



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th October 2022

DEVELOPMENT: Reserved matters application for the provision of detailed design of the scheme following approval of DC/18/1792 (Outline application for the erection of 5 residential dwellings and associated works). Relating to Appearance, Landscaping, Layout and Scale.

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

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/21/1798

APPLICANT: **Name:** Beatrice and Mae Homes **Address:** 18 St James Avenue Hampton Hill TW12 1HH

REASON FOR INCLUSION ON THE AGENDA: At the discretion of the Head of Development and Building Control.

RECOMMENDATION: To approve Reserved Matters planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement to secure the proposed Borehole which represents the Water Neutrality Solution. 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

1.1 To consider the planning application

DESCRIPTION OF THE APPLICATION

1.2 The application seeks Reserved Matters consent for five dwellings on a site allocated under Policy 5 of the Nuthurst Parish Neighbourhood Plan (NPNP) and which benefits from outline planning permission for five dwellings under planning permission DC/18/1792. The main access arrangements have already been approved under application DC/18/1792, therefore the relevant reserved matters for consideration relate to appearance, landscaping, layout and scale.

1.3 The layout of this application site remains broadly in line with that indicated in the outline permission with a linear pattern of development which continues on from the approved

development to the west. A pair of semi-detached dwellings and a detached dwelling are proposed to the north of the site and two detached dwellings to the south. Parking areas are proposed to the front of each dwelling.

1.4 The proposed housing mix is as follows:

- Plot 1: House Type 2: Three bedroom semi- detached two storey dwelling with a first floor study and driveway for two vehicles. Located on the northern side of the new access road.
- Plot 2: Three bedroom semi- detached two storey dwelling with a first floor study and driveway for two vehicles. Located on the northern side of the new access road.
- Plot 3: House Type 1- Four bedroom detached two storey property with a ground floor study and attached garage Located on the northern side of the new access road.
- Plot 4: House Type 1- Four bedroom detached two storey property with a ground floor study and attached garage. Located on the southern side of the new access road
- Plot 5: House type 3: A two bedroom detached bungalow style property with first floor bedroom and study in the roof, with rear dormer to accommodate this living space. The dwelling has a detached garage and driveway for at least two cars. Located on the southern side of the new access road

1.5 No onsite affordable housing is proposed, however as this site is part of the larger site allocation, the Applicant has confirmed their agreement to provide a financial contribution in lieu, based on consideration of the quantum of affordable housing required across the combined site and that already secured for the western parcel. This payment in lieu is already secured within the outline consent and totals some £214,480.00.

DESCRIPTION OF THE SITE

1.6 As stated the site forms part of an allocated site under Policy 5 of the NPNP. The site has been split into two with the western parcel of the site having gained planning consent under references DC/15/1946 (Outline) and DC/17/0667 (Reserved Matters). Works have completed on site to implement these permissions, including the construction of a new access point from Nuthurst Road. Under these applications the preservation and management of a 'nature reserve' between the site and Nuthurst Road was also secured.

1.7 The remainder of the site (referred to in this report as the eastern parcel) is the subject of this Application. The land forms part of the remainder of an un-developed paddock associated with Great Ventors Farm which is located immediately to the east of the site. The site has mature vegetation and trees to its northern and southern boundaries. The site is open to the west and east. A line of laurel has however been recently planted to mark the site's eastern boundary. The site rises to the east.

1.8 To the south of the site is open countryside which benefits from two Rights of Way. Right of Way 1718 runs approximately 140m to the south west of the site. Right of Way 1710 runs approximately 170m to the south east.

1.9 To the north of the site is the A281 and beyond this a series of residential dwellings which form part of the settlement of Monks Gate. These includes Monks Cottage which is Grade II listed.

1.10 Immediately to the north west of the site are two pairs of semi-detached dwellings (Corner House, Cherrington Cottage, 1 and 2 Southlands Cottages), both of which front the A281 and have gardens adjacent to the Application site.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

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

RELEVANT NEIGHBOURHOOD PLAN

2.2 **Nuthurst Parish Neighbourhood Plan (2015):**

Policy 1 – A spatial plan
Policy 5 - Land at Great Ventors Farm, Monks Gate
Policy 10 – Housing Design
Policy 14 – Green Infrastructure and Biodiversity

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/22/1178	Construction of new Water Treatment House for the proposed Borehole to serve the neighbouring development site. To include new surface treatments and provision of a suitable enclosure.	Under consideration
DC/18/1792	Outline application for the erection of 5 residential dwellings and associated works. All matters reserved except for access.	Application Permitted on 13.06.2019

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Conservation: No Objection

The dwellings have a generic suburban appearance and do not reinforce local distinctiveness. However, I am satisfied there will be no impact within the setting of the neighbouring heritage assets.

HDC Environmental Health: No Objection

Initial comments (07/03/2022)

1. We have reviewed the WSP Borehole Prognosis Report and we note that the following is stated *the log for borehole TQ22NW3 located 1.6 km east of the intended site indicates that the presence of iron (0.93 mg/l) and manganese (1.11 mg/l) makes the water inadequate for drinking and domestic use. In addition to this the water quality analysis indicates chlorines and ammonia is present and nitrates and lead absent.* We appreciate that the water quality results are from 1933, which is a considerable time ago, however the fact that elevated levels of various parameters have historically been detected in groundwater beneath the site is a concern to Environmental Health. We therefore require further information on this, what treatment will be installed to ensure the water does not present a risk to health and whether the installation of treatment to treat the water for the identified parameters is even practical.
2. We also note that the WSP Borehole Prognosis Report states the following *based on the local borehole records, the British Geological Survey Geological Map (Map Sheet 302) and literature review, WSP would not recommend drilling into the Tunbridge Wells Sand Formation as a primary target for domestic supply, though the water quality may be adequate for irrigation.* We are not qualified to comment on the suitability of the aquifer beneath the site in terms of yield and, crucially, whether it is connected to the same aquifer as identified by Natural England statement. The fact that the report states that they would not recommend drilling into the underlying Tunbridge Wells Formation as a primary target for the domestic drinking supply is however a concern to Environmental Health. If the Environment Agency (EA) haven't already seen the report we would recommend providing them with a copy of the Prognosis Report and asking for their comment.
3. Whilst the fact that the maintenance regime for the equipment is welcomed I think we would like to see some commentary indicating that the equipment is subject to monthly check. Not necessarily to the same level as the six monthly check but a recognition that a qualified person is making sure everything is working.
4. Section 9 of the Design and Maintenance Supporting Detail states *During construction and pre-occupation the accountability and responsibility for the borehole and water quality will sit with Beatrice and Mae Homes. However, once the 5 dwellings are sold it is intended that a management company be created which will be responsible for shared access and this shared service. The owners of each dwelling would be directors within the management company and thus take over responsibility for the borehole and the testing and maintenance contract.* The use of the word 'intended' is a concern, we require confidence at this stage that a management company will be created to oversee the management of the borehole and associated infrastructure.

