



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 13 April 2021

DEVELOPMENT: Erection of 7No. double storey dwellings, car-ports and garages with landscaping and associated works including access improvements previously consented under DC/17/1158, to widen the access junction and create a passing area with Church Road.

SITE: Former Swallowfields Nursery Church Road Mannings Heath West Sussex

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/20/1840

APPLICANT: **Name:** Mr White **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission for the erection of 7 x dwellings comprising 1 x 2 bed house; 4 x 3 bed houses ;1 x 4 bed house and 1 x 5 bed house as follows:
- Plot 1: 3 bed bungalow (154.1sqm)
 - Plot 2: 3 bed bungalow (154.1sqm)
 - Plot 3: 3 bed detached house (118.7sqm)
 - Plot 4: 2 bed semi detached house (87.4sqm)
 - Plot 5: 3 bed semi detached house (116.7sqm)
 - Plot 6: 5 bed detached house (229sqm)
 - Plot 7: 4 bed detached house (206.5sqm)
- 1.2 The proposals include alterations to the existing access drive and associated works, along with provision of 25 car parking spaces (including 2 visitor spaces) and cycle storage.

- 1.3 The proposal would utilise the existing private access track which extends from the west of Church Road; and proposes to widen the existing driveway at the junction with Church Road to a width of 5.5m, the driveway would be widened to provide a passing bay; and the provision of a 1.4m wide footway along the northern section of modified access drive. The proposed access arrangements are the same as previously approved under DC/17/1158.
- 1.4 The proposed dwellings are located around a central courtyard and central access road along with a variety of permeable surface treatments interspersed with pleached trees and hedge planting. Each plot would have its own private drive. Plots 1 and 2 (north) form a pair of bungalows linked by a car port, with timber and brick elevations and projecting front bays under a plain tile hipped roof ends. Plots 3 -5 (south) form 2 storey cottage style terraced dwellings with dormer windows and projecting gables and gable ends, with single storey rear extensions; the palette of materials includes local stock brick with contrasting red brick details; and tile hanging along with timber cladding under plain roof tiles (plot 3 and 4) and slate (plot 5) to the roofs, chimney stacks are proposed at the end of each terrace. Plots 6 and 7 (west) comprise two 2 storey detached houses located at the west end of the courtyard, and include a mix of single and 1.5 storey extensions and dormer windows. Plot 7 comprises local stock brickwork and plain tile elevations matching those of plots 3-5, and Plot 6 comprises brick elevations with flat arches, sash windows and slate roof. Plot 6 is the largest dwelling and this forms a focal point from within the courtyard. The detached car barn (east) has plain tile roofing and is based on a converted cart shed.

DESCRIPTION OF THE SITE

- 1.5 The application site consists of the former Swallowfield Nursery site, comprising a derelict parcel of land of approximately 0.69 hectares, located to the west of Church Lane and within the southern-most part of the built up area boundary on Mannings Heath. The site includes a pond (to be retained) to the north-western corner, surrounded by a number of trees subject to Tree Preservation Orders around its perimeter and dotted along the western boundary of the site. The boundary of the site consists of a mix of hedging and mature trees which screen the site from the wider landscape views. The site is accessed via an existing private drive that serves three existing properties and a number of agricultural buildings to the north east of the site.
- 1.6 The primary residential areas of Mannings Heath and neighbouring properties are mainly located to the north of the application site. Swallowfields House, a non-designated heritage asset, is sited within a parkland setting, and lies immediately adjacent to the southern boundary of the application site, outside of the defined built up area boundary, and separated from the application sites western boundary by the existing access drive and formal landscaped gardens. Swallowfield House also benefits from an access off of the A261 Brighton Road.
- 1.7 The southern boundary of the High Weald Area of Outstanding Natural Beauty is located to approximately 150m to the north-west of the application site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
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 30 - Protected Landscapes
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 40 - Sustainable Transport
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

Nuthurst Neighbourhood Development Plan

Policy 1 – A Spatial Plan
Policy 2 – Land at Swallowfield Nursery, Mannings Heath
Policy 10 – Housing Design
Policy 14 – Green Infrastructure and Biodiversity

Nuthurst Parish Design Statement

PLANNING HISTORY AND RELEVANT APPLICATIONS

N/41/97	Erection of 1 residential dwelling (outline) Site: Swallowfield Nursery Church Road Mannings Heath	Application Refused on 04.11.1997
DC/17/1158	Outline application (all matters reserved except for access) for proposed residential development of 4 dwellings and associated works	Application Permitted on 06.09.2017
DC/20/1698	Erection of 9No. double storey dwellings, car- ports and garages with landscaping and associated works including access improvements previously approved under	PENDING

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Landscape Architect: Objection

The principle of development is established as the previous outline application granted permission for 4 no dwelling houses. At the time, landscape concerns and an objection was raised by my predecessor.

