



**TO:** Planning Committee North  
**BY:** Development Manager  
**DATE:** 7 March 2017  
**DEVELOPMENT:** Demolition of existing dwellings and erection of 65 homes with associated car parking and external works  
**SITE:** Winterton Court Horsham West Sussex  
**WARD:** Horsham Park  
**APPLICATION:** DC/16/2937  
**APPLICANT:** Saxon Weald Homes Limited

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters have been received which are inconsistent with the Officers' recommendation.

**RECOMMENDATION:** To delegate authority to the Development Manager to grant planning permission, subject to conditions and to a Legal Agreement to secure on-site provision of 35% affordable housing

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

1.2 The application follows the refusal of DC/15/0154, which proposed redevelopment of the site for 69 dwellings, and DC/16/1320, which proposed redevelopment of the site for 65 dwellings and is currently at appeal, with no decision received at the time of drafting this report. The current application proposes the redevelopment of the site to provide 65 dwellings. The tenure mix proposed is 42 private market units (15 one-bedroom flats, 24 two-bedroom flats and 3 two-bedroom houses), 20 affordable rented units (12 one-bedroom flats and 8 two bedroom flats) and 3 shared ownership two-bedroom houses. The proposed dwellings would be arranged in five blocks around a central public open space, with a vehicular access route running around the central square. The central square retains the existing TPO tree and provides a seating area and two bike stands for visitors. The external treatment of the buildings is shown to comprise a mix of brick (red/brown multi), white render and boarded panels with roofing being a mix of zinc and slate.

1.3 Block A would front the existing public footpath running along the northern side of the site. It would have three storeys laid out in two 'wings', each with a mono-pitched roof and linked by a subservient flat roofed section. It would have a maximum height of about 11 metres. It would comprise three 1-bedroom flats and nine 2-bedroom flats, with an integral refuse

storage room. Each flat would be served either by direct access to a private garden in the case of the ground floor units or a balcony in the case of the first and second floor units. Storage for 14 bicycles would be provided in a detached outbuilding. The building would have garden areas to the front and rear and landscaped strips to the sides. The gardens would be private areas to serve the individual ground floor units only. The boundary treatments would comprise 1.8m high close boarded fences to the rear gardens and 0.9m high metal railings to the front and side boundaries.

- 1.4 Block B would be sited towards the eastern boundary of the site, backing onto properties fronting New Street. It would be single storey, with rooms in the roof served by rooflights, with a ridge to about 8.2m. It would comprise a terrace of six 2-bedroom dwellings and would be finished in a red/brown brick with artificial slate roofing. Each dwelling would have a rear garden with a shed for cycle storage. The front garden areas are shown to be paved. Front boundary treatments would comprise 0.9m high metal railings with sections of blockwork walls to screen bin storage areas in the front gardens. The rear gardens would be separated by 1.8m high close boarded fences. The rear gardens of Block B would be separated from the gardens of dwellings on New Street by a landscaped strip of proposed tree and shrub planting. A 1.2m high post and rail fence is proposed to mark the boundary of the end of the Block B rear gardens and the edge of the buffer strip, while a 1.8m high close boarded fence is proposed to the boundary of the New Street gardens and the buffer strip.
- 1.5 Block C would be sited towards the southern boundary of the site, adjacent to the existing car park to the south of the site. Like Block A, it would have two 'wings' with mono-pitched roofs linked by a subservient flat roofed section, and three storeys to a height of about 11m metres. It would comprise three 1-bedroom flats and nine 2-bedroom flats, with an integral refuse storage room. Each flat would be served by either external access direct to a private garden area or a balcony. This building would also be served by a communal landscaped area to the rear, which would contain a storage building for 14 bicycles. The landscaped areas to the front of the building would be partly open and partly enclosed by 0.9m high metal railings. The rear garden and southern site boundary would be enclosed by 1.8m high close boarded fence.
- 1.6 Blocks D and E would be sited on the western side of the site, adjacent to the boundary with a car park adjacent to the railway line. Block D would be towards the southern end of the western side and would have four storeys and mono-pitched roofs to a maximum height of about 14.6 metres. It would comprise twelve 1-bedroom flats and eight 2-bedroom flats, with an internal refuse storage room. Each flat would have either direct access to a private garden area or patio in the case of the ground floor units or a balcony. A detached building for storage of 20 bicycles is proposed to the rear of this building. The rear gardens and rear site boundary would be demarked by 1.8 close boarded fencing. There would be a landscaped strip to the front of the building, and a 0.9m metal railing to those parts of the front area which provides private patios.
- 1.7 Block E would be sited towards the northern end of the western side and would have three storeys and a mono-pitched roof to a maximum of about 11.6m. It would comprise nine 1-bedroom flats and six 2-bedroom flats with an integral refuse storage room. Each flat would have either direct access to a private garden in the case of the ground floor units or a balcony. A detached building for the storage of 20 bicycles is proposed to the rear of the building. The side boundary with the public footpath would comprise 0.9m high metal railings, with the rear boundary treatment being 1.8m close boarded fencing.
- 1.8 Parking for future residents would be provided through 68 un-allocated surface parking spaces. These are distributed throughout the site with 15 spaces along the site access to the north of Block B, 15 spaces in the parking court to the southern corner of the site, between Blocks B and C, 15 spaces in the parking court to the western corner of the site,

