



TO: Planning Committee North

BY: Head of Development

DATE: 05 September 2017

DEVELOPMENT: Outline application (all matters reserved except for access) for proposed residential development of 4 dwellings and associated works.

SITE: Former Swallowfields Nursery Church Road Mannings Heath West Sussex RH13 6HY

WARD: Nuthurst

APPLICATION: DC/17/1158

APPLICANT: **Name:** Bayleaf Homes Ltd **Address:** c/o Agent, 63A Ship Street, Brighton

REASON FOR INCLUSION ON THE AGENDA: Referred to Planning Committee (Representations). More than 8 letters of representation contrary to the Officer's recommendation have been received.

RECOMMENDATION: Grant planning permission, subject to conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application is made in outline with access for consideration now. Matters of appearance, landscaping, layout and scale are reserved for later consideration. The application proposes the erection of 4 x dwellings, new vehicular access, and associated works.
- 1.2 The proposal would utilise the existing private access track which extends from the west of Church Road. It is proposed to widen the existing driveway at the junction with Church Road, with the driveway widened to 4.8m along a 6m stretch of the drive to provide a passing lane. A 1.4m wide footway would also be provided along the northern section of the modified access drive.
- 1.3 As the application is made in outline, details of the layout, scale and appearance are reserved for later consideration. However, the applicant has provided illustrative drawings that indicate the applicant's expectations for the development. These show detached dwellings positioned to the east and west of the site, with the shared access to the properties provided centrally. The indicative site layout suggests that each plot would benefit from either a detached or attached double garage.

DESCRIPTION OF THE SITE

- 1.4 The application site consists of an overgrown area of open space positioned to the west of Church Lane, within the designated built-up area of Mannings Heath.
- 1.5 The site is accessed via a private drive serving 3 x properties, with the main residential development of Mannings Heath positioned to the north of site. The direct surroundings are characterised by open countryside and woodland, with the High Weald Area of Outstanding Natural Beauty positioned approximately 150m to the west.
- 1.6 The neighbouring properties are located to the north and south of the site, with a number of agricultural buildings positioned directly adjacent to the north-eastern boundary. These properties are separated by the existing access drive, and benefit from formal landscaped gardens.
- 1.7 The site includes a pond to the north-western corner, with a number of trees subject to Tree Preservation Orders positioned around its perimeter. The boundary of the site consists of a mix of hedging and mature trees which screen the site from the wider landscape.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 **National Planning Policy Framework:**

- NPPF1 - Building a strong, competitive economy
- NPPF4 - Promoting sustainable transport
- NPPF6 - Delivering a wide choice of high quality homes
- NPPF7 - Requiring good design
- NPPF12 - Conserving and enhancing the historic environment
- NPPF14 - Presumption in favour of sustainable development

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

- HDPF1 - Strategic Policy: Sustainable Development
- HDPF2 - Strategic Policy: Strategic Development
- HDPF3 - Strategic Policy: Development Hierarchy
- HDPF15 - Strategic Policy: Housing Provision
- HDPF16 - Strategic Policy: Meeting Local Housing Needs
- HDPF24 - Strategic Policy: Environmental Protection
- HDPF25 - Strategic Policy: The Natural Environment and Landscape Character
- HDPF30 - Protected Landscapes
- HDPF31 - Green Infrastructure and Biodiversity
- HDPF32 - Strategic Policy: The Quality of New Development
- HDPF33 - Development Principles
- HDPF34 - Cultural and Heritage Assets
- HDPF40 - Sustainable Transport
- HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 **Nuthurst Neighbourhood Development Plan**
Policy 1 – A Spatial Plan
Policy 2 – Land at Swallowfield Nursery, Mannings Heath
Policy 10 – Housing Design
Policy 14 – Green Infrastructure and Biodiversity

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5
- | | | |
|------------|---|--------------------------------------|
| N/41/97 | Erection of 1 residential dwelling (outline)
Site: Swallowfield Nursery Church Road Mannings Heath | Application Refused on
04.11.1997 |
| DC/14/2755 | Outline application for the proposed residential development of 4 dwellings and associated works | |

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 **Aboricultural Officer:** No objection
- 3.2 **Public Health and Licensing (Env. Health):** No comments.
- 3.3 **Landscape Architect Officer:** No objection subject to relevant conditions relating to provision of landscaping.
- 3.4 **Strategic and Community Planning:** No objection.
- 3.5 **Design and Conservation Officer:** No objection subject to considerations of scale, design and landscaping to lessen the prominence of the development within the setting of the non-designated heritage asset and its parkland.
- 3.6 **Housing Department:** No comments.

