



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st March 2022

DEVELOPMENT: Demolition of existing restaurant facility and erection of 20 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/21/1831

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

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

RECOMMENDATION: To approve planning permission subject to a legal agreement to secure an affordable housing contribution, and appropriate conditions

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 flatted development comprising a total of 20 residential apartments along with all associated landscaping, external works including a gated and modified 5.2m wide site access set back 13m from the edge of the carriageway at North Parade; provision of 27 parking spaces (including two disabled and 2 visitor spaces) and 35 cycle spaces.

1.3 The development comprises 7 x 1-bed and 13 x 2-bed apartments.

- 1.4 The apartment block consists of two separate elements, comprising part three and part four storey blocks with accommodation within the roofs. The approximate dimensions of each element ranges from 11.17m (height) and 20.22m (length) (smaller block) and 14.66m (approx. max width) to 13.28m (height) and 22.27m (length) between 15.82m -22.33m (width) (larger block to widest point), rising to 13.88m including chimney stacks.
- 1.5 The development occupies a corner plot and has a dual frontage to North Parade and West Parade; the main frontages of both elements face North Parade, there is a central pedestrian access through the middle of the site from North Parade through to the shared amenity and car parking and bicycle storage areas. The three storey block has a separate shared central access point to the apartments fronting North Parade, and the duplex apartment (plot 2.1) has its own private entrance onto North Parade. All of the ground floor units have private amenity space comprising garden area; the apartments facing north, east and south east have individual balcony areas. The plans have been amended during the course of the application to remove balconies previously shown on the south west elevation of the larger block.
- 1.6 The design of the proposed development has been informed by comments made during the committee debate relating to the previous application DC/20/0614 which was refused at the 07/12/2020 Planning Committee North meeting for the following reasons:
 - 1 The scale, design and form of the proposed building is out of character with the streetscene and fails to enhance the character of the area, contrary to policies 32 and 33 of the HDPF.
 - 2 No legal agreement has been completed to secure the affordable housing contribution. The proposed development therefore fails to provide for affordable housing contrary to Policy 16 of the HDPF.
- 1.7 The current application differs in design from the previously refused scheme, and now proposes 20 apartments (a reduction from 22 as previously proposed) along with 27 car parking spaces, and 35 cycle storage spaces (previously 24 car parking spaces).
- 1.8 The applicants have put forward a scheme which reflects a traditional and locally established design approach that incorporates a variety of pitched / hipped and flat roof forms with accommodation within, over detailed and featured red brick and rendered elevations, with projecting two and three storey gables and town house bays, punctuated by fenestration which give both vertical and horizontal rhythm and emphasis to the buildings. The exterior window reveals and balconies, all provide depth, shade and articulation to the elevations under the red tile hung roof.
- 1.9 The building, unlike the previous application (refused under DC/20/0614), forms two distinctly separate buildings which break up the building line along North Parade; the overall footprint of the building has also been reduced from that of the previously refused scheme. The larger building on the corner of West Parade and North Parade has been angled to soften its appearance and reduce the square massing.
- 1.10 The building line is similar to the previously refused scheme, however it has been reduced and marginally pulled back in places from more sensitive neighbouring boundaries and viewpoints to the corner of North Parade and West Parade and sits comfortably within the site. Many of the units are dual aspect and the floor areas including proportions, internal areas and layouts of the units has been informed using guidance from the London Plan.
- 1.11 It is noted that 'Smith and Western' have already relocated to 24 -28 East Street Horsham, secured under planning permission DC/20/0302. As such the application site is currently vacant.

DESCRIPTION OF THE SITE

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

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 Horsham District Planning Framework (HDPF 2015)

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 Independent Examiner has produced his final report following an examination of the Horsham Blueprint Business Neighbourhood Plan and decision statement on the 18 February 2021. It has been recommended that the HBBNP should proceed to referendum subject to the Examiners series of recommended modifications which are required to ensure that the plan meets the basic conditions.

Relevant Policies include:

HB1 Location of Development
HB2 Meeting Local Housing Needs
HB3 Character of Development
HB4 Design of Development
HB5 Energy efficiency and Design
HB12 Encouraging Sustainable Movement

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/20/0614	Demolition of existing restaurant facility and erection of 22 residential apartments including all associated landscaping and external works	Application Refused on 07.12.2020

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Environmental Health: No Objection subject to conditions

HDC Housing: Objection
No affordable housing has been provided

HDC Arboricultural: No Objection (As per previous comments relating to DC/20/0614)

The development proposals will not have any adverse effect upon the local tree stock in the locality. You will have noticed that 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). I can advise 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 periphery of the site where it abuts West Parade.

