



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th October 2022

DEVELOPMENT: Erection of a single storey dwelling with associated parking.

SITE: Land at 521753 134251 Old Forge Close Faygate Horsham West Sussex RH12 4QG

WARD: Colgate and Rusper

APPLICATION: DC/21/0738

APPLICANT: **Name:** Mr R Pestell **Address:** 1 Brockwell Cottages Faygate Lane Faygate Horsham West Sussex RH12 4SH

REASON FOR INCLUSION ON THE AGENDA: The Development would represent a departure from the Local Plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions and s106 Agreement.

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 full planning permission for the erection of a single storey 3-bed dwelling and associated parking.

1.3 The proposed dwelling would be located centrally in the site and would be oriented to face west. The proposal would extend to a width of 10.3m along the frontage, with an additional projection to the north located to the rear. The dwelling would measure to a total depth of 13.5m, and would incorporate a hipped roof measuring to a height of 5m. The proposal would be finished in facing brickwork and concrete tiles.

1.4 A total of 3no. parking spaces are proposed along the frontage of the site, with rear amenity space proposed to the south and west of the dwelling.

DESCRIPTION OF THE SITE

- 1.5 The application site is located to the west of Faygate Lane and comprises an area of land to the rear of 1 Brockwell Cottages. The land is surrounded on all sides by residential dwellings that front Halls Drive to the north and Old Forge Close to the west. The area of land is undeveloped and is physically separated from the residential curtilages of the surrounding dwellings (including 1 Brockwell Cottage) by a close boarded fence.
- 1.5 While situated among residential dwellings, the settlement of Faygate is unclassified and has no defined built-up area. The site is therefore located within the countryside in policy terms. The surrounding residential properties are two storey in height, with the dwelling of 9 Halls Drive including a number of first floor windows facing onto the application site. A detached garage serving this dwelling sits immediately adjacent to the northern boundary of the site. The adjacent dwelling to the south is oriented to face west, with ground and first floor side windows facing onto the site. The dwellings of 1-3 Brockwell Cottages are located approximately 15m to the east, with the residential curtilages of these properties backing onto the application site. A commercial car garage is located to the north-east of the site.
- 1.6 The wider surroundings are classified by relatively dense residential development, with enclosed fields and woodland located beyond the boundaries of this development.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

- 2.4 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Colgate has not been designated as a Neighbourhood Plan Area

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/2200

Erection of a two storey 4 bedroom detached dwelling
with associated parking and fencing

Withdrawn Application on
06.11.2017

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** The application site historically formed part of a brickworks, with associated pits, and more recently as a coal yard. Given that Environmental Health considers both of these land uses as potentially contaminating we are of the view that the ground on the site has the potential to be contaminated. To ensure that the site is suitable for development we would therefore reasonably expect the application to be supported by a Phase 1 Preliminary Assessment. Due to the proximity of residential properties, conditions to control noise and disturbance during the construction phase are also recommended.

OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** Faygate Lane is a C classified road with a 30mph speed limit in this location. However, the property is to be directly accessed from Old Forge Close; a private 'no through' road to which West Sussex County Council has no maintenance responsibilities. Access to the maintained highway network will take place via Old Forge Close / Halls Drive onto Faygate Lane via an established priority junction. Given the number of dwellings already making use of the established priority junction from Halls Drive onto Faygate Lane, it would not be anticipated that the proposed will result in the vehicular intensification of use at the access point onto Faygate Lane.
- 3.4 A study of the site plan demonstrates that 3 off street parking spaces are to be provided with this proposal. This is in accordance with the anticipated demand of a dwelling of this size in this location.
- 3.5 An inspection of the Design & Access Statement and other online documents reveals that pedestrian and vehicular visibility upon exiting the site is restricted by high boundary treatments in both directions. Nevertheless, it is anticipated that vehicle speeds in this location would be low and traffic volumes light. The site plan and online photographs demonstrate that a neighbouring access has similar arrangements in place and has been operating without evidence of any highway safety concern. Manual for Streets (MfS) paragraph 10.6.1 states "Vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway. The absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously - similarly to how vehicles pull out when visibility along the carriageway is restricted".
- 3.6 The Local Highways Authority does not consider that the proposal would have and 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, and that there are no transport grounds to resist the proposal.
- 3.7 **Southern Water:** Southern Water requires a formal application for a connection to the public foul sewer to be made by the Applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

