



Development Control (North) Committee
TUESDAY 3RD MAY 2011 AT 5.30p.m.
COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors: Ian Howard (Chairman)
Liz Kitchen (Vice-Chairman)
John Bailey
Andrew Baldwin
Gordon Brown
Clive Burgess
Roy Cornell
Christine Costin
Leonard Crosbie
Sheila Dale
Ross Dye
Duncan England
Sarah Gray
David Holmes
Sally Horner
David Jenkins
Sheila Matthews
Christian Mitchell
Robert Nye
Linda Pettitt
Peter Rowlinson
Pat Rutherford
David Sheldon
David Skipp
Claire Vickers
Belinda Walters
Kyle Wickens

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

AGENDA

1. Apologies for absence
2. To approve as correct the minutes of the meetings of the Committee held on 15th March 2011 (attached) and 5th April 2011 (to follow)
3. To receive any declarations of interest from Members of the Committee – ***any clarification on whether a Member has an interest should be sought before attending the meeting.***
4. To receive any announcements from the Chairman of the Committee or the Chief Executive
5. To consider the reports of the following officers and to take such action thereon as may be necessary

Head of Planning & Environmental Services

Appeals

Applications for determination by Committee – Appendix A

NOTE:

- (a) Those items which are headed DELEGATION in the recommendation are seeking authority for the application to be decided by the Head of Planning & Environmental Services. The Committee is not being asked to decide the application as it is unable to do so at this meeting.
 - (b) The suggested conditions and reasons for refusal may alter from those set out in the agenda.
 - (c) Applications relating to sites in two or more parishes are shown under the first Parish in alphabetical order.
6. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances.

Development Control (North) Committee 3rd May 2011

The Report by the **Head of Planning and Environmental Services** contains the following items:

Item No.	Ward	Reference Number	Site
A1	<i>Nuthurst</i>	DC/10/2670	THE PLOUGH INN, LEECHPOND HILL, LOWER BEEDING
A2	<i>Denne</i>	DC/11/0404	THE FIRS, FARTHINGS HILL, HORSHAM
A3	<i>Itchingfield, Slinfold & Warnham</i>	DC/10/2683	1 LUCAS ROAD, WARNHAM, HORSHAM
A4	<i>Itchingfield, Slinfold & Warnham</i>	SEC 106/0240	PLOT 1, STANE STREET, SLINFOLD

DEVELOPMENT CONTROL (NORTH) COMMITTEE
15TH MARCH 2011

Present: Councillors: Ian Howard (Chairman), Liz Kitchen (Vice-Chairman), Andrew Baldwin, Roy Cornell, Christine Costin, Leonard Crosbie, Sheila Dale, Ross Dye, Duncan England, Sarah Gray, David Holmes, David Jenkins, Sheila Matthews, Christian Mitchell, Robert Nye, Linda Pettitt, Pat Rutherford, David Sheldon, Belinda Walters

Co-opted Crawley Borough Council Councillors: Sally Blake, John Denman, Stephen Joyce, Beryl Mecrow

Apologies: Councillors: John Bailey, Gordon Brown, Clive Burgess, Sally Horner, Peter Rowlinson, David Skipp, Claire Vickers, Kyle Wickens

Co-opted Crawley Borough Council Councillors: Ali Burke

DCN/148 **INTERESTS OF MEMBERS**

There were no declarations of interest.

DCN/149 **ANNOUNCEMENTS**

The Chairman announced that three Members from Crawley Borough Council had been co-opted onto the Committee for the purposes of this meeting. They were able to participate in the discussions about the application but they were not able to vote.

DCN/150 **PLANNING APPLICATION:** DC/10/1612:

- A) OUTLINE APPROVAL FOR THE DEVELOPMENT OF APPROXIMATELY 2500 DWELLINGS, NEW ACCESS FROM A264 AND A SECONDARY ACCESS FROM A264, NEIGHBOURHOOD CENTRE, COMPRISING RETAIL, COMMUNITY BUILDING WITH LIBRARY FACILITY, PUBLIC HOUSE, PRIMARY CARE CENTRE AND CARE HOME, MAIN PUMPING STATION, LAND FOR PRIMARY SCHOOL AND NURSERY, LAND FOR EMPLOYMENT USES, NEW RAIL STATION, ENERGY CENTRE AND ASSOCIATED AMENITY SPACE.
- B) FULL PLANNING PERMISSION FOR ENGINEERING OPERATIONS ASSOCIATED WITH LANDFILL REMEDIATION AND ASSOCIATED INFRASTRUCTURE INCLUDING PUMPING STATION.
- C) FULL PERMISSION FOR THE CONSTRUCTION OF A 3 TO 6 METRE HIGH (ABOVE GROUND LEVEL) NOISE ATTENUATION LANDFORM FOR APPROXIMATELY 700 METRES, ASSOCIATED LANDSCAPING, PEDESTRIAN/CYCLEWAY AND SERVICE PROVISION (LAND KNOWN AS KILNWOOD VALE).

DCN/150 Planning Application: DC/10/1612 (cont.)

D) FULL PERMISSION FOR THE DEVELOPMENT OF PHASE 1 OF 291 DWELLINGS, INTERNAL ROADS, GARAGES, DRIVEWAYS 757 PARKING SPACES, PATHWAYS, SUB-STATION, FLOOR ATTENUATION PONDS AND ASSOCIATED AMENITY SPACE.

SITE: HOLMBUSH FARM LANDFILL SITE, CRAWLEY ROAD, FAYGATE, WEST SUSSEX

APPLICANT: CREST STRATEGIC PROJECTS LIMITED

The Head of Planning & Environmental Services reported that this application sought outline planning permission for the development of approximately 2500 dwellings, a new access from A264 and a secondary access from A264, neighbourhood centre, comprising retail, community building with library facility, public house, primary care centre and care home, main pumping station, land for a primary school and nursery, land for employment uses, a new rail station, an energy centre and associated amenity space; and planning permission for engineering operations associated with landfill remediation and associated infrastructure including pumping station; the construction of a three to six metre high noise attenuation landform for approximately 700 metres, associated landscaping, pedestrian/cycleway and service provision; and the development of Phase 1 of 291 dwellings, internal roads, garages, driveways, 757 parking spaces, pathways, sub-station, floor attenuation ponds and associated amenity space.

Government policies PPS1, PPS3, PPS7, PPS 9, PPG13, PPG17, PPG24 and PPS25 and the West of Bewbush Joint Area Action Plan and the Horsham District Core Strategy were relevant to the determination of this application.

A summary of the consultation responses received had been provided as part of the report accompanying the current application. The comments contained therein were noted. With respect to neighbour consultations, key issues related to: pollution; land contamination; landscaping, ecology and archaeology; the design of the scheme and its compliance with the JAAP (including affordable housing); and highway infrastructure, including road safety. One member of the public spoke in objection to the proposals. The applicant and two members of the public spoke in support.

The application site comprised 132 hectares of land located to the West of Bewbush. The land formed part of the allocation identified in the adopted West of Bewbush Joint Area Action Plan (JAAP) (July 2009). The JAAP formed part of the Local Development Frameworks for Horsham and Crawley.

The application site was wholly within the district of Horsham but Crawley Borough Council (CBC) was a statutory consultee. Crawley also had a land interest adjacent to the eastern boundary of the site, where land would be

DCN/150 Planning Application: DC/10/1612 (cont.)

required to provide the sustainable transport measures and integration with the existing neighbourhood of Bewbush through bus, pedestrian and cycle links as set out within the JAAP.

The delivery of the planning application had been subject to a Planning Performance Agreement (PPA) which set out joint working arrangements between Horsham District Council (the Council), CBC and the developer, Crest Nicholson.

There was no objection in principle to the development of the site given its designation as a site for a high quality mixed use development within both the Council's and Crawley Borough Council's Core Strategies and the specific policy framework provided by the JAAP.

There were four elements to this hybrid planning application, which were interrelated. The broad principles of the application were set out in the outline application, where the curtilage of the application site extended to the whole land holding. Within this area the detailed elements of the application included the land to be remediated; the area along the front boundary of the site for the construction of the landscaped bund to provide the noise attenuation landform; and the area subject to the Phase 1 application.

a) **Outline approval for the development of approximately 2500 dwellings, new access from A264 and a secondary access from A264, neighbourhood centre comprising retail, community building with library facility, public house, primary care centre and care home, main pumping station, land for primary school and nursery, land for employment uses, new rail station, energy centre and associated amenity space**

The proposed residential development would comprise a mix of unit types with densities ranging from 30 to 40 dwellings per hectare to the north of the railway line separated by a 'pocket' of higher density 40 to 50 dwellings per hectare to the north of the proposed station/station crossing. There would be a density of 45 to 55 dwellings per hectare within the core of the development around the neighbourhood centre, dropping to 40 to 50 dwellings per hectare either side of this central area and to the south adjacent to the A264. (The density range is illustrated on the Illustrative Density Parameter Plan).

The overall anticipated mix for dwellings was as follows:

- 1 & 2 bed flats 25%
- 2 bed houses 17%
- 3 bed houses 32%
- 4/5 bed houses 26%

Within this mix the affordable housing provision would be as follows:

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- 1 bed flats – 25%
- 2 bed flats – 25%
- 2 bed house – 25%
- 3 bed house – 15%
- 4 bed house – 10%

Based upon current market assumptions of mix, density, market conditions and without more detailed layouts, it was estimated that the site would deliver a range of between 2250 and 2500 units.

The need for this number of units on the application site had been established in a structure plan based on regional planning requirements. The requirements reflected the level of housing which needed to be provided in the District by 2018 and was therefore still applicable. The area of land to the west of Bewbush had been selected to house the units and it had been left to the Council to decide a specific site. The site had been allocated in the JAAP and had been subject to independent examination.

It was also noted that the desire of people to move to the District and the natural growth of the population had led to the need for more homes.

Building heights would range from two to two-and-a-half storeys north of the railway line and between Bewbush Brook and the railway, two to four storey adjacent to the neighbourhood centre and the station/station crossing, and two to three storey either side of the core of the neighbourhood and to the south adjacent to the A264.

The development would include a neighbourhood centre comprising:

- a new two form entry 420 space primary school and nursery on two hectares of land with a further one hectare of land reserved for the extension of the school to provide three forms of entry if required;
- a food retail store of 2,100 square metres net sales space with a car park and potential petrol filling station occupying a site area of 2.05 hectares with potential office and residential space above;
- four small shops with a total of 400 square metres net floor space and sixteen residential units above;
- land for a primary care facility of 700 square metres; including space to accommodate a four doctor surgery;
- a 60 to 80 bed elderly care home facility;
- a community building comprising 700 square metres of flexible space including a library; and
- a 'food based' public house of 525 square metres.

A main pumping station located to the eastern side of the site on edge of Kilnwood Vale Park to serve the development was proposed.

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It was also proposed that 8,000 square metres of employment floorspace be provided adjacent to the neighbourhood centre within the vicinity of the station and the neighbourhood centre. An area of 0.77 hectares would be provided to the north of the food retail store and adjacent to the neighbourhood centre and 1.28 hectares would be located adjacent to the location of the new station.

A new railway station would be located to the south of the railway line and would provide a central point along the north south axis. The station would include passenger facilities, a transport interchange on the Fastway bus route and a 200-space car park for rail users. The applicant had established rights to cross the railway and a Basic Services Agreement had been agreed between Network Rail's outside parties department and the applicant, as a precursor to final contractual arrangements.

An area of 1.04 hectares has been identified for the location of an energy centre to serve the development.

47.6 hectares would be allocated as open space. This would comprise formal open space (including sports facilities and play areas) and informal open space (including allotments and general amenity space). Details of the proposed provision were set out within the Open Space Strategy. The three key areas of open space illustrated on the Open Space Masterplan included:

- north of the railway line, known as The Viewpoint;
- neighbourhood park located in the centre of Phase 1 residential area;
- Kilnwood Vale Town Park to the east of the site adjacent to Bewbush.

Southern Water had reported that following initial investigations there was inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains, or improvements to existing mains, would be required to provide sufficient capacity to service the development. Southern Water were willing to carry out the requisite improvement works but on the condition that provision to pay for this was included in the planning agreement. It was considered that this was inappropriate and that Southern Water should themselves pay for the upgrading of the pipes. It was considered that any money which had been allocated to the upgrading of the pipes could then be used for increase the amount of affordable housing on the site.

i) Compliance with the Conceptual Masterplan

Policy WB1 of the JAAP provided for the development of 2,500 dwellings and associated land uses and the supporting text required a comprehensive development in accordance with the Conceptual Masterplan (CM) which illustrated the intended location of specific land uses.

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The proposed disposition of uses was illustrated on the Land Use Plan within the Design and Access Statement which set the parameters for the development. These plans illustrated that the differences between the proposed development and the CM related to:

- the location of the neighbourhood centre, which had moved 100 metres south from the railway line and the railway station and further west to align with a north to south axis route through the development. The CM had shown the neighbourhood centre and railway station/station car park being separated by Bewbush Brook. The relocation of the railway station had arisen from discussions between the applicant and Network Rail regarding the best location for operational reasons. This had taken into consideration the potential closure of Faygate Station and realignment of Bewbush Brook as an opportunity to create a feature in the neighbourhood park ('Kilwood Park') between the neighbourhood centre and the site boundary. The repositioning of these uses was considered to be acceptable subject to the design strategy demonstrating linkages between the station, the brook, the neighbourhood centre and uses further south.
- the location of the employment land on the edge of the neighbourhood centre and within the vicinity of the railway station. The proposed split was attractive given that an employment use would be located at a transport hub which would be served by the railway and Fastway bus service. The CM had shown the employment land within the neighbourhood centre.
- the location of the environmental infrastructure area i.e. the proposed combined heat and power plant (CHP) within Pondtail Shaw. The location had been selected to minimise the impact of the facility by the screening provided by the surrounding woodland. The alternative location was considered acceptable in principle subject to safeguarding the residential development to the south and the Ancient Woodland are on the edge of Pondtail Shaw.
- removal of the western bridge crossing from Pondtail Shaw to the north due to the physical and visual impact of the crossing on an area of Ancient Woodland within Pondtail Shaw which had been designated after the adoption of the JAAP. The number of bridge crossings over the railway had been reduced from three to two compared to the CM and the central bridge crossing which would form part of the secondary street network was now being realigned between Pondtail Shaw and Capon Grove, in a position that would avoid the 15 metre buffer zone at the woodland edges. The reduction in bridge crossings was considered to be acceptable subject to design detail and ensuring that a crossing facility was provided with the station design to ensure access to the station from the north and south of the site.