Having looked through the various iterations of the plans, the key issue with all three proposals is the fact that the layout doesn't seek to protect or enhance the existing landscape features of the site and as a result a larger amount of trees are to be removed but more importantly, what is retained is in large majority within private gardens thus with no guarantees or planning protection to its longevity. This results in harm to the landscape character and amenity of the area and harm to the green infrastructure and therefore in a scheme contrary to HDPF policies 25, 31 and 33 not supported on landscape grounds.

The proposals should consider the road layout to travel in a loop along the boundary of the site with the houses along it and gardens back to back. This should be achievable with the desired smaller units and would place the landscape features outside of the private ownership reducing risk of future removal or canopy reduction pressure, as the distance between trees and gardens also increases, and therefore retaining some of the existing landscape character and visual amenity of the area but also maintaining the green links with the wider network.

Furthermore, this would also allow for the mitigation measures sought by the conservation officer to reduce the harm identified to the setting of Swallowfield to be successfully provided and in an environment that can be controlled through the planning system.

HDC Conservation: No Objection

HDC Tree Officer: No Objection

HDC Environmental Health: No comments

OUTSIDE AGENCIES

WSCC Highways: No Objection

Ecology Consultant: No Objection

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We recommend that the mitigation measures identified in the EclA (The Ecology Partnership, September 2020) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species particularly for GCN. We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Southern Water: No Objection

Natural England: No Objection

Nuthurst Parish Council: No Objection

The Parish support the principle of the application proposals for the erection of 7 dwellings as it satisfies the main requirements of policy 2 of the Nuthurst Parish Neighbourhood Plan (NP) to provide between 4 and 7 dwellings and comprises primarily 2/3 bedroomed semi-detached houses or bungalows.

However, the assessment notes that there are issues regarding whether or not some of the proposals in the application comply fully with some of the other requirements of the NP. The Parish Council requests that Horsham District Council (HDC) consults its own officers and those of West Sussex County Council (WSSC) on the following issues and, if appropriate, considers making any approval subject to relevant planning conditions:

- Whether or not the applicant owns the strips of land abutting Church Road and Brighton Road that are needed for the visibility splays?
- Whether or not the visibility splays provide safe egress onto Church Road? • Whether or not the proposed widening of the lane at its entrance is safe for vehicles, cyclists and pedestrians?
- Whether or not the proposed passing bay in the lane is wide enough to allow two vehicles to pass, including HGVs and particularly recycling lorries?
- Whether or not the landscape proposals retain sufficient trees and bushes and include a sufficient amount of replanting in order to provide adequate screening and to protect wildlife and biodiversity? Adequate landscaping could be made a condition of approval.
- Whether or not the ecological report and any mitigation measures to protect wildlife are satisfactory?
- Whether or not the proposals have paid sufficient regard to the undesignated heritage asset, Swallowfield House, and its parkland? And in this respect could the applicant consider a rearrangement of the proposed dwellings so that the pair of bungalows borders the boundary with Swallowfield House?
- Whether or not Southern Water consider that the proposed dwellings 6 and 7 interfere with the sewer which runs underneath the front gardens.

PUBLIC CONSULTATIONS

31 letters have been received including 28 objections and 2 letters of support, and 1 letter of Comment these can be summarised as follows

Objections :

- Size and type of housing is inappropriate
- Dwellings would appear dominant within the context of the surroundings
- Unsustainable location
- Development would harm the rural character of the site
- Impact on the non-designated heritage asset of Swallowfield House
- Impact on the character and context of the historic parkland
- Increased traffic
- Danger of access
- Ecological impacts
- Impact on drainage
- Impact on neighbouring property
- Loss of trees and hedging

Support

- Ideal site to develop

- Close to facilities and services
- Additional homes to meet the needs of the Parish

