



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 6 November 2018

**DEVELOPMENT:** Outline application for the erection of 5 residential dwellings and associated works. All matters reserved except for access.

**SITE:** Great Ventors Development Site Coolhurst Close Monks Gate West Sussex

**WARD:** Nuthurst

**APPLICATION:** DC/18/1792

**APPLICANT:** **Name:** Mr Burstow **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation have been received within the consultation period, raised material considerations, contrary to the recommendation of the Head of Development

**RECOMMENDATION:** To approve planning permission, subject to appropriate conditions and to a Section 106 agreement to secure affordable housing contributions.

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.2 The site is part of an allocated site under Policy 5 of the Nuthurst Parish Neighbourhood Plan (NPNP). The site has been split into two parcels with the western parcel gaining outline planning consent in 2016 (DC/15/1946) and Reserve Matters consent in 2017 (DC/17/0667). Works have commenced on site to implement the western phase, including a new access from Nuthurst Road into the site (Coolhurst Close).
- 1.3 This current application seeks consent for a further 5 dwellings and associated works on the eastern parcel of the allocated site. Access is proposed via Coolhurst Close which utilises the new access point from Nuthurst Road.
- 1.4 The application is made in outline, with access for consideration now. Matters of appearance, landscaping, layout and scale are reserved for later consideration.
- 1.5 The indicative layout shows a linear pattern of development which continues on from the approved development to the west. A pair of semi-detached dwellings and a detached dwelling are proposed to the north of the site and two detached dwellings to the south. Parking areas are proposed to the front of each dwelling.

- 1.6 The indicative housing mix is as follows:
- 1 x 2 bed bungalow
  - 2 x 3 bed home
  - 2 x 4 bed homes
- 1.7 No onsite affordable housing is proposed however the Applicant has confirmed their agreement to provide a financial contribution in lieu, based on consideration of the quantum of affordable housing required across the combined site and that already secured for the western parcel.
- 1.8 The application has been accompanied by a number of supporting documents, including:
- Design and Access Statement
  - Ecological Survey
  - Reptile Mitigation Strategy
  - Arboricultural Implications Assessment
  - Heritage Assessment
  - Flood Risk Assessment
  - Site Risk Report (Contamination)
  - Transport Statement
  - Affordable Housing Statement

#### DESCRIPTION OF THE SITE

- 1.9 The site forms part of an allocated site under Policy 5 of the NPNP. The site has been split into two with the western parcel of the site having gained planning consent under references DC/15/1946 (Outline) and DC/17/0667 (Reserved Matters). Works have commenced on site to implement these permissions, including the construction of a new access point from Nuthurst Road. Under these Applications preservation and management of the 'nature reserve' between the site and Nuthurst Road was also secured.
- 1.10 The remainder of the site (referred to in this report as the eastern parcel) is the subject of this Application. The land forms part of the remainder of an un-developed paddock associated with Great Ventors Farm which is located immediately to the east of the site. The site has mature vegetation and trees to its northern and southern boundaries. The site is open to the west and east. A line of laurel has however been recently planted to mark the site's eastern boundary. The site rises to the east.
- 1.11 To the south of the site is open countryside which benefits from two Rights of Way. Right of Way 1718 runs approximately 140m to the south west of the site. Right of Way 1710 runs approximately 170m to the south east.
- 1.12 To the north of the site is the A281 and beyond this a series of residential dwellings which form part of the settlement of Monks Gate. These includes Monks Cottage which is Grade II listed.
- 1.13 Immediately to the north west of the site are two pairs of semi-detached dwellings (Corner House, Cherrington Cottage, 1 and 2 Southlands Cottages), both of which front the A281 and have gardens adjacent to the Application site.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### 2.3 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes

Chapter 11 – Making efficient use of land

Chapter 12 – Achieving well designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

#### 2.4 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

2.5 Supplementary Planning Guidance: The Nuthurst Parish Design Statement (2017).

### RELEVANT NEIGHBOURHOOD PLAN

2.6 The Nuthurst Parish Neighbourhood Plan was 'made' on 21<sup>st</sup> October 2015. The Application site is allocated under Policy 5 of NPNP which reads as follows:

2.7 The residential development of 1.2 Ha of land at Great Ventors Farm, Nuthurst Road, Monks Gate, as shown on the Policies Map, will be permitted provided that:

- i. the scheme comprises a mix of 1 to 4 bedroom houses;
- ii. the scheme comprises a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site;
- iii. access is made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council;

- iv. the scheme layout and landscape proposals retain the screen of trees and bushes on the boundary with Nuthurst Road (allowing for the access road), provide a screen for the four properties on the A281 and provide for the protection of the pond and surrounding area as a nature reserve;
- v. the scheme makes satisfactory provision for managing sewage treatment; and
- vi. the scheme make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.

2.8 The following Policies are also considered to be relevant to the assessment of this application:

Policy 1 – A spatial plan  
 Policy 10 – Housing Design  
 Policy 14 – Green Infrastructure and Biodiversity

## 2.9 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/1946	Outline application for the erection of 10x dwellings with all matters reserved except access	Permitted on 26.08.2016
DC/17/0667	Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval DC/15/1946	Permitted on 07.07.2017

## 3. OUTCOME OF CONSULTATIONS

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

### INTERNAL CONSULTATIONS

3.2 **HDC Strategic Planning:** Comment.

The proposal is on a site allocated for development in the Nuthurst Neighbourhood Plan. The proposal accords with HDPF Policies 4 and 15 and the application is considered acceptable in principle, subject to the Case Officer having received satisfactory Highways comments from West Sussex County Council.

