



TO: Planning Committee (North)
BY: Head of Development
DATE: 5 June 2018
DEVELOPMENT: Proposed site for settled gypsy accommodation with 4 pitches.
SITE: Hawthorns Bar Lane Southwater West Sussex
WARD: Nuthurst
APPLICATION: DC/17/2216
APPLICANT: **Name:** George Corfield **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received of a contrary view to the Officer recommendation.

RECOMMENDATION: To approve planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks the provision of four gypsy and traveller pitches with associated utility building and car parking to each plot. The existing building on the site will be used for ancillary storage purposes in association with the proposed use of site.
- 1.3 The mobile homes would be approximately 6m by 12m, providing 2 bedroom accommodation, with the utility buildings each being some 5m by 5m. Each plot would be approximately 15m in width and 30m in depth with a parking area of some 8m in depth to the front. The development is intended to address the general need for gypsy and traveller pitches and is not being identified for a specific family group.
- 1.4 The site layout would include a central access road some 6m in width, a turning head on the eastern section and amenity areas to the west which adjoins the public highway, along with a paddock area to the eastern section of the site.
- 1.5 The scheme as originally submitted was for six gypsy and traveller pitches and the conversion of the existing building on the site for a mini-supermarket/farmshop. In response to concerns received as part of the application process the retail element was omitted and the number of pitches reduced, as set out above.

DESCRIPTION OF THE SITE

- 1.6 The site is located outside of any defined built up area and lies to the south east of Southwater. The site, measuring some two hectares, is positioned along the eastern side of Bar Lane with an existing agricultural type access of Bar Lane.
- 1.7 The site currently comprises a large open sided barn alongside a smaller barn which are both located in the south west corner of the field. The barns were granted permission in the 1980's though not constructed until relatively recently, as it was deemed by way of a lawful development certificate (DC/07/0648) that the original permission(s) had been implemented.
- 1.8 The site is bounded by open fields to the north, east and south with Bar Lane running along the western boundary. The nearest neighbour lies some 86m to the south west of the site. Copsale, the nearest settlement, lies some 600m to the north of the site.
- 1.9 There have been a number of notifications submitted under Part 3, Class Q of The Town and Country Planning (General Permitted Development Order) (England) 2015 (GDPO) for the building on site the site to be converted to a dwelling. The most recent notification was dismissed at appeal on the grounds that the site was not used solely for an agricultural use as part of an established agricultural unit in March 2013 (ref: DC/16/2527).

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (2015):

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations
- Policy 22 - Gypsy and Traveller Sites
- Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities

Supplementary Planning Guidance:

- 2.3 The Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) (Preferred Strategy) – published for a six week consultation period between 1 December 2017 and 26 January 2018.

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Nuthurst Neighbourhood Plan was 'made' on 22 October 2015. A modification to the 'made' plan was agreed on 20.01.2017.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 The recent and relevant planning history relating to the site is as follows:

DC/07/1239	2 x stable boxes and hay store building	Application Refused on 15.08.2007
DC/13/0257	Conversion of existing buildings to equestrian stud facilities and construction of sand arena	Application Permitted on 18.07.2014
DC/16/1441	Prior approval for change of use from agricultural building to dwelling (C3 Use class)	Prior Approval Required and REFUSED on 19.08.2016
DC/16/2527	Prior Approval for a Change of Use from agricultural building to dwelling (C3 Use Class)	Prior Approval Required and REFUSED on 22.12.2016

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Strategic Planning:** It is acknowledged that Gypsy and Traveller sites allocated through policy 21 of the HDPF have yet to come forward and therefore, the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration in terms of the determination of this planning application. However, the proposed development has the potential to conflict with policy 23 (1) (d) and (e), and moreover, policy 25 of the HDPF in terms of its impact on the character and appearance of the surrounding landscape.
- 3.3 **HDC Landscape Officer** – *“...the site is well enclosed from view and subject to enhancement being provided, there is no wider or local visual harm arising from the development. Inevitably, the urbanisation of the site resultant from the introduction of 4 mobile homes and associated utility buildings, access roads, boundary treatments, etc does result in harm to the landscape character although it's not unusual for some form of development to be found along Bar Lane.”*
- 3.4 **HDC Drainage Engineer** – No objection.

