



**TO:** Planning Committee South  
**BY:** Development Manager  
**DATE:** 21 February 2017  
**DEVELOPMENT:** Erection of 14 dwellings following demolition of existing dwelling  
**SITE:** Little Gillmans Cottage Marringdean Road Billingshurst West Sussex  
**WARD:** Billingshurst and Shipley  
**APPLICATION:** DC/16/1419  
**APPLICANT:** Mr Nick Daley

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters contrary to the Officers recommendation have been received

**RECOMMENDATION:** To delegate to the Development Manager to grant planning permission, subject to conditions and the completion of a Legal Agreement to secure financial contributions to affordable housing and infrastructure provision.

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application is made in full and proposes the demolition of the existing dwelling and outbuildings and erection of 14 dwellings served by a single access onto Marringdean Road.
- 1.3 The dwellings would be arranged on two spur cul-de-sacs, one fronting Marringdean Road (east facing) and one facing south. The south-facing dwellings would comprise two terraces, each containing three 3-bedroom dwellings and one 2-bedroom dwelling. The east-facing dwellings would comprise three detached 4-bedroom dwellings and a terrace comprising two 3-bedroom dwellings and one 4-bedroom dwelling.
- 1.4 The dwellings would be fairly traditional in appearance, with ridged pitched roofs and a mix of hipped and gabled ends. The dwellings range in height from about 8.7m to 9.7m. Materials are not stated, but the artist's impressions illustrated in the Design and Access Statement shows red multi-brick, hanging tile and brown/grey roof tiles.
- 1.5 Car parking would be provided for the two south-facing terraces of dwellings in a parking court to the front of the terraces containing 17 spaces, shown to be allocated as one per 2-bed dwelling, two per 3-bed dwelling and three visitor spaces. Three further visitor spaces

are proposed adjacent to Marringdean Road. The 4-bedroom dwellings would each be provided with an integral garage and single driveway space. The two 3-bedroom dwellings fronting Marringdean Road would each be provided with two surface parking spaces adjacent to Marringdean Road.

- 1.6 Each dwelling would be provided with a rear garden with gated access. The gardens are around 9-11m deep.
- 1.7 The application is accompanied by a number of supporting documents, including:
  - Design and Access and Sustainability Statement
  - Planning Statement
  - Environmental Noise Assessment
  - Ecological Appraisal Report
  - Bat Survey Report
  - Reptile Survey Report
  - Reptile Mitigation and Translocation Plan
  - Arboricultural Survey and Planning Integration Report
  - Transport Statement
  - Road Safety Audit
  - Flood Risk Assessment
  - Financial Viability Assessment

#### DESCRIPTION OF THE SITE

- 1.8 The application site currently has two distinct parts, separated by a wire fence. The first is Little Gillmans Cottage and its residential garden. This area is roughly flat and the garden is enclosed to the rear and south by close boarded fencing, adjacent to the new development at the neighbouring site. The second area is the plot of land between Little Gillmans and No. 8 Marringdean Road to the north. This part of the site is also roughly flat and contains an L- shaped single storey outbuilding. The use of the outbuildings and associated land was stated as 'storage' on the application forms of DC/04/0247 (which granted outline planning permission for erection of a single dwelling on part of the site), while the application forms of DC/04/2698 stated that the existing use of this part of the site was 'agricultural'. However, at the time of the Officer's site visit, this parcel of land appeared to be vacant, evidenced by overgrown vegetation on the site and the dilapidated condition of the outbuilding.
- 1.9 Marringdean Road is characterised by residential development, including new developments part occupied at Daux Wood (opposite the site to the east) and Marringdean Acres (south and west of the site). Gillmans Industrial Estate lies to the west of the site, which is at a slightly lower level than the application site.

## **2. INTRODUCTION**

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 1, 4, 6, 7, 8, 10 and 11.

#### RELEVANT COUNCIL POLICY

- 2.3 The Development Plan consists of the Horsham District Planning Framework (November 2015) (HDPF).
- 2.4 The relevant Policies of the HDPF are 1 (Sustainable Development), 2 (Strategic Development), 3 (Development Hierarchy), 15 (Housing Provision), 16 (Meeting Local Housing Needs), 24 (Environmental Protection), 25 (The Natural Environment and Landscape Character), 32 (The Quality of New Development), 33 (Development Principles), 35 (Climate Change), 36 (Appropriate Energy Use), 37 (Sustainable Construction), 38 (Flooding), 39 (Infrastructure Provision), 40 (Sustainable Transport) and 41 (Parking).