Subsequent comments (10/03/2022)

Environmental Health have reviewed the Nicholls Boreholes Design & Maintenance Supporting Detail and the WSP Borehole Prognosis Report, dated November 2021, and we have the following comments to make.

1. We note that the following is stated in the Borehole Prognosis Report *the log for borehole TQ22NW3 located 1.6 km east of the intended site indicates that the presence of iron (0.93 mg/l) and manganese (1.11 mg/l) makes the water inadequate for drinking and domestic use. In addition to this the water quality analysis indicates chlorines and ammonia is present and nitrates and lead absent.* We appreciate that the water quality results are from 1933, which is a considerable time ago, however the fact that elevated levels of various parameters have historically been detected in groundwater beneath the site and the report states that the water is inadequate for drinking and domestic use is a concern to Environmental Health.
2. We appreciate that information has been provided on treatment for iron in abstracted groundwater. The proposed treatment may or may not be sufficient depending on what parameters are present in elevated levels in groundwater beneath the site.
3. In our view, given the above, an up-to-date and representative sample of groundwater should be obtained from the aquifer beneath the site and subject to chemical analysis. A view can then be formed on what treatment is required.
4. In summary, we are of the view that there is significant uncertainty in relation to the groundwater quality beneath the site and the risks it presents to future site users if used as a primary source of drinking water – the application therefore currently lacks sufficient detail in order to be determined.

In addition to the above we understand that a new borehole for potable use will create a 'new' groundwater source protection zone (SPZ) around it which may have implications for adjoining land owners, especially those with potential point sources of contamination on their land such as septic tanks or domestic heating oil tanks. SPZ's are regulated by the Environmental Agency (EA) so we would recommend having dialogue with the EA on this matter

Subsequent comments (10/05/2022)

Environmental Health have now had an opportunity to have dialogue with a consultant who specialises in private water supplies and associated treatment systems and we can provide further comments as follows.

We understand that whilst the removal of iron from groundwater is relatively straightforward, so long as the correct equipment is installed and this is properly maintained, the removal of manganese from groundwater, which we note was also found in elevated concentrations in the sample collected, is more complex. We also understand that the equipment used to remove iron from groundwater may not necessarily be capable of removing manganese from the groundwater, depending on the concentrations and chemical type of manganese that are present in the groundwater beneath the site.

From re-visiting the supporting information, in particular the Nicholls Boreholes Design & Maintenance Supporting Detail, we note that this document does not provide any detail on how manganese will be removed from the groundwater. We ask therefore that the supporting information is revised, taking into account the comments above.

Subsequent comments (13/05/2022)

I am now satisfied with the proposed treatment. It is a complex system which will require regular monitoring and maintenance and although not strictly a concern for Environmental Health, I think it will be costly to maintain for the lifetime of the development. It is important

to ensure that robust conditions are in place so to ensure that the private water supply is appropriately monitored and managed.

Final Comments (20/09/2022)

Noise

We have reviewed the Falcon Energy Ltd Noise Exposure Assessment dated 20 July 2021, submitted in support of the application, and additional information from Falcon Energy Ltd and we are satisfied that road traffic noise levels, both internally and in proposed amenity spaces, are capable of being mitigated through conditions and we therefore recommend the below:

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

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

Contaminated Land

We have reviewed the Sitecheck report submitted in support of the application and ordinarily a more robust Phase 1 Preliminary Risk Assessment should have been submitted in support of the application. We have however undertaken our own review of available historic mapping and undertaken a site visit and on this occasion we are satisfied that the risks from contamination to future site users have been adequately assessed and that no further assessment works are required. To ensure that any contamination discovered during the development of the site is appropriately dealt with we would however recommend a further condition.

Private Water Supply

We have reviewed the information submitted in support of the application in relation to the proposed private water supply, notably the Nicholls Boreholes Design and Maintenance Supporting Detail and the B.A. Hydro Solutions Laboratory report, and we note the elevated levels of iron and manganese are likely to be present in the groundwater beneath the site that will be the source of the private water supply. We are view however that the risk assessing, testing and maintenance of the supply can be secured through conditions.

Construction Phase

Due to the close proximity of existing residential dwellings to the application site we also recommend a condition restricting construction and delivery hours of operation.

HDC Drainage Engineer: No Objection

The surface water drainage disposal show a permeable paving / cellular soakaway pipework arrangement. It should be noted that the underlying geology for this location will slightly impede infiltration with regards surface water disposal.

Therefore additional information will be required to support the 'surface water disposal via soakaways' as proposed.

Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365. All designs shall be based on actual infiltration figures obtained through percolation tests, carried out in accordance to BRE Digest 365.

(See link; <https://www.horsham.gov.uk/planning/planning-applications/guidance-for-preparing-a-planning-application/surface-water-drainage-statement>)

HDC Tree officer: Comment

One concern with this proposal regarding trees is the position of plot 5 and its proximity to T1, an offsite Oak. The supporting Arboricultural Methods Statement (AMS) and Tree Protection Plan (TPP) state that pre-application site investigations found no major roots within the part of the Root Protection Area (RPA) of T1 where part of the dwelling on plot 5 will encroach on the RPA of this tree. BS 5837 'Trees in relation to design, demolition and construction - Recommendations' [2012], paragraph 5.3.1 states, "The default position should be that structures (see 3.10) are located outside the Root Protection Areas (RPA's) of trees to be retained", it would be helpful to know how deep the trench was? as from the picture in the TPP it does not appear to be much deeper than around 400 to 500 millimetres and the foundations for the new dwelling will likely need to be about 3 metres deep to prevent any issues arising in the future with subsidence caused by the tree.