between Blocks C and D, 11 spaces on the northern side of the central access road, to the rear of Block A and 12 spaces around the central open space.

1.9 The application is accompanied by a number of supporting documents, including:

- Design and Access Statement
- Planning Statement
- Arboricultural Impact Assessment and Tree Schedule
- Transport Statement
- Drainage Report
- Landscape Strategy Report
- Noise Report
- Phase 3 Site Investigation Report (land quality)
- Preliminary Ecological Assessment
- Site Analysis Character Appraisal
- Sustainability Statement
- Travel Plan

#### DESCRIPTION OF THE SITE

1.10 The site is currently occupied by 27 dwellings, comprising a development of sheltered housing for the elderly and wardens accommodation. Since the Council's consideration of previous application DC/15/0154, the dwellings have been vacated and the site enclosed by hoarding in preparation for demolition. The site is bordered to the north by a public footpath, opposite which lies a new development of two-storey dwellings with rooms in the roof and a three-storey block of flats at Standings Court (mainly red brick and render walls and grey clad roofs) and an older, three storey block of flats at Dorset Court (mainly brick with tile roof). The approved drawings of Standings Court (DC/10/1121) show that the flats have a height of around 11 metres and the houses a height of around 10 metres. The site borders the rear gardens of dwellings fronting New Street to the east, the railway station car park to the west and the Victoria Street car park to the south. Dwellings on New Street are generally late 19th/early 20th century semi-detached dwellings. Buildings on the opposite side of the railway line are more commercial in character and include a number of office blocks. The site is largely flat, and there are a number of trees in the existing central open space, including a silver maple which is protected by Tree Preservation Order (TPO).

## 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), 31 (Green Infrastructure), 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).

## NEIGHBOURHOOD PLAN

- 2.5 Horsham Blueprint Neighbourhood Plan Area has been designated, but no draft Plan has yet been published.

## PLANNING HISTORY

|            |  |   |
|------------|--|---|
| HU/58/55   | Erection of aged persons bungalows and community hall (outline)  | Permitted                               |
| HU/27/56   | Aged persons bungalows (approval of details)   | Permitted                               |
| DC/15/0154 | Demolition of existing dwellings and erection of 69 dwellings (comprising 27no 1-bedroom flats, 38no 2-bedroom flats and 4no 3-bedroom houses) with associated car parking, bicycle storage, landscaping and external works, served by altered access onto Standings Court | Refused                                 |
| DC/16/0730 | Prior Notification for demolition of all existing buildings on the site including 1-27 Winterton Court and the communal space  | Prior Approval required and not granted |
| DC/16/1320 | Demolition of existing dwellings and erection of 66 homes with associated car parking and external works.  | Refused. Appeal lodged.                 |
| DC/17/0149 | Prior Approval for demolition of buildings at Winterton Court  | Prior Approval required and granted     |

## 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](http://www.horsham.gov.uk).

### INTERNAL CONSULTATIONS

- 3.1 Strategic Planning: No objection
- 3.2 Landscape and Horticultural Officer:  
No objection, satisfied with the provision of green space.
- 3.3 Housing Services Manager:
- Supports the mix and tenure split of affordable units.
  - Disappointing that there is a reduction in affordable housing overall compared to the existing 26 bungalows and wardens flat.
  - However, the affordable provision is policy compliant.
  - The site needs to be developed to deliver much needed affordable housing in a town centre location.

