



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 09 August 2021

**DEVELOPMENT:** Demolition of existing farm buildings and erection of 5 dwellings, creation of new access and associated landscaping and parking

**SITE:** Holly Farm Winterpit Lane Mannings Heath West Sussex

**WARD:** Nuthurst and Lower Beeding

**APPLICATION:** DC/21/0685

**APPLICANT:** **Name:** Concept Developments **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**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 This application proposes five new residential dwellings with associated landscaping, parking and access, following the demolition of the existing farm buildings on the site. The properties will incorporate features such as gable, projecting feature bay windows, casement windows, traditional face brickwork with contrasting brick detailing; stone cills, tile hanging and timber frame porches. The properties would have varying external finishes including red multi facing brickwork and clay hanging tiles and red clay roof tiles with projecting timber tiled entrance canopies. All properties will have traditional white Cottage style UPVC windows with flat arched brick window heads in contracting colour. The proposed residential dwellings are made up of the following:

1.3 Plot 1

1x detached two-storey two bedroomed home. This property would sit at the front of the site to the east of the new access road and be dual aspect to provide a frontage to Winterpit Lane and the new access road. The property would have an east facing garden measuring 136m<sup>2</sup>, two parking spaces including a car port and have a Gross Internal floor Area (GIA) of 89.94m<sup>2</sup>.

- 1.4 Plot 2  
1x detached two- storey three bedroomed home. This property would be situated on the east side of the access road to the south of plot 1 (with an adjoining car port). The property would have an east facing garden measuring 156m<sup>2</sup>, two parking spaces including a car port and have a GIA of 103.54m<sup>2</sup>.
- 1.5 Plot 3  
1 x detached 4- bedroomed chalet bungalow. This property sits to the rear of the site occupying the entire southern section of the site. The chalet bungalow would have a ridge height of 7.3 metres with all four bedrooms situated in the roofspace. The property would have a large south facing garden measuring 604m<sup>2</sup>, two parking spaces plus a detached garage, and have a GIA of 223 m<sup>2</sup>.
- 1.6 Plot 4  
1x detached two- storey three bedroomed home. This property sits on the west side of the access road to the rear of plot 5 (with adjoining carport). The property would have a west facing garden measuring 182m<sup>2</sup>, two parking spaces including a car port and have a GIA of 103.54 m<sup>2</sup>
- 1.7 Plot 5  
1x detached two- storey three bedroomed home. This property would sit at the front of the site to the west of the new access road and be dual aspect to provide a frontage to Winterpit Lane and the new access road. The property would have a west facing garden measuring 155m<sup>2</sup>, two parking spaces including a car port and have a Gross Internal floor Area (GIA) of 104.85m<sup>2</sup>.
- 1.8 Cycle storage and bin storage are provided within the rear gardens or each property. A new access is proposed into the site from Winterpit Land as well as a new access into the adjacent farmland of Forest Farm on the western boundary.
- 1.9 Much of the existing boundary treatment is to be retained but where this is not possible, replacement planting will be carried out and secured via a condition.

#### DESCRIPTION OF THE SITE

- 1.10 The application site comprises a parcel of land measuring approximately 0.3 hectares to the south of Winterpit Lane within the built-up area boundary of Mannings Heath. The site includes dilapidated farm buildings and areas of trees and bushes. Open fields lie adjacent to the site to the west with detached houses to the north. The site is adjacent to a row of former farm/commercial buildings that have since been converted to a residential dwelling (Hathaways). Approximately 45m to the north of the application site is the High Weald Area of Outstanding Natural Beauty.
- 1.11 The site is allocated for residential development in the 'made' Nuthurst Parish Neighbourhood Plan 2015-2031 and the allocated site forms Policy 3 of the Plan.
- 1.12 The built grain of Mannings Heath comprises a mixture of two storey houses and more modest bungalows. The residential form is interspersed with mature vegetation and trees and the surrounding properties occupy reasonably generous plots. There is no dominant style of property with a variety of characterful properties in evidence. The area does however, have a strong semirural feel and is characterised by largely detached properties occupying generous irregularly sized plots.