Another observation is the proximity of the crown of T1 to the proposed building. The photo on the TPP shows a large lateral branch on the southern side of the tree over the trench. Given the modest size of the garden, it is likely that any new property owners will have concerns with the extent of the trees crown over the rear garden of the property, which will likely place pressure upon the tree to be heavily pruned on the southern side to increase light levels into the garden and to address general tree-related concerns such as leaf litter bird droppings and deadwood falling from the tree. Therefore if this development is permitted I would recommend that consideration be given to undertake a sensitive reduction of the lateral growth on the southern side of the tree before any development works commence at the site.

Paragraph 3.6 of the AMS refers to the proposed terraces at the rear of units 2 and 5 and the method in which they should be built to ensure that the roots of T1 and T2 are not damaged. Where the parts of the terraces will be sited within the RPA of T1 and T2, they will need to be built using a no-dig above-ground system, and I would recommend that this is secured by condition.

Due to the RPA of T1 and T2 taking up a large percentage of the rear gardens of plots 2 and 5 to ensure that any future landscaping works at the properties, such as the creation of a new patio or a shed base, will not damage the roots of T1 and T2; I would recommend that Permitted Development rights falling within Class F be removed from the properties by condition

OUTSIDE AGENCIES

WSCC Highways: No Objection

Internal Layout

The access is a continuation of the existing access road. Access has already been approved under planning application ref DC/18/1792. The tarmac footpath links into the site at this point where the layout changes from footpath to shared use. How will visually impaired users

understand the change in layout here, the footway stops quite abruptly. We would expect to see some tapering or physical change to make users aware they are entering a different layout. As per manual for streets shared use layouts are often used in cul-de-sac locations where vehicle trips are low. All houses have driveways with enough room for two cars to park, and footpaths leading to the front doors which tie into the shared use surface. Garages are also provided for 3 of the 5 properties with EVC charging points in each. All garages are 3m x 6m and are therefore large enough to provide cycle storage in each. Refuse vehicle tracking plan 11417_101 shows how a 10.5m refuse vehicle can enter, turn, and exit in forward gear.

Parking

There are 3 garages which at 3m x 6m which can be classed as half a parking space. If you condition these so they have to be used as garages this will gain you 0.5 space each. This would then only be creating a shortfall of 2 visitor spaces which could be accommodated within developments roads.

5.4 of the guidance also states - To meet with current and emerging guidance on the promotion of sustainable travel modes and choices, consideration could also be given to reducing the expected level of parking demand by 10%. This is based on the Department for Transport's 'Smarter Choices' research that shows reductions in traffic movements can be achieved by up to 10 to 30% where a range of travel choices are available through provision of travel plans, public transport contributions, and other sustainable travel initiatives.

Ecology Consultant: No Objection

Initial comments 28/09/2021

We have reviewed the Great Crested Newt and Reptile Mitigation Strategy (AEWC Ltd, 2021) supplied by the applicant and the Extended Phase 1 Habitat Survey (AEWC, 2018) that accompanied DC/18/1792.

We have also looked at the Landscape Management Statement (Draffin Associates) in relation to condition 12 of the outline consent (not yet discharged)

We are satisfied that there is sufficient ecological information available for determination of this Reserved Matters application as details have been secured by the outline consent though not yet discharged.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. 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 Great Crested Newt and Reptile Mitigation Strategy (AEWC Ltd, 2021) should be secured and implemented in full, and will be delivered by the successful application for a Great Crested Newt development licence. This is necessary to conserve and enhance the protected and Priority Species present on the site, Great Crested Newts, Grass Snake and Slow Worm.

The consent issued under planning application DC/18/1792 was conditional, amongst other things, on the provision of details for hard and soft landscaping, to include ecological measures. The Landscape Management Statement accompanying this application is not sufficiently detailed or specific and it does not appear to be accompanied by landscaping plans which are also required by Condition 11 of the outline consent and not yet discharged.

Furthermore, the application does not demonstrate reasonable biodiversity enhancements to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. It is suggested that in-fabric boxes for bats and nesting birds built into the new properties would provide genuine and sustainable opportunities for biodiversity on this site. Such features should be appropriate for species recognised as national and local priorities for nature conservation, such as Swift.

It is recommended that further details are requested in line with Condition 11 and 12 to ensure that a fully detailed Landscape and Ecology Management Plan can be approved prior to occupation. This needs to include all ongoing habitat management and reasonable biodiversity enhancements as specified in Ecological enhancement measures set out in Chapter 6 of the Extended Phase 1 Habitat Survey by AEWC Ltd, dated July 2018 and illustrated on an appropriate Landscape Plan.

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 mitigation and enhancement details below should be conditioned.

Subsequent comments (03/11/2021)

We have reviewed the amended Landscape And Ecological Management Plan (Draffin Associates). For clarity, in line with our previous response, there is sufficient ecological information to allow the determination of application DC/21/1798 and it is recommended that a condition be applied to secure mitigation and enhancement details.

Our comments in relation to the Landscape Management Statement, here amended to a Landscape and Ecological Management Plan (LEMP), were in relation to the undischarged condition 12 of the outline consent DC/18/1792.

The Landscape and Ecological Management Plan is considered to provide sufficient measures – in terms of mitigation and biodiversity enhancements – to satisfy this condition except that no plans have been provided to demonstrate clearly the locations of the measures that are specified. Furthermore, it would be preferred for the LEMP to be a stand alone document rather than cross-referencing to the AEWC mitigation plan. It is recommended that the applicant prepares the LEMP with such plans and submits them in support of an application to discharge Condition 12 of outline consent DC/18/1792.

Southern Water: No Objection

The submitted drainage layout (Drawing no. 11417/1601 Rev: P4) indicating the 5 metres clearance distance from public foul sewer is satisfactory to Southern Water. Regarding foul drainage an approval for connection to the public foul sewer shall be submitted under Section 106 of the Water Industry Act.

Natural England: No Objection

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Our advice is as follows:

From the evidence provided in the Water Neutrality Statement the applicant is proposing the use of a private borehole as an alternative to a mains water supply. We have provided some advice on the use of private boreholes as mitigation in our [FAQs](#). Sussex North contains complex hydrogeology and applications for an alternative water supply require robust evidence that the proposed supply is not connected to Sussex North. No other mitigation such as rainwater harvesting has been proposed for this development which would therefore be fully reliant upon the private borehole for its water neutral status.

