has been devised to minimise encroachment into the root protection areas (RPA) of these trees. The Council's Arboricultural Officer has expressed favour of the method that the large RPA of T5 (a large mature Oak on the northern site boundary) has been allotted suitable and satisfactory space to allow its continued expansion in size, as well as offering respect to its high level of amenity value.
- 6.30 A number of concerns have been raised regarding the appearance of the access into the site from Lyons Road by the Parish Council and local residents, and the urbanising impact the proposed works would have on the approach to the village.
- 6.31 As set out above, the existing largely single access road to the site is to be widened to a two-way road with a new footpath to its west side. This will necessitate the removal of the existing hedge (hawthorn, group G31) and a number of trees including a semi-mature oak located at the road junction. Additionally, in order to provide for appropriate visibility splays, the Lyons Road carriageway is to be moved south by up to 1.1m at its maximum extent. This will require the removal of a short section of the existing verge and narrow footway that runs along the south side of Lyons Road and its replacement with a new 2m wide footway.
- 6.32 Whilst the loss of the hedge alongside the access road is regrettable, officers accept that there is no alternative to ensure safe access to and from the site. The hedge is of low ecological value and the applicants have committed to planting a new hedge alongside the new footpath to compensate. The replanting of the hedge would therefore serve to maintain a level of rural quality to the access to the proposal.
- 6.33 Following discussions with the applicant on this matter, the applicant has confirmed that three of the trees marked for removal along the western boundary of the access would now be retained, two of which are Category B trees (T33, T35 and T36), whilst the replacement hedge would be supplemented with new tree planting, and additional tree planting will be included to the hedge at the entrance of the site to compensate for the loss of the other trees. This will serve to suitably offset the urbanising impact of the wider access road and new footway at this junction. To reflect this, a condition is attached to ensure that a revised Arboricultural Impact Assessment is submitted alongside the subsequent reserved matters application(s) showing the retention of these trees.
- 6.34 In respect of the Oak tree at the site junction (T41), the Council's Arboricultural Officer has expressed significant concerns regarding its loss and has noted that the specimen is of high amenity value and would be worthy of a Tree Preservation Order. It is understood that there may be opportunity to retain this tree if an alternate arrangement to the new drainage ditch could be presented. The purpose of the ditch is to provide additional capacity to the existing

drainage ditch that runs alongside Lyons Rd to cater in part for drainage from the bellmouth of the widened access road junction. The applicant has agreed to a condition (condition 9) to explore further opportunities for its retention via a revised drainage design to this area.

- 6.35 In respect of the loss of the verge on the south side of Lyons Road, it is noted that the verge is currently narrow to the east side, as is the footway alongside. The new 2m footway, whilst creating additional hard surfacing at the expense of this verge, would extend for approximately 28m east of the junction with Mitchell Gardens before connecting to the existing path and verge. The drainage ditch and hedge planting adjacent would remain, as would the existing planting to the north side of Lyons Road. To the west of Mitchell Gardens, the 2m footpath would result in the loss of verge between the existing path and road for a 15m stretch, before gradually linking into the existing path. The grass verge and drainage ditch between the path and the houses to the south would be largely retained. Overall, given these works extend only for a short length of Lyons Road, and would retain all other planting on the north and south side of the road, the impact is considered acceptable.
- 6.36 With the above in mind, no objection is raised on landscape and arboricultural grounds. Therefore, criterion (4) of SNP Policy 8 is considered to have been met, in addition to Policies 25 and 33(6) of the Horsham District Planning Framework.

Amenity Impacts

- 6.37 Policy 33 of the Horsham District Planning Framework 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.