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

Background

- 6.1 Planning application DC/17/1158 sought consent as an outline application with all matters reserved except for access. The development description stated outline application (all matters reserved except for access) for development of 4 dwellings and associated works. Planning permission was subsequently granted on the 6 September 2017. No applications for reserved matters have been submitted since that time and therefore the permission has now lapsed. Notwithstanding this, the principle of residential development on this site has already been established by virtue of the outline consent and the allocation in the Nuthurst Neighbourhood Plan.
- 6.2 Indicative plans submitted with the previous outline application as permitted under ref. DC/17/1158, indicated that the developer sought 4 no. large detached family houses with a total internal floor area of 1,270m². Although the approved scheme was for an outline application with all matters reserved except access, the indicative plans provided a clear indication of the size, scale and location of the dwellings proposed. By comparison to the proposals currently under consideration (DC/20/1840) comprising 7 no. units of mixed sizes and types with a total internal area of 1,066m², the proposed quantum of development whilst more in terms of the number of dwellings on site, proposes a reduction in the overall floorspace and massing than that of the scheme previously approved.

Principle of Development

- 6.3 Policies 1, 2, 3 and 4 of the HDPF set out the Council's main strategy for the location of development across the District and, in accordance with the NPPF's sustainable development approach; seeks to concentrate development in and around the District's most sustainable settlements.
- 6.4 The site falls within the defined built-up area boundary of Mannings Heath and is allocated for housing development within the 'made' Nuthurst Neighbourhood Development Plan 2015-2031. Policy 2 of the Neighbourhood Plan states that development of this site will be permitted provided that:
- i) the scheme comprises primarily 2/3 bedroom semi-detached houses or bungalows
 - ii) access is by way of the lane between Church Road to Windy Ridge; and includes visibility splays, the widening of the access, the provision of passing bays, and turning on site.
 - iii) the scheme retains the trees and bushes on the boundaries with the access lane; protects any wildlife and biodiversity; retains and renovates the pond; and retains appropriate mature trees

- iv) the scheme pays due regard to the proximity of the undesignated heritage asset of Swallowfield House and its parkland setting;
 - v) the transport assessment has full regard to extending the existing pavement on Church Road to the entrance to the development.
- 6.5 The supporting paragraphs go on to state that the policy allocates land of 0.69 Ha for a housing scheme which may comprise of four to seven dwellings, and 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 as set out in the policy. It is also advised that given the character of the nearby residential area, the site is best suited to semi-detached houses (of no more than two storeys) and bungalows, rather than larger detached houses, although the policy allows for some of the latter type. The remaining development principles will ensure access, design, landscape and layout proposals will be suited to the site and that full regard is paid to addressing the need for road and pavement improvement works as a result of the development of this site.
- 6.6 The number of objections received from neighbouring properties specifically relating to the number of dwellings proposed and the type of housing as stipulated within the policy criteria is noted. Concerns are raised that the proposals do not accord with the criteria within Policy 2 of the made Nuthurst Neighbourhood Development Plan (NPNP), however it is considered that the surrounding development is primarily characterised by detached dwellings positioned within relatively large plots and that Policy 2 seeks a mix of primarily 2/3 bed semi-detached or bungalow dwellings which the proposals broadly achieve.
- 6.7 As this site is located within the BUAB of Mannings Heath, the site is considered to be suitable and sustainable for residential development and accords with Policy 3, 15, 16, 32 and 33 of the HDPF. Given that the application site is allocated within the made Nuthurst Parish Neighbourhood Plan, and is in accordance with the supporting paragraphs which set out the preferred development principles, including the number and form of residential development that the site could accommodate, it is considered that the proposed development for 7 units is also in accordance with Policy 2 of the Nuthurst Neighbourhood Development Plan.

