



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 1<sup>st</sup> December 2020

**DEVELOPMENT:** Demolition of existing restaurant facility and erection of 22 residential apartments including all associated landscaping and external works

**SITE:** Smith and Western 37 North Parade Horsham West Sussex RH12 2QR

**WARD:** Trafalgar

**APPLICATION:** DC/20/0614

**APPLICANT:** **Name:** Mr and Mrs Tom Cox **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 persons in different households have made written representation raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions and the completion of a s106 legal agreement to secure the provision a contribution towards off site Affordable Housing.

In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

1.2 The application seeks the demolition of the existing Smith and Western restaurant facility and the erection of a contemporary flatted development comprising a total of 22 residential apartments along with all associated landscaping, external works including the provision of 28 car parking spaces (including 4 allocated spaces, 22 unallocated spaces and 2 disabled spaces) and 24 cycle spaces.

1.3 The development includes a mix of types and sizes of units with 7 x 1 bed and 13 x 2 bed apartments and 2 x 2 bed town houses.

- 1.4 The development consists of two distinct elements comprising two part-three and part-four storey linked blocks with top floor accommodation within mansard roofs. The approximate dimensions of each element ranges from 9m (height) and 21.55m (length) 12.47m (width) (smaller block) to 12.04m (height) and 20.7m (length) 21m (width) (larger block at widest point), rising to 12.4m to the area over the Automatic Opening Vent Stack and the Lift Stack.
- 1.5 The development occupies a corner plot and has a dual frontage to North Parade and West Parade, the main frontage faces North Parade and has a central single storey link between the two blocks that provides an access point to the apartments within the four story block and a private through way to the rear of the site. The three storey block has a separate shared central access point to the apartments fronting North Parade, and both of town houses have their own private entrances. Each of the units has private amenity space comprising either garden area or balconies with the exception of flats 8, 14, and 20 located to the rear north west corner of the larger block.
- 1.6 The design of the proposed development has evolved throughout the application process resulting in a contemporary building comprising a mix of both horizontal and vertical brick elevations punctuated by two and three storey projecting bays comprising both brown / red and contrasting blue / buff brickwork, along with extended exterior window reveals and floating balconies, all of which provide depth, shade and articulation to the elevations under the zinc cladded mansard roof.
- 1.7 It is noted that the occupiers of the site, 'Smith and Western', have already secured planning permission under DC/20/0302 for a new restaurant at 24 -28 East Street Horsham, and it is their intention to relocate from their current location to Horsham Town Centre. As such the application site will be shortly vacated.

#### DESCRIPTION OF THE SITE

- 1.8 The application site (approx. 0.19 ha) is located within the Built up Area Boundary of Horsham and occupies a prominent corner plot on the corner of North Parade (B2237) and West Parade approximately 1 mile from the town centre of Horsham. The site comprises a 1.5 storey restaurant known as the 'Smith and Western', an American Style restaurant located in the southern portion of the site, along with an associated car parking hard standing area that occupies the entire northern portion of the site which is accessed via North Parade. There is a secondary access to the application site (dis-used) off of West Parade.
- 1.9 The area immediately surrounding the application site to the north, east, south and west is residential in character, and has similar scale and density with flatted developments located on the opposing corners of the junctions opposite. The adjacent developments include flats 1-17 Delancey Court (opposite east) and 1-18 Tulip Court (opposite south). Immediately west of the site is 1-5 The Walnuts, comprising a terrace of three dwellings and a pair of semi-detached dwellings. Numbers 1-3 (terraced) are set well back into their plots from the highway and have small rear gardens, the closest of which (1 West Parade) is separated from the western boundary of the application site by a narrow passage providing access to their rear gardens. Nos 4-5 (semi-detached pair) follow the established building line of other two storey dwellings fronting the north side of West Parade, and all have long narrow rear gardens.
- 1.10 Dwellings along the south side of West Parade are generally detached and occupy much larger plots. To the north and north-west of the application site is White Hart Court, a development comprising semi-detached and terraced dwellings along with associated garage blocks all accessed off of North Parade, and immediately north of the existing access to the application site. Beyond this the character of the area to the north and south along North Parade is residential in nature.