### OUTSIDE AGENCIES

- 3.4 West Sussex County Highway Authority:

No objection, subject to conditions. The consultation response includes the following points:

- The proposal would generate an increase in vehicle movements in the immediate locality, but in capacity terms the impact of this is not anticipated to be severe.
- On site roads are to remain private and not offered for adoption.
- Observations made on the previous application are applicable to the scheme as submitted, as the layout is near identical to that previously proposed.
- Carriageway widths vary, but the proposed one-way system means there would be no need for two opposing vehicles to pass.
- Refuse team should be consulted in respect of refuse collection arrangements.
- Provision of parking spaces immediately adjacent to the access is not ideal, but the access road would be low speed and lightly trafficked.
- The first parking bays on the western side of the access road are slightly unusual as they project into the access road. The kerb line should be adjusted here.
- Given the level of parking proposed, the development is not expected to result in any significant increased demand for on-street parking that would exacerbate or worsen any safety issue resulting from parking pressures.
- The roads in the surrounding area form part of the Horsham Controlled Parking Zone and there are measures in place to control how and where parking can take place to prevent parking from resulting in safety issues.

### 3.5 West Sussex County Council Lead Local Flood Authority:

No objection, subject to conditions requiring details of surface water drainage designs and full details of maintenance and management of surface water drainage.

### 3.6 West Sussex County Council Strategic Planning:

Requests financial contributions towards primary education (£44,890), secondary education (£48,312), libraries (£7,490), fire and rescue (£2,738) and transport (£57,453) to mitigate the impacts of the development.

### 3.7 Horsham District Cycling Forum:

- Cycle storage rooms need to be fully accessible via wide doors and separate from the bin storage.
- Cycle storage should be safe and secure in lockable rooms with lighting.
- Many of the cycle storage locations are not easily accessible, via long narrow pathways.
- Cycle storage for Blocks C, D and E should be moved to the front.
- Cycle storage for Block B is in the rear gardens and accessed through the house, which is impractical.
- The visitor cycle stands should be fully lit.

### 3.8 Southern Water:

No objection, subject to conditions requiring approval of details of diversion of public sewers and approval of a drainage strategy.

## PUBLIC CONSULTATIONS

### 3.9 Forest Neighbourhood Council: Objection

The consultation response includes the following points:

- The applicant is a social housing provider, and the development should therefore include more social housing.
- Fewer, but larger, properties should be built here.
- Concern regarding the mix of social housing tenants and private market/shared ownership homes.
- The WSCC parking calculator places over-reliance on dubious statistics. 68 parking spaces won't be sufficient.

- Although the County Council suggest only 6 or 7 additional traffic movements, the use as retirement bungalows generated minimal traffic movements and the proposal will generate significantly more.
- The management company contracted by the Applicant at their site at Kennedy Road does not satisfactorily manage parking at that site (parking on pavements, parking by non-residents, parking not in marked spaces etc.).
- The Neighbourhood Council will continue to object to this proposal until the Applicant presents a proper plan for dealing with parking and additional traffic.
- This is a missed opportunity to provide sheltered accommodation for the aging population.
- If approved, restrictions on construction hours should be applied and the NC should be consulted should there be any s106 or CIL monies arising.

3.10 The Council has received 20 letters of objection from 17 households, which include the following points:

- The reduction of one dwelling is minimal and does not address the previous objections.
- The number of dwellings remains too high for this site.
- Insufficient parking spaces are proposed.
- There is already pressure for on-street parking, and illegal/dangerous parking. This development will worsen the situation.
- The junction onto Standings Court is heavily trafficked by pedestrians and cyclists using the underpass and the entrance will not cope safely with an increase in traffic.
- Proposed traffic calming is not sufficient to ensure the pedestrian route remains safe.
- New Street is used as a cut-through and as a result is a busy road. The development will worsen this.
- Traffic generation models are based on out-dated figures.
- The high buildings are out of keeping with the Victorian and Edwardian section of old Horsham.
- The buildings would provide a dominating backdrop to New Street and Standings Court houses.
- The development will create noise and light pollution.
- More trees and vegetation should be retained than shown on the drawings, particularly ash tree T23 in the northern corner of the site.
- There is a lack of school places and space at doctor's surgeries to accommodate this development.
- The reduced amount of affordable housing suggests that there is less need for it and therefore the scheme should be much smaller scale.
- The development should include sheltered housing for the elderly to replace that which will be demolished.
- The central green space will not be used as there is parking all around it.
- The development will harm the amenity of neighbours due to loss of light, appearance of the buildings, additional noise, and light spillage.