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- the proposed pedestrian, cycle and equestrian route which would now run around the perimeter of the development.
The constraints imposed by the crossing point within Pondtail Shaw had impacted upon the ability to provide the green linkages as shown on the CM but the application was supported by a movement strategy which demonstrated the opportunity for pedestrian, equestrian and cycle movement throughout the development.
- the encroachment of the primary access road into the eastern edge of the reserve land and the redesign of the secondary access (located at the point of the existing landfill access) which would be used for cars in addition to emergency vehicles and had been redesigned to provide a 'right out' rather than 'right in' junction.
The proposed encroachment of the primary access road into the reserve land was considered to be acceptable subject to landscaping details whilst the proposed changes to the secondary access would be acceptable in highway terms and potentially assist in slowing traffic speeds (along with the roundabout junction serving the primary access) on the A264.
- the provision of a pedestrian and cycle access to link the first phase of the development into Chetwood Road.
The inclusion of this additional route was desirable given the need to ensure integration between the development from the first phase and in the longer term.
- the relocation of the proposed playing pitches on the western edge of the site, now within Phase 1, adjacent to the indicative line of the primary access further east and the removal of Poplar Copse.
This would facilitate development either side of the access road and improve accessibility to the playing pitches/open space. The trees with Poplar Copse were not of good quality and replacement planting would be provided within the wider site layout.
- the relocation of open space shown on the CM as being located north of the railway line to a position north of the railway at the end of a north-south axis spine.
The revised location was considered to be acceptable as in would be in line with the proposed north movement access. This would provide a transitional route through a park to the countryside beyond and form part of a recreational route through the development.
- the provision of an additional area of open space to the south between the proposed secondary access and the eastern boundary of the site, known as 'The Knoll'.
This would form a landscaped feature and a viewpoint within the development and was considered to be acceptable in principle subject to acceptable landscaping and management details.
- the proposed location of a sewage pumping station on the eastern edge of 'Kilnwood Vale Park'.
The facility was required to serve the development and whilst there was no objection in principle this would be subject to conditions

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governing the design, external appearance, screening and technical specification.

The CM was intended to provide an indicative distribution of land uses to ensure the delivery of the new neighbourhood whilst recognising that the detailed form and layout of the neighbourhood would be determined through a planning application or applications. The CM was shaped by the topography and the environmental constraints on the site but also by the advice received from key consultees arising during the preparation of the JAAP.

Gatwick Airport had not objected to the principle of the development subject to a condition being attached to limit building heights along a section of the northern boundary of the site with Kilnwood Lane. Such a condition would have the effect of reducing the quantum of residential development north of the railway line and thereby the ability to deliver the distribution of land uses as set out on the CM. The applicant had sought the removal of such a condition and was currently in dialogue with Gatwick Airport. If agreement could not be reached the applicant would have the right to seek to submit an appeal against the condition. At this stage the condition sought by Gatwick Airport was not seen as a reason to delay determination of the planning application. However, it was considered that the possibility of a second runway being constructed at Gatwick Airport should not be entirely excluded.

Additional concerns had been raised regarding the density of the development north of the railway line by a residential occupier in Kilnwood Lane who was of the view that the density range proposed exceeded that subject to discussion at the Public Examination into the JAAP. The JAAP itself sought to deliver 2,500 units on this site but did not specifically make reference to density requirements. Density ranges would be dependent on site constraints. The density proposed for the north of the railway line was illustrative and would be governed by other factors, not least the potential Gatwick safeguarding area. The change in density on this part of the site had resulted from the change in the phasing from that proposed in the JAAP and constraints on the site as a whole. It was noted that objections had not been received from other residents in Kilnwood Lane but it was likely that this was because they had been led to believe the density of the development north of the railway line would be much less dense than was proposed. It was considered that the density on this part of the site should be given further consideration.

ii) The Phasing of the development

The JAAP had broken down the development into three phases to reflect the level and type of the development they were anticipated to accommodate, the infrastructure provision that was required to facilitate development of the core phase, and if required the land remediation and landform remodelling that was required'.

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The current application provided for five phases.

Within Phase 1, development would commence in the south west corner of the site. A footpath/cycle link linking to Bewbush at Chetwood Road and shuttle bus service would provide linkages to the Crawley in the early phases.

In Phase 2 the neighbourhood centre would be commenced and it would be completed in Phase 3. The bus gate at Sullivan Drive would be provided at this stage.

In Phases 4 and 5 the station, bridge crossing and Woodcroft Road bus gate would be delivered.

The shift in the phasing strategy for the site was related to the viability of the development and the remediation strategy for the site, to ensure that residential units could be constructed in Phase 1 to secure an early receipt whilst the remediation took place on the land within Phases 2 and 3. Whilst there was no objection in principle to the revised phasing strategy, this would be an important element of the legal agreement attached to the development in the event of approval since it would be necessary to ensure that triggers were set for the delivery of the key infrastructure in line with unit completions.

iii) Planning Obligations including the delivery of Affordable Housing

The JAAP set out the phasing strategy for the development and also the key requirements on the applicant in terms of infrastructure provision and affordable housing. The applicant had provided a schedule setting out the planning obligations that would be secured in connection with the development

The Community Infrastructure Levy (CIL) had come into force on 6 April 2010. CIL was a new charge which local authorities were empowered but not required to levy on most types of new development in their areas. The proceeds of the levy would provide new local and sub-regional infrastructure to support the development of an area in line with the prevailing development plan.

The Council was in the process of reviewing the Community Infrastructure Levy Regulations 2010, updates and the associated guidance before making a decision whether to apply the charging regime to new development in the District.

The guidance note produced by the Department for Communities and Local Government, 'Community Infrastructure Levy – An Overview', stated:
"From 6th April 2010 it will be unlawful for a planning obligation to be taken into account when determining a planning application for development or any part of a development, that is capable of being charged, whether there is a

local CIL in operation or not, if the obligation does not meet all the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
fairly and reasonably related in scale and kind to the development”.

The Council would require the following elements to be included in the development in order for it to be considered acceptable in planning terms: Affordable housing, open space, biodiversity, a pavilion, green linkages and landscaping, a community building, employment land, retailing, primary care centre, sustainable drainage systems, a railway station and station car park and public art.

WSSC would require the following elements for the development to be considered acceptable: Early years provision/contribution, primary school site, secondary school contributions, resources centre, fire hydrants, travel plan, promotional material, travel packs, essential travel plan obligations, Cheals junction and Drive, Sullivan Drive junction, main access and secondary access, footpath connection, internal link road (to District Centre), highway landscaping and a bus service/gates.

The level of affordable housing had been central to the discussions on viability of this site. Policy WB11 of the JAAP required:

- a target level of affordable housing of 40%;
- each phase of the development to contain between 30% and 50% affordable housing;
- a tenure split of 70% social rented and 30% intermediate tenure to be provided across the neighbourhood, although this would be reviewed using up to date housing market needs evidence throughout the implementation of the development;
- a range of affordable housing types and sizes to be delivered for each tenure type; and
- 2% of all affordable homes to be fully adapted wheelchair standard and approximately 20% of homes to meet Lifetime Homes standards.

The current application proposed that affordable housing would be delivered in the following phases:

- Phase 1 (291 dwellings) 20% of which would be affordable;
- Phases 2 and 3 (between 874 and 1100 dwellings) 25% of which would be affordable;
- Phase 4 and 5 (up to 1100 dwellings) 36% of which would be affordable.

In addition to the above a further 40% of affordable units would be provided on the land reserved for the western relief road if this was not required.

Therefore the affordable housing package (excluding the reserve land) would equate to an overall provision of 29.7% across the site. Taking into consideration the provision of 40% affordable units on the land reserved for the western relief road (if the land was not required for that purpose) the total across the whole site including this land would be 30.7% affordable. This was subject to there being:

- no retrospective test, recalculation or reassessment with regard to the percentage of overall units to be provided; and
- a tenure split of 30% social rented and 70% intermediate tenure (part-buy) based upon nil grant, with a provision to increase the amount of social rented up to 70% with 30% as intermediate subject to the availability of grant or other funding. It was considered that the proposed percentage of rented housing was too low and that many people may not be able to afford to buy the intermediate tenure units.

Some of the affordable housing would be allocated to the Council and some would be allocated to CBC.

The package of benefits offered by the developer in connection with the development was designed to secure the comprehensive development of the site with the delivery of key infrastructure and facilities in line with the JAAP and the Horsham District Supplementary Planning Document on Planning Obligations.

Policy WB11 provided for a viability appraisal to be carried out to accompany the planning application if the developer considered that the full requirement for affordable housing could not be met.

The applicant had submitted a viability appraisal which had been subject to independent scrutiny by the District Valuer. As a result of negotiation the applicant had agreed to provide the proposed affordable housing package. The District Valuer considered the proposed package to be acceptable on this site having regard to the potential increase in costs associated with compliance with the Code for Sustainable Construction.

CBC had concluded that since it has been demonstrated, in the light of a viability appraisal, that the site could not deliver 40% affordable housing, the proposed package of 29% of affordable housing across the whole of the development was acceptable, subject to agreement to a tenure mechanism being agreed in the context of the planning agreement.

The Housing Officers at both at the Council and CBC felt that the affordable housing offer, which had been subject to comprehensive and rigorous negotiations with the applicant, was acceptable.

It was noted that the affordable housing model which had been in place when the JAAP was formulated, based upon the principle of grant funding being
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available, was different than the new affordable housing regime where a nil grant position was a reality which needed to be taken into account in the consideration of affordable housing packages on development sites.

It was considered that the target of 40% affordable housing would ideally have been met by the proposed development. There were large numbers of people on the waiting lists for affordable housing in both Horsham and Crawley. However, the proposed percentage, which would increase as the development went on, was the highest level the applicant could afford to deliver.

Due to the lack of government grants for affordable housing the only real way to obtain funding for affordable housing was through money obtained for that purpose in planning agreements. The proposed percentage of affordable housing would at least ensure the delivery of some affordable units as opposed to none if the application were to be turned down. If any grants became available the percentage of affordable housing could be increased.

With respect to the delivery of affordable housing it was:

- considered essential to ensure that the standard of the affordable housing units in terms of architecture and size was equally as high as the standard of the rest of the units proposed on the site.
- noted that close working with the developer and any registered social landlord which became involved in the development would be necessary to ensure the affordable housing was delivered to a high standard and that any savings or possibilities for increasing the percentage of affordable housing within the development could be identified.
- considered that further thought should be given to the proposed mix of the affordable units. A low allocation of three and four-bedroom affordable units were proposed and it was considered that this could be increased to accommodate more families.

iv) The connections between the development to the existing neighbourhoods of Crawley, countryside, public rights of way and cycle routes

Policy WB25 of the JAAP related to the transport strategy for the development. This policy set out the sustainable transport measures which should be delivered in conjunction with the development and the appropriate core phase. This built upon one of the key elements of the development vision for the West of Bewbush with the emphasis upon integration as set out in paragraph 2.2 of the JAAP i.e.

“A sustainably built and located development, based on the neighbourhood principle, where residents can become involved in their community and share the benefits of a high quality of life. A wide range of local services will be accessible to local residents and there will be strong and sustainable links, with

Crawley. The neighbourhood will be served by excellent public transport opportunities, which will give access to a wide range of services and facilities, Crawley town centre and employment opportunities. There will be high quality open spaces and informal leisure facilities but there will also be links into the surrounding countryside, the character of which will be respected”.

The development would seek to achieve integration with the existing neighbourhoods of Crawley and the wider countryside. The development would include the additional linkage to Chetwood Road to provide integration between Phase 1 of the development and Bewbush by foot and cycle. The link would be provided to serve Phase 1 but would also be retained in the longer term. The footpath and cycle link would be supplemented by the extension of the Fastway service 10 and bus services 200 and 300 into the site and the diversion of bus services 23 and 24 through the site.

It was important to note that the provision of linkages to the neighbourhood of Crawley would be facilitated through the acquisition by the applicant of land owned by CBC. The ‘land deal’ was a matter which fell outside the assessment of the planning application but was a matter which had been identified as a cost by the applicant impacting upon the viability of the scheme and the planning obligation package, including the delivery of affordable housing.

Concerns to the degree of connectivity between the development and the wider countryside had been raised by the Countryside Access Forum and the National Cycling Organisation. These concerns specifically related to the loss of the multi-use circular route; the need for a grade separated crossing on the A264; the linkages with existing routes on the southern side of the A264 i.e. the need to provide for a route going east as a dedicated bridleway to link to the existing line of bridleway 1550/1; and the need for multi-use links on the eastern side of the development.

The removal of the western bridge crossing from Pondtail Shaw and the location of the new central bridge crossing between Pondtail Shaw and Capon Grove had impacted upon the provision of equestrian crossing points to the northern half of the development, Kilnwood Lane and the countryside beyond. There were design constraints relating to the new bridge crossing, which needed to be outside the 15 metre safeguarding zone for the Ancient Woodland within Pondtail Shaw and Capon Grove; to provide for its use by buses, cars, pedestrians and cyclists; and to be of a design which met the technical and safety requirements of Network Rail, whilst being of an external appearance which was commensurate with the design quality required for the development. The length and the angle of the bridge between the two areas of Ancient Woodland presented specific design challenges. It restricted the width of the bridge and thereby the accommodation of a route for equestrians.

Whilst equestrians would not be able to use the central bridge crossing to the west of the station they would be able to use the shorter and more direct

crossing to the east of the railway line where the design and technical constraints would not be as challenging. This route would provide linkages to Kilnwood Lane to the north and Ifield West to the east and along the existing public right of way running along the eastern boundary of the site.

In relation to the access to the south of the A264, the provision of a grade separated crossing was not a requirement of the JAAP and the proposed Pegasus crossing over the A264 would facilitate a safe route to the south. Although the feasibility of a grade-separated crossing had been explored, technical constraints, land ownership issues (relating to land to the south) and costs had prohibited its inclusion in the scheme. The need to provide a dedicated route linking to existing routes on the A264 was not specifically proposed as part of this scheme but the development would not preclude its provision in the future, subject to landownership issues being resolved.

The National Cycle Forum shared the concerns of the Countryside Access Forum regarding the safe crossing over the A264. The proposed crossing would include a Toucan Crossing for pedestrians and cyclists which would be delivered by the 300th dwelling. The street hierarchy of the development prioritised modes of transport as follows: pedestrians; cyclists; public transport; service vehicles; other vehicles. The street design provided for a maximum speed of 20mph within the development. This would meet the requirements of the National Cycle Forum.

Additional benefits for cyclists would be secured through improvements to existing Public Bridlepath 1550, which would be improved to cyclepath standards from the Horsham to Crawley cyclepath link to Ifield West southwards to the proposed Sullivan Drive Bus gate. The details of this improvement would be secured by a condition attached to the development in the event of approval. Additional information had been received from the applicant's agent stating that it had been agreed with WSCC that the bridleway should not be urbanised through the introduction of hard surfacing and lighting when it was located so close to residential dwellings.

v) The delivery and impact of the on-site/off-site highway infrastructure associated with the development

The development would fulfil the requirements of the JAAP in terms of the provision of a primary and secondary highway access to the A264. Whilst there had been changes to the design and in the case of the secondary access, use of the access, West Sussex County Council (WSCC) had confirmed that the technical design detail was acceptable, subject to further road safety auditing at detailed design stage. Following completion of the highway works, speed monitoring would take place to investigate whether there was a need to introduce measures to reduce speed or if a reduced speed limit could be put in place.