The position of the bulk of the car parking spaces along the northern site boundary, border the number of large (though unprotected) trees within the access to White Hart Court. However, these are being sited on existing hard surfacing, at an existing higher elevation than the adjacent land, and none of the said trees will be in any way affected by this. The land upon which these trees are sited is adopted by West Sussex County Council Highways, and I am advised by their tree management team that two of these large trees, which are in particularly poor condition, are targeted for removal.

OUTSIDE AGENCIES

WSSC Highways: No Objection

Initial Comments 06/10/2021:

Concerns raised regarding the following:

- Stage 1 Road Safety Audit in relation two issues (i) dropped kerbs and (ii) Footway on West Parade.
- Provision for EV charge points
- Parking off West Parade, specifically manoeuvring distance between existing and proposed parking bays.
- Access (main off of North Parade), removal of 2m stretch of hedge required for pedestrian and vehicle inter visibility
- Access (secondary off West Parade), Visibility splay required
- Keep / Turn right sign - Relocation?

Further Comments 10/02/2022: No objection

The applicant has addressed all the outstanding issues raised by the Highways Authority. (as above) and should the LPA be minded to approve the application it is recommended that conditions be imposed as recommended.

Ecology (Water Neutrality): No Objection

Evidence has been submitted to demonstrate Water Neutrality

Southern Water: No Objection

WSCC Flood Risk Management: No Objection

Trafalgar Neighbourhood Council: No objection

Trafalgar Neighbourhood Council advise that in their opinion the current designs are significantly better than those submitted in 2020, to which they objected on the grounds of unsuitability for the area. The NC do not object to the new designs, which are far more reflective of the character and aspirations of our town and neighbourhood.

However, a number of local residents have raised important concerns, which are stated below:

Concerns regarding parking on West Parade, White Hart Court, Newlands Road, and in particular Tulip Court (which has only 10 parking spaces for 20 residences) and concerns regarding the creation of additional pressure for street parking. Many residents consider that resident's parking permits for West Parade, would alleviate this problem. The NC would be very happy to see any collaboration between the developers and WSCC on this matter.

Concerns regarding the four parking spaces onto North Parade and concerns regarding accidents and traffic safety. The four parking will require cars to reverse on this narrow and busy road, will exacerbate the problem. We hope the four spaces can be positioned in such a way as to reduce danger and disruption.

Some residents have concerns about design features such as the metal canopies proposed over the balconies, while attractive, are typical of Brighton and would be unique in Horsham.

Noted that changes made to design reduce the privacy impact of this new design. However it is noted that there is still a window positioned to look over the houses of The Walnuts.

The site closely adjoins housing, particularly The Walnuts, and we note that residents will be carefully monitoring the timing, noise and dust of construction.

PUBLIC CONSULTATIONS

The application has been the subject of two separate consultation periods as further information has been received. A total of 21 letters of Objection (including 2 letters from 3 different households) and 1 letter of Support have been received across the two consultation periods.

Initial consultation:

9 letters of objection were received during the first consultation, from 8 separate households. (2 letters from same household) 1 letter raising neither support nor objection and 1 letter of support was received.

Second consultation

13 letters of objection were received during the second consultation period from 11 households. Of the 13 letters received, 2 letters were from 2 different households and 2 letters were raising neither support nor objection.

Objections have been raised on the following grounds

- Overlooking from balconies onto West Parade
- Canyon type entrance
- Loss of Silver Birch tree.
- Impact of 4 parking bays off of West Parade on existing street parking and highway / pedestrian concerns
- Insufficient car parking spaces (28)
- Design and Mass
- Cycle contraflow
- Road traffic noise pollution
- Canyon design on sound distribution and pressure
- Need for parking permits on West Parade
- Overshadowing

Horsham Society: Support new design (noted that the design of the chimneys were not entirely appropriate and should have fewer Cupolas).

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.
- 6.2 The Horsham District Planning Framework [HDPF], adopted in November 2015 is the current Local Development Framework against which applications are determined, with the exception of the housing policies which are out of date (owing to the Council's lack of five year housing land supply- see below), the remaining policies are considered to be relevant, consistent with the NPPF and therefore significant weight may be accorded to the HDPF, which remains the starting point for the assessment of this proposal.
- 6.3 Horsham District Council is unable to demonstrate a 5 year housing supply at the current time as reflected in the Council's latest Authority Monitoring Report, which calculates the five year supply from 1st April 2021 to 31st March 2026 to be 4.0 years and as such paragraph 11(d) applies.