## 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 2 - Strategic Policy: Strategic 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 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities

#### **Nuthurst Parish Neighbourhood Plan:**

Policy 3 - Land at Holly Farm, Mannings Heath  
Policy 10 - Housing Design

#### **Nuthurst Parish Design Statement**

- 2.2 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1645	Demolition of existing farm buildings and erection of 5 dwellings with associated landscaping, parking and access.	Application Refused on 23.10.2020
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## 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 Environmental Health:**  
Conditions recommended in relation to Preliminary Risk Assessment/ Site Investigations Chemical Testing.
- 3.3 **HDC Drainage Engineer:**  
If this development is permitted I would recommend imposing the following Condition; MD17 Drainage Strategy (Foul and Surface Water).

- 3.4 **HDC Arboricultural Officer:**

No Objection.

### OUTSIDE AGENCIES

### 3.5 WSCC Highways:

#### Access

The proposed plans demonstrate that the existing access will be closed off. This will need to be reinstated to verge, in agreement with, and subject to a licence from, WSCC. The proposed new access will take the form of a bellmouth junction with 6m radii and a 4.8m road width. These works will be subject to a Section 278 agreement with WSCC, details provided below.

The applicant has confirmed that the telecommunications pole within the proposed access area will be relocated and this has been acknowledged on the plans. The proposed relocation works would be required to be carried out at the applicant's own expense.

The Transport Statement indicates that vehicular trips associated with the proposal will not have a negative impact upon the capacity of the road network, or result in a severe intensification of use of the site over the existing use.

#### Visibility

Discussions have occurred between Paul Basham Associates on behalf of the applicant and the LHA prior to submission of the current application. The issue of land ownership has been resolved, a topographical survey of the area was conducted by the applicant and a plan of the proposed access and visibility arrangements has been submitted, demonstrating the width of the verge overlaid with the existing Highway Boundary. The LHA has accepted a 2m X distance in this location, given the road context, and the plan demonstrates that visibility splays of 2m x 43m are achievable in both directions, utilising land considered to be publicly maintained highway. As such, visibility splays meet the minimum Stopping Sight Distance set out in Manual for Streets for a 30mph road.

#### Parking and turning

The proposed plans demonstrate that 12 parking spaces will be provided for the proposal. Plots 1, 2, 4 and 5 will be provided with 2 spaces each in the form of a single car port and single external space each. Plot 3 will be provided with two external parking spaces and one garage space. Two visitor parking spaces will be provided on an unallocated basis. The LHA is satisfied that the proposed parking provision is sufficient for the proposal. Each parking space meets minimum requirements as set out in Manual for Streets. Swept path tracking has been demonstrated for each plot and this demonstrates that there is sufficient space on site for each vehicle to turn and exit onto the public highway in a forward gear.

#### Servicing

The provided plans demonstrate via swept path tracking that a refuse vehicle can safely enter the site, turn within the proposed turning head and exit the site in a forward gear. This would also provide sufficient space for a fire appliance to service each dwelling in an emergency.

#### Sustainability

The site is located within a semi-rural area and as such residents of the proposed dwellings will likely be reliant upon the private vehicles for the majority of daily trips. However secure and covered cycle parking is proposed for each dwelling - in the rear gardens of plots 1, 2, 4 and 5, and within the garage of Plot 3 - to encourage sustainable transport methods and reduce the reliance upon the private car.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Horsham Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future.

## Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions and informatives should be applied: Access to be provided prior to first occupation, Access Closure, car parking space as approved, turning space, cycle parking, EV Charging, Works within the highway and Telecoms pole.