Character and Appearance and impact on the non-Designated Heritage Asset

- 6.8 The area surrounding the application site comprises a mix of development styles and vernacular including detached dwellings and bungalows in the surrounding Swallowfield Close, Woodlands Walk; and Winterpit Close and semi-detached and terraced dwellings located on Church Road with a varied palette of materials including brick, tile hanging and timber panelling with stone and brick detailing. There are a range of agricultural buildings to the north east of the site reflecting the semi-rural location of the application site and its location within the edge of settlement area surrounded by woodland. To the south of the site is Swallowfield House, a non-designated heritage asset set within a parkland setting.
- 6.9 Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensures that it will complement locally distinctive characters and heritage and that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, is locally distinctive in character, respects the character of the surrounding area, and uses high standards of building materials, and finishes.
- 6.10 Policy 10 of the Nuthurst Neighbourhood Plan (Housing Design) states that residential development proposals should make use of high quality building materials and finishes and include quality landscaping; include adequate functional private garden space appropriate to the dwelling and size and type; include adequate off street parking so as to minimise any need for on street parking; and include a landscape scheme which either

provides for the retention of the existing trees and hedges, or if any must be removed, for their replacement by new trees and hedges of a suitable species.

- 6.11 The 7 dwellings proposed are set around a central 'farm' courtyard with a central access along with appropriate off street parking for each dwelling. The dwellings are of a size and scale as set out above within the description of development. The existing trees and hedges surrounding the site are largely retained and others are proposed to soften and provide additional screening where necessary. Each dwelling has adequate amenity space, with a protected landscape buffer as identified on a Landscape Management Plan, incorporating identified trees to be retained outside of the private garden areas. The proposed dwellings are considered acceptable within the context of the wider site and are suitable in terms of the size, scale and appearance. In this respect the proposals are considered to accord with the requirements of Policy 32 and 33 of the HDPF and Policy 10 of the Nuthurst Neighbourhood Plan.
- 6.12 Policy 34 of the HDPF sets out the Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. Paragraph 197 of the NPPF requires a balanced judgement is made in respect of the significance of a non-designated heritage asset, having regard to the scale of any harm and the significance of the asset. Policy 2 Criteria iii of the Nuthurst Neighbourhood Plan as noted above is also considered relevant.
- 6.13 The application site lies to the south-west of Swallowfield House which is considered to be a non-designated heritage asset. The site itself occupies land which is considered to have formerly fallen within the curtilage of the House, and within its parkland setting. Whilst the application site is informal in character and appearance, it is considered that the former parkland positively contributes to the setting of the non-designated heritage asset, informing the historic development of the locality, and giving as sense of place to the large country house.
- 6.14 The Council's Conservation officer has been consulted and has advised that the harm to the setting of Swallowfield House will be increased as a result of the additional dwellings proposed. Some alleviation of harm can be achieved by providing a substantial planted boundary as previously suggested. This will not remove harm but would tip the balance if this site is deemed suitable for the number of dwellings proposed. It was also advised that any detailed landscaping design should include appropriate, and preferably indigenous, tree planting along the boundaries and in particular along the south/south-eastern boundary between the development and Swallowfield House. This has been addressed by the applicants and tree planting along the south / south eastern boundary agreed. A suitable landscape condition is recommended to mitigate against any adverse impacts arising from the proposals.
- 6.15 Given the allocation of the site for 7 dwellings, the retention of trees and inclusion of additional boundary planting, it is considered that the harm to the setting of Swallowfield is of an acceptable level applying a balanced judgement required by NPPF 197. The proposal therefore represents an appropriate form of development which would not be out of character when viewed within the context of the site and the surrounding area, and would be suitable for the plot size, in accordance with policies 32, 33 and 34 of the HDPF and Policies 2 and 10 of the Nuthurst Neighbourhood Plan.

Amenity Impacts

- 6.16 Policy 33 of the Horsham District Planning framework (2015) states that development should consider the scale massing and orientation between buildings; respecting the amenities and sensitivities of the neighbouring properties