- 6.4 Paragraph 11d of the NPPF requires that those policies most important for determining applications be deemed out-of-date in circumstances where a Council is unable to demonstrate a five year supply of deliverable housing sites (footnote 8). Paragraph 11d in such circumstances then requires that planning permission be granted, triggering the presumption in favour of sustainable development (also referred to as the 'tilted balance'), that is unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.5 Footnote 7 to Paragraph 11(d) identifies that policies relating to habitat sites are those capable of forming a clear reason to refuse permission under part i) above. In respect of habitat sites, NPPF paragraph 180 is relevant and is considered later in this report.
- 6.6 The application proposals fall within the Built up Area Boundary of Horsham and as such Policies 1, 2, 3 and 4 of the HDPF are relevant. These policies 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; and 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.
- 6.7 The principle of development in this location as set out in Policies 2 and 3 of the HDPF is therefore considered to be acceptable subject to a thorough assessment of the application details, material considerations and compliance with all relevant policy criteria.

Loss of Restaurant

- 6.8 Policy 12 of the HDPF 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 relocated to the 'quarter' of Horsham Town where it's A3 use is considered most appropriate in meeting needs most appropriate to the character of the town centre and as such the restaurant business continues to operate, albeit at a different location. The restaurant has sought to retain the existing staff from the Horsham branch. Therefore it is considered that there is no conflict with Policies 9 or 12 of the HDPF.

Design and Appearance

- 6.9 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.

- 6.10 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.
- 6.11 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.
- 6.12 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.
- 6.13 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.
- 6.14 Following concerns raised in representations relating to the previous scheme as refused under DC/20/1614, the current proposals have sought a fresh approach, whilst retaining the proposed apartments on the site. The applicants have returned to a more traditional design which has sought to overcome previous concerns relating to the design and massing of the proposal, in particular its square massing on the prominent road junction with little setback.
- 6.15 The proposed elevations to the corner of North Parade and West Parade have been pulled back and softened, and decorative iron balconies added to give interest and reduce the visual impact of the massing. The footprint of the building has been marginally reduced and there is a clear division between the two building elements which make up two apartments blocks. The footprint of the building is comparable to the square and rectangular footprints of other buildings in the area, using elements such as 'town house' bays and gable elements 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 elevations 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.
- 6.16 It is acknowledged that the building sits closer to North Parade than the existing restaurant, however, the current architects have made further adjustments to the building line to help provide further opportunities for landscaping, albeit that the site 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 the addition of some new tree planting and hedges around the site boundaries. The articulated building line behind would break up the elevation's mass and provide visual punctuation by way of the transition between the 4 storey to 3 storey buildings (including roof accommodation) as viewed from the public highway
- 6.17 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 13.28m similar to the 13.5m ridge

line to Tulip Court. The apartment blocks both sit under a varied pitched / hipped roofs that are more reflective of the locality and reflect the similar proportionality and dominance as the rooflines to Tulip Court or Delancey Court. The building's design has evolved through dialogue with interested parties including local residents. The 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.

- 6.18 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. The flatted development proposed has a traditional appearance, with rendered and detailed red brick elevations, large window openings and varied roof form, including some centrally located flat roof areas that seek to reduce the overall height of the roof form, are considered to appropriately reflect the key characteristics of the area and provides well-ordered and proportioned elevations across the two 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.
- 6.19 In respect of concerns of overdevelopment, the proposed 20 unit development has been designed to make maximum use of the 0.19 ha application site, which results in a density of around 105 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.
- 6.20 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 124-125), which is a material consideration in this case.
- 6.21 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 revised design appropriately reflecting the key characteristics of the area whilst adding to the variety and mix of buildings, in accordance with Policies 32 and 33 of the HDPF.

Housing Mix and Affordable Housing

- 6.22 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'.
- 6.23 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 20 unit development proposes a mix of dwellings including 1 bed flats, 2 bed flats and 2 x 2 bed duplex apartments. 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-bedroom dwellings proposed is considered acceptable as the higher proportion of 2 bed flats meet an identified need for smaller units in the district.