3.3 **HDC Landscape Architect:** No objection subject to conditions.

Existing and native hedge and tree species to the site boundary should be retained and any gaps closed up with additional native species.

3.4 **HDC Conservation:** No Objection.

Officers are satisfied that the additional dwellings proposed to the permitted cul-de-sac development at Coolhurst Close will not harm the setting of the listed buildings.

3.5 **HDC Environmental Health:** Comment.

Given the proximity of the site to the Brighton Road, a condition should be applied requiring a noise assessment and mitigations to be submitted to the Local Planning Authority for approval.

3.6 **HDC Housing:** Comment.

The applicant has proposed a development consisting of 5 dwellings. Of these the applicant has proposed no affordable housing units. In accordance with Policy 16 of the HDPF housing officers have considered this application as part of the larger overall development site at

Coolhurst Close. This incorporates this application (DC/18/1792) alongside an application for ten residential units within planning application ref DC/15/1946.

Collectively, this site should provide 35% affordable housing which equates to 5.25 units. I understand a commuted sum has been accepted in respect of the four units required as part of DC/15/1946. Given the remaining number of affordable units that would be required (1.25) the applicant is likely to struggle to find a registered provider willing to offer on the site. On this basis Housing Officers would support a commuted sum in lieu of the remaining affordable housing requirement.

3.7 **HDC Drainage Engineer: No Objection.**

The surface water drainage strategy proposed is considered to be adequate therefore if this development is permitted it is recommended that only regulatory drainage conditions are applied.

3.8 **Arboricultural Officer: No Objection.**

Having regard to the Arboricultural Implications Assessment (AIA) as compiled by Broad Oak Tree Consultants Limited (*dated 12<sup>th</sup> July, 2018*). No trees are required to be felled to facilitate the proposed construction at this site. The premier tree is the large oak (T3 within the AIA) in the garden beyond the north-east corner of the site. This is a large and impressive specimen well worthy of retention. Given the proposed position of the dwelling at plot 3, some of the branches of this tree will overhang a small part of the rear garden to the plot – but far from excessively. The footprint of the dwelling is set outside the RPA (root protection area) as defined under **BS 5837 'Trees in relation to design, demolition, and construction - Recommendations'** (2012) and this relationship is accordingly satisfactory.

To the south of plot 5 is a hedgerow Field maple tree of fairly large size which will have an adverse effect upon the availability of afternoon and evening sunshine to the plot. This may place it under threat of removal, but I register no objection to this; the tree is a rather indifferent specimen, having no particular or especial merit. It is certainly not worthy of permanent protection by way of a TPO. The field hedgerow along the southern site boundary is to be retained, though trimmed more formally than a purely agricultural hedgerow; this appears prudent and unobjectionable. The measures put forward for the protection of the peripheral tree stock during the construction (set out within the AIA) are consistent with BS 5837, realistic, and satisfactory.

#### OUTSIDE AGENCIES

3.9 **WSSC Highways: No objection**

The development of 5 private dwellings, added on to the end of Coolhurst Close has been considered by WSSC as the CHA, in relation to its impact on the Local Highway Network. As there are no significant issues affecting the highway WSSC raise no objection to the above proposal, subject to any conditions attached.

Access to the site will be via a new access drive serving the permitted development of Coolhurst Close (DC/15/1946). A Transport Statement has been prepared by GTA Civils and is supported by TRICS data to demonstrate there would be an increase of 3 movements in the network peak hours. This equates to 1 additional movement every 20 minutes which would not be a capacity issue. An interrogation of the Road Casualty and Collision Database also shows there have not been any transport related incidents along this stretch of road in the last 5 years.

The site, although within a semi rural location, is considered to be sustainable in line with NPPF guidance. There are bus stops located along the site frontage and opposite the site, representing a 1-2 minute walk from the development site, and these provide good services to Haywards Heath approx. 10 a day, and 6 a day to Horsham and surrounding areas. Cycle

parking will also be provided in the rear gardens of each dwelling, and a provision of 9 spaces will be included; ideally these will be covered and secured in sheds.

The internal layout of the road will be laid out as a residential cul-de-sac, with shared use surfacing which will be a continuation of what is already in place and considered suitable for small developments. WSCC are satisfied with the principle lay out proposed.

Servicing and Emergency vehicle access can be accommodated and a turning head is provided to allow this size of vehicle to turn to enable them to exit in forward gear. This has been satisfactorily demonstrated in Refuse Vehicle Tracking Plan 7499/100.

3.10 **Ecology Consultant:** Comment.

We have reviewed the available information, including the Extended Phase 1 Habitat Survey dated July 2018, and the Great Crested Newt Survey and Reptile Mitigation Strategy dated August 2018, both by AEWL Ltd. These reports confirm that there is potential for impacts to great crested newts and reptiles, and, as such a mitigation strategy has been proposed. As mitigation for great crested newts (and, indirectly, reptiles) will need to be agreed with Natural England through the licensing process, we have no proposals for planning conditions with regards to newts or reptiles. However, the LPA may wish to include an informative note confirming that great crested newts are likely to be present within the redline boundary. A condition is also proposed which requires that no external lighting is installed without the details having been submitted to and approved by the Local Planning Authority demonstrating that a sensitive lighting scheme to reduce impacts on retained vegetation and ecological receptor areas has been prepared in consultation with the Applicants Ecologist.

3.11 **Southern Water:** No Objection.

PUBLIC CONSULTATIONS

3.12 **Nuthurst Parish Council:**

First Response: Objection.

