



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

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

**DATE:** 03 August 2021

**DEVELOPMENT:** Erection of 4No. semi-detached double storey dwellings.

**SITE:** Land North of 17 Foxes Close Southwater West Sussex

**WARD:** Southwater South and Shipley

**APPLICATION:** DC/20/2589

**APPLICANT:** **Name:** Mr Kevin Slight **Address:** 5 Mount Noddy Cuckfield Road Ansty Haywards Heath RH17 5AG

**REASON FOR INCLUSION ON THE AGENDA:** This site is owned by Horsham District Council

**RECOMMENDATION:** To approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

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

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 This application seeks full planning permission for the erection of four three bedroomed semi-detached two-storey properties. The two pairs of semi-detached houses would be identical with a staggered frontage and rear elevation and two off-street parking spaces in private front driveways for each property.
- 1.2 Each property would have a footprint of 63 square metres and GIA of 110 square metres. Each property would have a private rear garden with existing trees retained on the eastern boundary, pedestrian side access, and cycle and bin storage to the front of the properties.

### **DESCRIPTION OF THE SITE**

- 1.3 The application site comprises an area of land measuring around 0.11 hectares, owned by Horsham District Council and situated in the Built-Up-Area of Southwater. The site is accessed via Foxes Close and currently consists of unmanaged scrubland and trees.

- 1.4 The surrounding area consists of a mixture of residential properties all within a similar red brick style with hipped roofs and clay/ red tiles. To the south of the site sits a pair of semi-detached properties with off-street parking to the front and landscaping in a similar style to the proposed development. Opposite the site are two residential buildings containing five flats that sit closer to the road but are of a similar character to the surrounding houses. To the north of the site is a boundary with number 11 'The Gables'. The Gables consists of bungalows, with the site being separated from the garden of number 11 by an existing hedge and a brick built wall forms the boundary to their side garden along Foxes Close which sits adjacent to the 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:

## **2.2 National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

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 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Southwater Neighbourhood Plan was 'made' on 23 June 2021.

SNP2.1- Proposals for Residential Development

SNP9- Home Standards

SNP10- Residential Space Standards

SNP14- Adequate provision of car parking

SNP16- Design

SNP18.1- A treed landscape

### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 None

## **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:** No Objection

The land use history of the site is unknown. Although the risks from ground contamination are considered to be low in this case, the presence of unsuspected contamination cannot be discounted, especially that there is a 1960s clay bricks manufacture site visible on the Council's maps. Accordingly I recommend that a land contamination condition, along with a construction phase condition to be attached if consent is to be granted.

### 3.3 **Parks and Countryside Manager:** Comments

This site has previously been reviewed for potential development by Parks and Countryside and it was recommended that the amenity value of the site is low and quality of tree cover is low, with difficulty in accessing the site for recreation or maintenance. At the time the ecological value of the site was not measured, but it was recommended that an ecology survey was carried out.

The size of the site is at least 1Ha, and as such it is included in the HDC Open Space Sport and Recreation Study, which identifies quantities of green infrastructure across the District. The development of this site will result in a loss of natural open space of 1Ha, although it is currently identified within the OSSR as amenity green space.

Current indications show that there is not currently a deficiency in natural open space or amenity green space within the Parish of Southwater, but there is a deficiency in parks and gardens. Future projections indicate a potential deficiency in both parks and gardens and amenity green space by 2037.

Given the following:

- There are currently trees and scrub on site.
- The Council has a commitment to Wilder Horsham initiatives including the nature recovery network.
- Southwater Neighbourhood Plan SNP18.1 identifies that "Where existing trees or an area of woodland is to be lost, it must be replaced with trees or new woodland of greater environmental value on site or elsewhere within the plan area." and "Development proposals should produce measurable enhancements to the treed environment to ensure biodiversity net gain."

The developer should

- Provide details of the ecology survey and any mitigation actions
- Provide a survey of existing trees within the developable land
- Provide a plan for mitigating the loss of trees

### 3.4 **Tree Officer:** No Objection

From looking at the tree stock at the site, I do not consider that there has been any change in circumstances since Will visited on 14/07/2017 in regards to PE/17/0110, and his comments still represent an accurate assessment of the species and quality of the trees at the site.