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Billingshurst Parish has been designated as a Neighbourhood Plan Area, but no draft plan has been produced at this stage.

#### PLANNING HISTORY

BL/84/03	Demolition of existing buildings and erection of 2 detached houses and access (outline)	Refused
DC/04/0247	Demolish existing buildings and erect one detached house (Outline)	Permitted
DC/04/2698	Erection of dwelling and repositioning of vehicular crossover	Refused. Appeal dismissed.

### 3. OUTCOME OF CONSULTATIONS

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

#### INTERNAL CONSULTATIONS

- 3.1 Environmental Health Officer (summary): No objection, subject to conditions. The EHO's original comments raised concern regarding the impact of the adjacent industrial estate on the amenity of future occupiers. The Applicant has since submitted additional information in the form of a noise survey and the EHO raises no objection, subject to conditions requiring approval of details of a scheme of noise mitigation.
- 3.2 HDC Ecology Consultant (summary): Comment  
The consultation response highlights that the development will result in the loss of a bat roost and will therefore need to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010. To this end, the LPA must determine whether it is likely that a European Protected Species Licence will be granted, which is reliant on three tests:
1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
  2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
  3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

The ecology consultant advises that the measures for avoidance, mitigation and enhancement provided in the Bat Survey Report accompanying the application seek to maintain the bat population at a favourable conservation status, and therefore the third test is met.

The ecology consultant recommends conditions, should planning permission be granted, requiring a Reptile Mitigation Strategy and an Ecological Mitigation and Enhancement Plan. The Applicant has since submitted a Reptile Mitigation Strategy, which the ecology consultant has reviewed and advises to be acceptable.

3.3 HDC Housing Services Manager (summary): No Objection

Notes that there is a lack of interest from Registered Providers in taking on small developments such as this, and that a financial contribution in lieu of on-site provision is acceptable in this instance, based on the merits of the case.

3.4 HDC Drainage Engineer (summary): Comment

- No comments to add to the WSCC Flood Risk Management officer and Southern Water comments.
- Conditions to secure details of sustainable drainage should be included.

#### OUTSIDE AGENCIES

3.4 West Sussex County Highway Authority (summary): No Objection subject to Conditions

The County Highway Authority initially responded that the changes recommended in the Stage 1 Road Safety Audit were not incorporated into the design of the development. The applicant subsequently submitted additional information, and the Highway Authority now raise no objection, subject to conditions. Key points from the WSCC Highways consultation response include:

- The development is likely to result in 8 two-way trips generated in the AM peak and 7 in the PM peak.
- This is not considered to be a significant increase in trips on the local highway network.
- The Highway Authority would not expect any highway safety or capacity issues to arise from this proposal that could be considered severe.
- Visibility splays in excess of those required can be achieved.
- Kerb radii within the development access needs to be increased, but this can be secured by condition.
- Refuse collection access would be tight, but workable.
- Local services and facilities are accessible by foot.
- A pedestrian access through the site should be provided. This can be secured by condition.
- WSCC are satisfied that safe and suitable access for all can be achieved, subject to conditions.

3.5 West Sussex County Rights of Way (summary):

No objection.

3.6 West Sussex County Flood Risk Management (summary):

No objection, subject to conditions requiring approval of full details of surface water drainage designs and of the maintenance and management of any sustainable drainage features within the site.

3.7 West Sussex County Strategic Planning (summary): Comment

Financial contributions towards infrastructure provision are requested. These include education, libraries, fire and rescue and transport. The transport element is to be put towards pedestrian and cycle improvements within the vicinity of the development which

would improve and promote sustainable movement between the development and local infrastructure, to include Billingshurst railway station, The Weald Community School and Billingshurst Primary School

3.8 Southern Water (summary):

No objection, subject to inclusion of an informative regarding connection to the public sewerage system, a condition requiring approval of the details of construction and maintenance of any sustainable urban drainage features and a condition requiring approval of means of foul and surface water sewerage disposal.