- **The development contravenes policy 5 of the Nuthurst Parish Neighbourhood Plan** because it would mean 15 dwellings on the Neighbourhood Plan (NP) site which is three more dwellings than the maximum of 12 permitted by the NP.
- **These three additional dwellings are not needed in the Parish.** The NP is already fulfilling the requirements for some 50 new houses which were identified in surveys carried out during consultations on the NP. Furthermore HDC has a 5 year housing supply, so there is no need for any additional houses.
- **There would be unacceptable harm to the amenities of nearby properties in contravention of Policy 33 of the HDC's Planning Framework.** This is supported by HDC's Pre-Application Advice (PE/17/0217) in which the planning officer referred to the potential effect of new housing on the existing cottages fronting the A281 by saying on page 6 'I do have concerns over the potential for amenity impact on the occupants of numbers 1 and 2 Southlands Cottages'.
- The Parish Council has noted the impact of the 10 houses already being built on the site on these cottages and that the houses appear very obtrusive from the A281 because the land rises to the east. The addition of 5 more houses on the land rising to the east will exacerbate the impact on these cottages and the obtrusiveness from the A281. In effect, they would further urbanise the area.
- **Further unacceptable harm to the amenities of properties and the environment.** There are two significant problems regularly reported by Monks Gate residents; foul sewerage flooding due to capacity issues; and surface water flooding in Nuthurst Street since it is lower than the fields on which the developer is currently laying impermeable surfaces. Additional houses will exacerbate this problem.

- **Over-development of Monks Gate.** Policies 5 and 6 of the NP allow for a maximum of 18 new houses in Monks Gate which represents an increase of 36% in housing stock in Monks Gate. An additional 3 houses over the maximum allowed in Policy 5 of the NP would mean a 42% increase in housing stock. This increase represent over-development of the settlement of Monks Gate and **adversely affects the character and community balance of the settlement.** This conflicts with one of the key criteria in 'Policies for Growth and Change' in HDC's Planning Framework which states 'Adding large new housing areas on existing small settlements may affect the character and community balance'.
- **There are many reasons why this planning application should be refused. Principally:** the total of 15 dwellings on the site contravenes policy 5 of the NP; and the Parish Council cannot have developers over-riding the 50 new houses scheduled for the Parish. If every developer followed this example, the number of new houses would soar far beyond what was democratically decided and agreed by HDC.

#### Second Response: Objection

These comments are made in response to Strategic Planning Internal Consultation response dated 3<sup>rd</sup> October and to put some additional facts before HDC.

HDC have not fully considered the consequences of granting planning permission for this Application. Other developers will follow suit, with the consequence that the Parish's contribution of new dwellings will exceed the figure of 50 dwellings. Control would be lost over housing numbers, negating the Parish's Neighbourhood Plan.

#### **Point One: Policy 5 is the whole of the section that bears that title.**

- The intention of the NP was the whole section headed 'Policy 5' should be policy. Policy 5 was written in a style current in 2015. The NP was approved by an Independent Examiner and was legally made by HDC. The whole section was accepted as a policy without query.
- Had the NP considered that 15 dwellings on the site would be appropriate, it would have said so.
- Policy 5 confirms it is policy stating (at para 4.23) that '*the location and nature of the land require a number of key development principles to be adhered to in order for a satisfactory scheme to be delivered and these are also set out in the Policy*'.
- *The use of the word 'may' in the text of the policy does not mean the number 'could be' 9-12 or higher or lower at the developers discretion. The Policy 'gives permission for' 9-12 dwellings (Oxford Dictionary of English, where one definition of 'may' is given as 'to give permission')*.
- The NP provides for 9-12 dwellings as a result of community engagement in line with Section 2.2 of the HDPF which says 'Local Plans are primary vehicles for making decisions about scale and local growth'. It follows then that developers are not primary deciders on how many dwellings should be built on the site.
- The developer should not be allowed to over-ride the NP by dividing the site into two in an attempt to exceed the allocated number of dwellings.

#### **Point Two: The five criteria in Policy 4 of the HDPF are not satisfied by this application, they must all be satisfied.**

- Criterion 2 requires '*the level of expansion to be appropriate to the scale and function of the settlement type*'. There are currently 44 dwellings in the hamlet of Monks Gate. The total NP site was allocated for 9-12 dwellings. This would increase the size of Monks Gate to between 53-56 dwellings. An increase of between 20% and 27% for this small, unclassified settlement. The approved application provides an increase of 23%. This respects the percentage growth of

Monks Gate that was intended by the NP. The current Application proposes another 5 dwellings. This would result in an increase of 34% in the total number of dwellings in Monks Gate. This re-presents over-development and adversely affects the character and community balance of the settlement.

- Criterion 3, *'the development is demonstrated to meet identified local housing needs and / or employment needs or will assist the retention and enhancement of community facilities and services'*. The NP assessed local need for housing with the assistance of AirS. A figure of 50 dwellings emerged which will be met by the 9 allocated sites in the NP and the number of dwellings in their policies. The additional dwellings proposed under this Application would therefore not meet an *'identified local housing need'*. Nor are they demonstrated as necessary for *'employment needs'* or for *'the retention and enhancement of community facilities and services'*.

