



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 18th October 2022

DEVELOPMENT: Variation of Condition 1 of previously approved application DC/19/1707 (Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops). Amendment to design and layout of houses at plots 42-75.

SITE: Abingworth Nurseries Storrington Road Thakeham West Sussex

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/22/0773

APPLICANT: **Name:** Miss F Whiles **Address:** 1st Floor, Regent House 1-3 Queensway Redhill RH1 1QT

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.

At the request of Thakeham Parish Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Permission is sought under Section 73 of the Town and Country Planning Act 1990 to make minor material amendments to planning permission DC/19/1707, which approved in February 2021. Under planning permission DC/19/1707, consent was granted for 75 dwellings, community studio workshops and workshops within Phase 3 of the Abingworth Meadows development site in Thakeham.

1.3 The amendments sought are to plots 42-75 to the east side of the Phase 3 site. The amendments are to the layout and design of the approved dwellings. The dwellings would all be in the same position as approved but would be altered in terms of their design and size. The current proposal does not include any amendments to the scheme as approved to the west side of the Phase 3 site with Plots 1 – 42, the allotments to the southern section, and the commercial buildings, all being retained as approved under DC/19/1707.

DESCRIPTION OF THE SITE

- 1.4 The application relates to a 5.31ha site (Phase 3) on the southern side of the Abingworth Development Site (now known as Abingworth Meadows). Phase 3 is to south of the site's central greenspace and attenuation feature. The site is bound by established mature trees to the eastern boundary and currently borders open fields to the south. Abingworth Hall Hotel is to the west. The site benefits from two vehicle accesses from Storrington Road. Phase 3 is adjacent to a public right of way to the east of the site.
- 1.5 The surrounding area is semi-rural in character, formed of small hamlets of residential development to the west and north of the site, in addition to the mushroom farm site to the north-west, and sporadic residential farmsteads located within the surrounding open countryside.
- 1.6 The Abingworth Development site initially was granted approval for the development of 146 dwellings, including five workshop units, a village hall, and a shop under permission DC/10/1314. The approval also includes a football pitch with changing rooms, a cricket pitch, cricket pavilion, a LEAP, 10 affordable housing units, 20 local worker units, a nursery and an attenuation pond surrounded by open space in the centre of the site. The approval also included allotments to the south of the site, traffic calming measures for the main road through the village and rights of way improvements. Enabling works for the existing mushroom factory in Thakeham was also part of this application. This helped retain the business for the benefit of the local economy.
- 1.7 Over the years, there have been many amendments to the original approval. Application DC/16/2835 sought material amendments, including the addition of 11 additional units to Phase 2 of the site. Application DC/16/0871 sought the subdivision of one larger unit into smaller dwellings, resulting in an additional unit on the site. Overall, the site currently has extant planning permission for the development of 209 dwellings (including Phase 3). Phase 1 of the development is now complete and substantively occupied, and Phase 2 is nearing the completion of the construction phase. The football pitch, changing rooms, cricket pitch, cricket pavilion, Village Hall, LEAP, attenuation pond have all been completed and are in use. A village shop / cafe and vets has also been opened on the site adjacent the village hall.
- 1.8 Phase 3 to the southern section of the site is the last remaining residential part of the site to be constructed. Works have commenced on Phase 3 to the western section 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

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 18 - Retirement Housing and Specialist Care

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection
 Policy 27 - Settlement Coalescence
 Policy 31 - Green Infrastructure and Biodiversity
 Policy 32 - Strategic Policy: The Quality of New Development
 Policy 33 - Development Principles
 Policy 34 - Cultural and Heritage Assets
 Policy 35 - Strategic Policy: Climate Change
 Policy 36 - Strategic Policy: Appropriate Energy Use
 Policy 37 - Sustainable Construction
 Policy 38 - Strategic Policy: Flooding
 Policy 39 - Strategic Policy: Infrastructure Provision
 Policy 40 - Sustainable Transport
 Policy 41 - Parking
 Policy 42 - Strategic Policy: Inclusive Communities
 Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (September 2017)

Neighbourhood Plan: Thakeham Neighbourhood Plan as made in January 2017. Policy 4 covers the Abingworth site. The policy states that any future proposals for increased development of the Abingworth Nursery site will be supported provided that:

- i. They are contained within the net developable area established in the consented planning application (DC/10//1314 and DC/15/1242).
- ii. Any additional housing includes provision for extra car accommodation and other dwellings suited to occupation by older households;
- iii. They deliver appropriate community benefits, including affordable housing.

Parish Design Statement: Thakeham Parish Design Statement.

PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|---|-------------------------------------|
| DC/19/1707 | Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops. | Application Permitted on 25.02.2021 |
| DC/22/0293 | Non Material Amendment to previously approved application DC/19/1707 (Revised layout for Phase 3 of the Abingworth Meadows development (Original application ref: DC/10/1314) to provide for 75 dwellings including 26 affordable dwellings and community studio workshops) Amendments to Plots 1-41. | Application Permitted on 14.03.2022 |

The original consent for the Abingworth site dates back to 2013 (ref: DC/10/1314). Since then, there have been numerous applications to amend the approval.

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 Housing:** Support.
- 3.3 **HDC Environmental Health:** No comments.
- 3.4 **HDC Economic Development:** No comments.
- 3.5 **HDC Landscape:** Comment. The landscaping does not appear to match that approved. No objection is raised to the close boarded fencing to the rear of plots 59-69.

OUTSIDE AGENCIES

- 3.6 **WSCC Highways:** Comment. Overall allocated parking provisions are adequate. A query is raised regarding the number of unallocated parking spaces and materials for the shared surface.
- 3.7 **WSCC Fire & Rescue:** Comment. Conditions are recommended requiring the provision of fire hydrants.
- 3.8 **WSCC Waste & Minerals:** No comment.
- 3.9 **WSCC Surface Water Drainage:** No comment.
- 3.10 **Southern Water:** No objection.
- 3.11 **Natural England (standing advice):** Objection: It cannot be concluded that existing 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. Developments within Sussex North must therefore must not 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.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

- 3.12 **Thakeham Parish:** Objection
Following discussions with the applicant, the Parish have maintained their 'Strong Objection' to the proposal on the following grounds:
- After discussions with the applicant, the Parish now have one sole reason for objection which relates to house designs as they affect bedroom numbers. The Parish is concerned that proposal have achieved a matching number of 114 bedrooms to the original permission by removing internal walls in a number of the houses. The Parish is concerned that these rooms would be subdivided at a later stage to create additional rooms for these larger houses. Extra residents place extra demands on already pressurised local infrastructure. Increase in residents also has implications for water neutrality.
- 3.13 The Parish have also commented that, in discussions with the applicant, their initial concerns regarding the following have now been adequately addressed:
- Land levels and visual impact of Plot 70. Bellway have agreed to swap the house types at plots 70 and 71. Bellway have also addressed concerns regarding finished floor levels and drainage for these plots.

- The applicant has amended the buffer strip plans in line with the Parish's comments.
- The applicant has agreed to amend the boundary treatment to the rear of plots 59-69 to 1.8m close boarded fencing. Bellway have also agreed to amend
- The applicant has agreed to the Parish's comments on pathways and include a short section of permissive path.

3.14 12 representations have been received **objecting** to the application on the following grounds:

- Residents support the Parish's strong objection. The larger bedrooms can be easily divided up to create more rooms for the dwellings.
- There is no connection to the footpath 2487/1.
- The amendments to the design and layout are unacceptable and increase the footprint of the proposal.
- Concerns are raised regarding the impact of the proposal on landscaping, boundaries and footpaths.
- Concern is raised regarding plot 70 and its impact on the existing adjacent properties. Concern is also raised regarding drainage for this plot and the phase as a whole.
- Concern is raised over the red line boundary and the position of the footpath.
- The proposal does not demonstrate water neutrality.
- Lack of parking.
- Impact on trees.
- Impact on biodiversity.

3.15 One objection letter received was withdrawn during the process of the application.

4. EQUALITY AND HUMAN RIGHTS:

4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

4.2 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.

4.3 Consideration of Human Rights and Equalities forms part of the planning assessment below.

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

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

6. PLANNING ASSESSMENTS

6.1 The main considerations in this application are as follows:

- The principle of development.
- The design and layout of the proposal.
- Impact on residential amenity.
- Water neutrality.
- Other consideration including highways, housing mix, rights of way, drainage and the management of the site.

Principle of Development:

6.2 Permission is sought under S73 of the Town and Country Planning Act 1990 to make minor material amendments to plots 42-75 to the east side of the Phase 3 site granted planning permission under application DC/19/1707. Given the previously approved extant planning

permission on this site and the site's allocation within the Thakeham Parish Neighbourhood Plan, there is no objection in principle to the development of this phase of the site.

- 6.3 In respect of Criterion (i) of the Neighbourhood Plan, the development site area is located wholly within the boundaries of the previously approved applications. It should also be noted that under the draft Local Plan Review, it is proposed to include the Abingworth Development site with the built-up-area boundary. In this respect, the proposal is considered acceptable in principle.