- 1.11 The site is bounded in part by hedgerow and post and rail fencing to the eastern (front) boundary of the site, a part fenced and part open grass verge to the south of the site, and a brick wall to the remaining boundaries of the site within the car park. An interrogation of the Councils mapping system identifies a number of trees subject to Tree Preservation Orders along the east and south side of the application site, however, this is a historical reference and the Councils Tree Officer has confirmed that record 76 (from 1962) and 239 (from 1975) are no longer present on the site. The remaining trees along the boundary of the site adjacent to Western Parade are of no particular merit and are not subject to any Tree Preservation Orders.
- 1.12 To the east of the site approximately 62m away lies the western boundary of the (Horsham (Richmond Road) Conservation Area. To the south approx. 118m from the southern boundary of the application site lies White Cottage (25 North Parade) a Grade II listed building. The application site is well separated from and is not located within a distance that would be considered to affect the character or setting of this listed building or the character of 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 9 – Employment Development
- Policy 12 - Vitality and Viability of Existing Retail Centres
- Policy 13 -Town Centre Uses
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

### SUPPLEMENTARY PLANNING GUIDANCE

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

### RELEVANT NEIGHBOURHOOD PLAN

Trafalgar Neighbourhood Council forms part of the Horsham Blueprint Business Neighbourhood Forum which is the designated body of the un-parished area of Horsham

Town. The Horsham Blueprint Business Neighbourhood Forum (HBBNF) was designated five years ago to prepare a Neighbourhood Development Plan for the un-parished part of Horsham town. North Horsham Neighbourhood Plan area was designated, then the area voluntarily withdrew the designation. The HBBNF applied for re-designation of the Neighbourhood Plan Area Forum on the 5 June 2020. The re-designation application was approved on the 24 August 2020 and a report was issued to Forum members to confirm the re-designation of the Horsham Blueprint Business Neighbourhood Forum Area.

The Forums Horsham Blueprint Business Neighbourhood Plan finished the draft plan stage Regulation 16 on 2 November however it has yet to pass through public examination. Therefore the weight that can be afforded to the Neighbourhood Planning process in this location at present is very limited.

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1527	Demolition of existing restaurant and erection of 23 apartments with associated parking and landscaping	Withdrawn Application on 18.10.2019
DC/04/2567	Two single storey extensions to form additional dining space and a cold store	Application Permitted on 12.05.2005
DC/08/0103	Single storey rear/side extension incorporating disabled wc	Application Permitted on 12.03.2008

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

**HDC Environmental Health:** No Objection subject to conditions

**HDC Arboricultural:** No Objection

**HDC Drainage Engineer:** No Objection

**HDC Housing:** Comment  
Concerns regarding lack of affordable housing

**HDC Town Centre Management:** No Objection

**HDC Environmental Waste Management Services:** No Objection

#### OUTSIDE AGENCIES

**WSCC Highways:** No Objection subject to conditions

**Southern Water:** No Objection

**NHS CCG:** No Objection

**Trafalgar Neighbourhood Council:** Object (summary)

Horsham Trafalgar Neighbourhood Council (HTNC) confirm that they do not have a blanket objection to the sites development but consider the scheme is significantly over-developed

and has insufficient parking for the number of flats and would compete for parking with residents of Tulip Court. TNC have concerns that the development will result in overshadowing to garden areas of 'The Walnuts' West Parade and loss of privacy to bedroom windows especially to residents in Tulip Court and at least one house on the south side of West Parade. There is also concern regarding the large balconies facing Tulip Court and the development is considered out of character for the area

HTNC is concerned both by the monolithic and 'urban' design of the building, and by the lack of attention paid to local housing. The building would put an enormous square mass on the corner of North Parade and West Parade, which not only results in loss of light and privacy but also changes the views and lines of sight at that corner. If the taller part of the building were located on North Parade, rather than on the corner, impact would be mitigated to a degree.

The building is slab-sided and square and will be the only such building in the area. Other flats in the area, such as Tulip Court, have pitched roofs and setbacks that allow them to fit in well with the older residential architecture. To date, all the blocks of flats in the area have either been well back from roads and inconspicuous, or else well-designed and in keeping with the atmosphere of a pleasant residential zone. The new proposal has no pitched roof, no setback, and no decoration; it is essentially a box, and the first such box in the area. The proposal appears to have no provision for trees, bushes or any significant amount of verge. This is both an issue of over-development and a potential safety issue at the intersection.

The documents submitted with the application seem to pointedly ignore the local architecture and indeed ignore that the area is predominantly small houses rather than flats. At one point, the large, urban YMCA building from the town centre was submitted as an example of 'local' architecture, which is misleading. No view showing the relationship between the building and West Parade was ever provided; the intention seems to be to represent the area as a heavily built-up urban area, which is not the case.

#### PUBLIC CONSULTATIONS

The application has been the subject of three separate consultation period as the plans have evolved. A total of 48 letters of Objection (including the 5 x 2 from same households) and 1 letter of Support have been received across all three consultation periods.

##### Initial consultation:

27 letters of objection were received during the first consultation, from 22 separate households. 1 letter raising neither support nor objection was received.

##### Second consultation:

16 letters of objection were received during the second consultation period from 14 households. Of the 16 letters received, 2 letters were from new addresses.