### **Point 3: The density of Housing is inappropriate.**

- The allocation of 9-12 dwellings on the site resulted in a housing density of 7.5-10 houses per hectare. Splitting the site into two has resulted in a density of 10.3 houses per hectare on the approved site. The proposal for 5 dwellings on the remaining parcel of land would be 21.7 houses per hectare. This doubles the density that was intended in the NP and is not in keeping with the rest of the hamlet.
- In addition, this high level of housing density and massing would not provide a gradual transition from the built environment to the open fields beyond. The proposal does not *'integrate with the surroundings and historic landscape'* which are agricultural fields (HDPF, Policy 32.3).
- The proposal because of its unacceptably high housing density contravenes Policy 5ii and Policy 10 of the NPNP, and Policies 32 and 33 of the HDPF.

### **Point 4: Impact on Neighbouring Properties**

- The dwellings currently being built are having an effect on the neighbouring properties, particularly Southland Cottages and have altered the hamlets skyline when viewed from the A281 travelling southwards. The current proposal would exacerbate those effects.
- In pre-application advice the Officer recognised the potential for amenity impact on numbers 1 and 2 Southlands Cottages.
- The impact is wider than this. The development is too intensive and does not respect the nature of the hamlet.
- The proposal due to overdevelopment of Monks Gate, high density of housing and its impact on neighbours contravenes Policy 5ii of the NPNP, Policies 32 and 33 of the HDPF and a key criterion in *'Policies for Growth and Change'* in the HDPF which seeks to avoid *'Adding new housing areas on existing small settlements'* and *unduly affecting 'the character and community balance of the settlement'*.

### **Point 5: Housing requirements are being met.**

- The NP is fulfilling its housing requirements so extra dwellings are not needed.
- HDC has a 5 year housing land supply so these extra dwellings are not needed.

### **Point 6: Efficient use of land**

- Policy 33 of the HDPF states that development must *'Make efficient use of land....whilst respecting any constraints that exist'*. Constraints exist. The site is



constrained by the NP's Policy 5 which requires 9-12 dwellings. It is also constrained by Policy 10 of the NPNP which covers scale, density and massing of developments, and as been shown, 15 dwellings on the site contravenes Policies 5 and 10.

*(Officer Note: HDC met with members of Nuthurst Parish Council on 23<sup>rd</sup> October 2018 in response to the concerns raised in the above representation).*

#### Letters of Representation

3.13 60 letters of objection have been received in total. 42 objections were received within the three week consultation period. 18 letters were received after this date. These objections can be summarised as follows:

- The application is not in the agreed Parish Plan.
- The NPNP allocates the site for between 9-12 dwellings on the site. This development would result in 15 dwellings which is over what has been allocated.
- Ignoring the number of houses allocated for this site goes against the democratic process and the point of making a neighbourhood plan.
- This development will set a precedent for speculative development if approved.
- This Application has already been refused and should not be considered again *(Officer Note: this application is not a re-submission. This is the first time that Horsham District Council are considering the Planning Application).*
- Monks Gate at this time has 18 extra properties being proposed or developed which equates to a 36% increase in the size of the hamlet. There are very limited services in the hamlet. This development would result in pressure on existing infrastructure which would be unacceptable.
- There is no requirement for an additional five houses to be added to this site. Horsham District Council can demonstrate a 5 year housing land supply and additional housing is not required to meet the targets of the Neighbourhood Plan.
- The development would result in overlooking and loss of privacy for the cottages along the A281.
- Over development of the site which is not in keeping with the character of the area.
- Loss of green fields / open space which has amenity value.
- Urbanisation of Monks Gate.
- There is not enough car parking for residents or visitors.
- The existing sewerage system (foul and surface) does not have sufficient capacity to accommodate further development.
- There is not sufficient water pressure to accommodate new development.
- The access from the development onto Nuthurst Road is dangerous with people often speeding. It is especially dangerous for school children who have to catch the bus to school from the A281.
- This development will increase the volume of traffic on an already congested junction with the A281. This junction is already dangerous. Further development will exacerbate the problem.
- Smaller houses suitable for first time buyers are not being catered for in this development.
- The continuing development of Monks Gate is eroding its small community.
- The existing developer is not taking care of the green strip of land between the site and the road.
- The landowner is trying to circumnavigate the planning process by subdividing the site and not providing affordable housing.

3.14 **Monks Gate Residents Association: Objection**

This small site is within an area of potential development as per policy 5 of the Nuthurst Neighbourhood Parish Plan (NNPP) but the application should be REFUSED as it breaches the NNPP and HDPF policies.

- The whole site in the NNPP is 1.2 hectares and it already has planning permission for 10 properties which are currently being built. This application is for an additional 5 properties crammed into 0.23 hectares averaging less than 0.046 hectares each and is more than twice the planned density of the site. The NNPP suggests 9-12 homes across the whole site averaging a reasonable 0.1-0.13 hectares each.
- The number and layout of buildings will cause harm to the nearby properties: the scale and massing are not sympathetic to the surroundings, are not similar to the local homes, overlook existing properties and certainly do not safeguard or enhance the area.
- The proposed insensitive layout seeks only to maximise profits and any contentions that the smaller properties are meeting parish needs cannot be believed. Had an application for 12 homes across the whole site been received, small homes could have been included. The landowners chose to split the site: but it should be considered as one area.
- The proposed layout further encroaches on the cottages along the A281. The residents have suffered more than enough as a result of the existing planning permission. The documents associated with the application suggest that foul and surface water disposal proposals are acceptable. MoGRA would re-iterate residents knowledge of, and concerns about, the capability of the sewers and drains: none of which has been addressed.

