



TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 16 February 2021

DEVELOPMENT: Demolition of existing commercial building and C3 dwellinghouse and erection of 2No. C3 dwellings.

SITE: Tea Caddy Cottages Worthing Road West Grinstead Horsham West Sussex RH13 8LG

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/20/1294

APPLICANT: **Name:** Mr Henry Pannell **Address:** Site North of Tea Caddy Cottages Worthing Road West Grinstead RH13 8LG

REASON FOR INCLUSION ON THE AGENDA: The application represents a departure from the development plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks planning permission for the demolition of an existing dwelling (Building 1) and commercial building (Building 2) and the construction of one 4-bed dwelling and one 3-bed self-build dwelling.
- 1.3 Unit 1 (3-bed property) would comprise a living room, kitchen/diner and cloakroom at ground floor level, with three bedrooms and family bathroom at first floor level. Unit 2 (4-bed property) would comprise a living/dining room, kitchen, study and hall at ground floor level with an en-suite master bedroom and three additional bedrooms and family bathroom at first floor level. The proposed dwellings would have a height of approximately 9.12m and would include ornamental detailing including quoins, arched sills and lintels, and a pitched roof with front and side facing gables. The palette of materials would include stone, brick, clay tiles and slate.
- 1.4 A retaining wall is proposed to the front west boundary of the plots adjacent to the old A24. Each dwelling would have associated residential amenity space to the rear which would be shielded by existing trees to the rear of the eastern boundary. Two tandem car parking spaces are proposed to the south side of each dwelling.

DESCRIPTION OF THE SITE

- 1.5 The application site lies outside of any defined built up area boundaries and is therefore located within the countryside. Building 1 is a single storey, 4m high dwelling of approximately 55.3sqm. Building 2 is a single storey, 3.9m high commercial building approximately 256.8sqm, which occupies a large area of the site subject to this application. The site lies to the east of the A24, south of the Buck Barn crossroads and extends to approximately 840sqm.
- 1.6 Land levels across the site fall from west to east by approximately 2.5 to 3m. Land to the rear of the plots is described as rough ground with marshy ground beyond the eastern boundary of the site. There is a line of mature trees beyond the eastern boundary of the site. The site is accessed via a spur road off of the east side of the A24.
- 1.7 The surrounding area is characterised by a mosaic of fields and open countryside with sporadic built form. 1 and 2 Tea Caddy Cottages are sited approximately 36m to the south of the site, with 1 and 2 Waterloo Cottages and 53 and 54 Sunny Hill Cottages some 130m north of the site. There are also several equestrian and commercial developments nearby. There is a right of way (ROW1842) to the south of 1 and 2 Tea Caddy Cottages which runs to the south east before joining rights of way heading north and south.

2. INTRODUCTION

2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

2.2 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 - Settlement Expansion

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 10 - Rural Economic Development

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 28 - Replacement Dwellings and House Extensions in the Countryside

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

2.3 RELEVANT NEIGHBOURHOOD PLAN

The West Grinstead Neighbourhood Plan (2019-2031) has been through examination and the Examiner published his report of the 9 December 2020. A decision Statement is currently being prepared. Whilst the neighbourhood plan is not yet 'made', as a post-examination Plan it carries significant weight in decision making. Relevant policies, aims and objectives are as follows:

Chapter 3 Vision and Strategic Objectives
Chapter 6 Housing – Community Aim 2

Policy 4: Green Infrastructure, Existing Trees, Hedgerows, Habitats and Wildlife
Policy 6: Broadband
Policy 7: Economy
Policy 8: Employment