I accept that if the development were to gain permission that the loss of trees in this area would result in some loss of amenity to the immediate area, however, I do not consider that the trees at the site are of the quality needed to be considered suitable specimens for protection by a tree preservation order (TPO).

Previous comments:

1. This quarter-acre plot within the residential area of Foxes Close is fully 'wooded', that is, covered entirely with tree stock. There are two large trees of considerable age in the far north-east corner (oaks), and these certainly pre-date the development in the locality and

appear to once have been field edge trees. However, the rest of the plot is of far younger vintage; whereas the 1976 Ordnance Survey depicts the plot as lightly wooded, the 1962 OS shows it as open land, as do previous iterations of the OS dating back to 1875 at which time it was clearly an open field.

2. This is reflected in the tree stock on the plot. Field maple is predominant, together with oak, Wild privet, blackthorn, hawthorn, laurel (an 'invader' species), elder, sycamore, holly, and gean (wild cherry). This is a very typical species range given the soils in the vicinity. You noted that a previous inspection had revealed the presence of Wild Service trees (*Sorbus torminalis*) on the plot, but I can confirm that this is NOT the case; I suspect that the very large leaves of some of the lower-level Field maple (expanded in size through phototropism due to low light levels) were mistaken for Wild Service; this is far from the first time that I have seen such misidentification in these circumstances. None of the trees is larger in trunk diameter than around 450mm, commensurate with trees dating from the 1960's and 70's at the earliest (save for the two oaks noted, above).

3. Within the context of this residential area, this wooded plot represents a useful part of the green infrastructure, and, viewed from all four aspects, provides a screening within, and a greening to, the locality. However, I do not consider that it is of any especial or particular merit, and without continual management at cost to the Council will deteriorate. It is already overly dense, infested with brambles, and in need of thinning and management to encourage its potential – if this is considered desirable. Whilst generally supporting the principle of the retention of 'green lungs' within residential areas, the adventitious, unplanned, self-seeded tree stock on this plot is of rather poor quality and, at present, ill-suited to long-term retention. Although the two oaks noted are of far greater vintage than the rest of the tree stock on the site, even these are less-than-optimal in terms of structure and form. The larger of the two, a three-stemmed tree on the northern boundary of the site, has one badly decorticated stem (bark-stripped), likely to foreshorten its safe useful life expectancy. The closely adjacent oak on the eastern boundary is badly asymmetric, its crown mostly hanging low over the garden of the adjacent property (2 Andrews Road).

4. In regard to the overview of such wooded plots within residential areas, I would normally support its retention. However, its management and development into a quality area of amenity woodland will come at considerable cost to the Council, and indeed I would argue that the tree stock on the plot is of such low quality and potential that extensive re-modelling of the area would be required to encourage its development into a quality feature with long-term potential. Its removal, in favour of development, will of course result in a loss of amenity to the locality, especially when viewed from Foxes Close. But none of the trees on the site – nor the plot as a whole – would I consider meets the criteria for protection by a tree preservation order.

## OUTSIDE AGENCIES

### **WSCC Highways:** No Objection

The site is located on Foxes Close, an un-classified no-through residential road subject to a speed limit of 30mph. The proposed plans demonstrate that each dwelling will be provided with a vehicle crossover (VCO). Three of the proposed crossovers will be approx. 4.6m wide and one approx. 5.4m wide. The applicant should be aware that the VCOs will be subject to a licence from the Area Engineer and must be constructed to a specification agreed with them.

Visibility at the proposed accesses appears sufficient for the anticipated road speeds in this location. Due to the no-through nature of Foxes Close and presence of on-street parking, vehicles are not anticipated to be travelling at the posted speed limit in this location.

The proposed plans demonstrate that each dwelling will be provided with two parking spaces. The WSCC parking demand calculator expects that a minimum of 3 parking

spaces would be required per dwelling in this location. The LHA do however acknowledge that this figure represents the worst case scenario, so it is likely that any shortfall in parking provision is likely to be related to visitor car parking demand and is not likely to represent a shortfall that will be present all of the time. The LPA may wish to consider the impacts of overspill parking on on-street parking provision from an amenity point of view.