There would be numerous points of access to the site from the A264.

The primary access to the development would be served by a roundabout junction which would also provide access to the Holmbush Potteries Industrial Estate to the south. The primary access road exit lanes to the main roundabout from the development would include traffic signals to manage traffic flows from the site and encourage the use of public transport. The signals would operate in conjunction with a bus lane to provide an advanced priority for bus services.

A secondary left in, left out and right out access would be located on the A264 at the point of access to the existing landfill site. This would be signalled to encourage use of the primary access over the secondary access. The existing access would be used as the construction access for the first phase and the access for vehicles associated with the remediation of the site in the short term. The provision of the secondary access was linked to the provision of a Toucan crossing for pedestrians and cyclists and a Pegasus crossing for equestrians. This would provide a safe crossing point across the A264, replacing the existing crossing point from the public bridleway which ran north to south along the eastern boundary of the site. The primary access would be provided prior to the first occupation of the Phase 1 development and the secondary access prior to the completion of the 300th residential unit.

The A264 would continue to be subject to the 70 miles per hour speed limit but it was anticipated that measured speeds on the A264 would be reduced due to the introduction of the new roundabout junction at the primary access. On completion of the highway works, speed monitoring would be undertaken to inform whether there is a need for further measures to reduce speed or if a reduced speed limit could be put in place.

A central north to south access spine would be provided through the development, linking homes to the key destinations, including the neighbourhood centre, railway station and Fastway terminus and development to the south of the site and the countryside beyond. This north to south access spine would provide a wide segregated route, along which buildings and houses would be orientated to provide passive surveillance. Primary and secondary routes would link to and or bisect the access spine, which would also be linked to recreational and equestrian routes to provide connections between the recreational areas, open space and woodland.

The integration of the development with the existing neighbourhoods of Crawley was a central requirement of the JAAP and the proposed linkages at Woodcroft Road, Sullivan Drive and Chetwood Road were fundamental elements of the sustainable transport strategy for the site. The land required for the linkages was located within Crawley and the applicant would need to submit separate planning applications to CBC. The applications would be considered on their own merits having regard to the JAAP and prevailing planning policy within Crawley but the Council would be a consultee. In the

event of the approval of the current application it was recommended, as had been advocated within the report by CBC to its own Development Control Committee on 7th March 2011, that a Grampian condition be imposed whereby the development could not commence until the applicant could satisfy the Council that they could deliver the required linkages. The wording of the condition would be agreed with planning officers at CBC.

Integration with the existing neighbourhood of Bewbush would be provided by the delivery of bus gates to the north of the railway line to Woodcroft Road, Ifield West and to the south of the railway line at Sullivan Drive. Both access points would be restricted to bus, pedestrian, cyclist, equestrian and emergency uses. An additional pedestrian/cycle access would be provided at Chetwood Road to serve the first phase of the development and this would also be retained in the longer term.

The applicant considered that a condition should link the delivery of the bus gates to housing occupations.

The following off-site highway works were proposed to mitigate the impact of the development:

- two stages of works to the A2220/A23 (Cheals Roundabout) comprising slip road improvements and full signalisation of the junction. An early contribution (by the completion of Phase 1) would enable the delivery of an improved slip road and A264 east bound approach to Cheals Roundabout to increase capacity. Further contributions would be made towards the full signalisation of Cheals Roundabout;
- contributions towards improvements to the M23 and Junction 11; and
- a possible signalised gyratory at Sullivan Drive/A264 junction if monitoring proved it to be necessary.

The costs of these improvements would be obtained from the applicant in the planning agreement.

The western boundary of the application site to the south of the railway was currently shown as open space. However, this land was reserved for a western relief road. The reservation of this land was a requirement of the JAAP Policy WB23 which stated that "Land required for a Western Relief Road will be safeguarded from the neighbourhood's primary junction with the A264 through the allocated site until it has been determined whether such a route will be necessary to serve further development West of Crawley, or to meet wider sub regional objectives". The JAAP required the land to be safeguarded for a period of five years from May 2009 or up to the date of adoption of the two Core Strategy Reviews. The proposed design of the primary junction would not prejudice the delivery of the western relief road if required.

Traffic surveys had been carried out on the main roads surrounding the development but it was considered that traffic surveys could have also been

carried out in neighbouring housing estates which could be affected by the proposals. It was noted that additional traffic surveys had been carried out which had determined that the proposals would not result in a significant increase in “rat-running”. The proposed remedial works such as those on the Cheals Roundabout would reduce the desire for rat-running and could even ease the levels of rat-running which currently occurred.

The Highways Agency had reported no objection to the proposals subject to Grampian conditions which would require the completion of Stage 1 and Stage 2 works to Junction 11 of the M23 before the occupation of the 350th and 800th dwellings respectively.

iv) The delivery of the Design Quality and the Design and Access Statement

WB3 of the JAAP set out the neighbourhood principles which were required to be reflected in the masterplan and the delivery of the development with the design principles set out within policy WB4. These key principles were supported by supporting text which emphasised the importance of:

- good design as a key element in securing sustainable development through the creation of an attractive, legible, safe and accessible environment;
- the linkages between buildings, the streetscape, urban and green landscaping, the orientation of buildings, the scale of buildings and use of appropriate materials;
- environments and spaces with natural surveillance, which should reduce the likelihood and fear of crime;
- sensitive and considered integration with the urban and rural edge.

The importance of a “good, well reasoned, consistent and thorough Design and Access Statement (DAS)” which included a phasing strategy at outline planning stage was set out in the JAAP. Key elements of the advice therein included:

- the need for the DAS to demonstrate an overall vision and overarching design principles;
- the need for the design principles to provide a solid foundation for a high quality development;
- the need for the DAS to demonstrate with the necessary clarity and consistency, and in accordance with best practice, how the vision and principles would inform the detailed design and ensure a high quality development;
- the need for the DAS to include a strategic, site-wide masterplan which showed the different land use elements and the broad urban form, including the block-structure, street pattern, etc;
- the need for the DAS to include sample layouts to demonstrate how the vision would work and how the desired level of quality would be achieved;

- the need for the DAS to include a high level design code which would be of high quality and provide clarity and the right balance between prescription and flexibility;
- the need for a detailed masterplan and design code for each phase, graphically illustrating the layout and built form and designed to accord with the principles in the DAS, which was a necessary precursor to the submission of reserved matters applications in order to clearly establish the relationship of each development parcel to the scheme as a whole.

The specific advice regarding content of the DAS was to ensure that the document would form a solid foundation for the subsequent reserved matters applications and to establish design quality whilst allowing the masterplan to respond to changing circumstances as the site developed, whilst still being guided by the overarching principles set out in the DAS. The JAAP made it clear that "Planning permission would include a condition requiring that the detailed masterplans, design codes and reserved matters applications should be in accordance with the DAS unless otherwise agreed in writing by the LPA".

The DAS which had been submitted with the current application was a comprehensive document and had been subject to discussion throughout the application process to ensure that the document would secure the design quality required by the JAAP. As a result of this process an addendum had been provided by the applicant to address specific issues which had been raised relating to the following:

- the neighbourhood centre would include reference to residential uses above the ground floor of the non-food retail uses and smaller independent uses that would form the main square. The food retail store would be required to have an active edge to the primary street. The non-food retail uses and smaller independent uses would be required to 'turn the corner' to provide an active edge to the pedestrian connection between the neighbourhood centre and the car park. The food store would be articulated so that it could be secured outside of operational periods to function as part of the larger perimeter block;
- the knoll would include examples of sculptured land forms;
- the circus to include a greater area of green space and a potential design solution based upon this;
- design detail for bridge structures;
- reference to the need for the communal open space to be overlooked from neighbouring residential development to ensure that it was secure and subject to surveillance;
- reference to ensure that all the faces of buildings relating to the public realm would have opening to habitable rooms;
- clarification of views which would be provided from the view point in the northern part of the site;

- additional information relating to the landscaping principles and tree species;
- additional information relating to the provision of informal play opportunities for children.

Whilst the addendum had addressed a number of key points, the Urban Design Manager at CBC had identified three remaining areas of concern with the content of the DAS. As set out in the report to CBC's Development Control Committee dated 7th March 2011, these related to:

- the need for a commitment to provide residential usage above the neighbourhood food store to create more vitality and surveillance of the area;
- the location of the school and the potential for congestion and traffic conflicts due to the access of the school being from the primary street running through the neighbourhood centre;
- the design detail and quality fix for the brook crossing and the station square. Whilst there were no fundamental concerns about the design principles a greater level of detail was required on the perspective drawing to demonstrate design quality;
- the need for the addendum to be updated regarding the delivery of the bus gates.

However, it was noted that the neighbourhood centre, the station and the brook crossing would be subject to a design brief.

Subject to a condition which would require future applications to be in accordance with the DAS, with the exception of the neighbourhood centre, the brook crossing and the station, where further information in the form of a design brief would be required, it was considered that the DAS would meet the requirements of WB4.

The development would be built to Level 3 of the Code for Sustainable homes, with provision for it to be built to a higher level if and when it came to exist.

vii) The landscape impacts of the development

High quality landscaping was central to the vision for the development and policy WB12 of the JAAP required structural and informal landscaping to be delivered in accordance with the CM. Landscaping had been central to the assessment of the scheme and in discussions with the applicant, involving officers at the Council, CBC and WSCC. The addendum to the DAS had addressed a number of issues emerging from the discussions.

The following outstanding concerns had been raised by the Council's Landscape Architect:

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- the height of the chimney to the CHP plant which was proposed to be up to 60 metres in height and the impact upon the skyline of the Kilnwood Ridge and wider countryside and the Strategic Gap. The potential impact of a building of up to 25 metres in height adjacent to housing within Phase 1. Whilst these concerns were acknowledged the detailed design of the building and chimney could be addressed at the detailed design stage;
- the lack of illustrative information regarding the CHP plant. In the event of approval a condition could be attached to require the submission of a technical and design brief for this building prior to commencement of the northern section of Phase 1 north of the watercourse;
- the Landscape and Open Space Parameter Plan failed to demonstrate that the 15 metre standoff zones around the areas of ancient woodland would be achieved. A condition could be attached in the event of approval to ensure that the standoff distance would be complied with;
- the loss of tree group W15 i.e. Poplar Copse. A condition requiring the replacement of the large semi-mature trees within the nearest open spaces closest to the loss could be attached in the event of approval;
- the hard landscaping pallet was not agreed and should be subject to condition. Whilst the pallet set the quality the specific selection of materials could be subject to condition at each phase.

b) Full planning permission for engineering operations associated with landfill remediation and associated infrastructure including pumping station.

i) The remediation strategy and the impact of the remediation works on landscape character

Policy WB22 of the JAAP related to the remediation of the former inert landfill site. The policy comprised two parts, namely the approval and implementation of the remediation strategy and the implementation of landform modifications linked to the remediation strategy in accordance with the CM.

The proposed remediation works would be carried out in three broad phases. Phase 1 would involve the excavation of the sustainable drainage feature, the removal of topsoil from this area, ground levelling and initial works to the bund along the A264 at its western end. Phase 2 would involve the formation of the A264 bund and works towards the southern end of the landfill. Phase 3 would involve works to the northern end of the landfill including works to Bewbush Brook and the railway bridge crossings.

It was considered that further clarity in relation to the landfill should be sought in terms of what was underneath the top soil and whether there was any contamination present, especially if some of the soil which was removed was to be used to construct the bund. It was noted that the landfill had been used for the tipping of construction waste, which had been a regulated activity.

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The proposal would result in the remodelling of the existing landfill material to create a development platform for the neighbourhood. The Environmental Statement stated that around 480,000 cubic metres of inert fill would be excavated during the remediation works as part of the cut and fill for the site. The viability report submitted in connection with the application allowed for the removal of material off-site as part of the remediation programme although it was not known if/how much would be required to be removed from the site.

It was considered that the actual costs of the remediation works would need to be closely monitored so that any savings could be identified. It was considered that any such savings should go towards the provision of affordable housing. A mechanism for identifying the savings and one for applying any such savings to the provision of affordable housing should be included in the planning agreement.

The remodelling of the existing landform would result in the provision of a flat and more even gradient. However, in order to achieve technical and design specifications for the road over the railway and the re-alignment of the Bewbush Brook the level of the land would be raised to provide a platform for the bridging of the railway.

The Knoll feature at the end of the central axis spine through the development would be positioned behind the acoustic bund and would be on an area of land which was already above the existing natural ground level. The existing level would be increased by 12 metres to create a viewpoint. The feature would be visible from the A264 from the acoustic bund but it was considered that it would be an integral element of the landscape strategy for the site and contribute to the existing landscape character of the area.

ii) The impact on neighbouring residential occupiers on the eastern boundary of the site

The impact on the residential occupiers on the eastern boundary of the site in terms of visual amenity and the environmental impact of the proposed remediation work was set out in the CBC report dated 7th March 2010. Whilst the report had concluded that the remediation works would not have a detrimental impact on views into or out of Crawley it recommended conditions in the event of approval relating to:

- the monitoring of gas concentrations during and after the proposed remediation works;
- the submission of a Environmental Management Plan;
- the submission of a Construction Environmental Management Plan before the commencement of the remediation works.

The Council's Public Health & Licensing Officer supported this approach and the use of conditions as recommended by CBC to ensure that environmental safeguards were in place.

c) Full permission for the construction of a three to six metre high (above ground level) noise attenuation landform for approximately 700 metres, associated landscaping, pedestrian/cycleway and service provision (land known as Kilnwood Vale)

i) The Landscape impact of the noise attenuation bund

The bund would be linked to the remediation strategy. In summary the bund would take the following form from west to east:

- To the west of the secondary access the bund would be three metres above road level. This section would include an acoustic wall which would also be incorporated into the design detail of the proposed roundabout. The bund would be landscaped and this landscaping would provide a green edge to the footpath/cycle way and continue to the west of the roundabout entrance into the Phase 1 of the development to provide an entrance 'Gateway'.
- To the east of the secondary access, the bund would start adjacent to Beaubush Cottage and extend to a height of four metres above the current ground level. It would rise to a height of six metres midway along this section before dropping to four metres at the secondary access.