Of critical note for this application is the Environment Agency email dated 25/10/21 confirming that the position of the borehole at RH13 6GL will utilise water from an aquifer which lies outside of the Sussex North Water Supply Zone. In this instance, it has been confirmed that the borehole abstraction is not hydrologically linked to the aquifer that serves the Sussex North Supply Zone.

Based on this evidence the provision of a borehole in this location should not have an impact on the Habitats Sites. However, the success of a borehole as an alternative supply relies upon the provision of sufficient ongoing drinkable water. We advise that your authority as competent authority must ensure you are fully satisfied that the private borehole will yield sufficient drinkable water, be implemented at the specified location and be will monitored, managed and maintained in perpetuity, and that clear contingency measures are secured as specified in the HRA. You, as the competent authority, should ensure conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given as above. However please note that borehole applications will need to be considered on a case by case basis. In this instance, the abstraction has been shown to be outside of the Sussex North Supply Zone. Our acceptance of this application is limited to this application only and should not be taken as acceptance of the use of boreholes more generally. The area contains complex hydrogeology and the need to ensure that abstractions will not exacerbate any existing water resource constraints, in consultation with the Environment Agency, will be key.

Addendum (03/08/2022)

We are writing to provide an addendum to our advice regarding this application. We wish to provide this to clarify that In this instance, it has been confirmed that the borehole abstraction included in this application is not hydrologically linked to the aquifer that serves the Sussex North Supply Zone.

The Environment Agency: Comment

Anyone seeking to develop their own alternative potable water supply can find guidance on the requirement for an abstraction licence at [Apply for a water abstraction or impounding licence - GOV.UK \(www.gov.uk\)](#). Abstractions of 20 cubic metres or less a day are exempt from needing an abstraction license (provided the abstraction is part of a single operation - if you abstract from the same source at multiple points, the exemption only applies if the combined total of all abstractions is 20 cubic metres or less a day). If an abstraction licence is required, further detail on the local licensing policies that apply can be found in the [Arun and Western Streams Abstraction Licensing Strategy](#).

If a site required an abstraction licence we would assess possible risks to designated sites and only grant a licence if we were satisfied that there would be no adverse effects on the site integrity of the Arun Valley SAC/SPA.

In the current case, the applicant has suggested they would need less than 20m³ litres per day therefore is exempt in needing an abstraction licence. The applicant should provide information to the local authority about the potential impacts of their development and it is for Natural England to advise you if the measures proposed for a development are adequate.

Nuthurst Parish Council: Objection

The Parish Council accepts in principle that this site will be developed because it was allocated for development in the Nuthurst Neighbourhood Plan and it has outline planning permission.

However, the Parish Council has serious concerns about this reserved matters application and objects on the following grounds and asks HDC to request that the applicant modifies the application to address these concerns:

- 1) The semi-detached houses have no garages – this is contrary to Section 2.6 of the Nuthurst Parish Design Statement which specifies that all new houses should be provided with at least one garage.
- 2) There are no visitor parking spaces provided – this is unacceptable.
- 3) The turning circle is inadequate for large heavy goods vehicles, such as delivery and recycling vehicles
- 4) There are 30 external lights – this excessive number will cause light pollution in a small rural hamlet resulting in harm to the environment, birds and animals
- 5) The sewerage system cannot cope with the existing flow as there are frequent occurrences of foul sewage flooding when there is very heavy rain. Furthermore the sewage treatment plant at Monks Gate is already overloaded. 5 additional houses will exacerbate these problems
- 6) There is already surface water flooding in Monks Gate (including the gardens of the existing Coolhurst Close development, the nearby public footpath and in Nuthurst Road) whenever there is heavy rain caused by inadequate surface water drainage from the Coolhurst Close development. This will be further exacerbated by 5 more houses at the Great Ventors development and the fact that there is a large amount of hard standing associated with these houses, particularly the semi-detached houses
- 7) The developer has assumed that access, including by construction traffic, will be by the Coolhurst Close road. The Parish Council understands that the Coolhurst Close Road is a private road that the residents pay to maintain. Has the developer the right to use this private road and who will pay for any damage to it caused by construction and other traffic?
- 8) The pair of semis and one detached house will be highly visible from the nearby Southlands Cottages and the A281 – this could be lessened by swapping the positions of the chalet bungalow and the semis.
- 9) The Neighbourhood Plan site will now have 15 houses (10 at Coolhurst Close and 5 at Great Ventors). According to Policy 16 of the HDPF 2015, this would require 35% of the houses to be affordable. As no affordable houses were provided at Coolhurst Close,

then it follows that to comply with HDC's policy all 5 houses at Great Ventors should be affordable.

PUBLIC CONSULTATIONS

Monks Gate Residents Association

The layout, design, and density of the proposed 5 properties should be rejected on the following grounds.

- Although planning permission has been agreed for 5 properties, the proposal is for buildings that are too large and create a 'cramming' effect, with no visitor/street parking/landscaping and are not in keeping with the cottages on the A281 or those in Coolhurst Close: all of which have adequately sized plots.
- The elevation of the proposed layout MUST be reviewed and changed. The ground level at Plot 4 (proposed 2 storeys, 4 bed house) is more than a metre higher than No 12 Coolhurst Close (bungalow) which it abuts: this situation must be addressed to avoid a significant overbearing on No 12 Coolhurst and further drainage/flooding problems in Coolhurst Close & Nuthurst Road.
- The proposed bollard lighting should be removed: it is against the Nuthurst Neighbourhood Parish Plan due to the negative effect on the nearby nature reserve and the fields on the southern boundary. There is well documented bat activity in the area which would be adversely affected by unnecessary light pollution.
- The proposed drainage solutions need further investigation. The landowner has, in the last few weeks, scraped an area around the plot and his own land that stops at the edge of the plot by No 12 Coolhurst Close. Any surface water will now flow off the site into No 12 Coolhurst which cannot be acceptable. Plots on the southern edge should, as a minimum have deep garden soakaway tanks installed. The current topography of the site needs to be taken into account, and adjusted through planning conditions to ensure that the site manages its own surface water into adequate drainage solutions: not simply push the water into existing properties....some in Coolhurst Close have already had to have the Developer back to address flooding issues.
- The design of the 5 properties should be for smaller homes to reduce the cramped appearance, with low roofs and fully permeable surfaces: not just the road and the driveways but the patios too.