The site is sustainably located within walking distance of bus stops providing access to surrounding areas. Cycling is a viable option within the vicinity and secure and covered cycle stores are proposed within the front garden of each dwelling.

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.

Conditions advised: Access/ Car Parking/ Cycle Parking/ EV Charging Spaces

### **Ecology Consultant: Comments**

We have reviewed the Preliminary Ecological Appraisal (Wharton, March 2021). We note that the report identifies that the habitat onsite is solely deciduous woodland. The Preliminary Ecological Appraisal (Wharton, March 2021) therefore recommends that a "*national vegetation classification (NVC) survey should be undertaken between April – August to establish the botanical communities present within the woodland and its ground flora at the Site. This will allow a robust assessment of the importance of the woodland and subsequent impacts of its removal.*" Lowland Deciduous Woodland is a Priority habitat, and appropriate assessment of the quality of the woodland is required to assess if the habitat onsite is a qualifies as a Priority habitat. The Preliminary Ecological Appraisal (Wharton, March 2021) further states "*due to the loss of ecologically important habitat such as HPI (Priority deciduous woodland) within the Site boundary, the DEFRA metric must be completed following completion of the NVC survey to allow appropriate compensation for the loss of woodland to be made.*"

We recommend that the further NVC survey and Biodiversity Net Gain Calculation is completed, prior to determination, to assess the likely impact of the development on Priority habitats.

The site is also within the wider conservation area for The Mens Special Area of Conservation (SAC). We note that the LPA will need to prepare a Habitats Regulations Assessment screening report for this application so any significant impacts, e.g. lighting, or severance of flightlines, are assessed for impacts on Barbastelle bats. We support the conclusions of the Preliminary Ecological Appraisal (Wharton, March 2021) that the site is too isolated within an urban area to support Barbastelle bats, and the information included in the report is sufficient for the production of the HRA.

### **Habitats Regulations Assessment Screening Report:**

Having considered the proposal, Horsham District Council concludes that, the project will not have a Likely Significant Effect on the designated features of the Habitats sites listed in this assessment, either alone or in combination with other plan and projects. Having prepared this HRA screening of the implications of the plan or project for the sites in view of those sites' conservation objectives, the authority can agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

### **Southern Water: No Objection**

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

## PUBLIC CONSULTATIONS

### **Southwater Parish Council:** Objection

1. 25/02/2021

Objection due to the loss of woodland habitat and oak trees, additional traffic generation to the area, potential loss of privacy for adjacent properties, overdevelopment of site and contrary to the parking guidelines of WSCC and emerging Neighbourhood Plan. The Council strongly disagrees with the highways assessment as the road is narrow and will cause congestion. This is not an allocated site within the emerging Southwater Neighbourhood Plan.

2. 04/03/2021

SNP18.1 is the relevant policy in this case and requires that:

*“Development proposals should produce measurable enhancements to the treed environment to ensure biodiversity net gains (regardless of land ownership). Where existing trees or an area of woodland is to be lost, it must be replaced with trees or new woodland of greater environmental value on site or elsewhere within the Plan Area. Trees planted should be suitably mature and, as a minimum, conform to British Standard BS 3936-1 / Standard 10-12cm girth.”*

To be policy compliant the proposed development needs to meet the two tests. First, the proposed development should produce measurable enhancements to the treed environment to ensure biodiversity net gains and second, any trees lost should be replaced on site or within the plan area. Neither of these tests have been met in this case and we provide some commentary below.