#### **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

### Introduction and Principle of Development

- 6.1 The application follows the refusal of DC/15/0154 and DC/16/1320. While the main consideration and starting point for assessment of any planning application is whether the proposal complies with the adopted Development Plan, regard must also be had for other relevant material considerations. The previous reasons for refusal are a strong material consideration of significant weight in determining this application. It must therefore be considered whether any changes to the proposal, the site or the Policy context in which the application is determined would warrant the Council taking a different decision to that under DC/15/0154 and DC/16/1320.
- 6.2 Although DC/15/0154 was determined prior to the adoption of the HDPF, the second application (DC/16/1320) was considered after the HDPF adoption. Since the determination of DC/16/1320 there have been no changes to relevant Development Plan Policies, and these remain as set out in the report of that previous application. No objection was previously raised to the principle of development, which is within a built-up area and partly previously developed (note that residential gardens are excluded from the definition of 'previously developed land' in the NPPF). The principle of residential development of this site therefore remains acceptable.
- 6.3 In terms of changes to the proposed development since the previous refusals, the appearance has reverted from a traditional pitched roof design as proposed under DC/16/1320 to a more modern design with mono-pitched zinc-clad roofs and a mix of render, brick and boarding to the elevations (similar to the appearance of the flats at Standings Court), and the buildings have been reduced in height. The internal layout of the buildings has also been revised in response to concerns about internal noise transfer.

### Consideration of the First Reason for Refusal of DC/16/1320

- 6.4 The first reason for refusal of the previous application related to the amenity of future occupiers and stated:

*The proposed development represents the overdevelopment of a confined site, leading to a poor level of amenity for future occupiers of the development due to a deficiency of private and communal outdoor space for safe outdoor play, for residents to sit out in reasonable privacy, for drying washing out of doors and other ancillary residential purposes. In addition, the proposed layout has resulted in internal conflicts between adjacent room types in separate flats and many bedrooms facing the adjacent car park and railway line, leading to potential noise disturbance and the need to provide mechanical ventilation to bedrooms, as opening windows would result in noise disturbance for future residents. This is not a sustainable approach to addressing the relationship of the site with the railway, and would not result in a good quality living environment for future occupiers. The proposal is therefore contrary to Policies 1, 24, 32, 33 and 37 of the Horsham District Planning Framework (Adopted November 2015) as well as to the NPPF, in particular paragraph 17.*

- 6.5 The central square is not proposed to contain play equipment. This has been the case for the previous schemes and no objections were previously raised in respect of equipped play and recreation, as Horsham Park is a short walk away via the North Street underpass and provides play areas as well as other sports facilities and a large space for informal play and recreation. This remains the case.
- 6.6 It was considered that the previous scheme did not provide sufficient private amenity space for future occupiers. The proposed scheme has not changed materially in terms of the provision of amenity space. The Landscape Masterplan Strategy shows a slight amendment to the central square, with hedge planting to the edges to enclose the space

and prevent vehicles over-running and to further define the space. The Applicant's supporting information highlights that HDC does not have adopted standards for the provision of amenity space, but that the amount of amenity space provided complies with standards adopted by other adjacent councils (Crawley, Adur and Worthing). The private amenity spaces referred to in the previous reasons for refusal (i.e. balconies, patios and private garden areas) have not changed materially in the current scheme. However, given the absence of any defined local requirements for amenity space within the District, it is considered that the provision of space per unit is acceptable which is supplemented with the communal green square within the centre of the development.

