



Horsham  
District  
Council

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**Development Control (South) Committee**  
**TUESDAY 21<sup>ST</sup> APRIL 2015 AT 2.00pm**  
**COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM**

**Councillors:** David Jenkins (Chairman)  
Sheila Matthews Vice-Chairman)  
Roger Arthur  
Adam Breacher  
Jonathan Chowen  
Philip Circus  
Roger Clarke  
George Cockman  
David Coldwell  
Ray Dawe  
Brian Donnelly  
Jim Goddard  
Liz Kitchen  
Gordon Lindsay  
Brian O'Connell  
Roger Paterson  
Sue Rogers  
Kate Rowbottom  
Jim Sanson  
Diana van der Klugt  
Claire Vickers

Tom Crowley  
Chief Executive

## AGENDA

1. Apologies for absence
2. To approve as correct the minutes of the meeting of the Committee held on 17<sup>th</sup> March 2015 (attached)
3. To receive any declarations of interest from Members of the Committee – ***any clarification on whether a Member has an interest should be sought before attending the meeting***
4. To receive any announcements from the Chairman of the Committee or the Chief Executive
5. To consider the following reports and to take such action thereon as may be necessary:

Development Manager

(a) Appeals

(b) Applications for determination by Committee

<b>Item No.</b>	<b>Ward</b>	<b>Reference Number</b>	<b>Site</b>
A1	<i>Billingshurst and Shipley</i>	DC/14/2582	Land to the West of Mill Straight, Worthing Road, Southwater
A2	<i>Chantry</i>	DC/15/0107	Development site adjacent to 3 Bax Close, Storrington
A3	<i>Billingshurst and Shipley</i>	DC/15/0162	The Barn, West Chilmington Lane, Billingshurst
A4	<i>Cowfold, Shermanbury and West Grinstead</i>	DC/15/0109	Annexe, Fieldhouse Farm, Worthing Road, Dial Post Horsham
A5	<i>Cowfold, Shermanbury and West Grinstead</i>	DC/15/0163	Sake Ride Farm, Wineham Lane, Wineham, Henfield
A6	<i>Cowfold, Shermanbury and West Grinstead</i>	DC/14/2690	Land South of 3 The Green, High Street, Partridge Green
<b>6.</b>	Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances		

## **DEVELOPMENT CONTROL (SOUTH) COMMITTEE**

### **17<sup>th</sup> March 2015**

Present: Councillors: Sheila Matthews (Vice-Chairman), Roger Arthur, Jonathan Chowen, Philip Circus, Roger Clarke, George Cockman, David Coldwell, Ray Dawe, Brian Donnelly, Jim Goddard, Gordon Lindsay, Brian O'Connell, Roger Paterson, Sue Rogers, Kate Rowbottom Jim Sanson, Claire Vickers

Apologies: Councillors: David Jenkins (Chairman), Adam Breacher, Liz Kitchen, Diana Van Der Klugt

#### DCS/86 **MINUTES**

The minutes of the meeting of the Committee held on 17<sup>th</sup> February 2015 were approved as a correct record and signed by the Chairman.

#### DCS/87 **INTERESTS OF MEMBERS**

<u>Member</u>	<u>Item</u>	<u>Nature of Interest</u>
Councillor Philip Circus	DC/14/2248	Personal – he knows the owner of a nearby residence.

#### DCS/88 **APPEALS**

##### Appeals Lodged

##### Written Representations/Household Appeals Service

<u>Ref No</u>	<u>Site</u>	<u>Officer Recommendation</u>	<u>Committee Resolution</u>
DC/14/0588	Sandgate Nursery, West End Lane, Henfield	Grant	Refuse
SDNP/14/01799/CND	Summersdeane Lodge, Truleigh Hill, Shoreham	Refuse	Delegated
DC/14/1923	36 Priors Field, Upper Beeding	Refuse	Delegated
SDNP/14/03753/LIS	Douglas Lodge, Parham Park, Pulborough	Refuse	Delegated
DC/13/0764	Bartram House, Station Road, Pulborough	Grant	Refuse

DCS/88 Appeals (Cont.)

Appeal Decisions

<u>Ref No</u>	<u>Site</u>	<u>Officer Recommendation</u>	<u>Committee Resolution</u>	<u>Decision</u>
DC/13/0577	Parsons Field Stables, Pickhurst Lane, Pulborough	Grant	Refuse	Allowed
DC/14/0711	Grainingfold, Horsham Road, Five Oaks	Refuse	Delegated	Allowed
DC/14/0650	4 Grooms Court, Parbrook, Billingshurst	Refuse	Delegated	Dismissed
DC/14/1150	Tiptoe (land west side of), Sandgate Lane, Storrington	Refuse	Delegated	Dismissed

DCS/89 **PLANNING APPLICATION: DC/15/0059 – APPLICATION FOR THE VARIATION OF CONDITION 38 OF PLANNING PERMISSION DC/13/0735 (OUTLINE APPLICATION FOR DEVELOPMENT COMPRISING THE DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND REDEVELOPMENT TO PROVIDE UP TO 475 RESIDENTIAL DWELLINGS, LAND TO ACCOMMODATE A NEW PRIMARY SCHOOL AND LAND TO ACCOMMODATE AN EXTENSION TO EXISTING DOCTORS' SURGERY, LAND FOR NEW DENTIST'S SURGERY AND CRECHE (FALLING WITHIN CLASS D1), WITH ASSOCIATED ACCESS AND PLAY SPACE. SUCH DEVELOPMENT TO INCLUDE PROVISION OF STRATEGIC LANDSCAPE, PROVISION OF NEW VEHICULAR, CYCLE AND PEDESTRIAN ACCESS ROUTES, ANCILLARY ENGINEERING AND OTHER OPERATIONS)**  
**SITE: LAND EAST OF BILLINGSHURST, TO NORTH AND SOUTH OF A272, EAST STREET, BILLINGSHURST**  
**APPLICANT: BELLWAY HOMES, DEVINE HOMES PLC AND RESIDE DEVELOPMENTS LTD**

Members were reminded that outline planning permission DC/13/0735 had been allowed for up to 475 dwellings, land to accommodate a new primary school, an extension to the existing doctor's surgery site, land for a new dental surgery and a crèche, and strategic landscaping and open space, all served by new vehicular, cycle and pedestrian routes.

The Development Manager reported that this application sought the variation of Condition 38 of DC/13/0735. This condition listed approved drawings of the application and the proposal would allow for a number of minor material amendments which included:

DCS/89 Planning Application: DC/15/0059 (Cont.)

- removal of fixed play areas because there were some issues regarding topography and proximity to residential areas. Officers were considering the most appropriate locations for the play areas and Members were advised that the provision of play areas would be approved during the Reserved Matters stage, as set out in Condition 3.
- exclusion of indicative foul and surface water drawings from outline permission to allow flexibility in final drainage layout, and for this to become a Reserved Matters consideration controlled by a number of conditions (the overall drainage strategy for the site remained as submitted);
- access into parcel H2 to be shown;
- access into parcel H9 relocated from southern end to the northern end;
- access into parcel H8 relocated slightly further west;
- the proposed underpass under the main spine road to be replaced by a toucan crossing;
- location of tree protective fencing refined in light of further work on landscape and open space strategy.
- the extent to which hedgerows within parcels H2 and H6 would be removed had been reduced, in light of the Landscape Consultant's concerns.

The application site was located outside the built-up area and consisted of an almost wholly undeveloped greenfield site, except where the A272 crossed the site in an east-west direction as it entered Billingshurst. Existing residential development in Billingshurst was to the west of the site. In general, the application site was more open on its northern side and bounded to the south and east by hedgerows and the western boundary was defined by mature trees. Billingshurst Conservation Area partially adjoined the site on its western boundary.

Details of relevant government and council policies and planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. In particular it was noted that the Highways Authority had raised no objection to the removal of the underpass. The Parish Council objected to the application. Five letters of objection had been received. A representative of the applicant spoke in support of the application. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issue for consideration in determining the proposal was whether the proposed amendments were acceptable, and any relevant changes in local or national policy since the granting of the original outline permission. The

DCS/89 Planning Application: DC/15/0059 (Cont.)

principle of the development had been established with the granting of DC/13/0735.

Members discussed issues relevant to the proposal including: drainage capacity; the extent to which the hedgerows would be retained; and the toucan crossing.

With regards to concerns regarding the proximity of the footpath and cycle path, that enters the site from the east, to the dwelling Mill Barn, officers confirmed that details of the footpath would be considered during the Reserved Matters stage of the application.

It was noted that the Construction Environment Management Plan, required under Condition 30, would address Members' concerns regarding the impact of construction traffic on Billingshurst High Street.

Members concluded that the material changes were minor in nature and would facilitate the delivery of the outline planning permission and was therefore acceptable in principle.

Members noted that a fresh legal agreement covering the same matters as those attached to DC/13/0735 would be required to allow for the new plans and removal of the underpass.

Members were advised that some refining of the proposed conditions would be required during determination of the application to ensure consistency between the proposed conditions and those attached to the outline permission. In addition, reference to Public Art within condition 20 would be removed as the local authority could no longer secure financial contributions for public art, and the reference to a bat bridge in Condition 22 could also be removed in response to comments from the county Ecologist.

RESOLVED

- (i) That a legal agreement be entered into to update that attached to DC/13/0735 to reflect the variation to Condition 38.
- (ii) That, on completion of the agreement in (i) above, and the resolution of conditions, application DC/15/0059 be determined by the Development Manager. The preliminary view of the Committee was that the application should be granted.

DCS/90 **PLANNING APPLICATION: DC/14/2248 – OUTLINE PLANNING APPLICATION FOR THE DEVELOPMENT OF 21 HOUSES (13 MARKET AND 8 AFFORDABLE) WITH ACCESS FROM SMOCK ALLEY, VEHICLE PARKING, PUBLIC OPEN SPACE (INCLUDING BALANCING POND AND 1.5 HECTARES OF WOODLAND), WILDLIFE CORRIDORS, LANDSCAPING AND UPGRADING OF PUBLIC FOOTPATH TO VILLAGE CENTRE**  
**SITE: LAND WEST OF SMOCK ALLEY WEST CHILTINGTON**  
**APPLICANT: MR MICHAEL STEPHENS**  
*(Councillor Philip Circus declared a personal interest in this item because he knew the owner of a nearby residence.)*

The Development Manager reported that this application sought outline planning permission for 21 dwellings with access from Smock Alley and an additional pedestrian access through woodland to the west of the site. Matters for determination included access and layout, with landscaping, appearance and scale reserved for future determination.

There would be a vehicular access close to the northern boundary (not southern, as printed in the report) leading to an area of open space surrounded by residential properties and on to a small cul-de-sac. There would also be three dwellings close to the eastern boundary adjoining Smock Alley. Vegetation along the eastern boundary with Smock Alley would be retained and enhanced, with the exception of some loss due to the proposed access point.

The applicant owned the woodland to the west, which was between the site and the built up area and was the subject of a Tree Preservation Order, and proposed to offer this area to the Parish Council. An area within the southwest corner of the site would not be developed primarily due to a badger set.

The applicant had indicated that the proposal would include four 1-bedroom, four 2-bedroom, nine 3-bedroom and four 4-bedroom dwellings. There would be eight (38%) affordable units on site. The proposed affordable housing tenure split would be policy compliant.

The application site was an agricultural field to the north east of West Chiltington Common and was bounded to the south, east and west by the built up area boundary of West Chiltington Village and Common, with the exception of the area of woodland to the west. There was an agricultural field abutting Haglands Lane north of the site. The eastern boundary was formed of a ditch with trees and vegetation and was adjacent to Smock Alley. The hedgerow was dense in places along the northern boundary. The southern boundary was more open and was adjacent to properties off The Hawthorns. The site sloped up from Smock Alley by approximately ten metres.

DCS/90 Planning Application: DC/14/2248 (Cont.)

Details of relevant government and council policies, as contained within the report, were noted by the Committee. There was no planning history relevant to the site.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. Further comments had also been received from the Strategic Housing Manager stating that the eight affordable units would go some way towards addressing local need. Two local Members had requested the application be considered by the Committee because of the number of objections. The Parish Council had objected to the application. One hundred and forty-five letters of objection had been received, including a response from CPRE. A further 39 letters of objection had been received in response to a further consultation on amended plans.

A technical note raising transport infrastructure concerns had been submitted, and a further technical note raising concerns had been received in response to further comments from the Highways Authority. Since preparation of the report, further comments had been received from the Highways Authority, who raised no objection, in response to this technical note.

Three members of the public spoke in objection to the proposal. The applicant addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of the development; its impact on the character and appearance of the surrounding area, and on the amenities of nearby residents; affordable housing provision; highway impacts; ecology and drainage; the number of representations received; and planning obligations.

Members discussed issues relevant to the proposal including: the visual impact of the proposal on the landscape; the sustainability of the site; the development of a greenfield site outside the built up area; and concerns that properties in Smock Alley would be overshadowed by the development.

Members considered the proposal in the context of the emerging Horsham District Planning Framework and the weight it could be given prior to its formal adoption by the Council.

Members concluded that the proposal was in an unsustainable location and would have a detrimental impact on the landscape character of the area. It was also noted that a legal agreement had not been agreed.



DCS/90 Planning Application: DC/14/2248 (Cont.)

After careful consideration of all the key issues, Members concluded that the proposal was unacceptable.

RESOLVED

That planning application DC/14/2248 be refused for the following reasons: an unsustainable location; landscape impact; and lack of an appropriate legal agreement under s 106 Town and Country Planning Act 1990, with the finalisation of the wording of the reasons for refusal to be determined by the Development Manager.

DCS/91 **PLANNING APPLICATION: DC/14/2509 – APPLICATION FOR A PROPOSED MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION DC/13/2379 (THE ERECTION 50 DWELLINGS TOGETHER WITH ASSOCIATED HIGHWAY WORKS, PARKING, LANDSCAPING AND OPEN SPACE PROVISION) TO INCREASE THE RIDGE HEIGHT OF PLOTS 1-8, 26, 27, 28, 33, 34 AND 40**  
**SITE: LAND ADJOINING BLACKTHORNE BARN MARRINGDEAN ROAD**  
**APPLICANT: MR STEVE COGGINS**

The Development Manager reported that this application sought a minor material amendment to planning permission DC/13/2379 for the erection of 50 dwellings. The proposal sought to amend approved plans and would affect the ridge height of buildings on plots 1 - 8, 26, 27, 28, 33, 34 and 40.

- Ground levels would be increase on plots 1 – 8 in response to the Water Authority's drainage requirements, thus increasing the height of the buildings by between 25cm and 55cm.
- The 7.6 metres ridge height on Plot 26 would increase to 8.3 metres. Clay tiles would be used instead of slates.
- The 8.1 metres ridge height on Plots 27 and 28 would increase to 8.3 metres. Clay tiles would be used instead of slates.
- The 6.8 metres ridge height on Plots 33 and 34 would be increased to 8.1 metres. This was due to the low ceilings at the permitted height.
- The 7.1 metres ridge height on Plot 40 would be increased to 8.6 metres. This was due to the low ceilings at the permitted height.

The application site is outside the built-up area to the south of Billingshurst. The area to the north is currently being developed under planning permission DC/10/0939. The listed building known as Great Gillmans and Blackthorne Barn is to the east. A public footpath runs along the south of the site.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

DCS/91 Planning Application: DC/14/2509 (Cont.)

There had been no consultation responses from relevant statutory internal or external consultees. The Parish Council had strongly objected to the proposal. There had been no letters of representation received. The applicant's agent addressed the Committee in support of the proposal, and a representative of the Parish Council spoke in objection to the proposal.

Members considered the officer's planning assessment which indicated that the key issue for consideration in determining the proposal was whether the proposed amendments were acceptable, namely the increase in ridge height and its impact on the street scene and the character of the area. The principle of the development had been established with the granting of DC/13/2379.

Members noted that the proposal would provide better proportioned buildings. Whilst there was concern that the proposal amended an initial agreement by the applicant to reduce ridge heights, Members concluded that the amendments were not significant enough to warrant refusal.

RESOLVED

- (i) That a legal agreement be entered into to update that attached to DC/13/2379 to reflect the proposed variation.
- (ii) That, on completion of the agreement in (i) above, and subject to the expiration of advertisements and the consideration of any representations received, application DC/14/2509 be determined by the Development Manager. The preliminary view of the Committee was that the application should be granted.

DCS/92 **PLANNING APPLICATION: DC/15/0088 – DEMOLITION OF COMMERCIAL AND AGRICULTURAL BUILDINGS AND THE ERECTION OF DWELLING WITH GARAGE**  
**SITE: OREHAM MANOR FARM OREHAM COMMON HENFIELD**  
**APPLICANT: MR ANDY BARROTT**

The Development Manager reported that this application sought permission for the demolition of agricultural and commercial buildings and the erection of a four bedroom three storey dwelling and garage. The site would be excavated to lower the height of the dwelling within the surrounding landscape, creating a basement and sunken garden. It would be constructed from vertical timber cladding and a grey pressed steel roof. A detached carport and storage building would be constructed of the same materials.

DCS/92 Planning Application: DC/15/0088 (Cont.)

The application site was located in open countryside approximately 1.3 kilometres to the northeast of the built up area boundary of Small Dole, a Category 2 settlement defined in Policy CP5. There were three properties approximately 70 metres from the site. The boundary of the South Downs National Park surrounded the site to the south, east and north. There was a public footpath to the west and to the north of the site's access track. There were a number of agricultural and commercial buildings on the site. The proposed dwelling would be approximately 40 metres from the applicant's dwelling, Oreham Manor Farm which was to the west of the site.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council raised no objection to the proposal. Twenty-one letters of support had been received. The applicant addressed the Committee in support of the proposal and two members of the public addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of the development, the loss of buildings for commercial uses; and the sustainability of the location for a new residential dwelling.

Members discussed issues relevant to the proposal including the visual impact of the proposal and the impact on local business. The unsustainable nature of the site away from public transport links was also considered

Whilst Members were mindful of the local support for the proposal, they concluded that the proposal was contrary to policy due to the isolated nature of the site and the impact that the proposal would have on existing viable businesses. Members therefore concluded that the proposal was unacceptable.

RESOLVED

That planning application DC/15/0088 be refused for the following reasons:

- 01 The site lies within an unsustainable rural location outside the limits of any existing settlement and with poor access to services and facilities without the use of a private motor vehicle. In addition, the proposed development does not constitute a use considered essential to such a countryside location. The

DCS/92 Planning Application: DC/15/0088 (Cont.)

proposal would therefore conflict with the aims of the National Planning Policy Framework, and in particular with paragraph 55, and with policies CP1, CP5 and CP15 of the Horsham District Local Development Framework Core Strategy (2007) and policy DC1 of the Horsham District Local Development Framework General Development Control Policies (2007).

- 02 The proposal would result in the loss of viable commercial units and therefore contrary to policies DC24 of the General development Control Policies (2007), Policy 8 of the emerging Horsham District Planning Framework and contrary to the National Planning Policy Framework (2012)

DCS/93 **PLANNING APPLICATION: DC/14/0905 – CONSTRUCTION OF A NEW LAKE, GROUND WORKS AND ASSOCIATED LANDSCAPING**  
**SITE: MORLEY MANOR, BRIGHTON ROAD, SHERMANBURY**  
**APPLICANT: MR WINFIELD**

Application withdrawn from the agenda.

*The meeting closed at 4.24pm having commenced at 2.00pm.*

CHAIRMAN

**DEVELOPMENT MANAGEMENT (SOUTH) COMMITTEE – 21<sup>ST</sup> APRIL 2015**  
**REPORT BY THE DEVELOPMENT MANAGER**  
**APPEALS**

1. Appeals Lodged

I have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

2. Written Representations/Householder Appeals Service

Ref No.	Site	Appeal	Officer Recommendation	Committee Resolution
DC/14/2245	Chestnuts, Spinney Lane, West Chiltington, West Sussex, RH20 2NX	In Progress	Refuse	Delegated
DC/14/2070	Adur Nursery, West End Lane, Henfield, BN5 9RB	In Progress	Refuse	Delegated
DC/14/2048	15 Dell Lane, Billingshurst, RH14 9QE	In Progress	Refuse	Delegated
DC/14/2294	Bramley Corner, Holly Close, West Chiltington, RH20 2JR	In Progress	Refuse	Delegated
DC/14/2294	6 Holly Close, Storrington, RH20 4PD	In Progress	Refuse	Delegated

3. Appeal Decisions

I have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

Ref No.	Site	Appeal	Officer Recommendation	Committee Resolution
DC/14/1364	Stane Street Nurseries, Codmore Hill, RH20 1BQ	Allowed	Refuse	Delegated
DC/13/2381	Priors Byne Farm, Bines Road, Partridge Green, RH13 8NX	Allowed	Grant	Refuse
SDNP/13/05646/FUL	Enterprise House, Horton Hill Commercial Estate, Henfield Road, Small Dole	Allowed	Refuse	Refuse
DC/13/1152	Oak Tree Barn, Wheatsheaf Road, Woodmancote, Henfield	Allowed	Refuse	Delegated

<b>EN/10/0674</b>	<b>Oak Tree Barn, Wheatsheaf Road, Woodmancote, Henfield</b>	<b>Allowed</b>	<b>Enforcement</b>	<b>Delegated</b>
<b>EN/10/0518</b>	<b>Oak Tree Barn, Wheatsheaf Road, Woodmancote, Henfield</b>	<b>Dismissed</b>	<b>Enforcement</b>	<b>Delegated</b>
<b>DC/14/0446</b>	<b>Hoots House, London Road, Ashington, RH20 3DD</b>	<b>Dismissed</b>	<b>Refuse</b>	<b>Delegated</b>



Horsham  
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# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management (South) Committee

**BY:** Development Manager

**DATE:** 21<sup>st</sup> April 2015

**DEVELOPMENT:** Residential development of up to 193 No. dwellings (including affordable housing) and associated works (Outline)

**SITE:** Land To The West of Mill Straight Worthing Road Southwater West Sussex

**WARD:** Billingshurst and Shipley

**APPLICATION:** DC/14/2582

**APPLICANT:** Wates Developments Limited

**REASON FOR INCLUSION ON THE AGENDA:** Category of Development

**RECOMMENDATION:** That planning permission be delegated for approval to the Development Manager subject to securing a S106 legal agreement and appropriate conditions.

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks outline planning permission for the erection of up to 193 No. dwellings with associated works. The application seeks approval of the following parameter plans and reserved matters approval for the means of access only, with all other matters (namely appearance, landscaping, layout and scale) reserved for subsequent detailed consideration within a reserved matters application.