The number of properties proposed is reason enough to REFUSE planning permission: the whole site in policy 5 of the NNPP can accommodate 9-12 homes. Within the NNPP, Monks Gate has an additional 18 properties proposed: an increase of 36% in the hamlet. A further 3 takes the increase to 42%: too much for a rural community to absorb without causing irreparable harm to its unique nature and character. Over-developing a small site is NOT an effective or efficient use of land as has been suggested: it is clearly over-burdening a small area.

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

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

##### Principle of Development

- 6.1 The Applicant has proposed the development of 5 dwellings and associated works on the site. Policy 4 of the HDPF permits the expansion of settlements outside of Built up Area Boundaries only where they have been allocated in the Local Plan or within a made Neighbourhood Plan. In this case the development proposed is within the boundary of the site allocated under Policy 5 of the Nuthurst Parish Neighbourhood Plan. As such, Officers consider that the principle of residential development in this location to be acceptable.

6.2 A number of objections have been received relating to the number of houses proposed. Principally objectors have set out that a total of only 2 dwellings should be provided on this site as Policy 5 provides for a maximum of only 12 houses on the wider allocated site (10 having already been granted on the western parcel). Specifically, reference is made to the supporting text to Policy 5 at paragraph 4.23 which states that:

*'This policy allocates land adjoining the edge of Monks Gate for a housing scheme that may comprise nine to twelve dwellings'*

6.3 On this basis objectors state that that the provision of 5 dwellings on this site (15 dwellings across the combined site) is contrary to Policy 5 and therefore unacceptable. The objectors further argue that the Parish's Housing Needs Assessment established a need for 50 dwellings over the plan period and no more. Objectors consider that this figure is being met and therefore there is not a requirement for additional housing within the Parish.

6.4 Whilst Officers are mindful of the views raised by objectors, it is not considered that the wording of Policy 5 places a cap on the quantum of development that the site must carry, rather it advises of the number of dwellings the site may accommodate. The final capacity of a site is subject to final layout proposals and an assessment of their impact on the character, appearance and amenity of its surrounds. In this case, as set out below, it is considered that the wider site can appropriately accommodate 15 dwellings without resulting in harm.

6.5 In terms of the overall housing needs for Nuthurst parish, Paragraph 60 of the NPPF states that a housing needs assessment should identify the minimum number of homes needed. This is reflected in paragraph 4.12 of the NPNP which states that:

*'In overall terms, the indicative total number of houses specifically provided for in the NPNP is approximately 50 over the plan period....As the policy allows for sustainable development proposals in the form of windfall and other sites within the Built up Area Boundary of Mannings Heath and the confines of Maplehurst, Monks Gate and Nuthurst, the total number of dwellings consented over the plan period will be greater than the number resulting from the allocations of the NPNP'.*

6.6 It should also be noted that at paragraph 3.36 of the Examiner's Report for the Nuthurst Parish Neighbourhood Plan, the examiner makes it clear that the housing figure contained within the supporting text for each policy is not prescriptive and is given as a range. Furthermore, the examiner states that 'There is no evidence to support the particular figures given and it appears to be no more than an estimate based upon site area and local characteristics'. In conclusion, the examiner states that as the housing number is contained within the text it does not carry the same weight as policy, although it is still a material consideration in the context of a planning decision.

6.6 On this basis neither Policy 5 nor the Nuthurst Neighbourhood Plan as a whole places an absolute cap on development, therefore the provision of an additional 3 dwellings over the indicative number set out in the supporting text to Policy 5 can be considered acceptable in principle, subject to all other material considerations as discussed below. It is your officers view that the Government have made it clear that we cannot cap the numbers of new homes if proposals are acceptable in all other respects. The District's housing targets are a minimum, and we cannot refuse developments when the Council reach the target, and the same principal applies to local needs assessments as highlighted above. Members will also be aware of recent discussions in the Storrington examination report for their Neighbourhood Plan where the Inspector made reference to removing all housing numbers for proposed allocated sites.

6.7 It should also be noted that in March 2018, cabinet members approved the publication of the first stage of the Local Plan Review, the Issues and Options – Employment, Tourism and Sustainable Rural Development for consultation. This document proposes the introduction of

'Secondary Settlement Boundaries' and includes an accompanying draft policy. The draft policy states that residential infilling will be approved (subject to meeting certain criteria) within defined secondary settlement boundaries. In this document Monks Gate is proposed as a secondary settlement boundary. The boundary includes the Neighbourhood Plan site set out under Policy 5 of the NPNP. Whilst this draft Policy carries limited weight, it demonstrates the direction of travel for future policy formation and further supports the proposal to developing more than 2 dwellings on this parcel of land.

#### Compliance with Policy 5 of the NPNP

- 6.8 In considering the acceptability of the proposed development it is necessary to consider the proposal in the context of the Policy 5 of the NPNP which allocates the site for residential development. Policy 5 of NPNP states that the residential development of land at Great Ventors Farm, Nuthurst Road, Monks Gate, will be permitted provided that:
- i. the scheme comprises a mix of 1 to 4 bedroom houses;
  - ii. the scheme comprises a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site;
  - iii. access is made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council;
  - iv. the scheme layout and landscape proposals retain the screen of trees and bushes on the boundary with Nuthurst Road (allowing for the access road), provide a screen for the four properties on the A281 and provide for the protection of the pond and surrounding area as a nature reserve;
  - v. the scheme makes satisfactory provision for managing sewage treatment; and
  - vi. the scheme make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.
- 6.9 In the interest of clarity and proper assessment, criteria i, ii, iv will be fully considered under 'Impact on Character and Appearance'. Criteria iv will also be considered under Amenity Impact. Criteria iii will be considered under 'Highways Impact' and Criteria v and vi will be considered under 'Drainage Impact'. Notwithstanding this, Officers are satisfied that the proposal has either met the requirements of Policy 5 of the NPNP or that these requirements can be considered at Reserve Matters. The reasoning for this is explored in detail in the following sections of this report.