- 6.7 The Environmental Health Officer previously identified conflict between room types in the buildings comprising flats which would have affected the amenity of future occupiers (i.e. kitchens above bedrooms), and highlighted the presence of the railway line as a noise source to be mitigated against, but recommended dealing with this by way of conditions. It was determined at Committee however, that a satisfactory internal environment for future residents could not be ensured through the use of conditions. The internal layout of buildings has subsequently been revised in comparison to the previous application to address these concerns. In addition, the Applicant has confirmed that they intend to meet the EHO's requirements in terms of exceeding the Building Regulations standards for resistance to passage of sound where necessary, and that this is achievable. It is therefore considered that the current proposal addresses the noise element of the previous refusal and can now be appropriately controlled through conditions.

#### Consideration of the Second Reason for Refusal of DC/16/1320

- 6.8 The second reason for refusal related to the appearance and scale of the development and stated:

*The height of proposed buildings does not respect or reflect the overall scale of buildings in this residential area and would result in an overly prominent appearance, forming a dominating backdrop to the smaller scale buildings on New Street and Standings Court. The proposal would therefore be harmful to the character and appearance of the locality and is contrary to Policies 1, 32 and 33 of the Horsham District Planning Framework (Adopted November 2015), as well as to the NPPF, in particular section 7.*

- 6.9 The design and appearance of the previously proposed schemes generated a great deal of discussion. The external materials and modern appearance proposed under DC/15/0154 reflected the new development at Standings Court, but the scale of buildings (up to 5 storeys) was akin to the commercial buildings on the opposite side of the railway and therefore at odds with the more domestic scale of buildings in the immediate surroundings. It was therefore concluded that the scale of the proposed buildings was not appropriate and any development should reflect those on this, eastern, side of the railway.
- 6.10 The second application DC/16/1320 proposed an amended design, reducing three of the buildings (Blocks A, C and E) to three storeys, Block D to 4 storeys and Block B to 2.5 storeys. However, in revising the external appearance of the buildings to incorporate traditional pitched roofs, the overall height of buildings increased, and it was concluded that the scheme presented under DC/16/1320 did not address the matter of the inappropriate height of buildings as set out in the refusal of DC/15/0154.
- 6.11 The external appearance of the buildings now proposed has reverted back to a more modern architectural style and materials in comparison to DC/16/1320, but the number of storeys and height of the buildings has reduced in comparison to the previous proposals. For ease of reference, the numbers of storeys and heights of buildings proposed over the course of the three applications for redevelopment of this site are summarised below (note that DC/15/0154 proposed a single block, D, on the western side, and this was subsequently split into two blocks, D and E, for the later applications):



|         | DC/15/0154 |            | DC/16/1320 |            | DC/16/2937 |            |
|---------|------------|------------|------------|------------|------------|------------|
|         | Storeys    | Height (m) | Storeys    | Height (m) | Storeys    | Height (m) |
| Block A | 2.5        | 10         | 3          | 12.2       | 3          | 11         |
| Block B | 3          | 9.7        | 2.5        | 10.4       | 1.5        | 8.2        |
| Block C | 5          | 15.8       | 3          | 12.2       | 3          | 11         |
| Block D | 5          | 15.6       | 4          | 15.2       | 4          | 14.6       |
| Block E | -          | -          | 3          | 12.2       | 3          | 11.6       |

- 6.12 In the vicinity of the site, many of the dwellings are two or 2.5 storeys, and the adjacent flats at Dorset Court and Standings Court are up to three storeys. Plans on the file for the planning permission for Standings Court show that the flats in that site are around 11m in height.
- 6.13 The proposed scheme has been amended to bring the overall height of buildings down to around 11m or less. Block D is slightly higher, at 14.6m, away from existing residential buildings and adjacent to the car park and railway line behind. The remaining blocks therefore provide a consistent transition from the smaller scale buildings on New Street, through the larger form residential properties of Standings Court and Dorset Court, to the larger scale commercial buildings on the opposite side of the railway.
- 6.14 In light of the changes that have been made to the scale and appearance of the buildings, it is considered that the second reason for refusal has been addressed and is not applicable to this revised scheme.