- 3.5 **HDC Environmental Health** – No objection however in order to ensure the development remains appropriate for its rural context it is recommended that appropriate conditions are applied to prevent any commercial activities, importation and storage of any materials and vehicles.

OUTSIDE AGENCIES

- 3.6 **WSCC Highways:** No Objection (following the submission of additional information) subject to conditions relating to the submission of a construction management plan and plans showing the vehicular access, and visibility splays being provided prior to first occupation of the site.
- 3.7 **Southern Water:** Comments – there is no public foul sewer in the vicinity of the site and therefore the applicant will need to examine alternative means of foul sewage disposal.

PUBLIC CONSULTATIONS

- 3.8 86 letters/emails of objection were received when the application was originally submitted with a further 33 objections received in respect of the amended scheme (total of 119 objections from 77 households). The letters/emails received raise the following concerns:

- Unsustainable location
- No access to public transport
- Highway safety concerns
- Increase in traffic
- Flooding issues with the site and the access road
- Site not allocated within either HDC local plan or Nuthurst Parish Neighbourhood Plan
- Adverse effect on setting of neighbouring listed buildings
- Out of keeping with rural character of the area
- Disproportionate increase in population in the area
- Noise from the site
- Loss of agricultural land

PARISH COUNCIL

- 3.9 Nuthurst Parish Council object to the application on the following grounds:-
- Highway safety concerns
 - Unsustainable location
 - No access to public transport
 - Impact on setting of nearby listed properties
 - No investigation of contamination
 - No landscape impact or ecology assessment
 - Part of the site lies within flood zones 2 and 3
 - Not supported by Nuthurst Parish neighbourhood Plan
 - No community consultation or engagement
 - The draft site allocations DPD concludes that the site is not in a sustainable location and the development is likely to have a detrimental impact on the character and appearance of the surrounding landscape
- 3.10 Southwater Parish Council object to the application on the following grounds:-
- The site is within the countryside outside of the built up area boundary
 - Overdevelopment
 - Highway issues
 - Unsustainable location
 - Services in nearby settlements are already burdened
 - Ecological impacts

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 main issues in the consideration of the application are:-

- Principle of development
- Impact on the character and appearance of the streetscene
- Impact on the privacy and amenity of the occupiers of neighbouring properties
- Highway safety

Principle of development

- 6.2 In 2015, the government published its 'Planning Policy for Traveller Sites' (PPTS) to be read alongside the NPPF. Policy H of the guidance relates to the determination of planning applications for traveller sites. At paragraph 23, it states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. Also, paragraph 24 of the Planning Policy Guidance requires Local Planning Authorities to consider the existing level of local provision and need for sites, along with the availability (or lack) of alternative sites for the applicants, and other personal circumstances of the applicant.
- 6.3 It is noted at Paragraph 27 of this document that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
- 6.4 In terms of local planning policy, Policy 21 of the HDPF, Gypsy and Traveller Site Allocations, makes provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011-2017. This is partly in order to fulfil the backlog of unmet need identified through the Council's current Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2013). The policy confirms that Horsham District Council will make provision for further pitches over the rest of the Plan period from 2017 to 2031 in a Site Allocations DPD. It is however acknowledged that a number of sites allocated through Policy 21 of the HDPF have yet to come forward and therefore the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites.
- 6.5 The Council has prepared a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) - Preferred Strategy, which was subject to recent consultation. This document incorporates further work based on the comments received during the April 2017 consultation on the first published draft of the document. The document was expected to be heard at cabinet but has since been delayed with no agreed timescales at present for it to be taken forward. The site the subject of this application has been assessed as part of this process and has been found to be unsustainable with an extract from the document set out below:-

'The site is located 2.9km away (by road) to the settlement of Southwater, however the main retail facilities and community facilities in Lintot Square, would be 4.4 km away and the school approximately 4.7 km away via road. Consequently the provision of GTTS in this location would necessitate a reliance on private car use and would be unsustainable. Development is also likely to have a detrimental impact on the character and appearance of the surrounding landscape. As such it is considered that the site is not suitable for the allocation of Gypsy and Traveller pitches within this document.'