Amenity of Existing Neighbouring Residents

- 6.38 The proposed site shares its western boundary with The Garden House, The Street. The side elevation of the proposed dwelling closest to this neighbour (Plot 21) is sited at a distance of approximately 10m from the rear elevation of The Garden House. Existing mature boundary screening and trees (within the grounds of The Garden House) would be retained. Whilst the relationship between the proposed dwelling and its neighbour may appear appreciably overbearing (compared to the existing arrangement on the site), this separation distance is not considered out of the ordinary for dwellings within the built-up area.
- 6.39 Given the westerly location of the proposed dwellings in the relation to The Garden House, coupled with the two-storey heights of the proposed dwellings, the neighbour would not be expected to experience any detrimental loss of light or overshadowing. Details relating to boundary treatment will be agreed at the reserved matters stage. Furthermore, as no elevations are provided for the dwellings, it is not currently known if any windows would be sited at first floor level facing the west. This would be assessed at the reserved matters stage and could be controlled by way of condition.
- 6.40 The proposal site does not immediately neighbour dwellings to the north, east or south. The closest dwellings to the south/east and south-west would be sited between 110m and 172m from the nearest proposed dwelling on the site. This separation distance is considered sufficient to not result in adverse harm to neighbouring amenity by way of overlooking, overbearing, or overshadowing.
- 6.41 The proposed replacement Cricket Pavilion would be sited in the same location as the existing, which is sited to the north-eastern corner of the cricket field to the south of the site, and is indicated to occupy a slightly larger footprint. The Design and Access Statement indicates that the replacement pavilion would be two-storeys in height, which would appear taller than the existing. As established above, the principle of replacing the Cricket Pavilion is accepted under Policy 8 of the SNP. The pavilion, as existing, is located some 39m from

the nearest neighbouring dwelling to the west, Windalls. The replacement pavilion is indicated to include an additional storey as well as a larger footprint.

- 6.42 Whilst the pavilion would appear larger than the existing, in terms of form and height, the separation distance between the building and the neighbouring dwelling coupled with the westerly orientation to the neighbour is considered sufficient to not warrant any adverse harm by way of overlooking, overshadowing, or overbearing. Given the existing use of the site, the increased size of the pavilion may result in a modest increase in activity on the site. However, hours of use and ancillary activities can be controlled by way of condition.
- 6.43 Whilst it is accepted that the development would result in an increased level of activity on the site, based on the indicative plans submitted it is considered that it has been suitably demonstrated that the resultant development is capable of not resulting in adverse harm to the amenities of the existing neighbouring dwellings. Whilst details of boundaries and internal room arrangement are yet to be confirmed, the amenity impact to existing neighbouring dwellings is considered to be acceptable. As such, no objection is raised with regards to this aspect of the proposal.

Amenity of Future Occupants

- 6.44 The indicative layout of the proposed dwellings is considered appropriate with regards to their impact on each other. The scheme does include parcels of back-to-back housing, all of which feature gardens between each dwelling. Given their separation distance from each other, no harm is considered to arise by way of overlooking. Overall, this layout would not result in a significant sense of enclosure for future residents of the site, nor lead to undue harm by way of overshadowing and overbearing. Whilst details of the first-floor windows and the internal layout of each dwelling has not been confirmed, this can be controlled at detailed design stages and through applying planning conditions.
- 6.45 With the above in mind, the proposed development is not considered to result in adverse harm to the amenities of the existing neighbouring and future occupants, in accordance with Policy 33 of the HDPF.

Highways and Access

- 6.46 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.47 The means of access to the site are sought under this outline proposal. The submitted highways plans (revised, submitted 28.07.2020) illustrate the proposed access design and the vehicular tracking. As previously stated, the existing access to Lyons Road will be upgraded and realigned to provide a 5.5m wide access road with 6m junction radii. A segregated 2m wide footway is proposed to western side of new access road and 1.8m service strip / verge to eastern side of access road. A short section of linking footway and new pedestrian tactile kerb crossing point across Lyons Road is also proposed, which includes the re-arranging of the existing grassed verge and footpath and the construction of a 2m wide footpath.
- 6.48 WSCC Highways have commented on the access following a visit to the site in July 2019, and have stated that suitable visibility would be achieved entering and exiting the site. A road safety audit was (RSA) initially included with the proposal. Following review by WSCC, they raised two issues with the audit, which included lacking details of tactile paving and road

signage. These issues have been addressed as part of the revised RSA (submitted 28.07.2020).