##### Third consultation:

6 letters were received during the third consultation period. Of the 6 letters further received 4 letters were from new addresses.

The objections include 2 letters from Wimbleshurst Road Residents Association (WRRRA).

Objections have been raised on the following grounds;

- Overlooking and Loss of Privacy
- Scale of development on plot
- Dominant Design
- Street scene
- Building line
- Lack of set back from road
- Overbearing
- Overdevelopment
- Materials
- Height
- Overshadowing
- Traffic and Highway concerns
- Access onto North Parade and impact
- Ratio of Parking to Apartments
- Impact of parking on Tulip Court Residents – request to reserve on street parking spaces outside Tulip Court for existing residents.
- Construction and impact on neighbours
- Redesign to delete townhouses and rotate apartments for central access, and create additional parking rather than bike storage
- Lack of Affordable Housing shown on Plan
- Car park lighting
- Lack of landscaping
- Loss of restaurant

#### **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 Paragraph 2 of the National Planning Policy Framework (NPPF) states that the starting point for decision making should be the development plan and that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of planning applications. The Horsham District Planning Framework (HDPF) was adopted by the Council in November 2015 and forms the current development plan for the District. Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. By the time of the committee meeting the HDPF will be over 5 years old and by virtue of paragraph 33 relevant policies for the determination of any application must be considered as to whether they are 'out of date'. In this case, the relevant policies as set out above are considered to remain in accordance with national policy set out in the NPPF. As the HDPF will be over 5 years old, the Council's annual target for housing delivery will though rise from the current 800 dwellings per year to 920 dwellings per year in accordance with the

latest standard housing methodology calculator. The Council considers that it can demonstrate a 5 year housing land supply at 920 dwellings per year. Accordingly, as the relevant policies are compliant with the NPPF, and a 5 year housing land supply can be demonstrated, paragraph 11 of the NPPF is not engaged in decision making.

- 6.2 Policies 1, 2, 3 and 4 of the HDPF set out the Council's main strategy for the location of development across the District and, in accordance with the NPPF's sustainable development approach; seeks to concentrate development in and around the District's most sustainable settlements. The application site is located within the built up area of Horsham which is classified as a town within the defined settlement hierarchy. Policy 3 describes the settlement as having a large range of employment services and facilities and leisure opportunities, including those providing a district function. Strong social networks, with good rail and bus accessibility. The settlement meets the majority of its own needs and many of those in smaller settlements. The principle of development in this location as set out in Policies 2 and 3 of the HDPF is considered to be acceptable subject to a thorough assessment of the application details, material considerations and compliance with all relevant policy criteria.
- 6.3 Policy 15 of the HDPF seeks to allocate a sufficient quantum of new housing across the Horsham District to meet the identified needs until 2031. As the site is located within the BUAB of Horsham, it is considered that housing development such as the proposed scheme would contribute to the windfall units required by Policy 15 (part 5), which contributes to the 'in principle' acceptability of this proposal.

#### Loss of Restaurant

- 6.4 Policy 12 relates to Vitality and Viability of Existing Retail Centres and recognises the development hierarchy for the district, and the hierarchy for the districts town and village centres. The application site being located outside of the town centre site does not fall within any defined primary or secondary frontages and as such the loss of the A3 restaurant in the current outlying area is not considered to conflict with Policy 12. The restaurant use has secured planning permission for its relocation to the 'quarter' of Horsham Town where its A3 use is considered most appropriate in meeting needs most appropriate to the character of the town centre and as such the restaurant business will continue to operate. The restaurant will seek to retain existing staff from the Horsham branch and it is anticipated about 15 full-time staff and 35 part-time staff will be employed by the restaurant. Therefore it is considered that there is no conflict with Policies 9 or 12 of the HDPF.

#### Design and Appearance

- 6.5 The area surrounding the application site comprises houses and flatted developments of various scale, mass and design. There is a mix on two, three and four storey development with no particular or prevailing architectural style or significant features of special interest. The site sits on the northwest corner of a staggered crossroads with blocks of flats of differing scale and design to each of the other three corners. The main elevations front North Parade, a busy thoroughfare from the town centre to the A24 that is characterised by large flatted building forms given the road a more urban character than the residential streets that extend from it. The common themes that unite the area are square and rectangular buildings with bay elements, dominant use of red brick, and pitched roofs.
- 6.6 Tulip Court sits to the southwest of the crossroads (corner of North Parade and West Parade), and forms a three storey block of flats with a relatively square footprint. It has red brick elevations under a high pitched roof that extends to approximately 13.5m to the overall ridge height. Tulip Court sits close to the West Parade footway at a setback of approximately 2.4m. The North Parade frontage is setback by approximately 9.4m to 12.3m behind a landscaped garden area.

