Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0061
Land North of RM Area 1 and 2, Mowbray Hillside, Rusper Road, Horsham, West Sussex,

DESCRIPTION:
Reserved matters application for the provision of landscaping and ecological enhancements to the Hillside pursuant to Condition 5 of approved outline application DC/16/1677 (Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m2), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure)

RELEVANT PLANNING HISTORY:

DC/16/1677	Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m2), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure	Application Permitted on 01.03.2018
DC/19/0984	Non material amendments to approved application DC/16/1677 (the North Horsham Development site) for amendments to the wording of conditions 5,7,8,9,11,12,13,14,16,17,18,19,22,28, 31 & 54 and the introduction of a new condition to enable the Principal Access Works to come forward.	Application Permitted on 12.06.2019
DC/21/0181	Non Material Amendment to condition 2 of DC/16/1677 (Outline planning permission for Land North of Horsham strategic site) to amend all parameter plans.	Application Permitted 12.03.2021

SITE AND SURROUNDS
The site relates a grassed hillside located to the northern section of Phase 1 of the North of Horsham Development site (now known as Mowbray). The site slopes upwards south to north. To the north and west of the hillside are wooded areas, classed as Ancient Woodland. The site is west of Rusper Road. There is a small group of properties located to the east of the site, on the opposite side of Rusper Road. One of these buildings (Old Hawkesbourne) is a Grade II Listed Building.

The site is part of the wider Land North of Horsham strategic site. The strategic site is allocated within the Horsham District Local Plan for development under Policies SD1 – SD9. Under DC/16/1677, outline consent was granted in March 2018 for housing (up to 2,750 dwellings), a business park (up to 46,450sqm), retail, a community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure.

Under the outline permission, works have been completed for of a new Bohunt school to the east side of Rusper Road. Works also been completed for the realignment of Rusper Road and internal roads at Phase 1. Works are also well underway for new housing at RM Area 1 (193 units) approved under DC/20/2047. Works have also commended at RM area 2 (197 units).

The hillside subject to this application is immediately north of RM Areas 1&2 and is shown as 'Natural Greenspace' on the Green Infrastructure Parameter Plan under DC/16/1677.

DETAILED DESCRIPTION

This reserved matters application seeks approval for landscape and ecological enhancements to this area. The purpose of the enhancements is partly to facilitate ecological requirements. The applicant is seeking to utilise this area to be used for Biodiversity Net Gain credits for other sites, whilst maintaining its use as an amenity space for the residents of Mowbray.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 4 - Strategic Policy: Settlement Expansion
Policy SD1 - Strategic Policy: Land North of Horsham
Policy SD5 – Open Space, Sport and Recreation
Policy SD7 - Design
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

Horsham District Local Plan (2023-40) (Regulation 19)

Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 11: Environmental Protection
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 15: Settlement Coalescence
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment

RELEVANT NEIGHBOURHOOD PLAN:

The North of Horsham site covers the parishes of North Horsham and Rusper. North Horsham Parish has withdrawn its neighbourhood plan designation. Rusper Parish Neighbourhood Plan has been made. The relevant policies are as follows:

- Policy RUS1: Spatial Plan
- Policy RUS3: Design
- Policy RUS4: Local Heritage Assets
- Policy RUS5: Green Infrastructure and Biodiversity
- Policy RUS6: Walking, Cycling and Equestrian Routes

- Policy RUS10: Dark Skies

Planning Advice Notes:
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
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

Consultations:
Gatwick Airport: Comment (summarised).
- A condition is recommended requiring the submission of a Bird Hazard Management Plan.

HDC Consultant Ecologist: Comment (summarised).
- The Ecologist welcomes the increase of 161.28% habitat units and 305.57% linear hedgerow units in the Biodiversity Net Gain.

HDC Ecologist: Comment (summarised).
- The Ecologist welcomes that the applicant wishes to deliver a net gain of 161.28% in habitat area units, and 305.57% in hedgerow units. In doing so, the applicant will bank these units to allocate to future applications, for which BNG will be mandatory.
- However, as originally submitted, the Ecologist asked for further information. As amended, the Ecologist has no objection to the proposal.

HDC Landscape: Comment (summarised).
- As amended, The Landscape Team are satisfied that the majority of their comments have been addressed. A revised LEMP is required for this area.

Parish Comments:
North Horsham Parish Council: No objection.

Representations:
None received

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:
In March 2018, outline planning permission was granted for the development of the North of Horsham site for up to 2,750 dwellings and other uses, including educational (DC/16/1677). Reserved matters is sought under this proposal for the design, layout and landscaping for 221 dwellings (Phase 7) approved in principle under DC/16/1677.