- 6.49 The Parish Council and residents' concerns regarding the access to the site are acknowledged, as are the concerns over pedestrian safety on the footpath to the south side of Lyons Road. It should be noted that the proposed highway design were essential to ensure that the site could be safely accessed for larger vehicle tender (such as waste and fire services), and to improve visibility when exiting / entering the site. The 5.5m access and 6m radii are minimum necessary requirements to ensure safe access and egress from the site. Any reductions to the layout would not adequately serve the development by means of safe access. Furthermore, the 2m width to the re-aligned footpath on Lyons Road is also necessary to ensure that the path can be suitably used by both wheelchair and pedestrian use, in accordance with guidance from the Department for Transport. There is no evidence the provision of this 2m footway would create a safety risk for children or other users, as it replaces an otherwise narrow footway and grassed verge.
- 6.50 The submitted (updated) transport statement summarises that 16 x vehicle movements are anticipated over AM and PM peak. It is anticipated that Lyons Road will have a five-day average peak flow of approximately 160 trips for both AM and PM Peaks. This equates to an increase in peak hour vehicle movements of 10%. Once the development traffic merges on the adjacent main highway network of either the A29 Stane Street or A264 Five Oaks Road then the traffic generated by the proposed development is assumed to be less than 1% given the classification as highway as local/county distributor road. WSCC have carried out their own assessment using suitable parameters and sites and found that the peak trips estimated are broadly in line with those set out in the transport statement.
- 6.51 With regards to parking, the indicative plans show a mix of off-street parking and parking courts for the dwellings. WSCC have stated that as the application is outline seeking matters of access approval only, details of the internal layout, car and bicycle parking would be expected at reserved matters stage. WSCC have also suggested that a Travel Plan Statement is submitted to provide further detail to promote non-car use by way of condition (attached). Furthermore, details of the amount of Electric Vehicle Charging points will be detailed at the reserved matters stage, where it would be necessary for the applicant to meet the requirements of WSCC Highway's latest Parking Standards (currently 28% overall provision for 2020).
- 6.52 With the above in mind, the Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Officers recommend that the proposal therefore accords with Policies 40 and 41 of the HDPF.

Public Rights of Way

- 6.53 The site is located close to two existing Public Rights of Ways. PROW 1440_3 travels west to east along the northern boundary of the site, connecting to the southern side of PROW 1441, which travels north connecting on to the wider footpath network.
- 6.54 The proposal includes the creation of a new PROW connecting Lyons Road from the south to PROW 1441 to the north in order to directly connect the highways with the wider footpath network. Details of this new PROW would be secured and agreed between the applicant and WSCC Highways by way of a Section 25 Highways Act 1980 application / agreement.
- 6.55 The existing PROW 1440_3 (on the northern boundary of the site) is currently composed of a tarmac surface (north of the existing buildings) and a dirt track (north of the field) travelling towards the churchyard. The footpath would be upgraded to an all-weather surface along its

extent on the northern boundary of the site. The indicative layout illustrates that the two new access points would be incorporated to access the footpath from the site.

- 6.56 WSCC PROW Team have commented on the proposal, stating that they are broadly satisfied with the proposed upgrading of the existing PROW, and the creation of the new PROW between the site and Lyons Road (comments dated 13.10.2020). It was noted that the specification and materials of both footpaths would need to be agreed between the applicant and WSCC. Officers are satisfied that this could be adequately accommodated by way of planning condition (attached).
- 6.57 It is acknowledged that a number of the representation received have raised concerns with the proposed works to the footpath, some incorporating comments that the footpath would be diverted. However, it is important to note that this application does not include any diversions to the existing footpath network.
- 6.58 Officers consider that the creation of a new PROW connecting Lyons Road to the wider footpath network to the north as a significant benefit to the scheme in favour of approving the proposal. Furthermore, this is also considered to satisfy Criterion (4) of SNP Policy 8.

