



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

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

**DATE:** 03 October 2023

**DEVELOPMENT:** Erection of 6 No. 3-bed dwellings (including 1 No. retirement property), with associated garages, creation of an access drive and landscaping works (Resubmission of DC/20/2454)

**SITE:** Land South of East Street Rusper West Sussex

**WARD:** Colgate and Rusper

**APPLICATION:** DC/21/2172

**APPLICANT:** **Name:** Mr J Sage **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** The development, if approved, would represent a departure from the Development Plan

**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**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of 6no. 3-bed dwellings and associated garaging, and the creation of a new access.

1.3 It is noted that one of the proposed dwellings is proposed to be a retirement dwelling, where that property would have to be occupied by at least one person over 60 years of age.

1.4 The proposed dwellings would incorporate a traditional appearance with a hipped roof design and would consist of brick and tile hanging to the external walls, a clay tiled roof and timber framed fenestration. The proposed dwellings would include a lounge, kitchen/dining room, utility room and WC facilities at ground floor level and 3bed bedrooms and 2no bathrooms at first floor level. The proposed dwellings would each have an overall depth of approximately 14.2, an overall width of approximately 6.9m and an overall maximum height to the ridge of approximately 9.5m. The proposed GIA to be created for each dwelling would measure

approximately 150sqm (900sqm in total). The proposed garages would measure approximately 15sqm. The proposed access would cut across an existing verge, with foliage removed to facilitate this.

#### DESCRIPTION OF THE SITE

- 1.5 The application site comprises an area of open grassland/paddock located to the south of East Street. The site is located outside of the defined built up area of Rusper, and is therefore considered to be located in the countryside.
- 1.6 The site is bound by a combination of extensive mature soft landscaping and post and rail and close boarded fencing. The site is set at a higher level than East street owing to the verge along the northern boundary sloping up from north to south.
- 1.7 The wider surroundings are characterised by relatively dense residential development to the west and sparse and sporadic development to the east.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 9 - Employment Development  
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 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

#### **Rusper Neighbourhood Plan 2018 – 2031**

Policy RUS1 – Spatial Plan  
Policy RUS3 – Design  
Policy RUS4 – Local Heritage Assets  
Policy RUS5 – Green Infrastructure and Biodiversity  
Policy RUS10 – Dark Skies

## Policy RUS 11 – Promoting Sustainable Transport

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/2203	Erection of six 3-bed dwellings (including 1 retirement property), with associated garages, creation of new access drive, and landscaping.	Application 04.08.2020	Refused	on
DC/20/2454	Erection of six 3-bed dwellings (including 1 retirement property), with associated garages, creation of new access drive, and landscaping.	Application 02.02.2021	Refused	on

### 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 Arboricultural Officer:** Objection:-
- 3.3 The proposed development would result in the carrying out of building and engineering operations likely to threaten the health and stability of mature trees which would be detrimental to the visual amenity and character of the area.
- 3.4 The development proposal drawing no. 1809/01 rev 'E' appears to be a re-submission of that refused three years ago – ref. DC/20/2454. The current landscape character of East Street adjacent to the settlement boundary is an attractive, sylvan, rural lane.
- 3.5 A new access is proposed with associated bin store area and sight line requirements, through the bank and associated belt of trees and understorey vegetation that borders the roadside. In addition, a new pavement is shown alongside the road with connecting path and steps, further urbanising the streetscene.
- 3.6 The engineered road (East Street) will have been a constraint on tree rooting and thus when assessing the rooting constraints posed by the remaining roadside trees a commensurate off-set of the minimum recommended root protection areas of the trees along the roadside and into the site is required.
- 3.7 The engineering requirements along the roadside, to punch through the bank and create an access/bin store area and pavement adjacent to the roadside cannot be undertaken in a manner sensitive to the roots of adjacent trees shown for retention. Direct damage will thus be a pre-requisite in this respect, contrary to the recommendations of the industry standard BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.
- 3.8 **HDC Conservation:** Comment, the proposed dwellings would not cause harm within the setting of the Conservation Area.
- 3.9 **HDC Environmental Health:** Comment. It is apparent, following a site visit, that land to immediate west of the sites western boundary is being used to store miscellaneous building materials and it would also appear that this land use has encroached onto the application site. Are of the view therefore that the ground on the site has the potential to be contaminated. Contamination assessments will therefore need to be undertaken to assess the risks to future site users, these can however be requested through conditions.