- 6.6 It is acknowledged that the sites allocated through policy 21 of the HDPF have yet to come forward and therefore, the Council is currently still unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration in terms of the determination of this planning application and would weigh in favour of the proposal, provided that the proposed development does not significantly depart from the criteria laid out in policy 23 of the HDPF and the PPTS.
- 6.7 It is noted that the site has not been submitted in support of a particular identified familial need and the site does not lie adjacent to, or close to, another such housing site. The accommodation needs of the applicants or end users are therefore not known. However, a number of sites allocated through Policy 21 of the HDPF have yet to come forward and the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration which weighs in favour of granting planning permission for the proposed development, subject to compliance with other relevant policies of the HDPF.

Sustainable Development

- 6.8 Policy 23 of the HDPF requires that sites are served by safe and convenient pedestrian and vehicular access, and should not result in significant hazard to other road users. Furthermore, there is an expectation that sites are located in or near existing settlements, within reasonable distance of a range of local services and community facilities, such as schools and essential health services.
- 6.9 The nearest classified settlement to the application site is Southwater which is a designated as a 'small town/larger village' in the HDPF and is a settlement which provides a good range of services and facilities, strong community networks and local employment provision together with reasonable rail and/or bus services. The southern boundary of the settlement is located some 2.9 km away via road with the main retail facilities of the settlement and some community facilities in Lintot Square located approximately 4.4 km away via road. The nearest school would be approximately 4.7 km away via road. Whilst the majority of future residents would rely on the use of private motor vehicles for most, if not all, journeys, it is noted that the Downs Link provides access by foot/bicycle from Copsale to Southwater (approximately 2.5km to Lintot Square). There is also bus services available from Buck Barn or Southwater giving access to Horsham, Crawley, Shoreham, Worthing and Brighton.
- 6.10 At the present time, and taking into account the recognised shortfall of suitable identified sites across the District, there is no indication that preferable available sites would emerge in locations with superior links to settlements / built-up areas. The application site is not considered to be particularly isolated owing to fact that there are a number of residential and commercial uses in the locality. For example, there are a number of sporadic residential properties along Bar Lane, a veterinary clinic some 500m to the south and the facilities at Buck Barn some 1.7km to the south. In addition there is an existing vehicular access onto Bar Lane which would provide direct vehicular access to neighbouring settlements and to the A24 which provides good access to a number of larger settlements in the area. In this instance, and taking into account the background and above factors, the location of the site and nature of the proposed development is considered to sufficiently accord with the relevant criteria of the HDPF.

Landscape Character

- 6.11 The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS states that Local Planning Authorities should “*very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*”. Furthermore, it advises that any sites in rural areas respect the scale of and do not overdominate, the nearest settled community.
- 6.12 In this instance, the nearest ‘settled community’ would be Copsale which is some 600m to the north. Copsale is a small hamlet of properties with sporadic properties on the roads leading into the village. The scale of the proposal, amounting to four pitches, would not be considered to overdominate the wider character of the area, which as existing is marked by sporadic residential development.
- 6.13 In terms of local planning policy, Policy 23 of the HDPF is of particular significance given the location of the site in the countryside and its associated visual impact as are policies 26, 32 and 33 of the HDPF which relate to landscape impact. Policy 26 of the HDPF in particular seeks to protect the rural character and undeveloped nature of the countryside from inappropriate development, allowing development that is essential to its countryside location and that meet a number of criteria.
- 6.14 Whilst the application site lies in open countryside, it is surrounded on three sides by dense and vegetated boundaries, including along the boundary with the highway. The Council’s Landscape Officer has advised that the “*The proposed development has been positioned away from the access road and therefore any immediate views from Bar Lane have been mitigated.*”
- 6.15 It is recognised, taking account of the associated ‘development’ required to provide each pitch with the necessary elements of open space, privacy, amenity blocks, space for touring vans / trailers, cars and other domestic accoutrements, that the character of the site would change from what currently appears as a rural agricultural use to a more ‘developed’ site. The Council’s Landscape Officer has concluded in her response that “*Inevitably, the urbanisation of the site resultant from the introduction of 4 mobile homes and associated utility buildings, access roads, boundary treatments, etc does result in harm to the landscape character although it’s not unusual for some form of development to be found along Bar Lane. I am also mindful of the significant need for this type of sites in the district and that this need may outweigh the landscape harm identified. Some of this harm can be mitigated through good design and used of suitable materials including soft landscape, treatment of buildings and boundaries, surfacing, lighting, etc.*”
- 6.17 Paragraph 26 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:
- a) effective use of previously developed (brownfield), untidy or derelict land;
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.18 The proposal would broadly accord with the above criteria. It is considered that the modest level of accommodation being proposed and the inconspicuous nature of the site and immediate surroundings would mitigate the visual impact such that there would only be limited harm to the prevailing character of the countryside. A number of conditions have been