Ecology

- 6.59 The application was accompanied with a Phase 1 Habitat Survey, a bat report, and a reptile report (prepared by Wildlife Matters, received 08.07.2019). A subsequent updated ecological assessment was also submitted to the Council on 06.10.2020. The surveys assessed the presence of various species including mammals, bats, nesting birds, and reptiles, and assessed the condition of their potential habitats. Ecological mitigations and enhancements have been recommended as part of the reports.
- 6.60 The Council's Ecology consultant has reviewed the submitted surveys and reports and, subject to adequate avoidance, mitigation and enhancement measures secured via suggested conditions, does not object to the proposed development. Additional measures include a Wildlife Sensitive Lighting Design Scheme to be included within the reserved matters stage of this application to demonstrate how the areas onsite particularly sensitive to bats. The submitted reptile report detailed that some slow worms are present on site, and appropriate mitigations would be implemented to ensure their protection. On the basis of the detailed within the submission documents and adherence to the conditions suggested by the Council's ecological consultant, there is no objection to the proposal on ecological / biodiversity grounds.
- 6.61 Further to the above, it is noted that a family of Barn Owls are nesting nearby. The Council's Ecological Consultant has advised on this matter, stating that Barn Owls are protected under Schedule 1 of the Wildlife & Countryside Act 1981 (as amended). Suitable Barn Owl foraging habitat does not receive protection other than that afforded by virtue of the presence of other protected flora or fauna. As such, even though a particular area may prove attractive to a foraging Barn Owl, this does not confer the area any sort of statutory legal protection, irrespective of the time of year, and whether or not the birds are breeding.
- 6.62 Barn Owls are included in Schedule 1 of the Wildlife & Countryside Act 1981 which affords them protection against disturbance whilst nesting in addition to the basic level of protection of Barn Owls afforded to most wild birds. Specifically, under Part 1, Section 1 (5) it is an offence punishable with imprisonment for a period of up to 6 months to intentionally or recklessly:
- Disturb a Barn Owl while it is building a nest or is in, on or near a nest containing eggs or young; or
 - Disturb a Barn Owl's dependent young.

- 6.63 The Phase 1 Habitats Survey report (Wildlife Matters, 2017) states that no Schedule 1 birds were recorded on site in 2017 by the applicant's ecologists when surveying for reptiles and bats, which includes evening as well as daytime visits. As this survey was conducted over three years ago, this data is now considered out of date. With the above in mind, it has been recommended that an updated survey for Barn Owls is provided to check for any nesting in trees or buildings prior to commencement to be secured as a condition of any consent.

Drainage

- 6.64 The Environment Agency's (EA) online flood maps show that the site is located wholly within Flood Zone 1, meaning that the land is in a 'low probability' flood zone – this was confirmed by WSCC, the Local Lead Flood Authority. A Floodzone 2 is located approximately 250m east of the site, surrounding an ordinary watercourse that spurs from the River Arun located some 670m north of the site.
- 6.65 The application was accompanied by a detailed drainage impact assessment (prepared abmh, dated October 2018). The report verifies that there are existing surface water flooding issues associated with the ditches and culverted watercourses along the Lyons Road. Therefore, drainage is proposed to be routed to an existing watercourse situated 200m east of the current site access. This new connection point and drainage route will bypass the existing culverted watercourse and in so doing provide significant betterment and a reduction in flood risk along Lyons Road.
- 6.66 The report also details that flow rates will be restricted to greenfield site flow rates, in line with DEFRA guidance. Site attenuation will also be incorporated, including porous paving and cellular tanks. The report concludes that the proposed drainage design significantly reduces the surface water flows that currently contribute to the flooding issues along the eastern section of Lyons Road, providing betterment to these residential areas.
- 6.67 Following consultation with the Council's Drainage Engineer, no objection was raised with regards to the findings of the submitted report. However, as noted above, a revised drainage design would be necessary to the southern corner close to the access to the site in order to retain the nearby Oak tree (T41). Further revisions to this detail will be submitted in due course. However, in principle it is considered that the submitted drainage report demonstrates the development proposals can be satisfactorily accommodated without increasing flood risk elsewhere, and could therefore be considered in accordance with Chapter 14 of the NPPF, and Policy 38 of the HDPF, subject to planning conditions.