#### OUTSIDE AGENCIES

- 3.10 **WSSC Highways:** Comment. The Local Highways Authority most recently provided comment under DC/20/2454 to which no objection was raised, subject to the Local Planning Authority (LPA) being assured that the splays demonstrated would not pass through third party land. The application was refused for reasons unrelated to highways.
- 3.11 Within this resubmission no Transport Note has been submitted and therefore detailed drawings have not been provided. The drawings and details provided do not show the splays clearly enough. Nevertheless, the red edge has been amended and appears to include the land now required to provide the splays. If the LPA are satisfied with the land ownership red edge shown and deliverability of works then previous comments and advised conditions should be referred.
- 3.12 The latest plans omit garages from the scheme; driveway space for each dwelling is provided and the visitor spaces retained.
- 3.13 Conditions relating to visibility splays, access and turning, cycle storage recommended.
- 3.14 **WSSC Fire and Rescue:** Comment. Currently the nearest Hydrant to these proposed properties is 290 metres away. The supply of water for firefighting for domestic premises should be within 175 metres. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.
- 3.15 **Ecology Consultant:** No objection, subject to conditions:-
- 3.16 Satisfied that sufficient ecological information is available for determination, following the submission of the Ecological Technical Note (The Ecology Partnership, August 2023), which demonstrates that Ash tree with moderate roost potential did not contain roosting bats following surveys in line with standard methodology. 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.
- 3.17 The mitigation measures identified in the Preliminary Ecological Appraisal and Preliminary Roost Assessments (The Ecology Partnership, June 2023) and the Ecological Technical Note (The Ecology Partnership, August 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species. In addition, recommended a Wildlife Friendly Lighting Strategy.
- 3.18 Support the proposed bespoke biodiversity enhancement measures, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The bespoke biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to any works above slab level.
- 3.19 **NatureSpace:** With the retention of the tree lines and other suitable habitats agree with the ecology report that great crested newts are unlikely to be present or constrain this development. Are satisfied with the information provided relating to the above application and that great crested newts and/or their habitats are unlikely to be impacted if the proposal was to be approved.
- 3.20 **Southern Water:** Comment that water can be supplied to the site and a formal application for connection and on-site mains would need to be made by the developer.
- 3.21 **Thames Water:** Comment, with regard to surface water drainage, that if the developer follows the sequential approach to the disposal of surface water, there would be no objection.
- 3.22 **Natural England:** No Objection subject to appropriate mitigation being secured.

- 3.23 As submitted, the application above could have an adverse effect on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (together the Habitats Sites).
- 3.24 Note that the existing application has the benefit of an extant permission allowed under DC/14/1936 and DC/14/0413. The supporting evidence indicates that if the extant permission were developed this would result in water consumption of 2154 litres per day.
- 3.25 The Local Planning Authority's 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. From the evidence provided in the Water Neutrality Statement the applicant is using the extant permission allowing 2154 litres per day as a baseline. The Statement concludes that the applicant is able to demonstrate that water neutrality can be achieved using the fitting of water efficient fixtures to the proposed properties and the retrofitting of water efficient fixtures to an existing office at West Point, Horsham.
- 3.26 Therefore, providing all mitigation measures in the Water Neutrality Statement are appropriately secured in any planning permission, Natural England advises that we concur with the assessment. You, as the competent authority, should ensure that the consented scheme would be completed in the absence of planning permission for the current scheme and that 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.