Objections were received from eight (8) addresses within the locality raising the following (summarised) concerns:

- Concern over access through Coolhurst Close and additional parking
- Surface Water Flooding and drainage concerns
- Overshadowing and overlooking Impact of 2 storey property on 12 and 7 Coolhurst Close- should be no window overlooking
- Excessive external lighting- Bollard lighting and downlighters should not be permitted
- Density of the development
- Foul water capacity
- No visitor parking
- No footpath provided
- Size of the dwellings in an elevated position
- Turning spaces appears too small for large vehicles
- Bungalow should be located next to Coolhurst Close bungalows
- Impact on road surface from heavy vehicles

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 This is a Reserved Matters application following Outline approval under DC/18/1792. As such, the principle of residential development for five dwellings has already been established as acceptable.
- 6.2 This site is allocated in the Nuthurst Neighbourhood Plan (Policy 5) for residential development. This policy states that residential development of land at Great Ventors Farm, Nuthurst Road, Monks Gate, will be permitted provided that:
- i. the scheme comprises a mix of 1 to 4 bedroom houses;
 - ii. the scheme comprises a layout which is sympathetic to nearby houses and establishes a clear and defensible boundary along the southern edge of the site;
 - iii. access is made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council;
 - iv. the scheme layout and landscape proposals retain the screen of trees and bushes on the boundary with Nuthurst Road (allowing for the access road), provide a screen for the four properties on the A281 and provide for the protection of the pond and surrounding area as a nature reserve;
 - v. the scheme makes satisfactory provision for managing sewage treatment; and
 - vi. the scheme make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.
- 6.3 These criteria will be considered throughout this report, as they were for the Outline application, and overall Officers are satisfied that the Reserved Matters application has met these requirements.

Site Layout, Design and Appearance

- 6.4 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape 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 of design and layout which relates sympathetically to the landscape and built surroundings.
- 6.5 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.

Layout

- 6.6 The Outline planning permission was granted based on an indicative layout. The proposed layout of the development has remained in compliance with that indicated in the outline permission. This shows a linear pattern of development following on from the completed development from the west, demonstrating a suitable relationship with the western site, and providing for the continuation of the defensible boundary along the southern boundary of the site as set out in the NPNP.

Scale

- 6.7 The Outline planning permission was also granted based on an indicative housing mix which has now been confirmed with no changes. This comprises of 1 x 2 bed bungalow, 2 x 3 bed houses and 2 x 4 bed houses. This accords with the requirements of criteria I of Policy 5 of the NPNP.
- 6.8 The density of the proposed development is 21 dph (dwellings per hectare). Although objections were raised at the time by the Parish in relation to the density, and these objections still stand, the principle of this density of development has already been agreed through the granting of the outline planning permission. This brings the density for the overall site which includes the access road and open space to the front of the site to 13 dph, which is considered to be adequately low to ensure the proposal integrates well with the surrounding development character.

Appearance

- 6.9 In terms of appearance, the proposed design is broadly in keeping with the character and appearance of dwellings which are already located within Monks Gate and the wider Horsham area, and in particular with the rest of the development site to west of this site. The proposed dwellings generally meet the requirements of the Nuthurst Parish Design Statement; they are brick built and finished with either tile hanging or weatherboarding.
- 6.10 Full details of proposed material finishes have been provided (Drawing number 5944-400 Rev B 07.07.2021). These include grey and wood timber cladding, green or grey windows and doors, weathered brown multi-stock brick and clay roof tiles finished in either bronze or grey. This is in line with the properties that have been built on the western part of the site that have varied roof materials (grey and clay), tile hanging and weatherboard finishes. The properties also have similar design features such as protruding front gables and central feature porches. The form and appearance of the dwellings as proposed is considered to be acceptable and a condition is recommended to ensure the prescribed materials are adhered to.

Landscaping

- 6.11 It was considered at Outline stage that the northern boundary of the site would benefit from increased soft landscaping to improve the relationship with Southlands Cottages. This can be managed through the inclusion of a detailed landscape condition, where full details shall be submitted prior to occupation of any of the dwellings. Notwithstanding any landscaping details provided with this application it is considered necessary to receive full details of proposed landscaping, including residential curtilages and boundary treatments, prior to occupation of the development. Due to the rise in ground levels between Coolhurst Close and the site it will also be important to ensure that adequate screening is achieved through appropriately mature planting.

Amenity Impacts

- 6.12 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.13 Concern has been raised in relation to the overbearing and overlooking impact of plot 1 on 7 Coolhurst Close and Plot 4 on 12 Coolhurst Close. Plot 1 forms a two storey dwelling that sits broadly in line with the adjacent two storey dwelling at 7 Coolhurst Road, whilst Plot 4 forms a bungalow set broadly in line with 12 Coolhurst Close. As such it is not considered that the development will have an adverse impact in terms of an overbearing impact or loss of light or outlook. In terms of overlooking, the only windows proposed on the first floor side elevations of these properties will serve bathrooms or en-suite's and a condition is suggested to ensure these are obscurely glazed to negate any potential overlooking. Otherwise the front and rear aspects would not result in untoward levels of overlooking.
- 6.14 The main impact will be on the amenities of 1 Southlands Cottages. This property sits to the north of Plots 1-3 with a side/rear garden that runs across the length of the rear gardens to these three Plots. The site layout details the houses at Plots 1-3 as being at an angle to the common boundary such that the separation distance varies from 7.4m in the furthest eastern extent to 9.2m centrally and 15.2 m at the western extent closest to the house itself at 1 Southlands Cottages. The back-to-back separation itself would be approximately 25m at its closest point. Nevertheless there remains a clear overlooking impact from the first floor bedrooms into the garden of 1 Southlands Cottages, even if direct views into the house itself would be less intrusive. In order to address this impact the outline application identified that planting along the rear gardens could be introduced to soften the impact to an acceptable degree. The submitted plans do not show planting in this location however this can be addressed within the landscaping condition referred to above.
- 6.15 In terms of provision for future residents, the layout demonstrates that the scheme provides suitable gardens for each dwelling and does not result in overlooking or overbearing appearances within the layout.
- 6.16 In terms of noise impact, HDC's Environmental Health Officer has reviewed the scheme and considers that the location of the proposed dwellings in proximity to the A281 (albeit across the side garden to Southlands Cottages) could result in adverse noise impacts for future residents of the site. A noise assessment has been submitted which confirms the Officer's position that some form of noise mitigation will need to be installed into the proposed dwellings to ensure that future residents are protected for adverse noise impacts. In this instance given the site characteristics officers consider that the submission of this information can be appropriately managed by way of the condition that sits on the outline consent. The outline consent includes a condition to manage the construction process appropriately. Subject to the aforementioned conditions the proposals are considered to accord with Policy 33 of the HDPF.