Climate Change

- 6.68 Policies 35, 36 and 37 of the HDPF 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 mitigate the impact of development on climate change.
- 6.69 Officers are satisfied that proposed development could include the following measures to address climate change:
- water usage limit of 110l/p/day.
 - Energy efficient LED lighting (including external lights);
 - Use of permeable surfaces and sustainable drainage systems;
 - Dedicated refuse and recycling storage capacity;
 - Opportunities for biodiversity gain (as detailed above) and additional planting;
 - Cycle parking facilities;
 - Improved pedestrian and cycle links;
 - Provision of electric vehicle charging points, and;

- 6.70 The Local Planning Authority are satisfied that appropriate measures could be put in place to mitigate against any potential sustainability impacts. These measures would be secured by way of planning condition and S106 agreement in the event that permission is granted.
- 6.71 With the above in mind, the Local Planning Authority are satisfied that through the use of appropriately worded planning conditions, the above measures could be implemented to reduce the development's impact on climate change. To this regard, the Local Planning Authority does not object to the proposal on these grounds.

Other Matters

- 6.72 Concern has been raised that the boundaries to the adjacent cricket pitch will need to move, thereby bringing properties into greater danger of ball strike and/or necessitating tall net fencing. The cricket field sits outside the red line of this application site and is not shown to be moved. Officers understand that regardless of this application the cricket club is likely to need to move the wicket up to 8m west within the field boundary and install boundary netting in order to bring the field up to code with the England and Wales Cricket Board (ECB) playing standards. An area between the cricket field and Lyons Road is included in the red line of this application for the provision of ball-stop netting, with all details reserved for later consideration. This would include details of its height, appearance, and whether the netting would be permanent or a temporary installation for the duration of the cricket season.
- 6.73 It is important to recognise that the area set aside for the ball-stop netting is not required as a consequence of the development of houses on this allocated housing site. It is instead included to enable the cricket club to appropriately upgrade its facilities to meet ECB standards as described above. In respect of ball-strike risk, there is no indication the indicative housing layout will bring any of the proposed dwellings within ball strike of the cricket field, with the intervening space comprising access ways and parking for the pavilion, and planting.

Community Infrastructure Levy (CIL) and Section 106 Agreement

- 6.74 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.
- 6.75 In the case of outline applications, the CIL charge will be calculated at the relevant reserved matters stage.
- 6.76 A Section 106 Agreement has been drafted to secure the affordable housing contributions (33%) in addition to the 2% equivalent financial contribution. This will be agreed between the Council's legal department and the applicant's solicitors prior to issuing the decision notice if members are minded to agree with the Officer's recommendation to approve the planning application subject to the below planning conditions.

Conclusions

- 6.77 The application seeks outline planning consent for the erection of up to 24 dwellings, with all matters reserved for later consideration except for access. Details relating to scale, appearance, design and landscaping have been reserved. The site has been allocated for residential development under Policy 8 of the SNP therefore the principle of the development is accepted. The proposal includes an appropriate housing mix, in addition to a policy compliant provision of affordable housing. The submission has further demonstrated accordance with the criterion within Policy 8 of the SNP, including access to the site and enhancements and additions to the existing PROW network, in addition to general compliance with local planning policies.