PUBLIC CONSULTATIONS

3.9 Billingshurst Parish Council (summary): Objection

Strongly object. The consultation response includes the following points:

- Concern regarding increased vehicle movements
- Distance to village centre and doctors surgery means more vehicle movements
- Site is not allocated in the HDPF and is unacceptable in principle
- It is not clear how the proposal meets local housing needs
- Does not enhance landscape character
- Does not improve the character and quality of the area
- Site is not brownfield
- Inadequate parking provision
- The road is narrow
- There is no bin collection point for units 1-6
- Site is underlain by an unproductive strata aquifer with low permeability
- Development results in a higher percentage of the site covered in impermeable surfaces
- Development is likely to lead to reduced infiltration and overland flow, and climate change will increase fluvial flooding
- The submitted Flood Risk Assessment refers to a street that is not in Billingshurst
- There is a lack of surface water sewers in the vicinity of the site, so discharge to these is not feasible
- Discharge of surface water to a watercourse, but the ditch to the east of the site is in ownership of another developer and floods from the area of their site to the junction of Natts Lane, Marringdean Road and Lower Station Road.
- The development would add to existing flooding problems
- This development may drain to the Natts Lane area, which causes flooding due to drainage not being properly maintained by riparian owners
- Overdevelopment of the site
- No footpath on this side of Marringdean Road, meaning that pedestrians need to cross the busy road

3.10 11 Letters of objection from 10 households have been received by the Council, which include the following points:

- Loss of privacy to 8 Marringdean Road
- Loss of privacy to properties on Honeysuckle Drive
- Noise and disturbance to properties on Honeysuckle Drive due to location of parking court
- Reduced air quality to properties on Honeysuckle Drive due to proximity to parking court
- Loss of light to neighbouring dwellings
- Development is too dense
- Overdevelopment of the area with hundreds of new homes in a short time
- Insufficient drainage serving the site
- The site is at a lower level than Marringdean Acres. Water has pooled on this site for days in wet weather
- Houses backing onto the site are currently suffering severe flooding to gardens

- Ecology survey not sufficient
- Land to the rear of the outbuildings is agricultural land
- Outbuildings now appear to be used for garages for an agricultural contractor
- Trees have been removed prior to the application being submitted
- Fewer and smaller dwellings would be more appropriate
- Infrastructure in the village is inadequate
- It is already difficult to get appointments at the Billingshurst Doctors surgery. Additional residents will make this worse
- Residents of the new development at Wickhurst Green have been advised to register at the Billingshurst Doctors surgery.
- The local secondary school already needs extra staff
- Billingshurst station cannot cope with more commuters
- Additional traffic will add to congestion in the village, particularly at the level crossing on Station Road and due to on-street parking
- Concern that the existing access onto Honeysuckle Drive will be used and add to traffic on this road
- Loss of an existing building of character and charm
- Proposal would add to existing parking problems in the area
- This will add to the construction noise and traffic already in the area and causing disturbance to residents
- The application should include affordable housing

3.11 One letter of comment has been received, which raises the following point:

- The road marked as Blackthorne Avenue on the plans is actually Honeysuckle Drive

#### **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 site is located within the built-up area of Billingshurst wherein applications for residential development are acceptable in principle, subject to compliance with the relevant Policies of the Adopted Development Plan. The main considerations on this application are therefore whether the proposal is of a high quality design, the impact of the proposal on the privacy and amenity of existing and future occupiers, the parking and highways implications of the development and whether sufficient drainage infrastructure to serve the development can be delivered.

6.2 By way of background, the former Development Plan Proposals Map (i.e. pre-HDPF) included the existing L-shaped outbuildings within the built-up area boundaries, but the remainder of the site was outside of the built-up area. The dwelling and associated garden permitted by DC/04/0247 (not implemented) was contained wholly within the previous built-up area boundary, and therefore the principle of that development was considered to be acceptable. In contrast, the other proposals for new dwellings listed in the Planning History

section of this report also included land outside of the former built-up area boundary, and therefore the principle of development was contrary to the Development Plan at that time. The development of Honeysuckle Drive and Daux Wood in the period since consideration of these previous applications has resulted in the built-up area boundary being re-drawn to include a wider area, and the application site now lies well within the built-up area boundary. As such, the previous reasons for refusal relating to the principle of development on this site outside of built-up area boundaries are no longer relevant in the current policy context.