- 6.17 Whilst the quantum of development proposed is greater than that previously approved within the outline application which gained approval in principle for 4 larger dwellings, the current proposals have been designed to reduce the mass of the development in order to address the concerns raised regarding overlooking and loss of privacy to occupiers of properties closest to the northern boundary of the site (Swallowfield Farm and Windy Ridge).
- 6.18 Plots 1 and 2 (bungalows) are located within the northern side of the application site. The bungalows are located approximately 15m-17m from the northern boundary of the site with a separation distance from Swallowfield Farm and Windy Ridge of between approx. 25m -29m at the nearest parts. Whilst some trees within the rear garden areas of plot 1 and 2 are shown to be removed, it is considered that there is adequate screening is to be retained and this would not result in an unacceptable relationship between the dwellings and existing or future occupiers. As such, it is considered that the relationship between Plots 1 and 2 with Swallowfield Farm and Windy Ridge is acceptable and that there would be no appreciable overlooking or loss of privacy arising from the proposed development.
- 6.19 Plots 3 4 and 5 (2 storey terrace) are located within the southern side of the application site. The bungalows are located approximately 13.5m from the southern boundary. Within this terrace, the dwelling on Plot 5 is closest to Swallowfield House and approximately 17m from its northern flank elevation, the proposed car port to Plot 5 is located approx.16.3m at its nearest point. Given that there are no windows within the northern flank of Swallowfield House, it is considered that there would be no overlooking between dwellings or loss of outlook from Swallowfield House. Plot 5 is offset and at an oblique angle to Swallowfield House, and faces Swallowfield House associated amenity areas. A line of trees has been proposed along the southern boundary of the application site to the rear of Plots 3 -5 in order to provide further screening between the existing and proposed dwellings and to mitigate against any potential loss of private amenity.
- 6.20 Plot 6 and 7 (2 storey detached dwellings) are located along the western boundary of the site, with Plot 6 closest to Swallowfield House. The southern (flank) elevation of the dwelling on Plot 6 is approx. 20m from the northern (flank) elevation of Swallowfield House. The single storey garage to plot 6 located approx. 14m away. There are no windows within the flank elevations of either property therefore there is no overlooking or loss of outlook between them. The existing tree screen provides visual screening and reduces indivisibility from within the existing and proposed plots.
- 6.21 It is considered that the nature of the residential use of the site would not lead to levels of noise or disturbance above that normally expected for residential use. There is good separation distance between the proposed dwellings and those to the north, south and east of the application site and between the proposed dwellings within the site itself. In this respect, the development proposals are considered to accord with policies 32, 33 and 34 of the HDPF and accord with Policy 10 of the Nuthurst Neighbourhood Plan.

Landscape Impact and Design

- 6.22 The Council's Landscape architect has been consulted. Although concerns have been raised regarding the proposed layout around the central access road and the impact on the existing landscape features of the site and the inclusion of boundary trees within the private garden areas, it is considered that with a small development of this kind the proposed layout and access arrangements are suited to the small farm courtyard development and as such, the layout is considered to be acceptable in this case. The Landscape Architect was particularly concerned with the level of trees to be retained within the private garden area of the proposed dwellings and the future risk of their removal or canopy reduction. In view of this the applicants have agreed that the trees to the rear of the private gardens areas around the perimeter of the site be included within a Landscape

Management area outside of the private garden areas. It is considered that this arrangement is welcomed and would help overcome these concerns.

Ecology

- 6.23 The presence of protected species is a material consideration when assessing development proposals that, if carried out, would be likely to result in harm to the species or its habitat. It is therefore essential that the presence or otherwise of protected species, and the extent that the species are affected by the proposed development, is established before the planning permission is granted.
- 6.24 The applicants have submitted an Ecological Impact Assessment September 2020 (and appended Preliminary Ecological Appraisal June 2020); Biodiversity Net Gain Matrix Calculation dated 10 December 2020, letter dated December 2020 prepared by The Ecology Partnership, following consideration of a 3rd party rebuttals by The Ecology Co – op dated November 2020 and December 2020 which highlighted gaps that remained in the ecological data collected for the site. The Council's Ecology Consultants initially advised in their consultation response dated the 21 January 2021 that in view of the additional information provided from both parties, and prior to determination of the application, an updated great crested newt survey should be undertaken. However, following subsequent discussions with the applicants Ecologist (The Ecology Partnership), and in view of recently updated Government Standing Advice of Great Crested Newts, the Councils Ecology Consultants, in their most recent consultation response dated the 25 February 2021, have advised that the submitted survey data is acceptable given that the survey data is less than 4 survey seasons old. It is also advised that it is considered 'unlikely that the population size within pond 3a would have significant changed in the time since the last survey was undertaken over the course of 3 breeding seasons and that 'if present within pond 3a, anything beyond a small population (of GCN) is unlikely'. The Councils Ecology Consultant has advised that an EPS mitigation licence is considered to be necessary in order to implement any consent and a suitable condition is therefore required to secure this should planning permission be granted.
- 6.25 The Council's Ecologists are satisfied from the information submitted by the applicant that there would be no impact on bats as a result of trees to be removed, and that the methodology for the activity surveys and appropriate justifications for the conclusions are accepted, furthermore, the revised layout plan which includes greater tree retention is considered to support the flight line for bats. It is advised that it has also been demonstrated that the site has been reassessed for the potential for reptiles in 2017 and 2020 and it has been concluded that that conditions of the site have not significantly changed as stated in the Ecological letter from the Ecology Partnership (December 2020). Appropriate justification has also been provided by the Ecology Partnership (December 2020) that there likely an absence of Hazel Dormice from the site. The Ecological rebuttal from The Ecology Co –op December 2020 states that despite comments in the November rebuttal, further surveys and mitigation in regards to badgers were not addressed by the Ecology Partnership in their submission dated December 2020. The Council Ecologist have therefore advised that to avoid impacts from construction, further monitoring of all potential sett entrances should be undertaken to include a walk over survey prior to commencement, and that precautionary mitigation measures are secured as a condition of any consent.
- 6.26 The Council's Ecologists have reviewed the Biodiversity Net Gain Letter (The Ecology Partnership December 2020) which mapped the habitats onsite in accordance with the UK Habitat Classification. It is noted that the development would result in a loss of 0.05ha of the existing priority deciduous woodland, but that an additional 0.06ha will be replanted to contribute to the overall increase in the deciduous woodland onsite. The letter also confirms that a 2.24% Biodiversity Net Gain can be achieved on site. The latest update to the Environment Bill sets out that there is a requirement for all development to deliver