The creation of the bund would serve to screen the development from the A264 and through landscaping would provide a green edge to the development when viewed from the road. From within the site the bund would provide a buffer to the road and a landscaped edge to the proposed footpath and cycleway running along the southern boundary. The landscape and screening benefits and the relationship to Beaubush Cottage on the eastern boundary were considered to be acceptable.

ii) The effectiveness of the noise attenuation bund in safeguarding the living conditions of future residents

The bund would be designed to provide the necessary acoustic protection for future residents of the development. The key issue was whether the height and design of the bund was acceptable, having regard to the alignment of proposed residential development, within the first and later phases of the development along the front boundary of the site. Any increase in the height of the bund would not be acceptable in landscape terms. It was necessary to ensure that the bund was fit for purpose and provided the protection required to the adjacent residential properties.

Additional information had been submitted by the applicant in response to concerns relating to noise modelling to verify the effectiveness of the bund

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and the conclusions drawn in the initial assessment. Whilst this information had helped to allay some of the concerns of the environmental health officers at the Council and CBC, there were outstanding issues related to the construction details of the bund to ensure that it would conform to the measures as modelled in the acoustic report; and the measurement of the performance of the barrier at night. The Public Health & Licensing Officer had considered that the concerns relating to acoustic protection could be addressed through internal alterations to the residential units to remove noise sensitive rooms from the front boundary.

Whilst the internal arrangement of rooms was an option that the applicant could explore, the key element was to ensure that the acoustic bund would be able to perform effectively. In the event that permission was granted a condition was recommended to require the precise location, height and design specification to be submitted for approval and strategy for measuring the effectiveness of the performance of the barrier at night.

It was considered that a condition should be imposed relating to the detailed design and specification of the bund to ensure that it would provide the acoustic protection set out within the modelling exercise. However, a question remained regarding the need for post-construction testing. It was recommended that this matter is resolved as part of joint working on conditions between the Council and CBC.

iii) The relationship between the noise attenuation bund and cycle/pedestrian link

The cycle/pedestrian link would separate the boundary of residential development and the acoustic bund. The design detail of the link was important to ensure that it provided a safe and accessible link to the eastern boundary of the site. The landscape treatment of the bund and the protection of existing trees and hedgerow along the route had been raised as an issue by the Landscape Officer whilst the detailed treatment of the route had also been raised by WSCC Highways. In the event of approval it was recommended that a condition be attached to ensure that the precise alignment, surface treatment and lighting of the route be subject to approval to ensure a satisfactory relationship with existing landscape features and the bund.

d) Full permission for the development of Phase 1 of 291 dwellings, internal roads, garages, driveways, 757 parking spaces, pathways, sub-station, flood attenuation ponds and associated amenity space

The policy framework for the detailed design principles for the development was set out in Policy WB4 along with more specific advice in Policy DC9 of the Horsham District Council's General Development Control Policies.

The design of the Phase 1 layout had been subject to discussion throughout the application process to ensure that that the first phase would secure the scheme quality required by the JAAP. The discussions had been informed by policy considerations both from the Council and from CBC.

Although it was acknowledged that specific advice on minimum residential space standards out outdoor space which were adopted policy within Crawley did not apply within Horsham, the applicant had sought to amend the scheme to bring the scheme closer to the CBC requirements where possible. This was considered to be positive although it was noted that adhering to these requirements should not be a material consideration.

The usability and accessibility of some of the car parking spaces was also considered to be problematic. The proposed parking would meet highways standards but it was considered that the cramped layout of some of the spaces would appear unattractive. It was considered that the proposed car ports to plots 156-7 and 162-3 should be removed.

Concern was expressed in relation to the fitness for purpose of some of the rear garden areas. A number of plots had been identified but it was considered that further investigations should be made into improving the size of the gardens without affecting the mix, density and number of units. There was also concern about the small or lack of private amenity space provision for the flats. It was considered that the flats all needed amenity areas and that the gardens and amenity areas needed to be of an acceptable size, especially to serve families. It was noted that the applicant had come up with some suggestions to improve the garden sizes which had not yet been submitted and would need to be considered.

It was considered that the proposed layout of the units adjacent to the western boundary and their relationship to the woodland would create problems. The proposed location of some of the flats over garages was considered to be too isolated and lacking in connectivity to the rest of the site, especially in relation to plots 149, 191 and 194. Concerns had also been raised about the outlook of the flats over garages onto car parking areas rather than an area of active space and character and the impact of this on the boundary and countryside beyond. There were also concerns about the potential for crime and dumping due to the proposed proximity of some of these properties to wooded-boundaries. It had been suggested that gates be incorporated to mitigate this but it was considered that this would lead to the further isolation of the units in question.

No elevations had been received to demonstrate the appearance of the proposed flats over garages and whether this would be acceptable.

Concerns were expressed in relation to the size of the affordable housing units and whether these would attract grants.

There was concern about the proposed lower quality of architecture for the affordable housing units. It was considered that the affordable housing units should not be distinguishable in any way from the non-affordable units in terms of architecture and design to prevent segregation on the site. Further details on the design of the affordable housing would be needed.

It was noted that all affordable housing would be built to the standards of the Homes and Communities Agency. It was important for a Registered Social Landlord to submit a bid for the affordable housing as soon as possible to secure appropriate arrangements with the applicant.

The proposed layout of the affordable housing units was considered to be cramped and the garden sizes were considered to be small.

It was also considered that there was a need to re-organise gates and alleyways to the rear of plots 132 -140 and reposition the door to unit 67 and add a porch.

It was considered that there were numerous outstanding issues which needed to be dealt with in detail under delegation before permission could be granted.

Additional information had been received from the applicant's agent explaining that their architects were looking at amendments to the Phase 1 layout to address concerns relating to the gates and alleyways to the rear of plots 132-140; the removal of car ports to plots 156-6 and 162-3; the re-positioning of the door to unit 67 and the addition of a porch and the architectural detail of units 55-66. With respect to the flats over garages reference was made to the consultation from Sussex Police and advice provided by Secured by Design New Homes 2010 which suggested that parking courts should be gated.

Additional concerns had been raised by CBC in relation to:

- the design approach adopted to the rear of the properties aligning the key frontage routes and the smaller side streets;
- the lack of natural surveillance where garden gates and rear garden boundaries would be hidden from view;
- the details of the bus stop location to ensure that the stops would be accessible and designed to meet the requirements of the bus operators;
- the design of the open space and exact layout of the space in terms of sports pitches etc.

A landscaping condition could be imposed to address issues on the eastern boundary.

With respect to the northern boundary, the key issue related to the relationship of the development to the proposed CHP plant. The design and specification of this building was not known at this stage and this could potentially impact

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upon the northern edge of the Phase 1 scheme. This could have implications for the final layout of the northern part of the scheme if environmental safeguards were required.

It was considered that the applicant would need to submit an Energy Centre Technical Design Brief prior to the commencement of the northern section of Phase 1.

Initial discussion had taken place with the applicant in connection with planning obligations associated with the development, which the applicant was proposing to deliver through planning agreements with both WSCC and the Council. In the event of a resolution to grant planning permission for the development, it was considered that joint working should continue with CBC in respect of the content of the planning agreement and that the details of the agreement be agreed with the Chairman, Vice Chairman and the Horsham Members of the Joint Member Steering Group.

It was noted that Councillor David Holmes would take the place on Councillor Sally Horner on the Joint Member Steering Group.

A key issue in the resolution of the planning obligation package for the development had been the affordable housing to be provided. Appropriate clauses would need to be included in the planning agreement to secure the affordable housing.

RESOLVED

- (i) That a planning agreement be entered into within 6 months of the date hereof between the relevant parties, the Council and West Sussex County Council, reflecting the terms set out in the report to Committee and subject to the inclusion of a mechanism within the planning agreement to ensure that the actual cost of the landfill remediation works are identified and audited and that any savings against the relevant provisions contained within the developer's financial appraisal are used to increase the provision of affordable housing on site and/or to increase the proportion of affordable rented homes. The decision in relation to the detailed content of the agreement be delegated to The Head of Planning and Environment in consultation with the Chairman and Vice Chairman of the Committee the Horsham Members of the Joint Member Steering Group and West Sussex County Council regarding County matters.

DCN/150 Planning Application: DC/10/1612 (cont.)

- (ii) That, upon completion of the agreement in (i) above the decision in relation to parts a), b) and c) of application DC/10/1612 be determined by the Head of Planning & Environmental Services, in consultation with the Chairman and Vice Chairman of the Committee and the Horsham Members of the Joint Member Steering Group. The preliminary view of the Committee was that parts a), b) and c) of the application should be granted.
- (iii) That upon the completion of the agreement in (i) above the decision in relation to part d) of application DC/10/1612 be determined by the Head of Planning & Environmental Services in consultation with the Chairman and Vice Chairman of the Committee and the Horsham Members of the Joint Member Steering Group, to resolve outstanding issues in respect of the layout. The preliminary view of the Committee was that part d) of the application should be granted
- (iv) That joint working between officers of this Council and Crawley Borough Council should continue.

The meeting closed at 9.13pm having commenced at 6.30pm.

CHAIRMAN

DEVELOPMENT CONTROL (NORTH) COMMITTEE
3RD MAY 2011
REPORT BY THE HEAD OF PLANNING & ENVIRONMENTAL SERVICES

APPEALS

1. **Appeals Lodged**

I have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

2. **Written Representations/Householder Appeals Service**

- DC/10/1386 Change of use from parking to airport parking.
Bonwycks Lodge Farm, Ifield Wood, Ifield, Crawley, RH11 0LE.
For: Mr John Arthur
- DC/10/2118 Upgrade and repair of existing barn and stables, conversion of part of first
floor of barn to accommodation for groom.
Ivy Cottage, The Haven, Billingshurst, RH14 9BS.
For: Mrs Jane Knights
- DC/10/1724 Change of use to a food takeaway.
Enterprise House, 80 Lambs Farm Road, Horsham, RH12 4JH.
For: Mr John Relleen
- DC/10/2440 Fell 1 x Oak (T3) and replace with 1 x Turkish Hazel tree.
3 Finians Field, Barns Green, Horsham, RH13 0JX.
For: Mr R Cherriman
- DC/10/1041 Use of the land for the stationing of caravans for residential purposes for 11
no. gypsy pitches together with the formation of additional hard standing
and utility/dayrooms ancillary to that use.
Kingfisher Farm, West Chilton Lane, Billingshurst
For: Mr Maurice Black
- DC/10/2043 Erection of new detached single storey dwelling and detached garage using
existing access, creation of new access to serve existing dwelling with new
drive and turning space and new detached single garage.
Middle Gingers, Cox Green, Rudgwick, Horsham, RH12 3DD.
For: Mrs G.Hodson

3. **Appeal Decisions**

I have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

- DC/10/0935 Renewal of unimplemented planning permission DC/05/1149 for conversion
of building into 1 dwellinghouse.
Rusper House, Newdigate Road, Rusper, Horsham, RH12 4RR.
For: Mr A R Brown
Appeal: **ALLOWED** (Delegated)

DC/10/1339

Extension of unit on ground floor at front into covered undercroft facing Carfax plus extension at side within existing footprint. Change of use on 1st floor from B1 (Business) to A1/B8 (Shops/Storage/Distribution). Change of use on 2nd floor to B1/B8 (Business/Storage/Distribution) use.

Sussex Stationers Plc, 42 - 43 Swan Walk, Horsham, RH12 1HQ.

For: Ms Amanda Hall

Appeal: **ALLOWED** (Officers Recommendation Overturned at Committee)

DEVELOPMENT CONTROL (NORTH) COMMITTEE
3RD MAY 2011
REPORT BY THE HEAD OF PLANNING & ENVIRONMENTAL SERVICES

APPEALS - ADDENDUM

1. **Appeals Lodged**

In addition to the schedule enclosed with the agenda, I have received notice from the Department of Communities and Local Government that the following appeal has been lodged:-

2. **Written Representations/Householder Appeals Service**

EN/1/2011 The erection of an extension without listed building consent.
West Wing Forest Grange Manor, Forest Grange, RH12 4TG.
For: Ms L Greener



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 3 May 2011

DEVELOPMENT: Erection of 31 dwellings (comprising 1 x 1-bed, 5 x 2-bed, 5 x 3-bed, 19 x 4-bed and 1 x 5-bed units) and access to Sandygate Lane (Approval of Reserved Matters)

SITE: The Plough Inn, Leechpond Hill, Lower Beeding, Horsham

WARD: Nuthurst

APPLICATION: DC/10/2670

APPLICANT: Charles Church South East Ltd

REASON FOR INCLUSION ON AGENDA: Category of development

RECOMMENDATION: It is recommended that the application for Reserved Matters be approved subject to conditions.

1. THE PURPOSE OF THIS REPORT

To consider the reserved matters

DESCRIPTION OF THE APPLICATION

- 1.1 The current application seeks Reserved Matters approval for appearance, landscaping and scale of the development. Outline planning permission DC/09/0237 was granted on the 13 September 2009 for 35 dwellings which approved the principle of development on the site together with the means of access and layout.
- 1.2 The outline permission (ref: DC/09/0237) for 35 dwellings was considered concurrently with a full planning application (ref: DC/09/0239) for the erection of 4 dwellings which also comprised units 6-10 of the outline scheme. The scheme for units 6-10 was subsequently approved hence the current application for reserved matters relates to the consideration of 31 units only.
- 1.3 Minor changes to the previously approved layout have been undertaken in response to additional design considerations relating to landscaping, scale and appearance. The changes are not considered to have any significant off site implications beyond the site boundaries. The applicants Design and Access Statement Update received by the Council

on the 14 February 2011 provide a detailed analysis of the minor adjustments to the layout and are summarised as follows

- *Plot 23 was previously shown looking over a rear courtyard. The current proposals have re-orientated this unit so that it looks over Leechpond hill (along with adjacent units) to create a consistent frontage.*
- *Plot 27 was previously shown as a semi detached unit which sat sideways to the southern boundary of the site looking towards Leechpond hill. This unit has been re-orientated to look back towards the site entrance from the north in order to terminate views looking through the site from north to south and enhance the courtyard character of this space.*

- 1.4 The proposed development incorporates a range of semi detached, detached and terrace dwellings and would be implemented in two phases. The current reserved matters application represents phase 1 comprising plots 1-6 and 11-35 (31 dwellings total). Phase 2 relates to the implementation of the remaining units (7-10) which benefit from full planning permission (ref: DC/09/0239)
- 1.5 Amended plans were formally received on the 08 April 2011 to address concerns raised by the Councils Landscape Architect and Design and Conservation Officer. The amendments to the scheme are further considered within section 6 of the planning assessment.
- 1.6 The previous outline scheme imposed conditions which require the development to achieve sustainable homes code level 3. Affordable housing and financial contributions towards infrastructure, services and local amenities were secured under a separate section 106 legal agreement (ref: S1061763).