- 6.7 Delancey Court sits to the northeast of the crossroads (east of the application site and immediately opposite on the corner of North Parade and Wimblehurst Road), and forms a three storey block of flats with a stepped and staggered footprint, It has a mix of red brick and white rendered elevations under a pitched roof that rises to a height of 11.68m, but appears higher given it is set on moderately higher ground. Delancey Court is set back behind soft landscaping variously by approximately 7m- 14.6m along its staggered front elevation to North Parade.
- 6.8 To the rear/west of the site are terraces and semi-detached pairs of two storey houses along West Parade, with further blocks of flats to the north along North Parade.
- 6.9 Given the mixed character of the area, the addition of a new block of flats on this corner location can be supported in principle, as it would complement the blocks of flats to the other three corners of this staggered crossroad junction, and other block of flats in the area that front North Parade. The site is on a prominent corner therefore any replacement building will inevitably be seen as more dominant in the townscape than the existing restaurant building.
- 6.10 Concerns have been raised in representations received over the design and massing of the proposal, in particular is square massing on the junction with little setback, and the absence of a pitched roof to fit in with the character of the area.
- 6.11 In respect of the square massing concerns, the footprint of the building is comparable to the square and rectangular footprints of other buildings in the area, and uses bay elements to each elevation to provide depth and articulation reflective of the bays to Tulip Court and the staggered frontage to Delancey Court. It is considered that there is sufficient horizontal and vertical variation in the brickwork and front and rear building lines to add movement and articulation to the elevations which provide visual interest to the appearance of the development within the street scene and help to break up the visual mass.
- 6.12 It is acknowledged that the building sits closer to North Parade than the existing restaurant, and as such would not have the same opportunities for soft landscaping to reflect the other North Parade frontages in the area. This is partly derived from the relatively narrow and angled plot shape. It is noted that the existing restaurant has little soft landscaping other than a box hedge to North Parade. The proposal would improve on this by introducing a grassed frontage with new tree planting and a boundary hedge. The articulated building line behind would break up the elevation's mass and provide visual punctuation by way of the stepped approach from 4 storeys to 3 storey's (including roof accommodation) as viewed from the public highway
- 6.13 In terms of its overall height and roofline, the building has been designed to accord with the heights of Tulip Court and Delancey Court, with its overall 12m height lower than the 13.5m ridge line to Tulip Court. It is accepted that the mansard roofline does not create a pitched roof that has the same proportionality and dominance as the rooflines to Tulip Court or Delancey Court. The use of a mansard nevertheless softens the roofline of the building, particularly on the lower northern section, and reads as a pitched element. The building's design is intended to be purposefully contemporary on this prominent corner, with the mansard roof line, brick detailing and large windows creating a modern composition rather than a replication of the more moribund forms of Tulip Court and Delancey Court opposite.
- 6.14 Overall, the character of the proposed flatted development is considered to sit appropriately within the context of the wider and immediate surrounds in terms of the proposed scale as well as the three dimensional mass derived from the height, depth and footprint, particularly as compared with Tulip Court and Delancey Court opposite. Whilst the flatted development proposed has a modern appearance, the high quality contrasting red brick elevations, large window openings and mansard roof are considered to appropriately reflect the key



characteristics of the area and provides well-ordered and proportioned elevations across the two linked elements of the building, providing both visual and aesthetic interest on this prominent corner plot. The precise detailing and materials specifications (including brick types) will be secured by condition for subsequent approval should planning permission be granted.

- 6.15 In respect of concerns of overdevelopment, the proposed 22 unit development has been designed to make maximum use of the 0.19 ha application site, which results in a density of around 115 dwellings per hectare. Whilst Officers consider this to be an example of a moderately high density development, it is not uncommon for this level of density to be seen in Horsham, particularly for flatted development. In comparison the density of development at Tulip Court opposite is 138 dph.
- 6.16 As such, it is acknowledged that high density development is not considered to be uncharacteristic of this area, and it is important to acknowledge that the Government now place a new emphasis on making '*effective use of land*' and '*achieving appropriate densities*' (NPPF Paras 122-123), which is a material consideration in this case.
- 6.17 As this site is located within the BUAB of Horsham, and in close proximity to Horsham Town Centre, the site is considered to be suitable and sustainable for residential development, with the contemporary design appropriately reflecting the key characteristics of the area whilst adding to the variety and mix of buildings, in accords with Policies 32 and 33 of the HDPF.
- 6.18 Housing Mix and Affordable Housing

Policy 16 [part 3 (a) refers] states that on sites providing 15 or more dwellings, the Council will require 35% of dwellings to be affordable provision with a tenure split of 70% affordable rented and 30% intermediate housing. The Planning Obligations and Affordable Housing SPD (2017) confirms that "The Policy states the Council will assess the viability of developments when applications depart from adopted policy. Given the level of housing need in the District, the Council will expect 35% of housing on qualifying sites to be affordable unless the applicant can provide sound evidence that this cannot be achieved without making the scheme unviable'.