#### Character and Appearance

- 6.10 Policy 5 of NPNP requires any development on the site to:
- i. comprise a mix of 1 to 4 bedroom houses;
  - ii. comprise a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site;
  - iv. provide a layout and landscape proposal which retains the screen of trees and bushes on the boundary with Nuthurst Road (allowing for the access road), provides a screen for the four properties on the A281 and provides for the protection of the pond and surrounding area as a nature reserve.
- 6.11 Policy 10 of the NPNP requires the scale, density, massing, height, landscape design, layout and materials of all development proposals to reflect the architectural and historic character and scale of the surrounding buildings. Furthermore, it requires adequate functional private garden space appropriate to dwelling size and type.
- 6.12 Criterion i of Policy 5 of the NPNP requires a scheme to come forward which has a mix of 1 to 4 bed dwellings. The indicative housing mix provided at this outline stage is for 1 x 2 bed bungalow, 2 x 3 bed house and 2 x 4 bed house. Officers note that 1 bedroom dwellings have not been proposed. Nevertheless, the Crawley and Horsham Market Housing Mix

Report projects that the greatest future demand across the Horsham District will be for 2 and 3 bedroom sized dwellings with 4 bedroom dwellings following closely behind. This report also predicts that there will be only modest growth in demand for one bedroom dwellings. Whilst the final housing mix can be considered at Reserve Matters stage, in considering the indicative housing mix, Officers are satisfied that any forthcoming proposal would likely accord with the general requirements of Criteria i of Policy 5 of NPNP.

- 6.13 Criterion ii of Policy 5 of the NPNP requires a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site. As this application is made in outline, the layout is indicative only. However, the indicative layout plan shows a linear pattern of development following on from the development to west, demonstrating a suitable relationship with the western site, and provides for the continuation of the defensible boundary along the southern boundary of the site.
- 6.14 Criterion iv of the NPNP allocation requires the development to retain trees and bushes along the Nuthurst Road and screening for the properties on Nuthurst Road. Screening along the Nuthurst Road is relevant to the eastern parcel and was already been secured under the previous planning permissions. Officers consider that the northern boundary of the site would benefit from increased soft landscaping to improve the relationship with Southlands Cottages. This can be managed through consideration of the landscaping at reserved Matters stage.
- 6.15 The NPNP also includes Policy 10, relating to housing design. This requires the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, to reflect the architectural and historic character and scale of the surrounding buildings. This Application is made in outline only, with all matters reserved except for access. Therefore the matters of appearance, landscaping, layout and scale can be considered at Reserve Matters stage.
- 6.16 Notwithstanding this, Officers note objections from the Parish Council over the density of the proposed development. The proposed development site would result in a density of approximately of 21.7 dwellings per hectare (dph). Nevertheless, whilst it is acknowledged that the development site has been split into two, Officers consider that the development would be read as a whole. Based on the size of the entire allocated site (1.2 hectares), the total number of dwellings per hectare would be 12.5 dph. In calculating the density of the linear development to the northern side of Nuthurst Road, this results in a density of approximately 15 dwellings per hectare. To the southern side of Nuthurst Road there is a density of approximately 19 dph and to the north western side of the A281 a density of approximately 17.5 dph. It is acknowledged that the area is also characterised by lower density development such as the development off Fieldgate Close which is approximately 6.6 dph. Nevertheless, this development sits alongside the higher density development to its northern and western boundaries as set out above. Officers consider therefore that the proposed development as a whole would be in accordance with the existing pattern and density of development. Furthermore, the site would be representative of the wider pattern of development by utilising a mixture of densities in close proximity. It is considered therefore that the density of the development is in keeping with the character of the area in accordance with Policy 10 of the NPNP, and makes an efficient use of an allocated site.
- 6.17 Officers also note that the Parish Council have made comment on the potential for landscape and character harm due to the height of the properties and their positioning on elevated land. Officers are mindful of this point and acknowledge that the proposed application site is elevated above the approved western parcel. It is considered necessary to ensure that any development that comes forward on this site is sensitive to the existing development surrounding it and the views into the site. A condition has therefore been suggested on this Application to ensure that details of finished floor levels are submitted and approved by the Local Planning Authority prior to the commencement of any development on the site. The

Applicant should carefully consider this point as part of any forthcoming Reserve Matters Application.

- 6.18 Policy 10 also makes reference to the use of high quality building materials and landscaping, provision of adequate garden spaces and car parking and retention of existing trees and hedges. The appearance of the development is reserved however there is nothing to suggest that acceptable materials could not be delivered here to complement the character of the area. In terms of acceptable landscaping, and retention of existing trees and hedges, the indicative landscaping plan shows the retention of existing trees and planting and the strengthening of landscaping on the eastern, western and southern boundaries. As discussed above, the Applicant should consider additional landscaping to the northern boundary at Reserve Matters stage. Additional planting is also indicated to the front of the proposed dwellings. Although parking and amenity space are detailed matters to be considered at the reserved matters stage, the indicative layout does show each unit to have a driveway and private garden.