- 6.24 The application as submitted proposed no onsite affordable housing on the basis that the provision of affordable housing would make the development unviable.
- 6.25 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 not viable to support affordable housing or S106 contributions at a developer return of 17.5%. The development would not therefore be able to provide affordable housing as required by Policy 16 Meeting Local Housing Need. The previously refused scheme for 22 units (DC/20/0614) would otherwise have been able to support a contribution equivalent to 2 affordable housing units and a residual commuted contribution sum of £3,156.
- 6.26 Given the above, the Council's viability consultants have recommended that a review mechanism be included in a legal agreement to secure for the Council a proportion of any uplift to the developer return in the event of market changes between the date of decision and date of final occupation. In this case a review mechanism is considered appropriate, however such mechanisms do not guarantee an affordable housing sum coming forward, and can instead provide uncertainty for developers impacting on the delivery of a scheme of this modest size. With this in mind, the applicants have instead offered a set affordable housing contribution of £50,000 in lieu of the review mechanism. Having carefully considered the viability case for this development, and the benefits or otherwise of a review mechanism as a tool to secure affordable housing contributions in this instance, officers recommend that the £50,000 be secured in a s106 agreement instead of the review mechanism, with this contribution providing suitable certainty for both the Council and applicants.

Impact on neighbouring amenity

- 6.27 As previously stated the proposed development is larger in scale than the existing building on site, therefore the amenity experienced by existing neighbouring occupiers (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.
- 6.28 To minimise these impacts, the applicants have created a 10m separation distance between the rear / west elevation of the proposed apartments in the larger Block 1 and the rear (east) boundary 1 The Walnuts. Windows have been located to reduce the potential extent of overlooking of the rear garden area and 1 The Walnuts, and the balcony areas on the west and south west elevations have been removed to overcome concerns regarding overlooking towards the front of 1 The Walnuts and Tulip Court. A 45 degree line of sight has been illustrated from windows where there may be potential for overlooking to demonstrate the field of vision across The Walnuts to ease concerns. There is a separation distance of between 6.7m at the nearest corner point of the proposed development to the front of 1 The Walnuts and 13.13m at the furthest point from the rear (east) elevation to the side of 1 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. This relationship is considered acceptable as the window position of units 1.1, 1.4, 1.5 and 1.8 (west elevation) are from an obscure angle, and communal windows within the entrance hall are obscure glazed. Windows in the smaller apartment block within the rear (west) elevation of the proposed apartments are high

level, and as such do not afford any opportunities for overlooking of garden area within The Walnuts. Windows in the communal access areas are obscure glazed.

- 6.29 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 10m and 13.13m. The windows have since been 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 and bathrooms 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 proposed development (with rooms at roof level above) would be unacceptably overbearing on these neighbouring properties.
- 6.30 To further minimise any overlooking impacts, the applicant has demonstrated that the stairwell windows are to be obscure glazed. Given this, a suitable condition can be imposed to ensure that private amenity is maintained and 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.
- 6.31 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.
- 6.32 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, it is considered that the front to front relationship of the existing and proposed developments which are separated by approximately 13.00m (window to window relationship of opposing elevation between Tulip Court and the proposed apartments) increasing to 16.30m and separated 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 16.00m from the front elevation of Tulip Court, and bedrooms which are set back approximately 13.00m. 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 1.1 and 1.2 facing Tulip Court have now been removed from the south western corner of the proposed development.
- 6.33 The proposed development of 20 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.

- 6.34 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

- 6.35 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.
- 6.36 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.
- 6.37 The Councils Tree Officer was previously consulted as part of the original application refused under DC/20/0614. It is not considered that there are any changes to the previous comments. It is 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 removed as part of the development proposals, however there is a net increase in the number of trees to be planted as part of the proposals and as these trees do not benefit from any formal protection through legislation, it cannot be required that they are retained
- 6.38 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

- 6.39 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..
- 6.40 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.

- 6.41 Following the review of the Transport Statement dated March 2020 by WSCC Highways and their subsequent comments dated the 6 October 2021, there was an identified need for a Stage 1 Road Safety Audit, and amendments to the parking area off of West Parade requiring modifications to the layout. A Road Safety Audit (RSA), as required by WSCC Highways Department, has been carried out by an external auditor on the 22 December 2021. The RSA and designers response was provided in Appendix B of the Addendum Transport Statement (ATS) prepared by Paul Basham Associates on behalf of Smith and Weston. Amendments to the kerb are required as is a pedestrian footpath over the parking area on West Parade. A visibility plan has also been provided to demonstrate that appropriate visibility splays of 43m looking east from the secondary access point off West Parade along with the removal of a 2m long section of hedge on the northern main side access to provide for pedestrian and vehicle indivisibility.in line with the requirements of Manual for Streets (MfS) for a 30mph road. Swept path analysis drawings have been provided 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.
- 6.42 In respect of parking, 27 car parking bays are proposed (3 more than the original application), although initially 28 spaces were proposed, one of the spaces on West Parade did not meet size standards and has therefore been removed, consequently there are now 27 spaces proposed including two disabled bays and two visitor bays. The three spaces (off of West Parade) will be allocated with the remaining spaces within the main parking courtyard being unallocated. 31 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 22 parking bays if unallocated, and 22 bays if they are all to be allocated per flat. With three spaces now allocated fronting West parade, the calculator requires that a total of 22 parking spaces are provided.
- 6.43 The 27 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 that 24 spaces 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 3 allocated parking bays off of West Parade.
- 6.44 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.
- 6.45 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:

- 6.46 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.

6.47 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
- Electric vehicle charging points
- Travel plan

6.48 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

6.49 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

6.50 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 Councils Environmental Waste Management Services department have been consulted and they previously advised that the provision is acceptable. As the proposed provision remains as previously proposed, the refuse and recycling provision is considered to be acceptable subject to details of the bin storage area which can be secured via an appropriate condition.

Other Matters

Water Neutrality

6.51 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use

of water in the supply area before the development is the same or lower after the development is in place.

- 6.52 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.53 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.
- 6.54 The application site at falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore a material planning consideration relevant to the application. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.55 The applicants have submitted a Water Neutrality Statement as well as previous water usage bills relating to the existing restaurant use of the site. These bills show full data for water usage at the site between October 2019 to January 2021, and show that in the period October 2019 to January 2020 (i.e. prior to the first Covid lockdown, and also excluding a period during which the restaurant was shut) the daily water consumption was 5,357 litres. Based on the average occupancy of the proposed development and the Building Regulations G2 requirement of 110 litres per person per day required by Policy 37, it is projected that daily water usage for the proposed development would amount to 4,070 litres. This represents a daily saving of 1,287 litres per day.
- 6.56 The application has been screened to ascertain whether the proposed development would result in a significant effect on the Arun Valley Sites. It is considered that sufficient evidence has been submitted to demonstrate that the application proposals for 20 apartments would result in development that will consume less water than the existing restaurant use of the site, and as such is considered to be water neutral. There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions

- 6.57 The principle of residential development in the Built up Area Boundary of Horsham is in accordance with the Council's overarching development strategy. The scale, form and 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.

- 6.58 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. The parking provision on site is considered to be acceptable by Officers and WSCC Highways, whilst no highway safety issues have been identified.
- 6.59 A contribution of £50,000 towards affordable housing in the district has been offered by the applicant which officers consider an acceptable sum given the development has been assessed by the Council's viability consultants as not being viable even with a reduced developer return. The certainty of this sum is considered preferable in lieu of an affordable housing review mechanism, and is considered a benefit of the development.
- 6.60 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 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	2137	421	1716
		Total Gain	1716
		Total Demolition	421

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

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 a legal agreement to secure the affordable housing contribution, and the following conditions:
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 [2021 12 05 Rev E], 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 part of the development shall be first occupied until such time as the vehicular accesses and associated visibility splays serving the development have been constructed in accordance with the details shown on the approved planning drawings and including all road safety audit recommendations. The accesses permitted shall thereafter be retained as such for their designated use. The 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 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-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 ecological interest 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).

- 13 **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).

- 14 **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 [2021.12.03 Rev B]. 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).

- 15 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of the covered cycle parking shelter 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).

- 16 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the car parking spaces and associated electric vehicle charging infrastructure necessary to serve it have been constructed and made available for use in accordance with the approved plan 2021.12.05 Rev G. The car parking spaces shall be unallocated (with the exception of any disabled bays and the 3 allocated car parking spaces off of West Parade) at all times and shall thereafter be retained as such for their designated use. The means for charging electric vehicles shall be retained as such thereafter (unless being upgraded to active charging spaces and/or rapid charge points)

Reason: To provide car-parking space for the use and 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, 40 & 41 of the Horsham District Planning Framework (2015).

- 17 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, 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).

- 18 **Pre-Occupation Condition:** The building hereby permitted shall not be occupied until the central stairwell windows within the west elevation of the three storey block at 2nd and 3rd floor levels on Plan [2021.12.11REV C] have been fitted with obscured glazing. 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).

- 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:** 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).

- 21 **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).

- 22 **Regulatory Condition:** No external lighting or floodlighting other than those approved as part of Condition 16 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).

- 23 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: 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).