#### PUBLIC CONSULTATIONS

- 3.27 **Rusper Parish Council:** Objection. Considered as part of the Rusper Neighbourhood Plan where the conclusion was that it is a greenfield site and fails virtually all sustainability issues; on an undesignated country lane away from any built-up area on land designated as agricultural and used for grazing; it is more than 2.5 miles from the nearest regular bus service along country lanes with no footpaths; there are no services to the site and provision of main drainage would be a significant issue; there is no need identified from the Housing Needs Assessment; designated as not currently developable in the HDC SHELAA 2016 report. Would fail the requirements of the Natural England Position Statement.
- 3.28 1 letter of objection was received stating that nothing has changed since the previous applications.

#### 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

- 6.1 The application seeks full planning permission for the erection of 6no. 3-bed dwellings and associated garaging, and the creation of a new access.

### **Principle of Development**

- 6.2 The application relates to the erection of 6no. 3-bed dwellings along with garaging and landscaping. The application site is located outside of the defined built-up area of Rusper, and is therefore within a countryside location in policy terms. It is however recognised that the defined built-up area is located approximately 25m to the west.
- 6.3 As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the Horsham District Planning Framework (HDPF) are of relevance in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built-up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF.
- 6.5 Policy RUS1 of the Rusper Neighbourhood Plan defined the built-up area boundary for Rusper for the purpose of applying Policy 4 of the HDPF.
- 6.6 Paragraph 79 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."
- 6.7 Paragraph 80 of the NPPF continues that "planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) the development would involve the subdivision of an existing residential dwelling; or
  - e) the design is of exceptional quality, in that it:
    - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
    - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 6.8 The term "isolated" is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial

context is not considered to be “isolated” in its truest sense, and does not therefore engage the considerations of paragraph 80.

- 6.9 In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. These criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development does not meet any of this criteria, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.
- 6.10 The proposed development would provide 6no. private market dwellings on a site located outside of a built-up area boundary, where such development would be contrary to the overarching spatial strategy as expressed through Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015). Whether this policy conflict is outweighed by other material considerations is considered in the ‘Planning Balance’ section of this report.

### **Design and Appearance**

- 6.11 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.12 Policy RUS3 of the Rusper Neighbourhood Plan states that proposals for new development must be of the highest design standards and will be required to reflect the character and scale of surrounding buildings. Proposals should, where appropriate, satisfactorily take account of the significance of the Rusper Conservation Area and its setting, the significance of any heritage assets and their setting, and the retention of key views of the street scene and out to the countryside.
- 6.13 Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.14 Matters of design and appearance were considered under a preceding planning application on the site, ref: DC/20/2454, where it was concluded that the proposal would result in sympathetic and appropriate additions to the site that would be in keeping with the character of the countryside location in design terms. Specifically, it was considered that the proposed dwellings would be appropriately and sympathetically designed, scaled and sited within the site and their own respective plots/curtilages, allowing for appropriate outdoor amenity space. The overall proposals with regards to the design and scale of the dwelling and the resultant curtilage, would be in keeping with the existing residential properties within the vicinity which all differ in terms of designs, built forms and plot sizes. It was noted that the application site is set at a higher level when compared to the public highway. However, given the existing extensive soft boundary treatments to the northern boundary of the site and taking into account the fact that the dwellings would be set back approximately 33m from the public highway, the proposed dwellings were considered to be of an appropriate design and

would relate appropriately when viewed against existing development within the immediate area. The proposed garaging is also considered to be of an appropriate design and scale.