The key issues for consideration in the determination of this proposal are the compliance of the scheme with the approved parameter plans and Design and Landscape Strategy, the layout, scale and appearance of the proposed development, water neutrality, drainage and whether the development can be delivered without harming the interests of nature conservation and ecology.

As this proposal is for landscape and ecological improvements, the proposal will not result in a significant impact on the amenity of any adjacent properties or result in any highway safety issues.

Compliance with approved parameter plans:
Condition 5 of DC/16/1677 states that details relating to the layout, scale, appearance, means of access (save for the accesses approved pursuant to Condition 1) and landscaping associated therewith (hereafter called the Reserved Matters) for each area of the site as shown on the Reserved Matters Area Plan, approved pursuant to condition 7, of this permission shall be submitted to and approved by the Local Planning Authority before development of that Reserved Matters Area is commenced.

In accordance with Condition 2 of the extant outline planning consent, the proposals for reserved matters must be broadly in accordance with the approved parameter plans approved as part of the outline consent. The proposal is in accordance with the parameter plans as follows:

- Land Use: The Land Use plan indicates this area is for 'Green Infrastructure'.
- Density: Not applicable for this area.
- Buildings Height: Not applicable for this area.
- Movement and Access: Not applicable for this area.
- Green Infrastructure: The Green Infrastructure Parameter Plan indicates that this area is for 'Natural Greenspace' with areas of woodland.

The scheme is also in accordance with the Design and Landscape Strategy for Phase 1 (ref: DISC/20/0179) and the Site Wide Cycle Strategy (ref: DISC/19/0267).

Design and Appearance:
Policy SD7 of the HDPF states that the North Horsham development site will be high quality and will respond to and complement the unique character, qualities and local distinctiveness of Horsham and the surrounding areas. Policy SD1 also states that the development shall be locally distinctive through its architecture, urban and landscape design, where residents can become involved in their community and share the benefits of a high quality life. Policy SD6 states that the North Horsham development site shall respond to and complement the positive landscape characteristics and biodiversity qualities of the site.

The proposed site is an existing hillside to the north of RM Areas 1&2 in Phase 1. This area is part of the Mowbray development site and is to be used as open space for the benefit of the residents of the site. Under this proposal, the site is to be retained as an open space area. The current scheme is to add landscape and ecological improvements to the site. The applicant has stated that these areas are required for ecological mitigation, such as the provision of areas for newts and bord boxes. The applicant is also seeking to utilise this site for Biodiversity Net Gain improvements which can be used as BNG credits for other sites.

In terms of the appearance of the site, the proposal would retain the open space with proposed planting, paths and seating areas. The Council's Landscape team originally commented that the provision of multiple habitats was welcomed. However, further modification was required. The modifications included the following:

- Location of bird and boxes to be marked on a plan.
- Confirmation that no picnic tables were proposed.
- Amendments to planting.
- Drawings for the pond design to be submitted.

With the benefit of additional information, the applicant addressed the comments above, to the satisfaction of the Landscape Team. The remaining comments from the HDC Landscape Team relate to the submission of a revised Landscape and Ecological Management Plan. Whilst a LEMP has been

submitted, it does not meet the requirements of the Landscape Team. As such, a condition is recommended requiring the submission of an amended LEMP for approval.

Overall, as amended, the proposal is considered appropriate in terms of its design and layout and is in accordance with the above policies.

Ecology:
In support of the application, a Landscape and Ecological Management Plan has been submitted. The Council's Consultant Ecologist has commented that they welcome the following:

- Provision of six bat boxes on retained trees,
- The creation of extensive high quality habitats suitable for reptiles,
- Eight new ponds to provide habitat suitable for Great Crested Newt,
- New native species woodland planting,
- New scrub planting,
- The planting of 80 specimen trees,
- The establishment of 6ha of species rich grassland,
- New native hedgerows and enhancement of hedgerows,
- Eight hibernacula and other provisions for protected species and habitats.

The Ecologist noted in Section 5.1.1 of the Ecology Mitigation and Management Plan that there will be no lighting within the area. Therefore condition 62 of DC/16/1677 for a wildlife sensitive lighting strategy does not apply to this application.

In terms of Biodiversity Net Gain, the increase of 161.28% habitat units and 305.57% linear hedgerow units is also welcomed by the consultant Ecologist. The Council's own Ecologist also welcomes the provision of BNG improvements. However, as originally submitted, the HDC Ecologist asked for further information and clarification on certain matters. With the benefit of further clarification, the Council's Ecologist has no objection to the proposal.

It should be noted that a separate legal agreement is required in order for this site to be used for BNG credits to be used for other sites. It has been agreed with the Council's and applicant's legal team, that the legal agreement is separate to this application. As such, this application can be granted without the separate legal agreement being in place.