### 3.6 **Ecology Consultant:**

We have reviewed the Updated Preliminary Ecological Appraisal Report (Wychwood Environmental, May 2020) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species and identification of proportionate mitigation. We have also reviewed the Preliminary Ecological Appraisal (The Ecology Partnership, 2017), the Badger Survey Report (Wychwood Environmental, November 2019) and the Badger Settle Closure Letter (July 2020) submitted with a previous planning application on this site - DC/20/1645.

We are satisfied that there is sufficient ecological information available for determination. We support the reasonable biodiversity enhancements that will deliver measurable net gain should also be secured by a condition on any consent. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Updated Preliminary Ecological Appraisal Report (Wychwood Environmental, May 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. As mentioned in the Updated Preliminary Ecological Appraisal Report (Wychwood Environmental, May 2020), the mitigation measures included for bats, great crested newts, hazel dormice, reptiles and breeding birds should be collated in a Biodiversity Mitigation and Enhancement Strategy and secured as a condition of any consent. We note that the Badger Survey Report submitted with DC/20/1645 identified an annex sett onsite. The Badger Settle Closure Letter (July 2020) identified that further monitoring had been undertaken, and the sett was inactive according to Natural England guidelines and subsequently closed without a licence. However, given the dynamic nature of badgers, we recommend that an additional walkover is undertaken, no less than 6 months prior to the start of works, to assess if any badgers have recolonised the site. This should be included in the Biodiversity Mitigation and Enhancement Strategy and secured by a condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent: Ecological Appraisal Actions/ Biodiversity Mitigation and Enhancement Strategy/ Wildlife Lighting Design Scheme

### 3.7 **Southern Water:**

No Objections.

### 3.8 Nuthurst Parish Council

The Parish Council supports this application in principle because it complies with the main requirement of the NP to provide primarily 2 and 3 bedroomed semi-detached and detached houses. However, the Parish Council has serious concerns about some aspects of the proposal and asks HDC to consider these concerns in consultation with the appropriate authorities as follows:

- 1) The proposed development extends outside of the Built-up Area Boundary (BuAB) for Mannings Heath as shown in the above diagram in contravention of policy 3 of the NP. This can easily be rectified by HDC asking the applicant to submitting a new plan with the site boundary to the west aligning precisely with the BUAB, since this sliver of land is not required for the development and should not be part of the development site.
- 2) Although the proposal meets the requirement to provide primarily small houses, there is concern that the houses might be extended in the future. HDC is asked to place a condition on any approval that removes permitted development rights.
- 3) The gate providing access to the field to the west of the site is unnecessary as there is already an access gate to this field from Winterpit Lane. HDC is asked to require the applicant to remove this gate.
- 4) HDC considers asking the applicant to reconfigure the chalet bungalow to further reduce the potential impact on "Hathaways".
- 5) HDC consults its Arboricultural Officer regarding the retention of existing trees and planting of new trees on the eastern boundary to ensure that the existing properties to the east are adequately screened from the new development.
- 6) HDC consults its own ecologist and Natural England to make sure adequate mitigation measures are taken to protect the badgers that are present on the site.
- 7) HDC consults West Sussex County Council Highways regarding whether the on-site parking provision is sufficient or not in order to avoid dangerous parking on Winterpit Lane.

3.9 30 Representations have been received from 26 local Households, many of which support the principle of development here due to the allocation in the Neighbourhood Plan but object to the following:

- Any new development should not extend outside the Built Up Area Boundary.
- On site parking is insufficient for the number of properties planned.
- Overspill of parking should not be allowed on Winterpit Lane which is too narrow to cope with such parking as it is a busy lane with no pavement and is used by pedestrians, cyclists, and horse riders as well as traffic which will create a danger for all
- Access to the site will be very tight (too narrow) which also creates a danger to all users of the lane.
- PD should be removed to avoid impact on amenity of closest residents-outbuildings. Extensions and the conversion of garages/ car ports.
- No parking on Winterpit Lane during construction
- When blocking up existing access this should not interfere with visibility splays for adjacent driveway.
- Mistakes in the submission in relation to the nearest shop/ footpaths/ street lighting
- Loss of wildlife
- Insufficient screening on the eastern boundary
- Unnecessary wide access to adjacent field- fear of future development
- Overlooking to Greenwood from plot 2
- Pattern of development out of character with the area
- Overdevelopment

One letter of support was received.