#### Design and Layout

- 6.3 The existing development on Marringdean Road is generally arranged in a linear pattern fronting the highway. However there are examples of cul-de-sacs of dwellings off the main road, such as Kingsfold Close, and larger developments such as Marringdean Acres and land at Daux Wood result in a fairly urban grain to development in this area. The proposed development would have a density of 35 dwellings per hectare (14 dwellings on a 0.4 hectare site). The development of 150 dwellings to the south of the site (DC/10/0939) has an overall density of 24.6 dph. However, that development is split into distinct developed areas separated by open spaces, and the area containing 75 dwellings immediately to the south of the current application site has an area of about 2.5 hectares, equating to a density of 30dph. While the proposed development is higher density than the adjacent development, the submitted drawings demonstrate that this higher density can be delivered in a way that integrates satisfactorily with the existing street scene, maintains a frontage development with landscaped buffer to Marringdean Road and with the higher density rows of terraced units sited on an access spur road set behind the main frontage development. As such, no objections are raised to the proposed density of development.
- 6.4 The proposed dwelling types are varied and interest is added by the use of different roof forms and heights, as well as design detailing such as gable features, bay windows, porches and areas of hanging tile. The house types would therefore integrate satisfactorily with the existing built form in the area.
- 6.5 The dwellings to the Marringdean Road frontage would be set back from the highway and served by a separate access road, with parking spaces and a landscaped buffer immediately adjacent to Marringdean Road. The site plan shows indicative tree planting to the site frontage, which would serve to soften the appearance of the development and assist in its assimilation into the street scene. There is less opportunity for planting to the front of the south-facing dwellings on the east-west access spur, as the area to the front of the dwellings is mainly given over to parking provision. However, the boundary with the dwellings on Honeysuckle Drive is proposed to comprise tree and hedgerow planting inside a 1.8m close boarded fence. Although this part of the development would therefore be dominated by hardsurfacing, this would not be prominent in the wider street scene and therefore would not be harmful to the character of the area.
- 6.6 Overall therefore, no objection is raised to the impact of the development on the character and appearance of the area.

#### Amenity of Existing Neighbouring Residents

- 6.7 The site adjoins No. 8 Marringdean Road to the north and Nos. 2, 4 and 6 Honeysuckle Drive to the west and south. No. 8 Marringdean Road has a long rear garden running east-west. The two terraces of four dwellings would be sited parallel with the rear garden of No. 8. The dwellings would be separated from the boundary with No. 8 by rear gardens of around 9.6m in length. Although the new dwellings would be visible from the rear of No. 8, it is considered that the proposed rear gardens provide sufficient separation to ensure that occupiers of No. 8 retain a reasonable level of privacy and amenity. As such, no objections are raised in respect of the impact of the proposal on occupiers of No. 8 Marringdean Road.

- 6.8 To the south, Plots 4 and 5 would back on to No. 2 Honeysuckle Drive (a corner plot with garden wrapping around the rear and eastern side of the dwelling), but the proposed dwellings are separated from the existing neighbouring dwelling by rear gardens of over 10m in length. As such, a reasonable level of privacy would be maintained at No. 2. The two terraces of four dwellings face south, towards the rear of Nos. 2, 4, and 6 Honeysuckle Drive. The front elevations of the new dwellings would be separated from the rear boundaries of the Honeysuckle Drive properties by parking spaces and the proposed access road- a distance of about 13m. This is sufficient to maintain a reasonable level of privacy to these existing properties.
- 6.9 The access road and parking court would be sited directly to the rear of the Honeysuckle Drive properties. There would therefore be an increased level of activity in this area in comparison to the existing vacant land. However, the relationship of parking courts to the rear of residential gardens is not an uncommon one and is generally considered to be acceptable. In this instance, there is a close boarded fence separating the residential gardens from the parking/access area which will screen the activity to an extent, in particular preventing glare from headlights causing disturbance to the adjacent occupiers. Furthermore, the Environmental Health Officer does not raise objection to the impact of this relationship on neighbouring residents.
- 6.10 In addition to the acceptable separation distances set out above, the site plan also shows indicative tree planting to the boundaries with adjacent gardens, which will serve to break up views of the new dwellings from neighbouring properties and provide some additional screening. No objection is therefore raised in respect of the impact of the proposal on the amenity of neighbouring residents.