#### *Parameter plans*

- Red Line Boundary
- Land Use
- Density
- Building Heights
- Vehicular Movement & Access
- Pedestrian and Cycle Movement & Access
- Landscape and Ecology Strategy
- Phasing

- 1.2 The proposed development would be accessed from Mill Straight through the creation of a new roundabout. The access would be positioned opposite the end of Roman Lane (leading into the new Bovis Homes development) and the proposal would create a four arm roundabout with Mill Straight running north/south, Roman Lane to the east and the application site to the west. An existing farm access situated further to the south (nearer to the A24 Pollards Hill roundabout) is proposed to be retained as a farm and emergency access only.
- 1.3 The proposed development would comprise up to 193 No. dwellings with 40% affordable units, however, as the application is outline in form only an indicative mix of these units is provided. This indicative mix comprises 17 No. 1 bed flats, 20 No. 2 bed flats, 29 No. 2 bed houses, 79 No. 3 bed houses, 40 No. 4 bed houses and 8 No. 5 bed houses. In addition to the residential units, the application proposes the provision of open space, on-site landscaping and surface water drainage and the retention of an existing area of ancient woodland.
- 1.4 In summary, and based on the indicative mix proposed at this stage, the development would provide the following residential units:

*Affordable housing*

- . 17 No. 1 bed flats
- . 20 No. 2 bed flats
- . 12 No. 2 bed houses
- . 29 No. 3 bed houses

*Market housing*

- . 17 No. 2 bed houses
- . 50 No. 3 bed houses
- . 40 No. 4 bed houses
- . 8 No. 5 bed houses

DESCRIPTION OF THE SITE

- 1.5 The application site lies to the south west of Mill Straight (or Worthing Road) adjacent to the southern boundary of Southwater, a Category 1 settlement as defined in the Horsham District Local Development Framework. Although the site adjoins the built-up area boundary of Southwater along The Fieldings, the site itself lies within the Parish of Shipley.
- 1.6 The site extends to approximately 10.74 hectares and is comprised largely of open arable land, but with an expanse of woodland to the western side, much of which is designated as ancient woodland. The site has a high point towards the south eastern corner with the land then falling away predominantly towards the west and the expanse of woodland. A tributary stream of the River Adur runs through the woodland area.
- 1.7 The northern edge of the site is formed by an existing row of mature and semi-mature trees with understorey planting. This boundary lies immediately to the south of a public right of way (Footpath 1688). The eastern boundary of the site comprises a substantial hawthorn hedgerow running adjacent to Mill Straight with an avenue of black poplar trees situated parallel to this within the site. Both the hedgerow and poplar trees are only broken at the point of the existing field access along this boundary. To the south lies an area of poplar plantation separated from the site by a mixed hedgerow. The western edge of the site is formed by the existing woodland.



## **2. INTRODUCTION**

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

2.2 National Planning Policy Framework (2012) (NPPF)

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

2.3 Planning Practice Guidance (2014) (PPG)  
Technical Guidance to the NPPF (2012)

### RELEVANT COUNCIL POLICY

2.4 Local Development Framework: Core Strategy (2007) policies:

- CP1: Landscape and Townscape Character
- CP2: Environmental Quality
- CP3: Improving the Quality of New Development
- CP5: Built-Up Areas and Previously Developed Land
- CP12: Meeting Housing Needs
- CP13: Infrastructure Requirements
- CP19: Managing Travel Demand and Widening Choice of Transport

2.5 Local Development Framework: General Development Control Policies (2007) policies:

- DC1: Countryside Protection and Enhancement
- DC2: Landscape Character
- DC5: Biodiversity and Geology
- DC6: Woodland and Trees
- DC7: Flooding
- DC8: Renewable Energy and Climate Change
- DC9: Development Principles
- DC18: Smaller Homes/Housing Mix
- DC22: New Open Space, Sports and Recreation
- DC40: Transport and Access

2.6 Local Development Framework: Supplementary Planning Documents (SPD):

- Planning Obligations (2007)
- Facilitating Appropriate Development (FAD) (2009)

2.7 Horsham District Planning Framework:

The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the

Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:

*'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services..'*

The Inspector has suspended the Examination of the HDPF until June 2015 to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the plan period). It is important to note that the Examination will re-open to consider only the issues outlined in the Initial Findings. The Council are currently consulting on the proposed Main Modifications to this document with the representation period ending on 5<sup>th</sup> May 2015. Given the Inspector's findings the emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy.

#### PLANNING HISTORY

- 2.8 There is no planning history relating to this site.

### 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

**Arboricultural Officer:** No objection

#### **Environmental Health (summarised):**

##### *Air Quality*

- The air quality assessment carried out is welcomed, but does not explicitly follow HDC's Planning Advice Document: Air Quality & Emissions Reduction Guidance (2014), although a copy was sent to the assessors;
- There has not been an assessment into the impacts of the development on changes in vehicles emissions and concentration changes, and a calculation of pollutant emissions should be undertaken;
- This development would require type 3 mitigation and a scheme of mitigation statement would be necessary. Subsequent discussions has resulted in an agreed calculation approach and emissions mitigation value;
- The air quality impacts during construction have been considered and are accepted. These can be ensured through a Construction Environmental Management Plan condition;

##### *Noise*

- There would be significant noise impacts during the construction phase and this

should be mitigated. Specific measures to minimise noise and vibration in the vicinity have been considered and can be ensured through an appropriate condition;

- It has been demonstrated that, particularly the eastern side of the site, would be subject to direct, permanent, long-term, very substantial noise levels, both within dwellings and their external amenity areas if left unmitigated. At this stage, other design options such as layout, orientation and numbers of units should be considered. Noise sensitive sites should be separated from noise sources and only if alternative sites are not available should the applicant demonstrate that all reasonable steps have been taken to reduce the impact of noise. If all reasonable steps have been taken and the development would still be likely to lead to adverse effects, then mitigation should be employed. This could include changes to site layout, a noise management plan, the construction of noise barriers, and, as a last resort, insulation of buildings;
- It is not considered that it has been demonstrated that the layout in its present form provides the best option for protection against noise for future occupants. A greater separation distance from the primary noise source may avoid or reduce a reliance on behavioural measures such as closing windows. It is also considered that the external amenity areas to parts of the site would be poor;
- The proposed noise barrier would provide some mitigation however, due to its height, higher noise levels are likely to be experienced at first floor level and these would be dominated by low frequency noise, which is difficult to attenuate;

#### *Contamination*

- The conclusions in the submitted Environmental Statement are accepted, however, if unsuspected contamination is discovered during works, then investigation and appropriate remediation will be required with validation. This can be ensured through a condition;
- It will be necessary to ensure that soils are appropriate for re-use. This can be achieved by a sampling exercise with a scheme to be established and agreed at a reserved matters stage;

#### *Other matters*

- Site construction activities should be restricted to appropriate times and there should be no burning of waste on site. These can be controlled by conditions.

#### **Environmental Services (summarised):** Comment

- Block paving is unsuitable for the 26ton refuse vehicles;
- Wheeled bins should be located at the kerb-side, along the main road the only suitable collection point would be on the verge/path.

#### **Landscape Architect (summarised):** Comment

- The site is predominantly rural in character, as a result of the enclosing ancient woodland and hedgerows and the long distance south westerly views towards the South Downs, with only very localised urban influences to the north eastern part;
- The surrounding woodlands, poplar plantation and hedgerows do provide a fair degree of visual containment to the site, as perceived from the wider landscape. However, there are local sensitivities in terms of views from the northern boundary footpath, the pedestrian footpath along the eastern side of Mill Straight and from the A24 Pollards Hill roundabout, from which, particularly in winter, existing vegetation will not provide full screening;
- It is considered that restricting development to the north eastern part of the site would have resulted in a more satisfactory relationship with the edge of Southwater. This could have been a more natural rounding off of built development, although a robust new woodland edge would be needed running eastwards from the south eastern corner of Hogs Wood to define a new boundary. This could have provided a well-defined and defensible long term boundary;

- Concern is expressed in relation to the proposed bulk and height of development and the highest density of development shown along the southern section of the boundary with Mill Straight and southwards adjacent to the A24. The illustrative scheme is considered would appear as a 'wall of development' although existing and new planting would soften this in time. A more natural reduction/transition in scale of development towards the rural edge would have been expected in order to avoid a 'gateway' appearance;
- The applicant was asked to consider reducing the height of development along this boundary, but considered that this was not necessary given the proposed planting and landscape management. However, this would take at least 15 years to become more effective;
- The applicant was also asked to consider incorporating part of the highway verge into the application site in order to reinforce tree planting at the Pollards Hill roundabout, but this has not been brought forward as the applicant believes the proposed planting to be sufficient;
- A view corridor is proposed within the development to allow for views towards the South Downs. This is welcomed in principle, however, these views would be restricted the proximity of development, the access road and planting;
- There are some reservations about the proposed layout of the development and fairly rigid form of roads and blocks;
- It has not been conclusively demonstrated that there would be no landscape and visual impact from the PRow west of Little Tuckmans Farm and from Copsale Lane. It seems likely that some rooftops of the development would be visible through the poplar trees, however, it is acknowledged that that this would be a distant view and that the rooftops would occupy only a small proportion of the view. Therefore, this would not amount to a significant adverse impact;
- The applicants have advised that the poplar plantation to the south of the site would not be clear felled with no more than 30% being felled at any one time and that the Forestry Commission would be likely to require re-planting. However, as this lies outside the application site, there can be no guarantees of this and there is a risk that the development could visually impact upon the rural character to the south in the event of the wholesale removal of the plantation;
- The implications, of detention basins within the 15m ancient woodland buffer, on root protection areas and natural drainage within the woodland have been addressed and the proposals for the long term management of the woodland are supported;
- The indicative detention basins are shown with uniform 1:3 slopes and it has not been conclusively demonstrated that a more sympathetic design could be achieved;
- An appropriate buffer from the edge of the proposed LEAP activity area to the nearest dwellings can be achieved;
- Whilst there are some concerns in relation to the illustrative design and layout, it is not considered, on balance, that the development would give rise to significant wider landscape or visual harm, with the principal adverse impact being to the predominantly rural character of the site itself.

**Parks & Countryside Services (summarised):** Comment

- The site lies in excess of the distance threshold for equipped play areas so the proposed play area is welcomed and its position to the northern corner would allow for access by residents outside the site;
- The proposed play area should meet the requirements for a LEAP with a minimum activity area of 400m<sup>2</sup> within an overall space of at least 900m<sup>2</sup>. There should be a minimum of 10m to the boundary of any adjacent property and 20m to the nearest dwelling window;
- The ancient woodland provides significantly more natural green space than would

be required for a development of this scale, however the need for sensitive and appropriate management of this area is recognised. A detailed management plan should be submitted at reserved matters stage;

- The quantity of amenity green space required could be provided within the green corridor across the centre of the site, however, it will be important to ensure that suitable surfaces are provided to allow for pedestrian access throughout the year, particularly to the lower lying wetter parts of the site;
- In addition, the development will generate additional requirements for youth, allotments, sport and recreational facilities and financial contributions to mitigate for these are required.

**Strategic Housing Manager (summarised):** Support

- Housing officers welcome the intention to provide 40% affordable homes and the proposed mix is acceptable;
- The tenure split for the affordable homes should be 62.5% rented and 37.5% shared ownership;
- The applicant is urged to discuss the potential scheme with an affordable housing provider as soon as possible in order to secure future funding arrangements and ensure layouts and specifications meet with their requirements.

**Strategic Planning (summarised):** No objection

- The Council is required, through the NPPF, to provide 5 years' worth of housing against the housing requirement of the District. The most recent Annual Monitoring Report (December 2014) indicates that the Council currently has a 5 year supply of 65.7%, which does not represent a 5 year housing land supply across the District. In the absence of a demonstrable 5 year supply, relevant policies for the supply of housing should be considered out-of-date. The proposal should therefore be considered in light of the presumption in favour of sustainable development given in paragraph 14 of the NPPF;
- The Inspector in the RMC Engineering Works appeal stated that rather than regarding the Council's housing policies as out-of-date in their entirety, it would be more appropriate to identify those elements which should be given less weight. The Inspector suggested that they be applied more flexibly in the case of proposals to the edge or close to built-up area boundaries while continuing a general policy of restraint in more rural areas;
- The HDPF Proposed Submission was submitted to the Planning Inspectorate on 8<sup>th</sup> August 2014 and subject to a series of Examination hearings in November 2014. The Inspector's Initial Findings, received in December 2014, reveal that the Inspector considers the overall strategy of concentrating growth in the main settlements (Horsham, Southwater & Billingshurst) to be sound, rather than a greater dispersal throughout the District, which he considered less sustainable;
- Whilst the Council currently still does not have a 5 year housing land supply, the acceptance of the overall strategy as sound by the Inspector is a material consideration and should be afforded weight;
- Strategic Planning therefore consider that, in principle, this proposed development adjacent to Southwater should be considered favourably, given that the Inspector has directed the Council to increase housing numbers and to consider additional sites in accordance with the strategy. This site would appear to fit this direction;
- As this site adjoins the built-up area boundary, policies CP5 and DC1 should be applied more flexibly in order to allow suitable development to occur in sustainable locations.

**Technical Services (Drainage) (summarised):** No objection subject to condition

- The submitted Flood Risk Assessment (FRA) reflects previous enquiries and discussions relating to this proposal;

- No overall objections to the drainage strategy proposed, however drainage conditions should be applied to ensure the submission of detailed design information at the appropriate stage.

## OUTSIDE AGENCIES

### **Environment Agency:** No objection

- The Environment Agency is happy with the details for the proposed outline drainage strategy as detailed in the submitted Flood Risk Assessment;
- The Environment Agency has no objection in principle to the proposal as submitted.

### **Natural England (summarised):**

- The proposal appears unlikely to affect any statutorily protected sites or landscapes;
- The development includes an area of priority habitat (Deciduous Woodland) as listed in the Natural Environmental and Rural Communities Act 2006 (NERC). The NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then development should be refused;
- There is a potential for adverse impacts upon an area classified as ancient woodland and Natural England's standing advice should be referred to;
- The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance biodiversity if permission is granted;
- There may be opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably, and bring benefits to the local community.

### **Southern Water (summarised):** Recommends conditions and informatives

- There is a public water trunk main in the vicinity of the site, the exact positioning of this should be determined prior to finalising the layout and no excavations, mounding or tree planting should be carried out within 4m of this without consent from Southern Water;
- Should any sewers be found during construction works, an investigation will be required before further works can commence on site;
- There is currently inadequate capacity in the local network to provide foul sewerage disposal or a water supply to service the development. Additional off-site sewers/mains or improvements to existing sewers/mains will be required to provide sufficient capacity;
- The proposed means of surface water disposal should be considered with the relevant authorities for land drainage and arrangements for the implementation and future ongoing maintenance of any SuDS proposed will need to be considered;
- The proposal seeks to discharge surface water via a watercourse, the adequacy of these plans should be considered by the Council's technical staff and the relevant authority for land drainage consent.

### **Sussex Police – Crime Prevention Design Advisor (summarised):** No objection

- The development, in the main, has outward facing dwellings with back to back gardens, which creates a good active frontage with streets and public areas being overlooked and all but eliminates the need for vulnerable rear garden pathways;
- Parking in the main is provided as in-curtilage with a number of on-street parking bays, which should leave the street layout free and unobstructed;

- Communal parking courts should be within view of active rooms within properties;
- The boundaries between public space and private areas should be clearly indicated. It is desirable for dwelling frontages to be open to view and boundary treatments should be kept low;
- More vulnerable areas, such as side & rear gardens, need more robust defensive barriers with walls/fences to a minimum height of 1.8m. Where a greater degree of overlooking is required 1.5m high fencing with 300mm trellis on top is recommended, to ensure surveillance;
- Gates to the side should be of the same height as the fence and be lockable and situated as near to the front of the building line as possible;
- Windowless and blank elevations should be avoided. First floor level windows or buffer zones can reduce these concerns;
- The proposed play area to the north eastern corner has minimal surveillance and planting would need to be kept low to maintain natural surveillance. Boundary fencing and landscaping should consider opportunities for natural surveillance. There is concern over the location of this adjacent to the site access;
- Lighting of the car parking areas, around buildings and communal areas should conform to BS 5489:2013.

**WSCC Archaeology (summarised):** No objection in principle subject to condition

- It is possible that ancient archaeological features exist within the site, in view of recent information about the increased likelihood of prehistoric, Roman and medieval sites recorded on the adjacent Bovis Homes development;
- In the event of approval, provision should be made for archaeological investigation of the site (excluding Hogs Wood) and detailed mitigation measures where appropriate;
- The initial stage of investigation (exploratory trenches across the site) should take place prior to any submission of reserved matters;
- Woodland related archaeological features have been identified in Hogs Wood. The Outline Woodland Management Plan does not envisage major ground works within the wood, but at present does not take account of the desirability of protecting the archaeological features. This plan should be amended accordingly;
- Provision for archaeological investigations should be subject to an appropriate condition.

**WSCC Ecology:** No objection subject to condition

**WSCC Highways (summarised):** No objection subject to conditions

*Sustainable transport*

- There is no railway station in Southwater, with the nearest being those at Horsham and Christ's Hospital. These are beyond walking distance, but Christ's Hospital would be within cycle distance (without having to cross the A24);
- The nearest bus stops are a short walk from the site and offer access to the regular No. 98 service (which links to Southwater village centre and Horsham station) and less frequent No. 23 service and No. 296 service. The site is considered to be reasonably well served by bus, although improvements to the nearest two bus stops are required;
- There is a requirement, through the Bovis Homes development, to upgrade the existing public bridleway (BW3573) through the Bovis development to link Mill Straight to Stakers Lane. This would be connected to the application site by a new toucan crossing of Mill Straight, which is required in connection with this development. This will allow for access to the village centre, Downs Link and Southwater Country Park without having to use Mill Straight or Worthing Road. This would be very close to the existing line of FP1688 and BW3573 and so would offer benefits to recreational users;

- There are no surfaced footway links along Mill Straight and it would be required to provide a new footway from the new access roundabout northwards to join the existing footway at The Fieldings;
- Public footpath (FP1688) runs across the northern boundary of the site between a hedgerow and rear fences of properties in The Fieldings. This route is unsurfaced and generally muddy and overgrown. Whilst improved surfacing and drainage would help (with a new surface and vegetation removal to be required), a new surfaced route would be more desirable on the southern side of the hedgerow;
- An internal cycle route is proposed along the northern boundary and consideration should be given to dedicating this as a bridleway which could facilitate a future extension of BW3573. WSCC would also be keen to secure a dedication for a public footpath link to connect to the PRoW network to the south;
- WSCC are also seeking a commitment for a bridleway connection from PF1688 to FP2804 in order to provide a safe route from the village for cyclists and equestrians;
- The village centre and schools are some distance away in terms of walking, but not significantly further than the approved Bovis Homes development;
- Whilst possible to walk, cycle or take a bus to these locations there will certainly be new residents who drop children off by car. However, this is not uncommon and specific school travel plans seek to influence school travel modes to reduce traffic and parking issues. It is also noted that additional school staff parking would be provided by the Berkeley development. Secondary school age children are likely to catch one of the school buses that pick up just north of The Fieldings;

#### *Access*

- The proposed access to serve the development would be from a new roundabout junction on Mill Straight between the A24 Pollards Hill roundabout and the junction of Cripplegate Lane and directly opposite the access serving the new Bovis Homes development, which would be served by a fourth arm of the roundabout. This arrangement was considered to offer the best balance between accommodating development traffic flows, reducing traffic speeds and allowing the introduction of a new toucan crossing to allow for safe pedestrian and cycle access;
- The proposed roundabout has been subject to a Stage 1 Road Safety Audit and is considered satisfactory;
- Whilst traffic approaching along Mill Straight would have to slow for the roundabout, side road traffic flows would be relatively low and traffic modelling indicates that the roundabout would operate well within capacity and without queuing back to the A24 Pollards Hill roundabout;
- The new roundabout is therefore considered acceptable to the Highway Authority;

#### *Highway network*

- The scope of the Transport Assessment was agreed prior to the application. The key parts of the highway network, in terms of traffic impact, are the site access, the A24 Pollards Hill roundabout, the A24 Hop Oast roundabout, Shipley Road and the main Mill Straight/Worthing Road through Southwater. Traffic surveys have been carried out in these locations. Predicted traffic movements have then used the TRICS database and accounted for committed but incomplete developments and the Berkeley development West of Southwater;
- The new access roundabout will be situated within the 40mph speed limit zone. This roundabout has been designed using ARCADY and would operate well within capacity and traffic flows along Mill Straight would not be seriously interrupted and traffic queues are unlikely to build up. Accidents records do not indicate a particular safety problem in this location;
- The A24 Pollards Hill roundabout is identified for improvements under the Berkeley development and will be the junction most likely to be significantly affected by the proposed development. The proposed development of 193 dwellings will certainly have an impact in terms of increasing interruption to the A24 southbound and



northbound flows and an improvement to this roundabout is therefore required to mitigate the impact of the development;

- The submitted TA shows the widening of the A24 approaches. This would result in a nil-detriment situation and keep the roundabout within capacity and would need to be carried out by the applicants. However, if the Berkeley development proceeds then a contribution towards implementing the works proposed to the Pollards Hill roundabout, as part of that application, could be made in the alternative. These will be secured through a legal agreement;
- The likely impact of the development on the A24 Hop Oast roundabout is rather less as traffic will have become more dissipated on the network this distance from the access. However, this roundabout will start to exceed its capacity in 2019 without some form of improvement. The Berkeley development will deliver capacity improvements to the roundabout to achieve nil-detriment. The proposed development of 193 dwellings would have some impact upon this junction and either a contribution towards the works identified through the Berkeley's scheme should be made or, if the Berkeley scheme does not proceed, then the works identified within the submitted TA would need to be implemented. These will be secured through a legal agreement;

#### *Other issues*

- Although the application is outline in form, the car parking provision appears reasonable;
- Whilst the layout is indicative, no fundamental concerns are raised at this stage, however, consideration should be given to public footpath and bridleway connections within the detailed design;
- It is proposed to use an existing agricultural access on Mill Straight for construction use. However, this is very close to the A24 Pollards Hill roundabout and there are concerns that turning vehicles would be at high risk of both tail end shunts and side impacts. This proposed construction access is therefore unacceptable in highway safety terms and a location further to the north is required.

## PUBLIC CONSULTATIONS

### **Shipley Parish Council (summarised):** Comment

- Having reviewed the application and Inspector's report on the HDPF, the Parish feel that it would be fruitless and potentially costly to object;
- The Parish Council decided that if there were to be development in the Parish, locating this to the boundaries is preferable;
- There is concern that this could set a precedent for future greenfield development, however, it is hoped that circumstances may have changed by that point;
- The site is enclosed and has direct access to a main road;
- The potential impact of the development on Southwater Parish is acknowledged and will be borne in mind in relation to S106 financial contributions;
- The possibility of a boundary change in favour of Southwater, to encompass the site, is also noted.

### *Additional comments received 27<sup>th</sup> March 2015 regarding infrastructure contributions:*

- The development would lead to additional footfall within the rural areas of Shipley Parish and necessitate additional maintenance costs;
- There will be increased usage of the local halls and pressure for improvements to the facilities at these locations;
- There would be increased usage of Coolham Playing Fields and the pavilion here needs substantial repairs or replacement;
- Existing upkeep and car parking problems at the St Mary the Virgin Church would be exacerbated by additional residents;
- Local clubs and interest groups would be likely to become more popular and require additional equipment or facilities;

- Existing residents of Southwater chose schools and nurseries within Shipley and this would likely increase;
- The possible Parish boundary changes to come forward in 2016 could see the application site absorbed into Southwater and as such Shipley would lose these precept contributions;
- Shipley Parish Council request 50% of any infrastructure contributions be allocated to projects within the Parish.