Due to the Covid-19 pandemic, the Government has advised that the referendum required under the Localism Act in order for the Plan to be formally "made" (which requires that more than 50% of people voting agree to accept the plan) cannot be held before May 2021.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/12/0886	Ancillary primary accommodation to the main dwelling house (1 Teacaddy Cottages) (Certificate of Lawful Development - Existing)	Application Permitted on 06.07.2012
DC/16/2525	Light Industrial (Class B1) Use for machinery repair business (Certificate of Lawful Development Existing)	Application Permitted on 09.01.2017
DC/18/2244	Demolition of existing Commercial Building and C3 Dwellinghouse, and erection of 2.no C3 Dwellinghouses	Application Refused on 14.03.2019
DC/19/0617	Prior Approval for a Change of Use from Light Industrial (Class B1c) to 2 x C3 Dwellinghouses	Prior Approval Required and REFUSED on 15.05.2019

3. OUTCOME OF CONSULTATIONS

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

3.1 INTERNAL CONSULTATIONS

HDC Environmental Health: Comment (Summary)

Noise: traffic noise from the heavily trafficked A24, located in close proximity to the application site is very noticeable and should therefore reasonably expect the application to be supported by a noise impact assessment which quantifies and assesses the impact of road traffic noise on residential amenity and, crucially, provides confidence that any mitigation is achievable. No noise survey has been submitted with the application.

Contamination: Given the presence of potentially infilled pits immediately beyond the application sites eastern boundary and the light industrial use of the application site, both of which present potential sources of contamination to the development and future occupiers of it, a ground investigation will need to be undertaken to confirm ground conditions on the site and fully quantify the risks from contamination to future site users. This can be secured through condition.

3.2 OUTSIDE AGENCIES

WSCC Highways: No Objection subject to conditions

The proposed plans do not detail the width of the proposed VCOs. The applicant should be aware that a licence will be required for the VCO(s) which must be constructed to a specification agreed with the Local Highway Engineer; a VCO of wider than 6.4m per dwelling may not be granted a licence. Details of proposed access width(s) can be secured via condition.

Vehicular visibility at the proposed accesses has not been demonstrated. Visibility appears restricted in the trailing direction. The LHA would accept demonstration of maximum achievable visibility splays at a distance of 2m back into each access. The splays must intersect land only within the control of the applicant or within the publically maintained highway and must be drawn to the *nearside edge* of the carriageway in each direction.

Ecology Consultant: No Objection subject to conditions

Southern Water: Comment (summary)

The applicant has not stated details of means of disposal of foul drainage from the site. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.

Parish Comments:

West Grinstead Parish Council: No Objections

It is accepted that this would be preferable to the planning consented under DC/19/0617

3.3 PUBLIC CONSULTATIONS

13 neighbour letters of support received from different households. Supported on following grounds:

- Small development welcomed
- Scheme for 2 dwellings fully supported by local residents
- Improvement on the existing commercial buildings
- Existing access for commercial vehicles isn't appropriate for lorries
- Improves the character and appearance of the area
- Improvement on road safety
- Existing building is unsightly
- No overlooking of 1 Teas Caddy Cottages
- Design should be in keeping with existing cottages

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the loss of the existing commercial unit and the addition of new residential accommodation and the effect of the development on the character and the visual amenities of the street scene and wider countryside location; the amenities of the occupiers and adjoining properties; and the impact on existing parking and traffic conditions.
- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.3 As the HDPF is now over 5 years old, the relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). In this case, the relevant policies as set out above are considered to remain in accordance with national policy set out in the NPPF. The Council's annual target for housing delivery has now risen from the previous 800 dwellings per year set out in HDPF Policy 15 to 920 dwellings per year in accordance with the latest standard housing methodology calculator, however the Council's latest Authority Monitoring Report (2020) sets out that a 5 year housing land supply at 920 dwellings per year can be demonstrated. 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.