The first test should be demonstrated through the missing ecology and arboricultural reports. No proposals are made in relation to the second test either meaning this is also not met. SNP18.1 requires that lost trees should be replaced with new trees of greater environmental value, suitably mature and, as a minimum, conform to British Standard BS 3936-1 / Standard 10-12cm girth. At this time we are unable to confirm what trees need to be provided as no baseline assessment of the site has been undertaken. Once it has been established what is required by way of replacement trees, these should be provided on site, if this is not possible it is for the applicant to identify a suitable location within the Plan Area where they have a right to plant the required trees. The Parish Council owns significant land within the Plan Area and would welcome discussions with anyone needing to plant new trees as a result of SNP18. However the Parish Council is not the only landowner and applicants could propose to plant the required trees on land owned by others within the plan area. If off-site planting was required then this would need to be secured via a S106 agreement.

To summarise, to demonstrate compliance with SNP18.1 the applicant needs to:

1. Undertake a Tree Survey & Arboriculturally Impact Assessment
2. Undertake ecology work to establish the current biodiversity value of the trees on the site.
3. Demonstrate how the proposed development will deliver measurable enhancements to the treed environment to ensure biodiversity net gains.
4. Confirm where replacement trees will be provided on site in a way that will not result in conflict with the new development, or demonstrate that they can provide the replacement trees elsewhere within the Plan Area.

If the applicant is able to demonstrate that the above policy tests can be met:

- on site, we would expect to see an acceptable landscaping plan and a condition on the decision notice requiring the trees to be planted as shown and then maintained moving forward.
- off-site, we would expect a S106 agreement securing the planting of the trees prior to determination.

Compliance with the tests in SNP18.1 is not a matter which can be left to a condition to resolve, as that would mean approving an application without knowing whether the scheme is in accordance with the development plan. The policy requirements must be addressed now prior to determination.

### 3. 22/06/2021

The appropriateness of the CAVAT calculation is questionable as it puts a financial figure to the value of a tree's amenity, and not biodiversity value which is what SNP18.1 relates to. However, we appreciate that it is one of the few widely accepted ways to give a financial value to trees. Until we can issue further guidance on the matter, the Parish Council is happy that CAVAT be used to ascertain the S106 contribution required.

The Parish Council owns a considerable amount of land within the Plan Area and we can confirm that we would be happy to plant compensatory trees on this land - the exact location will be determined in due course. We suggest that the funds are earmarked in the S106 for *'the planting of trees (minimum size being British Standard BS 3936-1 / Standard 10-12cm girth) by Southwater Parish Council on land owned by, or under the control of, Southwater Parish Council within the Southwater Neighbourhood Plan Area'*.

### 4. 02/07/2021

I can confirm that the approach you have set out to be a reasonable and pragmatic response to SNP18.1.

## REPRESENTATIONS

Seven letters of objection have been received. These are summarised as:

- Access issues due to on street parking nearby and narrow nature of road
- Disturbance during construction stages
- Loss of trees
- Impact on wildlife – nesting birds should not be disturbed March to September.
- Loss of privacy and light to dwellings at rear
- Impact on rear fence line and security
- Would require radon protective measures
- Overdevelopment
- First floor side windows not required or should be obscure glazing
- A continuation of the existing wall on the boundaries with The Gables would be more in keeping than a potentially removable hedge.
- Issues with subsidence caused by trees on this land

## 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 Policy 3 (Development Hierarchy) of the Horsham District Planning Framework (HDPF) states that the district has a distinct settlement pattern which should be retained and enhanced. It states that development will be permitted within towns and villages which have a defined built up area boundary (BUAB) where any development will be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy set out within the policy.
- 6.2 Policy SNP2 of the Southwater Neighbourhood Plan (SNP) states that proposals for new residential development on sites within the Built-Up Area Boundaries will be considered in the context of all relevant policies in this Plan, and how they contribute to the achievement of sustainable development. Proposals which comply in full with these policies will be supported.
- 6.3 This application site is located within the defined built up area of Southwater and is therefore considered to be an appropriate location for housing development. The proposal is therefore considered to be acceptable in principle, subject to all other material considerations.