- 6.19 HDPF Policy 16 requires 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 Strategic Housing Market Assessment November 2019 (Iceni Projects). The reports set out that there is a higher demand for 2 and 3 bed market housing, with the requirements for Horsham District made up of 5% of 1 bed; 30% of 2 bed; 40% of 3 bed; and 25% 4 bed plus. The 22 unit development proposes a mix of dwellings including 1 bed flats, 2 bed flats and 2 houses; Given the nature of the development proposed comprising a flatted development, as opposed to family houses, the absence of 3 bed units and the higher level of two bed dwellings proposed is considered acceptable as the higher proportion of 2 bed flats meet an identified need for smaller units in the district.
- 6.20 The application as submitted proposed no onsite affordable housing on the basis that the provision of affordable housing would make the development unviable.
- 6.21 In accordance with Paragraph 10 of the National Planning Policy Guidance (NPPG), the applicant has submitted a Viability Statement, with open book provision of all financial information and appropriate evidence sufficient for an independent consultant to assess the viability position in relation to the development proposed. The Applicants Viability Report has been independently assessed on the Council's behalf. Taking all the relevant parameters into account including gross development value, development timescale, build costs as well as professional fees, CIL, sales and marketing, site acquisition costs, finance and profit costs, the Council's valuer confirms that the scheme is viable and could support

additional affordable housing or S106 contributions amounting to £154,485. This would otherwise be equivalent to 2 affordable housing units provided on site and a residual commuted contribution sum of £3,156.

- 6.22 In this instance, given the small number of flats that would be affordable (a number which would be unattractive to Registered Providers), it is reasonable to accept an off-site contribution of £154,485, along with the option of a viability review carried out if the scheme has not reached slab level on 5 plots within 2 years of consent being granted, with provisions secured within a satisfactory S106 agreement. The applicants have accordingly agreed to enter into a S106 agreement to secure this off-site financial contribution. This satisfies the requirements of Policy 16 of the HDPF.

#### Impact on neighbouring amenity

- 6.23 As previously stated the proposed development is larger in scale than the existing building on site, therefore the amenity experienced by existing neighbouring occupier (especially 1 The Walnuts which is closest to the rear west elevation) is likely to change. The primary impact would be from the larger bulk of the building extending considerably beyond the rear of The Walnuts which would have a potential impact on outlook and sunlight to these properties, as well as introducing overlooking potential where currently none exists.
- 6.24 To minimise these impacts, since the submission of the application the applicants have pulled the rear/west elevation further back from site boundary and the rear eastern boundary of 1 The Walnuts, and the previously proposed windows in the west elevation that overlooked The Walnuts have been repositioned to reduce the potential extent of overlooking. There is now a separation distance of between 8.7m at the nearest corner point of the proposed development and 12.6m at the furthest point from the east elevation of 1 The Walnuts. This relationship is considered acceptable as the window position of flats 8, 14, 20 and 22 within the main building have been positioned so as to avoid any overlooking directly over or into the rear gardens of The Walnuts. At this point the proposed new development is adjacent to the flank wall of 1 The Walnuts which has one small window at first floor to their hallway.
- 6.25 Fenestration as previously proposed to bedroom windows within the northern building would have offered the greatest sense of overlooking, with windows to bedrooms on all levels facing towards the rear garden of 1 The Walnuts at between 10.5m and 11.6m. The windows have since been re-positioned to the side elevations as far as possible to direct views away from the garden of 1 The Walnuts. Views directly into the rear windows of 1 The Walnuts would therefore be very limited given the positioning of the windows in the northern block and their angled relationship. The impact on the garden areas would be alleviated somewhat by the separation distance, and the fact that it is bedrooms that would face this property, rather than more frequently occupied main living room spaces. In addition, it is noted that the site plan details trees to be planted alongside the rear garden of 1 The Walnuts which in time will grow to provide shielding. The final details of this planting are secured in a landscape condition and would assist in mitigating the accepted impact. Given this arrangement, it is not considered that the 2 storey (with rooms at roof level above) building at this point would be unacceptably overbearing on these neighbouring properties.
- 6.26 To further minimise any overlooking impacts, the applicant has also agreed to a condition requiring details of the height of the parapet walls to be agreed to ensure they are sufficiently high to prevent any views from the bedroom windows they serve impact in on the privacy of The Walnuts. A further condition is recommended to ensure that the stairwell windows are obscure glazed. Given these amendments and conditions, it is considered that the impact of the development on the privacy of The Walnuts and the enjoyment of their rear gardens has been suitably mitigated.
- 6.27 In terms of daylight and sunlight impacts, it is accepted that the scale of the main building would likely introduce greater shadowing to the rear north facing garden of 1 The Walnuts

during parts of the early and late summer months. This would though dissipate later on in the morning as the sun paths to the south, with all remaining sunlight during the day unaffected. Whilst this loss of sunlight would have an impact, its impact would be limited to part of the day during part of the year. As such it is not considered to be of such an extent that would warrant the refusal of permission.