#### Consideration of the Third Reason for Refusal of DC/16/1320

- 6.15 The third reason for refusal related to the absence of a Legal Agreement to secure the affordable housing provision and stated:
- Policy 16 requires provision of at least 35% affordable units on developments of this scale. The provision of affordable housing must be secured by way of a Legal Agreement. No completed Agreement is in place by which to secure this Policy requirement. As such, the proposal is contrary to Policy 16 of the Horsham District Planning Framework (Adopted November 2015), to the Horsham District Local Development Framework Planning Obligations Supplementary Planning Document, and to the NPPF, in particular paragraph 50.*
- 6.16 The site as existing provides 27 affordable units in the form of 26 sheltered housing units for the elderly and one warden's flat. When a redevelopment was originally proposed for this site under DC/15/0154, all of the dwellings were proposed to be affordable units. However, the subsequent application DC/16/1320 proposed 35% affordable, with the remainder private market housing. The reduction in the Applicant's affordable housing offer was due to significant changes to the funding of Registered Providers since the original application, meaning that a 100% affordable scheme was no longer viable.
- 6.17 This application also proposes to provide 35% of the units as affordable, in accordance with Policy 16. This equates to 23 units, which would be split as 20 affordable rented units and 3 shared ownership units. Although this represents a net reduction in the number of affordable units from those currently on site, the new units would be of a more modern construction, with improved energy efficiency and more flexible layouts. The proposed tenure split also reflects the District's greatest need, which is for rented accommodation, and provides a greater percentage of units as affordable rented than the 70% expected by the HDPF. No objection was previously raised to the affordable housing offer, but at the time of determination there was no legal agreement in place to secure the affordable units,

and it was therefore necessary to include reference in the reasons for refusal to a lack of affordable housing provision. However, no objection is raised in relation to Policy 16 in the event that a satisfactory Legal Agreement is completed to secure the provision of on-site affordable housing. This is therefore reflected within the recommendation.

#### Other Matters Not Previously Objected To

- 6.18 The proposed development would also place additional demands on local services such as education and recreation facilities. The County Council have requested contributions towards infrastructure provision. However, the Applicant previously presented a Financial Viability Appraisal which demonstrated that it was not viable for the development to provide the financial contributions. This was assessed by the Council's financial consultants who confirmed that the provision of infrastructure contributions in addition to on-site affordable housing provision was not viable for the development. The Applicant has not provided a revised viability appraisal in relation to the current revised scheme. However, it is not considered that scheme viability will have changed in the time passed since the previous assessment (about 6 months) to a degree which would now mean financial contributions are viable. As per DC/16/1320, no objection is now raised to the non-provision of financial contributions to infrastructure.
- 6.19 The previous reasons for refusal did not relate to the privacy and amenity of neighbouring residents, parking and highways, flooding and drainage, ecology and biodiversity, sustainable construction and climate change or arboriculture and trees.
- 6.20 The current proposal is not materially different to the previously refused scheme in respect of these matters, and therefore no objection is now raised. It is noted that a number of the letters of objection refer to parking and highways issues. However, the County Highway Authority have advised that sufficient provision is made for parking and that the trips generated by the development can be accommodated in the surrounding highway network. Full details of a suitable scheme of drainage are to be secured by condition, as can a scheme to deliver net gains in biodiversity across the site and to ensure retained trees are protected during construction.

#### Conclusion

- 6.21 In conclusion therefore, it is considered that the principle of development in a sustainable location within a built-up area is acceptable. As set out above, the previous reasons for refusal relating to noise impacts and the scale of development have been addressed by the revised scheme. The previous reason for refusal relating to affordable housing will be addressed by the completion of a Legal Agreement.
- 6.22 The element of the first reason for refusal of the previous application relating to provision of private amenity space has not been specifically addressed. However, given the improved internal environment that can be achieved through the redesign of the flatted Blocks, it is considered that a satisfactory environment and reasonable level of amenity space can be provided for a development of this density in a town centre location, and that the resultant development would not warrant refusal on this basis. Therefore, while the level of amenity space has not materially increased, all other matters are now satisfactorily addressed and, on balance, it would not be reasonable to pursue refusal on the grounds of insufficient amenity space alone.