### **Character and Appearance**

- 6.4 HDPF Policies 32 and 33 seek to promote development of high quality and inclusive design for all development in the district, ensuring that it is complementary of local distinctive character and heritage, integrating with their surroundings. Furthermore, these policies ensure 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.
- 6.5 SNP16 (Design) of the SNP sets out what is considered as good design in Southwater and states that for Southwater high quality design means: Locally sourced materials wherever possible; a variety of complementary vernaculars to encourage diversity in design; Using Secure By Design Principles; Design that responds to the other properties in the vicinity; No unacceptable harm to amenity; screened extra structures such as bin stores, cycle sheds; No unnecessary infrastructure clutter; No unacceptable light pollution/spillage; Good levels of security.
- 6.6 This application site consists of a plot size measuring 0.1 hectare which is considered to be an appropriate size to accommodate four semi-detached new dwellings whilst maintaining the character of the streetscene within the area. The density of the development would be 40 dwellings per hectare and is in line with the adjacent properties and appropriate for this sustainable location in the built up area of Southwater.
- 6.7 The proposed dwellings have been designed to reflect the appearance and form of similar properties in the road and are of an appropriate scale and attractive design. The position in the plot of each pair of semis mimics the development pattern of 16 and 17 Foxes Close and effectively continues the building line along the street.
- 6.8 Although the bin store and cycle store are designed to be located to the front of the properties, landscaping is proposed to partially screen these from the road. Full details of

bin and cycle stores will be required via a condition, as well as details of the landscaping to the front gardens.

- 6.9 Overall, for the reasons outlined above, it is considered that the proposals represent an appropriate form of development within this residential built up location which would not harm the character of the surrounding area and would be suitable for the plot size, in accordance with policies 32 and 33 of the HDPF and policy SNP16 of the SNP.

#### **The amenities of the occupiers of adjoining properties**

- 6.10 Policy 33 of the HDPF 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.
- 6.11 Policy SNP16 (e) of the SNP states that high quality design will not result in unacceptable harm to the amenities of existing and proposed buildings, particularly with regard to privacy, outlook, daylight and sunlight.
- 6.12 The positioning of the proposed dwellings and distances preserved to neighbouring development would ensure that there is no harmful impact on neighbouring amenity. Concern has been raised by the residents of the neighbouring property at number 17 Foxes Close in relation to the noise impact of construction in this quiet cul-de-sac particularly with the increase in people working from home during the day and the potential disturbance. A condition is suggested to be added to this planning permission requiring a Construction Management Plan to set out in detail how the site would be managed and operated throughout construction as well as a limit on the hours of construction. This would also help to ensure construction traffic is not parked on the street inappropriately.
- 6.13 The position of the proposed properties would not be considered to create any unacceptable overlooking or loss of privacy for the adjoining neighbours. Due to potential oblique views from the proposed hallway first floor windows to the properties to either side of the dwellings these should be conditioned to be obscurely glazed and non-opening. The rear elevations of the proposed properties are staggered
- 6.14 Concern has been raised by neighbours to the rear of the property on Andrews Close in relation to loss of privacy and overlooking. However, the distance between the proposed properties and the rear elevations of the properties along Andrews close measures to over 30m, which would in-line with Design Guidance, and the planting along the rear (eastern) boundary with Andrews Close is proposed to remain. There is therefore not considered to be any unacceptable loss of amenity to the properties to the rear, or any of the surrounding properties in this residential area.
- 6.15 Taking into account these distances as well as the orientation and positioning of windows to the proposed dwellings and neighbouring properties, it is considered that the proposals would be acceptable on amenity grounds

#### **The quality of the resulting residential environment for future occupiers**

- 6.16 SNP9 of the SNP states that all new homes should achieve M4(2) (adaptable dwellings) of the optional requirements in the Building Regulations to ensure homes are fit for all ages and adaptable for the future. SNP10 states that all new residential units must meet the national space standards and have access to adequate outdoor space to meet the needs of future occupants.
- 6.17 It is considered that the proposed development provides adequate indoor and outdoor living space for occupants. The national space standards require two storey, 3 bedroom (5 person) properties to have a Gross Internal Area of at least 93m<sup>2</sup>. The proposed GIA of

these properties are 110 m2 each. Suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking and other properties would not appear as overbearing on the proposed dwellings. As such, it is considered that the proposal would not be dissimilar to the adjacent properties and there would be an appropriate quality level of environment for the future occupiers of the proposed dwellings.