**Southwater Parish Council (summarised):** Objection

*The application site immediately abuts Southwater Parish.*

- The site is not a strategic allocation in the HDPF and was not accepted by the Inspector;
- The site is listed in the SHLAA as currently undevelopable so should not be considered suitable for development;
- There is concern regarding the access roundabout, its proximity to the A24 Pollards Hill roundabout and the speed of traffic at this point;
- There is concern that the site may be prone to localised flooding given the proposal to provide several attenuation ponds;
- It is not clear where sewerage infrastructure will lie and this could cause disruption to traffic on the A24;
- The mix of dwellings proposed show too few one and two bed homes, this should be nearer the 64% requirement of the Core Strategy;
- The affordable units should be dispersed throughout the site;
- Southwater PC would wish to see all S106 contributions to go to Southwater rather than Shipley PC, as future residents would use facilities and services within Southwater rather than the limited facilities of Shipley;
- It is requested that the southern boundary of the Parish be reviewed in light of this proposal should permission be granted.

A total of 114 No. letters of representation have been received in relation to the proposed development. All 114 No. letters object to the proposed development and raise the following summarised concerns:

- Hogs Wood ancient woodland should be protected for the benefit of wildlife and habitats;
- The development will increase the population of the village, putting pressures on the Doctor's surgery and other amenities including schools and shops;
- The local road network will suffer from increased amounts of traffic. Out-commuting to work will exacerbate this;
- More houses in Southwater means the village status will suffer. The village is already overdeveloped;
- The proposed development does not complement the Shipley Village Design Statement (design, reliance on cars etc);
- There will be additional pressures on the car parking at Lintot Square, and on the roads near to the proposed site;
- Southwater cannot absorb more housing – it is already over saturated and needs time to assimilate;
- There are poor water and sewerage facilities and more development will make this worse;
- Traffic is already heavy and unsafe and more development will make this worse;
- The rate of development in Southwater recently is not being supported by sufficient infrastructure improvements;
- Building on productive agricultural farmland will reduce food stocks;
- Scale of the development is too big in relation to other recent nearby developments;

- As the development is in Shipley Parish there will be no financial benefit to Southwater;
- Access to the A24 will be congested, particularly at the Pollards Hill Roundabout;
- A new roundabout will cause more traffic and congestion, and would be dangerous;
- There are no adequate footpaths near the site, nor a safe place to put a pedestrian crossing;
- No decision should be made until the HDPF is adopted, and until the decision regarding a new runway at Gatwick is made;
- This site was rejected last year under the SHLAA;
- The application fails requirements of local and national planning policy;
- The outline nature of the application means key elements are ignored (ie, Affordable Housing etc) which are important factors that should be considered;
- The application fails to meet several of the 18 FAD criteria;
- Ground pollution and contamination resulting from the development has the potential to feed into local watercourses and eventually into the Arun Valley SPA;
- The distance of the site to shops and employment means that people will use private cars which is not sustainable;
- The development would take away a rare amenity (open countryside etc);
- The land is unsuitable for housing construction (unstable clay causing movement of nearby housing);
- The proposed views of the South Downs will be limited to just from one corner;
- The drawings in the application differ from those displayed at the Wates exhibition in October 2014;
- The site is not identified in the forthcoming HDPF as examined by an independent Inspector in November 2014;
- There is not a Design and Access Statement for this application;
- The transport assessment includes some misleading assumptions;
- Given the location of the site, it is unreasonable to assume that people will walk to local amenities, they will use cars instead;
- Car parking at Horsham and Christ's Hospital stations is already at capacity;
- The sites archaeological potential and assessment has not been taken into account. The results of an archaeological excavation of a nearby site revealed a Roman agricultural enclosure;
- The proposed development is not the product of a collective enterprise – it is being imposed upon the community;
- There seems to be no evidence that developer contributions will be (or have been) invested in Southwater;
- There will be an impact on the amenity of existing nearby residents (including noise and associated nuisance);
- There is no need for more housing when so many are already standing empty;
- The baseline ecological report is inadequate;
- The application is fundamentally flawed as the application title refers to the site as being in Southwater, where in fact, it is located in Shipley. This is misleading;
- The application should be refused by reasons set out in HDC Matters Statement 9 to the Planning Inspector – this sets out why the Council had not allocated this site in the Proposed HDPF and why the site should not be developed for housing;
- Holding the consultation over the Christmas/New Year period is inappropriate.

#### **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 key issues for consideration in relation to this proposal are:

- The principle of the development
- Impact on the character and appearance of the surrounding area
- Impact upon the amenities of nearby and future residents
- Transport impacts
- Ecology, drainage, pollution and archaeology
- Legal obligations

### ***Principle of the development***

6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking (paragraph 14). In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.

6.3 The NPPF further requires, at paragraph 47, that Local Planning Authorities should identify, and update annually, a supply of deliverable sites sufficient to meet their housing requirements for a 5 year period with an additional buffer of 5%. The Horsham District Authority Monitoring Report (December 2014) indicates that the District currently has a supply of housing land sites equivalent to 65.7% of its requirement for the 5 year period (including the 5% buffer requirement). Paragraph 49 of the NPPF states that *'housing applications should be considered in the context of the presumption in favour of sustainable development'* and that *'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

6.4 The Inspector in the RMC Engineering Works, Washington appeal (application DC/10/1457) concluded in his decision that it would be appropriate to identify those elements of the housing supply policies which should be given less weight, rather than removing them in their entirety. Further to this, a more flexible approach to the consideration of housing proposals close to or adjoining built-up areas was suggested as being appropriate, with those developments seeking housing in more remote areas to be considered with more restraint.

6.5 The Facilitating Appropriate Development (FAD) SPD was adopted in May 2009 as a means of ensuring that sufficient housing supply was provided during the period of the Core Strategy through enabling a more flexible approach to the consideration of proposals on sites which adjoin defined settlement boundaries. The general approach of the FAD SPD was agreed by the Inspector in the RMC Engineering Works appeal decision,

although the weight which can be attached to some of its criteria is dependent upon their level of conformity with the NPPF.

- 6.6 Whilst it is acknowledged that the District currently does not have a 5 year supply of housing land, the proposed Horsham District Planning Framework (HDPF) looks to allocate and identify suitable and sufficient land to meet the objectively assessed housing needs of the District over the plan period to 2031. Although not yet adopted, the HDPF Proposed Submission was submitted to the Planning Inspectorate in August 2014 and subject to Examination by the appointed Inspector during November 2014. The Inspector then subsequently published his Initial Findings in December 2014.
- 6.7 The Inspector's Initial Findings show that he considers the overall development strategy of the HDPF Proposed Submission to be sound. This strategy uses an approach of concentrating growth in the main settlements of the District (as identified by the settlement hierarchy), rather than the alternative of a greater dispersal of development around the District, which he considered would be less sustainable.
- 6.8 The HDPF Proposed Submission identifies Southwater as a main settlement. Whilst the application site lies within the Parish of Shipley, it adjoins the built-up area boundary of Southwater and it is the facilities and services of Southwater that would be the most accessible and likely to be used by any future residents of this site. Therefore, although situated within Shipley, it is considered that the sustainability of the site is highly comparable with others around the edge of the built-up area of Southwater and as such should be viewed as according with the overall strategy of the HDPF Proposed Submission and the Initial Findings of the Inspector in terms of where development should be directed.
- 6.9 The HDPF Proposed Submission looked to allocate land to the West of Southwater for around 500 homes, however, the Inspector's Initial Findings directed the Council to increase the overall quantum of housing to be provided within the District during the plan period in order to meet a more accurate assessment of housing need to 2031. As a result of this, the Council is now proposing, through its proposed Main Modifications to the HDPF Proposed Submission, to increase the allocation to the West of Southwater to around 600 homes, (the period of representation on the proposed Main Modifications to the HDPF runs for 6 weeks from 23<sup>rd</sup> March to 5<sup>th</sup> May 2015). The current application by Berkeley Homes (DC/14/0590) would provide 594 No. dwellings on this allocated site. The Council has resolved to grant permission for these dwellings following a Committee resolution in February 2015.
- 6.10 Therefore, notwithstanding the proposed increase in the number of homes allocated to the West of Southwater, this current proposal would increase the overall number of dwellings that would be constructed in/adjacent to Southwater. It is considered that this increase would remain in line with the overall strategy of the HDPF Proposed Submission in terms of settlement hierarchy and would accord with the Inspector's Initial Findings and requirement for a further 2,000 homes to be planned for across the District by 2031.
- 6.11 Paragraph 7 of the NPPF sets out that there are three dimensions to the achievement of sustainable development, these being economic, social and environmental. The economic and social aspects of sustainability are discussed within this section and the environmental aspects considered under subsequent sections below. Furthermore, the FAD SPD establishes a number of sustainability criteria that can be used to determine the sustainability of a proposed development.
- 6.12 As mentioned above, although the site lies within Shipley Parish it adjoins the built-up area boundary of Southwater. The consideration of development on this site should therefore take the more flexible approach advocated by the Inspector in the RMC Engineering Works

appeal decision, i.e. should be considered favourably where it constitutes sustainable development in all other respects.

- 6.13 In terms of the economic sustainability of the proposed development, it would support a growth in the availability of local housing, for which there is currently an established and significant shortfall, which would then in turn support the local economy through the wider use of local shops, businesses and services. The proposed development would lie to the south of Southwater and whilst the facilities and services within the centre of Southwater would be approximately a 15-20 minute walk away from the site, there are existing bus stops within a 5 minute walk of the site with regular bus services linking to both Southwater village centre and on to Horsham town centre. The facilities and services within the village centre would therefore be likely to benefit from additional visitors/customers as a result of additional residents.
- 6.14 Paragraph 7 of the NPPF defines the social role that planning decisions should consider as *'supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'*. In this respect, the proposed development would provide a considerable degree of housing supply to meet the objectively assessed needs of the District over the forthcoming period up until 2031, including the provision of a mix of housing types, sizes and tenures (this is discussed further below in paragraphs 6.16 to 6.22). It is also considered that the proposed development would assist in supporting the vibrancy of the local community through its links and connectivity to the existing settlement of Southwater and the relative accessibility of local health and social facilities that are provided there.
- 6.15 The application site lies adjacent to and contiguous with the built-up area boundary of Southwater, a Category 1 Settlement as identified by the CS and it is therefore considered that the principle of the proposed development is acceptable, given (i) the presumption in favour of sustainable development set out in paragraph 14 of the NPPF; (ii) the lack of an identified 5 year (plus 5% buffer) supply of deliverable housing sites; (iii) the aforementioned more flexible approach to the implementation of housing policies deemed appropriate by the Inspector in the RMC Engineering Works appeal decision, and (iv) the Initial Findings of the Inspector that the HDPF Proposed Submission strategy to concentrate growth in the main settlements is sound and that the District must look to provide an additional 2,000 dwellings over the plan period to 2031. Therefore, in accordance with the NPPF, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or other policies would restrict development.

#### *Form and mix of the proposed development*

- 6.16 As the application is outline in form, the exact layout, scale and appearance of the proposed dwellings is not to be considered at this stage. However, in order to establish the extent, general form and limitations of the proposed development a series of parameter plans have been submitted. The Land Use Parameter Plan shows that a total of six residential parcels are proposed separated from one another by strips of open space or primary streets. This plan also shows a central area of open space running from the north eastern corner of the site down towards the south western corner. This plan confirms the retention of the expanse of ancient woodland and a built-development-free buffer around the edge of this.
- 6.17 Within these residential parcels the Density Parameter Plan shows a mix of densities across the site with the lowest density parcels (up to 30 dwellings per hectare (dph)) being those towards the south western corner. The northern part of the site, the parcels adjacent

to The Fieldings and opposite Roman Lane, are proposed as medium density (between 31 – 46 dph) and the higher density parcel (of 47 – 54 dph) would be situated towards the south eastern corner of the site. The overall density of the site, when accounting for the total site area including open space, is around 18 dph, with the density of the developable area being around 38 dph. It is considered that the proposed densities would, on the whole, represent a suitable and efficient use of the land. It is considered that the siting of the lowest density areas to the south western corner of the site is appropriate, as this corner is the furthest away from the existing built form of Southwater and adjoins open countryside to both the south and west. The positioning of the medium density housing towards the existing built-up area boundary of Southwater is considered acceptable, as this would form a natural progression of development without the proposed dwellings appearing overbearing upon the adjacent existing properties. The recently constructed development at Roman Lane has a density of approximately 30 dph and therefore the proposed adjacent medium density parcels would not be significantly different from this. The situation of the higher density parcel (to the south eastern corner) does adjoin open countryside to the south, however, the rural quality of this area is somewhat compromised by the proximity of the A24 and the Pollards Hill roundabout. It is therefore considered that this higher density parcel would not be inappropriate in this location.

- 6.18 Similarly, the Building Heights Parameter Plan sets out the limitations on the proposed development in terms of the overall heights of dwellings. The vast majority of the site, and the entirety of five of the six parcels, would be restricted to two storey development. Two small areas are proposed to have units up to 2 ½ storeys in height. These areas are situated within the south easternmost parcel. Whilst these locations are positioned adjacent to the boundaries of the site, they do not lie at the highest ground level and do sit adjacent to existing boundary screening (this is discussed further below in paragraphs 6.23 to 6.30). Therefore, although taller than the majority of the development proposed, it is not considered that the introduction of two small areas of 2 ½ storey buildings would appear inappropriate or unduly prominent. Although only outline in form at this stage, it is considered that the constraints that would be established through the Land Use, Density and Building Heights Parameter Plans would result in a development that relates sympathetically with both the adjacent built and open surroundings and therefore would accord with the requirements of policy DC9 of the GDCP.
- 6.19 In terms of the indicative mix of housing proposed across the site, this would be as follows (including both market and affordable units):

Housing size	Number
1 bed units (apartments)	17
2 bed units (houses & apartments)	49
3 bed units (houses)	79
4 bed units (houses)	40
5 bed units (houses)	8

- 6.20 The above table shows that the proposed development would provide an indicative mix of 34% smaller units (1 and 2 bed units), which is below the expectations of policy DC18. However, if the 3 bed units are also included this overall level increases to 75%, with the remaining 25% being comprised of mainly 4 bed units. Policy DC18 states that the Strategic Housing Market Assessment (SHMA) may cause the percentage of dwelling types and sizes to be altered. Given the findings of the 2009 SHMA, which is the most recent information relating to market demands for housing types, it is considered that this mix of dwelling sizes is acceptable. Furthermore, as the application seeks outline consent

and only provides an indicative mix at this stage, a full assessment of the suitability of the proposed market housing mix in relation to any updated SHMA would be necessary at the reserved matters stage. However, it is acknowledged that this would need to be within the parameters established at this outline stage and that significant changes may impact upon the overall viability of the scheme.

- 6.21 In relation to the mix of affordable units that would be provided across the site, these would comprise a total of 49 No. smaller units and 29 No. 3 bed units, with 32 No. of these 49 No. smaller units to be provided as 2 bed units. This represents a significant provision of this size of unit, which is identified as being in greatest need through the limited update that was undertaken to the SHMA in October 2014 (this update relates only to affordable housing). The overall size of affordable housing units proposed is supported by the Council's Strategic Housing Manager and would be secured through an appropriate legal agreement.
- 6.22 Policy CP12 of the CS seeks to meet the District's housing needs and states that on residential developments of 15 No. or more units, an appropriate proportion of those units should be provided as affordable homes, with the target being 40% of the total. The application proposes the creation of 78 No. affordable homes, which equates to 40% of the total of 193 No. Of these 78 No. units, 49 No. are proposed for rent and 29 No. for shared ownership. The proposed development therefore fully accords with the requirements of policy CP12, both in respect of the overall percentage of affordable housing provision and the tenure split of those units.

***Impact on the character and appearance of the surrounding area***

- 6.23 Policies CP1 of the CS and DC2 of the GDCP seek to protect and enhance the landscape character of the District through having regard to the key characteristics of the area, its tranquillity and its sensitivity to change. As detailed above the application site comprises open agricultural land. The site lies within the Southwater & Shipley Wooded Farmlands (Area G4) character area, as defined in the Horsham District Landscape Character Assessment (2003), and is formed of gently undulating land with a strongly wooded character enclosing an irregular field pattern with some visual and noise intrusion from the A24. The Character Assessment also notes that whilst the overall sensitivity to change (across the G4 area) is high, there 'are local areas such as the A24 corridor where it is moderate due to the erosion of character that has already taken place.'
- 6.24 The Horsham District Landscape Capacity Assessment (2014) identifies this area (Area 26: Land South of Southwater) as having a landscape that has a low visual sensitivity to housing development given the largely enclosed nature of the landscape resulting from its heavily wooded character. The Capacity Assessment also states that the area has a moderate/high landscape character and a moderate landscape value and highlights that amenity value is derived from PRoW which runs around the southern edge of Southwater. The Landscape Capacity Assessment summarises Area 26 as having a low to moderate capacity for medium scale housing. The application proposes up to 193 No. dwellings, at an approximate density of 38 dph and with the majority restricted to a maximum of 2 storeys in height. The proposed development therefore falls within the limitations of Medium Scale Housing Development set out at point 2.6 of the Landscape Capacity Assessment.
- 6.25 The northern boundary of the application site lies adjacent to and adjoining the built-up area boundary of Southwater, with a PRoW running along this boundary. Due to the presence of existing vegetation along this boundary and the PRoW there are only limited influences of the existing built form of Southwater and the application site therefore retains a predominantly rural character. However, given the existence of vegetation around the



other boundaries of the site, it is also somewhat self-contained rather than appearing part of a larger open landscape.

- 6.26 Within the site itself, the submitted parameter plans show that the layout and arrangement of built form would be interspersed with open spaces and hedgerows with a 'view cone' running from the north eastern corner towards the south west. The 'view cone' would be free from built development, other than part of the internal road layout, and is proposed in order to retain some views from within the site towards the South Downs. It is acknowledged that the proposed development would significantly alter the landscape character and appearance of the site, due to the introduction of built form, however, the existing boundary planting would be retained in order to provide an enclosure for the proposed development.
- 6.27 In addition, Hogs Wood to the west of the site is designated as an area of ancient woodland and as such is required to be retained and a sufficient buffer placed around it free from built development. The application site includes this area of woodland and it is proposed that the long term management of this area forms part of the development proposals. The indicated buffer and principles of future management for this area are considered appropriate.
- 6.28 To the south of the site lies an area of poplar plantation. Whilst this is situated outside the application site, and therefore outside the control of this proposal, the presence of these trees and their on-going management and renewal provide a clear visual buffer to the open countryside further to the south. The eastern boundary of the site lies adjacent to Mill Straight, the A24 Pollards Hill roundabout and the A24 itself. There is existing vegetation, including rows of poplars and additional planting within the highway verge, which would substantially screen the proposed development from this side.
- 6.29 Given the level of existing boundary planting and screening, it is considered, and agreed by the Council's Landscape Consultant, that the proposed development would not give rise to any significant visual harm to the wider surrounding landscape. Whilst the considerable change to the character of the site itself is regrettable, in the context of achieving sustainable development of this scale, it is not considered that the proposed development would adversely detract from the overall landscape appearance or the key characteristics of the wider area and as such would accord with the requirements of policies CP1 and DC2 along with the detail of the NPPF.
- 6.30 It is noted that the Council's Landscape Consultant has advised that restricting development to the north easternmost corner of the site (i.e. the area sitting between Hogs Wood and Mill Straight approximately level with the A24 Pollards Hill roundabout) would provide a more natural 'rounding off' of the settlement of Southwater. Whilst this is accepted, this would result in a requirement for a new artificial southern boundary in order to enclose any development, and would significantly reduce the overall number of dwellings that could be provided in this location. The scheme as submitted does not propose this and it is considered that this reduction, given the recognised shortfall in housing provision across the District and the Inspector's Initial Findings that additional dwelling numbers are needed and that these should be concentrated on the larger settlements, would not result in the most efficient use of the site.

### ***Impact upon the amenities of nearby and future residents***

- 6.31 The site lies to the south of The Fieldings and to the west of Roman Lane (the new Bovis Homes development). The existing properties along the southern side of The Fieldings and Donechka, Worthing Road (just to the north along Mill Straight) would be the closest in proximity to the proposed development. Of these, No. 24 The Fieldings would be the closest to the site boundary, with a separation distance of approximately 2m from the edge

of this property to the site. This 2m space comprises an existing public right of way which runs along this boundary. The northern boundary of the site, adjacent to this public right of way, is formed by an existing row of mature trees and planting.

- 6.32 This public footpath would be retained and it is proposed to provide an alternative pedestrian/cycle route within the site running parallel to this and linking up in two places. The proposed pedestrian/cycle route, along with the proposed positioning of a secondary street towards this northern edge of the site, results in the built form of the development being situated somewhat back from the northern boundary. The indicative layout shows dwellings located approximately 19.5m from the nearest part of properties within The Fieldings. The proposed Parameter Plans also show an area of open space between this northern boundary and the proposed secondary street, i.e. it is not proposed that residential units would back onto this boundary.
- 6.33 The new dwellings along Roman Lane and those fronting onto Worthing Road would be situated opposite or adjacent to the proposed site entrance. The existing mature hedgerow along this eastern boundary of the site is proposed to be retained, apart from the stretch which is required to be removed to form the access and roundabout. The north easternmost corner of the development is shown to form an area of open space adjacent to the proposed access and retained hedgerow. Therefore the nearest proposed built form within the development would be just to the south of the new access. The indicative layout shows these dwellings to be located approximately 35m from the nearest existing properties.
- 6.34 The Building Heights Parameter Plan shows that the residential development nearest to existing properties along both The Fieldings and Worthing Road, would be restricted to two storeys. Given the proximity of existing properties to the application site, the form of the proposed development established on the submitted Parameter Plans and the retention of existing boundary treatments, it is not considered that the proposed development would lead to any significant impacts upon the amenities of nearby residents.
- 6.35 Within the development itself, whilst only an indicative layout is provided at this outline stage, each of the dwellings are shown to benefit from rear gardens of at least 8m in length and with a back-to-back separation distance of at least 20m between dwellings. It is considered that spacing of this level would provide a satisfactory degree of amenity space for future residents and would not be dissimilar to other recently approved or constructed developments. The indicative layout and dwelling mix show that 3 No. blocks of apartments are proposed with each of these being shown to be surrounded by expanses of open space.
- 6.36 The submitted noise assessment (chapter 10 of the Environmental Statement) shows that the proposed units, and their external environments, closest to the A24 would be likely to experience significant adverse impacts from noise if left unmitigated. The noise assessment states that appropriate glazing specifications and ventilation strategies are proposed to ensure that noise has a negligible impact on the internal environment of these properties and that a noise barrier is proposed to mitigate the external areas. The Council's Environmental Health Officer has raised concerns that glazing and ventilation strategies will adversely impact upon the behaviour of future residents and that the proposed noise barrier would not be effective at first floor level, due to its height.
- 6.37 Whilst it is considered that moving dwellings further away from the main source of external noise, i.e. further away from the A24, would provide a better noise environment for future residents it is acknowledged that this would be likely to result in a considerable reduction in the overall dwelling numbers which could be accommodated within the site. It is accepted that the proposed forms of mitigation could be utilised to ensure a satisfactory environment for future residents and therefore, it is not considered that the development would result in

an environment that would be significantly detrimental to future residents and that would therefore warrant refusal of permission on this basis.