Highways Impacts

- 6.17 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.18 Criteria iii of Policy 5 of the NPNP requires access to be made to the scheme from Nuthurst Road at the safest point as advised by West Sussex County Council. This access has already been secured and constructed in relation to the western parcel of the site. Concern has been raised around access rights to and through Coolhurst Close for construction work and future

users. It has been confirmed that these rights are contained within the deeds of transfer for the whole site and will therefore be known to the existing and proposed house owners at Coolhurst Close.

- 6.19 The application proposes 11.5 parking spaces across the development made up of two parking spaces per new dwelling and three additional garages (which calculate as 0.5 parking spaces per garage. This is considered to be in line with the West Sussex parking guidance and the West Sussex Highways Department have raised no objection. A condition is recommended to be attached to the planning permission to ensure these garages cannot be lost to conversion without planning permission.
- 6.20 Concern has been raised in relation to the lack of formal visitor parking at the development. However it is considered that the road is proposed to be laid out as such that there is at least two locations within the development that unrestricted on-street parking could be available without causing an access obstruction. With this in mind, together with the existing on street parking on the wider site (at least four parking spaces available in dedicated lay- bys plus on street spaces), the parking provision is considered to be adequate and any small shortfall does not justify enough harm by way of significant overspill parking outside of the site allocation to justify a reason for refusal. Accordingly the proposals are considered to accord with Policies 40 and 41 of the HDPF.

Water Neutrality

- 6.21 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.22 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.23 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates if the site were to be connected to the mains water system in the conventional/ usual way. However, this application proposes a new Private Borehole to be created to serve the entire five dwellings with all of their water requirements.
- 6.24 A Private Borehole is proposed adjacent to the south eastern site boundary, with the details having been submitted under concurrent application DC/22/1178. The proposed borehole will provide all of the water required for the development, including a treatment house to ensure the water is of a potable standard. The Environment Agency have confirmed that the position of the borehole will not take water from the same aquifer that serves the Sussex North Water Supply Zone. The location of the site means it will not affect water entering into the River Arun catchment which lies to the north of this part of Monks Gate. Therefore, and as confirmed by Natural England through the Appropriate Assessment process, where no objection was received, the provision of a borehole in this location should not have an impact on the Habitats Sites, as, in this instance, the abstraction has been shown to not be hydrologically linked to the aquifer that serves the Sussex North Supply Zone.
- 6.25 A high level of detail has been provided in relation to the 'borehole solution'. The documentation has been prepared by 'Nicholls Boreholes', a local specialist in borehole systems. This has been fully scrutinised by the Council's Environmental Health Officers and

Planning Officers, and has also been carefully considered by Natural England in their response to the Council's Appropriate Assessment.

- 6.26 Following the initial consultation with the Environment Agency, Nicholls Borehole completed a prognosis report (contained within the Maintenance Supporting Detail document) which concluded that water availability should be more than adequate at a depth of 80 metres below ground level to provide a water supply of up to 20,000 litres per day, although until a borehole is dug this can never be certain. This proposal only requires an estimated 1,320 litres per day which is significantly below the amount of water which is likely to be available. The report also concludes (based on very historic nearby borehole water data) that the water from the borehole would be expected to have elevated iron and manganese and may be unsuitable for domestic supply unless treated. This is why the treatment house is proposed. The exact design and specification of the treatment works within the treatment house will not be known until water quality sampling is undertaken on site once the borehole is sunk. If the water quality, when tested in line with the proposed monitoring conditions, is not acceptable, then the development cannot be implemented.
- 6.27 As the borehole will provide potable water for use within each dwelling, the Council's Environmental Health team are required to monitor and enforce the quality of the water under the Private Water Supplies (England) Regulations 2016. The Council's Environmental Health team have reviewed the submitted information and have noted the likely high levels of iron and manganese. Their view is that it will be possible to sufficiently treat the water to make it safe for human consumption, and have recommended a series of conditions to ensure that appropriate sampling, risk assessments, contingencies and management/maintenance plans are agreed prior to first occupations, and ongoing thereafter. These conditions are set out below. As explained in the previous paragraph, if it transpires that the water quality, when tested in line with the proposed monitoring conditions, is not acceptable, then the development cannot be occupied as it will not benefit from a complete planning permission.
- 6.28 Concern has been raised by third parties in relation to the right for any of the occupiers of the five houses to connect to mains water, and how this will be restricted. It is not possible to directly deny an occupier the right to connect to a mains water supply as the right to connect is established via separate legislation. Officers have sought legal advice on how to address this matter and it has been determined that it is possible to apply a condition that requires that any mains connection must only be in an emergency for temporary purposes. In the event such an emergency occurs (such as pump failure) the occupiers must immediately undertake the necessary contingency measures set out in a management and maintenance plan until the system is fully operational again, with records must be kept of all water taken from the mains supply. Conditions to this effect are recommended below at condition 4 and 9. These conditions are all considered to meet the tests of soundness that they are necessary, relevant, enforceable, precise and reasonable.
- 6.29 Due to the complexities with the proposal for a borehole and the importance of ensuring that the water taken from the borehole is of a standard required under the Private Water Supplies (England) Regulations 2016, a number of conditions have been recommended to ensure that the private water supply is appropriately monitored and managed. These are all considered to meet the tests of soundness that they are necessary, relevant, enforceable, precise and reasonable.. These include .
- UKAS accredited laboratory testing of the water before the development is occupied and the borehole is brought into use
 - Tap sampling at each property
 - A Private Water Supply Management Plan
- 6.30 A Legal Agreement has also been commenced that ties this application to the implementation of the Water Treatment House proposed under DC/22/1178. This will also set out the requirements and duties of the future landowners to ensure that the borehole and associated treatment plant is fully managed and maintained at all times.