- 6.78 It has further been demonstrated that the proposal would not amount to an adverse impact on existing residents' amenity. The detailed design stage will confirm the layout and habitable room placement of the dwellings in relation to their siting to the nearest existing residential neighbours.
- 6.79 The proposed means of access to the site are considered satisfactory on technical highways grounds, and thus the Highways Authority are satisfied that the site would be adequately served by a safe means of access and would not cause harm to the operation or safe use of the existing highway network.
- 6.80 Development of this site would nevertheless amount to 'less than substantial' harm to the historic context of the site, however this harm is to the lower end of the 'less than substantial' scale and would be outweighed by the benefits of the scheme such as the provision of market and affordable housing, and enhancements and additions to the existing PROW network as proposed.
- 6.81 Appropriate ecological mitigations and enhancements have been recommended, which the Council's Ecological Consultant has agreed to. No adverse risks have been identified as a result of the scheme in regards to drainage on and surrounding the site, to which appropriate mitigation measures have been considered as part of the design.
- 6.82 Furthermore, the proposal facilitates the replacement of the existing Cricket Pavilion to the south of the site, in which detailed design, use, layout and scale will be sought under future reserved matters applications. The provision and facilitation of this is considered a significant community benefit to the scheme.
- 6.83 Officers therefore recommend that this application for the development of the site be approved in compliance with the relevant policies of the Horsham District Planning Framework and Slinfold Neighbourhood Plan, subject to the below detailed list of planning conditions and the completion of the necessary s106 legal agreement.

7. RECOMMENDATIONS

- 7.1 To approve outline planning permission, subject to the following conditions:

Conditions:

- 1 **Standard Plans Condition:** The development hereby permitted shall be undertaken in full accordance with the approved plans.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 **Outline Permission:**

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building hereby approved (including the new cricket pavilion), 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 hereby approved (including the new cricket pavilion), 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 take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the method of access and routing of vehicles during construction
- the parking of vehicles by site operatives and visitors
- the loading and unloading of plant, materials and waste
- the storage of plant and materials used in construction of the development,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- An indicative programme for carrying out of the works
- The arrangements for public consultation and liaison during the construction works
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- ecological and biodiversity mitigations (see informative)

Reason: In the interests of highway safety and the amenities of the area, ecological and biodiversity interests, and in accordance with Policies 24, 33(2) and 40 of the Horsham District Planning Framework (2015).

4 **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).

5 **Pre-Commencement Condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement Condition:** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site and extant structures shall each 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.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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 part of the development shall commence until such time as the highways works including vehicular access, footway and dropped kerb pedestrian tactile points serving the development has been constructed in accordance with the details shown on the drawing titled RESIDENTIAL DEVELOPMENT & CRICKET PAVILION HIGHWAY JUNCTION LAYOUT HIGHWAY INDENTED SOUTH and numbered FC2703/13 Rev. D (received 28.07.2020).

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

- 8 **Pre-Commencement Condition:** No part of the development shall commence until visibility splays of 2.4 metres by 56 metres have been provided at the proposed site vehicular access onto Lyons Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 9 **Pre-Commencement Condition:** The common oak tree (identified as tree T41 in the submitted Arboricultural Impact Assessment, prepared by Broad Oak Tree Consultants Ltd, received 08.07.2019), shall not be felled or otherwise removed unless and until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate whether an alternate arrangement to the proposed drainage ditch to the southern boundary of the site is reasonably achievable to facilitate the tree's retention. In the event the Local Planning Authority determine that an alternative arrangement is reasonably achievable, that arrangement shall be implemented in accordance with the agreed details and T41 shall be

retained and suitably protected during works in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).

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

- 10 **Pre-Commencement Condition:** The following works shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected and Priority species and allow the Local Planning Authority 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 and s17 Crime & Disorder Act 1998.