Design and Layout:

- 6.4 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.5 Permission is sought for amendments to the layout and appearance of 34 dwellings at plots 42 -75. These dwellings are all to the east side of the site. No amendments are proposed in this application to the development approved within Phase 3 to the west side of the site which has now commenced. The proposal would retain the general arrangement of the housing. As approved, a row of houses would front the site's open space and attenuation pond to the north. The remaining housing to the eastern section is positioned to the rear of this housing backing onto a buffer strip and public right of way. As approved, the housing is accessed from a secondary road coming off the southern side of the main open space.
- 6.6 The main amendment in this proposal is to the design of each dwelling. Each dwelling would be altered in some way, when compared to the original approval. In some cases, the size of each dwelling is slightly increased with the addition of studies. The proposal retains the general arrangement of the housing with 22 detached houses, 3 pairs of semi-detached houses (one house divided into two flats) and a row of three terraced houses. The scheme includes minor amendments to the position of detached garages and car parking spaces for the dwellings.
- 6.7 In terms of design, the proposal would retain the traditional appearance of the dwellings which would match the character and appearance of Abingworth Meadows. The design of the houses is proposed with a mix of hipped and pitched roofs, including front bay extensions and chimneys. The scheme also includes an appropriate mix of materials with tile hanging, brick and timber cladding. Each house has visual interest and would match the charm of this estate.
- 6.8 The current scheme includes minor changes to the landscaping approved for this section. This is partly due to changes to the locations of some of the dwellings. No updated landscaping plans which show these changes in detail have been submitted. As such, a condition is recommended under this current application for full details of the proposed landscaping to be resubmitted for approval. In terms wider landscape impact, this Phase was considered appropriate under the previous permission taking into account the extant permission.
- 6.9 Overall, it is felt that the amendments proposed are appropriate in terms of their design and would complement the high standard of design achieved at Abingworth Meadows. The proposal is therefore in accordance with the above policies.

Housing Mix:

- 6.10 In terms of housing mix, the current scheme makes minor changes to the mix approved under DC/19/1707. The below table shows the changes colour codes with the yellow being no

change, green indicating a decrease in property size, and red an increase in property size. These dwelling sizes include consideration of the proposed studies as bedrooms. The below table indicates all bedrooms / studies, all at first floor level. No bedrooms / studies are proposed at ground floor level for these units, although the dwellings do include small rooms referred to as 'snugs' at ground floor level.

| Plots | Approved Bedrooms / Studies | | Plots | Proposed Bedrooms / Studies |
|-------|-----------------------------|--|-------|-----------------------------|
| 42 | 4 | | 42 | 4 |
| 43 | 4 | | 43 | 4 |
| 44 | 4 | | 44 | 3 |
| 45 | 4 | | 45 | 3 |
| 46 | 4 | | 46 | 3 |
| 47 | 4 | | 47 | 3 |
| 48 | 3 | | 48 | 3 |
| 49 | 1 | | 49 | 1 |
| 50 | 1 | | 50 | 2 |
| 51 | 2 | | 51 | 2 |
| 52 | 3 | | 52 | 3 |
| 53 | 3 | | 53 | 3 |
| 54 | 3 | | 54 | 3 |
| 55 | 3 | | 55 | 3 |
| 56 | 3 | | 56 | 3 |
| 57 | 2 | | 57 | 2 |
| 58 | 3 | | 58 | 3 |
| 59 | 4 | | 59 | 5 |
| 60 | 4 | | 60 | 5 |
| 61 | 4 | | 61 | 5 |
| 62 | 4 | | 62 | 5 |
| 63 | 4 | | 63 | 4 |
| 64 | 3 | | 64 | 3 |
| 65 | 3 | | 65 | 3 |
| 66 | 4 | | 66 | 4 |
| 67 | 3 | | 67 | 4 |
| 68 | 3 | | 68 | 4 |
| 69 | 3 | | 69 | 3 |
| 70 | 4 | | 70 | 4 |
| 71 | 4 | | 71 | 3 |
| 72 | 4 | | 72 | 4 |
| 73 | 4 | | 73 | 4 |
| 74 | 4 | | 74 | 3 |
| 75 | 4 | | 75 | 3 |

114

114

- 6.11 Overall, the number of 3 bed dwellings has increased from 12 to 19, the number of 4 bed dwellings has reduced from 18 to 9, and four 5 bed dwellings are now proposed. The mix retains a total of 114 bedrooms / studies as approved and is considered appropriate, being more reflective of the Council's latest Strategic Housing Market Assessment which identifies a need for more 3 bed dwellings than 4 bed dwellings.
- 6.12 In relation to affordable housing, the overall approved scheme for Phase 3 includes 26 affordable homes, equivalent to the policy requirement of 35%. The eastern section of the site the subject of this application includes 8 of the approved affordable units. This number

of affordable units remains as granted, albeit two of the 1 bed affordable units are now to be 2 bed units. The other affordable housing units remain as approved in relation to housing mix. The legal agreement under the original permission (DC/19/1707) includes obligations for the delivery of the affordable housing provision.