Background

- 6.4 The applicant seeks planning permission for the demolition of the existing lawful dwelling (Building 1) currently occupied as a 1 x bed bungalow 'annexe' as granted by virtue of a Lawful Development Certificate under DC/12/0886, and the demolition of (Building 2) the existing single storey commercial building previously used a machinery repair workshop.
- 6.5 To ascertain the lawful use of the bungalow, which was confirmed as being a 'primary ancillary' dwelling in 2012 under DC/12/0886, statutory declarations have been submitted with the application stating that it has been occupied independently from 1 Tea Caddy Cottage since January 2007 and that Council tax has been paid from 2012. The original occupant vacated the premises on the 14 November 2017 when the applicant (Henry Pannell) purchased the site. The applicant and his family have occupied the bungalow since that time and have continued to pay Council Tax. This information has been verified by LGSS Revenues and Benefits Department during the assessment of this application. It is therefore clear that the bungalow has been used as residential accommodation for a

continuous period of 4 years or more at the time of the application and that this is the lawful use of the building as an independent dwelling house.

- 6.6 The workshop has the benefit of an extant permission for prior approval for its conversion to 2 dwellings as granted on appeal under application DC/19/0617. The lawful use of the bungalow for residential use along with the prior approval granted for conversion of the workshop to 2 dwellings would therefore result in a total of 3 dwellings on the site should the prior approval be implemented (1x residential unit in Building 1 and 2x residential units in Building 2). The application under consideration comprises the demolition of both Building 1 and 2, and as such would therefore result in an overall reduction from 3 to 2 dwellings on site comprising 1 x 3 bed and 1 x 4 bed new build detached dwellings.

Principle of Development

- 6.7 The site is not allocated for development under the provisions of the Horsham District Planning Framework 2015 (HDPF) or a Neighbourhood Plan, nor is it essential to a countryside location. As such the introduction of new residential development on the site would be considered as contrary to the strategic approach to housing across the District, with significant conflict with Policies 3, 4, 25, 26, 28, 30, 32 and 33 of the Horsham District Planning Framework (HDPF) and thus would represent a departure from established countryside protection policies.
- 6.8 Policy 3 of the HDPF seeks to locate appropriate development, including infilling, redevelopment and conversion within built-up area boundaries, with a focus on brownfield land. As the site is outside of the built-up area boundary of a town or village it would not meet the requirements of Policy 3 of the HDPF.
- 6.9 Policy 4 of the HDPF relates to settlement expansion, it is clear at Section 4.1 of this Policy that where development lies outside the settlement boundary it will only be supported where the site is allocated within a Local Plan or Neighbourhood Development Plan. The application site is not allocated in either a Local Plan and there is currently no Neighbourhood Plan for the Parish of West Grinstead and thus the application proposals directly conflicts with this policy.
- 6.10 Policy 28 of the HDPF relates to replacement dwellings on a one for one basis only, and thus its replacement with 2 new dwellings would not accord with established countryside protection policies. The current proposals for 2 new dwellings therefore constitutes a departure from established countryside protection policies as stated above.
- 6.11 However notwithstanding this, the presence of a prior approval for two dwellings (within Building 1), which could still be implemented, represents a viable and realistic fall-back position were the current application to be refused. The established fall-back position arising from the approval of the prior approval for 2 dwellings within Building 1 is therefore considered to be a material consideration in the determination of this application.
- 6.12 A refusal of the current application for two dwellings (comprising 271.6sqm total) would not prevent the introduction of additional residential units on the site, given the existence of the extant prior approval application which would also create two new dwellings on site (comprising 243.6 sqm total). If the prior approval for 2 dwellings were to be implemented in addition to the lawful dwelling (annexe) on site, there would be a total of 3 dwellings within the site boundaries, with a total of 292.5sqm of residential floor space spread across a large proportion of the site, resulting in a cramped and irregular form of accommodation, layout and amenity provision.
- 6.13 By comparison, the two proposed purpose built dwellings would sit comfortably within the site boundaries, provide both satisfactory separation distance between the units, have generous amenity provision, along with adequate off street parking provision. When

balanced within the context of the application site and established fall-back position of the prior approval for 2 dwellings within Building 1, it is considered that the proposed scheme for 2 new dwellings represents a more appropriate and satisfactory form of development.