- 6.38 Whilst only indicative, it is considered that the layout shows that up to 193 No. dwellings could be appropriately accommodated within the site and that a satisfactory environment for future residents can be achieved, in part through mitigation, whilst ensuring an efficient use of the available land. In addition, it is considered that the proposal would not cause any significant harm to the amenities of nearby residents. Therefore, at this outline stage, the proposal adequately conforms with policy DC9 of the GDCP and the detail would be controlled through reserved matters submissions.

### ***Transport impacts***

- 6.39 The NPPF, at section 4, along with policies CP19 and DC40 seek to promote sustainable transport through developments being adequately and safely accessed, well integrated with the public transport network and taking the opportunities to promote non-car modes of travel. It is proposed that the application site be accessed towards the north eastern corner with the provision of a new roundabout along Mill Straight.
- 6.40 The proposed new roundabout along Mill Straight would form the only vehicular access into the site to serve the residential properties. This roundabout would be situated to the north of the A24 Pollards Hill roundabout and to the south of the junction with Cripplegate Lane. The roundabout would be situated as such that Roman Lane, which provides access to the new Bovis Homes development, would form a fourth arm. The introduction of a new roundabout in this location has been considered, by the Highways Authority, as the most appropriate form of access to the site. The new roundabout would adequately accommodate the additional traffic flows associated with the development and provide some reduction in traffic speeds along Mill Straight. It is considered that the proposed roundabout would sufficiently reduce traffic speeds to enable the provision of a Toucan crossing for pedestrian and cycle access across Mill Straight, whilst not resulting in any capacity or queuing problems at the A24 Pollards Hill roundabout. The proposed new access has been subject to a Stage 1 Road Safety Audit and has been considered satisfactory.
- 6.41 From the proposed new access, the Vehicular Movement and Access Parameter Plan shows that the primary street would loop around in a southerly direction with a second branch extending towards the south western corner of the site. A series of secondary streets would then connect to the proposed primary street. In addition to the new roundabout access, an existing farm access situated further to the south would be retained. This farm access would be restricted, through the use of lockable bollards, to ensure that general traffic is not able to access the dwellings from this direction, but emergency vehicle access would be possible.
- 6.42 The submitted Transport Assessment (TA) has calculated anticipated trip rates for the proposed development, through the use of the TRICS database, and used these to predict the total number of vehicular trips that would be generated by the proposed development. These trip rates are 105 No. two-way trips in the AM peak (08.00 – 09.00) and 118 No. two-way trips in the PM peak (17.00 – 18.00). Using these trip rates, it is anticipated that there would be a 6.6% increase in traffic movements moving north along Mill Straight during the AM peak and a 7.5% increase in the PM peak. Traffic movements moving south along Mill Straight would be anticipated to increase by 7.5% and 12.9% in the AM and PM peaks respectively.
- 6.43 The TA goes on to consider the likely impact of the development, using the figures set out above, on the local highway network, specifically the A24 Pollards Hill roundabout and the A24 Hop Oast roundabout. These considerations have included the potential increase in

traffic arising from the approved developments at Roman Lane and Rascals Close, along with the proposed development to the west of Worthing Road by Berkeley Homes. In relation to the Pollards Hill roundabout, it is considered that the proposal would be likely to have an impact in terms of increasing the interruptions of traffic along the A24. The TA indicates that the A24 junction approach flares could be widened to ensure that there is no detrimental impact upon the operational capacity of this roundabout as a result of the development. These works are consistent with those identified within the Council's Technical Note prepared in support of the additional housing numbers to be included within the HDPF, and the Highways Authority accept that this is an acceptable solution.

- 6.44 In relation to the A24 Hop Oast roundabout, which is somewhat further from the site access, it is accepted that the likely impacts would be less than those at the Pollards Hill roundabout. However, it is known that this junction will begin to exceed its capacity in 2019 in any event if it is not improved, and the anticipated additional traffic that would arise from the proposed development would have some impact upon this roundabout and its overall capacity. The TA therefore indicates that widening of the approach flares to the roundabout would result in a nil-detriment situation and maintain the roundabout within capacity.
- 6.45 However, it should be noted that improvements to both the A24 Pollards Hill and Hop Oast roundabouts form part of the transport mitigation package associated with the Berkeley Homes development to the west of Worthing Road. Although the Berkeley Homes proposal has not as yet been granted outline planning permission, the Development Management North Committee have resolved to grant permission subject to an appropriate legal agreement. To ensure that the appropriate highway improvements to these junctions are undertaken with respect to the level of development that may ultimately be approved and constructed, an appropriate legal agreement will be required. This would also allow for the option of appropriate and proportionate contributions from one or both of the developers to West Sussex County Council in order to cover the costs of the necessary highway improvements, should both this development and the Berkeley Homes development be constructed.
- 6.46 The submitted details show the use of the existing field access, which would be retained as an emergency access, to form the proposed construction access into the site. The Highways Authority have raised concerns and an objection to this, due to its proximity to the A24 Pollards Hill roundabout and the potential for long and/or slow moving vehicles entering or exiting the site to cause problems with the flow of traffic along Mill Straight. The applicant has been made aware of this and the Highways Authority are therefore recommending that a condition requiring amended details for a construction access be submitted for approval should permission be granted.
- 6.47 In terms of the connectivity of the site and opportunities for non-car modes of transport, as mentioned above, the northern boundary of the site adjoins an existing PRow and this would be retained with a new Toucan crossing proposed across Mill Straight to allow easier access for pedestrians using this footpath which continues further on to the east. In addition, an alternative route is proposed within the site and running parallel to this northern boundary, which would then link up with the existing PRow near to the north eastern corner and towards the north western corner to the rear of properties within The Fieldings. Moving west from here the PRow links up with Andrews Road and provides access into Hogs Wood. It is proposed to improve this route through Hogs Wood and link this up with the south western corner of the development site, in order to dissuade uncontrolled access into this ancient woodland.
- 6.48 The recent Bovis Homes development to the opposite side of Mill Straight is required to upgrade an existing public bridleway through their site to allow cyclist access from Mill Straight to Stakers Lane. This bridleway will provide an alternative means of cycling, other than along Mill Straight/Worthing Road, from the application site into Southwater village

centre, the Downs Link and Southwater Country Park. It is acknowledged that the location of the site is such that many trips will be undertaken by car, however, the existing and proposed footpaths would provide access to existing bus stops along Mill Straight. These bus stops are served by regular bus services into Southwater village centre, Horsham town centre and Horsham Station, and less frequent services to Crawley, Worthing and Storrington. Improvements to the two nearest bus stops will be required and can be ensured through a legal agreement.

- 6.49 As this application is outline in form details of the car and cycle parking provision for each of the individual residential units are not provided and would form part of the consideration of any reserved matters submission. However, the indicative layout shows the provision of driveways, garages and small parking court areas along with some dispersed spaces for visitor use. The indicative parking shown has been considered reasonable by the Highways Authority.
- 6.50 It is considered that the proposed layout of the development in terms of vehicular, pedestrian and cycle access and connectivity is acceptable. It is also considered that the proposed off-site highway works would adequately address any impacts arising from the anticipated movements generated by the development and that the development would be appropriately integrated into the local transport network and would therefore be considered sustainable in this regard.
- 6.51 Paragraph 32 of the NPPF states that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (Officer's emphasis)*. The Highways Authority have not raised any objection to the proposed development in terms of any impact upon highway capacity or safety issues and a satisfactory means of construction access can be ensured through an appropriate condition. It is therefore considered that the proposal would accord with the requirements of the NPPF and with policy CP19 of the CS and policy DC40 of the GDCP.

## **Ecology, drainage, pollution and archaeology**

### *Ecology*

- 6.52 The NPPF and policy DC5 of the GDCP require that developments should conserve or enhance biodiversity, and that if significant impacts cannot be avoided, adequately mitigated or compensated for, then development should be refused. In addition, paragraph 118 of the NPPF states that *'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland'... 'unless the need for, and benefits of, the development in that location clearly outweigh the loss'*.
- 6.53 As discussed above, the application site is largely comprised of open agricultural land but enclosed by existing hedgerows and an area of ancient woodland (Hogs Wood) to the western side. It is these boundary hedgerows and the area of ancient woodland that provide the highest ecological value to the site and they are proposed to be retained. In terms of biodiversity, the submitted Ecological Impact Assessment concludes that the retained woodland and hedgerows would provide roosting, commuting and foraging opportunities for bats and a suitable habitat for dormice and hedgehogs. It is also stated that new refugia within the woodland will be provided to enhance opportunities for reptiles. This Assessment states that the development would result in a negligible to slightly positive impact upon species and that the proposal offers opportunities for habitat enhancements. These conclusions are not disputed by West Sussex County Council's Ecologist who recommends that a suitable condition be attached to any approval to ensure appropriate protection and mitigation measures are put in place and that biodiversity enhancements and habitat management is appropriate.

- 6.54 The Natural England and Forestry Commission Standing Advice for Ancient Woodland and Veteran Trees states that development should be kept as far away from ancient woodland as possible and that an appropriate buffer area should be maintained to any built development. The use of a 15m buffer around ancient woodland is mentioned and was found to be an appropriate level of division between the woodland and built development by an Inspector into an appeal in Haywards Heath in 2007, which was subsequently endorsed by the Secretary of State. In terms of Hogs Wood, an area of designated ancient woodland, the proposed development shows, on both the Landscape and Ecology Strategy Parameter Plan and the Land Use Parameter Plan, that a 15m buffer around the edge of this area would be retained free from built development. In addition, an Outline Woodland Management Plan has been submitted and indicates how on-going management and protection from impacts can enhance the ancient woodland. It is considered that the proposed buffer is appropriate and that this, together with on-going management, will provide adequate mitigation of any potential impacts of the development on the ancient woodland.
- 6.55 As this application is outline in form, it is possible that ecological surveys may need to be updated prior to the submission of any reserved matters applications in order that any mitigation and enhancement measures can be appropriately updated and delivered. However, the County Council's Ecologist has not raised any objection to the proposed development subject to the imposition of suitable conditions. The proposed measures to mitigate any impacts upon habitats and the ancient woodland are considered appropriate and therefore the development can be satisfactorily controlled to ensure compliance with both the NPPF and policy DC5.

#### *Drainage*

- 6.56 The application site lies within Flood Zone 1, as defined by the Environment Agency's Flood Map, which is land with the lowest probability of flooding. Residential development is considered to be appropriate development within Flood Zone 1, as established in the Technical Guidance to the NPPF. The application has been submitted with a Flood Risk Assessment (FRA) and an assessment of flood risk and drainage within the Environmental Statement (chapter 11). The application site is stated as being at low risk from fluvial flooding, surface water flooding, groundwater flooding and flooding from sewers, and that there is not a risk of flooding from reservoirs or canals.
- 6.57 There is an un-named watercourse running through Hogs Wood, to the west of the site, with a number of minor tributaries and rivulets. As this watercourse lies at a lower level than the majority of the site, there is a potential for water to run-off from the site to this watercourse. The submitted FRA details that all surface water run-off, up to the 1 in 100 year rainfall event (with an allowance for climate change) will be stored on site in detention basins and discharged at a pre-development rate into the receiving watercourse. The proposed detention basins, along with swales and flow routes are shown to form part of the drainage scheme and the early implementation of these Sustainable Drainage System features will ensure that run-off from the site during both construction and implementation phases is adequately controlled.
- 6.58 The Council's Drainage Engineer has raised no objections to the proposed drainage strategy and the Environment Agency have advised that they have no objections to the proposal. Whilst Southern Water have indicated that additional capacity would be required within the local foul sewerage and water supply networks, the developer would be required to upgrade these networks as necessary under the Water Industry Act 1991.
- 6.59 The submitted FRA and indicative drainage strategy demonstrate that the site would not be at risk from flooding and indicate that the development can be adequately drained and

controlled to protect water quality and attenuate run-off. It is therefore considered that the proposed development can be conditioned to ensure compliance with the NPPF and policy DC7 of the GDCP.

### *Pollution*

- 6.60 The submitted Environmental Statement includes (at chapter 12) an assessment of the site's ground conditions. This indicates that the site has historically been used for agricultural purposes and that therefore there is some potential for contamination associated with such activities, i.e. from fertilisers, herbicides and pesticides. However, it is not considered that these represent a significant risk to the future use of the site. The report states that there is not a significant risk of contamination from off-site sources or risk to underlying groundwater. The Council's Environmental Health Officer accepts the findings of the submitted assessments.
- 6.61 In addition to contamination, the Environmental Statement also considers the potential impact of the development on air quality (at chapter 9). Subsequent to the submission of the application, discussions between the applicant's consultants and the Council's Environmental Health Officers have been on-going. Following these discussions, an agreed approach to the calculation of the potential impact of the development on local air quality has been established and a total emission mitigation value, based on 193 No. dwellings, has been devised and agreed. The applicant has indicated a preference to utilise this mitigation value through the provision of on-site electric vehicle charging points, however, as the application is only outline in form at this stage, it is considered that an appropriate condition could be attached to any approval to ensure that full details of an air quality mitigation scheme be submitted as part of the detail at reserved matters stage.
- 6.62 It is therefore considered that the proposed development would not be at any significant risk from contamination and that any impacts upon either contamination or air quality can be satisfactorily mitigated for, and if necessary remediated, through appropriate conditions. The proposal therefore accords with the requirements of policy CP2 of the CS, with the NPPF and with the advice within the Council's *'Planning Advice Document: Air Quality & Emissions Reduction Guidance'*.

### *Archaeology*

- 6.63 Policy DC10 of the GDCP states that planning permission will not be granted for developments where they would cause unacceptable harm to important archaeological sites and that where there is evidence of archaeological remains, the Council will require the submission of an appropriate assessment prior to the determination of the application. Furthermore, paragraph 141 of the NPPF states that developers should be required to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner that is proportionate to their importance and the impact.
- 6.64 The application has been supported by an Archaeological Desk-Based Assessment, a Historic Landscape Survey and chapter 14 (Archaeology) of the Environmental Statement. The Desk-Based Assessment asserts that there are no known designated or non-designated archaeological assets within the main part of the site (i.e. not Hogs Wood). However, recent archaeological data (from December 2014) derived from investigations on the adjacent Bovis Homes site show evidence of prehistoric features of a Neolithic date and that enclosures and parts of field systems dating from the Roman period have been discovered here. These recent nearby finds mean that the application site should be assessed as having a 'medium' potential for the presence of archaeological features.
- 6.65 This increased potential is recognised within the Environmental Statement. It is acknowledged that the proposed construction works would be likely to have a localised

severe impact upon any underlying archaeological deposits and therefore adequate investigation should be undertaken prior to the commencement of any development.

- 6.66 Within Hogs Wood a number of woodland archaeological features have been identified. There is a desirability for these features to be protected and where possible enhanced and any detailed woodland management plan should include an objective to achieve this.
- 6.67 It is considered that appropriate conditions could be imposed to ensure that adequate site investigations are conducted, and that any appropriate mitigation measures arising from them are implemented. In addition, it can be conditioned that a detailed woodland management plan be submitted, agreed and implemented. These measures would accord with the advice of West Sussex County Council's Senior Archaeologist and with the requirements of policy DC10 of the GDCP and the NPPF.

### **Legal obligations**

- 6.68 In order to ensure sufficient infrastructure capacity to serve the proposed development, the applicant has been advised that there would be a requirement to enter into a legal agreement under Section 106 of the Town and Country Planning Act. This requirement is set out in policy CP13 of the CS and within the adopted SPD on Planning Obligations. In order for a contribution to be sought under a planning obligation (i.e. through a Section 106 legal undertaking) they need to meet all of the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) and reiterated within paragraph 204 of the NPPF. These tests require that an obligation should only be sought where they are:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 6.69 The proposed development seeks up to 193 No. residential dwellings, with 115 No. open market units and 78 No. affordable units. It is considered that the proposed development would lead to additional pressures on community facilities and open space, sport and recreational facilities within Southwater. Whilst the application site lies within the Parish of Shipley it adjoins the southern built-up edge of Southwater and any future residents living within the development would be most likely to utilise the existing services and facilities of Southwater. Although it is acknowledged that Shipley Parish Council are seeking a level of contribution towards improvements within their Parish, any contributions can only be collected where they are necessary to make the development acceptable and are directly related to the development. Given these strict tests and the interconnectivity of the site with Southwater rather than Shipley, it is Officers view that the development would only have a significant impact upon the services and facilities of Southwater. As such Officers consider that it is appropriate to seek to address these impacts through the collection of infrastructure contributions, but that directing contributions towards facilities in Shipley would not mitigate the impact of development and would not therefore accord with the CIL tests set out above.
- 6.70 Based on the submitted details, the proposed development would attract infrastructure contributions to Horsham District Council totalling £306,598 to cover community facilities and open space, sport and recreational facilities. This has been calculated in accordance with the adopted Planning Obligations SPD and is considered to be fully compliant with the CIL Regs. An additional contribution of £1,142,922 would be required by West Sussex County Council to cover education, libraries and fire and rescue services. The County Council are not requesting a highway contribution in this instance as they are requiring off-site highway works to be undertaken, or specific monies to be provided to cover the



undertaking of these works. The off-site highway works will be ensured through the legal agreement.

- 6.71 In addition to the above, the legal agreement will also ensure that the 78 No. proposed affordable dwellings are provided in perpetuity as affordable homes with an appropriate mix of tenures. The applicant is aware of the requirement to enter into an appropriate legal agreement and this is therefore reflected within the recommendation.

## **Conclusion**

- 6.72 It is acknowledged that a significant number of representations have been received in relation to this proposed development. These have been reviewed and considered in detail and where relevant to material planning considerations they have been reflected within the detail of this report.
- 6.73 However, given the District's current lack of an identified 5 year supply of deliverable housing sites and the necessarily more flexible approach to be taken to the implementation of housing policies, together with the clear presumption in favour of sustainable development set out in paragraph 14 of the NPPF, and the Initial Findings of the Inspector in the Examination of the HDPF Proposed Submission, it is considered that the principle of development on this site is acceptable. It is also considered that the mix of dwelling sizes indicated at this outline stage would be appropriate with regard to the housing needs of the District, however, this would be reviewed again at reserved matters stage in light of adopted policy at that time. Furthermore, the proposal would provide 40% of dwellings as affordable homes in accordance with policy CP12 and this can be ensured through a legal agreement.
- 6.74 Whilst it is acknowledged that the development would alter the character of the application site itself, the existing boundary planting and area of ancient woodland to the west would provide a considerable degree of enclosure to the site. This enclosure would ensure that the development does not give rise to any significant visual harm to the wider landscape or adversely detract from the key characteristics of the surrounding area. The development would therefore accord with the requirements of policies CP1 and DC2 and with the NPPF.
- 6.75 It is considered that sufficient information has been submitted at this stage to show that development of this scale could be satisfactorily accommodated within the site without resulting in an unacceptable environment for future residents. In addition, whilst nearby residents would inevitably be able to view parts of the proposed development, it is not considered that the level of amenity experienced by these residents would be significantly adversely impacted upon by the proposal. The proposal therefore accords with policy DC9 of the GDGP and can be appropriately controlled through conditions and details at the reserved matters stage.
- 6.76 In terms of accessibility and highway impacts, the proposed development would generate additional vehicular movements and has proposed appropriate mitigation measures to address these. The proposed new access along Mill Straight is considered to be acceptable and no objections to the proposal have been raised by the Highways Authority in respect of either highway safety or capacity. The development is therefore considered to comply with the NPPF and policies CP19 and DC40.
- 6.77 The application site lies to the south of, and adjoins the built-up area boundary of, Southwater, which has been considered by the Inspector in his Initial Findings to represent one of the more sustainable locations for development within the District. The Council has been tasked with increasing the number of homes to be built during the forthcoming plan period and 193 No. dwellings in a location immediately adjacent to an identified sustainable settlement is therefore considered appropriate.

6.78 It is therefore considered that the economic, social and environmental aspects of sustainability, as set out in paragraph 7 of the NPPF, are met and that the proposal therefore constitutes sustainable development to which the presumption in favour (as set out in paragraph 14 of the NPPF) applies.

## 7. RECOMMENDATIONS

7.1 It is recommended that planning permission be delegated for approval to the Development Manager subject to securing a S106 legal agreement and appropriate conditions.

1. Applications for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

*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.*

2. 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. The submission of reserved matters applications pursuant to this Outline application shall demonstrate compliance with the following Parameter Plans submitted as part of the Outline application to fix the development principles:

- 1 - Red Line Boundary (Drawing No. 14050 / C01K);
- 2 - Land Use (Drawing No. 14050 / C02K);
- 3 - Density (Drawing No. 14050 / C03K);
- 4 - Building Heights (Drawing No. 14050 / C04K);
- 5 - Vehicular Movement and Access (Drawing No. 14050 / C05K);
- 6 - Pedestrian and Cycle Movement and Access (Drawing No. 14050 / C06K);
- 7 - Landscape and Ecology Strategy (Drawing No. 14050 / C07K);
- 8 - Phasing (Drawing No. 14050 / C08K)

*Reason: To enable the Local Planning Authority to control the development in detail in accordance with the NPPF.*

4. (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the relevant phase of the development is commenced.

(b) Plans and particulars of the reserved matters referred to in part (a) of this condition above, relating to the layout of the development, the scale of each building, the appearance of each building and the landscaping of the development shall have regard to the approved parameter plans which establish the principles of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) The reserved matters application for landscaping referred to in part (a) of this

condition above shall be submitted concurrently with the plans and particulars relating to the other reserve matters for that parcel, as identified on the phasing plan approved pursuant to Condition 5 below.

(d) The landscaping scheme to be submitted pursuant to part (a) of this condition above shall include the following information:

- A detailed plan and specification for topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice;
- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers;
- Tree pit and staking/underground guying details;
- A written hard and soft specification (National Building Specification compliant) of planting (including ground preparation, cultivation and other operations associated with plant and grass establishment);
- Existing and proposed levels, contours and cross/long sections for all earthworks, including SuDS features;
- Hard surfacing materials including layout, colour, size, texture, coursing and levels;
- Walls, fencing and railings, including location, type, heights and materials;
- Minor artefacts and structures – location, size, colour and type of any street furniture, play equipment, signage, refuse units and lighting columns and lanterns.

The landscaping scheme shall be carried out in accordance with a timetable to be agreed, in writing, with the Local Planning Authority and any plant forming part of the landscaping scheme which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

*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.*

5. Prior to the commencement of development on any phase a detailed long term Landscape Management and Maintenance Plan for all landscape areas for that phase shall be submitted to and approved, in writing, by the Local Planning Authority. The submitted plan shall include:

- A description of landscape components;
- Management prescriptions;
- Details of maintenance operations and their timing;
- Details of the parties/organisations who will maintain and manage the site, to include a plan delineating the areas that they will be responsible for.

The plan shall demonstrate full integration of landscape, biodiversity and arboricultural considerations. The areas of planting shall thereafter be retained and maintained in perpetuity in accordance with the approved Landscape Management and Maintenance Plan, unless any variation is approved, in writing, by the Local Planning Authority.

*Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with policy DC9 of the Horsham District Local*

*Development Framework: General Development Control Policies (2007).*

6. Prior to the commencement of development on any phase, including works of any description, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, the following preliminaries for that phase shall be completed in the sequence set out below:
- All required arboricultural works, including permitted tree felling and surgery operations and above ground vegetative clearance within such areas set out for development as indicated on the approved site layout drawing to be completed and cleared away;
  - All trees on the site targeted for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012). Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. No alterations or variations to the approved tree works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

*Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

7. No trees, hedges or shrubs on the site, other than those the Local Planning Authority has agreed to be felled as part of this permission, 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 hereby permitted. Any trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

*Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

8. Prior to the commencement of development on any phase details of all underground trenching requirements for services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities, and required ground excavations there for, for that phase, shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall demonstrate effective coordination with the landscape scheme submitted pursuant to condition 4 and with existing trees on site. All such underground services shall be installed in accordance with the approved details.

*Reason: To protect roots of important trees and hedgerows on the site in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

9. Prior to the commencement of development on any phase a strategy for foul and surface water drainage and for water infrastructure, based on sustainable drainage principles for surface water drainage, shall be submitted to and approved, in writing, by the Local Planning Authority in consultation with Southern Water and/or the Environment Agency where appropriate. The submitted information shall include:
- Details of any measures required to divert public sewers;
  - Details of all sustainable drainage systems (SuDS) that are to be utilised across the site;
  - Details of how the SuDS are to be maintained and managed after completion;
  - Details of how the development has been designed for exceedance events and flood flow paths;

The approved details shall be fully implemented in accordance with a timetable to be agreed, in writing, with the Local Planning Authority, in consultation with Southern Water and/or the Environment Agency as appropriate, and shall thereafter be retained and maintained as approved.

*Reason: To ensure the development is properly drained, to prevent the increased risk of flooding and in the interests of highway safety, in accordance with policies DC7 and DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

10. Prior to the commencement of development on any phase a scheme of sound mitigation and insulation works to provide sound attenuation against external noise to comply with the indoor ambient noise levels for dwellings as stated within BS 8233:2014 for that phase, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall thereafter be fully installed prior to the first occupation of each dwelling.

*Reason: In the interests of residential amenities by ensuring an acceptable noise level for the occupants and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

11. If, during development, contamination (including the presence of asbestos containing materials) not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

*Reason: To ensure that no unacceptable risks are caused and any pollution is dealt with in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

12. Prior to the commencement of development on any phase details of a scheme of air quality mitigation for the development shall be submitted to and approved, in

writing, by the Local Planning Authority. The submitted scheme shall be informed by Horsham District Council's 'Planning Advice Document: Air Quality & Emissions Reduction Guidance (2014).'

*Reason: In order to ensure that the development does not contribute to unacceptable levels of air pollution, in accordance with paragraph 109 of the NPPF.*

13. Prior to the commencement of development on any phase the applicant, or the applicant's agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which shall have been submitted to and approved, in writing, by the Local Planning Authority.

*Reason: In order to ensure that archaeological features deposits and artefacts revealed during development works will be adequately recorded in accordance with policy DC10 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

14. The plans and particulars submitted in support of the reserved matters application shall include the following ecological details:
- wildlife protection and mitigation plan and method statement setting out the practical steps to be taken to avoid impacts on wildlife during site preparation and construction (which may be based on / incorporate the Precautionary Method of Working, Ref: J005445 by Ecosulis Ltd);
  - a detailed lighting plan showing measures to be used to minimise light pollution of semi-natural habitats and newly created habitat, including modelled lux levels within woodland buffer, land adjacent to hedgerows and biodiverse soft landscaped areas;
  - a detailed woodland management plan, based on the outline management plan submitted in support of this application, and including arrangements to secure long-term implementation and financing of the plan, provisions for managing recreational pressure and any anti-social behaviour, including fly-tipping of garden waste, and measures to protect and enhance the known archaeological features; and
  - details of biodiversity enhancements as part of detailed landscape proposals and management plan, based on the outline landscape management plan submitted in support of this application.

If there is a delay of greater than 24 months between the submission of a reserved matters application and the date of the ecological surveys submitted in support of this application, an updated survey report shall be submitted to support the reserved matters application.

*Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with paragraphs 109 and 118 of the NPPF and policy DC5 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

15. Prior to the commencement of development on any phase, including any works of demolition, a Construction Environmental Management Plan shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction

period. The Plan shall provide details as appropriate, but not necessarily be restricted to, the following matters:

- the location of site offices;
- routing details for construction traffic (to ensure that all construction traffic enters and leaves the site from the A24 to the south and avoids travelling through the village);
- the location of parking for vehicles of site operatives and visitors;
- the location of loading and unloading areas for plant, materials and waste;
- the location of storage areas for plant and materials;
- the location of any hoardings;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
- details verifying that the soils to be used on site are suitable for use in connection with residential development.

*Reason: In the interests of highway safety and the amenities of the area, and in order to ensure a satisfactory environment for future residents, in accordance with policies DC9 and DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and the NPPF.*

16. The access to the development from the public highway (Mill Straight) shall be designed, laid out and constructed in all respects to the satisfaction of the Local Planning Authority, prior to the occupation of any dwelling on the site.

*Reason: In the interest of highway safety and in accordance with policy DC 40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and the NPPF.*

17. The development hereby permitted shall not commence unless and until the location of the construction access to the site has been agreed with the Local Planning Authority and has been designed, laid out and constructed to its satisfaction.

*Reason: In the interest of highway safety and in accordance with policy DC 40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and the NPPF.*

18. The retained farm/emergency access from Mill Straight shall restrict access into the site by way of lockable bollards, or other such method as may be agreed in writing with the Local Planning Authority.

*Reason: In the interest of highway safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and the NPPF.*

19. The internal access roads, cycleways and footways serving the development shall be designed, laid out and constructed (to at least base course level) in all respects to the satisfaction of the Local Planning Authority, prior to the occupation of any dwelling on site.

*Reason: In the interests of highway safety and to ensure that each dwelling has been provided with a suitable means of access, in accordance with policy DC 40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and the NPPF.*

20. The Toucan crossing on Mill Straight and the pedestrian/cycle links to it shall be designed, laid out and constructed in all respects to the satisfaction of the Local Planning Authority, prior to the occupation of any dwelling on the site.

*Reason: In the interest of pedestrian and cyclist safety and in accordance with policy DC 40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and the NPPF.*

21. Prior to the first occupation of the development, a Green Travel Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall subsequently be implemented in full.

*Reason: To offer and encourage the use of sustainable forms of transport to and from the site and ensure that the development is sustainable in terms of transport emissions in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007) and the aims of the NPPF.*

22. Prior to the commencement of development on any phase, other than works of demolition and site clearance, precise details of the finished floor levels of the development in that phase in relation to a nearby datum point shall be submitted to and approved by the Local Planning Authority in writing. The development within that phase shall be completed in accordance with the approved details.

*Reason: To control the development in detail in the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

23. No external lighting or floodlighting in connection with the construction process shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

*Reason: In the interests of the amenities of the locality and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

24. No work for the implementation of the development hereby permitted, including deliveries, loading and unloading, shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To safeguard the amenities of nearby residents in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).*

25. O2 No Burning of Materials

26. List of approved documents and plan numbers.

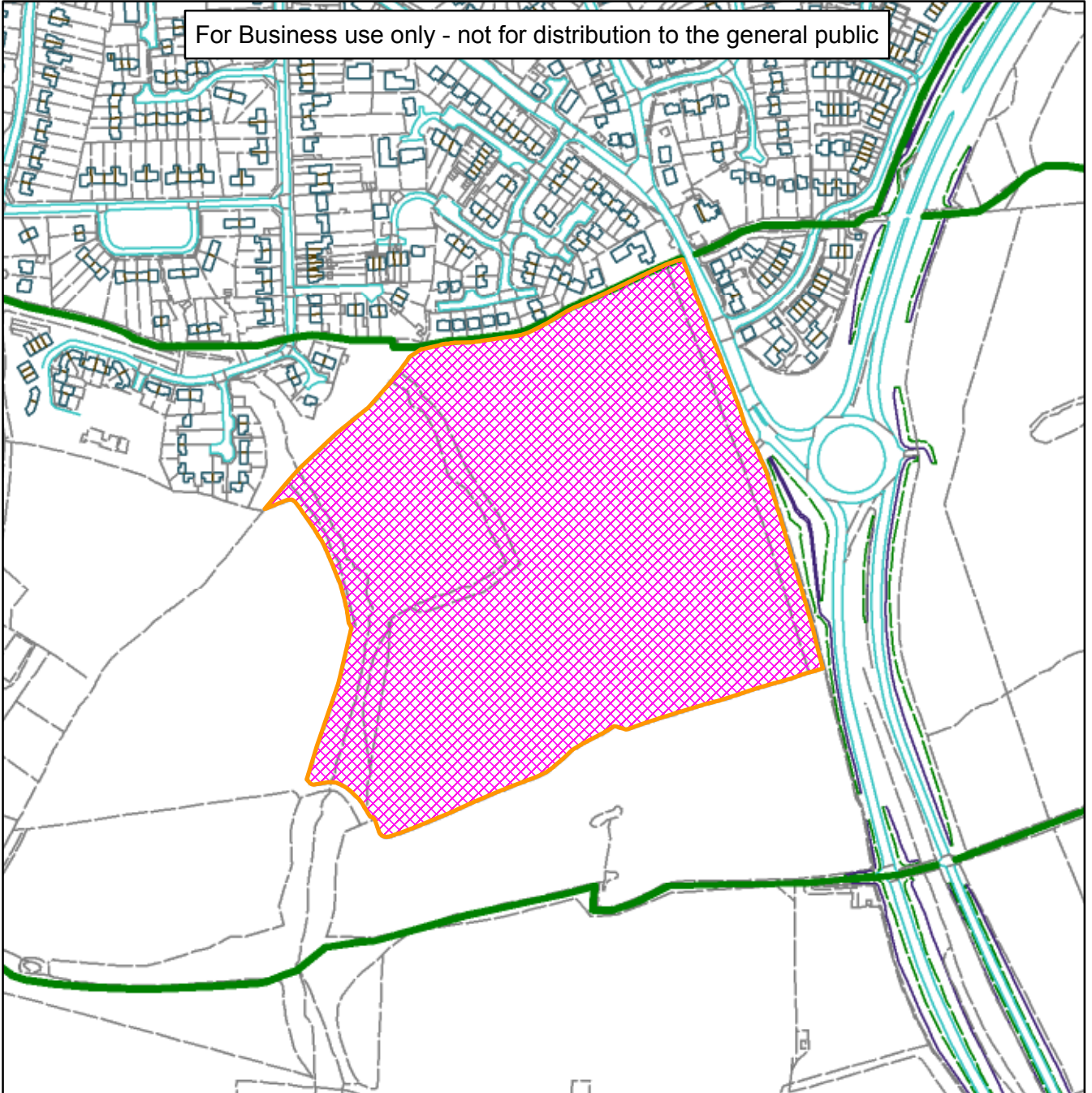
Notes to Applicant:



1. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
2. A formal application to requisition water infrastructure is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Background Papers: DC/14/2582

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Organisation	Horsham District Council
Department	
Comments	
Date	09/04/2015
MSA Number	100023865



Horsham  
District  
Council

# DEVELOPMENT MANAGEMENT REPORT

- TO:** Development Management (South) Committee
- BY:** Development Manager
- DATE:** 21<sup>st</sup> April 2015
- DEVELOPMENT:** Full Application for the construction of 45 two storey residential dwellings (Class C3) comprising of 8 x 2 bed, 16 x 3 bed, 14 x 4 bed, 5 x 5 bed, 2 x 6 bed with associated access works, landscaping and open space.
- SITE:** Development site adjacent to 3 Bax Close, Storrington, West Sussex, RH20 4GZ
- WARD:** Storrington
- APPLICATION:** DC/15/0107
- APPLICANT:** Bovis Homes and Rotrust Nominees
- REASON FOR INCLUSION ON THE AGENDA:** Category of Development
- RECOMMENDATION:** It is recommended that planning permission be refused.

## 1.0 THE PURPOSE OF THIS REPORT

- 1.1.1 To consider the planning application.

## 2.0 DESCRIPTION OF THE APPLICATION

- 2.1.1 The application seeks full planning permission for the erection of 45 residential dwellings on the site described in section 3.0 of this report. The proposed dwellings range from two bedrooms to six bedrooms and are all of two storeys in height.
- 2.1.2 Vehicular access to/from the site is taken from the southern end of Bax Close, which is a recent development of two storey detached properties. Footpaths connect the built-up part of the development site with the eastern and southern boundaries where the site meets Amberley Road. The proposed dwellings range in height between 7.8m and 9.3m (external ground level to the ridge).
- 2.1.3 Parking will be provided to the total sum of 124 spaces and this is dis-aggregated to 34 garage spaces, 80 allocated/off-street parking spaces, and 10 visitor parking spaces.
- 2.1.4 A schedule of the proposed market and affordable housing is provided below:

Unit	Number of Market Units	Number of Affordable Units	% of Total as Affordable Units
2 bed unit	0	8	17.8%
3 bed unit	8	8	17.8%
4 bed unit	12	2	4.4%
5 bed unit	5	0	0%
6 bed unit	2	0	0%
TOTAL	45	18	40%

- 2.1.5 The planning application has not been supported by a draft s.106 agreement to secure appropriate and reasonable planning contributions.

### 3.0 DESCRIPTION OF THE SITE

- 3.1.1 The application site comprises of open grass land positioned in a triangular shape between the southern end of Bax Close, the eastern edge of rear gardens belonging to residential properties in New Town Road and Downlands, and the B2139 (Amberley Road) to the south. The site is bordered by mature trees and scrub vegetation. A stream and mature trees align the western side of the site.
- 3.1.2 The application site is located outside of the Built-Up Area Boundary of Storrington, but is contiguous along its eastern side. The site sits immediately adjacent to the South Downs National Park, the boundary of which touches at the southern tip of the site before continuing along its south-eastern side along the Amberley Road. The grade II listed building of Cobb Court is positioned to the north-east of the application site and has a curtilage that comprises of the residential garden to its southern side.
- 3.1.3 The site is gently undulating with the highest point being along the southern side of the site, and the lowest point being in the northern corner adjacent to Bax Close. There is a more discernable slope to the site when viewed from Amberley Road and the southern edge of the field that sits adjacent. The site is divided into two visibly distinct sections by the broadleaved tree group; G12.
- 3.1.4 The public footpath (no. 2972) crosses the northern part of the application site, and a permissive footpath connects this to Amberley Road, and continuation thereof of the public footpath (no. 2660) to the east. There is an informal circuit of footpaths on the application site, that at the time of the Officer's visit were in use by members of the public including several dog walkers.
- 3.1.5 The residential development of Bax Close sits on the northern side of the application site with two storey flank elevations facing onto the northern part of the proposed scheme. Three large mature Oak trees soften this inter-face between Bax Close and the application site. The rear gardens belonging to properties in New Town Road and Downlands are softened by mature tree and shrub planting along the rear of their curtilages.
- 3.1.6 The application site projects outwards from the defined settlement edge of Storrington in a wedge shaped piece of land that does not follow the gradual curve of the established urban edge around Bax Close, New Town Road, and to the south of Amberley Road, Amberley Gate. This is evident from views along Amberley Road notwithstanding the partial screening afforded to the site from broadleaved tree groups G27 and G41.

## **4.0 INTRODUCTION**

### **4.1 STATUTORY BACKGROUND**

- 4.1.1 The Town and Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004  
Planning (Listed Building and Conservation Area) Act 1999

### **4.2 RELEVANT GOVERNMENT POLICY**

- 4.2.1 National Planning Policy Framework (2012)  
Planning Practice Guidance (2014)

### **4.3 RELEVANT COUNCIL POLICY**

- 4.3.1 Horsham District Council Local Development Framework: Core Strategy 2007:

- CP1 – Landscape and Townscape Character
- CP2 – Environmental Quality
- CP3 – Improving the Quality of New Development
- CP5 – Built-Up Areas and Previously Developed Land
- CP12 – Meeting Housing Need
- CP13 – Infrastructure Requirements
- CP19 – Managing Travel Demand and Widening Choice of Transport

- 4.3.2 Horsham District Council Local Development Framework: General Development Control Policies 2007:

- DC1 – Countryside Protection and Enhancement
- DC2 – Landscape Character
- DC5 – Biodiversity and Geology
- DC6 – Woodland and Trees
- DC7 – Flooding
- DC8 – Renewable Energy and Climate Change
- DC9 – Development Principles
- DC18 – Smaller Homes/ Housing Mix
- DC40 – Transport and Access

- 4.3.3 Horsham District Council Local Development Framework: Proposals Map 2007

- 4.3.4 Horsham District Planning Framework (HDPF) - The Emerging Local Plan:

“The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council’s policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:

*‘On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and*

*Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services..'*

The Inspector has suspended the Examination of the HDPF until June 2015 to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the plan period). It is important to note that the Examination will re-open to consider only the issues outlined in the Initial Findings. Given the Inspector's findings the emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy."

#### **4.5 RELEVANT COUNCIL GUIDANCE**

- 4.5.1 Horsham District Council Local Development Framework: Planning Obligations, Supplementary Planning Document 2007
- 4.5.2 Horsham District Council Local Development Framework: Facilitating Appropriate Development, Supplementary Planning Document 2009
- 4.5.3 Strategic Housing Land Availability Assessment (March 2014)
- 4.5.4 Horsham District Landscape Capacity Assessment (2013)

#### **5.0 PLANNING HISTORY**

- 5.1.1 There is no recent or relevant planning history on the application site.
- 5.1.2 The development of 15 houses in Bax Close was granted permission under application reference: SR/18/00 (outline) and SR/19/02 (reserved matters). The development has been completed and is largely occupied.

#### **6.0 OUTCOME OF CONSULTATIONS**

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)

#### **6.1 INTERNAL CONSULTATIONS**

- 6.1.1 Landscape Consultant: Objection
- 6.1.2 Arboricultural Officer: No observations subject to conditions
- 6.1.3 Environmental Health Officer: Request for more information on noise impact and air quality.
- 6.1.4 Drainage Engineer: No objection subject to conditions

## 6.2 OUTSIDE AGENCIES

6.2.1 WSCC Highways: No objection subject to conditions

6.2.2 WSCC Planning Division: Request for planning contributions towards: education (£333,681); libraries (£14,992), fire & rescue (£5,230), and transport accessibility demand (£125,732)

6.2.3 WSCC Ecology: No objection subject to conditions

6.2.4 Environment Agency: No objection

6.2.5 Natural England: No objection subject to advice in respect of biodiversity gain

6.2.6 Southern Water: No objection subject to condition

6.2.7 Sussex Police: No objection subject to advice in respect of crime prevention

## 6.3 PUBLIC CONSULTATIONS

### 6.3.1 **Storrington and Sullington Parish Council:**

Objects on the following grounds:

The proposal does not comply with the evolving Storrington and Sullington Neighbourhood Plan, which states that: access must be from Amberley Road and not Bax Close; 3/4 bed properties not 5/6 bed properties; 40 houses and not 45 houses; fencing is contrary to the NP; the proposal is too high a density. Members of the Parish Council also note that the SDNPA objects.

### 6.3.2 **Public Consultation Responses:**

At the time of writing, a total of 122 third party objections to the proposed development were received. The main points of objection have been summarised as follows:

- Impact on highway safety, increased congestion and poor accessibility in Bax Close and surrounding road network;
- Impact on landscape and views
- Impact on South Downs National Park
- Unsustainable development
- Concerns raised against specific details of the housing and scheme
- Potential impact on trees, hedgerows and vegetation
- Impact on heritage
- Potential impact on biodiversity and ecology
- Harm caused to air quality within Storrington
- Impact on operations of gliding club
- Impact arising from lighting
- Flooding and drainage issues raised

## 7.0 HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

7.1.1 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.

## **8.0 HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

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

## **9.0 PLANNING ASSESSMENTS**

9.1 The main planning issues relevant to this application are: (i) whether the application can be said to amount to sustainable development in terms of adhering to the three functions: economic; social and environmental under paragraph 7 of the Framework; (ii) the impact of the development in terms of material planning considerations including landscape, townscape, heritage assets, highway safety, capacity and accessibility and the amenity of future and neighbouring properties (not exhaustive); and (iv) if considered sustainable, having regard to any adverse impacts of the application scheme, whether these would significantly and demonstrably outweigh the benefits of the application scheme.

### 9.2 The Approach to Sustainable Development in the Countryside

9.2.1 The application site is located outside of the settlement boundary and within the countryside. The proposal amounts to an urbanising form of development in respect of a housing scheme for 45 dwellings, as well as ancillary parking, landscaping and open recreation space.

9.2.2 This is a proposal for a major residential development. It is an urbanising form of development, and it is on this basis alone that it would fail to meet the fundamental constraints of established settlement policy, which in the case of Horsham District Council, is controlled through policy DC1 of the General Development Control Policies (2007).

9.2.3 Paragraphs 47 and 49 require the Local Planning Authority to demonstrate a deliverable five-year housing supply. The Local Planning Authority is presently unable to demonstrate that it has a deliverable housing land supply, with the most recent AMR (2013/14) showing a total of approximately 60% on the basis of a 5% buffer.

9.2.4 It is on this basis that, the shortfall in housing land supply and the particular need for affordable housing, as Inspector Woolnough expressed in the Melton Drive, Storrington decision (para 95 of appeal ref: 13/2202943), are "*highly significant material considerations and carry very substantial weight*" potentially sufficient to overcome the policy restriction in DC1 of the fundamental settlement constraint.

9.2.5 It is not however, sufficient to state that a deficiency in housing land supply renders all policies out of date (paras 28 to 34, RMC Washington decision, PINS Ref: 12/2176793). Whilst a lack of housing land supply is sufficient to relax the settlement constraint policy DC1 and allow the theoretical principle of housing development into the countryside, policies for assessing the acceptability of this development such as CP1, DC2 and DC40, are not out of date and continue to be applied.



- 9.2.6 The framework under which these policies are applied in the case of Horsham District Council is the Supplementary Planning Document entitled Facilitating Appropriate Development. This has been termed a *toolkit* for assessing the sustainability credentials of contiguous development to the settlement boundary against those policies (amongst others) detailed in 7.2.4. This is confirmed in paragraphs 32 to 34 of the Melton Drive decision. The 18 criteria fulfil the function of a test under which the 3 strands of sustainable development, as expressed in paragraph 7 of the Framework, can be assessed.
- 9.2.7 Turning to the principle acceptability of the proposed development of 45 dwellings on the application site, the cumulative effect of the harm that would be caused to the landscape character, visual amenity, townscape character, and particularly the adverse effect on the setting of the South Downs National Park, represents a significant and demonstrably harmful impact resulting from the proposal. The extent of this significant adverse impact is sufficient to conclude that the development cannot be considered to be sustainable in terms of the harmful environmental consequences of the proposal.
- 9.2.8 Even were the social and economic benefits of the proposal sufficient to concede that the development maybe considered sustainable under paragraph 7 of the Framework, the environmental impact of the proposal, in and of itself, would significantly and demonstrably outweigh the benefits of granting planning permission.