a mandatory 10% biodiversity net gain, however as the bill has not been passed there is no legal requirement to deliver this and as such 2.24% is considered acceptable in this case.

6.27 Following consultation with the Council's Ecologist, a number of conditions have been proposed to ensure that appropriate ecological mitigation and management is undertaken on the site to support the species on the site. Subject to these conditions, no objections on policy grounds are raised. The Council's Ecologists are therefore satisfied that there is sufficient ecological information available for determination and the Council considers that the proposals accord with HDPF 24 and 25.

6.28 In terms of biodiversity net gain, the enhancements including the following measures proposed will contribute to this aim.

- Improved management and enhancement of retained habitats including woodland and retained pond on site
- Additional native tree planting and shrub species
- Additional woodland on the northern side of the access track.

Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Highways

6.29 Policies 40 and 41 of the Horsham District Planning Framework state that development should provide a safe and adequate access, suitable for all users.

6.30 Criteria ii. of Policy 2 of the Nuthurst Parish Neighbourhood Plan states that development will be permitted provided that "access is by way of the lane between Church Road to Windyridge. The transport assessment of the scheme has full regard to ensuring the safety of the nearby junction of the A281 with Church Road and includes the provision of visibility splays at the junction to ensure safe egress for vehicles; the widening of the lane to allow for safe shared use by vehicles and pedestrians; and the provision of passing bays, sufficient to avoid the need for vehicles to reverse into Church Road.

6.31 The proposed access to the site is as previously approved under the outline consent DC/17/1158 and will utilise the existing private access drive extending from the west of Church Road to the northern boundary of the site. As part of the proposed development, the access will be widened to 4.8m along a 6m stretch of the drive to provide a passing lane, with a 1.4m wide footway also provided along the northern section of the modified access drive. WSCC Highways have confirmed that the amended swept path tracking plans have been provided showing that an HDC refuse collection vehicle can manoeuvre the modified access point and turn within the site and pass a car past the passing place.

6.32 Following consultation with the Highways Authority, the proposed works to the access on Church Road, as well as the proposed alterations to the private drive, are considered appropriate to ensure the safe function of access into and out of the site. The proposed development is therefore not considered to result in a significant increase in movements or result in harm to highway safety. The proposed access is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policy 2 of the Nuthurst Parish Neighbourhood Plan.

Climate Change

6.33 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes.

These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions

- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle storage
- Sustainable energy and exceed minimum building regulations requirements
- Layout designed to maximise solar gain and natural lighting through orientation of the dwellings to the south, east and west

6.34 In addition to these measures conditions are attached to secure the following:

- Water consumption limited to 110litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling
- Biodiversity mitigation and enhancement
- Cycle parking facilities
- Electric vehicle charging points.