#### Amenity Impact

- 6.19 Criteria ii of Policy 5 of the NPNP allocation requires the layout of the site to be sympathetic to nearby houses and establish a clear and defensible boundary along the southern edge of the site. Furthermore criteria iv requires the landscape proposal to provide a screen for the four properties along the A281 (Corner House, Cherrington Cottage and No.'s 1 and 2 Southlands). Policy 33 of the HDPF also requires development to be designed to avoid unacceptable harm to the amenity of occupiers/ users of nearby property and land whilst having regard to the sensitivities of surrounding development.
- 6.20 The nearest property to the site are Numbers 1 and 2 Southlands Cottages which share their rear boundary with the site. There are a number of properties to the north of the site running along the other side of the Brighton Road, whilst Great Ventors shares a boundary with the site to the east. Public Right of Way (ROW 1718) also runs to the West of the wider site allocation boundary.
- 6.21 Objections have been received over the potential for amenity impact on the occupants of numbers 1 and 2 Southlands Cottages. As set out above criteria iv of Policy 5 of the NPNP requires the landscape proposal to provide a screen for the four properties along the A281 (Corner House, Cherrington Cottage and No.'s 1 and 2 Southlands). The indicative layout shows a separation distance of approximately 28m from the rear elevation of the proposed dwellings to the rear elevations of Southland Cottages. Whilst Officers appreciate that some level of amenity harm will occur to the residents of Southlands Cottages due to the open nature of their amenity space, in considering the proposal in the context of the existing development this harm is not considered to be significant. Furthermore, given the separation distance between the properties (approximately 28m) and the oblique angle of plots 1 and 2, it is not considered that any significant loss of privacy would occur. At this stage additional screening is not shown to the northern boundary of the site which would improve the relationship between the site and the dwellings along the A281. Final details of the screening would be secured as part of landscaping considerations at Reserved Matters stage.
- 6.22 In terms of Corner House and Cherrington Cottage, there is sufficient separation distance between properties and the proposed development to ensure that amenity harm does not occur. With regards to the amenity of those living on the other side of Brighton Road, given the sloping topography of the site and the existing mature hedging, trees and planting on this boundary, it is considered that the scheme as proposed would not present any appreciable amenity impact.
- 6.23 In terms of noise impact, HDC's Environmental Health Officer has reviewed the scheme and considers that the location of the proposed dwellings in proximity to the A281 (albeit across the side garden to Southlands Cottages) could result in adverse noise impacts for future

residents of the site. As such, a noise assessment and appropriate mitigation measures is required to ensure that future residents are protected for adverse noise impacts. In this instance given the site characteristics officers consider that the submission of this information can be appropriately managed by condition.

#### Affordable Housing

- 6.24 Policy 16 of the HDPF states that if a development site is sub divided to create two or more separate development schemes, the Council will seek an appropriate level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the site. Considering the site as a whole would result in a total of 15 dwellings. Policy 16 of the HDPF states that on sites providing 15 dwellings or more, the Council will require 35% of dwellings to be affordable. The Applicant has provided an affordable housing statement to support this Application. This statement proposes a commuted sum for affordable housing rather than on site provision, but does not set out an indicative figure.
- 6.25 In accordance with Policy 16 of the HDPF Officers have therefore considered this application as part of the overall development site at Coolhurst Close. This incorporates this application (DC/18/1792) alongside the approved application for ten residential units (DC/15/1946). Collectively the site should provide 35% affordable housing which equates to 5.25 units. Although the Section 106 approved under DC/15/1946 sought to provide onsite affordable housing, a commuted sum has been accepted as the Applicant could not find a Registered Provider to manage the small number of affordable dwellings. Under this Application, taking a site as a whole, the equivalent of 1.25 affordable units would be required. HDC's Housing Officer has confirmed that the Applicant is likely to struggle to find a registered provider for the equivalent of 1.25 units. On this basis Housing Officers are prepared to accept a commuted sum in lieu of the remaining affordable housing requirement to be used towards off site affordable housing. The Applicant has confirmed that they will pay the appropriate commuted sum to accord with 35% affordable housing provision and the requirements of Policy 16. Officers therefore consider that the proposal accords with Policy 16 of the HDPF subject to the signing of a Section 106 agreement.

#### Highways Impact

- 6.26 Criteria iii of Policy 5 of the NPNP requires access to be made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council. This access has already been secured and constructed in relation to the western parcel of the site.
- 6.27 In addition Policy 39 of the HDPF requires there to be sufficient capacity in the existing local infrastructure to meet additional requirements resulting from new development or suitable mitigation arrangements for the improvement of the infrastructure. Policy 40 of the HDPF requires development to maintain and improve the existing transport system. In addition to providing safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and delivery of goods. In addition Policy 41 states that adequate parking and facilities must be provided within developments to meet the needs of the anticipated users including cycle parking, motorcycle parking, charging plug-in or other low emission vehicles and the mobility impaired.
- 6.28 Officers acknowledge that objections have been received relating to the potential for the development to increase traffic volumes to unacceptable levels and create safety implications at the junction between Nuthurst Road and the A281. The Applicant has however submitted a Transport Statement to support this Application. This suggests that the development will result in approximately 3 additional car movements during peak morning hours and 3 additional car movements during peak evening hours. The report concludes that the additional number of car movements is relatively small and therefore that it is unlikely to result in a material impact on the operation of the highway network. This report has been

reviewed by Officers and WSCC Highways Officers who have raised no objection on this basis. With regard to Highway Safety Implications, WSCC Highways Officer has confirmed that Road Casualty and Collision Data shows that there have not been any transport related incidents along this stretch of road in the last 5 years. As such there would no basis on which to challenge the impact of the development on road safety.