#### **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 Holly Farm is situated within the Built Up Area Boundary of Mannings Heath. Mannings Heath is defined as a 'Smaller Village' in Policy 3 of the Horsham District Planning Framework (HDPF) which states that development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy.

- 6.2 Although the principle of development on this site has been accepted by the allocation of the site for housing development within the Neighbourhood Plan, for the development to be acceptable it is required to conform with the core requirements of the policy:

*The residential development of 0.3 Ha of land at Holly Farm, Winterpit Lane, Mannings Heath, as shown on the Policies Map as lying within the Built-Up Area Boundary, will be permitted provided that:*

- i. built development is limited to the area comprising the derelict barns and shrubs and does not extend beyond the rear building line of the adjacent property to the east;*
- ii. the scheme comprises primarily 2 and 3 bedroom semi-detached or detached houses;*
- iii. access is made to the scheme from one point only on to Winterpit Lane; and*
- iv. the scheme layout and landscape proposals retain the screen of trees and bushes fronting Winterpit Lane and those on the east and west boundaries*

- 6.3 The previous application on this site for five houses was refused in 2020 for three reasons. Two of these related to the Neighbourhood Plan policy requirements and the proposals failure to meet these. The two reasons for refusal were:

1. The development would provide dwellings which would fail to be appropriately sized to meet the identified housing needs of the Parish for smaller two and three bedroomed properties. The proposal would therefore be contrary to Policy 3 of the Nuthurst Neighbourhood Plan (2015) and Policy 42 of the Horsham District Planning Framework (2015).
2. The development would encroach beyond the defined built-up area boundary of Mannings Heath and would therefore be contrary to Policy 3 of the Nuthurst Neighbourhood Plan (2015) and Policy 3 of the Horsham District Planning Framework (2015).

- 6.4 It is considered that this new application has now addressed these concerns and the principle of the development is now acceptable for the reasons outlined below.

- 6.5 The dwellings proposed in the previously refused scheme were much larger and although labelled 'two and three bedroomed dwellings' their Gross Floor Area was more in line with 6 bedroomed/ 8 person dwellings when considered against the national space standards. This was not considered to be appropriate in this location where the site has specifically been allocated to secure smaller homes that would be more affordable for downsizers or first time buyers. The properties also included home offices that could easily have been used as bedrooms and would make the properties less affordable than a conventional two or three bedroomed property as envisaged in the Neighbourhood Plan.
- 6.6 This re-submission now addresses these concerns and proposes properties of a much more appropriate size and scale. The two and three bedroomed properties to the front of the site range from 89.94 square metres GIA to 104 and do not include home offices in their design. The larger bungalow to the rear of the site has four bedrooms and a larger GIA of 220 square metres. Whilst it is acknowledged that this is a larger property, it is considered that there is flexibility in this regard due to the wording of the Neighbourhood Plan policy which states 'primarily' 2 and 3 bedroom houses which this proposal does comply with. In addition, when weighed against the benefits of not having a taller two-storey property at the back of the site (discussed at paragraph 6.17), this is considered to be an acceptable solution to the mix of dwellings on the site.
- 6.7 The area for residential development is restricted by this policy to the Built Up Area Boundary (BUAB). The proposal includes an area of land outside of the BUAB within the plot boundary of number 3 by around 2.5 metres along the length of the western boundary. The applicants state that the reason for this is that the BUAB is actually drawn on the wrong side of the existing hedge and excludes some of this site that naturally should fall within it. Officers consider this to be a minor incursion outside of the defined boundary and that some discretion should be used here. Furthermore, aerial photography mapping of the site does indicate a clear difference in character to the area within the application site (as defined by the red outlined area) and the area outside of the application site consisting of a field, which would suggest that the built up area line has not been plotted accurately.
- 6.8 This would not mean that other development should be allowed outside of the boundary and no built form is proposed within this area. A condition is recommended removing the Permitted Development rights for outbuildings to be erected within the residential curtilage of Plot 3 (Class E).
- 6.9 With the above in mind, it is considered that this application complies with the Nuthurst Neighbourhood Plan Policy 3 requirements for the development of the site and the HDPF. The principle of development is therefore acceptable.