Source Protection Zones

- 6.31 A Groundwater Source Protection Zone (SPZ) will automatically apply to the private borehole when it is installed. An SPZ is an area where groundwater supplies are at risk from potentially polluting activities and accidental releases of pollutants. They are primarily a policy tool used as a guideline to control activities close to water supplies intended for human consumption. SPZs are not statutory and are mainly for guidance but they do relate to distances and zones defined in legislation where certain activities are restricted. The Environment Agency only license water abstraction where over 20m³ litres of water is to be abstracted per day (enough for approximately 75 homes), and in such cases will map and monitor the accompanying SPZ. For smaller development, the EA guidance advises that a default SPZ be placed around the borehole, noting that in some cases underlying geology may mean that the extent of this radius may need to be greater or smaller. The EA have confirmed that they do not map these smaller SPZs and would not have the resource to enforce activity within them.
- 6.32 In this case the default 50m SPZ would encroach onto land not within the applicant's control and may therefore prejudice some activities taking place. The activities affected by a SPZ include landspreading, livestock housing, storage of pollutants etc. The Council has undertaken a 2 week targeted consultation with those properties that fall within a 50 metre radius of the proposed borehole location, with the applicants updated Design and Maintenance Supporting Detail document advising them of what activities should not be undertaken within the 50 metre zone and the extent of the 50m zone.
- 6.33 Concern has been raised by the adjacent agricultural land owner in relation to some of his land being located within the propose SPZ. This would be around 0.25 hectares of farmland that may no longer be able to use certain types of fertilisers that may pollute the groundwater. The area of land affected is proportionately small relative to the wider field it sits within and would not prejudice the farming of the wider field. It could though have a potentially modest impact on the farming of this 0.25ha corner of the field which is acknowledged. The Council's Environmental Health officers have clarified that in the worst case scenario that the restricted farming practices in the SPZ referred to by the adjacent landowner take place, the water quality will still be appropriately tested and treated and will not form a public health risk. The applicant has further confirmed that a watertight seal is in any case to be placed within the borehole 10m below ground level and this will help ensure there is no path for contamination, and that an existing surface water ditch is located between the field and the site that takes water run-off from the field away from the site.

On-going Management and Maintenance

- 6.34 The borehole and treatment plant will require regular and continuous management and maintenance. During construction and pre-occupation the accountability and responsibility for the borehole and water quality will sit with Beatrice and Mae Homes. However, once the 5 dwellings are sold it is intended that a management company be created which will be responsible for shared access and this shared service. The owners of each dwelling would be directors within the management company and thus take over responsibility for the borehole and the testing and maintenance contract.
- 6.35 An updated and detailed Service and Maintenance Schedule will be required, which the borehole specialists have suggested should be post drilling and borehole commissioning. It is not viable for the drilling of the borehole to commence until the applicant has more certainty that the planning permission will be approved. Therefore it is considered reasonable that this planning permission be approved subject to both a more detailed service and management schedule (referred to as a 'Private water Supply Management Plan') being prepared as well as being subject to the additional water quality and yield testing that are required. Without the adequate testing of the borehole the planning permission could not be implemented.

- 6.36 In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, an appropriate assessment has been completed in consultation with Natural England, who have not raised objection to the mitigation strategy being the provision of a private borehole in this location. Therefore, subject to conditions to secure the borehole and a S106 agreement there is no clear or compelling evidence to suggest that the proposal would result in an adverse impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180, or the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Climate Change

- 6.37 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.
- 6.38 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:
- Requirement to provide full fibre broadband site connectivity
 - Dedicated refuse and recycling storage capacity
 - Cycle parking facilities
 - Air source heat pumps to the three detached properties
- 6.39 In addition to these measures conditions are attached (either on this consent of the outline consent) 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
 - Five electric vehicle charging points
- 6.40 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Other Considerations

Drainage

- 6.41 Criteria V and VI of Policy 5 of the NPNP requires any scheme coming forward on the site to make satisfactory provision for managing sewage treatment; and make satisfactory provision in its flood risk assessment for mitigating any localised flooding arising from drainage from the field.
- 6.42 Policy 38 of the HDPF requires that where there is the potential to increase flood risk, proposals must incorporate the use of Sustainable Drainage Systems where technically feasible, or incorporate measures which reduce the risk of flooding and ensure flood risk is not increased elsewhere.

- 6.43 Objections have been received over the ability of the existing drainage network to accommodate increase foul and surface water flows. The Applicant has submitted a Flood Risk Assessment to support the Application which considers the likelihood of both foul and surface water flooding.
- 6.44 With regard to foul water, the Applicant states that a sewerage capacity check was completed for the previous application (DC/15/1946). This application was for 10 new homes. At the time Southern Water confirmed that there was capacity for 20 new units within the local network. Southern Water have not raised any objections to this scheme on the basis of foul sewerage capacity. In terms of surface water flooding, the Applicant has proposed a scheme for the management of surface water. This includes a system of infiltration into the ground in accordance with the SuDs Hierarchy (infiltration, watercourse, public sewers, private sewers). Each dwelling will have 2 infiltration blankets and any surface water from the roof will be routed to ground via the driveways which will be of porous paving. The surface water drainage disposal shows a permeable paving / cellular soakaway pipework arrangement. It should be noted that the underlying geology for this location will slightly impede infiltration with regards surface water disposal. Therefore additional information will be required to support the '*surface water disposal via soakaways*' as proposed. The outline consent includes a suitably worded condition to address this matter.

Trees

- 6.45 Policy 25 of the HDPF, requires that development safeguards protected species, ensuring no net loss of biodiversity. Policy 26 of the HDP requires that development protects the pattern of woodlands, hedgerows and trees.
- 6.46 The Council's Tree officer has assessed the supporting information submitted in relation to the protection of trees on and adjacent to the site. Conditions have been recommended to ensure that the root protection areas of the existing trees on the site are fully considered. This includes a no-dig above ground method of construction for the terraces at plots 2 and 5 to ensure the root protection of trees T1 and T2. Subject to these conditions the proposals are considered to accord with Policies 25 and 26 of the HDPF.