- 6.14 Policy 9 of the HDPF relates to employment development in the District, it states that redevelopment of employment sites (outside key employment areas, such as the application site) must demonstrate that the site / premises is no longer needed and / or viable for employment use. Whilst the loss of the existing employment use of Building 2 is regrettable, its loss has been effectively granted in principle by way of the Prior Approval consent, therefore this overcomes any conflict with Policy 9.
- 6.15 It is therefore considered, subject to the detailed considerations above, that refusal of the application on the basis of the conflict with policies 3, 4, 9 and 26 of the HDPF would not be warranted and would not prevent 2 dwelling new houses from being created on the site in addition to the existing bungalow. On this basis whilst the proposed development is considered to be a departure from established policies within the HDPF, officers recommend that the principle of development be accepted, subject to all other considerations as set out below.

Design and Appearance:

- 6.16 The proposals seek two detached dwellings located within generous woodland plots. The road adjacent to the application site forms an arc and the application site is set down from the road level within a dip, as such the lower and sloping land levels would go some way to accommodate the increased height of the dwellings within the context of the street scene. Both dwellings would have brick elevations, with ornamental detailing including quoins. Unit 1 would have a hipped roof with sills and lintels to the window openings and a rear dormer within the first floor sloping roof. Unit 2 would have front and side facing gables under a pitched roof. The palette of materials would include stone, brick, clay tiles and slate. A retaining wall is proposed to the front west boundary of the plots adjacent to the old A24.
- 6.17 Within the wider area along the access road and adjacent to the application site, there are three pairs of semi-detached dwellings, comprising Sunnyhill Cottages and Waterloo Cottages to the north of the site and Tea Caddy Cottages to the south. The proposed detached dwellings occupy a similar footprint to the existing pairs of semi-detached dwellings north and south of the site. Although the scheme proposes two storey dwellings as opposed reflecting the single storey development that currently exists on site, the scale and bulk of the proposed two storey dwellings would not appear out of place within the street scene.
- 6.18 Overall, the proposed scheme is considered to be of a high quality design and appropriate in terms of both scale and mass that sits comfortably within its site. The buildings are not considered to be overly prominent features in the landscape and the dwellings are considered to be acceptable within the context of the wider site and surroundings. In this respect, the development proposals is considered to both represent a significant improvement on the fallback afforded by the Prior Approval consent, and accord with Policies 32 and 33 of the HDPF

Amenity Impacts:

- 6.19 The proposed dwellings are well separated from the neighbouring dwellings and as such it is not considered that there is no significant or appreciable loss of outlook, overlooking or loss of private amenity arising from the proposals. It is however considered that the blind window openings have been inserted into the southern elevation in order to break up the flank elevation and extent of flush brickwork whilst removing windows as previously proposed in earlier applications for similar proposals. This protects the private amenity of

no 1 Tea Caddy Close from any visual intrusion that may otherwise have occurred through overlooking.

- 6.20 Although prior approval has previously been granted for 2 dwellings on site (conversion of Building 2) there was no requirement under the prior approval criteria for noise to be considered and therefore no judgment has previously been made on this matter. The Council's Environmental Health Department have requested a Noise Assessment Report to demonstrate that the occupiers of the proposed dwellings would not be adversely affected by traffic noise arising from the proximity of the dual carriageway to the west of the application site. Given the established fall-back position arising from the prior approval granted under DC/19/0617 whereby two dwellings could be occupied with no means of noise mitigation beyond Building Regulations, it is considered appropriate to condition the requirement for a scheme of noise mitigation to be informed by a noise assessment. This will ensure occupiers are able to enjoy an appropriate standard of living.
- 6.21 Notwithstanding the above, in terms of its scale and mass (derived from the height, depth and footprint) of the proposed dwellings and the impact of visual and private amenity are considered to comply with HDPF policies 32 and 33.