recommended by the Landscape Officer to mitigate some of the harm caused to the landscape character and it is recommended that such conditions are attached to any permission granted.

- 6.19 It is noted that there are two grade II listed buildings, '8 Bar Lane' and 'Little Tuckmans' some 86m and 235m to the south of the application site. However, owing to the intervening mature planting around the site boundaries, there would be a limited direct visual link between the application site and the listed properties. As such there would be no adverse impact on the setting of 8 Bar Lane and there is no conflict with Policy 34 of the HDPF.

Amenity Impacts

- 6.20 Policy 23 requires the following to be taken into consideration when determining allocation of land for Gypsies, Travellers and Travelling Showpeople:

“(e) The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.”

- 6.21 Policy 33 of the HDPF echoes this and requires that development is designed to avoid unacceptable harm to occupiers of nearby land and property, for example, through overlooking or noise.
- 6.22 The site is some 86m from the nearest residential property, and whilst local residents have raised concerns as to the impact that the proposal will have on their privacy and amenity, it is not considered that the scheme as proposed will have an adverse impact on the privacy or amenity of the occupiers of the neighbouring residential properties sufficient to warrant refusal of the application.

Highways Impacts

- 6.23 Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.
- 6.24 WSCC Highways advised that as originally submitted the application included insufficient information to allow a robust assessment of the highway safety matters, relating to visibility splays, access improvement details and trip generation details in relation to the existing permission on the site compared against the proposed.
- 6.25 In response to these comments additional information was submitted which WSCC Highways have reviewed. In terms of visibility the technical note confirms that splays of 2.4 by 108 metres can be provided to the north and 51 metres to the south. The 108 metres represent an improvement over that originally previously proposed and WSCC Highways are now satisfied with the splays provided. In respect of access improvements, WSCC are satisfied that it has been demonstrated that vehicles can enter the access.
- 6.26 In respect of trip generation, the submitted transport statement estimates potential vehicular trip generation arising from the gypsy use as being 7 two way movements in the morning and evening peak hours. WSCC are satisfied that the trip rate generated provides a realistic indication of likely trip generation from this aspect of the proposals. It is recognised that the proposal would give rise to a more intensive use of Bar Lane; however consideration is given to the improvements that the applicant is putting forward in terms of access and visibility. In principle WSCC have advised that this proposal is not anticipated to result in a severe

cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.

- 6.27 On the basis of the advice provided by WSCC as the Local Highway Authority, it is not considered that there are sufficient highway safety grounds to warrant refusal of the application.