- 6.28 Concerns have been raised by residents regarding the potential for overlooking into the flats at Tulip Court, which face north towards the site at close proximity to West Parade. Whilst it is accepted that there would be mutual overlooking, including from the proposed balconies, it is considered that the front to front relationship of the existing and proposed developments which are separated by approximately 13.5m -14.5m by the intervening highway of West Parade is not irregular in an urban setting and in this case is acceptable. Whilst the height and additional windows facing towards front elevations of Tulip Court would be more intrusive than the current arrangement, some impact is inevitable when introducing new residential development into a residential area. In this instance, facing habitable rooms to Tulip Court comprise lounges that are set back approximately 14.5m from the front elevation of Tulip Court, and bedrooms which are set back approximately 13.5m. The separation distance of these rooms across a road are considered to be a reasonable distance. Nevertheless, in order to preserve the amenities of Tulip Court, and reduce the visual dominance of the building in views from West Parade, the balconies to flats 13 and 19 facing Tulip Court have now been removed from the south western corner of the proposed development.
- 6.29 The proposed development of 22 residential units will generate a level of noise and activity commensurate with its residential use. This impact would be less intrusive than that afforded by the existing restaurant which brings with it odour disturbance and late night noise impacts from customer movements, car park chatter, and extract systems. Whilst the proposed development would also create its own noise, this would be more domestic in its nature characteristic of a residential setting such as this. On this basis, and subject to the recommended conditions, the proposed development is not considered to conflict with policy HDPF 32 or 33 of the HDPF.
- 6.30 Concern has been raised by the occupants of a nearby property about the construction process and arrangements and in particular the impact on the health of their young baby. A Construction Management Plan (CEMP) condition is recommended to address and control the construction management process should planning permission be granted. The CEMP will require satisfactory information to be submitted with regard to the construction programme, site logistics including access, contractor parking arrangements, and measures to control dust and mud. The approved details will help to reduce the adverse impact of the construction process on neighbouring residents, but it is acknowledged that construction process at this site is still likely to cause some (albeit temporary) adverse impact.

### Landscape and Trees

- 6.31 The sites as existing includes limited soft landscaping beside the restaurant building to the North Parade and West Parade frontages only. The car park is largely barren of any soft landscape features.
- 6.32 The proposal includes the provision of new trees and hedges around the site boundaries and includes a new hard surfaced communal area to the rear of the site with soft borders. This will improve the appearance of the site within the streetscene compared to existing. The majority of dwellings at ground floor have access to private defensible green spaces. No specific landscaping strategy has been submitted as part of the application and as such a suitable landscaping condition is required to ensure a satisfactory scheme is bought forward should planning permission be granted and to ensure compliance with policy 33 of the HDPF.
- 6.33 The Councils Tree Officer has been consulted it has been advised that the development proposals will not have any adverse effect upon the local tree stock in the locality. A small

number of trees, present in the past, are recorded as having been subject to TPO's 76 (from 1962) and 239 (from 1975), however it has been confirmed that none of these trees remain. Present on the site today, though unprotected, are a Silver birch and a Field maple tree, both on the southern periphery of the site where it abuts West Parade. These trees are to be retained.

- 6.34 As with the existing car park, the new car park would border the number of large (though unprotected) trees within the access to White Hart Court to the north. The car park is at an existing higher elevation than the adjacent land, and none of the said trees will be affected by the proposal. The land upon which these trees are sited is adopted by West Sussex County Council Highways, and the Council's tree officer has been advised by WSCC tree management team that two of these large trees, which are in particularly poor condition, are targeted for removal.