DESCRIPTION OF THE SITE

- 1.7 The site is located at the junction of Leechpond Hill and Sandygate Lane in Lower Beeding. The site is incorporated within the defined built-up area of Lower Beeding and, in part, the eastern site boundary at its southern end is opposite the boundary of the High Weald Area of Outstanding Natural Beauty, on the opposite side of Leechpond Hill. The site itself comprises The Plough Inn, its associated outbuildings, garden and car park, together with the adjacent field. The Plough Inn itself is a listed building. The site also contains a pond and a number of mature trees. The field adjacent to the public house is mainly grassed with boundaries principally marked by hedging.

PLANNING HISTORY

- 1.8 There are a number of planning applications relating to this site. Those of relevance include
- In 1985 an application for the erection of 15 houses and garages (outline) was refused (LB/55/85).

In 1987 residential development, realignment of the A279, provision of roundabout and new access was refused (LB/11/87).

Full planning permission to erect 1 x four bed house, 2 x one bed flats and 1 x two bed flat (total one house and three flats), new access, associated parking and garaging, change of use of store to shop including alterations (ref DC/09/0239) was approved for units 6-10.

In 2009 an outline application (ref: DC/09/0237) for the erection of 35 dwellings and access to Sandygate Lane was approved.

An application for a non material minor amendment to plans approved under full planning ref: DC/09/0238 has been submitted and is currently pending consideration.

The remainder of the planning applications on the site relate to the public house and associated development.

- 1.9 Section 106 agreement ref: S1061763 –The agreement is also applicable to the current reserved matters application and seeksto secure financial contributions towards infrastructure, amenities and services and to secure affordable housing provision in respect of approved full planning and outline applications DC/09/0237, DC/09/0238 and DC/09/0239 (completed 14 July 2010).

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 PPS1, PPS3, PPG13 and PPG24

RELEVANT COUNCIL POLICY

- 2.3 Local Development Framework Core Strategy (2007) - Policies CP1, CP2, CP3, CP5, CP9, CP12, CP13, CP14, CP16 and CP19.
- 2.4 Local Development Framework Development Control Policies (2007) - Policies DC6, DC8, DC9, DC18 and DC40.
- 2.5 Site Specific Allocations of Land (2007) document: Policy AL8 (Land at The Plough, Lower Beeding).

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 **Strategic Planning**

*“This Department **actively supports** these proposals, which are considered to comply with the Council’s adopted policy, and have been the subject of much pro-active work by the Parish Council, the village community, District Council, and the landowners. We would wish to see the proposals approved as soon as possible so as to meet the needs identified and ensure the delivery of the housing in the short term.”*

- 3.2 **Conservation and Urban Design Officer**

Original comments (received 31 March 2011) – “The agents have sort to address design issues raised at outline stage and through pre-application advice and subsequently the main design principles, including the layout, and minor changes to units locations, street paths and the inclusion of flat above a garage to provide surveillance over the pond and

parking area. In conclusion the broad design principles of this reserved matters application are supported.

However, there are a number of improvements to minor elements of architectural design and layout that would enhance the development, and help provide an inclusive layout and details that respond well to the local context.

Plot 1-5: A simply vernacular approach to the cottages facing Sandygate Lane is acceptable in principle, however the individual details could be enhanced to better integrate the house style with the overall quality on the rest of the site. For example, details such as central horizontal glazing bars or an alternative porch design, perhaps in an oak frame may also go some way to elevating some of the plainness of their character. Tile hanging on the upper storeys of perhaps plots 1 & 2 would also be appropriate. The plans for plot 5 appear to be wrong handed, plus an active window in the side elevation, overlooking the tree/grassed area would help provide natural surveillance over this space.

Plot 6 is a flat above a garage. This typology is a useful tool used on a number of sites within the district to gain an extra type of dwelling, but also can be used to survey over open and parking court areas, providing security, character and activity to an otherwise sometimes underused area. On this site, the FOG is welcomed as a type of unit, however attention does need to be given to the design of this style of unit to ensure it is simply not just "a flat above a garage" but has its own character and presence over the space it surveys. Unfortunately, the design of unit 6 lacks detailing in order to give it these desirable traits: I would suggest changing the bedroom window and the large lounge window to Juliette type balcony windows in order to help increase natural surveillance over the pond area and give character to the individual unit.

Plots 11-19 and 30-35 run in a near continuous form, with a break to the parking court. Some relief could be provided to this run by removing the garages and replacing them with timber framed car barn structures. This softening of detail will help the blend of design between an urban character and that suitable for a semi rural one such as this. I would suggest removing replacing garages to plots 14-15, 33-34 and 30-31. "

Final comments subject to the receipt of amended plans (received 8 April 2011) - Subject to the receipt of amended plans on the 8 April 2011 the Councils Design and Conservation Officer raises **no objection** from a design perspective. The scope of the amendments is detailed in the planning assessment section of this report.

3.3 Arboricultural Officer

The Councils Arboricultural Officer maintains his **objection** to the scheme but acknowledges that the principle of the development is now established subsequent to the grant of the previous outline scheme. The Officer has recommended additional conditions be imposed should reserved matters be approved.

The following comments are from the Arboricultural Officers consultation response from the previously approved outline scheme (ref DC/09/0237).

In summary, I remain of the view that this scheme in its present format will result in direct harm to two trees of high amenity merit, and indirect harm to two more, contrary not only to relevant guidance and recommendations, but also in breach of policies DC2 and DC9 of the General Development Control Policies Framework document (December 2007) and the requirement at sub-section (f) of Policy AL8 of the Site Specific Allocations of Land document (November 2007). I thereby maintain my OBJECTION to the scheme.

3.4 Landscape Architect

Original comments (received 29/03/2011) – “Generally I am satisfied with most of landscape proposals but the following need to be addressed before approving the reserve landscape matters

- *Need for reinforcement hedgerow tree planting in the rear garden of and adjacent to plot 25. Planting of small area of open space next to plot 25 is not determined yet- we need to understand what the drainage issues/proposals in this area are and what the intended landscape solution will be.*
- *Need for infill reinforcement hedge planting on the boundary of plot 27*
- *Provide for wildflower seeding of area shown as grassed adjacent to the pond*
- *Provide for hedge planting to soften existing close board fence on the front garden boundary of plot 1 with the adjacent existing bungalow*
- *Provide bulb planting in small open space at the site access point.*
- *Provide semi-mature size nursery stock trees at least 25-30cm girth for greater immediate screening and softening of built development on the Leechpool Hill boundary*
- *I appreciate its on the red line boundary but I would strongly recommend hedge and tree planting should be provided on the boundary with the pub carpark. Without this the quality of the access into the site will be much diminished.*
- *Hard landscape- given the rural location of the development I would strongly recommend use of a surface dressing treatment for the access road and footpath to give a softer feel. Colour to be agreed.”*

Final comments subject to receipt of amended plans (received 8 April 2011) – Subject to the receipt of an amended Landscape Plan on the 08 April 2011 the Councils Landscape Architect raises **no objection** to the proposal. The amendments are covered in more detail within the planning assessment section of this report.

3.5 The Public Health and Licensing Officer

“No comments to make on the Reserved Matters application addressing the landscaping and scale of the approved outline scheme.”

3.6 The Housing Officer

“Housing officers fully support the application in terms of the number and type and tenure of affordable dwellings proposed. The applicant has worked closely with Lower Beeding Parish Council and Horsham District Council. A specialist rural Housing Association is in advance stages of negotiation with the developer to deliver the affordable homes.

The scheme will provide affordable housing for those with a local connection to the parish, and who are in housing need. Each property will remain affordable in perpetuity.”

EXTERNAL CONSULTEES

3.7 Crime Prevention Officer

This consultee refers to previous comments made under DC/09/0237.

3.8 **Southern Water**

Informative and conditions recommended under outline planning scheme (ref DC/09/0237)

3.9 **WSCC Highways**

“The principle of development has already been established by way of the outline approval with matters of access and layout already approved. The Highway Authority would have no comment upon the reserved matters application as this seeks to approval details relating to landscaping, appearance and scale.”

3.10 **Parish Council**

*“The Parish Council has **no objection** to this application”*

PUBLIC CONSULTATIONS

3.11 Letters of objection have been received from two neighbouring occupiers and raise the following concerns:

- *Design – adverse impacts upon the setting of adjacent listed buildings as a result of utilitarian design to plots 1-5.*
- *The site plan received by the Council on the 14 of February 2011 makes reference to plot 36 however there are no (elevation) plans submitted for this plot. This neighbour also seeks clarification on what the boundary with the adjacent field will be.*

4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

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 the application. Consideration of Human Rights forms part of the planning assessment below.

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

It is not considered that there are any significant implications for crime and disorder arising from this application.

6. **PLANNING ASSESSMENT**

6.1 The application seeks permission for Reserved Matters following the grant of Outline Permission which established the principle for 35 residential properties and associated access and parking.

Scale and appearance

6.2 The Council's Conservation and Design Officer in her original consultation response makes the following comments with respect to the overall design of the scheme.

“The agents have sort to address design issues raised at outline stage and through pre-application advice and subsequently the main design principles, including the layout, and minor changes to units locations, street paths and the inclusion of flat above a garage to

provide surveillance over the pond and parking area. In conclusion the broad design principles of this reserved matters application are supported.

However, there are a number of improvements to minor elements of architectural design and layout that would enhance the development, and help provide an inclusive layout and details that respond well to the local context. “

6.3 The applicant has responded to the concerns by undertaking the following amendments.

- “• Plots 1-5. Units are to be amended to include central horizontal glazing bars on the windows.*
- Plots 3, 4 and 5 have timber frame canopies with flat lead roofs in accordance with the illustrations in the Design Guide (see page 6). This is considered a more appropriate design approach to properties on the back edge of footpaths, where there is limited front garden space.*
- Plots 1-2 amended to include tile hanging on the upper storeys and wrapped round the building. Porches will be amended to pitched roof porches similar to the tile hung houses within the main part of the site (see plots 16 & 17).*
- Plot 5 amended to include a window on its eastern elevation overlooking the grassed entrance, which will be placed to serve the dinning room.*
- Plot 6 amended to change the bedroom window and large lounge window to a Juliette balcony.*
- It has been requested that the garages for Plots 14-15, 33-34 and 30-31 be amended to Car Barns. I think the Urban Design Officer has misunderstood the plans because as shown on the Site Plan and individual house types, Plots 14 and 15 are drive through Car Barns with parking to the rear. The gates to the front of the Car Barn are proposed to provide security to the rear of the property, where the second car is parked. However, as requested we propose to remove the gates and will add fencing around the rear of the second parking space to secure the rear garden. As shown on the street elevations attached Plots 30-31 and 33-34 are already proposed as Car Barns, however as suggested these will be amended to timber post Car Barn Structures as well as for Plots 14 and 15. “*

6.4 The design concerns raised by a neighbouring resident are duly noted and have also been identified in part by the Councils Conservation and Design Officer. Amended plans have been submitted in response to these concerns. It is noted that this neighbour maintains an objection to the use of flat roof canopies on plots 3, 4, and 5.

6.5 The proposal now has the support of the Councils Design and Conservation Officer and is considered to satisfy local parish design guidelines and the design principles of policy DC9 of the adopted Development Plan. The scale of the development which is characterised by 2 storey and 2.5 storey dwellings is considered to introduce a degree of architectural variation and visual interest to the street scene. The inclusion of timber frame and tile roof car barns on selected plots results in a less urbanised frontage and is considered a positive contribution in terms of the developments rural village vernacular. The incorporation of additional detailing to the terrace dwellings fronting Sandygate Lane offer a sympathetic approach in terms of integration with the surrounding built environment and nearby listed buildings. The outline scheme requires the submission of sample materials under condition 14 and would allow the Local Planning Authority to exercise further control over the treatment of external elevations. In view of recent neighbour representations the proposed use of flat roof canopies to the front of plots 3, 4 and 5 is not considered to warrant refusal of the application.

Residential amenities

- 6.6 The layout of the scheme has been approved at outline stage and so the orientation and separation distances between plots are considered to be acceptable in principle. The minor adjustments to the layout would not result in any un-neighbourly relationships between units both within the development itself and adjoining properties beyond the site boundaries. In particular the dwelling occupying plot 23 has been re-sited closer to Leechpond Hill. This is considered to improve the outlook from this dwelling and the linear relationship between plots with respect to the proposed front building line. In general terms the development would provide future occupants of the dwellings a satisfactory level of outlook both from front and rear elevations of their respective properties.
- 6.7 The reconfiguration of plot 27 is considered appropriate resulting in a more formal courtyard configuration. While the dwelling is moved closer to the adjoining boundary with Little Orchards it is considered to be sufficiently distanced (approximately 25 metres) from this neighbouring dwelling and would not have a significant impact upon the amenities of this property. The presence of existing boundary screening would further screen the development.
- 6.8 It is evident from the submitted plans that the applicant has been mindful of protecting the privacy of individual plots through the appropriate placement of side elevations windows. This can be further controlled through the imposition of conditions subject to the approval of reserved matters.
- 6.9 Noise and disturbance arising from the construction and implementation of the development would be controlled by way of operational conditions imposed under the previous outline planning approval.

Landscaping

- 6.10 In response to the Councils Landscape Architects concerns the applicant has made the following amendments.
- *Reinforcement hedgerow tree planting to be added in the rear garden of and adjacent to Plot 25.*
 - *The planting of the small area of open space next to Plot 25 will be a grassed area with some bulb planting to mirror the entrance from Sandygate Lane (see response to comment below) and the soft landscape plan will be amended to reflect this. The matter of drainage details is to be dealt with separately pursuant to a planning condition.*
 - *Reinforcement hedge planting to be added on the boundary of Plot 27.*
 - *Wildflower seeding will be included in the area shown as grassed adjacent to the pond.*
 - *Hedge planting added to soften existing close board fence on the front garden boundary of Plot 1 with the adjacent existing bungalow.*
 - *Bulb planting to be added in the small open space at the site access point.*
 - *Amend the 6 No. T5 along this boundary to semi-mature size. This would provide a natural looking variety of trees at differing stages of development, rather than an artificial-looking avenue.*
 - *Hedge planting to be provided on the boundary with the pub car park but this is limited by a drainage easement that runs along this boundary. There is insufficient space for tree planting within the red line boundary and because of the drainage easement.*
 - *It was proposed that the use of a surface dressing treatment for the access road and footpath could be appropriate to give a softer feel. It is our view that this approach to*

surface treatments is a urban design response typically found in much larger urban developments and it's not typical in rural locations such as this. No other road in Lower Beeding has this form of special surface treatment and is therefore not to be considered to be characteristic of the village. We therefore propose to keep the surface material as currently shown.