Flood risk / Drainage

6.35 The Environment Agency's (EA) online flood maps show that the site is located wholly within Flood Zone 1, meaning that the land is in a 'low probability' flood zone, and has a 'less than 1 in 1,000 annual probability of river or sea flooding'. In addition, no water courses run through the site.

6.36 Concerns raised regarding the position of the proposed dwellings in relation to the foul sewer and its exact location have been taken into consideration. The applicants have confirmed the position of the foul sewer within the site and have demonstrated that there is no development or tree planting within a 3m buffer zone either side, to protect it from construction works and to allow for future maintenance.

Other matters

6.37 Policy 16 [part 3 (b) refers] of the HDPF states that on sites providing between 5-14 dwellings, the council will require 20% of dwellings to be affordable or where on site provision is not achievable a financial contribution equivalent to the cost of the developer of providing the units on site is required. Notwithstanding the policy requirements as set out above, new advice within paragraph 63 of the National Planning Policy Framework 2018 states that provision for affordable housing should not be sought for residential development that are not major developments other than in rural areas (where policies may set a lower threshold than 5 units or fewer). Therefore, as the development proposals do not fall within the definition of a major development for the purpose of housing provision (10 + dwellings, or have a developable site area of more than 0.5 hectares) the requirements of Policy 16 [part 3(b)] are not triggered and affordable housing contributions are not required for this development which proposes 7 units on a site area of 0.69ha (which includes the site access road from Church Lane and the pond area within the site).

Conclusion

6.38 The proposals accord with the requirements of policy 2 of the Nuthurst Neighbourhood Plan and as such the development of this site for 7 dwellings is considered acceptable in principle, subject to the recommended conditions to secure the ecological, boundary and landscaping measures detailed within the application. The proposals would have an

impact on the setting of Swallowfield House however applying a balanced judgement as required by NPPF 197, the level of harm is considered acceptable given the allocated status of the site and the boundary landscaping being retained and proposed. In this respect, the development proposals are considered to accord with Policies 32 and 33 of the HDPF and Policy 2 and 10 of the NNP.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	1,066.5	0	1,066.5
	Total Gain		1,066.5
	Total Demolition		0

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

7.1 Grant Planning permission subject to the following conditions

Conditions:

- List of approved plans
- Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- Pre-commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul water 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).

- Pre-commencement Condition:** The development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management shall include details of, but not be limited to, the following relevant measures:

- i. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
- ii. Details regarding parking of site operatives and visitors, deliveries, and storage
- iii. The method of access to and from the construction site
- iv. Locations and details for the provision of wheel washing facilities
- v. loading and unloading of plant and materials
- vi. storage of plant and materials used in constructing the development
- vii. the erection and maintenance of security hoarding and screening to neighbouring properties
- viii. measures to control the emission of dust and dirt during construction
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works

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 and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 5 **Pre-commencement Condition:** The proposals shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006, s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham Development Framework.

- 6 **Pre-commencement Condition:** No development shall commence until further supplementary ecological surveys for Badger shall be undertaken to inform the preparation and implementation of ecological measures required to avoid impacts on this protected species. The supplementary surveys shall be of an appropriate type for Badger and survey methods shall follow national good practice guidelines.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 7 **Pre-commencement Condition:** No works which include the creation of trenches or culverts or the presence of pipes shall commence until precautionary measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and the Badger Protection Act 1992.

- 8 **Pre-commencement Condition:** No development shall take place until an ecological design strategy (EDS) addressing the compensation of Priority Broadleaved woodland has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

- 9 **Pre-commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 10 **Pre-commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, doors and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Pre-occupation Condition:** Prior to the first occupation of any part of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be planted and managed particularly the replacement Priority broadleaved woodland.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

- 12 **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).

- 13 **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 sizes 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 (including biodiversity bat sensitive lighting scheme with provision of appropriate lighting contour plans, Isolux drawings and technical specifications)

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).

- 14 **Pre-occupation Condition:** Prior to the first occupation (or use) 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).

- 15 **Pre-occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking turning and access facilities shall be implemented in accordance with the approved details as shown on plan P201 G and 140235-01 Rev E; 140235-03 rev C (Transport Statement Aug 2020) and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 16 **Pre-Occupation Condition:** No dwelling shall be first occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 17 **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).

- 18 **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).

- 19 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 20 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes AA, A or B, of Part 1 or Class A of Part 2 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 21 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Ecology Partnership, Dec 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.