#### Amenity of Future Residents

- 6.11 The site is adjacent to Gillmans Industrial Estate to the west. The industrial estate contains a number of independently occupied units, which are subject to few planning controls in respect of hours of operation and specific uses/use classes. The Environmental Health Officer raised concern in his initial consultation response that insufficient information had been submitted to demonstrate that an acceptable noise environment could be achieved for future occupiers, taking account of the activities that occur at the industrial estate. It is noted that the adjacent development at Honeysuckle Drive was permitted on appeal, with the Inspector satisfied that an acoustic barrier would be sufficient to ensure an acceptable noise environment. However, it is apparent that since permission was granted for the adjacent development, units within the industrial estate which were previously vacant or occupied by low noise-generating uses have been re-occupied, including the southernmost unit which is currently occupied by a plant hire company. The activities at the plant hire company include early morning collection of plant, resulting in a number of large vehicle movements, including the operation of reversing alarms on vehicles. These activities have generated a number of noise-related complaints from occupiers of the new dwellings, despite the acoustic barrier erected between the sites. The EHO is concerned to ensure that suitable mitigation is in place to protect future occupiers of the proposed development from noise disturbance generated at the industrial estate. In response to this concern, the applicant has submitted an Environmental Noise Report. This has been reviewed by the EHO, who now raises no objection subject to a condition requiring approval and implementation of a scheme to reduce noise intrusion to amenity spaces and habitable rooms.
- 6.12 The development provides each dwelling with a rear garden of an acceptable size to provide future occupiers with a functional amenity space. The layout of the development is such that future occupiers would be provided with a reasonable level of privacy.



#### Parking and Highways

- 6.13 The development provides four single garages, three spaces on private driveways and 25 surface parking spaces, a total of 32 spaces. These are allocated as one per 2-bedroom dwelling and two per 3- or 4- bedroom dwelling, with six un-allocated visitor spaces. The County Highway Authority has raised no objection in terms of car parking provision.
- 6.14 The Highway Authority's initial response highlighted that some changes to the design of the scheme are necessary in light of the points raised in the Applicant's Road Safety Audit. The Applicant has provided additional information and the Highway Authority raises no objection, subject to conditions.

#### Flooding and Drainage

- 6.15 The application site is not located within an area of identified flood risk. However, letters of representation received in connection with this application indicate that the area suffers from surface water flooding. National Planning Policy seeks to ensure that new development does not make any existing flooding and drainage issues worse. Developers are not required to solve existing flooding and drainage issues through new development, although any measures to assist in preventing off-site flooding that can be incorporated into new development can be encouraged. In this case, the Applicant has submitted a Flood Risk Assessment which indicates that it will be possible to attenuate surface water flows to ensure that existing run-off rates are not exceeded. The County Council Flood Risk Management Officer and HDC Drainage Engineer, raise no objection to the proposal, subject to conditions.

#### Biodiversity and Ecology

- 6.16 The Council's Ecology Consultant highlights that the development will result in the loss of a bat roost and that the development will therefore need to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010, and that the LPA must therefore determine whether it is likely that a European Protected Species License will be granted for the development, which is reliant on the development being for 'imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment' and there being no satisfactory alternative to the development. In addition, the development must not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The Ecology Consultant advises that the proposed avoidance, mitigation and enhancement measures contained within the Bat Survey Report will meet the third test. In terms of the first two tests, the development is in the public interest in that it will provide a range of housing and make contributions towards the provision of affordable units. It is considered that there is no satisfactory alternative, as it will assist in delivery of housing within a designated built up area where the principle of development is in accordance with the Council's adopted spatial strategy. Therefore, subject to conditions, no objection is raised in respect of the impact of the proposal on biodiversity and ecology.

#### Sustainability

- 6.17 The application site is located within the built-up area of Billingshurst, and is within walking distance to the town centre, with shops, services and train station. The Design and Access Statement sets out the intention to install flue gas heat recovery and waste water heat recovery systems to assist in reduction of carbon emissions. It also states that the buildings will be thermally efficient and will incorporate energy efficient lighting and water saving devices. No objections are therefore raised in respect of the sustainability of the location or development.

#### Affordable Housing and Infrastructure

- 6.18 Policy 16 requires 20% of schemes of 5-14 dwellings to be affordable, equating to two units in this case. However, the Applicant proposes a financial contribution towards off-site

provision as an alternative. In support of this, the applicant has provided evidence that they have approached a number of Registered Providers operating in the area to offer the two units. All have declined, for reasons mainly relating to the small number of units presenting issues in terms of management. As such, the HDC Housing Services Manager has agreed that in this case, a financial contribution in lieu of on-site provision would be appropriate. Although the Planning Obligations SPD (2007) provides a method to calculate a contribution in lieu, the Draft Planning Obligations and Affordable Housing SPD (2016) is based on more up-to-date evidence and recommends a charge of £155 per square metre of gross internal floor area of the development. For this development (of about 1,550.85sqm) a total contribution of £240,381.75 is required. The contribution would need to be secured by Legal Agreement.