### **Design Character and Appearance**

- 6.10 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.11 Policy 10 of the Nuthurst Parish Neighbourhood Plan (NPNP) states that the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of surrounding buildings. Residential development proposals should make use of high quality building materials and finishes, and include adequate functional private garden space appropriate to dwelling size and type.

- 6.12 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.13 The submitted details indicate that the properties will take their design cues from the character and scale of the existing development within the surrounding area. The surrounding buildings are an eclectic mix of 4 large detached houses to the north, a pair of semi-detached cottages to the north west, a barn conversion to the east and a detached house and pair of semis to the north east. A natural materials pallet is proposed including red multi bricks, red roof tiles, some tile cladding, timber and tiled entrance canopy, stone cills, gables and projecting bays.
- 6.14 The properties are situated within ample plots from attractive open frontages and landscaped gardens visible to the public. The layout of the development in a small cul-de-sac with a turning circle will create an attractive and welcoming streetscene and the rear garden to plot 3, being larger and more open in nature will help to contribute towards the rural open landscape character of the rear of the site.
- 6.15 Overall, the proposed layout, scale, design, and massing of the proposed dwellings are considered to reflect the build pattern and characteristics of the street scene and wider locality. The proposal is considered to relate sympathetically to the townscape character, and is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Neighbour and Future Occupier Amenity Impacts**

- 6.16 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties. It states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.17 Concern has been raised in relation to the impact of the development on the two closest neighbours at 'Hathaways' and at Greenwood (labelled Seamans Farm on the OS map) both situated to the east of the site. The previous application (DC/20/1685) was refused for three reasons, two of which were discussed above under the Principle of development (reason 1 and 3). The third reason was the unacceptable impact on the amenity 'Hathaways' by virtue of loss of light and outlook.
- 6.18 Previously a two-storey property was to be located approximately 2 metres from the boundary with Hathaways and 3.7 metres from their flank wall, resulting in significant loss of light to the only window in a bedroom. This new application has sought to remove this unacceptable impact by locating a chalet bungalow to the rear of the site in line with Hathaways. This has significantly reduced the impact on this property and moved the dwelling to 6.5 metres from the boundary and 8.25 metres from their flank wall. Although there may be some loss of sunlight late in the day when the sun sets this is considered to be unlikely to cause any substantial harm or overbearing to the amenity of the property and the separation distance are considered to be acceptable.
- 6.19 It is noted that concern has been raised from the neighbours at 'Greenwood' the property on Winterpit Lane adjacent to the site to the east. The main concern is loss of privacy

owing to the easterly facing rear windows to the first floor of plot 2 of the development site and a potentially uninterrupted view into their dwelling.