- 3.8 **Natural England:** No Objection subject to appropriate mitigation being secured.
- 3.9 Natural England notes that the local planning authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.
- 3.10 The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

PUBLIC CONSULTATIONS

- 3.11 **Rusper Parish Council:** No Objection
- 3.12 35 representations were received (from 25 separate households) objecting to the proposal for the following reasons:-
- Loss of light
 - Loss of privacy
 - Unsuitable access
 - Not in keeping with immediate properties
 - Impact from construction traffic
 - Impact on utilities
 - Loss of green infrastructure
 - Cramped form of development
 - Additional parking pressure
 - Not affordable housing
 - Block views
 - Overdevelopment
 - Impact on wildlife and biodiversity
 - Potential of flooding
 - Noise and disturbance
 - Impact on water usage

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 application seeks full planning permission for the erection of a single storey 3-bed dwelling and associated parking.

Principle of Development

- 6.2 The application site comprises an area of land formerly used in association with 1 Brockwell Cottages, albeit that this seems to have been severed from the host dwelling sometime after 2015. While sited within a small enclave of residential dwellings the wider settlement of Faygate has not been classified and does not benefit from a defined built-up area boundary. The application site is therefore located outside of a built-up area boundary and is therefore considered countryside in policy terms.
- 6.3 Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development in the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused in the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan. Specifically, Policy 3 of the Horsham District Planning Framework seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible.
- 6.4 Policy 4 of the HDPF refers to the expansion of settlements outside the built-up area, and states that such development is only supported where: the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; the development is demonstrated to meet the identified local housing needs; the impact of development individually or cumulatively does not prejudice comprehensive long term development; and the development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.
- 6.5 As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the HDPF are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built-up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF, and would be considered unacceptable in principle.
- 6.6 It is however recognised that Paragraph 68 of the NPPF that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:...support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes..."*
- 6.7 Paragraph 78 continues that *"to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."*

- 6.8 The Local Plan Review undertaken recently has sought to explore this concept through the designation of Secondary Settlements, where some degree of infill to otherwise unclassified settlements could contribute to the sustainable development of rural areas. The unclassified settlement of Faygate has been considered as part of the Local Plan Review, where it is recognised that the settlement is located on the A264 between Horsham and Crawley, and located in close range to services and facilities in both settlements. It does however have relatively few services locally, albeit that the settlement benefits from a local shop, village hall, and sports pitches. In considering this context, the Local Plan Review has identified that Faygate should be designated as a Secondary Settlement. While these boundaries are still under review, and have not yet been formally adopted, it does provide some guidance as to the current policy considerations. The Local Plan is now at Regulation 18 stage, having undertaken an initial period of consultation, with the Secondary Settlement boundaries presented in this document. While not yet formally adopted, it is considered that the draft policy is a material consideration of some weight in the appraisal of the proposed development.
- 6.9 Draft Policy 2 of the Horsham District Local Plan states that development will be permitted within secondary settlements provided that it falls within the secondary settlement boundary and meets all of the following criteria: the site is a small gap or plot within an otherwise built-up or cohesive settlement form; the proposal is limited in scale to reflect the existing scale and character of the settlement function and form; and the development does not result in significant increase in activity including traffic movements on narrow and rural roads.
- 6.10 The proposed development would result in the provision of 1no. detached dwelling within an existing enclave of residential development and is considered to be limited in scale to reflect the existing characteristics of the settlement and result in a limited increase in activity. For these reasons, the proposed development is considered to be in general compliance with draft Policy 2 of the Horsham District Local Plan. While recognised that the draft Plan has not yet been through examination or formal adoption, it is a material consideration of some weight.
- 6.11 It is also recognised that the application site was formerly associated with 1 Brocks Cottage, with the evidence available that it was used as residential curtilage until sometime after 2015. While the application site is now physically severed from the residential dwelling, it is considered to represent previously developed land.
- 6.12 Policy 2 of the HDPF states that the effective use of land by reusing land that has been previously developed (brownfield land) will be encouraged provided that it is not of high environmental value. The aim of this policy is to encourage the appropriate re-use of brownfield sites in sustainable locations, locating new development in sustainable locations that respect environmental capacity and which have appropriate infrastructure, services and facilities in place, or in places where these can be realistically provided.
- 6.13 Paragraph 117 of the NPPF states that “planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Paragraph 118 continues that planning policies should encourage multiple benefits from both urban and rural land; recognise that some undeveloped land can perform many functions; give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.
- 6.14 The application site is located within an enclave of residential development that comprises part of the settlement of Faygate. While recognised that the settlement remains unclassified and benefits from only limited services, it is located on a rail line and has transport links to the main settlements of Crawley and Horsham. The site is therefore considered to be broadly