#### Highways, Access and Parking

- 6.35 The site is situated in a sustainable location within good walking and cycling distances of local facilities, so there would be no reliance on the private motor vehicle for future occupiers to meet their daily needs. TRICS assessments have been carried out to provide a comparison between the existing trip rate and that of the proposed. This calculates that the existing use would create 189 two-way trips over a 12 hour period, with the proposal creating 87 two-way trips. It is therefore clear that the residential use of the site will overall create fewer vehicle trips to and from the site.
- 6.36 The site will be accessed via the existing access which is to be enlarged to a width of 5.2m to allow two passing vehicles and avoid standing traffic left in the main carriageway waiting to access the site/pass opposing vehicles leaving the site. The access will be gated, with the gates set back by 13m from the edge of the carriage way to allow operation without traffic waiting to enter and blocking the main carriageway. A visibility plan has been provided to demonstrate that appropriate visibility splays of 43m in each direction can be achieved, in line with the requirements of Manual for Streets (MfS) for a 30mph road.
- 6.37 Swept path analysis drawings have been provided in the Transport Assessment (TA) to demonstrate that the site access and proposed parking layout are workable. This also demonstrates that a refuse vehicle can enter the site and turn to avoid reversing out of the site into the carriageway.
- 6.38 In respect of parking, since the last public consultation period the proposal has been amended to provide for 28 bays, (an increase of 5 spaces over that originally proposed) of which two are disabled bays and two visitor bays. Four of the spaces (off of West Parade) will be allocated with the remaining spaces within the main parking courtyard being unallocated. 24 cycle spaces are proposed within the cycle storage facility which has been relocated closer to the amenity area. The WSCC parking calculator advises that in Trafalgar Ward a development of this housing mix would require 24 parking bays if unallocated, and 30 bays if they are all to be allocated per flat. With four spaces now allocated fronting West parade, the calculator requires that a total of 24 parking spaces are provided.
- 6.39 The 28 parking bays proposed therefore exceeds that required by the Parking Calculator for this Ward. Given the concerns raised in consultation responses over potential overspill into heavily parked streets, it is considered appropriate here to require the other 24 spaces to be unallocated. This will minimise the risk of overspill parking in surrounding streets. A condition is therefore recommended that secure the parking bays within the main parking courtyard to be unallocated at all times and to provide 4 allocated tandem parking bays off of West Parade.

- 6.40 The site is 1km from Horsham Station and the town centre, in a sustainable location where car ownership is not critical in order to reach shops, services and workplaces. On this basis the risk of overspill parking is considered limited.
- 6.41 A Travel Plan for the site has been provided. The Local Highway Authority have reviewed the content and have not raised any concerns. 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. Appropriate conditions and informatives are required should planning permission be granted.

#### Climate Change:

- 6.42 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 includes the following measures to build resilience to climate change and reduce carbon emissions:
- Low-e double glazing to windows will aid in reducing heat transfer, which, will in turn reduce heating and cooling requirements.
  - Energy efficient fittings and appliances such as 100% low energy light bulbs, dual flush toilets, water meters, draught-proofing, energy and efficient gas condensing boilers amongst others.
  - The scheme aims to achieve between 15% and 25% improvement of the dwelling Emission Rate (DER) over the Target Emission Rate (TER) based on SAP 2005 or any subsequent amendment in effect at the time of implementation of the scheme.
  - The use of renewable, reusable or recyclable material resources such as glass, bricks and timber.
  - The scheme aims to exceed Building Regulation Part E requirements by either carrying out pre-completion air testing and/or by using Robust Details in the construction.
- 6.43 In addition to these measures conditions are attached to secure the following:
- Water consumption limited to 110litres per person per day
  - Requirement to provide full fibre broadband site connectivity
  - Refuse and recycling storage
  - Cycle parking facilities
  - 9 Electric vehicle charging points
  - Travel plan
- 6.44 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

#### Drainage

- 6.45 The Environment Agencies' flood zone map, indicates that the application site is located wholly within Flood Zone 1. As such, a full Flood Risk Assessment (FRA) for this site is not required (as per the PPG). Notwithstanding this, it is still essential for the site to be properly drained, and to ensure that it will not result in an increase in flood risk elsewhere. A Drainage Strategy and Management Plan has been submitted which has been reviewed by the Council's Drainage Engineer and by WSCC's Flood Management Team, no objection has been raised to date. A suitable condition is recommended in respect of foul and surface water drainage as required by Southern Water.

### Refuse Storage

- 6.46 Communal bin stores are provided along the north boundary of the site away from both existing and proposed residential properties. The provision includes 5 x 1100L recycling bins and 4 x 1100L refuse bins. The Council's Environmental Waste Management Services department have been consulted and they have advised that the provision is acceptable.