- 6.20 The distance between the upper floors of the dwelling proposed at plot 2 and 'Greenwood' are 21 metres, which is in-line with design guidance. Within this 21 metres sits a private garden, at least two existing trees that are proposed to be retained on the eastern boundary, a 2 metres high Close Boarded fence, access road to Hathaways, another close boarded fence and then approximately 7 metres to the first floor flank wall. Extra planting is also proposed along the eastern boundary in front of the fence and a landscaping plan is a requirement of a condition proposed to this application. It is therefore recommended that fast growing and mature specimens are required to be planted along the eastern boundary to mitigate against the loss of the three trees proposed to be removed here and to further screen the development. Due to the separation distance of 21 metres, this is considered to adequately address the neighbour's concerns here.
- 6.21 With regard to the proposed dwellings, the development would provide five generously sized properties with adequate room sizes, natural light and ventilation throughout. They would be provided with adequate amenity space, parking and each property would have side access to the rear garden.
- 6.22 In addition, due to the history of the site (redundant farm buildings) a contamination condition is recommended to ensure that any future occupiers are not put at risk by any potential contaminants which may be present on site as a result of the past uses.

### **Highways Impact**

- 6.23 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.24 The applicants have consulted independently prior to this application being received in relation to access and highways matters to achieve an acceptable scheme in relation to the new access point, turning circle and parking provision.
- 6.25 The Local Highways Authority have confirmed that the proposal would have no unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network and that there are therefore no highways grounds to refuse the application.
- 6.26 The application proposes a total of 12.5 parking spaces across the site including 0.5 of a space for the proposed garage at plot 3 and two visitor spaces. This is in conformity with the West Sussex parking standards which calculate to be 11 spaces. A number of objectors have referred to the Parking Demand Calculator and stated that this results in a higher requirement and therefore the site is not providing adequate parking. However this is not the case. The Parking Demand Calculator is an additional tool for calculating the expected parking provision, which can be referred to, however, this is intended for much larger developments and often produces a much higher expected parking provision for smaller developments than is practical or reasonable. Whilst the concerns regarding potential overspill onto Winterpit Lane are understood, officers are also required to balance that with ensuring that there is not over-provision of spaces, as this can have other negative impacts such as encouraging transport by private vehicles rather than promoting sustainable transport methods. With this in mind there is not considered to be a shortfall in parking provision.
- 6.27 A number of objectors have referred to the new access being of insufficient width. The West Sussex Highways Team have confirmed that the documents provided and swept path tracking diagrams demonstrating both refuse and fire appliances do show that there are no

issues with the proposed access width and it is suitable and acceptable. The provided plans demonstrate, via swept path tracking that a refuse vehicle can safely enter the site, turn within the proposed turning head and exit the site in a forward gear. This would also provide sufficient space for a fire appliance to service each dwelling in an emergency. The application is therefore acceptable on highways and parking grounds, subject to appropriate conditions.

## **Ecology**

- 6.28 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.29 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
- 6.30 The Applicant has submitted an 'Updated' and Preliminary Ecological Appraisal Survey and Badger Survey Report by Wychwood Environmental Limited. Following consultation with the Council's Ecologist, no objections to the proposal have been raised and it is considered that the proposals will result in no harm to protected species on the site. The biodiversity enhancements are considered acceptable, and it is suggested that this be secured by condition to include the submission of an up to date Biodiversity Mitigation and Enhancement Strategy for Protected and Priority species and a lighting design scheme for biodiversity.

## **Arboriculture**

- 6.31 A number of trees are proposed to be removed in order to facilitate the development. The vast majority of these trees are low quality Category C trees. The removal of a category B tree (Beech T02) and the part removal of some Category B vegetation (Holly and Hazel TG04) is necessary to facilitate the access to the site. Additionally, the removal of some Category B shrubs (Hazel SG07) is also unavoidable to accommodate the dwelling at Plot 3. However, it is not considered that the loss of these trees would have any harmful impacts on the visual amenities of the area. A condition requiring details of additional planting to the boundaries, particularly the eastern boundary is suggested. In accordance with Policy 3 of the Nuthurst Parish Neighbourhood Plan, the vast majority of trees and bushes fronting Winterpit Lane would be retained.