- 6.19 Policy 39 of the HDPF sets out that the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from the new development, or suitable necessary mitigation arrangements for the improvement of the infrastructure, services and community facilities to offset impacts caused by the development being provided. In this case, the site is not of a size appropriate to provide on-site community infrastructure such as play areas, and therefore a contribution to off-site provision is necessary, subject to meeting the tests of the Community Infrastructure Levy (CIL) Regulations. The Planning Obligations SPD includes a Contributions Calculator, which provides an assessment of the level of contributions that a development should be able to afford to provide, and also the amount of contribution that it is reasonable to secure towards infrastructure based on the typical occupancy rates of the proposed dwellings. Based on the housing mix proposed, the Contributions Calculator indicates that around £30,049 would be a proportionate sum, subject to specific CIL-compliant projects being identified, which would be necessary to serve future occupiers. Following responses from the Council's Community and Culture department and the Parish Council, unfortunately, in this instance no CIL compliant schemes have been identified. In order to be CIL compliant a contribution must only be sought where this is necessary to make the development acceptable in planning terms; where the contribution is fairly and reasonably related in scale and kind to the development; and, where it is directly related to the development. Whilst the Parish Council sought a contribution towards improvements to the access to the Lower Station Road Recreation Ground, there is no evidence that the proposed development would adversely impact upon the existing arrangements, particularly due to the proximity of the site to the recreation ground, which would be likely to result in most visits being undertaken by foot rather than by car, and small scale of the proposal. It is therefore not considered that a contribution towards this scheme would be necessary to make the development acceptable, as permission would not be withheld on this basis, and therefore this contribution would not meet the statutory CIL tests.
- 6.20 Separately, WSCC have requested contributions towards education, libraries, fire and rescue and transport infrastructure. The Applicant advised that payment of the infrastructure contributions totalling £195,841 (WSCC and potential HDC contributions combined) would render the scheme unviable and therefore could not be provided. Officers asked the Applicant to submit evidence in support of their position, which resulted in the Applicant carrying out a Financial Viability Appraisal. This demonstrated that an infrastructure contribution of £82,737 (which is £113,204 less than the total combined contribution) could be provided in addition to the affordable housing contribution of £240,381.75. The Applicant's viability appraisal has been reviewed by the District Valuer Service, who have carried out their own appraisal and concluded that the development should be able to provide the full amount of contributions (affordable housing and infrastructure) which has been requested.
- 6.21 Following receipt of the DVS report, and further discussion with Officers and the Council's consultant at the DVS, the Applicant has agreed to provide the full contributions requested. These must be secured by way of a s106 agreement.

### Conclusion

- 6.22 The development of this site is acceptable in principle. The detailed drawings show a development of acceptable scale, layout and appearance. The Highway Authority raises no objections to access. The applicant is willing to enter into a s106 agreement to provide contributions to affordable housing and infrastructure. No objections are therefore raised to the proposal.

## **7. RECOMMENDATIONS**

- 7.1 To delegate authority to the Development Manager to grant permission, subject to conditions and the completion of a s106 Legal Agreement to secure financial contributions to affordable housing and infrastructure.
1. A condition listing the approved plans.
  2. 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. No development above ground floor slab level on the development hereby permitted shall take place until full details of all hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure a satisfactory development and in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).
  4. Prior to commencement of the development hereby permitted, an Arboricultural Method Statement, incorporating the recommendations in section 11.1 of the Arboricultural Survey and Planning Integration Report (reference AR/3535/rg received by the Local Planning Authority on 24<sup>th</sup> June 2016), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, including the erection of any tree protective fencing prior to the commencement of the development hereby permitted.  
Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015)
  5. No development above ground floor slab level on the development hereby permitted shall take place until a schedule of materials, finishes and colours to be used for external walls and roofs of the dwellings hereby permitted has been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details.  
Reason: 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)
  6. Prior to the initial occupation of the development hereby permitted, provision for the storage of refuse/recycling bins shall be made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

7. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that the development is properly drained in accordance with Policy 38 of the Horsham District Planning Framework (2015).