### 9.3 Landscape Character and Visual Amenity

- 9.3.1 Paragraph 17 (Core Planning Principles) of the Framework requires that planning should recognise the intrinsic character and beauty of the countryside. Policy CP1 of the Core Strategy states that the landscape character of the District, including the settlement pattern, together with the townscape character of settlements will be maintained and enhanced. Activities which may influence character should only take place where the landscape and townscape character is protected, conserved or enhanced, taking into account key landscape and settlement characteristics.
- 9.3.2 The site is within the setting of the South Downs National Park, and paragraph 115 of the Framework is highly relevant to the consideration of this application:
- “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding National Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”*
- 9.3.3 The application site is characterised by its rural nature and has been classified within the Council's Landscape Character Assessment (2014) as having a no/low capacity for new major development. Whilst the site does adjoin the defined settlement edge of Storrington, and there is some urban pressure on the site by reason of conifer trees, close boarded fencing and overlooking from neighbouring residential properties, these boundaries are on the whole, well treed and vegetated with only glimpsed views through to the residential dwellings within the built up area.
- 9.3.4 The site is located within the E1 Parham and Storrington Wooded Farmlands and Heaths, which is an area that is characterised by its rolling landform and small mostly well-hedged pasture fields. The character area is also considered within the LCA as *“despite the proximity of the urban edge of Storrington... the area retains surprisingly rural qualities”*. It is this character that is germane to the application site, and which there is a need to ensure that development respects.

- 9.3.5 Under the planning and management guidelines for the area, the LCA recommends that there is a need to:
- Conserve the undeveloped, rural tranquil character;
  - Ensure that any small-scale housing development on the edge of Storrington responds to traditional settlement patterns and local design and materials;
  - Conserve and manage the existing hedgerow network to maintain small-scale field patterns.
- 9.3.6 Whilst any residential development within the countryside would undoubtedly have a harmful effect, and is a consequence of considering edge of settlement sites for housing, the impact of a major residential development on the rural characteristics of this site and the surrounding area is considered to be significantly harmful.
- 9.3.7 The Applicant's landscape report considers that the site is in a poor condition and therefore has a high capacity for new development, whereas conversely the Council's landscape consultant has advised that it is their opinion that the site is not unduly harmed by the urban impact of Storrington, and that it performs an important rural buffer between the edge of the existing settlement and the area of high landscape value to the south and west within the South Downs National Park. It is the opinion of the Council's landscape consultants that is to be preferred.
- 9.3.8 Specific concerns are raised with the close proximity of dwellings on the site that creates a 'wall' of development with little visual permeability, as well as the extent of their height within the context of the surrounding landscape. The effect of this layout and 'wall' of houses within the site is to create the impression of a dense form of development that sits uncomfortably within the existing rural context. The development projects outwards from the existing settlement boundary and into the southern corner of the site closest to the South Downs National Park thereby having a distinctly urbanising impact.
- 9.3.9 The proposed development would represent a scheme that has a significant massing of buildings and change in character from rural to very urban. This very urban form of development would infill the existing gap between the edge of the settlement of Storrington and the start of the South Downs National Park. This change will be felt as one traverses along the Amberley Road and also along the public footpath 2972, thereby fundamentally and significantly harming existing views to, from and within the site.
- 9.3.10 The site can be viewed from the South Downs National Trail and from other areas along the South Downs ridge, particularly the southern end where the land rises upwards. It is noteworthy that these views are described within the consultation response from the South Downs National Park Authority (SDNPA), and are considered to be harmed by the proposed development. The SDNPA have also raised strong concerns in respect of the infilling of the landscape gap between the edge of Storrington and the National Park boundary, and are concerned with the noise and lighting that would accompany any development having a deleterious impact on the tranquil rural character of the park, as well as the dark night sky, which is a priority of the SDNPA to achieve.
- 9.3.11 The proposed development is considered to have a significantly harmful impact on the rural character of the site and its immediate context, it will result in the change from a rural area to a very urban form of development, thereby substantially comprising the landscape character and views to and from the South Downs National Park. Consequently, the proposal cannot be said to comply with policies CP1, CP3 and DC2 of the Horsham District Council: Local Development Framework: Core Strategy and General Development Control Policies (2007).

#### 9.4 Townscape Character

- 9.4.1 Policy CP1 of the Core Strategy requires that new development respects the existing character of the townscape, and this is reinforced through paragraph 57 of the Framework whereby developments that 'respond to local character and history, and reflect the identity of local surroundings and materials' are to be encouraged.
- 9.4.2 The character of the townscape adjacent to and in the context of the application site comprises of detached two storey dwellings in relatively spacious plots. The character of Bax Close is predominantly less sylvan than the surrounding older development along the western side of New Town Road, however overall the existing townscape amounts to detached houses in well treed and vegetated plots. The density of development in the adjacent urban area is markedly lower than the denser parts of the application proposal.
- 9.4.3 Whilst there are no concerns raised with the general density of the site overall, the layout of development and density on the application site is of concern. This is particularly in respect of the lower density detached houses being positioned closer to the settlement edge near the access into Bax Close, and the denser forms of development such as the terraced housing being positioned further away from the settlement edge. The layout of the development on the site is considered to be inappropriate by failing to provide a transition in scale and density from the settlement edge extending outwards into the countryside.
- 9.4.4 The proposed development increases in density, and the separation distances get lower, as one traverses further out from the settlement edge into the countryside. The development becomes much more urban the further away from Storrington one gets, and this will be markedly evident from views along Amberley Road. The harm that this would cause is an awkward townscape arrangement whereby as one travels south out of Storrington, the density and built form decreases immediately after passing the junction with New Town Road, only to spike back up with a wall of the rear elevations of terraced and semi-detached properties (plots 13 to 21).
- 9.4.5 The development is also heavily dominated by parking areas and hard-surfacing at the sacrifice of any reasonable opportunity for strong tree planting within the street scenes. The effect of this is to maximise the built form on the site to create a very harsh urban environment in a sensitive part of the site. Notwithstanding other concerns raised in respect of the harm caused to the landscape character of the site, the arrangement of development across the proposal is considered to be awkward and too urban for it to relate appropriately to the surrounding layout and pattern of the townscape that the scheme will be bolted onto.
- 9.4.6 The application is therefore not considered to be in accordance with policies CP1, CP3 and DC9 of the Horsham District Local Development Framework (2007). Moreover, by failing to relate appropriately to the surrounding townscape for the above reasons, it is considered to be of poor design and fails to take any opportunities to improve the character of the area, and is therefore contrary to paragraphs 58, 61 and 64 of the Framework. The latter paragraph thereby intending that permission should be refused solely on the grounds of poor design irrespective of any planning balance – it is a restrictive footnote 9 policy (paragraph 14(2), bullet point ii).

#### 9.5 Heritage Assets

- 9.5.1 Paragraph 128 of the Framework requires that Local Planning Authorities assess the significance of heritage assets and the impacts of a proposal. The application site is positioned to the south-west of Cobb Court, which is a detached two storey residential dwelling dating back to circa 1800. The building is grade II listed.

- 9.5.2 The building is positioned on the northern side of the plot and is surrounded to the west by the new development of Bax Close, and to the south by residential development. At the time of the Officer's site visit, the listed building was not visible from the northern parts of the application site owing to the intervening boundary vegetation, however it was evident that glimpses of the upper storeys of the new development would most likely be visible (especially during the winter months) when constructed.
- 9.5.3 The fact that the application site adjoins the curtilage of the listed building of Cobb Court, if only at a point, and by reason of the proximity and potential for the upper floors to be visible from Cobb Court, results in the site being within the setting of the listed building. It is therefore important to consider whether there would be an impact on the setting, and if so whether this impact (if less than substantial) is outweighed by the benefits of the proposal.
- 9.5.4 It is considered that the harm caused by the development, having in mind the extent of visual separation and the surrounding development that has already taken place within the listed building's setting, means that there would be a slight, less than substantial harm. Whilst it is important to give considerable weight to this harm to the setting of the listed building, it is nonetheless considered to be outweighed by the social and economic benefits of the construction of 45 new residential homes. Consequently, the application is considered to be in accordance with paragraph 134 of the Framework, together with the objectives of policy DC13 of the General Development Control Policies (2007).
- 9.5.5 The application has been considered having in mind other listed buildings that are set a much further distance away from the application site to the west, however as the site is not considered to be within their setting, no impact would be experienced.

## 9.6 Housing Mix, Density, Affordable Housing & Tenure

- 9.6.1 Policy DC18 of the General Development Control Policies (2007) requires that new housing developments provide a mixed size of units, with at least 64% as small dwellings of one or two bedrooms. Of the total 45 dwellings being provided as part of this development, 8 of the units, or 17%, are either one or two bedroom with the remainder being three bedrooms or larger. The development therefore fails to achieve the target of 64%.
- 9.6.2 Nonetheless, policy DC18 also provides scope for the percentage of small dwellings to be less than 64% when the concentration of one and two bed units would be out of character with the surrounding landscape and townscape of the site.
- 9.6.3 In consideration of the size and scale of detached residential properties adjacent to the site, and importantly the sensitivity of any development being placed on the application site, the concentration of a higher number of smaller units such as in a flatted arrangement is considered to be out of character. The development therefore accords with the objectives of policy DC18 of the General Development Control Policies (2007).
- 9.6.4 The application provides 18 of the 45 dwellings on the site as affordable. These affordable homes comprise of 8 x two bed units, 8 x three bed units, and 2 x four bed units. All of the proposed affordable units will be social rented in tenure. The provision of affordable housing is broadly therefore policy compliant with CP12 of the Core Strategy (2007), and exceeds the requirement of policy 14 of the Horsham District Council Draft Local Plan.
- 9.6.5 In terms of the consideration of the sustainability of the development under paragraph 7 of the Framework, the provision of housing is a material social benefit sufficient in weight to, in principle, consider the site outside of the settlement boundary of Storrington.

9.7 Amenity for Future Occupiers and Neighbouring Properties

- 9.7.1 Policy DC9 relates to Development Principles and requires development, amongst other matters, to recognise any constraints that exist, to not cause unacceptable harm to the amenity of surrounding occupiers and to ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings.
- 9.7.2 The proposed development allows for sufficient separation distances to existing residential properties that would avoid any conflict in terms of a loss of outlook, amenity, privacy or daylight. Furthermore, the existing boundary treatment along the rear gardens of properties in New Town Road and Downlands would be retained, and acts as a natural privacy screen. The arrangement of development on the site ensures that sufficient outlook, amenity, privacy and daylight will be retained for future occupiers of the new houses.
- 9.7.3 Consequently, the application is considered to provide sufficient amenity to neighbouring properties and future occupiers, and is therefore compliant with policy DC9 of the General Development Control Policies (2007).

9.8 Highways and Transport

- 9.8.1 Paragraph 32 of the Framework states that:

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.*

- 9.8.2 The application has been accompanied by a transport statement and latterly a stage 1 road safety audit. These reports consider the appropriateness of the access arrangements through Bax Close to the development site, the geometry and safety of the access onto New Town Road, and also the implications of the increased trip generation on the surrounding highway network, including the junction of New Town Road and Amberley Road. The adequacy of these reports has been assessed by WSCC Highways.
- 9.8.3 Bax Close forms part of the adopted highway network and is therefore designed to a specification to accord with Manual for Streets. The geometry of the road layout within Bax Close has been considered to be acceptable for the increased trip generation created from the proposed development. Likewise, the geometry of the access onto New Town Road and the overall width and suitability of this road is also considered to be acceptable. The junction of New Town Road and Amberley Road has also been considered by the County Highway Engineer, and it is proposed to increase the visibility splays on public highway land, as well as install speed repeater signs.
- 9.8.4 It is acknowledged that trip generation is most sensitive around the AM and PM peaks, and this development would give rise to 27 vehicle movements between 08:00 and 09:00 and 28 vehicle movements between 17:00 and 18:00. The results of this TRIP generation assessment conclude that no formal junction capacity assessments would be required for the proposed level of vehicle movements. Whilst the County Highway Engineer is recognisant of the traffic problems being experienced in Storrington, it is determined that the impact arising from this proposal, both singularly and cumulatively is not severe. A reason for refusal would not therefore be supported under paragraph 32 of the Framework.
- 9.8.5 The layout and parking to be provided on the site is considered to be acceptable, and the development does provide pedestrian access to the public footpaths along the highway network at Amberley Road (directly) and New Town Road (indirectly via Bax Close). The site is within 2km (walking) and 5km (cycling) of the centre of Storrington where there are a

range of shops and services. The site is therefore considered accessible and not car dependent. Details of construction management and access will be sought by condition.

- 9.8.6 The application is considered to be compliant with policy DC40 of the General Development Control Policies (2007) and section 4 of the Framework.

## 9.9 Ecology and Arboriculture

- 9.9.1 Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils, recognising the wider benefits of the ecosystem services, and minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 9.9.2 The application has been accompanied by an ecology assessment that concludes that the proposal will not cause harm to protected species, habitats and ecology on the site and in the surrounding area. The application has been assessed by the County Ecologist and by Natural England. Both have not objected to the proposal and sought the attachment of conditions for the enhancement of biodiversity on the undeveloped parts of the site.

- 9.9.3 The three Oak trees (T1, T2 and T3) along the southern edge of Bax Close will be retained as part of the proposed scheme with the new dwellings being kept outside of the canopies and root protection areas. The remainder of the boundary trees will mostly be retained by the development, and construction work will take place avoiding pressure being placed on the trees through the setting out of tree protection areas and through good practice in accordance with the recommendations made within the arboricultural implications assessment.

- 9.9.4 The application is considered to be compliant with policies CP2 and CP3 of the Core Strategy (2007), policies DC5 and DC6 of the General Development Control Policies (2007), as well as paragraph 109 of the Framework.

## 9.10 Flooding and Surface Water Run-Off

- 9.10.1 Paragraph 100 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The requirements of the Framework are replicated in policy DC7 of the General Development Control Policies (2007).

- 9.10.2 The application has been accompanied by a Flood Risk Assessment and Drainage Strategy that has been the subject of consideration by the Council's Drainage Engineer, Southern Water and the Environment Agency. The application site is located within Flood Zone 1 and is not at high risk of flooding. Whilst there is presently inadequate capacity within the existing sewers to cope with the new development, the developer will need to secure improvements in accordance with the requirements of Southern Water.

- 9.10.3 The contents of the Flood Risk Assessment and Drainage Strategy are agreed in principle, subject to further detail being submitted and assessed by means of a planning condition. The application is therefore in accordance with paragraph 100 of the Framework and policy DC7 of the General Development Control Policies (2007).

## 9.11 Noise Impact from Amberley Road

- 9.11.1 Paragraph 123 of the Framework requires that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 9.11.2 The Council's Environmental Health Officer has raised concerns with the adequacy of the noise assessment that has been submitted with the application to demonstrate that satisfactory living conditions can be provided without an unacceptable impact from road traffic along the Amberley Road. Specific concerns relate to the limited duration and timing of the noise survey. The Council's EHO has recommended that the survey be carried out over the period of one week and outside of school holidays, and at all times of day and night. This survey will more accurately inform the acceptability of residential development on the site and any mitigation measures that maybe required.
- 9.11.3 The importance of ascertaining this information from the outset is that the application relates to full planning permission being sought. The proposed scheme is therefore fixed in terms of the layout of properties. Similarly, the landscape sensitivity of the site is very high, particularly in respect of the site's position next to the South Downs National Park. This means that mitigation measures that may ordinarily be acceptable such as 2.5m acoustic fencing in-between the houses and the road, maybe wholly inappropriate in terms of the landscape context and sensitivity of this site.
- 9.11.4 It is therefore clear that there is a need to ascertain the exact impact of the noise emanating from the road traffic along Amberley Road before accepting the detailed layout of housing on the application site (notwithstanding other objections). Any change in the layout, orientation of properties, or mitigation measures such as fencing, should therefore be considered during the course of the application in order that the matter can be resolved.
- 9.11.5 In the absence of an acceptable noise impact assessment therefore, there is no assurance that the living conditions of future occupants would be acceptable, and on this basis an objection is raised on the grounds that the application fails to accord with the requirements of paragraph 123 of the Framework and policy DC9 of the General Development Control Policies (2007).

## 9.12 Air Quality

- 9.12.1 Paragraph 124 of the Framework requires that planning policies take account of the presence of Air Quality Management Areas and cumulative impacts on air quality from individual sites in the local area. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.
- 9.12.2 Whilst the application has been supported by an air quality assessment that considers the emissions and mitigation calculator, it fails to provide for the identification of the level of exposure through the change in pollutant concentrations including the cumulative impacts arising from the proposal, during both construction operations and operational phases. The submitted assessment does not consider pollutant concentrations at relevant receptor locations together with the cumulative impacts with other committed developments.
- 9.12.3 In the absence of this additional information, there is no confirmation that the development would not cumulatively compromise air quality in the AQMA, and the application is therefore contrary to paragraph 124 of the Framework.

## 9.13 Planning Obligations

- 9.13.1 Policy CP12 of the Core Strategy (2007) requires that where development places infrastructure pressures on local facilities that this impact is mitigated through the provision of planning contributions. Such planning contributions relate to community facilities, leisure open space and recreation, libraries, education, fire & rescue and improvements to transport accessibility. Also required is the securement of the affordable housing units within the proposal, which are a specific policy requirement.
- 9.13.2 In the event that this application is refused permission, and in the absence of a completed legal agreement to secure the aforementioned contributions, a further objection would be raised against the application.

#### 9.14 Conclusion

- 9.14.1 The application proposal would have a significant harmful impact on the landscape character of the site and its surroundings. The development would also have a significant harmful impact on views to and from the site and South Downs National Park. The cumulative impact of the development is therefore substantial, and notwithstanding the socio-economic benefits brought about by the delivery of housing on the site, the proposal is considered to amount to an unsustainable form of development.
- 9.14.2 The development has a significant harmful impact in terms of its failure to relate sympathetically with the settlement pattern and character of the built-up area. It is a layout and density that fails to perform an appropriate transition between the settlement edge and the rural countryside. It thereby fails to provide a good design that takes the opportunity to improve the character of the area. It is both unsustainable development and contrary to the restrictive policy requirements of paragraph 64 of the Framework.
- 9.14.3 There is inadequate information upon which to determine that the proposed development would not suffer from significant noise impact from the Amberley Road, and there is insufficient evidence to determine that the development would mitigate its impact in terms of air quality emissions and their affect on the AQMA in Storrington.
- 9.14.4 It is for these reasons that the development cannot be supported. It is an unsustainable form of development that would have a wholly urbanising effect on the rural character of the countryside and would erode the tranquil setting of the South Downs National Park. The proposal would cause significant and demonstrable harm sufficient to outweigh the perceived benefits created by the provision of housing on the site. It is therefore contrary to policies and objectives of the Framework and should therefore be refused permission.

### **10.0 RECOMMENDATIONS**

- 10.1.1 It is recommended that the application be refused for the following reasons:

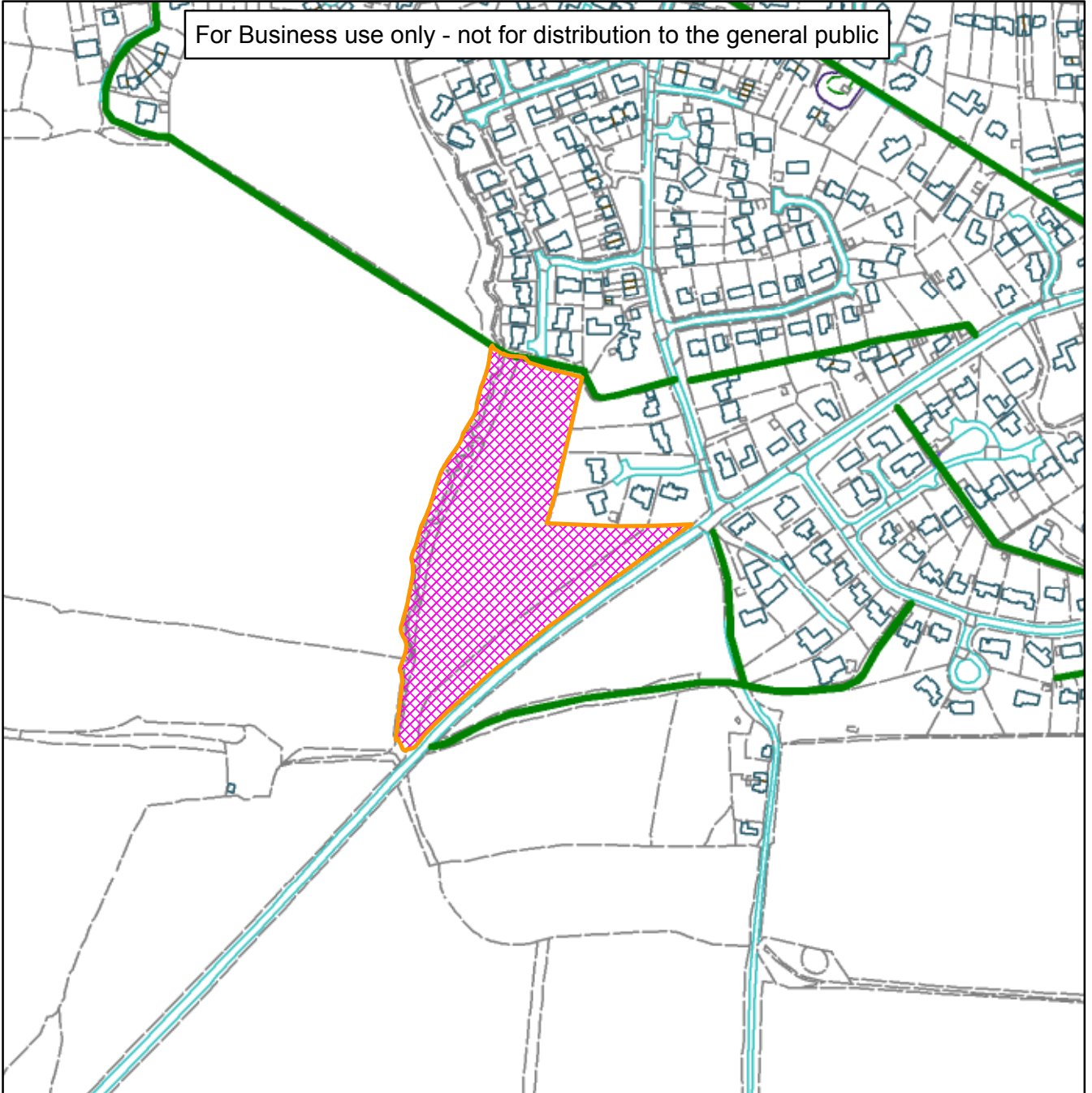
1. The proposed development, by reason of the location, size, layout, height and siting of the residential development, would have a significant impact on the rural landscape of the site and its surroundings, the rural gap between the settlement edge of Storrington and the South Downs National Park together with the setting of the latter, and would cause significant harm to views to and from the site of the South Downs National Park. Therefore failing to comply with paragraphs 7, 14, 17 and 115 of the Framework, and policies CP1, CP3, DC2 and DC9 of the Horsham District Council Local Development Framework: Core Strategy and General Development Control Policies (2007).