- 6.15 The current proposal matches the previous application in quantum, layout, design and external appearance. The conclusions of the previous application are therefore a material consideration of significant weight in the assessment of the current proposal. Furthermore, there has been no change in the planning policy context since this previous application. On this basis, the proposed development is considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Impact on Landscape and Trees**

- 6.16 Policy 33 of the HDPF states that development should presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development. Policy 31 of the HDPF states that development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.
- 6.17 Policy RYS5 of the Ruser Neighbourhood Plan states that proposals that protect, manage, and enhance the rich natural features will be supported. Development proposals must ensure that the landscape schemes, layouts, access, and public open space provision contribute to the connectivity and maintenance of the Green Infrastructure Network where applicable.
- 6.18 The application site benefits from a row of mature trees and vegetation along the southern boundary of the site, adjacent to the public highway. The proposal seeks to retain this vegetation, albeit that a dead Ash tree and a mature Ash tree will be removed to facilitate access into the site. A shared driveway and visitor parking would be positioned to the north of this tree line, with a new footpath created between this driveway and the public highway.
- 6.19 The Applicant has submitted an Arboricultural Impact Assessment and Method Statement by Arbortrack Systems Ltd dated 07.06.2023. It is outlined that the driveway would be constructed using a 'no-dig' specification due to the encroachment upon the Root Protection Areas, where it is considered that the impact on the trees would be low and acceptable. The impact of the footpath on the Root Protection Area is also considered to be low and acceptable. The Arboricultural Impact Assessment and Method Statement outlines that the retained trees would be protected through the course of the development by fencing, in accordance with the recommendations of BS5837:2012. The Method Statement outlines the protection works and the measures to protect trees during the course of construction.
- 6.20 It is noted that the HDC Arboricultural Officer has raised an objection to the proposed development on the basis that building and engineering operations would be carried out in proximity to the trees, with the proposal likely to be detrimental to the health and longer-term retention of these trees.
- 6.21 It is however noted that the site layout and arrangement of the driveway, visitor parking, and refuse/recycling store reflect that previously proposed under planning reference DC/19/2203. No concerns were raised with regard to the impact on trees and landscape character as part of this previous application, with no material change in planning policy or the spatial context. It is not therefore considered reasonable to introduce a reason for refusal on the grounds of impact on trees. It is however considered that conditions could be imposed to require tree protection measures during construction and the use of no-dig construction methods which would aid the protection of the retained trees. Subject to such conditions, it is considered



impacts would be minimised such that on balance, the proposed development would not result in sufficient adverse harm to justify a reason for refusal.

### **Amenity Impacts**

- 6.22 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes 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.
- 6.23 Matters of amenity impact were considered under the previous application under reference DC/20/2454. At this time, it was considered that given the relationship of the proposed dwellings with neighbouring properties, and the distances maintained, the proposals would not have a detrimental on the amenities of neighbouring properties.
- 6.24 No changes have been made to the proposal, with the development as proposed matching the previous application in quantum, layout, and orientation. The conclusions of the previous application are therefore a material consideration of significant weight in the assessment of the current proposal. Furthermore, there has been no change in the planning policy context since this previous application. On this basis, the proposed development is considered to be in accordance with Policies 32 and 33 of the HDPF (2015)

### **Highways Impacts**

- 6.25 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.26 Matters of highways impact were considered under previous planning reference DC/20/2454. It was recognised that there were no transport grounds to resist the proposal, albeit that clarification regarding the visibility splays would be necessary. It was however noted that the application site is located within a rural location outside of any built-up area boundaries. Due to the location, the proposals present limited opportunities to promote walking, cycling or public transport in relation to the access of major services, contrary to the transport policies of the NPPF and HDPF. As such, any future occupants of the dwelling would be heavily reliant on the private car for transportation to and from the site. It is therefore considered that the site is an unsustainable location for new housing provision and would not be acceptable in this regard.
- 6.27 No changes have been made to the proposal, with the development as proposed matching the previous application in quantum, layout, and access arrangement. The conclusions of the previous application are therefore a material consideration of significant weight in the assessment of the current proposal. Furthermore, there has been no change in the planning policy context since this previous application. The concerns as previously raised therefore remain.

### **Ecology**

- 6.28 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.29 The application site comprises paddock land to the east of the built-up area of Rusper, with the northern boundary of the site comprising mature trees. Enclosed fields and mature tree belts are located to the south, north and east of the site, with several ponds located within 250m of the site to the north.