8. Prior to the commencement of the development hereby permitted, full details of the sustainable drainage systems to serve the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, but not be limited to:

- a timetable for implementation of the drainage scheme
- a management and maintenance plan for the lifetime of the development, including any arrangements of adoption by a public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is properly drained in accordance with Policy 38 of the Horsham District Planning Framework (2015).

9. Notwithstanding the details shown on the submitted plans, no development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015)

10. No development shall commence until such time as the existing second vehicular access onto Marringdean Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015)

11. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Marringdean Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015)

12. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Policy 41 of the Horsham District Planning Framework (2015)

13. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with drawing number 16-P1290-102 received by the Local Planning Authority on 24<sup>th</sup> June 2016.

Reason: To provide alternative travel options to the use of the car in accordance with Policy 40 of the Horsham District Planning Framework (2015)

14. No part of the development shall be first occupied until the pedestrian access arrangements serving the development have been constructed in accordance with drawing number 66012-SK-007, received by the LPA on 8<sup>th</sup> November 2016.

Reason: In the interests of pedestrian safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015)

15. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - 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: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015)

16. No development above ground floor slab level on the development hereby permitted shall take place until a scheme of works to reduce the intrusion of noise to all habitable rooms and amenity spaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard to the requirements of BS8233:2014 and shall include provision of appropriate alternative ventilation to habitable rooms and an imperforate boundary treatment where appropriate. The scheme as approved by the local planning authority shall be fully installed before the development is occupied.

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

17. The development hereby permitted shall be carried out in accordance with the Reptile Mitigation and Translocation Plan by Wychwood Environmental Ltd received by the Local Planning Authority 13<sup>th</sup> September 2016.

Reason: To provide ecological protection and enhancement in accordance with the Conservation of Habitats and Species Regulations 2010, NPPF paragraph 118 and Policy 31 of the Horsham District Planning Framework (2015).

18. Prior to the commencement of the development hereby permitted, an Ecological Mitigation and Enhancement Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Ecological Mitigation and Enhancement Plan shall include, but not be limited to, details of the mitigation agreed with Natural England, details of any external lighting, and all ecological avoidance and enhancement measures, as outlined in Sections 4 and 5 of the *Ecological Appraisal Report* by Wychwood Environmental Ltd, dated June 2016. Any such measures shall thereafter be implemented in accordance with the agreed details.

Reason: To provide ecological protection and enhancement in accordance with the Conservation of Habitats and Species Regulations 2010, NPPF paragraph 118 and Policy 31 of the Horsham District Planning Framework (2015).

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 forwardmost part of any building hereby permitted which fronts onto a highway or internal access way, other than in accordance with drawing number 16-P1290-01 Rev P1 received by the Local Planning Authority on 24<sup>th</sup> June 2016.

Reason: In order to safeguard the character and visual amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

20. No trees, hedges or shrubs on the site, other than those the Local Planning Authority has agreed to be felled as part of this permission, 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 hereby permitted. Any trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with Policy 33 of the Horsham District Planning Framework (2015)

21. Prior to the commencement of the development hereby permitted, the developer shall provide evidence that their approved building control provider has been notified of the requirement to apply the optional requirement for water efficiency to the development (limiting water use within the dwellings hereby permitted to less than 110 litres per person per day). The development shall thereafter be carried out in accordance with the optional requirement for water efficiency standard set out in the Building Regulations.

Reason: In the interests of managing water use in this area of Serious Water Stress, in accordance with Policy 37 of the Horsham District Planning Framework (2015)

22. The development shall be carried out in accordance with the details of ground and finished floor levels shown on drawing number 16-P1290-01 Rev P1 received by the Local Planning Authority on 24<sup>th</sup> June 2016.

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

23. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C, E and F of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage(s) of the dwelling(s) hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling(s) unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In light of the density of development proposed and in the interests of the character and appearance of the site and locality, in accordance with Policy 33 of the Horsham District Planning Framework (2015)

24. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays.

Reason: To safeguard the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015)

25. Prior to their first occupation, each dwelling shall be provided with the necessary infrastructure to enable connection to high-speed broadband internet.

Reason: To ensure a sustainable development that meets the needs of future occupiers by providing a greater opportunity for home working and a reduction in car-based commuting and to comply with Policy 37 of the Horsham District Planning Framework (2015).

Notes to Applicant:

- a. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
  
- a. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewerage capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
  
- b. The water efficiency standard required under the above conditions is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

Background Papers: DC/16/1419