2. The proposed development, by reason of the poor design, layout, scale and siting of the residential development on the site, would cause harm to and fail to relate sympathetically to the character of the adjacent and surrounding townscape, contrary to paragraphs 7, 14, 56, 61 and 64 of the Framework, and policies CP3 and DC9 of the Horsham District Council Local Development Framework: Core Strategy and General Development Control Policies (2007).
3. In the absence of a sufficiently robust noise impact assessment it is not possible to demonstrate that the living conditions of residential dwellings will not be significantly harmed by road traffic on Amberley Road, contrary to paragraph 123 of the Framework and policies CP2 and DC9 of the Horsham District Council Local Development Framework: Core Strategy and General Development Control Policies (2007).
4. In the absence of a sufficiently robust air quality assessment it is not possible to demonstrate that the development would not result in cumulative and unmitigated harm to the Air Quality Management Area of Storrington, contrary to paragraph 124 of the Framework and policies CP2 and DC9 of the Horsham District Council Local Development Framework: Core Strategy and General Development Control Policies (2007).
5. The proposed development, by reason of the lack of a completed legal agreement to secure the necessary infrastructure contributions, would have a significant, cumulative and unmitigated impact on community facilities, leisure open space and recreation, libraries, education, fire & rescue and improvements to transport accessibility, as well as fail to provide affordable housing, contrary to policies CP12 and CP13 of the Horsham District Council Local Development Framework: Core Strategy (2007).

Background Papers: DC/15/0107  
Case Officer: James Hutchison

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	09/04/2015
MSA Number	100023865



Horsham  
District  
Council

# DEVELOPMENT MANAGEMENT REPORT

- TO:** Development Management (South) Committee
- BY:** Development Manager
- DATE:** 21<sup>st</sup> April 2015
- DEVELOPMENT:** Change of commercial use, removal of associated buildings and storage to a permanent residential caravan site
- SITE:** The Barn West Chiltington Lane Billingshurst West Sussex
- WARD:** Billingshurst and Shipley
- APPLICATION:** DC/15/0162
- APPLICANT:** Mr and Mrs J Ray
- REASON FOR INCLUSION ON THE AGENDA:** Number of letters contrary to Officer's recommendation.
- RECOMMENDATION:** To grant planning permission subject to conditions and the provision of a detailed landscape layout plan to meet the concerns of the Councils Landscape Architect conditions

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the change of use of the existing site, to form a mobile home site for gypsies and travellers. The application proposes the positioning of three mobile homes on the site, a parking and turning area and a children's play area. The existing buildings to the north of the main dwelling would be removed as part of the proposal.

### DESCRIPTION OF THE SITE

- 1.2 The site is located on the western side of West Chiltington Lane. The site is outside of the defined built up area boundary in a rural location. West Chiltington Lane is characterised by sporadic linear residential development. To the east of the site is the residential property of Duncan's Lodge which is a detached single storey property. Adjacent to Duncan's Lodge are a pair of semi-detached two storey properties known as Homestead Cottages. To the north of the site is Willowcroft which has a garage situated close to the shared boundary. On the boundary to West Chiltington Lane is a panel fence screened by hedgerow planting limiting views into the site. To the west of the site are open fields.

- 1.3 Within the application site is a mobile home and various outbuildings. There are also building materials and equipment stored in the open. The access to the site is in the north western corner of the site. To the south of the site is a one and half storey residential dwelling, and a detached garage with accommodation within the roof space known as The Barn (which is also owned by the applicant).

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 National planning policy aims are embodied in the National Planning Policy Framework 2012. Paragraph 14 tells us that at its heart is a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking'.

Paragraphs 17 and 109 advocate the recognition of the intrinsic character and beauty of the countryside and the need to protect and enhance valued landscapes.

The Government also published 'Planning Policy for Traveller Sites' in March 2012 alongside the NPPF. Policy H advises on the determination of planning applications for traveller sites. Of particular relevance to this application are:

- Paragraph 21 which states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development.
- Paragraph 23 which states that 'Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan'.
- Paragraph 24 which states that weight should be given to the effective use of previously developed land and sites being well planned or soft landscaped in such a way as 'to positively enhance the environment'.
- Paragraph 25 states that if a local planning authority cannot demonstrate an up-to-date supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. However, Policy I: Implementation, paragraph 28, makes it clear that this only applies to applications for temporary planning permission for traveller sites made 12 months after this policy came into force.

- 2.3 The NPPF is supported by Planning Practice Guidance which was introduced in March 2014 after a 2 year review by the Government and replaces numerous Circulars, Technical Notes and letters to Chief Planning Officers. It is available as a web-based resource, will be continually updated and includes guidance on matters such as Design, Noise and Use of Planning conditions.

### RELEVANT COUNCIL POLICY

- 2.4 Relevant policies within the Core Strategy 2007 include CP1, CP2, CP3, CP5, CP13, CP15, CP16 and CP19.
- 2.5 Relevant policies within the General Development Control Policies 2007 include DC1, DC2, DC9, DC32 & DC40.

- 2.6 The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The examination of the HDPF was undertaken by an independent Planning Inspector in November 2014. The Inspector published his preliminary findings in a letter dated 19 December 2014. The basic strategy is accepted as is made clear in para 4:

*'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP)s, is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services..'*

There is a requirement to revisit the housing figures and the Inquiry will re-open in 6 months time to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum. It is important to note that the inquiry will re-open to consider this one issue only. Given the Inspector's findings the emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy.

## PLANNING HISTORY

There have been a number of applications on the site the most recent of which are outlined below;

BL/104/01 – A certificate of lawful use for the occupation of an agricultural barn as a dwelling house was agreed in June 2002.

DC/08/2603 – An application for a replacement dwelling was refused in February 2009.

DC/09/1138 – An application for a replacement three bed dwelling was approved in August 2009.

DC/11/1588 – An application for the erection of a double garage /garden tool /cycle/ refuse /recycling store with a storage area in the roof was permitted in October 2011.

DC/14/0634 – An application for the change of use of land and demolition of existing commercial/agricultural buildings to form a gypsy/traveller site consisting of 3 mobile homes and associated amenity blocks was refused in July 2014.

DC/14/2023 – An application for the change of use of land and removal of existing commercial/agricultural building to form a permanent gypsy/traveller site consisting of three mobile homes and associated landscaping was refused in December 2014.

## 3. OUTCOME OF CONSULTATIONS

The following section provides a summary of the responses received as a result of internal and external consultation, however, officers have considered the full comments of each consultee which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

**Strategic and Community Planning** (summarised) - the Council cannot currently meet the identified backlog of unmet gypsy and traveller accommodation need or future need in accordance with policy DC32 of the General Development Control Policies and emerging policies in the HDPF. Although the Council is proposing to allocate sites through the HDPF this is yet to be tested fully through the examination process. In light of this it is considered that although the application site is located within the countryside it is considered to be within a reasonable distance from services and facilities and can be suitably accommodated on an existing untidy site, therefore it is considered that the principal of development for 3 gypsy and traveller pitches is considered acceptable and in accordance with Policy DC32 of the General Development Control Policies DPD, emerging Horsham District Planning Framework and the Planning policy for traveller sites (PPTS).

**Public Health and Licensing** (summarised) has raised no objection to the application subject to conditions.

**Technical services** – No comments

**Gypsy Liaison** - comments are awaited and will be reported verbally to committee.

#### OUTSIDE AGENCIES

**West Sussex County Council Highways** (summarised) has raised no objection to the application.

**Southern Water** (summarised) has noted that there is no public foul sewer in the area of the site, and an alternative means of foul sewage disposal will be required. The Councils technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local pond/lake.

**Environment Agency** has stated that the site is located in Flood Zone 1 defined in the National Planning Policy Framework as having a low probability of flooding. In this instance, the Environment Agency have taken a risk based approach and will not be providing bespoke comments or reviewing the technical documents in relation to this proposal.

#### PUBLIC CONSULTATIONS

**Billingshurst Parish Council** (summarised) – has strongly objected to the application on the grounds of overdevelopment of the site, unsustainable location not reasonably located for services or facilities, detrimental to the rural character of the area, will increase vehicle movements on rural road, there are two sites nearby for gypsy and travellers, there are no means of disposal of foul drainage and there is no foul sewer in the area.

**Nine** letters have been received supporting the application noting that the proposal would improve the visual appearance of the site and provide needed accommodation.

**Six** standard letters have been received objecting to the application on the following grounds; overdevelopment of the site, applicants no longer living a traveller lifestyle, site not environmentally or socially acceptable, existing site agricultural not commercial, proposal contrary to policy.

**Eight** further letters have been received objecting to the application on the following grounds; proposal would double the size of the population within the hamlet and would damage the nature of the local community, site in breach of permission, increased risk of accidents, lane has no footpath or streetlights, noise from dogs and machinery.

#### **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 It is considered that the main issues in the determination of the application are the need for the proposed mobile homes, the effect of the proposal upon the character of the landscape and street scene, and the amenities of neighbouring properties. The application is a resubmission of two previously refused applications for the change of use of the land to form a gypsy/traveller site. The current application has been submitted to try and overcome the Landscape Architects concerns relating to DC/14/2023, and members concerns with regards to the previously proposed amenity blocks.

##### **Principle**

- 6.2 The main aim of the National Planning Policy Framework is to achieve sustainable development. The document sets out three dimensions to sustainable development: economic, social and environmental. It seeks to create a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well being and contributes to protecting and enhancing our natural, built and historic environment. The document makes a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking.
- 6.3 In March 2012, the government published its 'Planning Policy for Traveller Sites' to be read alongside the NPPF. Policy H of the guidance relates to the determination of planning applications for traveller sites. At paragraph 21, it states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. In this respect, the site is outside of the built-up area and the nearest settlement is Billingshurst, defined in the Local Development Framework as a Category 1 settlement which in terms of Core Policy CP5 is defined as being a town or village with a good range of services and facilities. The built up area boundary of Billingshurst is approximately 2km away from the site as the crow flies. Also in determining planning applications for gypsy and traveller sites paragraph 22 of the Planning Policy Guidance requires the Local Planning Authorities to consider the existing level of local provision and need.
- 6.4 Emerging local policy is considered a material consideration in determining the application. The Horsham District Planning Framework (HDPF) Proposed Submission was submitted

by Horsham District Council to the Planning Inspectorate on 8th August 2014. A series of Examination Hearings took place in November 2014 to allow the appointed Planning Inspector to test the soundness and legal compliance of the proposed plan. The Inspectors initial findings were received by Horsham District Council on 19th December 2014. The Inspector reveals in this letter that he considers the overall proposed strategy to concentrate growth in the main settlements in the hierarchy to be sound, rather than the alternative strategy of greater dispersal around the District which he considers to be less sustainable. The examination is currently suspended where it is due to resume in summer 2015.

- 6.5 Within the HDPF the following policies would apply to the application site, Draft Policy 20 identifies a number of sites that are proposed for use as permanent traveller sites to meet the existing need within the District, Policy 21 sets out criteria when allocating sites for Gypsy and Traveller accommodation and Policy 22 which is a criteria based policy relates to planning applications on non-allocated sites. Policy 20 and 22 would apply to this site and would contribute to the supply of gypsy and traveller accommodation.
- 6.6 It is accepted that the Council has not met the local need for pitches identified in the 2012 Gypsy, Traveller and Travelling Show people Accommodation Needs Assessment. The assessment established a requirement for the provision of an additional 39 pitches. As part of this requirement there is an existing need for 29 pitches to address a current backlog of accommodation need arising from sites which may be unauthorised or subject to temporary permissions or through overcrowding. The assessment also revealed that there is an additional need for a further 10 pitches due to expected new family formations over the next five year period (2012 – 2017).
- 6.7 To meet the identified need from the existing backlog and future need up until 2017 HDPF Draft Policy 20 identifies 5 sites to be allocated for permanent Gypsy and Traveller accommodation, which in total identifies 32 pitches. The Council will rely on Draft Policy 20 to allow appropriate windfall sites to come forward through the planning application process on non-allocated sites. In addition to this when considering this application particular regard needs to be had to the fact that the Council has a duty to consider the need to provide for the backlog of gypsy and traveller sites beyond 2017. The 2012 Gypsy and Traveller Needs Assessment identified that there was a need for additional pitches over and above the 39 pitches required up until 2017, therefore additional sites will be required between 2017 and 2027. Therefore this application would help to address the existing backlog and future need for additional gypsy and traveller pitches across the district.
- 6.8 In the most recent appeal decision at Deer Park Farm, Hampers Lane (DC/10/1974 – March 2014) the Inspector noted with regards to the provision of sites that *“there has been a consistent undersupply of traveller sites in Horsham District since at least 2007 and it cannot therefore, be assumed that this will necessarily change in the future, given that there is still no demonstrable 5 year supply”* (paragraph 51). This also reflects an earlier gypsy appeal decision at Kingfisher Farm (December 2011), where the Inspector concluded that *“The harm to the character of the area would not be great. On the other hand, the general need for sites in Horsham is significant and this is unlikely to be addressed in the near future. There is currently a lack of available alternatives and because progress in making planned provision for sites has been slow this is likely to remain the case for some time to come. Taken together these factors and the benefits arising from meeting a proportion of the unmet need for gypsy sites at Kingfisher farm outweigh the harm that would arise.”*
- 6.9 Although new policies are emerging through the HDPF the Council is currently reliant on Policy DC32 of the General Development Control Policies 2007 as the most up to date development plan policy and NPPF policies through the Planning Policy for Travellers Sites. Paragraph 21 of the Planning Policy for Traveller Sites document states that



applications should be assessed and determined in accordance with the presumption in favour of sustainable development. In addition Policy DC32 states that:

“Proposals for sites for caravans for Gypsies and Travellers will be granted planning permission provided that:

- a) the Council is satisfied that a need for site provision exists locally and is clearly demonstrated and that the proposal represents an adequate way of meeting the established need;
- b) the identified local need cannot be met at any alternative suitable existing sites within or outside existing settlements.

If the need cannot be met at any alternative suitable sites as set out above, the following criteria will apply:

- 1) the site must be reasonably located for schools, shops and other local services and community facilities;
- 2) a satisfactory means of access can be provided and the existing highway network is adequate to serve the site; and
- 3) the proposed site accommodates adequate space for parking and turning of vehicles and provides easy access for service and emergency vehicles.”

6.10 In respect to the first criterion, the site is outside of the built-up area and as such is classified as being in a countryside location. The nearest settlement is Billingshurst, defined in the Local Development Framework as a Category 1 settlement and therefore having a good range of services and facilities.

6.11 In terms of sustainability the site is located within a rural location with access to limited services and facilities, however the site is approximately 650 meters from the existing Gypsy and Traveller site at Greenfield Farm, Valewood Lane and approximately 1000 meters from Kingfisher Farm. In the Kingfisher Farm appeal decision the Inspector concluded that *“even if not ideal in terms of proximity to services the location of the appeal site is nevertheless a reasonable one”* (para 30). The Inspector also specified that *“issues of sustainability should not only be considered in terms of transport mode and distance from services. A settled base for gypsies would bring about general and wider benefits of easier access to GPs and other health services and allowing any children to attend school on a regular basis”* (para 28).

6.12 Therefore after taking into consideration the current situation and other appeal decisions within the District it is your Officers view that the proposal accords with criterion (b) and (1) of Policy DC32 and criterion (d) of Policy 22 of the HDPF. Concern has been raised with regards to the need for the site to respect the scale of the nearest settled community and this concern is reflected within paragraph 23 of the NPPF Planning Policy for Traveller Sites which recognises that Local Planning Authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on the local infrastructure. It is recognised that there are two Gypsy and Traveller sites nearby at Kingfisher Farm and Greenfield Farm however, it is not considered that the addition of three further pitches would dominate the nearest settled community.

### **Landscape and Street Scene**

6.13 It is clear that a need for site provision exists and it is considered that the proposal could represent an adequate way of meeting an established need. Landscape comments were received relating to an application similar to that currently proposed where it was noted

that; *“The present site is unattractive and despoiled by building materials, rubble, hardstandings, poor quality outbuildings, broken down / scrapped vehicles / plant and a parked lorry.”* It was considered by the Landscape Architect that with *“modification and further development of the detail, a layout that could be supported in landscape and visual terms could be devised. Subject to the proposal being suitably modified, detailed and appropriately implemented and managed thereafter, it is considered that there might be a localised visual and landscape enhancement as compared with the site in its present state.”* The site is located in an area already characterised by linear groupings of residential properties, and indeed on the site are existing former agricultural buildings which would be removed as part of the proposal. It is considered therefore that with the benefit of additional landscape details the proposal would not appear unduly prominent in its landscape setting, in so much as the open nature of the immediate area has already been compromised to some extent by existing residential properties.

### **Amenities of Neighbouring Properties**

- 6.14 With regard to the impact on neighbouring occupier’s amenities, it is acknowledged that there are residential properties within close proximity. Willowcroft is located to the north of the site, whilst Duncan’s Lodge and Homefield Cottages are located on the opposite side of West Chiltington Lane and face towards the site. It is considered that the mobile homes due to their height would be screened by the planting to the front of the site, and consequently there would be limited visibility into the site from West Chiltington Lane. However, it is also considered that due to the single storey nature of the mobile homes the proposal would not result in overlooking of neighbouring properties. The applicant is also willing to supplement the existing landscaping in order to screen the development.

### **Highways**

- 6.15 The Highway Authority has raised no objections to the scheme and therefore a refusal on highway grounds could not be justified. The County Surveyor has noted that the site has limited access to facilities except by car. However, the County Surveyor has stated that this would be the case for any small residential development at this location. The Authority therefore does not consider that an objection on the basis of accessibility could be sustained for a development of only 3 caravans. It is also considered that there is room on site for the parking and turning of vehicles with easy access for service and emergency vehicles.

### **Drainage**

- 6.16 Concerns have been raised relating to drainage issues on the site. The Environment Agency were consulted regarding the application, and it is considered that a condition could be placed on the proposal which would require details of drainage to be submitted to and approved by the Local Planning Authority to ensure that the site is properly managed in terms of foul drainage.

### **Conclusion**

- 6.17 In conclusion, it is considered that the Council cannot currently meet the identified backlog of unmet gypsy and traveller accommodation need or future need in accordance with policy DC32 of the General Development Control Policies and emerging policies in the Horsham District Planning Framework (HDPF). Overall it is considered that although the application site is located within the countryside it is considered to be within a reasonable distance from services and facilities. Furthermore the proposal would result in a visual enhancement of the existing site, through the removal of the existing building materials and equipment. Therefore it is considered that the principal of development for 3 gypsy and traveller pitches is considered acceptable and in accordance with Policy DC32 of the

General Development Control Policies DPD, emerging Horsham District Planning Framework and the guidance within the Planning Policy for Traveller Sites 2012.

## **7. RECOMMENDATIONS**

7.1 It is recommended that the application be granted, subject to the following conditions and the provision of a detailed landscape layout plan to meet the concerns of the Councils Landscape Architect:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government 2012).  
Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policy DC32 of the Horsham District Local Development Framework: General Development Control Policies 2007.
- 3) There shall be no more than 3 pitches on the site with no more than one caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed on each pitch at any time.  
Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity in accordance with Policy DC1 of the Horsham District Local Development Framework: General Development Control Policies 2007.
- 4) No industrial, commercial or business activity shall be carried on from the site, including the storage of materials.  
Reason: In the interests of amenity and in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies 2007.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.  
Reason: In the interests of amenity and in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies 2007.
- 6) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details.  
Reason: In the interests of amenity and in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies 2007.
- 7) No development shall take place until details of storage provision for refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the pitches.  
Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy CP2 of the Horsham District Local Development Framework: Core Strategy 2007.

- 8) No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed mobile homes have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.  
Reason: 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 DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).
- 9) No development shall take place until details of screen walls, gates and/or fences have been submitted to and approved in writing by the Local Planning Authority and no mobile home shall be occupied until such screen walls, gates and/or fences associated with them have been erected. Thereafter the screen walls and/or fences shall be retained as approved and maintained in accordance with the approved details.  
Reason: In the interests of amenity in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).
- 10) No works or development shall take place until full details of all hard and soft landscaping works have been approved in writing by the Local Planning Authority. All such works shall be carried out in accordance with the approved details. Any plants which within a period of 5 years from the time of planting die, are removed, or become 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 and in the interests of amenity in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).
- 11) No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the amenities of nearby residents in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).
- 12) No burning of materials shall take place on the site.  
Reason: In the interests of amenity and in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).
- 13) The mobile homes shall not be occupied until the access drive has been constructed to a specification submitted to and agreed in writing with the Local Planning Authority. The access shall thereafter be constructed to the approved agreed specification.  
Reason: In the interests of road safety and in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007)

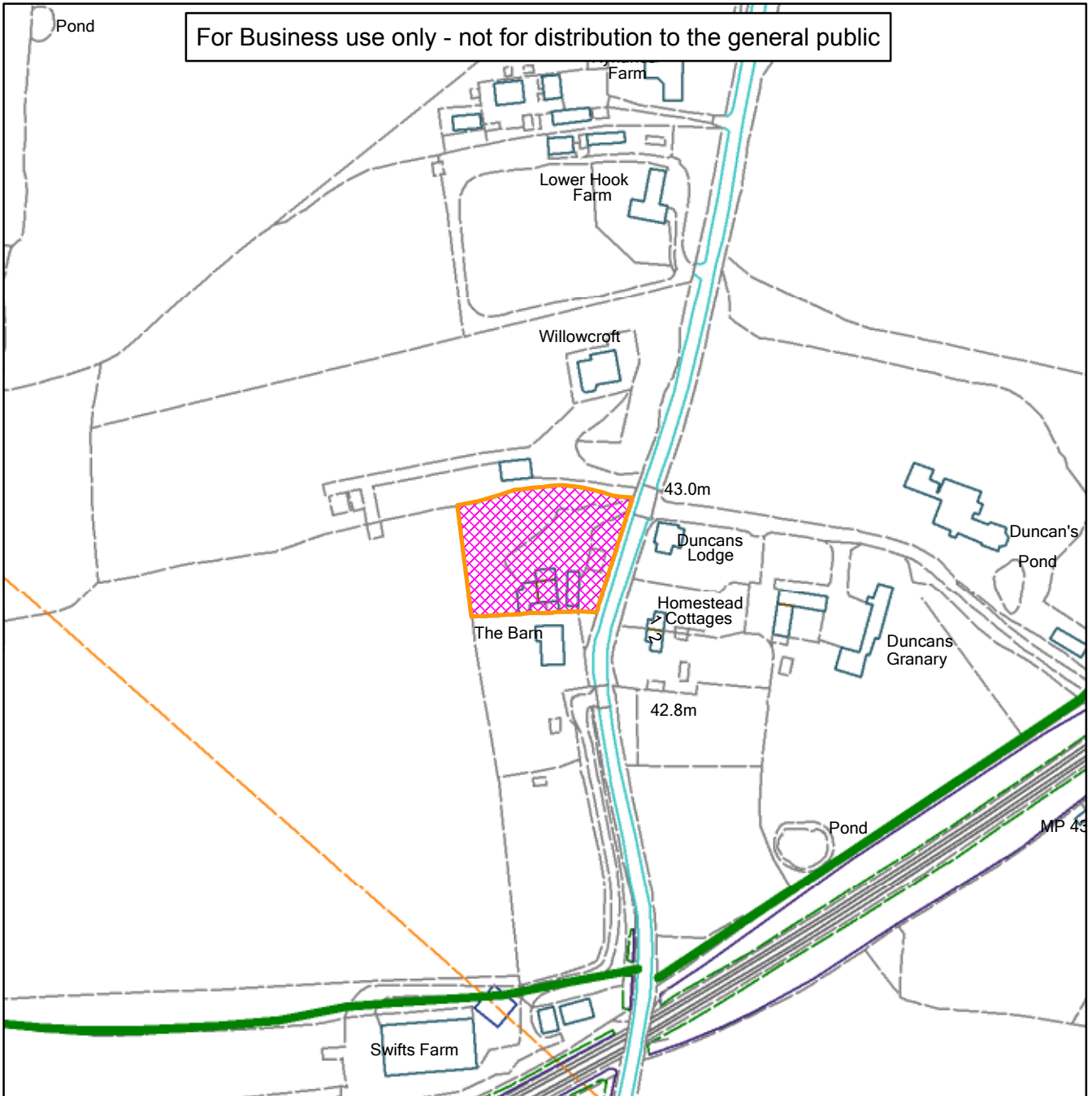
- 14) The mobile homes hereby approved shall not be occupied until the parking, turning and access facilities have been provided in accordance with the plans hereby approved (and the parking turning and access facilities shall thereafter be retained solely for that purpose).  
Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with policy DC40 of the Horsham District Local Development Framework: General Development Control Policies (2007).
- 15) Full details of means of foul and surface water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on the development hereby approved. The scheme agreed shall be implemented strictly in accordance with such an agreement unless subsequent amendments have been agreed with the Local Planning Authority.  
Reason: To ensure that the development is properly drained.
- 16) Prior to the commencement of the development hereby permitted all existing buildings shall be demolished (including the removal of foundations) and all materials arising from such demolition removed from the site.  
Reason: The site lies in an area where, under policy DC1 of the Horsham District Local Development Framework: General Development Control Policies (2007), permission for new development would not normally be granted.