- 6.30 The Applicant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment by The Ecology Partnership dated June 2023. The Appraisal outlines that the dominant habitat on the site is neutral grassland, which is considered to be of some value, but only of site value. The mature trees are of intrinsic value and the tree line is considered likely to be used by a number of species. It is recognised that this feature is to be largely maintained and protected during the redevelopment of the site. Some of the older trees on the site were identified as having low and medium potential for roosting bats, dormice, and nesting birds, with the tree lines themselves offering some potential for foraging and commuting habitat. It is therefore recommended that these are retained, enhanced and buffered from lighting. The site is not considered to be constrained by other protected species, including Great Crested Newts and reptiles. Mitigation and enhancement measures have been proposed, including additional hedgerows, bird and bat boxes, bee bricks., log piles, and hedgehog friendly fencing.
- 6.31 The Applicant submitted an Ecological Technical Note dated 09 August 2023 in response to bat surveys carried out at the Ash Tree scheduled for removal. The surveys did not identify bats roosting within the hole of the Ash Tree, but bats were recorded using the tree line for foraging and commuting. The Technical Note thereby recommends that sensitive working measures are employed as a precautionary approach to works. It is outlined that the hole should be resurveyed prior to felling to check for nesting birds/squirrels/roosting bats. Avoidance measures should be employed as part of the felling process, with the log piles from felling maintained on site and stacked for enhancement purposes. It is also recommended that bat boxes are hung from the retained mature trees.
- 6.32 Following consultation with the Council's Ecologist, the information submitted is considered sufficient, with the information demonstrating that the Ash tree with moderate roost potential does not contain roosting bats following surveys in line with standard methodology. This provides certainty of the likely impacts on protected and Priority species and it is considered that with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Preliminary Ecological Appraisal and Preliminary Roost Assessments (The Ecology Partnership, June 2023) and the Ecological Technical Note (The Ecology Partnership, August 2023) are considered acceptable and could be secured by a condition. In addition, a condition relating to a wildlife friendly lighting strategy is recommended. The bespoke biodiversity enhancement measures which have been recommended to secure net gains for biodiversity can also be secured by condition.

### **Water Neutrality**

- 6.33 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.
- 6.34 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.
- 6.35 The proposed development seeks an alternative development from the extant permissions on the site, which comprise the erection of 6no. flats and 2no. dwellings. Evidence (including discharge of condition notices) has been provided to demonstrate that all Pre-Commencement and Pre-Occupation conditions having been discharged under application references DISC/16/0023 and DISC/16/0024. The Applicant has confirmed their intention to

continue the approved 6no. flat scheme, and this evidence is considered to demonstrate a reasonable fallback position.