## 7. RECOMMENDATIONS

7.1 To delegate the application for approval to the Development Manager, subject to conditions and a Legal Agreement to secure on-site affordable housing provision. Proposed conditions at the time of drafting are:

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 shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - a. An indicative programme for carrying out of the works
  - b. The arrangements for public consultation and liaison during the construction works
  - c. Measures to minimise the noise (including vibration) generated by the demolition and construction process to include hours of work, proposed methods of demolition, proposed methods of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
  - d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
  - e. The anticipated number, frequency and type of vehicles used during demolition and construction.
  - f. The method of access and preferred routing of vehicles during demolition and construction.
  - g. The parking of vehicles of site operatives and visitors
  - h. Loading and unloading of plant, materials and waste
  - i. Storage of plant and materials used in constructing the development
  - j. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - k. 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),
  - l. Measures to control the emission of dust and dirt during demolition and construction
  - m. A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and the amenity of nearby residents in accordance with Policies 40, 33 and 24 of the Horsham District Planning Framework (Adopted November 2015).

4. No development, including works of any description, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:
  - (a) All required arboricultural works, including permitted tree felling and surgery operations and above ground vegetative clearance within such areas set out for development as indicated on the approved site layout drawing to be completed and cleared away;
  - (b) All trees on the site targeted for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012). Once installed, the fencing shall be maintained during the course of the development works and until all

machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policies 31 and 33 of the Horsham District Planning Framework (Adopted November 2015).

5. Prior to the commencement of the development hereby permitted, full details of provision of facilities for charging plug-in and other low-emission vehicles 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 and no dwelling shall be occupied until provision has been made for occupiers of that unit to access the charging facilities.

Reason: To encourage low-emissions vehicle choices in order to assist in ensuring delivering the Air Quality Action Plan for this area in accordance with Policy 24 of the Horsham District Planning Framework (Adopted November 2015).

6. Prior to the commencement of the development hereby permitted, full details of the measures which will be undertaken to divert and/or protect public sewers within and adjacent to the site 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.

Reason: To ensure that existing infrastructure is maintained to serve existing properties, in accordance with Policy 39 of the Horsham District Planning Framework (Adopted November 2015).

7. Prior to the commencement of the development hereby permitted, a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. Where Sustainable Drainage Systems are proposed, the drainage strategy shall include details of responsible parties for the implementation of the scheme and a management and maintenance plan for the lifetime of the development. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure that surface water is effectively managed in accordance with Policies 35 and 38 of the Horsham District Planning Framework (Adopted November 2015).

8. Notwithstanding the details shown on the drawings hereby permitted, a full schedule and samples of materials to be used in the external construction of the development hereby permitted, including where necessary drawings to show the extent of each type of material on each building, shall be submitted to and approved in writing by the Local Planning Authority prior to completion up to slab level of any building hereby permitted. 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 (Adopted November 2015).

9. Prior to the commencement of any works above slab level, detailed plans, including cross sections as appropriate, showing the existing and proposed ground levels and the

proposed slab and finished floor levels of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality, in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

10. Prior to the commencement of the development hereby permitted, details of the proposed means of foul and surface water sewerage disposal 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.

Reason: To ensure that satisfactory sewerage infrastructure is in place to serve the development, in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

11. Prior to the commencement of the development hereby permitted above slab level, details of a scheme to protect the proposed dwellings and flats from noise from the adjacent railway and car park and that achieves the internal noise levels in bedrooms and living areas in accordance with BS8233:2014, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and no flat or dwelling hereby approved shall be occupied until the results of post-construction survey of internal noise levels has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable level of amenity for future occupiers in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

12. Prior to the commencement of any development above slab level, details of a scheme for internal noise insulation to minimise noise transfer between adjoining dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve at least 5 dB greater sound reduction than the values given in Section O of the Building Regulations 2010 Approved Document E Resistance to the Passage of Sound. The development shall thereafter be carried out in accordance with the approved details and no unit shall be occupied until the scheme for noise reduction for that unit has been implemented as approved.

Reason: To ensure an acceptable level of amenity for future occupiers in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the measures to facilitate the provision of high speed broadband internet connections to the development have been submitted to and approved in writing by the local planning authority, details shall include a timetable and method of delivery for high speed broadband of each dwelling/unit. The delivery of high speed broadband infrastructure shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

14. Any dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit water use of each dwellinghouse or flat to 110 litres per person per day. Prior to commencement of construction confirmation shall be submitted in writing to the Local

Planning Authority that the Building Control Body has been notified that the optional standard is in force for this development. The subsequently approved water limiting measures shall thereafter be retained in accordance with the approved details, other than replacement with other water limiting measures of equal or better efficiency.