- 6.29 With regard to access, parking and layout, the Application proposes access to the site via Coolhurst Close and the new access point from Nuthurst Road approved as part of the western site's planning permission. The road uses a residential cul-de-sac design with a 'T' shaped turning area and is an extension off of the existing permitted development. The Applicant has advised that parking provision will be in accordance with the WSCC car parking demand calculator. Based on the indicative housing mix this results in 9 allocated car parking spaces and 2 visitor car parking spaces. The Applicant also states that secure and covered cycle parking will be provided in accordance with WSCC standards. As this is an Application for outline permission with all matters reserved except for access, details of car parking and layout can be determined at Reserve Matters. Nevertheless, WSCC Highways Officers raise no objection to the proposed details including access to the site. As such, Officers consider that the proposal meets the requirements of 39, 40 and 41 of the HDPF.

### Other Considerations

#### Drainage

- 6.30 Criteria V and VI of Policy 5 of the NPNP requires any scheme coming forward on the site to make satisfactory provision for managing sewage treatment; and make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.
- 6.31 Policy 38 of the HDPF requires that where there is the potential to increase flood risk, proposal must incorporate the use of Sustainable Drainage Systems where technically feasible, or incorporate measures which reduce the risk of flooding and ensure flood risk is not increased elsewhere.
- 6.32 Objections have been received over the ability of the existing drainage network to accommodate increase foul and surface water flows. The Applicant has submitted a Flood Risk Assessment to support the Application which considers the likelihood of both foul and surface water flooding.
- 6.33 With regard to foul water, the Applicant states that a sewerage capacity check was completed for the previous application (DC/15/1946). This application was for 10 new homes. At the time Southern Water confirmed that there was capacity for 20 new units within the local network. Southern Water have not raised any objections to the scheme on the basis of foul sewerage capacity. In terms of surface water flooding, the Applicant has proposed a scheme for the management of surface water. This includes a system of infiltration into the ground in accordance with the SuDs Hierarchy (infiltration, watercourse, public sewers, private sewers). Each dwelling will therefore have 2 infiltration blankets and any surface water from the roof will be routed to ground via the driveways which will be of porous paving. This scheme has been reviewed by Officers and HDC's Drainage Officer who has not raised any objections. As such, Officers consider the proposal to have met the requirements of Policy 5 of the NPNP and Policy 38 of the HDPF with regard to flood risk.

#### Ecology

- 6.34 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided (through locating on an alternative site



through less harmful impacts), adequately mitigated or as a last resort compensated form then permission should be refused.

- 6.35 Policy 14 of the NPNP requires that development does not significantly affect habitats for flora, fauna and wildlife corridors, to avoid the use of close board fencing to preserve wildlife corridors, to ensure that development does not affect ponds and lakes, streams or rivers.
- 6.36 Policy 31 of the HDPF states that where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can demonstrate that the reason for development clearly outweighs the need to protect the value of the site and that appropriate mitigation and compensation measures are provided. Furthermore, the supporting text at Para 9.33 states that development proposals must provide sufficient information to assess the effects of development on biodiversity, and should provide any necessary ecological surveys together with any prevention, mitigation or compensation measures. Policy 25 of the HDPF states that development proposals must maintain and enhance biodiversity, ensure no net loss of wider biodiversity and provide net gains in biodiversity where possible.
- 6.37 The Applicant has submitted an Extended Phase 1 Habitat Survey which concludes that the site has potential to Great Crested Newts and Reptiles. The Applicant has also submitted a reptile mitigation strategy to support this Application. These details have been reviewed by HDC's Consultant Ecologist who raises no objection to the application on the basis that the Applicant will need to obtain a licence from Natural England and agree suitable mitigation. A condition requiring any details of lighting to be submitted and agreed is also proposed to protect wildlife.
- 6.38 It should be noted that Policy 5 of the NPNP requires protection of the pond and surrounding area to the north of the site as a nature reserve. Officers note that ecology surveys were undertaken and a management plan produced in relation to this area under the previous planning permission. Officers therefore consider that this criteria has already been met.

#### Conclusion

- 6.39 The application is made in outline only, however the indicative information submitted with the application demonstrates that a scheme for 5 dwellings, in addition to the 10 already granted permission on the western part of the wider allocated site, is capable of being accommodated without harm to the landscape and townscape character of the area. The indicative details also provide assurance that the development would maintain a good level of amenity for adjacent residents and for future occupiers, and would be capable of providing sufficient onsite parking, with no harmful impact on highway safety. For these reasons the proposed development is recommended for approval in compliance with the relevant policies of the HDPF and NPNP, and subject to a s106 agreement to secure the necessary contribution towards affordable housing.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

## **7. RECOMMENDATIONS**

To approve planning permission, subject to a s106 Legal Agreement and subject to the following conditions:

Conditions:

1. A condition listing approved plan numbers
2. (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.

3. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
  - I. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
  - II. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

4. **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

7. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

9. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall commence until a scheme for sound attenuation against external noise based on an acoustic assessment of the site has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the requirements of BS8233:2014 and shall include provision of adequate alternative ventilation where necessary and sufficient to prevent overheating. The approved sound attenuation works shall be completed before each dwelling is first occupied and shall be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10. **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

11. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting
- Ecological enhancement measures set out in Chapter 6 of the Extended Phase 1 Habitat Survey by AEW Ltd, dated July 2018

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

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

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

13. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a plan showing the layout of the proposed development and the provision of car parking spaces (including garages where applicable) for vehicles shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

14. **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or

side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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

15. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

16. **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

17. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Extended Phase 1 Habitat Survey by AEWG, dated July 2018.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

18. **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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

19. **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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