- 6.36 The water demand of the extant permission equates to a total consumption of 2154l/d. There were no conditions limiting water consumption on the extant permissions, with the anticipated water demand of 125l/p/d assumed (based on the Part G Building Regulations document). The water consumption of the proposed development would amount to a total of 2760l/d.
- 6.37 It is proposed to off-set this additional demand through retrofitting an existing building within Horsham Town Centre. The occupancy of the building has been based on the OFFPAT figure of 12m<sup>2</sup>/person. The retrofit measures would be carried out on all 4 floors, where the building comprises office space of 760.68sqm (190.17sqm per floor). Based on these figures, the office accommodates a total of 60 employees, with a total occupancy of 15 people per floor. Water consumption measures for the office has been calculated using the BREEAM WAT 01 standard calculator. Based on this calculator, the existing building consumes 17.83l/p/d, with a total water consumption of 1069.8l/d.
- 6.38 The Applicant has provided metered water bills over the last three years (Jul-Nov 2019, Nov 2019-Jan 2020, Jan-Apr 2020, Apr-Jul 2020, Jul-Oct 2020, Oct 2020-Jan 2021, Jan-Apr 2021, Apr-Jul 2021, Jul-Oct 2021, Oct 2021-Jan 2022, Jan-May 2022, May-Jul 2022). These water bills indicate an average consumption of approximately 1900l/d. This is greater than the figures resulting from the BREEAM WAT 01 standard calculator. As such, the figures provided in the calculator are considered a conservative measure.
- 6.39 The proposed strategy would remove the 8no. existing taps in the office w.c's and replace these with 8no. low-flow taps. The taps would be Hansgrohe Tails E80 low flow mixer taps which provide a flow rate of 5 litres/minute. Following the installation of these figures, it is calculated that the water consumption of the building would reduce to 4.97l/p/d, with a total consumption of 298.2l/d. The water saving per day would therefore reduce by 771.6l/d, which would exceed the water demand of the proposed development.
- 6.40 The Council have undertaken an Appropriate Assessment, where it is considered that with the proposed mitigation and off-setting measures, the development would not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. Natural England have been consulted on the application and have concurred with the conclusions reached.
- 6.41 Subject to the mitigation and off-setting measures proposed, which would be secured by condition and legal agreement respectively, it is not considered that the development would result in a significant 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 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.
- 6.42 In addition to securing the offsetting measures through the s106 Agreement, the Legal Agreement would also restrict the implementation of the planning permissions so that only the extant permissions or the current proposals could be carried out, and not both. This would provide the necessary certainty that the approved developments as a whole would result in no greater water consumption than the extant permissions.

### **Climate Change**

- 6.43 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.

- 6.44 Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Requirement to provide full fibre broadband site connectivity
  - Dedicated refuse and recycling storage capacity
  - Cycle parking facilities
  - Electric vehicle charging points
- 6.45 Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

### **Planning Balance and Conclusion**

- 6.46 The application seeks full planning permission for the erection of 6no. dwelling on a site located outside but adjacent to the built-up area of Rusper. The site is located within a countryside location in policy terms, where the principle of residential development is more greatly restricted. The proposed development would be contrary to the overarching spatial
- 6.47 The application site has been subject of previous planning refusals for similar development as proposed. The most recent application under reference DC/20/2454 was refused, where it was noted that while the site is located in close proximity to the built-up area of Rusper, the site is considered to be rural in nature with only sporadic development within the vicinity of the site, and particularly to the east. The site is readily distinguished from the grain of residential development to the west of the application site and positively contributes to the transition from the built-up area of Rusper to its rural surroundings. The site retains an undeveloped rural character and contributes to local landscape character. It was not therefore considered that the proposal to introduce 6no dwellings with associated garaging, hardstanding areas and expected domestic paraphernalia would maintain and enhance the landscape and townscape character features as required by criterion 4 of HDPF. It was noted that there is a bus stop along East Street to the west, however the services are infrequent. It was therefore considered that future occupiers of the proposed dwelling would likely be highly dependent on the use of private vehicles in order to access services and facilities, and it was considered that the scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements as set out in the HDPF.
- 6.48 The proposal was not considered to be essential to its countryside location and consequently represented an inappropriate, unsustainable and unacceptable form of development in this location. It was acknowledged that the proposal included 1no. retirement dwelling, which would support an identified need for retirement/smaller dwellings, but given that the proposal would form part of the larger housing site, it was considered that the need would not outweigh the conflict with the overall aims of the HDPF. It was thereby concluded that the proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements of the District. Furthermore, the proposed development was not essential to its countryside location.
- 6.49 Consequently, the proposal for 6no new dwellings on the site represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework (2019). There have been no changes to the planning policy context since this previous decision, and the conclusions of the aforementioned planning refusal are considered to be a material consideration of significant weight.