OUTSIDE AGENCIES

- 3.7 **County Council Ecology:** No objection, subject to conditions.
- 3.8 **Southern Water:** No objection.

PUBLIC CONSULTATIONS

- 3.9 Nuthurst **Parish Council:** Objection on the grounds that the proposed development does not comply with criteria 2 (i) of the made Nuthurst Neighbourhood Development Plan.
- 3.10 35 letters of objection have been received from 23 households, and these can be summarised as follows:
- No justification for housing on the site
 - Housing density inappropriate
 - Not in accordance with the Neighbourhood Plan
 - Size and type of housing is inappropriate
 - Dwellings would appear dominant within the context of the surroundings
 - Unsustainable location
 - Development would harm the rural character of the site

- Impact on the non-designated heritage asset of Swallowfield House
- Impact on the character and context of the historic parkland
- Increased traffic
- Danger of access
- Ecological impacts
- Impact on drainage
- Impact on neighbouring property
- Loss of trees and hedging

3.11 5 letters of support have been received from 4 households, and these can be summarised as follows:

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

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The application proposes the erection of 4 x dwellings and associated works. The application is made in outline, with all matters except access reserved.

Principle of Development

6.2 Policy 3 of the Horsham District Planning Framework (2015) states that development will be permitted within towns and villages that have defined built-up areas, with any infilling and redevelopment required to be of an appropriate nature and scale to maintain characteristics and function of the settlement.

6.3 In addition, Policy 2 of the made Nuthurst Neighbourhood Development Plan relates specifically to the residential development of Swallowfield Nursery. Development will be permitted provided that:

- i) the scheme comprises primarily 2/3 bedroom semi-detached houses or bungalows
- ii) access is by way of the lane between Church Road to Windyridge; and includes visibility splays, the widening of the access, the provision of passing bays, and turning on site.
- iii) the scheme retains the trees and bushes on the boundaries with the access lane; protects any wildlife and biodiversity; retains and renovates the pond; and retains appropriate mature trees
- iv) the scheme pays due regard to the proximity of the undesignated heritage asset of Swallowfield House and its parkland setting;

- v) the transport assessment has full regard to extending the existing pavement on Church Road to the entrance to the development.
- 6.4 The application site is located within the built-up area of Mannings Heath, categorised as a “Smaller Village” under the settlement hierarchy of Policy 3. This is a settlement with limited services, facilities, social networks, but good accessibility to larger settlements or settlements with some employment but limited services, facilities or accessibility.
- 6.5 It is noted that a number of objections from both the Parish and neighbouring properties have been received stating that the proposed development does not comply with the criteria within Policy 2 of the made Nuthurst Neighbourhood Development Plan (NPNP). Specifically, the objections relate to the number of dwellings proposed and the type of housing as stipulated within the policy criteria.
- 6.6 The application is made in outline with access for consideration now. Matters of appearance, layout and scale are reserved for later consideration. The application proposes the erection of 4 x dwellings, with the indicative plan illustrating that these will be positioned within relatively large plots.
- 6.7 Whilst objections have been raised in respect of the size and type of residential development proposed, it is noted that the surrounding development is primarily characterised by detached dwellings positioned within relatively large plots.
- 6.8 The application is in outline form, with the design, layout, and scale reserved for later consideration; notwithstanding this, the number of dwellings as suggested by the indicative site plan are considered to sit appropriately within the context of the site. The indicative layout is considered to reflect similar development within the vicinity, with the proposal considered to incorporate a layout and number of dwelling that would be appropriate given the size of the application site.
- 6.9 The application site consists of a large plot of approximately 0.6ha. The site is considered to be of an appropriate size to accommodate the proposed development, with the number of dwellings considered to maintain the characteristics and function of the settlement. The proposal is therefore considered acceptable in principle, subject to all other material considerations.

Character of the site and visual amenities of the street scene

- 6.10 Policies 25, 32 and 33 of the Horsham District Planning Framework (2015) (HDPF) promotes development which is of high quality and design, and is sympathetic to the distinctiveness of the dwelling and surroundings. Development should protect, conserve and enhance the landscape character, taking account of the nature environment, landscape and landform pattern to which it forms a part.
- 6.11 Criteria i. of the Nuthurst Parish Neighbourhood Plan states that residential development will be permitted provided that *“the scheme comprises 2/3 bedroom semi-detached houses or bungalows”*.
- 6.12 The indicative plans submitted show that the dwellings will consist of detached properties within spacious plots, separated by landscaping. The dwellings will be positioned to the east and west of the site, with the shared access drive extending centrally through the site.
- 6.13 Objections have been raised in respect of the nature and type of residential development proposed, it is emphasised that the application is in outline form. The final dimensions, design, and layout of the dwellings would be subject to an application for reserved matters where the details would be subject to further assessment.