sustainable, with the proposal offering the opportunity for small infill development within the unclassified settlement. The land itself is considered to be of limited environmental capacity having previously been used for domestic purposes, and given the surrounding context, is generally considered suitable for residential development. The proposal would therefore represent an effective use of previously developed land, and this is a material consideration of great weight.

- 6.15 The proposed development would result in a new-build dwelling on land outside of a defined built-up area and not allocated for development in the Local Plan or Neighbourhood Plan. The proposal would therefore be contrary to the overarching spatial strategy as expressed through Policies 3 and 4 of the HDPF. It is however recognised that the Council are currently unable to demonstrate a 5-year housing land supply, and the tilted balance contained in paragraph 11(d) of the NPPF is engaged.
- 6.16 Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless 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 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.
- 6.17 The proposed development would represent the effective use of previously developed land, comprising infill within an existing enclave of residential development. The NPPF outlines that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, and this is considered to weigh in favour of the proposed development. The settlement of Faygate benefits from direct transport links to the larger settlements of Horsham and Crawley, while also benefitting from some limited services within the community. On this basis, the Local Plan Review has identified the settlement as a Secondary Settlement where some small infill could be acceptable. While this has yet to be formally adopted, the Local Plan has been through its first consultation, and is considered to be of some weight.
- 6.18 The scale of the development would maintain the characteristics and function of the unclassified settlement and would not result in a significant increase in the level of activity within the rural countryside location. The development would offer some economic benefits during the construction stage, and would make a contribution, albeit limited, to the provision of housing within the District. These matters are considered to be of some weight in the planning balance.
- 6.19 The proposal would represent an infill development within an existing residential enclave, on previously developed land within a settlement proposed to be brought forward as a Secondary Settlement in the Horsham District Local Plan. These matters are considered to be of significant weight. While recognised that the proposed development would be contrary to the overarching spatial strategy as outlined within the Development Plan, the Council are unable to demonstrate a 5-year housing land supply, where the tilted balance is engaged. The proposed development would be located within an existing residential enclave which is projected to be included within the Secondary Settlement boundary going forward. The application site is therefore considered to be in a generally sustainable location, where the existing spatial context of the site and the modest scale of the proposed development, is considered to result in an acceptable form of development that would not be outweighed by significant and demonstrable adverse impacts. The proposed dwelling, located within an existing residential enclave, would contribute to the housing supply within the District, with this benefit considered to justify a departure from the spatial strategy in this instance.