- 6.11 The applicants view on the surface treatment of the access is accepted given the prevailing road surface characteristics that exist in the wider neighbourhood location also from a design point of view this approach would allow for effective integration with the existing road network. The reinforcement of hedgerows to the rear of plot 25 (an issue identified at the outline planning stage) is particularly welcomed and would provide additional screening and privacy to both the proposed plot 25 and neighbouring property 'Little Orchards'.
- 6.12 In general terms the landscape proposals are considered to be sufficient with the pond area and associated vegetation provide an aesthetically pleasing focal point within the development. The Councils Landscape Architect has confirmed that the amendments satisfy landscaping requirements and has raised no further concerns. The landscaping conditions imposed under the original outline permission, will allow the Local Planning Authority to exercise greater control over the implementation, management and precise specifications of landscaping proposals.
- 6.13 Key issues identified by the Arboricultural Officer in their comments under the previous outline scheme concerned the developments impact upon the root protection areas of trees T9, T5 and two off site trees in Gardeners Cottage.
- 6.14 The principle tree protection issues were considered at the outline planning stage. The applicant has made the following comments in response to this matter

"The Tree Officer in his original comments considers the impact of units 5, 7, 8, 9 (fronting on Sandygate Lane) on Tree T9; impact of unit 10 and the associated footpath on Tree T5; impact of units 25, and 26 (now labelled 35 and 34 on the reserved matters application), on two off site trees along the western boundary and impact of units 35 and 34 (now labelled 25 and 26 on the reserved matters application) on the trees along the Site's southern boundary.

At the Outline stage layout was a matter for determination. The units identified above have not been moved closer to the trees identified and are broadly in accordance with the approved layout, subject to the detailed design of the units. The proposals will therefore have not greater impact on those trees than that assessed and approved at the Outline stage. However, it should be noted that there is a specific condition attached to the Outline Consent which requires details to be submitted to and approved by the Local Planning Authority for the protection of trees to ensure they are retained and safeguarded from harm. "

- 6.15 The Councils Arboricultural Officer maintains objections over the developments impact upon trees on site. Due to the fact that the principle of development and layout has been approved the Officer has recommended further conditions be imposed to ensure any adverse impacts upon root protection zones are minimised.

Contributions

- 6.16 Section 106 agreement (ref: S1061763) was completed on the 14 July 2009 in respect of approved full planning and outlines applications DC/09/0237, DC/09/0238 and DC/09/0239 to secure financial contributions towards infrastructure, amenities and services and to

secure affordable housing provision. This agreement is applicable to the current reserved matters application.

Other matters

- 6.17 Further to the previous drainage matters considered under the outline application the applicant has provided supplementary information regarding sustainable drainage concepts and technologies to be used on the site.

“Storm water drainage from the site has been designed to restrict proposed flows from the site to no more than the existing Greenfield run off rates. This is achieved by providing storage for the 30 year storm event in the adoptable 1500mm tank sewer to be located in the adoptable road. Additional private storage is provided in the form of cellular below ground storage to cater for storm events greater than the 30 year storm event and up to the 100year + 30% climate change storm event. Final flows from the site are to be restricted using a Hydro-brake control chamber”

This information is provided without prejudice, since details have yet to be submitted to discharge the drainage condition for the Site. It has been provided in the spirit of helping you present the reserved matters application to Members, should Members ask any questions about how drainage will be dealt with. “

- 6.18 Affordable housing was considered under the previous outline permission is to be secured by way of the completed section 106 agreement. A summary from the previous outline planning report is shown below.

“The proposal provides 10 affordable dwellings in accordance with the policy. Action in Rural Sussex carried out an updated housing need survey in 2007 (following on from an original survey in 2005) which showed that there was an indentified local need for affordable housing. An associated Section 106 agreement will need ensure that the affordable dwellings are secured and made available for local people”

The Housing Strategy & Development Manager re-iterates support for the scheme in the comments below.

“Housing officers fully support the application in terms of the number and type and tenure of affordable dwellings proposed. The applicant has worked closely with Lower Beeding Parish Council and Horsham District Council. A specialist rural Housing Association is in advance stages of negotiation with the developer to deliver the affordable homes.

The scheme will provide affordable housing for those with a local connection to the parish, and who are in housing need. Each property will remain affordable in perpetuity.”

- 6.19 An assessment of the proposals impact upon biodiversity was undertaken at outline stage and would be further controlled by way of condition 13 of the outline permission which requires the submission of an ecological management plan. The proposal is considered to accord with policy DC5 of the Development Plan.
- 6.20 An adjoining neighbour's representation makes reference to plot 36 on the submitted site plan(received 14 February 2011) is not evident subsequent to further review by the case officer, however it can be confirmed that a 'plot 36' does not form part of the reserved matters application. Plot 35 would appear to be the closest dwelling to this neighbour and it can be confirmed that this property would be 2 storeys. Final boundary treatment details are to be considered at the condition discharge stage subsequent to the grant of planning

permission. The submitted details would be considered in consultation with the Councils Landscape Architect and would be secured under condition 3 of the original outline permission.

Conclusion

- 6.21 The scale and appearance of the development is considered satisfactory and in keeping with the architectural vernacular of the surrounding location. The scheme would be complimented by relatively robust landscape proposals which seek to soften the impact of the proposed buildings, provide aesthetic focal points and reinforce boundary vegetation and screening. The proposal is considered to comply with the relevant adopted policies of the Development Plan subject to conditions imposed on the previous outline permission and those recommended for the current Reserved Matters application.

7. RECOMMENDATION

- 7.1 It is recommended that the application for Reserved Matters be approved subject to the following conditions.

01 D4 Obscured Glass

The following windows situated at first floor level on the

West elevation of the building occupying plot 26
South elevation of the building occupying plot 30
North elevation of the building occupying plot 31

level shall at all times be glazed with obscured glass precise details of which, together with details of any opening, shall be submitted to and approved by the Local Planning Authority in writing before installation.

The approved glass and any agreed opening details shall be maintained at all times.

Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 02 Prior to the commencement of development precise details of the siting and design of garden sheds/outbuildings to be erected on the site shall be submitted and approved in writing. The development shall be implemented in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail, in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

03 L3 Trenches

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 policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

04 L6 Burning of materials

The burning of any materials from site clearance or from any other source shall not take place within 10m of the furthest extent of the canopy of any tree, group of trees, or hedgerow, targeted for retention on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

8. **REASONS**

ICAB3 The proposal does not have an adverse impact upon the character and appearance of the street scene or locality.

IDP1 The proposal is consistent with the provisions of the development plan.

Background Papers: DC/10/2172
Contact Officer: Jamie Forsman



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 3rd May 2011

DEVELOPMENT: Renewal of unimplemented permission DC/07/1922 for the demolition of existing dwelling and erection of assisted living care home with associated access - outline

SITE: The Firs and land rear of Archers and Burleigh, Farthings Hill, Horsham

WARD: Denne

APPLICATION: DC/11/0404

APPLICANT: Mr Peter Dines - Gerald Eve

REASON FOR INCLUSION ON AGENDA: Category of development

RECOMMENDATION: Subject to prior completion of a Section 106 legal agreement, to renew the outline planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks renewal of the unimplemented planning permission DC/07/1922 for the demolition of the existing dwelling (The Firs) and the erection of an assisted living care home for frail older people. The application is for outline planning permission and includes the details of the proposed access for approval. All other matters, layout, scale, appearance and landscaping are to be reserved for later approval. In this case these were approved under subsequent application DC/08/2619.
- 1.2 The original report relating to the outline application is attached which describes in detail the proposal.

DESCRIPTION OF THE SITE

- 1.3 The situation at the site has not changed since the original consideration of the application and is thus as set out in paragraph 1.7 of the previous report. With regard to the Berkeley Homes development at Farthings Walk (DC/07/1198), this permission has now been implemented and the dwellings constructed and in the main the houses have been sold and occupied. In all other respects the site and its surroundings remain the same as before.

PLANNING HISTORY

- 1.4 As stated above, outline permission was granted for the assisted living care home under reference DC/07/1922. A Section 106 Agreement was completed (ref. SEC106/1622) relating to transport contributions, which are to be paid on commencement of development.
- 1.5 A subsequent reserved matters application (DC/08/1275) was refused on 12th August 2008. There was concern with regard to the form, style and design of the building, in particular the excessive height of the building and that it would be out of keeping with the area detrimental to the overall character of the locality.
- 1.6 A subsequent application, DC/08/2619 for a further approval of reserved matters was considered by the Committee on 3rd March 2009. The design and overall scale of the building had been amended from the previous submission in that the overall footprint was reduced and the design simplified and ridge line varied. The reserved matters were approved on 18th March 2009.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 PPS1, PPS3 and PPS13.

RELEVANT COUNCIL POLICY

- 2.3 In this respect the policies of the Local Development Framework, namely the Core Strategy and General Development Control Policies, are the same as previously considered. However the West Sussex Structure Plan has been superseded by the South East Plan 2009 and the relevant policies are SP3, CC1, CC4, H4, BE1.

3. OUTCOME OF CONSULTATIONS

- 3.1 **The Public Health and Licensing Officer** has no objection to the proposal in principle but in order to mitigate any adverse environmental impacts the applicant will need to exercise suitable controls in the following areas:

Environmental noise assessment report conclusions are acceptable, he recommends the implementation of the measures detailed in the report (erection of an acoustic screen) and further recommends that no building service plant is installed without prior approval, which would necessitate an acoustic consultant's report. In respect of the demolition phase, suitable assessments should be made to identify any asbestos contained within the building and any other potential contaminated land issues; no burning of materials should take place on the site; hours of construction and demolition activities to be limited. In respect of the operation of the premises, he recommends restrictions on hours of use for deliveries, suitable acoustic insulation for the properties of the building fabric, suitable noise controls of any extract ventilation air conditioning systems, suitable provision for drainage, suitable provision for kitchen extract ventilation system, waste and refuse areas to be located well away from neighbouring properties and suitable positioning of any external security lighting or similar.

3.2 Strategic and Community Planning have commented as follows:

'The proposal is in general conformity with Policy CP5 of the Core Strategy 2007, as the site sits within the built up area boundary of Horsham, a Category 1 settlement. The policy states that priority will be given to locating new development within towns and villages which have a defined built up area.

Policy CP16 of the Core Strategy 2007 and Policy DC31 of the General Development Control Policies 2007 are the most relevant policies to this proposal.

Policy CP16 – Inclusive communities, sets out that measures which help create socially inclusive and adaptable environments for a range of occupiers and users, will be encouraged and supported. Part b) of CP16 states that particular account will be taken of the need to address the needs of an ageing population, particularly in terms of housing and health. The proposal for the development of an assisted living home for the frail elderly, particularly those with Alzheimer's disease and other forms of dementia, appears to be in general conformity with CP16.

Policy DC31 - New / extensions to retirement housing and care homes schemes, part c) sets out that care and nursing homes will be permitted in order to meet the care needs of the elderly or other groups in need of specific specialist / medical care provided that the development incorporates appropriate staff accommodation and / or is the subject of an agreed Green Travel Plan; and the need for the form and type of development in its particular location is fully justified as being essential to the identified care provision. Given the number of elderly people living in the District and that this is expected to continue to rise, the proposal is in general conformity with Policy DC31 as it proposes to meet the care needs of the elderly. It also appears to address both points of part c) of the policy as it proposes appropriate staff facilities and the applicant has submitted a travel plan.

Further policies that need to be taken into account are Policy DC8 which favours developments which ensure that measures are incorporated that reduce the impact of climate change and carbon dioxide emissions; and also Policy DC9 which sets out various development principles which permissions need to take account of to ensure high quality development.

In conclusion the department does not in principle raise a strategic policy objection to the proposal; however, we suggest that you are mindful of the aims of the relevant policies and the above comments'.

EXTERNAL CONSULTATIONS

- 3.3 **Southern Water** has no objections.
- 3.4 **West Sussex County Council** have no highway objection to the proposal and require any previously recommended condition/informatives be applied to the current application if permitted. A Section 106 contribution was previously sought, this should similarly be sought for the current application unless payment of this has already been made.

PUBLIC CONSULTATIONS

- 3.5 One letter has been received from Oaklands commenting that since the earlier applications were made the amount of housing in the immediate vicinity has been considerably increased giving rise to a perceived increase in the volume of traffic along the A281 (dwellings at Farthings Walk and Farthings) and expressing concern about the access for the application being close to the Farthings Hill interchange and that it would lead to further congestion and a potential black spot of stationary traffic and air pollution, the level of traffic giving rise to delays particularly during school term time and proposed development at Broadbridge Heath will add to further traffic activity along the road. Querying whether the alteration to the road layout on the Farthings Hill interchange with the closure of the southbound slip road to be used to allow the egress from the proposed site therefore relieving Farthings Hill. Referring to trees and shrubs being removed and reiterating objections with regard to the height of the building in this prominent location, querying whether it is compatible to the other properties in the immediate areas as Oaklands is a bungalow, concern about light pollution and damage to the environment, location of the car park and driveway would give rise to intrusion of headlights into their rooms with the land being at a higher level. The proposed driveway would add to congestion at peak times and unsafe access, impact of lighting on wildlife, illuminated signs would provide further distraction.

4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

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 the application. Consideration of Human Rights forms part of the planning assessment below.

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

It is not considered that there are any implications for crime and disorder arising from this application.

6. PLANNING ASSESSMENT

- 6.1 This application relates to a renewal of the outline permission DC/07/1922. This was granted on 15th May 2008 and requires the application for reserved matters to be made by 15th May 2011 and the development to commence either before 15th May 2011 or two years from the approval of the last reserved matters.
- 6.2 In this case the reserved matters were approved on 18th March 2009 (DC/08/2619) and so required implementation within two years, re 18th March 2011.
- 6.3 As the works to implement the development have not yet been started, the scheme will lapse on 15th May 2011 and so the applicant has applied to renew the permission.
- 6.4 The agent advises that the application is made in order to extend the life of the extant care home planning permission on this site. This is necessary as a direct result of the global economic situation which has resulted in the delay of this project.
- 6.5 Government advice for dealing with such renewal applications is included within Communities and Local Government publication "Greater Flexibility for Planning Permissions - Guidance". This states that that *"in current circumstances LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have be judged to be acceptable in principle at an earlier date. While these applications should of course be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on Development Plan policies and other material considerations (including national policies on matters such as climate change, which may have changed significantly since the original grant of permission"*. It further states that LPAs may refuse applications to extend the time limit for permissions where changes in the Development Plan or other material considerations indicate the proposal should no longer be treated favourably.
- 6.6 The previous report for the outline proposal sets out the main issues and the planning analysis for the scheme at section 6, 'Planning Assessment'. It is considered that the issues remain the same as previously reported and the conclusions reached with regard to those material considerations have not changed.
- 6.7 The detail of the proposal did progress following the granting of the outline permission with the approval of the second reserved matters application (DC/08/2619) which related to the detailed consideration of the appearance, layout, scale and landscaping of the site. In particular the footprint, size, scale and appearance of the building were assessed and amended where appropriate. The distances between the residential properties surrounding the site and the proposed building were changed from the general layout shown on the outline permission to result in an improved situation in terms of separation distances and appropriate detailing of the building so as to protect the residential amenities of adjacent

occupiers. The reserved matters application is still valid and does not need to be renewed.