- 6.50 It is however recognised that circumstances have changed since this application was refused. The Council can no longer demonstrate a 5-year housing land supply, where the tilted balance under paragraph 11 of the NPPF applies. The application has demonstrated that the development would be water neutral, and the presumption in favour of sustainable development is therefore considered to apply and be of significant weight in the planning balance.
- 6.51 The application site was submitted as part of the Strategic Housing and Economic Land Assessment under reference SA465. This identifies that the site is in easy walking distance of local facilities, and there is limited bus service providing some connectivity to Horsham Town Centre and larger amenities, but this service only operates on Mondays and Thursdays. It is recognised that the site is relatively unconstrained and does not lie within or near a protected landscape. It is therefore considered that the site could come forward in conjunction with the permitted planning permission on the adjoining site (approved under planning reference DC/14/1936 for 6no. dwellings).
- 6.52 Consequently the application site has been allocated for the provision of 6 dwellings under Strategic Policy HA17 of the draft Local Plan. This policy recognises that Rusper village is a focal point of the Parish, with some local facilities and services. Subsequently, Rusper is identified in the settlement hierarchy as a 'Smaller Village; and is considered suitable for some modest growth in sustainable locations. While recognised that the Local Plan has not yet been formally adopted, it does give an indication of policy moving forward. The draft policy is however considered to be of limited weight at this stage.
- 6.53 As identified within the Strategic Housing and Economic Land Assessment, the site is within easy walking distance of local facilities, with a limited bus service to Horsham Town Centre and other larger amenities. The application site is therefore considered to be in a relatively sustainable location. This is considered to be of weight in the planning balance.
- 6.54 It is recognised that the site has been allocated for development within the draft Local Plan. While recognised that the Plan has yet to be examined and formally adopted, and therefore of limited weight, it does provide a guide to the spatial strategy going forward. This allocation recognises that the site is located within walking distance of local facilities, with access to public transport modes. Therefore, while the site would remain outside (but adjacent to) the settlement boundary, the site is considered to be within a generally sustainable location.
- 6.55 Paragraph 49 of the NPPF states that in the context of the Framework, and in particular the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 6.56 The proposed development would provide 6no. residential dwelling, outside but adjacent to, the built-up area of Rusper. It is recognised that the Council cannot currently demonstrate a 5-year supply of homes, where the development would make a moderate contribution to the supply. These are considered to material considerations that weigh in favour of the development proposal.
- 6.57 The proposal has identified an achievable water strategy, where it has been concluded that subject to on-site mitigation and off-setting, the development would be water neutral.
- 6.58 Considering the application as a whole, in the context of the Paragraph 11d 'tilted balance' and given the particular circumstances specific to this site, it is not considered that the harm afforded by the conflict with Policies 2, 4, 26 of the HDPF would significantly and

demonstrably outweigh the benefits arising from the development. It is therefore recommended that planning permission be granted.

## 7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:

1 **Approved Plans**

2 **Standard Time Condition:** The development hereby permitted shall begin 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 take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
- ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

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

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

4 **Pre-Commencement (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 and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Preliminary Roost Assessments (The Ecology Partnership, June 2023) and the Ecological Technical Note (The Ecology Partnership, August 2023) has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;

- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: 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).

- 6 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (revision H by Watt Energy & Consulting Engineers dated 22 April 2022 and received 13.06.2022). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such 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).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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 or retained 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).

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

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

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first 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 1809/01 rev E 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).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number 1809/01 rev E. These facilities shall thereafter be retained for use at all times.

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

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 1809/01 rev E. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 12 **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 megabits 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).

- 13 **Regulatory Condition:** The development hereby approved shall be carried out in strict accordance with the drainage strategy as shown on plan reference 1809/01 rev E.



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).

- 14 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Preliminary Ecological Appraisal and Preliminary Roost Assessments (The Ecology Partnership, June 2023) and the Ecological Technical Note (The Ecology Partnership, August 2023).

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).

- 15 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment and Method Statement (ref: jwmb/rpt2/thepaddock/AIAAMS).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/2454  
DC/20/2454  
DC/19/2203  
DC/14/1936  
DC/14/0413