### **Trees and Ecology**

- 6.18 HDPF policy 31 requires proposals to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. HDPF policy 25 seeks to protect the existing landscape character and landform from inappropriate development.
- 6.19 SNP Policy SNP18.1 (A treed landscape) states that development proposals should produce measurable enhancements to the treed environment to ensure biodiversity net gains. Where existing trees or an area of woodland is to be lost, it must be replaced with trees or new woodland of greater environmental value on site or elsewhere within the Plan Area. Trees planted should be suitably mature and, as a minimum, conform to British Standard BS 3936-1 / Standard 10-12cm girth.
- 6.20 The Applicants have submitted an Arboricultural Impact Assessment, a Preliminary Ecological Appraisal Report and a resulting Capital Asset Valuation for Amenity Trees Report (CAVAT). These assessments classified the site as 'lowland mixed deciduous woodland' most of which would be lost through the implementation of this proposal. By the nature of the proposal this cannot be avoided and would therefore need to be compensated for off-site.
- 6.21 The Council's Tree Officer has been consulted on this application and concluded that within the context of this residential area, this wooded plot represents a useful part of the green infrastructure, and, viewed from all four aspects, provides a screening within, and a greening to, the locality. However, he did not consider that it is of any especial or particular merit, and without continual management at cost to the Council would deteriorate further. It is already overly dense, infested with brambles, is considered to be of low amenity value and in need of thinning and management – if this is considered desirable. Whilst generally supporting the principle of the retention of 'green lungs' within residential areas, the adventitious, unplanned, self-seeded tree stock on this plot is of rather poor quality and, at present, ill-suited to long-term retention.
- 6.22 The CAVAT Report was prepared by an Arboriculturalist who is a professional member of the Arboricultural Association and a Lantra accredited Professional Tree Inspector as well as a trained user in the CAVAT system.
- 6.23 The Town and Country Planning Act 1990 (sections 198 & 199) establishes that trees have value as a public amenity and that local planning authorities have a duty to act to protect trees in the public interest. The legislation itself does not specify how their amenity is to be assessed, leaving it open for the value of trees to be expressed in the most appropriate way for the intended purpose, and not necessarily in monetary terms. Because CAVAT is specifically designed as an asset management tool for trees that are publicly owned, or of public importance, it expresses value in monetary terms, and in a way that is directly related to the quantum of public benefits that each particular tree provides. Applied to the tree stock as a whole it enables it to be managed as if it were a financial asset of the community. CAVAT takes the replacement value approach, extrapolating from known planting costs and adjusting for a short series of relevant factors. The assessment has been refined to allow the final value to reflect realistically the contribution of the trees to public welfare through tangible and intangible benefits.

6.24 The CAVAT Report concluded that:

*Having assessed the site I do not consider this to be a woodland of any special merit as it is the result of several years of unmanaged tree growth of self-seeded pioneer tree and shrub species. Moreover, I do not consider that any further survey assessment of the site is beneficial as the component trees are in poor condition and the areas is only loosely definable as woodland. My professional opinion is that W1 would classify at best as a group of self-seeded scrub.*

6.25 Despite this conclusion it is acknowledged that the development of this site would result in the loss of a treed environment that serves an amenity purpose for the locality. A figure of £31,558 has been calculated as an appropriate figure to re-provide the trees lost with mitigation planting with the Southwater Neighbourhood Plan Area and this is recommended to be included within a S106 agreement where payment will be required prior to occupation of the development. This is considered to satisfy the requirements set out in SNP18.1 and be an acceptable solution to re-provide the trees lost on this site where they can not be satisfactorily re-provided on site due to constraints of the plot size.

