



Horsham  
District  
Council

# ADDENDUM A

28<sup>th</sup> April 2017

## RECOMMENDATION

### AMENDED RECOMMENDATION:

‘To delegate the application for approval to the Director of Planning, Economic Development and Property, in consultation with the Chair and Vice-Chair of the Planning Committee (North), the Chair and Vice-Chair of the Planning Committee (South) and the Cabinet Member for Planning & Development, subject to a Legal Agreement to secure the details as set out in the attached Heads of Terms and appropriate conditions. Both the Legal Agreement and planning conditions may be added to, removed or varied.’

## OUTCOME OF CONSULTATIONS

### INTERNAL CONSULTATIONS

- 3.9.1 HDC - Economic Development
- Strong support for the proposal.
  - The proposed business park is a key element of the emerging Economic Strategy offering an excellent opportunity to increase skilled, higher paid jobs in the District.
  - Timing of delivery must be secured to ensure the business park comes forward.
  - The branding and identity of the business park should be secured through the Reserved Matters application.
  - Proposal presents opportunities to assist home based and micro businesses.
  - Links to the Town Centre must be secured including a new entry sign and information points.
  - The S106 should seek to secure:
    - Opportunities for apprenticeships and work experience placements relating to construction;
    - Procurement opportunities advertised with local traders and suppliers; and
    - Job opportunities advertised locally.
  - No additional comments to make. The issue of the phasing of the business park is still to be addressed.
- 3.9.2 HDC - Air Quality
- The development would be classified as a ‘Major’ proposal through the Horsham District Council Planning Advice Document: Air Quality & Emissions Reduction Guidance and a quantitative air quality assessment is therefore needed (this should focus on the Horsham Gates area of North Street).
  - Concern that the traffic flow data appears inaccurate in terms of where traffic arising from the development is likely to be directed.

- There is some uncertainty over the calculation of the required contribution arising from the traffic flow data.
- Both an operation and construction phase mitigation plan are required.

## OUTSIDE AGENCIES

Letters of representation received from the following organisations are summarised here separately for clarity.

- |        |  |  |
|--------|--|--|
| 3.31.1 | CPRE<br>(Campaign to<br>Protect Rural<br>England) –<br>Sussex Branch | <p>Objection to the planning application. Main concerns include:</p> <ol style="list-style-type: none"> <li>1. Inadequate provision of affordable housing, and not policy compliant.</li> <li>2. Inadequate consideration for biodiversity and ecology. Lack of appropriate surveys and mitigation proposals.</li> </ol> <ul style="list-style-type: none"> <li>• Supplementary representation to the previous objection. Concerns are: <ol style="list-style-type: none"> <li>1. Results obtained by the applicant's Integrated Magnetometry and Fieldwalking Survey are not sufficient to identify areas of particular archaeological interest or sensitivity.</li> <li>2. LIDAR data should be used to find and identify archaeological features North of Horsham.</li> <li>3. Determination as to whether there are archaeological features in the area of Ancient Woodland that could be destroyed or damaged by road construction.</li> <li>4. Potential for presence of Romano-British settlements and activity on this site should not be underestimated.</li> </ol> </li> <li>• Further objection. 30% offer for affordable housing (AH) is not policy compliant (policy 16 requires 35%). This would result in a shortfall of 137 affordable homes. The applicant proposes that 5% of the AH will be conditional on the performance of the business park; therefore there may be less than 30%. The Objectively Assessed Needs for the District will not be met if this development provides less than 35% AH. This site was included in the HDPF on the understanding it would provide 35% AH.</li> </ul> |
| 3.31.2 | Horsham<br>Town<br>Community<br>Partnership                          | <p>HTCP neither object nor support the planning application. Main reasons for comment include:</p> <ul style="list-style-type: none"> <li>• HTCP welcome the inclusion of the Riverside Walk project team in discussions relating to this planning application.</li> <li>• Rather than the installation of a new footbridge over the A264 the HTCP would rather see improvements to the existing PRow pathway running alongside the A264 and railway line.</li> <li>• If a footbridge is installed, a better location would be on the A264 section near Wimland Road.</li> </ul>   |
| 3.31.3 | The Horsham<br>Society   | <p>Objection to the planning application. Main concerns and reasons for objection include:</p> <ul style="list-style-type: none"> <li>• The principle of the development.</li> <li>• Lack of clarity on what the development will offer.</li> <li>• Lack of consideration for retention of ancient woodland/hedgerows. The proposed road through Bush Copse should be rerouted to avoid destruction of the</li> </ul>  |

woodland.

- Inadequate consideration and assessment of wildlife habitats. Mitigation only covers selected species.
- The Environmental Assessment is far from acceptable and is challengeable.
- Wildlife corridors need to be created and enhanced, with a funded management plan.
- The A264 is a dividing line; more thought is needed on how the site will integrate with the existing town.
- A speed restriction of 40mph will impact on traffic flow.
- Proposed footbridge is unsightly, and will not aid pedestrians and cyclists. Underpasses should be included instead.
- Route for waste recycling vehicles through the new development will be dangerous and will pose a health risk.
- The parkway station is not guaranteed, and an existing station is likely to be closed as a result.
- Impact on traffic on A24 is unknown.
- The design and layout of the proposed commercial/business space is unknown, so comment cannot be passed on its quality. Take up of these units will be slow, and dependant on railway station/Gatwick expansion.
- Inclusion of a major supermarket will encourage out-of-town shopping – harming the existing town centre, and increasing traffic on A264.
- Little information about leisure facilities.
- It is not clear that the Education offer is compliant with HDPF policies.
- Healthcare provision is not clear.
- Insufficient affordable housing offer (not policy compliant). 35% must be achieved. The AH contribution should be secured in the s106 to ensure it is enforceable.
- CIL – no CIL contribution is offered. How will the council fund required 'off site' infrastructure?
- Plot references on the Phasing Plans and the Framework Plan-Development are different which is confusing. Clarification is required.
- A statutory Design Panel should be appointed to monitor design of the development.
- The density plans are confusing. High density development near the A264 will reveal the undesirable intensity of the development.
- The proposed road at Morris Farm should be re-routed.
- No account taken of the West Sussex Strategy for Walking and Cycling.
- Few routes for cycling are indicated on the Movement and Access Plan.