Impact on Residential Amenity:

- 6.13 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.14 For this proposal, the nearest residential properties are to the north east part of Phase 3. These houses at 17 Penne Stone Way, 5 & 6 Strawberry Close are immediately adjacent the boundary with Phase 3. The proposal includes amendments to the houses at plots 70, 71 and 75, which would be adjacent to the boundary to these properties. As originally submitted, concern was raised from the Parish and from adjacent residents that the amendments to the houses at plots 70 and 71 was unacceptable and that the larger houses would detrimentally impact of the adjacent properties. In response, Bellway Homes have amended the proposal to reduce the size of the two houses at plots 70 & 71. The two houses are now similar in scale to the approved dwellings to these plots. In addition, the dwelling at plot 70 has been moved further away from the boundary to the north to reduce its impact on these existing properties. This proposal for the eastern section of Phase 3 does not directly affect the amenity of any other existing properties. In terms of future residents, the layout of the proposed dwellings is considered appropriate with regards to their impact on each other.
- 6.15 Overall, the proposed separation distances between the proposed dwellings and the existing dwellings is considered satisfactory to not warrant concern regarding overlooking or overshadowing in accordance with Policy 33 of the HDPF.
- 6.16 In relation to the construction works, Phase 3 is covered by a Construction Environmental Management Plan, approved under DC/19/1707. The approved CEMP is applicable to this section of Phase 3.

Water Neutrality:

- 6.17 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.
- 6.18 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. The proposal falls within the Sussex North Water Supply Zone.
- 6.19 For this proposal, as works have commenced on site to the western side of the site, the approved development can be taken as a viable fall back that would be built out in the event this application was not to be granted. This scheme does not increase the number of units already approved on this part of the site, however, as proposed the current amendments would increase the size of some of the proposed houses. As approved, plots 42 - 75 have a total of 114 bedrooms / studies leading to an occupancy rate of 87.54 persons based on 2011 census data. In comparison, the number of proposed bedrooms / studies under this proposal would remain at 114 but with a slightly lower occupancy of 86.78 persons. As such, the amendments do not increase the number of units or occupancy rate when compared to the approved scheme.

- 6.20 The Parish Council have raised concern that the applicants have sought to work around the water neutrality issue by including larger bedrooms in 10 units than were shown on the original plans. They consider that these bedrooms could be sub-divided up at a later stage which would result in a greater occupancy rate than approved. The Local Planning Authority has to take the proposals at face value which in this case is for a development with the floor plans and number of bedrooms as submitted. There is no evidence that the developer or future occupiers would sub-divide their bedrooms in the manner suggested and in any case the internal alteration of a dwelling is not classed as development under s.55 of the Town and Country Planning Act. It would therefore be both unreasonable and unwarranted for the Local Planning Authority to impose a restriction on future internal changes to any of these dwellings.
- 6.21 Therefore, given that the scheme does not increase occupancy rates when compared to the original permission, the granting of this permission would not materially alter the quantum of approved development, nor result in any additional use or cause strain on local water resources over and above the existing consent. For this reason, the Local Planning Authority considers the proposal water neutral, and as such does not consider that the proposal would adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of permission would not therefore run contrary to policy 31 of the HDPF, NPPF paragraph 180 or the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Considerations:

- 6.22 In relation to highways matters, the proposal would not alter the access to the site or the position of the internal roads for Phase 3, as approved. The scheme would though alter the position of some of the garages approved. In general, the proposal would retain the two or three car parking spaces per plot as approved. For this western section covering units (plots 42-75), the approved scheme included 89 parking spaces (including 21 spaces within garages). The current scheme includes 95 car parking spaces (including 30 spaces within garages). As amended, the scheme includes additional visitor spaces in line with WSCC Highways comments. Also in accordance with WSCC comments, an updated layout has been submitted which changes the road surfacing entering this phase of development to tarmac roads with pavement either side and a block paved shared surface. This makes a distinction for drivers and pedestrians. Overall, the scheme is considered appropriate in terms of its highway impact and parking.
- 6.23 In terms of drainage, drainage details were required by condition under DC/19/1707. These details have been submitted and approved under DISC/21/0333. The current proposal does not affect these approved details. In response to foul water drainage capacity, the agents have clarified that, 'the foul water has been designed to adoptable standards, which states a peak discharge of 4000 litre per dwelling, not calculated on the number of bedrooms. The Micro-Drainage calculations match this peak discharge by assuming 222 litres discharge per person x 3 persons per dwelling x 6 factor for peak discharge = 3996 litres per dwelling. This is a standard discharge that is applied irrespective of the number of bedrooms. This is because dwellings with more bedrooms makes up for flat apartments with less bedrooms, across the site. Therefore, Bellway do not consider the addition of the studies or snugs being considered as bedrooms as a reason to increase the peak foul water discharge from the site.' It should also be noted that the HDC Drainage Engineer has also commented that he has no objections to the proposal.
- 6.24 Since the original permission was granted for Phase 3, it has come to light that the permission did not include any details as to how Phase 3 would be managed in relation to Abingworth Meadows as a whole. As such, an additional condition is recommended under this proposal for details of the Management Company for Phase 3 to be submitted for approval prior to the occupation of any units approved under DC/19/1707.

- 6.25 As a S73 application, the conditions imposed under DC/19/1707 are still applicable to this proposal for amendments to the eastern section. It should be noted that some conditions have been amended to reflect details which have approved under formal applications. The obligations under the legal agreement for DC/19/1707 is also applicable to this proposal. This application does not require any amendments to the legal agreement.

Conclusion:

- 6.26 The proposed amendments are considered minor and would not impact the appearance of the proposal and would be appropriate for the overall character of Abingworth Meadows. The proposal is also considered appropriate in relation to its impact on residential amenity, drainage, highways and parking, landscaping and water neutrality. The application is recommended for approval 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 |
|-----------------|----------|-------------------------|----------|
| Dwellings | 8,596.85 | 0 | 8,596.85 |
| | | Total Gain | 8,596.85 |
| | | Total Demolition | 0 |

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 obligations under the legal agreement agreed under DC/19/1707:

Conditions:

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

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

- 2 **Pre-Commencement Slab Level Condition:** No development above ground floor slab in relation to plots 42-75 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).

- 3 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Occupation Condition:** Plots 1 and 2 of the development hereby permitted shall not be occupied until the windows at the first floor side elevation shown on Plan AFF D-A.pe Rev E (received 24.02.2020) have been fitted with obscured glazing. The windows shall be fixed shut/non-openable. Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.

Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or 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).

- 6 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced 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 plans. 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).

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved plans. 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).

- 8 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.

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).

- 9 **Pre-Occupation Condition:** Prior to occupation of the development, details of the Management Company for the development shall be submitted to and approved in writing

by the local planning authority. The approved details shall be implemented as such thereafter, unless otherwise agreed in writing.

Reason: To ensure an appropriate development that meets the needs of future occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** Notwithstanding the submitted details, no part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
 - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
 - Details of all hard surfacing materials and finishes
 - Details of all boundary treatments

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 or retained 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).

- 11 **Pre-Occupation Condition:** Prior to the occupation of the development, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 12 **Regulatory Condition:** The construction of the site shall be undertaken in accordance with approved Construction Environmental Management Plan, as approved under DISC/21/0260, unless otherwise agreed to in writing by the Local Planning Authority.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015)

- 13 **Regulatory Condition:** The development shall be implemented in accordance with the lighting design scheme approved under DISC/21/0331. Under no circumstances should any external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 14 **Regulatory Condition:** The development shall be implemented in accordance with the details of underground services, as approved under DISC/21/0332.

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

- 15 **Regulatory Condition:** The development shall be implemented in accordance with the details of the proposed means of foul and surface water sewerage disposal, as approved under DISC/21/0133. The approved detail shall thereafter be strictly adhered to, unless otherwise agreed to in writing.

Reason: As this matter is fundamental to ensure that the development incorporates appropriate sewage disposal, and that the system will be appropriately maintained, in accordance with Policy 38 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** The five workshops units hereby approved shall remain in use as Class E business units as defined in the Town and Country Planning (Use Classes) (Amendment) Regulations 2020, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate use classes occupy the units in relation to neighbouring residential occupants, in accordance with Policies 7 and 33 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (ACD Environmental, October 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW), to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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

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

- 19 **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 plots 42-75 hereby approved, the materials for the rest of the development approved under DC/19/1707 shall strictly accord with those approved under DISC/21/0259 & DISC/22/0138, unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

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

- 21 **Regulatory Condition:** The development hereby permitted shall be implemented in accordance with plans illustrating proposed finished floor levels and external ground levels for plots 3-5 and 70, as approved under DISC/21/0334.

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).

- 22 **Regulatory Condition:** The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).