- 6.8 A fresh legal agreement would be required to take account of the revised application number and the transport contributions.

Conclusion

- 6.9 It is not considered that there have been any material changes in circumstances since the original outline permission was considered by the Committee in February 2008. The Local Development Framework policy situation remains the same and the relationship with surrounding properties has not changed to warrant a different conclusion being reached with regard to this renewal application. As set out previously and has been agreed, it is considered that the principle and the details of the application are acceptable and it is recommended that the application be approved subject to the completion of a legal agreement.

7. RECOMMENDATION

- 7.1 It is recommended that the application be delegated to the Head of Planning and Environmental Services for approval subject to the completion of a satisfactory legal agreement within six months and subject to the following conditions:

- 1 (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) 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, 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.

- 2 The premises shall be used only for purposes as an assisted living care home within Use Class C2 (Residential institutions) as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason: To enable the Local Planning Authority to control the use of the site and because other uses would be contrary to policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 3 No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed buildings(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

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 DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 4 No works or development shall take place until full details of all hard and soft landscaping works have been approved in writing by the Local Planning Authority. All such works shall be carried out in accordance with the approved details. Any plants which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development and in the interests of amenity in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 5 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 9 of BS 5837 'Trees in Relation to Construction' (2005). 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 policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 6 No development shall take place unless and until details of the route of functional services above and below ground to the proposed development have been submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that the development does not have an adverse impact on the health of the adjacent trees, in accordance with Policy DC9 of the Horsham District Local Development Framework General Development Control Policies (2007).

- 7 No development, hereby approved, shall be commenced until the site access and visibility splays onto the A281, Farthings Hill have been provided in accordance with the approved site plan. These splays shall thereafter be kept clear of all obstructions to visibility over a height of 0.8 above the adjoining carriageway level.

Reason: To provide vehicular and pedestrian access to the care home in accordance with Policy DC40 of the Horsham District Local Development Framework General Development Control Policies (2007).

- 8 A 'Full Travel Plan' for the care home shall be submitted to and agreed by the Planning Authority, within nine months of the occupation of the care home. The 'Full Travel Plan' shall be in accordance with the 'Interim Travel Plan' and include travel mode targets, an implementation time frame, annual monitoring surveys and enforcement measures.

Reason: To accord with Policy DC31 of the Horsham District Local Development Framework General Development Control Policies (2007).

- 9 The building(s) hereby approved shall not be occupied until the parking turning and access facilities have been provided in accordance with the plans hereby approved (or in accordance with plans submitted to and approved in writing by the Local Planning Authority) and the parking turning and access facilities shall thereafter be retained solely for that purpose [and solely in connection with the development].

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 10 No work shall be carried out on site unless there is available within the site provision for the parking, loading and unloading of vehicles and the storage of materials and equipment associated with the building works; all in accordance with precise details to be approved by the Local Planning Authority in writing before development commences. The approved facilities shall be retained and available for use throughout the period of work required to implement the development hereby permitted unless alternative details are agreed in writing by the Local Planning Authority.

Reason: In the interests of road safety and/or in the interests of amenity and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 11 Before development commences, details of the provision of facilities for the parking of cycles shall be submitted to and approved by the Local Planning Authority and the facilities so provided shall be thereafter retained solely for that purpose.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 12 Before development commences precise details of the finished floor levels of the development in relation to a nearby datum point including cross sections of the site shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: To control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 13 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any 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 DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 14 No development shall take place until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected. Thereafter the screen walls and/or fences shall be retained as approved and maintained in accordance with the approved details.

Reason: In the interests of amenity in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 15 The development hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure the adequate provision of recycling facilities in accordance with policy CP2 of the Horsham District Local Development Framework: Core Strategy (2007).

- 16 No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority in writing and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

Reason: In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 17 No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 18 No burning of materials shall take place on the site.

Reason: In the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 19 All existing buildings and structures on the application site at the date of this permission shall be demolished, the debris removed from the site and the site cleared before any other works for the implementation of the development hereby permitted commence.

Reason: In the interests of the amenities of the locality and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 20 The use hereby permitted shall not be commenced until the means of ventilation for the extraction and disposal of cooking odours has been provided in accordance with details first submitted to and approved by the Local Planning Authority in writing. These details shall include times of operation of the ventilation system and the proposed maintenance programme. Thereafter, the ventilation system shall be installed, operated and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 21 Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the [public/buildings/environment] when the site is developed.

Reason: To ensure that any pollution is dealt with in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 22 A scheme for protecting the proposed development from external noise shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of development. The approved scheme shall thereafter be implemented prior to the occupation of the building and shall be retained at all times.

Reason: In the interests of residential amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 23 Before the development hereby permitted commences a scheme shall be submitted to and approved by the Local Planning Authority in writing which specifies the provisions to be made for the control of noise emanating from the site. The approved scheme shall be implemented prior to the use of the site.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 24 The building shall not be occupied until a scheme for signage (to include details of the proposed signs) to encourage traffic to turn left at the exit have been submitted to and approved in writing by the Local Planning Authority. The approved signs shall be installed prior to the first use of the buildings and thereafter retained.

Reason: In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 25 The maximum number of bedrooms to be provided within the proposed care home to be detailed in any reserved matters application shall not exceed 66 unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.

Reason: To enable the Local Planning Authority to control the development in detail and in accordance with policies DC9 and DC31 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 26 There shall be a minimum distance of 31.8m between the south east elevation of the proposed building and the west elevation of The Grange.

Reason: To enable the Local Planning Authority to control the development in detail and in accordance with policies DC9 and DC31 of the Horsham District Local Development Framework: General Development Control Policies (2007).

- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the south eastern elevation of the development without the prior permission of the Local Planning Authority pursuant to an application for the purpose.

Reason: To protect the amenities of adjoining residential properties and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

Note to Applicant

Access works on the public highway - The developer is advised that they will be required to enter into a highway works agreement to be made under the provisions of the Local Government Miscellaneous Provisions Act 1972, Section 111 for the execution of the site access onto Farthings Hill. The applicant is requested to contact the Agreements Officer, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ (Tel. No. 01243 777251) in order that the necessary documentation may be prepared for inclusion in the legal agreement.

Note to Applicant

The Local Planning Authority expect that the developable area, footprint and height of the building as shown in any reserved matters application should accord with the details as set out in this application.

Note to Applicant

When the reserved matters application is submitted, information relating to the availability of services provided to persons potentially referred by Social Services should be submitted as part of the details accompanying the application.

8. REASONS

- 1 The proposal is consistent with the provisions of the development plan.
- 2 The proposed works to form the access would not affect the character and amenity of the area or the convenience and safety of other highway users.

Background Papers: DC/11/0404
Contact Officer: Val Cheesman

WK4/DC110404/46



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental Services

DATE: 3rd May 2011

DEVELOPMENT: Erection of new attached 3 bedroom dwelling in side garden of No. 1 Lucas Road

SITE: 1 Lucas Road

WARD: Warnham

APPLICATION: DC/10/2683

APPLICANT: Mr Cavallini

REASON FOR INCLUSION ON AGENDA: Applicant request to speak.

RECOMMENDATION: That planning permission is refused.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application has been submitted following the refusal of earlier application DC/10/1766 which was considered by the Committee at its meeting in November 2010. The agent advises that the application has been submitted in order to allow for reconsideration of the policy context and is supported by evidence relating to local need for an open market dwelling. This comprises letters from Warnham Primary School, Warnham Pre - School, local hair salon, village stores, a letting agent and Warnham Comrades Club. The agent's statement is attached in full to this report.
- 1.2 This application is for full planning permission for a 3-bedroom end terrace dwelling to be located in the existing side garden of No.1 Lucas Road. The dwelling would have a footprint of 66sqm with an eaves height the same as the existing row of terraces and a ridge height of 8.2m. The dwelling would be sited at right angles to No.1 Lucas Road and its front elevation would therefore face west onto Tilletts

Lane. Three car parking spaces are now proposed. Also the roof form has changed to a hipped design on the end elevation.

DESCRIPTION OF THE SITE

- 1.3 The existing site comprises of an end terraced dwelling which fronts Lucas Road but sits on the corner with Tillets Lane. The existing dwelling is south facing onto Lucas Road and has a fully hipped roof. Each end of terrace dwelling in this part of Lucas Road (no. 1 and no. 7, no.9 and no.13) project further towards the road creating a pattern in this particular row. The application site and the row of terraces on the north side of Lucas Road are at a higher ground level than those situated on the south side. The terraces within the vicinity are all of a similar uniformed design with some variations in their forward projections as stated above.
- 1.4 The existing dwelling has a large front/side/rear garden by virtue of its corner position and the garden is bounded by a conifer hedge. The applicant has advised that this hedge does not sit on the definitive boundary line and the site is therefore larger than what would appear to be the case on site. The applicant has also advised that the proposed and existing dwelling have a right of access along a path which is to the immediate north of the site. There would therefore be a need for a break in the proposed vegetation in this location.
- 1.6 Warnham is a Category 2 Settlement which is described in the adopted Core Strategy as a village with a limited level of services.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 PPS1, PPS3 and PPG13

RELEVANT COUNCIL POLICY

- 2.3 Horsham District Local Development Framework Core Strategy 2007 - the following policies are of particular relevance: CP1, CP2, CP3, CP4, CP5, CP12, CP13 and CP19.
- 2.4 Horsham District Local Development Framework General Development Control Policies 2007 - the following policies are of particular relevance: DC8, DC9, DC18 and DC40.
- 2.5 Planning Obligations SPD
- 2.6 Warnham Parish Design Statement SPD

2.7 South East Plan 2009: CC1, CC2, CC4, H3, H4, H5, BE1, BE4, GAT2

2.8 RELEVANT PLANNING HISTORY

As stated above application DC/10/1766 for the erection of a 3 bed dwelling in the side garden of 1 Lucas Road was refused by the Committee at its meeting in November 2010, for the following reasons:

- 1 *It has not been demonstrated that the proposed single market dwelling would meet an identified local need requirement for housing in Warnham resulting in the retention or enhancement of community facilities and services such to justify the proposal. Furthermore, it has not been demonstrated that the proposal would not reinforce existing unsustainable patterns of travel. As such the proposal is contrary to policies CP3 and CP5 of the Core Strategy (2007) of the Horsham District Local Development Framework.*
- 2 *By reason of the height, elongated ridge, gable end and elevated corner position of the proposed dwelling, it would appear overly prominent and obtrusive within the street scene when viewed from the south side of Lucas Road and when travelling along Tillets Lane from the south. The proposal would therefore have a harmful impact on the character and appearance of the area. Furthermore, the provision of 2 car parking spaces for 2 family sized dwellings as proposed would be likely to result in additional on street parking to the inconvenience of all highway users. As such the proposal conflicts with policies CP1 and CP3 of the Core Strategy (2007) and Policies DC9 and DC40 of the General Development Control Policies (2007) of the Horsham District Local Development Framework.*
- 3 *The proposed development makes no provision for contributions towards improvement to transport, library, education and fire service infrastructure and community facilities. The proposal is therefore contrary to Policy CP13 of the Core Strategy (2007) of the Horsham District Local Development Framework.*

3. OUTCOME OF CONSULTATIONS

OUTSIDE AGENCIES

- 3.1 **West Sussex County Council:** 'West Sussex County Council was consulted previously on Highway Matters for this location under planning application. DC/10/1766 to which no highway objections were raised.

There are no alterations to the proposals which would have a negative impact on highway safety in this location. The new proposal includes provision for an additional off-street parking space, which would help to minimise the impact of an additional dwelling upon on-street parking in this location.'

Contributions are required towards libraries, fire and rescue services and highway infrastructure.

- 3.2 **Southern Water:** The applicant has not identified the means of disposal of foul drainage from the site. It may be possible for the flows from proposed development to be connected to a nearby public sewer. A formal application to Southern Water for connection to the public sewerage system is required to service this development. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented the drainage details submitted to the Local Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Should this application receive planning approval a condition requiring details of a means of surface water disposal should be attached.

PUBLIC CONSULTATIONS

- 3.3 **Warnham Parish Council:** *'The parish council has no objection to the principle of constructing a new house on the site. The parking situation relating to 1 Lucas Road has not been resolved in this re-submission. The construction of the new house removes all off-street parking from the existing property but the situation could be remedied by re-design of the parking allocations. The issue concerning the impact of the new property could be lessened by reducing the roof line.'*
- 3.4 One letter of objection has been received from the occupier of 3 Lucas Road on the following grounds:
- No improvements to make this a more favourable prospect than before
 - Unacceptable impact on the built up area
 - No evidence to suggest there is a local need for this property – there are 20 unaffordable properties for sale in the village and at least 9 for rent
 - One more property of this type will make no difference to local businesses, school numbers etc
 - Parking for existing property no.1 Lucas Road not addressed
 - No more room for any further parking in the already overcrowded Lucas Road

- Roofline still high and out of character with the rest of the road

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

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 the application. Consideration of Human Rights forms part of the planning assessment below.

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

It is not considered that there are any implications for crime and disorder arising from this application.

6. PLANNING ASSESSMENT

- 6.1 The main issues in this case are considered to be the principle of the development in this location; the impact and scale of the development on the character and visual amenities of the area, the amenities of neighbour and future occupiers, parking and highway safety issues, together with sustainability.

Principle

- 6.2 The application site is within the built up area of the village of Warnham. The boundary is to the west along Tilletts Lane. Warnham is identified as a Category 2 Settlement in Development Plan Policy CP5 of the Core Strategy. Policy CP5 states that category 2 settlements are those with a limited level of services which should accommodate only small-scale development or minor extensions that address specific local need.
- 6.3 It goes on to state that 'local need' will be assessed on the basis of the contribution to meeting identified local requirements for housing, including affordable housing, the retention or enhancement of community facilities and services, and the extent to which the addition of new development will not reinforce unsustainable patterns.
- 6.4 In terms of its location within an existing garden area, the recent changes to PPS3, which remove garden land from the definition of previously developed land, are not considered to raise an in principle objection to all development in existing gardens. This change does, however, require a much more cautious approach in terms of the impact of the proposal on the character and appearance of the area and the sustainability of the proposal, which will both be considered later in the report.
- 6.5 The site is within relatively easy walking and cycling distance from the local shops and services within the village, however occupiers of the proposed dwelling would be reliant on the private car for the provision of most other amenities and services located within and on the periphery of the larger Category 1 settlements, and as such development within this Category 2 settlement is considered to be in a relatively unsustainable location.