Ecology

- 6.47 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided (through locating on an alternative site through less harmful impacts), adequately mitigated or as a last resort compensated form then permission should be refused.
- 6.48 Policy 14 of the NPDP requires that development does not significantly affect habitats for flora, fauna and wildlife corridors, to avoid the use of close board fencing to preserve wildlife corridors, to ensure that development does not affect ponds and lakes, streams or rivers.
- 6.49 Policy 31 of the HDPF states that where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can demonstrate that the reason for development clearly outweighs the need to protect the value of the site and that appropriate mitigation and compensation measures are provided. Furthermore, the supporting text at Para 9.33 states that development proposals must provide sufficient information to assess the effects of development on biodiversity, and should provide any necessary ecological surveys together with any prevention, mitigation or compensation measures. Policy 25 of the HDPF states that development proposals must maintain and enhance biodiversity, ensure no net loss of wider biodiversity and provide net gains in biodiversity where possible.

- 6.50 The Applicant has submitted an Extended Phase 1 Habitat Survey (2018) which concludes that the site has potential for Great Crested Newts and Reptiles. The Applicant has also submitted a reptile mitigation strategy to support this Application (AEWC Ltd 2021). These details have been reviewed by HDC's Consultant Ecologist who raises no objection to the application on the basis that the Applicant will need to obtain a licence from Natural England and agree suitable mitigation. The Landscape Management Statement is not considered to contain sufficient biodiversity enhancements or a clear plan showing these at this time and therefore a condition is still recommended requiring full details of landscape and ecology management plan prior to occupation.
- 6.51 A condition requiring any details of lighting to be submitted and agreed was also included on the outline planning permission. Details of proposed lighting have been submitted with the reserved matters application, proposed to protect biodiversity interests. Following objections from nearby residents, the amount of lighting has been substantially reduced with each property now having a wall mounted lantern light to the front and a wall mounted lantern drop spot wall light to the rear. This is consistent with the western part of the site where it was considered that bollard street lighting was inappropriate and lighting attached to the dwellings was permitted only.
- 6.52 It should be noted that Policy 5 of the NPNP requires protection of the pond and surrounding area to the north of the site as a nature reserve. Officers note that ecology surveys were undertaken and a management plan produced in relation to this area under the previous planning permission. Officers therefore consider that this criteria has already been met. Accordingly the proposal meets the requirements of Policies 5 and 14 of the NPNP and Policy 31 of the HDPF.

Conclusion

- 6.53 This application seeks consent for the reserved matters following the previous grant of outline planning permission for five new residential dwellings on this site. Subject to the conditions it is considered that the application meets the requirements of the Nuthurst Neighbourhood Plan policies 5 and 14, as well as the requirements of policies 25, 32, 33, 40 and 41 of the HDPF. In respect of water neutrality, a bespoke borehole solution is proposed which subject to stringent conditions and the completion of a s106 agreement is considered deliverable such that the proposal would not result in adverse impacts on the Arun Valley SAC/SPA and Ramsar habitat sites. The application is therefore recommended for approval subject to the recommended conditions and the securing of the legal agreement.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Residential	769	0	769
		Total Gain	769
		Total Demolition	

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

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 To approve planning permission subject to the following conditions and the completion of a s106 legal agreement.

Conditions:

1 Plans list

2 **Pre- Commencement Condition:** The development hereby approved shall not commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the local planning authority. The PWSMP shall include, but not necessarily be limited to, the following information:

- i. A Regulation 6 risk assessment risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, before the private water supply is brought into use; and at least once every five years thereafter.
- ii. Details of the review of the risk assessment, undertaken in accordance with relevant guidance and statutory requirements, at least every 5 years or such other shorter period as determined by the risk assessment or required by regulation.
- iii. Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the outcome of the above-mentioned risk-assessment along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- v. Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- vi. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vii. Detail on the continuity of supply during dry periods extending beyond 35 days.
- viii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.
- ix. A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply;

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 3 **Pre-Commencement Condition:** No development, other than the drilling of the borehole, shall commence until evidence that water from the borehole has been sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies and analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and the findings submitted to the Local Planning Authority. In the event the samples show that any of the parameters are above the prescribed concentrations or values, as detailed in Schedule 1 of the Private Water Supplies (England) Regulations 2016, no development shall commence until a mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall then be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 4 **Pre-Occupation Condition:** No dwelling shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling(s) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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

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

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

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

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan 5944-500 (26/7/21) and 5944-605 9car Parking Block Plan 20/06/22) 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).

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until an operational electric vehicle chargeable point has been provided to serve that dwelling.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the window(s) at first floor side elevation of all plots have been fitted with obscured glazing. No part of that/those window(s) that are/is less than 1.7 metres above the floor of the room 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).

- 9 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the plan 5944-400 Rev B 7/7/21 unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** No unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the borehole. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the Private Water Supply Management Plan (PWSMP) agreed under condition 2 until such time as the system is fully operational. The occupiers of each unit shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on 5944-502 rev A without the permission of the Local Planning Authority by way of formal application.

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

- 12 **Regulatory Condition:** All development with the Root Protection Zones of Trees T1 and T2 as shown on the Tree Protection Plan 8103/01 dated 7/21 shall be carried out in line with the following mitigations:

- Any excavations within the root protection areas shall be undertaken using hand-held tools.
- If any roots are exposed during the work, they should immediately be wrapped or covered to prevent desiccation and protect them from rapid temperature changes. Any wrapping should be removed before backfilling, which should take place as soon as possible.
- Before backfilling, any retained roots should be surrounded with topsoil or uncompacted sharp sand (builders' sand should not be used because of its high salt content, which is toxic to tree roots), or other loose inert granular fill, before the soil or another suitable material is replaced. This material should be free of contaminants and other foreign objects potentially injurious to tree roots.
- The post holes shall be lined with a non-permeable material or sheath, i.e. a plastic membrane, to protect the soil and any adjacent roots from the potentially toxic effects of uncured concrete.

Reason: To ensure the retention and maintenance of trees on site in the interest of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt and Reptile Mitigation Strategy (AEWC Ltd, 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

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

- 14 **Regulatory Condition:** No works relating to the construction of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

- 15 **Regulatory Condition:** No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

16 **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 dormer windows or other roof extensions shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

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