## **Climate Change and Sustainability**

- 6.32 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:
- Fabric first design approach with high levels of insulation and solar gain

- Air Source Heat Pumps
- Integration of SUDS and green infrastructure to manage flood risk
- Water consumption limited to 110litres per person per day
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Refuse and Recycling provision
- Improved energy performance to meet/above Part L, including boilers and appliances

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

- Securing of SUDS and protection/improvement of green infrastructure
- Requirement to provide full fibre broadband site connectivity
- Biodiversity mitigation and enhancement
- 5 electric vehicle charging points
- Cycle Parking Provision

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

### Conclusion

6.35 Overall, the proposed dwellings would represent an appropriate form of development, positioned appropriately within the site and would not have a detrimental impact on the surrounding area, the prevailing character of the street scene, or the amenities of adjacent occupiers. Subject to the conditions below, the application is considered to accord with the HDPG and Nuthurst Parish Neighbourhood Plan and is recommended for approval.

### 6.36 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.

**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 Residential	645.17		645.17
		<b>Total Gain</b>	<b>645.17</b>
		<b>Total Demolition</b>	<b>329.2</b>

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 It is recommended that planning permission is permitted subject to the following conditions-

1 A list of the approved plans

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

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

3 **Pre-Commencement Condition:** No development shall 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).

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

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

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

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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

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

5 **Pre-Commencement Condition:** Prior to the commencement of the scheme hereby approved, a Biodiversity Mitigation and Enhancement Strategy for Protected and Priority species, containing the measures outlined in the Updated Preliminary Ecological Appraisal Report (Wychwood Environmental, May 2020) shall be submitted to and approved in

writing by the local planning authority. The content of the Biodiversity Mitigation and Enhancement Strategy shall include the following:

- a) Identification of “biodiversity protection zones.
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs
- h) detailed designs to achieve stated biodiversity enhancement objectives;
- i) locations of proposed enhancement measures by appropriate maps and plans;
- j) persons responsible for implementing the enhancement measures;
- k) 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) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

6 **Pre-Commencement Condition:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
- ii. Details of how residents will be advised of site management contact details and responsibilities;
- iii. Detailed site logistics arrangements (to include details shown on a plan), 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);
- iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
- v. The method of access to and from the construction site;
- vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc;
- vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
- viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

**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).

7 **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, roofs, windows and doors 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 buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015)

8 **Pre-occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation of the new dwelling(s) 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/residential curtilage treatments
- Details of any external lighting
- Existing and proposed lands levels
- Ecological and Biodiversity Enhancements

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).

9 **Pre-Occupation Condition:** Prior to the first occupation of the dwelling(s) hereby permitted, the vehicular access serving the development shall be constructed in accordance with the details shown on the drawing titled Site Access - Visibility Splay and numbered 099.0013.002 Revision D and shall be thereafter retained as such.

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

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

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

11 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the car parking, secure and covered cycle parking and vehicle turning space necessary to serve that dwelling(s) have been implemented in accordance with the approved details as shown on plan no. HA21-140 P03 REV 03 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).

- 12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until a fast charge electric vehicle charging point for each 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).

- 13 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until 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 has been 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).

- 14 **Pre-Occupation Condition:** No development shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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), and 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) and in accordance with policy 31 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** The dwelling 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: 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).

- 16 **Regulatory 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).

- 17 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Wychwood Environmental, May 2020) 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.

- 18 **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).

- 19 **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 A, AA, B, C, D, E, and F Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilages of all plots without express planning consent from the Local Planning Authority first being obtained.

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 buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 5 of the Slinfold Neighbourhood Plan.

- 20 **Regulatory Condition:** The garage(s) and Car Ports hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 21 **Regulatory Condition:**  
Prior to the first occupation of any dwelling/unit forming part of the proposed development, the owner/occupier will, at their own expense, install a fire hydrant in accordance with the West Sussex Fire and Rescue Guidance Notes and to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy HDPF Policies 33 and 39 and in accordance with The Fire & Rescue Service Act 2004.

Background Papers: DC/21/0685  
DC/20/1645