Trees and Landscaping:

- 6.22 The proposals result in an improved relationship with the existing trees on site. The block plan submitted with the application (plan no. 1833.1/02) shows a number of significant trees on the eastern, and part of the northern boundaries of the site which have amenity value but are not subject to any Tree Preservation Orders. There are two large oaks whose trunk diameters at 1.5m above ground were surveyed as 800mm and 550mm. The existing lawful B1 building (Building 2) is situated very close to these specimens and encroaches significantly into the root protection areas (shown as blue dashed lines on the submitted tree plan) of both trees. This drawing also shows that the existing dwelling (Building 1) also encroaches to a considerable degree into the root protection areas of two further oaks outside the site and demonstrates that the proposed dwellings with their reduced footprints and floor area is sited clear of the trees and their root protection areas. This will benefit the trees by improving their access to light and water and allowing their canopies more space. The site is proposed to be laid to grass with hard surfacing to parking areas. Final details can be secure by condition.
- 6.23 The proposals is therefore considered to accord with Policy 33 of the HDPF.

Highways Impacts:

- 6.24 The proposal includes parking spaces for four vehicles, two parking spaces for each dwelling. The parking spaces are located in tandem along the southern boundaries of each plot. Each space meets minimum specifications as set out in Manual for Streets (MfS). The WSCC Car Parking Demand Calculator (updated August 2019) anticipates that a minimum of three parking spaces would be required per dwelling, therefore the proposed provision is below the minimum requirement. There is however potential for on street parking without resulting in harm and therefore the number of parking spaces proposed is considered acceptable. It is noted that no visibility splays have been demonstrated and should planning permission be granted the Local Highway Authority (LHA) would wish to see maximum achievable visibility splays at a distance of 2m back into each access. This is secured by condition.
- 6.25 The LHA does not consider that the proposal for two dwellings would have 'severe' impact on the operation of the Highway network, or result in highway safety issues. The proposal therefore accords with the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. The proposed parking arrangement is commensurate to the size of the dwellings and is considered acceptable in accordance with Policies 40 and 41 of the HDPF.

Ecology

- 6.26 The Council's Ecology Consultants have been consulted and it is confirmed that they are satisfied that there is sufficient ecological information available for determination of the application. The Ecology reports include the Ecological Impact Assessment Lizard Landscape Design and Ecology, June 2020) and the Preliminary Ecological Appraisal (Lizard Landscape Design and Ecology, December 2017) supplied by the applicant. The mitigation measures identified in the Preliminary Appraisal & Ecological Impact Assessment are to be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.
- 6.27 The Council's Ecology Consultants also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. It is recommended that the reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. Details should also include wildlife friendly fencing.
- 6.28 Mitigation and compensation measures in respect of non-designated sites (Knepp Mill Pond SNCI and Lancing Brooks SNCI), habitats, bats, breeding birds, and hedgehogs are to be in accordance with best practice. The residual impacts of the development on the identified areas of importance are recorded as being of no likely significant effects, or negligible or non-significant effects within the submitted Environmental Impact Assessment.
- 6.29 Recommendations for ecological enhancements include the following:
- The use of flowering shrubs as listed within the RHS 'Perfect for Pollinators' plant list to provide year-round interest for invertebrates;
 - Planting of a new native species-rich hedgerows to the southern boundary of the development;
 - The provision of bird nest boxes to mature trees;
 - The installation of suitable bat boxes to mature trees;
 - Use of a sympathetic lighting scheme across the site, with lighting angled down and away from hedge / tree lines and bat boxes;
 - The use of pale and night-scented species around the site will increase bat foraging potential. Species could include jasmine; michaelmas daisy; and evening primrose;
 - Use of wildflower seeding within areas of open space where possible.