- 6.14 The indicative plan suggests that the proposed development will consist of detached dwellings, positioned centrally within large plots. Whilst this does not accord with criteria i. of the Neighbourhood Plan, it is noted that section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*. The wider area is characterised by detached dwellings and bungalows built within spacious plots. This definable character is a material consideration of significant weight, and given the context of the site and surrounding development, it is considered that the provision of detached dwellings will relate sympathetically to the character and context of the wider built surroundings.
- 6.15 The application is in outline form, with the design, layout, and scale reserved for later consideration. Although the submitted plan is indicative of the proposed dwellings only, it is considered that the 4 x dwellings, in the layout proposed, could be built on the site without adversely impacting the semi-rural character of the site and surroundings.

Amenities of the occupiers of adjoining properties

- 6.16 Policy 33 of the Horsham District Planning Framework (2015) states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.17 The indicative plan submitted shows the built form of the 4 x dwellings to be positioned to the east and west of the site, with the 3 x dwellings to the west positioned along a staggered build line. The dwellings to the west will be positioned within 4m of each other, with the neighbouring properties positioned between approximately 12m and 20m from the application site.
- 6.18 It is noted that objections have been raised in respect of potential harm caused to the amenities of neighbouring properties through outlook and loss of privacy to Swallowfield House.
- 6.19 However the indicative plan suggests that the dwellings will be positioned approximately 25m from the northern elevation of Swallowfield House, with the boundary trees and hedging retained. Given the considerable distance between the proposed development and Swallowfield House, it is considered that there will be no loss of outlook or privacy to this property.
- 6.20 The application is in outline form, with the design, layout, scale and landscaping reserved for later consideration. Although the submitted plan is indicative of the proposed dwellings only, it is considered that the plan demonstrates that the proposed 4 x dwellings could be built on the site without adversely impacting the privacy and amenity of the occupiers of neighbouring properties.

Access and Traffic Conditions

- 6.21 Policies 40 and 41 of the Horsham District Planning Framework state that development should provide a safe and adequate access, suitable for all users.
- 6.22 Criteria ii. of the Nuthurst Parish Neighbourhood Plan states that development will be permitted provided that *“access is by way of the lane between Church Road to Windyridge. The transport assessment of the scheme has full regard to ensuring the safety of the nearby junction of the A281 with Church Road and includes the provision of visibility splays at the junction to ensure safe egress for vehicles; the widening of the lane to allow for safe shared use by vehicles and pedestrians; and the provision of passing bays, sufficient to avoid the need for vehicles to reverse into Church Road”*.

- 6.23 The proposed access to the site will utilise the existing private access drive extending from the west of Church Road to the northern boundary of the site. As part of the proposed development, the access will be widened to 4.8m along a 6m stretch of the drive to provide a passing lane, with a 1.4m wide footway also provided along the northern section of the modified access drive.
- 6.24 Following consultation with the Highways Authority, the proposed works to the access on Church Road, as well as the proposed alterations to the private drive, are considered appropriate to ensure the safe function of access into and out of the site. The proposed development is therefore not considered to result in a significant increase in movements or result in harm to highway safety. The proposed access is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policy 2 of the Nuthurst Parish Neighbourhood Plan.

Ecology

- 6.25 Policy 31 of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. Development that retains and/or enhances significant features of nature conservation on development sites will be supported, with development which makes a positive contribution to biodiversity also supported.
- 6.26 The presence of protected species is a material consideration when assessing development proposals that, if carried out, would be likely to result in harm to the species or its habitat. It is therefore essential that the presence or otherwise of protected species, and the extent that the species are affected by the proposed development, is established before the planning permission is granted.
- 6.27 It is noted that a number of objections have been received which relate to potential impact on biodiversity, with evidence submitted indicating that a range of species, including great crested newts, barn owls, and badgers move through the site.
- 6.28 The applicant has submitted an Ecological Appraisal and outline report which details the presence of certain protected species on the site, with avoidance, mitigation and enhancement measures proposed. This seeks to ensure that the action authorised will not be detrimental to the maintenance of the population of the species concerned.
- 6.29 Following consultation with the Council's Ecologist, a number of conditions have been proposed to ensure that appropriate ecological mitigation and management is undertaken on the site to support the species on the site. Subject to these conditions, no objections on policy grounds are raised.
- 6.30 The application is made in outline with access for consideration now. Matters of appearance, landscaping, layout and scale are reserved for later consideration. Subject to appropriate mitigation and management of the biodiversity on the site, details of which would be submitted and considered at reserved matters stage, no objections are raised at this time.