### Conclusions

- 6.47 The principle of residential development in the Built up Area Boundary of Horsham is in accordance with the Council's overarching development strategy, subject to the provision of affordable housing contributions in lieu of on-site provision. The parking provision on site is considered to be acceptable by Officers and WSCC Highways.
- 6.48 It is acknowledged that the four storey scale of the main building is in an area where there is typically three storey development, however as the report has set out, the height of the proposed apartment block sits lower than the neighbouring Tulip Court given its flat mansard roof design, and sits on marginally lower land levels than Delancey Court on the east side of North Parade. As such the building would not appear out of scale with its surrounds. The modern design of the proposed flats is considered appropriate in this location, with the materials and form of the building appropriately reflecting the positive characteristics of the surrounding mixed development that characterises this part of Horsham. Whilst the site density is moderately high, it is in keeping with the density of the adjacent flat blocks and would help meet the demand for smaller residential units in the town.
- 6.49 Due to the overall scale of the flats, and its position in a built-up area urban setting, it is acknowledged that there will be some impact on neighbouring amenity from increased overlooking potential. The amendments and recommended conditions suitably mitigate this impact as far as possible, with any impact to be considered in the context of the removal of late night noise disturbance from the existing restaurant. Taking all matters into consideration, Officers are of the view that overall the development is acceptable, and recommend that this planning application is approved accordingly.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
			<b>Total Gain</b>
			<b>Total Demolition</b>

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

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

## **7. RECOMMENDATIONS**

- 7.1 To approve planning permission subject to appropriate conditions, and the completion of a s106 legal agreement to secure the affordable housing.
- 7.2 In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

**1. List of approved plans**

- 2. Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 3. Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document, and shall be strictly adhered to throughout the construction period. The CEMP shall provide for, but not be limited to:

- 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 erection and maintenance of security hoarding,
- 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),
- details of public engagement both prior to and during construction works.

*Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).*

- 4. Pre-Commencement Condition:** No development shall commence until the proposed means of foul and surface water disposal (including details of surface water attenuation) 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 precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

*Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 6. Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and

required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

*Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

**7. 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 and off the site shown for retention on approved drawing number [0220/001 Rev B], 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).*

**8. 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).*

- 9 Pre-Commencement Condition:** No development, including works of demolition, shall take place until the vehicular accesses necessary to serve the development have been constructed in accordance with details to be submitted to and approved in writing by the local Planning Authority. The accesses permitted shall thereafter be retained as such for their designated use.

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

- 10 Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule and samples of the precise specification of materials and finishes and colours (including brick detailing and patterns) to be used for external walls, windows, and roofs of the approved building has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

*Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 11 Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the balconies including their design, materials, finishes and colour, have been submitted to and approved by the Local Planning Authority in writing. The balconies shall be constructed in full accordance with the approved details and be retained as such thereafter.

*Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

- 12 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).*

- 13 Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until details have been submitted, in writing, to the Local Planning Authority of the height of the parapet wall to the rear west facing elevation. The details shall include section drawings to demonstrate that

occupiers of the top floor flats would not be able to obtain views into the rear garden of 1 The Walnuts immediately west of the site.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**14 Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- i. Details of all existing trees and planting to be retained;
- ii. Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
- iii. Details of all hard surfacing materials and finishes works including surface materials to support a 26 tonne refuse vehicle;
- iv. Details of all boundary treatments including fencing, walls etc.;
- v. Details of all external lighting.
- vi. Measures to improve the ecology of the site

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

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

**15 Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, 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 dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling in accordance with drawing number [4849-010 REV K]. These facilities shall thereafter be retained for use at all times.

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

**17 Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling

or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 18 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be unallocated (with the exception of any disabled bays and the 4 allocated car parking spaces off of West Parade) at all times and shall thereafter be retained as such for their designated use.

*Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).*

- 19 Pre-Occupation Condition:** No dwelling shall be first occupied until means for the charging of electric vehicles by way of fast charging points have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall seek to meet the minimum standards set out in West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019), and shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document. The details shall include a plan of all charging points, their specification, means of allocation, and means for their long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 20 Pre-Occupation Condition:** No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto West Parade in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: To ensure that adequate and satisfactory pedestrian provision in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 21 Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

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

- 22 Pre-Occupation Condition:** Prior to the first occupation of the unit, 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 Policies 10 and 37 of the Horsham District Planning Framework (2015).

- 23 Pre-Occupation Condition:** The building hereby permitted shall not be occupied until the central stairwell window within the west elevation of the three storey block at 2<sup>nd</sup> and 3<sup>rd</sup> floor levels on Plan [4849-012 Rev H and 4849-014 Rev G] have been fitted with obscured glazing. The window(s) shall be fixed shut/non-openable. Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.
- Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 24 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).*
- 25 Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of the individual dwelling houses hereby permitted without express planning consent from the Local Planning Authority first being obtained.
- Reason: In the interest of visual amenity and due to the constrained nature of the site, in accordance with Policy 33 of the Horsham District Planning Framework (2015).*
- 26 Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.
- Reason: In order to safeguard the character and visual amenities of the locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*
- 27 Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
- Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).
- 28 Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.
- Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).