Further Objection received. Main concerns include:

- No justification for loss of Ancient Woodland
- Inadequate number of proposed road crossings to link the development to the existing town. An underpass should be included.
- No footbridge design. HS would like to be involved with the design of this feature.
- The method of allocation and design of each building parcel is

unclear.

- A Design Panel should be set up for the development.
- No further information is available on Landscape Management Companies.
- Affordable Housing offer remains too low.
- HDC should re-assess the decision not to require a CIL contribution.

## PUBLIC CONSULTATIONS

3.38.1 A total of 91 letters of representation objecting to the development have been received along with 25 letters of representation which neither object nor support the proposal. The comments raised within these letters are summarised within the main report.

## PLANNING ASSESSMENTS

### *Transport Issues*

6.22 CORRECTION - Replace first bullet point with:

- ‘A new roundabout where the re-aligned Langhurstwood Road meets the A264. This will be a signalised, multi modal junction, including a prioritised bus link into the development from the south and at grade pedestrian and cycle links into the development.’

## RECOMMENDATIONS

- 7.2 Since the publication of the main report a few alterations and additions are proposed to some of the suggested conditions. In relation to time limits, it is proposed to break these down such that the submission of details for Reserved Matters applications and the commencement of the main phases are controlled (see Conditions 3 and 4 below).
- 7.3 Given that the application site spans a number of different land ownerships, further conditions and obligations are proposed to ensure that all of the land is appropriately bound into the Legal Agreement at the appropriate time. This will ensure that the provisions of the Agreement are secured and that infrastructure costs are appropriately shared across the development to safeguard a timely delivery of approved details and phases.

### Suggested conditions:

#### **Time Limit**

3. Applications for the approval of all of the Reserved Matters for all phases of the development shall be made to the Local Planning Authority before the expiration of 12 years from the date of this permission and shall be made in respect of the following phases before the expiration of the following timescales:
  - Phase 1: within 2 years from the date of this permission
  - Phase 2: within 5 years from the date of this permission
  - Phase 3: within 10 years from the date of this permissionReason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be begun in accordance with the following:
  - Phase 1 of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2

years from the date of approval of the last of the Reserved Matters to be approved in respect of Phase 1 of the development, whichever is the later.

- Phase 2 of the development hereby permitted shall be begun either before the expiration of 7 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved in respect of Phase 2 of the development, whichever is the later.
- Phase 3 of the development hereby permitted shall be begun either before the expiration of 12 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved in respect of Phase 3 of the development, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

### **Land Ownership & S106**

Further conditions and obligations to be included covering:

52. No development shall commence within a relevant sub-phase under the Planning Permission unless and until all parties with a legal or equitable interest in the land forming part of the relevant sub-phase, as identified on the approved Phasing Plan (“a Third Party”), have been satisfactorily joined as parties to the S106 Agreement.

Reason: To satisfactorily secure the necessary infrastructure and other S106 Agreement requirements for the development in accordance with the NPPF and Policies SD5, SD6, SD7, SD8, SD9 and 39 of the Horsham District Planning Framework (2015).

53. The development within each sub-phase under the Planning Permission shall be fully carried out and completed prior to development commencing on a further sub-phase unless:

- an amended Phasing Plan has been approved accordingly; and
- unless otherwise agreed in writing by the Council, satisfactory public road access and all mains services have been provided to the edge of the boundary of any part of the relevant sub-phase where any Third Party land has not yet been joined into the S106 Agreement, subject to an agreement (which the Developer shall use reasonable endeavours to achieve) with the relevant Third Party in respect of appropriate cost sharing in relation to overall S106/equivalent infrastructure costs and any other appropriate costs sharing in relation to the overall Development.

Reason: To satisfactorily secure the necessary infrastructure and other S106 requirements for the development in accordance with the NPPF and Policies SD5, SD6, SD7, SD8, SD9 and 39 of the Horsham District Planning Framework (2015).

54. In respect of land comprising the following title numbers: WSX200825, WSX65325, WSX63427, WSX205794, WSX87009 and WSX201293 (“Third Party Developer Land”), no works shall be carried out on the Third Party Developer Land under the Planning Permission unless and until all parties with a legal or equitable interest in the Third Party Developer Land have satisfactorily entered into a cost sharing agreement with those owners (or their successors in title) of land which is bound by the terms of the s106 Agreement and satisfactory evidence of such agreement has been provided to the Local Planning Authority. Such cost sharing agreement shall address overall S106/equivalent infrastructure costs sharing and any other appropriate costs sharing in relation to the overall Development.

Reason: To satisfactorily secure the necessary infrastructure and other S106 requirements for the development in accordance with the NPPF and Policies SD5, SD6, SD7, SD8, SD9 and 39 of the Horsham District Planning Framework (2015).

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