Climate change:

- 6.30 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. Conditions are attached to secure the following mitigations:
- Water consumption limited to 110litres per person per day
 - Refuse and recycling storage
 - Biodiversity mitigation and enhancement
 - Cycle parking facilities
 - Electric vehicle charging points

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

Conclusions:

- 6.31 The proposed dwellings are located in the countryside on an unallocated site and do not replace the existing dwelling on a one-for-one basis. The proposal therefore falls contrary to Policies 3, 4, 26 and 28 of the HDPF. A material consideration of significant weight is the extant permission for the conversion of the workshop to two dwellings under Prior Approval which forms a viable fallback position for the applicant. The proposal provides for a smaller footprint to the existing B1 commercial building and residential accommodation to be demolished, fewer dwellings on the site (2 as opposed to the permitted 3) and is of an overall layout and design superior to the outcome that the alternative fall-back prior approval consent would provide for. On this basis the proposed development is considered to be acceptable as a departure from the HDPF. Subject to conditions the proposal is appropriate with respect to potential impact on residential amenity and highway safety. In this respect, the development proposals are recommended for approval subject to the conditions as listed below.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	271.6		271.6
		Total Gain	222.7
		Total Demolition	48.9

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 conditions.

Conditions:

- 1 Plans list
- 2 **Standard 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 commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing number [insert number], 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).

4 **Pre-Commencement Condition:** With the exception of the demolition and removal of existing buildings and any concrete hardstanding 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) An intrusive site investigation scheme, based on the Groundsure Phase 1 Preliminary Assessment, 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.

(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

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

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

5 **Pre-Commencement 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 schemed.

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

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

materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

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

8 **Pre-Commencement (Slab Level) Condition:**

a) No development above ground floor slab level shall take place until a noise survey across the whole site has been undertaken and a scheme of noise and vibration attenuation and ventilation sufficient to prevent overheating and maintain thermal comfort has been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the habitable room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances and must include details of post construction validation.

b) Thereafter the development shall be carried out in accordance with the approved details within 3 months of first occupation, a separate validation report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the noise, vibration and ventilation scheme meets the required standards.

All work must be carried out by suitably qualified person and the approved noise, vibration attenuation and ventilation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

Reason: In the interests of the amenities of future occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

- Details of all external lighting (including biodiversity bat sensitive lighting scheme with provision of appropriate lighting contour plans, Isolux drawings and technical specifications)

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).

- 10 **Pre-Occupation Condition:** Upon the occupation of the building hereby permitted the existing building (BUILDING 1) indicated on plan 1833.1/02 Block Plan / Site Cross Sections shall cease to be used for any purpose whatsoever and within a period of 3 months thereafter the building shall be demolished (including the removal of foundations) all materials arising from such demolition removed from the site and the site of the demolished building restored in accordance with details of landscaping which have been submitted to and approved in writing by the Local Planning Authority prior to demolition works commencing.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

- 11 **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).

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

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

- 13 **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on plan 1833.1/02 and shall be thereafter retained as such.

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

- 14 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, visibility splays for the access(es) serving the development shall be provided in accordance with details (including details of any planting to be removed) which have been submitted to and approved in writing by the Local Planning Authority. 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).
- 15 **Pre-Occupation Condition:** No dwelling shall be first occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.
- 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).
- 16 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.
- Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).
- 17 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans submitted in accordance with Condition 9. All such lighting shall be maintained in accordance with the approved details.
- Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 18 **Regulatory Condition:** All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in Ecological Impact Assessment (Lizard Landscape Design and Ecology, June 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species), s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham Development Framework.
- 19 **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).

- 20 **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).

- 21 **Regulatory Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 4(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4(b), unless otherwise agreed in writing by 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).

- 22 **Regulatory Condition:** The development shall be carried out in accordance with the Finished Floor Levels as indicated on plan no. 1833.1/02 (Site Cross Section) unless alternative floor levels have been submitted to, and approved in writing, by the Local Planning Authority prior to commencement of that phase.

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

- 23 **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 AA of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to development located within the countryside in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/1294;
DC/19/0617