Design and Appearance

- 6.20 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.21 The proposed dwelling would be located centrally in the site and would be oriented to face west. The proposal would extend to a width of 10.3m along the frontage, with an additional projection to the north located to the rear. The dwelling would measure to a total depth of 13.5m, and would incorporate a hipped roof measuring to a height of 5m. The proposal would be finished in facing brickwork and concrete tiles. A total of 3no. parking spaces are proposed along the frontage of the site, with associated landscaping also proposed.
- 6.22 The wider surroundings are characterised by dense residential development primarily comprising detached and semi-detached two storey dwellings. These dwellings are arranged to follow the pattern of the roads, with a mix of finishes and styles.
- 6.23 The proposed development would reflect the character and form of the nearby residential properties, with architectural referencing and a similar material palette considered to reinforce the townscape character of the surroundings. While acknowledged that the proposed dwelling would contrast the recognised scale and form of the surrounding built form, with the introduction of a bungalow unreflective of the adjacent two storey dwellings. It is however recognised that the reduced scale and height has sought to limit potential impact on the neighbouring properties, particularly through loss of privacy and overlooking. Given the context and constraints of the site, it is considered that the nature and scale of the proposed development would limit harm to the neighbouring properties, and this is a benefit of weight in the consideration of the proposal.
- 6.24 The proposed dwelling is considered would sit appropriately within the site and would maintain a sufficient distance and spacing to the boundaries. While the proposal would incorporate a larger footprint than the surrounding dwellings, it is considered that an appropriate residential amenity space would be provided, with the development considered to sit unobtrusively within the street scene.
- 6.25 On the balance of the considerations, while recognised that the proposal would contrast the recognised build character within the street, it is considered that the dwelling would incorporate architectural features and references, including materiality, that would help to integrate the proposal with the surroundings. On this basis, the proposal is not considered to result in significant harm to the visual amenities of the street scene or townscape character of the locality.

Amenity Impacts

- 6.26 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.27 The proposed dwelling would be located centrally within the site and would comprise an 'L' shape extending within 1m of the northern and southern boundaries. Ground floor windows are proposed to the northern elevation, with folding doors located to the south-eastern elevation. Closeboarded fencing and hedging would bound the site.

- 6.28 The application site is located within dense residential development where there is an expected level of mutual overlooking. The dwellings within the immediate setting extend over two storeys, with the rear elevations of these properties located within 10m to 16m of the site boundary.
- 6.29 The proposed dwelling would be single storey in nature and would be located in excess of 10.5m from the rear elevations of the nearby residential properties. While it is recognised that concerns have been raised in respect of potential amenity impact, given the single storey nature of the proposal, and the distance between the site and neighbouring properties, it is not considered that adverse harm through overlooking and loss of privacy would result. Furthermore, the residential use of the site is considered to be commensurate to the character of the area. For these reasons, the proposed development is not considered to result in harm to the amenities of neighbouring properties, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.30 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.31 The proposed development would provide 3no. off-road parking spaces located along the frontage of the site.
- 6.32 Following consultation with WSCC Highways, it is not considered that the introduction of 1no. additional dwelling would result in a material intensification in use of the access. While recognised that vehicular visibility is restricted by the neighbouring boundary treatments, it is anticipated that vehicle speeds in this location would be low and traffic volumes light. There are similar arrangements within the vicinity, and it is not therefore considered that a reason for refusal could be justified on these grounds.
- 6.33 The proposal would provide sufficient off-road parking to meet the needs of the dwelling, and it is not considered that the proposal would result in harm to the function and safety of the highway network. The proposal is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Water Neutrality

- 6.34 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.35 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.36 The Water Neutrality Statement details that the proposed 2-bed dwelling would, with mitigation measures, result in a total water demand of 52.97 litres per person per day. This figure is derived from the use of dual flush toilets, lower capacity bath, aerated shower, flow restrictors on the taps, and rainwater harvesting. Details of these have been provided within the Statement. The proposed 2-bed dwelling would have an average occupancy of 2.47, resulting in a total water demand of 130.84 litres per day.