- 6.6 The application is for a market dwelling and the applicant considers that it has been demonstrated within the application documents that there is a need for an additional market dwelling. Two letters from local businesses, as well as a letting agent and the treasurer of the Warnham Comrades Club, have been submitted. These letters suggest that an additional dwelling would add to trade. However, in the opinion of your officers, it is not considered that this amounts to comprehensive or robust evidence of local need for a market dwelling, neither does it demonstrate that a single unit would enhance or retain local services/facilities case or that one dwelling on its own would make a sufficient contribution to justify permitting it, on the basis of the evidence submitted. Also, your officers do not consider that it has been demonstrated that the proposal would not reinforce existing unsustainable patterns. Furthermore no information on possible public transport links has been submitted as part of the proposal.
- 6.7 Letters from Warnham Primary School and the Preschool have also been submitted. It is appreciated that an appeal was allowed in Lower Beeding (a category 2 settlement) for a new market dwelling partly due to a shortfall in pupil numbers in the local school, and this is referenced within the Design and Access Statement submitted as part of this proposal. However, this relates to one appeal, and there have been various other appeals which have reached a different conclusion. It is not considered that in this case a strong and vigorous argument has been made for an identified local need for market housing or one which would assist with the retention and enhancement of local facilities, such to outweigh the policy objections with regards to the reinforcement of unsustainable patterns of travel.
- 6.8 Given the above, it is not considered that this market dwelling would meet the aims and criteria set out in policy CP5. It would not meet any identified need for housing in Warnham, and would not provide affordable housing. Furthermore, it is not considered that it has been demonstrated that one market dwelling would result in the retention or enhancement of community facilities and services. Furthermore, no information has been submitted relating to an identified need for new market dwellings within Warnham or whether there are existing market dwellings available within Warnham which could meet this need. It is also considered that development of this site for a single market dwelling unrelated to any specific local need would add to existing unsustainable patterns of travel movements.

Character and Appearance

- 6.9 Development Plan Policies require that new development should be of a high standard of design and layout, in keeping with the character of nearby development and the surrounding area.
- 6.10 The proposed dwelling would sit on the north side of Lucas Road at the junction with Tillets Lane. This site and the existing row of terraces on this side sit at a higher ground level when compared to the row of terraces to the south. The proposed dwelling attempts to follow the form and street pattern of the row of terraces in which it would sit by siting it at right angles to No.1, setting the elevation fronting Lucas Road back and setting the ridge height down slightly when compared to the height of No.1. However, the whole length of the ridge line, at

12.3m, is face onto Lucas Road and it is higher in height than Nos. 3 and 5 which also have their widest elevations facing onto Lucas Road.

- 6.11 Whilst it is considered that the plot is of a size which could accommodate a dwelling, and it is acknowledged that the roof form has changed to a hipped end, given the height and elongated ridge line, and the elevated corner position of the proposed dwelling, it is considered that it would appear overly prominent and obtrusive within the street scene when viewed from the south side of Lucas Road and when travelling along Tillets Lane from the south. It is noted that levels would be evened out across the plot so that the dwelling would be sited at a similar level to the existing row of terraces in which it would sit, however given the scale of the dwelling and the remaining difference in ground levels as expressed above this is not considered to overcome officer concerns. It should also be noted that the Parish Council are concerned about the roof line.

Residential Amenities

- 6.12 The proposed dwelling would sit to the south west of No.40 Tillets Lane. Whilst the rear windows of the proposed dwelling would face towards the front garden area of No.40 Tillets Lane, as this is the front garden it not considered to impact upon any 'private' amenity area.
- 6.13 In respect of the impact on 1 Lucas Road, given the configuration of first floor windows in the north elevation, the proposal would not, it is considered, result in any overlooking into the retained rear garden area for No.1 Lucas Road. Whilst it is appreciated that other dwellings would see the proposed dwelling this is not considered to be harmful to their amenities
- 6.14 Officers consider that the proposed retained garden area for No.1 Lucas Road, with a minimum depth of 9m, would provide a sufficient level of private amenity. Whilst it is appreciated that this garden would face north, this follows the same pattern as all other properties fronting onto Lucas Road in this row of dwellings and is not considered to be objectionable.
- 6.15 The proposed dwelling would have a side and rear garden area and this is considered to provide future occupiers with an acceptable level of amenity. The application proposes to replace the existing evergreen hedge with another similar hedge on the definitive boundary line. It is considered that this hedge and details of other landscaping can be controlled by condition on any permission granted.

Sustainability

- 6.16 Policy DC8 requires that proposals should incorporate measures that reduce the impact on climate change. It would be expected that the dwelling be designed to take account of their impact on the environment, by way of reducing unnecessary draw on water and energy resources and reduce the amount of waste created from the development during its lifetime. The Design and Access Statement states that the dwelling would be built to Level 3 of the Code for Sustainable Homes, details of which can be secured by condition.

- 6.17 The application proposes secure covered cycle parking together with refuse storage. It is considered that further details of this should be provided by condition to ensure that adequate provision is provided.
- 6.18 It should however be noted the site is located in a Category 2 settlement as defined in the Local Development Framework, and as such is considered to be in an unsustainable location. The sustainable construction details and cycle parking measures do not overcome the objection in principle to development in this location.

Drainage

- 6.19 Thames Water has raised concerns to the level of information provided regarding foul and surface water drainage. It is considered that these concerns can be addressed by an appropriately worded condition requiring details to be submitted.

Parking and highway safety

- 6.20 The scheme has been amended from the earlier application with the provision of 3 spaces. Whilst this is an improvement on the refused proposal, it is not considered that 3 spaces to serve 2 family dwellings in this location is appropriate and would likely result in additional on-street parking which would cause inconvenience to other highway users. Moreover, whilst 3 spaces are shown it has not been clarified how these would be allocated between the 2 units.

Contributions

- 6.21 The proposal if approved would be subject to a S106 agreement requiring the payment of contributions toward transport, library, education, fire service infrastructure and community facilities contributions. At this stage, no agreement has been completed.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission be refused for the following reasons:

1. It has not been demonstrated that the proposed single market dwelling would meet an identified local need requirement for housing in Warnham resulting in the retention or enhancement of community facilities and services such to justify the proposal. Furthermore, it has not been demonstrated that the proposal would not reinforce existing unsustainable patterns of travel. As such the proposal is contrary to policies CP3 and CP5 of the Core Strategy (2007) of the Horsham District Local Development Framework.
2. By reason of the height, elongated ridge, hipped end and elevated corner position of the proposed dwelling, it would appear overly prominent and obtrusive within the street scene when viewed from the south side of Lucas Road and when travelling along Tillets Lane from the south. The proposal would

therefore have a harmful impact on the character and appearance of the area. Furthermore, the provision of 3 car parking spaces for 2 family sized dwellings as proposed would be likely to result in additional on street parking to the inconvenience of all highway users. As such the proposal conflicts with policies CP1 and CP3 of the Core Strategy (2007) and Policies DC9 and DC40 of the General Development Control Policies (2007) of the Horsham District Local Development Framework.

3. The proposed development makes no provision for contributions towards improvement to transport, library, education and fire service infrastructure and community facilities. The proposal is therefore contrary to Policy CP13 of the Core Strategy (2007) of the Horsham District Local Development Framework.

Background Papers: DC/10/2683
Contact Officer: Val Cheesman



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee North

BY: Head of Planning and Environmental services

DATE: 3 May 2011

DEVELOPMENT: Need for formal variation to legal agreements and/or requirement to obtain written approval of the Local Planning Authority, in respect of development at Plot 1, Stane Street.

SITE: Plot 1, Stane street, West Sussex

WARD: Itchingfield, Slinfold and Warnham

APPLICATIONS: Legal Agreements Sec 106/0240, Sec 106/0954 and previous deed of modification to Sec106/0954

APPLICANT: AJW Aviation Limited

REASON FOR INCLUSION ON AGENDA: Agreement to formal written approval to revised details under Sec 106 Agreements Committee decision required

RECOMMENDATION: That the committee agree to the written approval as required under agreements Sec 106/0240 and Sec106/0954, as opposed to the formal variation of the agreement as previously resolved.

1. THE PURPOSE OF THIS REPORT

The purpose of this report is to seek the views of the Committee with regard to granting formal written approval under the legal agreements sought by the applicant in relation to Plot 1, Stane Street, Slinfold. Members will recall that they resolved to agree to the variation of Sec 106 agreements Sec 106/0240, Sec106/0954, and a further variation to a previous deed of modification to Sec106/0954, at the March meeting. At the meeting members were advised a formal variation of all 3 agreements was required. Further investigations have revealed that the required works can be undertaken subject to the written approval of the Council without the need to formally vary two of the relevant agreements (Sec 106/0240 and Sec 106/0954). This report seeks approval for the granting of such written approvals.

2. BACKGROUND

2.1 Planning permission was sought for proposed new headquarters facility comprising B8 warehouse and B1 offices with associated parking under application reference DC/10/2551. Full details of this application are contained within the committee report presented to the Development Management North Committee on the 1 March 2011.

2.2 There are several legal agreements relating to the site. The original agreements and the variations sought by the applicant were set out in the applicants s106 Deed of Variation Background Briefing Paper Document. Key points are summarised below

“1.0 Under the principal agreement dated 10 September 1982 (S106-0240) , there is an obligation to restrict development to the confines of the former brickworks site by preventing any new development within the pink land (coloured grey on our plan yesterday) save where the Council approves otherwise under the agreement.

1.1 You will recall that whilst it is not envisaged that the proposed B1/B8 building itself will impinge upon the pink land, the associated works relating to utilities provision will i.e., the laying of pipes, cables, cabinets etc. In addition, a small part of the proposed landscaping and some of the car parking spaces associated with the proposed building may well also encroach on this land.

1.2 Clearly, if any proposals at the site are granted planning permission then the planning merits of these proposals will already have been fully tested at the planning application stage and judged to have been acceptable. In such circumstances, it should be unnecessary for the applicant to go to the time and expense of having to seek a further consent from the Council under the agreement for the same proposals. It is hard to envisage how the Council could rationally defend a decision not to grant consent for a proposal under the agreement if planning permission for that proposal had been granted.

1.3 Accordingly, this element of the agreement ought to be varied so that the Council's consent under the agreement is deemed to be given to any proposal which is the subject of a planning permission.

2. The agreement dated 11 August 2000 (S106-0954) introduced an obligation which prohibits the installation of external lighting or floodlights other than that which at that time had been installed and identified on Plan 4 attached to the agreement, without the prior written approval of the Council, and that such approval shall not be unreasonably withheld or delayed.

2.1 As discussed, the external lighting requirements associated with AJ Walter Aviation's operation of the site are different to that which has consent.

2.2 It is relevant to note that AJ Walter Aviation has instructed an expert external lighting assessment to be undertaken for their proposals, which will be submitted in support of the planning application.

- 2.3 *The same basic point arises as explained in paragraphs 1.2 and 1.3 above and the same variation is sought.*
3. *The obligation introduced at clause 6.1 of the first deed of modification, dated 17 December 2007(Variation to S106-0954) , relating to the orange land (identified on Plan 2 attached to the 2000 agreement), is a little ambiguous and the Council's view is sought regarding its interpretation (paragraphs 3.1 to 3.3 of my briefing paper specifically refers).*
- 3.1 *Whichever of the interpretations applies, this is a concern to AJ Walter Aviation because the proposed B1/B8 building impinges onto the orange land and the car parking for the new building is also sited on the orange land.*
- 3.2 *As discussed, a full assessment of AJ Walter Aviation's parking requirements against the Council's adopted car parking standards will be submitted as part of its planning application, supported by a Green Travel Plan. Therefore, in the event that planning permission is granted, the principle of a variation in respect of the orange land ought to be acceptable to the Council. Clause 6.1 of the 2007 deed could therefore be deleted or, at least, the same variation made as referred to at 1 and 2 above. "*

3. INTRODUCTION

STATUTORY BACKGROUND

- 3.1 Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 3.2 PPS1, PPS4, PPS7, PPG13, PPS24 and PPS25.

RELEVANT COUNCIL POLICY

- 3.3 The relevant policies of the Local Development Framework Core Strategy are considered to be CP1, CP2, CP3,CP5,CP10, CP13 and CP15.
- 3.4 The most relevant policies of the General Development Control Policies Local Development Framework Document are DC1, DC2, DC6, DC7,DC8,DC9, DC25,DC26 and DC40.

4. OUTCOME OF CONSULTATIONS

- 4.1 Consultations have been undertaken in respect of the associated planning application.

5. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

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 the

application. Consideration of Human Rights forms part of the planning assessment below.

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

It is not considered that there are any implications for crime and disorder arising from this application.

7. PLANNING ASSESSMENT

7.1 In respect of the 1982 agreement (Sec106/0240) development on land coloured pink and coloured pink hatched green requires the written approval of the Council irrespective of any planning permission which may or may not be required. The proposed development would contravene this obligation with regard to the installation of services therefore separate written approval would be required. It is considered appropriate that the Council grants such written approval, without the requirement to formally vary the agreements as previously resolved.

7.2 In respect of the Sec 106 variation agreement dated 11 August 2000 (Sec 106/0954) obligations in relation to the red land and blue land are stipulated under the second schedule. A new obligation relating to lighting was included. This obligation would require the applicant to obtain the prior written approval of the Local Planning Authority prior to the installation of any external lighting or floodlighting. This is required irrespective of the requirement for planning permission. In this case any lighting would have to be implemented in accordance with the lighting scheme approved under planning application DC/10/2551. It is considered appropriate that the Council grants such written approval without the requirements to formally vary the agreements as previously resolved.

7.3 Under a deed of modification agreement dated 17 December 2007 a new obligation was brought into effect under section 6 (subsection 6.1) of the agreement. This obligation restricted the use of the car park land shown orange, pursuant to planning permission SF/70/98. This imposed a restriction preventing the identified land from being used for any purpose other than as a car park in association with the lawful use of the development under SF/70/98. It is currently believed that a separate deed of variation will still be required to vary this clause as there is no provision for the land owner/developer to seek the written approval of the Council should the requirement for development within this area arise, although it is understood that further discussions between the applicants legal advisors and the Council on this matter are ongoing. The application (ref: DC/10/2551) would result in the landscaping works and erection of office accommodation within part of the car park area and the use of part of the car park in association with the development under DC/10/2551.

8. RECOMMENDATION

8.1 That members agree to giving written approval to the variation of details, as set out above, under legal agreements Sec 106/0240 and Sec 106/0954, in order to allow the development in accordance with permission DC/10/2551, without 'formally varying' the agreements as previously resolved.

(It should be noted that at this stage it is considered a formal variation of the previous deed of modification to Sec 106/0954 would still be required as set out in para 7.3 above.)

Background Papers: DC/10/2551
Contact Officer: Jamie Forsman