Water Neutrality:
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.

This application seeks approval for landscape and ecological improvements. This proposal would not result in any additional water usage for the Mowbray site. The Council as Competent Authority under its duties imposed by the Habitat Regulations has therefore 'screened out' this application for water neutrality purposes. No adverse effects on the Arun Valley habitat sites will therefore occur.

Other Matters:
Heritage Impacts:
The setting of listed building sited to the east of the site would not be affected by this proposal for landscaping and ecological improvements. This takes into account the assessment of the impact of the proposal on heritage assessment undertaken as part of the outline consent approval.

Environmental Impact Assessment:
The original outline application included an Environmental Statement which covered the whole of North of Horsham strategic site in compliance with the EIA Regulations. A further EIA is not required for this reserved matters application.

Drainage & Flood Risk:

In relation to flood risk, the current scheme refers to the Site-Wide Surface Water Drainage Strategy (June 2019). This was submitted to discharge the requirements of Condition 17 of the outlined planning permission and was approved under reference DISC/19/0214). The aim of the Site-Wide Surface Water Drainage Strategy is to manage surface water arising from the developed area in a sustainable manner to attenuate the surface water flows arising to below the level prior to the development taking place thus reducing flood risk on the site and elsewhere, taking account of climate change. To achieve this aim, the Strategy outlines how Sustainable Drainage Systems ('SUDS') will be used to minimise changes in the volume and rate of surface water run-off from the development (section 3.2).

The applicant has stated that, based on topography and on the masterplan available, the site has been split for the purposes of the strategy into catchments. The Hillside is to be landscaped with no hard surfacing or built form. As such, no surface water drainage is proposed or required for this proposal.

Gatwick Airport:
Gatwick Airport have commented that a condition is required requiring the submission of a Bird Hazard Management Plan. This would prevent any issues resulting from birds using the site and bird strike issues.

Conclusion:
The principle of developing the site has been established following the grant of outline planning permission (as amended): DC/16/1677. The current proposal is for the approval of the reserved matters and is in substantial conformity with the parameter plans approved at the outline stage.

It is considered that the current proposal results in an acceptable layout of the development and an acceptable scale and appearance for the scheme, subject to conditions for further details. The proposal would also offer further ecological improvements and enhance this area for the amenity of the residents of Mowbray. Additionally, the proposal would not significantly affect the amenity of any adjacent properties.

Recommendation: Application Permitted

Conditions:

1. **Plans List**

2. **Pre-Commencement Condition**: The ponds hereby permitted shall not be provided until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and remain in force thereafter.

   Reason: To minimise potential danger to aircraft from bird hazards in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3. **Pre-Occupation Condition**: Prior to the use of this area and notwithstanding the submitted Landscape and Ecological Management Plan (LEMP), a revised LEMP shall be submitted to for approval by the Local Planning Authority. The plan shall be implemented as approved and remain in force thereafter.

   Reason: To ensure a satisfactory development in accordance with Policies SD6 & 33 of the Horsham District Planning Framework (2015).

4. **Pre-Occupation Condition**: All landscaping shall be carried out in accordance with the approved drawings unless details of an alternative scheme of landscaping have been submitted to and been approved in writing by the local planning authority prior to development commencing. The approved landscaping shall be carried out in the first planting and seeding season available, prior to the use of the area. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and in accordance with Policy SD1, SD6 and 33 of the Horsham District Planning Framework (2015).

5. **Regulatory Condition**: The development hereby permitted shall be implemented fully in accordance with the approved Arboricultural Impact Assessment and Method Statement.

   Reason: To ensure the satisfactory protection of trees in the interests of amenity and nature conservation and in accordance with Policy SD1, SD6 and 31 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Mitigation and Management Plan (EMMP) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

   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 SD6 and 31 of the Horsham Development Framework.

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0061
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	LANDSCAPE MASTERPLAN	DR-1001 REV S5-P10	15.07.2024
Plans	TREE PLANTING DETAILS	0002 REV S5-P5	11.01.2024
Location plan		02-688 REV 3	11.01.2024
Plans	TOPOGRAPHICAL SURVEY	02-689 REV 3	11.01.2024
Supporting Docs	PLANTING PALETTE	DR-1005 REV P2	02.04.2024
Supporting Docs	LANDSCAPE SPECIFICATION	SP1007 REV P1	11.01.2024
Plans	Newt Ponds Landform	2898-5-2-DR-1002 S5-P1	02.04.2024

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 05.09.2024

Authorising Officer sign/initial Adrian Smith Date: 05/09/2024