- 6.37 The Water Strategy proposes off-setting measures through the retrofitting of two properties within the district and within the ownership of the Applicant (Highlands and Old Post Office). It is proposed to retrofit these properties through flow limiters in taps and showers and installation of dual flush toilets. Other retrofits, including the installation of efficient washing machines, rainwater collection, and installation of efficient dishwashers are referenced, but these are outlined as alternatives. Through the installation of the referenced measures, the water consumption of each property would be reduced by 154.6 litres per day.
- 6.38 An Appropriate Assessment has been undertaken, where it has been concluded that subject to the mitigation and offsetting measures proposed, which would be secured by condition requiring that the development be carried out in strict accordance with the water strategy, and a s106 agreement to secure the offsetting measures, the development would result in no significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. This view has been accepted by Natural England. 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.

Climate change

- 6.39 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.
- 6.40 Should the application be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Requirement to provide full fibre broadband site connectivity
 - Dedicated refuse and recycling storage capacity
 - Cycle parking facilities
 - Electric vehicle charging points
- 6.41 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

- 6.42 The proposed development would result in a new-build dwelling on land outside of a defined built-up area and not allocated for development in the Local Plan or Neighbourhood Plan. The proposal would therefore be contrary to the overarching spatial strategy as expressed through Policies 3 and 4 of the HDPF. It is however recognised that the Council are currently unable to demonstrate a 5-year housing land supply, and the tilted balance contained in paragraph 11(d) of the NPPF is engaged.
- 6.43 The proposed development would represent the effective use of previously developed land, comprising infill within an existing enclave of residential development. While recognised that the proposed development would be contrary to the overarching spatial strategy as outlined within the Development Plan, the Council are unable to demonstrate a 5-year housing land supply. The proposed development would be located within an existing residential enclave which is projected to be included within the Secondary Settlement boundary going forward. The application site is therefore considered to be in a generally sustainable location, where the existing spatial context of the site and the modest scale of the proposed development, is considered to result in an acceptable form of development that would not be outweighed by significant and demonstrable adverse impacts. The proposed 1no. dwelling, located within

an existing residential enclave, would contribute to the housing supply within the District, with this benefit considered to justify a departure from the spatial strategy in this instance.

- 6.44 While recognised that the proposal would contrast the recognised build character within the street, it is considered that the dwelling would incorporate architectural features and references, including materiality, that would help to integrate the proposal with the surroundings. On this basis, the proposal is not considered to result in significant harm to the visual amenities of the street scene or townscape character of the locality. In addition, the proposal is not considered to result in adverse harm to the amenities and sensitivities of neighbouring residential properties, or result in harm to the function and safety of the highway network.
- 6.45 On the balance of these considerations, the proposed development is recommended for approval.

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	112.4		112.4
	Total Gain		
	Total Demolition		

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 the application subject to the following conditions and the completion of a s106 Agreement with respect to the water strategy.
- 1 A list of the approved plans
 - 2 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
 - i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
 - ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

- 3 **Pre-Commencement Condition:** No development shall commence until a Great Crested Newt Risk Avoidance Method Statement, prepared by a suitably qualified ecologist (and preferably a member of CIEEM) has been submitted to and approved by the Local Planning Authority in writing. The approved provisions shall be implemented before development commences and shall thereafter be retained and maintained in accordance with the approved details.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) 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: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and 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).

- 5 **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).

- 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-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy reference AEG0241_RH12_Fayagate_08_WNS dated 07.07.2020 by aegaea. No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with approved drawing number 2038.PL01. The car parking spaces permitted shall thereafter be retained as such for their designated use.

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

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be 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).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied 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).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied 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).

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until 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 has been 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 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and/or any Order revoking and/or re-enacting that Order no development falling within Classes A and B 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 the constraints of the site, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/22/0738
DC/17/2200