Reason: To ensure that water usage is limited in this area of water stress, in accordance with Policy 37 of the HDPF.

15. Prior to the construction of any building above slab level, full details of the bicycle storage buildings shown on drawing number 13/080 PL52 Rev A received by the Local Planning Authority on 21st December 2016 shall be submitted to and approved in writing by the Local Planning Authority. No dwelling or flat hereby permitted shall be first occupied until covered and secure cycle parking spaces serving that unit have been provided in accordance the approved details.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).

16. Prior to the occupation of any part of the development hereby approved full details of all hard and soft landscaping works, including details of surfacing materials and construction of the access road and surrounding areas of hardsurfacing, shall be 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.

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

17. No flat or dwelling hereby approved shall be occupied until the results of post-construction survey of sound insulation levels between the dwelling and any adjoining dwellings have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable level of amenity for future occupiers in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

18. Prior to the initial occupation of the development hereby permitted, the access onto Standings Court shall be constructed in accordance with the approved drawings.

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

19. No dwelling or flat hereby permitted shall be first occupied until the car parking serving that unit has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for parking in connection with the dwellings hereby permitted.

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

20. No dwelling or flat hereby permitted shall be first occupied until the boundary treatments enclosing the amenity space associated with that unit or Block have been erected in

accordance with the approved details shown on drawing number LLD/699/03 Rev 5 received by the Local Planning Authority on 21st December 2016.

Reason: In the interests of the amenity of future occupiers and the appearance of the development, in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

21. No dwelling/flat hereby permitted shall be occupied unless and until provision for the storage of refuse/recycling bins associated with that unit has been made within the site in accordance with the approved drawings. The facilities for refuse and recycling storage shall thereafter be retained in accordance with the approved drawings.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 37 of the Horsham District Planning Framework (Adopted November 2015).

22. No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours 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 (Adopted November 2015).

23. The development hereby permitted shall be carried out in full accordance with the recommended measures set out in sections 6 and 7 of the Preliminary Ecological Appraisal and Protected Species Assessment, dated 9<sup>th</sup> December 2016 and received by the Local Planning Authority on 21<sup>st</sup> December 2016.

Reason: To ensure reasonable and proportionate measures are taken to avoid harm to wildlife and to enhance local biodiversity, in accordance with Policy 31 of the Horsham District Planning Framework (Adopted November 2015).

24. No trenches or pipe runs for services, drains, or any other reason, shall be excavated anywhere within the root protection area of any tree or hedge targeted for retention on or off the site without the prior written approval of the Local Planning Authority.

Reason: To protect roots of important trees and hedgerows on the site in accordance with Policies 31 and 33 of the Horsham District Planning Framework (Adopted November 2015).

25. Notwithstanding the provisions of Article 3 of the Town and Country 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 and E 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 the interest of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

26. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended, no means of enclosure other than those shown on drawing number LDD/699/03 Rev 5 received by the Local Planning Authority on 21<sup>st</sup> December 2016 shall be erected on the north eastern boundary of the site adjacent to the public footpath.

Reason: In the interests of the visual amenities of the area and to ensure the footpath is sufficiently overlooked, in accordance with Policy 33 of the Horsham District Planning Framework (Adopted November 2015).

Notes to Applicant:

- a. Removal of waste and clearance of debris and construction waste from the site, including all asbestos waste, should only be carried out by an appropriately licensed waste removal contractor.
- b. The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. A formal application for connection to the water supply is required in order to service this development. The applicant should contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire, S021 2SW (Tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.
- c. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
- d. 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.
- e. Any alteration to, or replacement of, the existing boundary with the PROW or the erection of new fence lines, must be done in consultation with WSCC's RoW Team to ensure the legal width of the footpath is maintained and there is no unlawful encroachment. Access along the PROW by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right. If the footpath's surface is considered damaged as a result of the development then the applicant will be required to make good the surface to a standard satisfactory to WSCC's RoW Team. Should any building works, demolition or construction encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to WSCC's RoW Team. The granting of planning permission by the Local Planning Authority does not confer consent for such a closure, which would require a separate application to WSCC's RoW Team.
- f. All asbestos containing materials shall be identified and removed by an appropriately licensed and competent contractor prior to the commencement of any other works.
- g. 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.

Background Papers: DC/16/1320 & DC/15/0154