- 11 **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 drawing number J54.03/02 (as per the submitted Arboricultural Impact Assessment, prepared by Broad Oak Tree Consultants Ltd, received 08.07.2019), to include for the avoidance of doubt trees T33 , T35 and T36, 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).

- 12 **Pre-Commencement (Lighting) Condition:** Prior to the installation of any external lighting, 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 bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme must also be designed by a suitably qualified person in accordance with the recommendations for environmental zone E2 in the Institute of Lighting

Professional's Guidance document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

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 Local Planning Authority 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), and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Pre-Commencement (Slab Level) Condition:** Prior to development commencing above ground floor slab level, 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;
 - b) detailed designs to achieve stated objectives;
 - c) locations 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 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).

- 14 **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of the development above slab level, details of the proposed improvement works to the Public Right of Way (ROW 1440_3) along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but not be limited to:
- A layout plan of the pathway at a scale of at least 1:500;
 - Horizontal sections of the proposed pathway at a scale of at least 1:20;
 - Details and construction of the proposed surfacing materials;
 - Details of any planting adjacent to the pathway (in accordance with landscape detail, to be submitted);
 - Details of the long-term management and maintenance of the pathways, and;
 - Details of (if any) street furnishings.

The works shall be undertaken in strict accordance with the approved details and completed prior to the occupation of the twentieth dwelling, and shall thereafter be maintained as such, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: To ensure that the improvement works to the Public Right of Way are undertaken in accordance with the standards accepted by the West Sussex County Council Public Right of Way Team, and to ensure satisfactory appearance in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 15 **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).

- 16 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport, in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 17 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 18 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a contamination verification plan shall be submitted to and approved, in writing, by the Local Planning Authority. The verification plan shall provide details of the data collected in order to demonstrate that the works set out in Condition (6) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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).

- 19 **Pre-Occupation Condition:** Prior to the occupation of the cricket pavilion, an assessment of the acoustic impact arising from the operation of all internally and externally located plant to be installed at the sports pavilion shall be undertaken in accordance with BS 4142:2014 or superseding equivalent. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved by the Local Planning Authority shall be fully installed before the use hereby permitted commences and shall be operated for as long as the use is continued.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 20 **Pre-Occupation Condition:** The use of the cricket pavilion hereby permitted shall not commence until a customer management plan has been submitted and approved in writing by the local planning authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from live and amplified music (including the screening of sporting events and public address systems) and minimising the effects of patrons coming and going from site and demonstrating how customers leaving the building will be prevented from causing nuisance for people in the

area. The use hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 21 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated Ecological Assessment (Ecosupport Ltd, October 2020) 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 and s40 of the NERC Act 2006 (Priority habitats & species).

- 22 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment (prepared by Broad Oak Tree Consultants Ltd, received 08.07.2019), with the exception of the removal of the trees identified as T33, T35, T36 detailed in appendix 6 of the report which for the avoidance of doubt shall be retained at all times, and all works to the proposed access to the site from Lyons Road shall consist of a no-dig construction when within the Root Protection Zone of all trees to be retained.

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

- 23 **Regulatory Condition:** 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).

- 24 **Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority

Reason: To ensure that no contaminated material is brought on to the site in the interests of public safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

- 25 **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).

INFORMATIVES

Conditions to be Discharged

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms

Highways

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Surface Water Drainage Statements

A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link <https://www.horsham.gov.uk/planning/development-management>

Ordinary Watercourse Consent

Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require the Ordinary Watercourse Consent. Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers.

Southern Water

Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk

Waste Removal

A licensed waste removal contractor shall remove all site clearance debris, demolition and construction waste from site including all asbestos waste (if any).

Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Condition 3: Ecological / Biodiversity Considerations

Matters relating to ecological and biodiversity mitigation within the construction environmental management plan (CEMP) include details of the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

Background Papers: DC/19/1386