Impact on setting of non-designated heritage asset

- 6.31 Criteria iv. of Policy 2 of the adopted Nuthurst Neighbourhood Development Plan states that *"the scheme pays due regard to the proximity of the undesignated heritage asset of Swallowfield House and its parkland setting"*.
- 6.32 The application site lies to the south-west of Swallowfield House. The site itself occupies land which is considered to have formerly fallen within the curtilage of the house, and within its parkland setting. Whilst the application site is informal in character and appearance, it is

considered that the former parkland positively contributes to the setting of the non-designated heritage asset, informing the historic development of the locality, and giving a sense of place to the large country house.

- 6.33 Following consultation with the Design and Conservation Officer, concern is raised in respect of the impact the proposed 4 x dwellings could have on the parkland setting of the non-designated heritage asset. In particular, it is considered that the proposal could potentially urbanise the setting of the principal house, and detract from the character of the parkland setting and rural sense of place. As such, it is noted that the detailed design of the scheme would be important to ensure that there would be sufficient mitigation levels to soften the presence of the development within the sensitive setting.
- 6.34 The application is in outline form, where the details of scale, layout, appearance and landscaping have been reserved for later consideration. Whilst the addition of built form in the rural setting is considered acceptable, it is highlighted that the detailed design of the dwellings should consider the scale and visual massing of the dwellings to ensure they relate sympathetically to the character and setting of the non-designated heritage setting.

Existing Trees and Landscaping

- 6.35 Policies 31 and 33 of the HDPF states that development should presume in favour of the retention of existing important landscape and natural features, and must relate sympathetically to the local landscape. Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure, with the loss resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss.
- 6.36 Criteria iii. of Policy 2 of the Nuthurst Parish Neighbourhood Plan states that *“the scheme layout and landscape proposals retains the trees and bushes on the boundaries with the access land, with the adjacent Swallowfield House and with the lane leading to Swallowfield House...protects any wildlife and biodiversity interests on the site; retains and renovates the pond in the corner of the site to provide a feature for the development; and retains appropriate mature trees close to the pond and elsewhere on the site.”*
- 6.37 It is noted that a number of objections have been raised in respect of the proposal's accordance with this criteria of Policy 2. The submitted site plan is indicative, but nonetheless illustrates that the boundary hedging would be retained to the north and east, with a number of trees retained in the site, and particularly along the southern and western boundaries. The existing pond in the north-western corner of the site would also be retained, with landscaping provided along the boundary of the access drive.
- 6.38 The application is made in outline form, with details of layout and landscaping reserved for later consideration. Although the submitted plan is indicative, it is considered that the submitted indicative landscape masterplan demonstrates that trees and bushes would be retained on the site, with capacity for appropriate landscaping measures.

Conclusion

- 6.39 The proposed development is considered acceptable in principle, subject to all other material considerations. As the application is made in outline, details of the layout, scale and appearance are reserved for later consideration.

7. RECOMMENDATIONS

It is recommended that the application be approved, subject to the following conditions.

1 Approved plans

2 **Standard Time Condition:**

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement (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 confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each

dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the measures to facilitate the provision of high speed broadband internet connections to the development have been submitted to and approved in writing by the local planning authority, details shall include a timetable and method of delivery for high speed broadband of each dwelling/unit. The delivery of high speed broadband infrastructure shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. 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).

- 8 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of secure (and covered) cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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).

- 9 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of the parking turning and access facilities shall be submitted to and approved by the Local Planning Authority in writing. The building/dwelling shall not be occupied until the approved parking, turning and access facilities have been fully implemented. The parking turning and access facilities shall thereafter be 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:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 11 **Regulatory Condition:** To support the Reserved Matters application, an Ecological Mitigation and Management Plan (EMMP) shall be submitted and agreed in writing by the Local Planning Authority. This will include details of habitat protection for surrounding trees and hedgerows, and avoidance measures with regards to protected and notable species. The EMMP will build upon any new survey information, and information already provided within the ecology letters and reports from The Ecology Partnership. Pre-works, during works and post-works measures (e.g. to allow ongoing management of the hedgerows and ponds) should be included. Any such measures shall thereafter be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), NPPF 118 and Policy 31 of the Horsham District Planning Framework.

- 12 **Regulatory Condition:** To support the Reserved Matters application, a lighting strategy to reduce impacts on foraging and commuting bats shall be prepared through consultation with the applicant's ecologist for approval by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), NPPF 118 and Policy 31 of the Horsham District Planning Framework.