6.26 The applicants have also submitted a Preliminary Ecological Assessment. This confirmed that the site is relatively isolated from an ecological perspective due to the residential nature of the area, and with poor connectivity to wildlife corridors the species on site are likely to be limited. The assessment recommends offsite compensation for the loss of the trees (already calculated through the CAVAT method above) as well as specific on-site mitigation measures in relation to specific species of animal that may be on the site. These include the following:

- Amphibians and Reptiles: The removal of brash and log piles on Site must be dismantled by hand and checked immediately prior to removal to reduce the likelihood of adverse effects to this species.
- Hedgehogs: The site must be checked by hand for hedgehogs prior to the removal of understory scrub
- Wild Birds: Replacement nesting opportunities within the proposed development should include three integrated bird boxes on the north facing aspects out of direct sunlight at a height of over 4 metres. The development should also include general nesting boxes and open-fronted nest boxes

6.27 The Assessment also suggests ecological enhancement opportunities. These include the inclusion of three integrated bat boxes into each property, two hedgehog shelters and holes in the fencing to allow for their movement and the planting of a wide range of native species including nectar and pollen rich species.

6.28 To secure these measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019 these ecological mitigation and biodiversity enhancement measures should be secured through the requirement for a 'Biodiversity Enhancement Strategy' to be submitted prior to commencement of development or the clearing of the site. A construction environmental management plan should also be required. Taking all of the above into account, the proposals are considered to be acceptable in this regard.

### **Highways and Parking**

6.29 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

6.30 The site is situated within the Parking Behaviour Zone 2 as identified by West Sussex County Council. This means that each three bedroomed property has been estimated to have the demand for 2.1 spaces. This makes a total demand from the development of 8.4

spaces. The proposal includes the provision of 8 spaces. Although this is a potential shortfall of 0.4 spaces, the parking guidance also states that consideration should be given to the availability of sustainable modes of transport to allow for the reduction of expected level of parking demand by up to 10%. Southwater is a sustainable location with regular bus services and many services available within walking or cycling distance. The level of parking proposed is also in line with the SNP Policy SNP14 that requires each three bedroomed property to provide two parking spaces which is considered to be reasonable and acceptable for the dwellings proposed.

- 6.31 Concern has been raised in relation to the narrow nature of Foxes Close for construction vehicles and service vehicles. In relation to construction, a Construction Management Plan is recommended to be submitted prior to commencement of the development to ensure a construction vehicles cannot block the road during construction. It is considered that as this is a residential street already and the development will provide adequate off street parking, that on balance there are no reasonable highways grounds to refuse this application. The proposals are therefore considered to be acceptable in this regard.

### **Climate Change**

- 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:

- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle parking facilities

- 6.33 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
- Biodiversity mitigation and enhancement
- 4 electric vehicle charging points
- Cycle Parking
- Refuse and Recycling

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

### **Conclusions**

- 6.35 Overall, the proposed dwellings would represent an appropriate form of development, positioned appropriately within the curtilage of 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 signing of a S106 to secure an appropriate financial contribution to be used for mitigation planting within the Southwater Neighbourhood Plan Area, and the conditions below, the application is considered to accord with the HDPF and Southwater NP 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 Zone 1 | 434                     | 0        | 434      |
|                      | <b>Total Gain</b>       |          |          |
|                      | <b>Total Demolition</b> |          | <b>0</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, including any demolition works, shall commence until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- risk assessment of potentially damaging construction activities;
- identification of "biodiversity protection zones".
- practical measures to avoid and reduce impacts during construction;
- location and timing of works to avoid harm to biodiversity features;
- responsible persons and line of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- use of protected fences, exclusion barriers and warning signs and
- containment, control and removal of any invasive or non-native species present on site

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).

- 5 **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).

- 6 **Pre-Commencement Condition:** No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the enhancement and mitigation measures set out in the Preliminary Ecological Appraisal (210319 1239 PEA V1) March 2021 and 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: 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).

- 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, windows, roofs 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 a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **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

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).

10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the window(s) at first floor to the south and north elevations, as shown on Drawing number J1544-01 REV C have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room/area in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

11 **Pre-Occupation Condition:** Prior to the first occupation of the dwelling(s) hereby permitted, the car parking, cycle parking and access facilities necessary to serve that dwelling(s) shall be implemented in accordance with the approved details as shown on drawing number J1544-01 REV C 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 dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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

- 15 **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 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).

- 17 **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.