Other issues

- 6.28 In addition to the issues discussed above, Policy 23 of the HDPF confirms in relation to any planning applications for non-allocated sites that there must be no significant barriers to development that exist in terms of flooding, drainage and ground stability; that the site has essential services.
- 6.29 Concerns have been raised by objectors and Nuthurst parish Council in respect of the site being within a flood zone, and a small section of the site measuring some 250sqm is within flood zone 2. However, the proposed pitches are located on the western part of the site an appreciable distance from the flood zone. The Councils' Drainage Engineer has advised that the Council has no historical flooding information for the site and that the vast majority is located within flood zone 1; an area with a low probability of flooding and situated within a very low risk of flooding from surface water.
- 6.30 In respect of concerns raised about the potential contamination of the site, no contamination assessment has been carried out in support of the development. This can though be resolved through condition and would not amount to sufficient reason to withhold planning consent.
- 6.31 A number of objections have been raised in respect of the lack of an ecology survey being submitted with the application. Given the nature of the development proposed, with minimal earthworks and no works proposed to trees/hedgerows or immediately adjacent to a watercourse, an ecology survey would not usually be requested. It is however recommended that a condition is attached to any permission granted restricting external lighting of the site and an informative included reminding the applicant of their obligations in terms of wildlife.

Conclusions and Planning Balance

- 6.32 The site has been considered, and discounted, as part of the Gypsy, Traveller and Travelling Showpeople Draft Site Allocations DPD (Preferred Strategy) as being unsustainable, the Council cannot currently meet the identified backlog of unmet gypsy and traveller accommodation need or future need in accordance with policies 21, 22 and 23 of the HDPF.
- 6.33 While there is some concern regarding the location of the site in relation to the wider rural setting and the distances to settlement boundaries and community facilities it is considered that there is a significant benefit of providing gypsy / traveller accommodation within the District, which help meet the identified shortage of sites. The proposed scale of development would not lead to any significant adverse harm to the landscape character and environmental quality of the countryside, and would not dominate the wider pattern of development along Bar Lane and within Copsale.
- 6.34 The proposal is not therefore considered to be contrary to local and national planning policies and would not lead to a significantly harmful development.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted subject to the following conditions:-

1 **Plans Condition**

2 **Standard Time Condition:** 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 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

4 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement Condition:** Prior to commencement of development, details of the proposed caravans and utility buildings (including dimensions, materials, finishes, design and colour) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

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

6 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

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

- 7 **Pre-Commencement Condition:** Prior to commencement of development, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, 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 the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:
- All trees on the site shown 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.

Reason: As this matter is fundamental 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).

- 9 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until a Arboricultural Method Statement detailing measures to protect and retain trees to be retained on site and adjacent the site has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. The development shall be implemented strictly in accordance with agreed details.

Reason: As this matter is fundamental 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).

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

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

- 9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 10 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

- 12 **Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 108 to the north and 2.4 by 51 metres to the south have been provided at the proposed site vehicular access onto Bar Lane in accordance with drawings that have been submitted to and approved in writing by the Local Planning Authority. 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 or as otherwise agreed.

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

- 13 **Regulatory Condition:** This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government 2015).

Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policy 21, Policy 22 and Policy 23 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** No more than four caravans (of static or mobile home type), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting these Acts), shall be stationed on the site at any time.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity in accordance Policy 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** No industrial, commercial or business activity, including the storage of materials, shall be carried on from the site.

Reason: In the interests of amenity and in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

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

- 17 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** No excavated soils shall be re-utilised within the development site and no soils should be imported until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for re-use and/or importation. The assessment shall be undertaken by a suitably qualified and competent person and the full details shall be submitted to and approved in writing by the local planning authority.

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

- 19 **Regulatory Condition:** The existing buildings on the site shall be used for purposes ancillary to the use of the site only and shall not be used for any industrial, commercial or business activities.

Reason: In the interests of amenity and in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

Informatives:

Conditions to be Discharged – Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms .

Wildlife Protection – The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

Landscape Details – The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details
- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- Hard surfacing materials - layout, colour, size, texture, coursing, levels
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

Landscape Management and Maintenance Plan – A Landscape Management and Maintenance Plan is a site-specific strategy that demonstrates how the site will be managed and maintained in order to fulfil the original intentions of the applicant and guarantees that the scheme and the retained landscape and ecology structures are maintained and improved for the lifetime of the development. A guidance note to content and layout can be made available upon request to the Landscape Officer.

Southern Water – Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Background Papers: DC/17/2216