Informative; The caravan will need to be issued with a Caravan Site Licence if permission is granted

Background Papers: DC/14/0634, DC/14/2023



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Organisation	Horsham District Council
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Comments	
Date	09/04/2015
MSA Number	100023865



Horsham  
District  
Council

# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management (South) Committee  
**BY:** Development Manager  
**DATE:** 21<sup>st</sup> April 2015  
**DEVELOPMENT:** Change of use of an existing separate residential annexe, to become a separate residential property, with defined curtilage and access  
**SITE:** Annexe Fieldhouse Farm Worthing Road Dial Post Horsham  
**WARD:** Cowfold, Shermanbury and West Grinstead  
**APPLICATION:** DC/15/0109  
**APPLICANT:** Mr Christopher Neal

**REASON FOR INCLUSION ON THE AGENDA:** The Officer recommendation is contrary to policy

**RECOMMENDATION:** To approve the application

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### 1.1 DESCRIPTION OF THE APPLICATION

1.1.1 The application seeks permission for the change of use of the existing annexe to a separate and independent dwelling with a curtilage to include the existing equestrian facilities and other storage building on the site.

1.1.2 Plans submitted with the application show that the property will provide two bedrooms, an open plan kitchen and dining area, a separate living/day room and a bathroom. The Design and Access Statement submitted with the application indicates that no alterations are required to the building to facilitate its use as a separate dwelling. There is also a relatively large garage attached to the property along with a tack and feed room, an indoor school and stables and an outdoor sand school which are detached from the property but within close proximity. The other buildings, including a number of stables and a garage and equipment store will be retained by the occupiers of Fieldhouse Farm.

### 1.2 DESCRIPTION OF THE SITE

1.2.1 The application site is located outside of any defined built up area boundary and lies to the south of the settlement of Dial Post. The site is located within the curtilage of the existing dwelling of Fieldhouse Farm and consists of an existing converted barn, currently used as an annexe to the main dwelling along with a number of buildings to the rear being used for

equestrian purposes. The neighbouring dwelling of 'Woodmans Stud' lies to the east of the site with a further dwelling to the south.

- 1.2.2 The site is accessed via a private track off the highway and is approximately 500 metres south of Dial Post.

## **2. INTRODUCTION**

### **2.1 STATUTORY BACKGROUND**

The Town and Country Planning Act 1990.

### **2.2 RELEVANT GOVERNMENT POLICY**

NPPF3 – Supporting a prosperous rural economy

NPPF6 – Delivering a wide choice of high quality homes

### **2.3 RELEVANT COUNCIL POLICY**

- 2.3.1 Horsham District Local Development Framework Core Strategy 2007 - the following policies are of particular relevance: CP1 Landscape and Townscape Character, CP3 Improving the Quality of New Development and CP5 Built-up Areas and Previously Developed Land.

- 2.3.2 Horsham District Local Development Framework Core Strategy 2007 - the following policies are of particular relevance: DC1 Countryside Protection and Enhancement, DC9 Development Principles, DC24 Conversion of Agricultural and Rural Buildings for Industrial, Business or Residential uses, DC28 House Extensions, Replacement Dwellings and Ancillary Accommodation and DC40 Transport and Access.

- 2.3.3 The emerging Horsham District Planning Framework (HDPF) was approved by Council on 30th April 2014 as the Council's policy for planning the future of the District for the period 2011-2031. Following a six week period of representations, the plan was submitted to the Government on 8th August 2014 for independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Examination of the HDPF was undertaken by an independent Planning Inspector in November 2014, and the Inspector published his Initial Findings on 19th December 2014. The Inspector considers the overall strategy of the plan to be sound as is made clear in paragraph 4 of his Initial Findings:

*'On balance, I consider the overall strategy to concentrate growth in the main settlements in the hierarchy, starting with Horsham as a first order centre, followed by Southwater and Billingshurst, to be sound. The proposal for some development in villages, in accordance with Neighbourhood Plans (NP), is also justified and accords with government policy in the National Planning Policy Framework (NPPF). As will be explained in some more depth in my final report, the alternative strategy of greater dispersal to smaller settlements would be likely to lead to a less sustainable pattern of development with regard to transport patterns related to provision of employment opportunities, retail facilities and social and community services..'*

- 2.3.4 The Inspector has suspended the Examination of the HDPF until June 2015 to allow time for the Council to show how the annual housing provision can be increased to provide for a minimum of 750 dwellings per annum (15,000 over the plan period). It is important to note that the inquiry will re-open to consider only the issues outlined in the Initial Findings. The Council are currently consulting on the Proposed Modifications to this document with the representation period ending on the 5th May 2015. Given the Inspector's findings the



emerging plan is therefore a material consideration of considerable weight in terms of the overall strategy.

## 2.4 PLANNING HISTORY

WG/61/89	Conversion of barn to residential unit Comment: Annexe - appeal allowed 30/8/90 (From old Planning History)	PER
WG/91/88	Replacement bungalow and conversion of barn to dwelling (From old Planning History)	PER
DC/14/1709	Change of use of annexe to dwelling	REF

## 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).

### 3.2 OUTSIDE AGENCIES

#### 3.2.1 WSCC Highways

“No anticipated highway safety or capacity concerns would be raised to this proposal.”

### 3.3 PARISH COUNCIL

3.3.1 “We support this application.”

### 3.4 PUBLIC CONSULTATIONS

3.4.1 No letters/emails of representation received.

## 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 main issues in the consideration of this application are:

- The principle of the development in this location
- The effect of the development on the character of the area
- The impact on the amenities of the occupiers of Fieldhouse Farm and the quality of the resulting residential environment for future occupiers

- 6.2 The National Planning Policy Framework (NPPF) sets out that there is a presumption in favour of sustainable development and that this should run through both plan-making and decision-taking. In terms of the determination of planning applications this should mean the approval of development that accord with the development plan without delay, and that where the development plan is silent or relevant policies are out of date, that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.
- 6.3 Sustainable development is seen within the NPPF as having three roles; economic, social and environmental. These should be a golden thread running through both plan-making and decision-taking. Paragraph 9 of the NPPF notes that sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples quality of life, including (but not limited to):
- Making it easier for jobs to be created in cities, towns and villages;
  - Moving from a net loss of biodiversity to achieving net gains for nature;
  - Replacing poor design with better design;
  - Improving the conditions in which people live, work, travel and take leisure; and
  - Widening the choice of high quality homes.
- 6.4 The application site is located outside any defined built-up area boundary, where development and proposed dwellings in the countryside are strictly controlled. Therefore the application would be assessed against Policy DC24 of the General Development Control Policies (2007) which states:
- “Outside the defined built up areas, conversion of agricultural, forestry or rural buildings for business, commercial or residential development will be permitted where:*
- a) The building is suitably located in that it is not in an isolated position in relation to infrastructure, amenities and services.*
  - b) The building is of a suitable scale for the level of activity proposed, and if suitable construction which is not so derelict as to require substantial reconstruction, and for proposals for residential use, is of traditional construction and/or architectural/historic interest;*
  - c) The buildings are proven to have been in use for a period of 10 years or more;*
  - d) The proposed use will maintain or enhance the agricultural character of their settings; and,*
  - e) The proposed use can be accommodated in the existing buildings and car parking requirements can be accommodated satisfactorily within the immediate surroundings of the buildings.”*
- 6.5 Policy DC28 relates to house extensions, replacement dwellings and ancillary accommodation outside defined built-up areas. With regards to ancillary accommodation the policy states that *“applications for ancillary accommodation will be permitted when they accord with all other appropriate policies and the need for additional space cannot be met from an existing dwelling or buildings suitable of conversion on the site. The use of ancillary accommodation as a separate dwelling will not be permitted.”*
- 6.6 Whilst the previous application for the change of use of the building was refused, further information has been submitted with this current application to justify its conversion to a separate and independent dwelling. The applicant purchased the land in 1990 from the adjacent property known as ‘Woodmans Stud.’ At that time the land had planning permission for the conversion of a barn to residential use and the conversion of a stable block across the courtyard area to an annex. The conversion of the building to an annex was refused consent by the Council but was subsequently allowed on appeal without a condition restricting its use to ancillary accommodation despite this being the applicant’s

intention. The applicant has used the building over the last 20 years as ancillary accommodation for family members to stay in but the property has independent services to it and is separately rated for Council tax purposes. The annex has two bedrooms, a bathroom, an open plan kitchen/diner and a separate living/day room. Attached to the building is a substantial garage. The applicant is now looking retire and is seeking a way to downsize without having to move from his property. The applicant's daughter and her family are looking to move into the annex building and live as a separate and independent entity.

- 6.7 Planning policy at both the national and local level seeks to ensure that development is located in sustainable locations. Whilst the site is outside of any defined built up area and outside of a category 1 or category 2 settlement, limited work would need to be done to the building to be used as a separate dwelling. The building whilst being used by the applicant as ancillary accommodation, has separate services to it and is capable of being used as an independent and separate dwelling with no works being undertaken to it. Whilst permission was granted for the use of the building as an annex no condition was attached to the permission restricting its use as ancillary accommodation and therefore it is likely that it would be difficult to enforce its use for ancillary purposes only. It is therefore considered that on balance, despite the site being outside of a defined built-up area boundary, its use as a separate dwelling would be acceptable.
- 6.8 Due to the separation distances between the Fieldhouse Farm and the annex, it is not considered that there would be any privacy and amenity issues arising as a result of the development. Whilst there are a number of windows within both buildings that overlook the courtyard area, the windows within the annex building as to a hallway, and secondary windows to the lounge/day room and a bedroom. The majority of the window openings are overlooking the land to the rear of the annex which is proposed to form the curtilage of Fieldhouse Farm Cottage. Sufficient private amenity space is proposed to both properties with the outdoor sandschool, the indoor school and stables and the tack and feed room being within the curtilage of the new property.
- 6.9 Access to the site is via a private access track off the highway. The application property would have its own curtilage with sufficient area for car parking and no objections have been raised by the highway authority. The access of the private track would cross land to be retained by Fieldhouse Farm approximately 24m from the dwelling itself before entering the domestic curtilage to be associated with the property. Given the distance involved it is not considered that additional vehicle movements associated with separating the two properties would have an adverse impact on the amenity of the occupiers of the neighbouring property by reason of noise.
- 6.10 In order to protect the character and appearance of the building, which is of a traditional character and appearance, and the privacy and amenity of the occupiers of Fieldhouse Farm, it is recommended that a condition is imposed removing permitted development that would ordinarily allow a householder to carry out works to their property without requiring planning permission. Similar restrictions were applied to Fieldhouse Farm when it was granted permission under reference WG/91/88.
- 6.11 The proposal also involves splitting the site into two separate ownerships. Whilst not a material planning consideration, it is considered that a condition should be imposed requiring the equestrian facilities on the site to be used for domestic purposes only to avoid any adverse impact on the occupiers of Fieldhouse Farm if the facilities were used in association with a commercial use. Whilst additional vehicle movements in association with the use of the building as a separate residential property are considered to be acceptable, it is not considered that significant additional vehicle movements associated with a riding school, livery, or other commercial use of the building could result in an adverse impact on the privacy and amenity of the occupiers of Fieldhouse Farm.

## **7. RECOMMENDATIONS**

It is recommended that planning permission be granted subject to appropriate conditions as detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of amenity in accordance with policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage of the dwelling hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In the interest of visual amenity and character and appearance of the building and in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

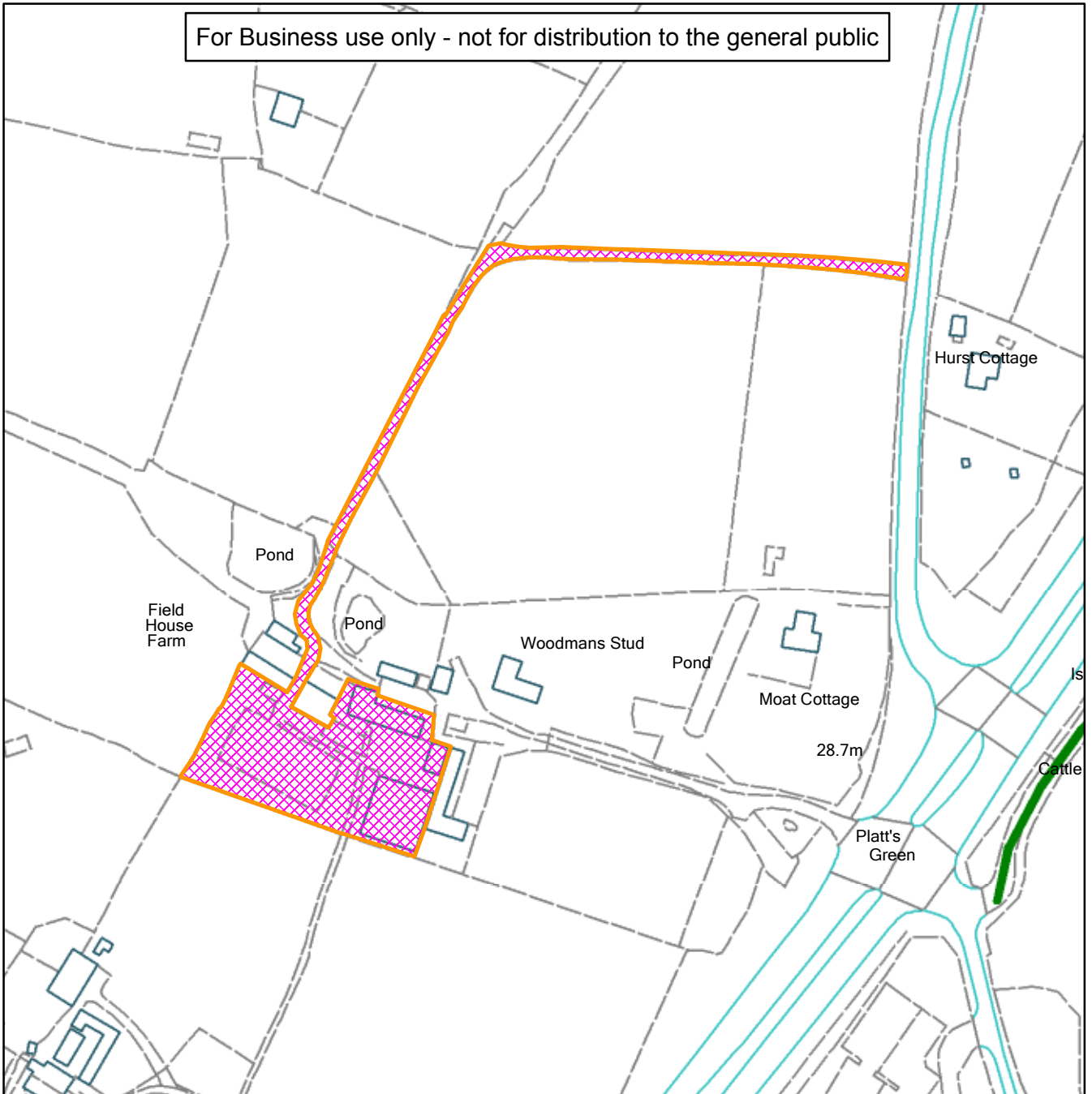
4. The stables and equestrian facilities on the site shall not be used for commercial purposes or in connection with any form of riding establishment.

Reason: To protect the privacy and amenity of the occupiers of the adjoining property, in accordance with Policy DC9 of the Horsham District Local Development Framework: General Development Control Policies (2007).

Background Papers: DC/15/0109 and DC/14/1709



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Organisation	Horsham District Council
Department	
Comments	
Date	09/04/2015
MSA Number	100023865





Horsham  
District  
Council

# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management (South) Committee

**BY:** Development Manager

**DATE:** 21<sup>st</sup> April 2015

**DEVELOPMENT:** Erection of a two storey rear and side extension

**SITE:** Sake Ride Farm, Wineham Lane, Wineham, Henfield

**WARD:** Cowfold, Shermanbury and West Grinstead

**APPLICATION:** DC/15/0163

**APPLICANT:** Mr Brian O'Connell

**REASON FOR INCLUSION ON THE AGENDA:** Referred to Planning Committee (application by Councillor)

**RECOMMENDATION:** Grant Planning Permission subject to Conditions

## 1. THE PURPOSE OF THIS REPORT

### DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full permission for the erection of a two storey side and rear extension designed to a chalet style pitch second storey.
- 1.2 The extension would extend to the rear of the property by a further 6.8m to a full width of 8.7m. The side extension would sit 5m to a total 12m depth along the newly formed southern elevation. The overall height is 5.7m and 3.5m to the eaves. Materials are to match the existing dwelling.
- 1.3 The extension will offer ground floor kitchen/breakfast and dining space whilst a master bedroom and second bedroom with ensuite would occupy the 1<sup>st</sup> floor.

### DESCRIPTION OF THE SITE

- 1.4 The application site is a two-storey detached property outside of the built up area of and south of the Village of Wineham.
- 1.5 The application site is set back from the Wineham Lane a beyond 'The Dairy' a dwelling abutting the sites eastern boundary.

- 1.6 Access to the site is via a private drive running the north boundary of the abutting neighbour 'The Dairy'.
- 1.7 The existing dwelling is two storey with a single storey side consisting of a dining and utility space.
- 1.8 The footprint of the dwelling is set close to the eastern boundary of the site and central to the plot when considering the land highlighted in blue which is agricultural in nature, with agricultural buildings located to the west.
- 1.9 The property is served by a large rear garden plot, which is bound by an open post and rail fencing.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990

### RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (2012):-

Section 7 (Requiring Good Design)  
Paragraphs 7 and 14 (Presumption in favour of sustainable development)

- 2.3 National Planning Policy Guidance (2014)

### RELEVANT COUNCIL POLICY

- 2.4 Policies CP 3 of the Core Strategy (2007)
- 2.5 Policy DC 9 (Development Principles) of the General Development Control Policies (2007)

### OTHER RELEVANT GUIDANCE

- 2.6 HDC Design Guidance Advice Leaflet No. 1 House Extensions (2008)

### PLANNING HISTORY

SH/11/02 Single-storey side extension with roof terrace and 2-storey side extensions  
Site: Sake Ride Farm Wineham Lane Wineham  
Refused : 22-NOV-2002

SH/24/03 Detached car port with office over Site: New House Sake Ride Farm  
Wineham Lane Wineham  
Refused : 03-NOV-2003

DC/12/0599 Non compliance of condition 7 of consent SH/10/93 - Agricultural occupancy condition (Certificate of Lawful Development - Existing)  
Permitted : 21-JUN-2012



### **3. OUTCOME OF CONSULTATIONS**

The following section provides a summary of the responses received as a result of internal and external consultation, however, officers have considered the full comments of each consultee which are available to view on the public file at: [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.1 No comments received

#### OUTSIDE AGENCIES

- 3.2 No comments received

#### PUBLIC CONSULTATIONS

- 3.3 **Upper Beeding Parish Council** comments to follow.....

- 3.4 No representations received

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

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

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

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

### **6 PLANNING ASSESSMENTS**

#### **Principle of the Development**

- 6.1 Policy DC2 of the Horsham District Local Development Framework General Development Control Policies (2007) refers to Landscape Character and states that development will be permitted where it protects and/or conserves and/or enhances the key characteristics of the landscape character area in which it is located, including: the development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change; the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and the topography of the area.
- 6.2 Policy DC9 of the Horsham District Local Development Framework General Development Control Policies (2007) is one of the main policy against which proposals for extensions to dwellings are considered. It requires that new development is of a high standard of design and layout having regard to its natural and built surroundings in terms of scale, density,

height, massing, siting, orientation, views, character, materials and space between buildings. An extension should be of a scale which is sympathetic to the original building.

- 6.3 Policy DC28 is the main policy to determine housing extensions outside of the built up areas where development can be accommodated appropriately within the curtilage of the existing dwelling and where extensions should not be disproportionate to the size of the existing dwelling and in sympathy with and subservient to the scale and character of the existing dwelling. Policy CP3 of the Core Strategy (2007) also applies to the assessment of this application, and states that development will be expected to provide an attractive, functional, accessible, safe and adaptable environment; as well as to complement the varying character and heritage of the District.
- 6.4 The scale of the proposed development is considered to be acceptable in principle. The extension has been reduced in scale and height from that originally submitted. A significantly reduction to the eaves and pitch height allows for an extension when viewed from the principle elevation to be in proportion with the existing dwelling.

### **Residential Amenity**

- 6.5 Due to the space between properties the amenity of 'The Dairy' would not be affected through outlook, loss of natural light and as such is not considered to be materially affected by the proposal.
- 6.6 The proposed extension is therefore not considered to materially adversely affect the amenities of neighbouring properties in accordance with DC9 of the General Development Control Policies (2007).

### **Design of Development and impact on Countryside Setting**

- 6.7 Policies CP3 and DC9 promote development of high quality design, which ensures that the appearance of the development is of good quality and layout, and relates sympathetically to the character of the dwelling and built surroundings.
- 6.8 The proposed extension would be of chalet style design built of material to match the appearance to the host dwelling and built surroundings.. As this is generally in keeping with the existing, it is considered that the proposal retains the character of the dwelling and as such is sympathetic to that of the existing and surroundings.
- 6.9 Policy DC28 considered appropriate development where extensions should not be disproportionate to the size of the existing dwelling and in sympathy with and subservient to the scale and character of the existing dwelling. The design allows for a two storey extension that is subordinate to the existing dwelling, and although the depth of the rear addition could be seen as larger than the existing dwelling the height and appearance from the principle elevation lends itself to allowing a proportionate extension sympathetic to its setting.
- 6.10 Therefore, it is considered that the proposal is in accordance with policies CP3 of the Core Strategy (2007) and policies DC9 and DC28 of the General Development Control Policies (2007).

## **Conclusions**

- 6.11 It is considered that the proposed would not materially impact on the character, residential amenities, street scene or countryside setting of the site and its surroundings.
- 6.12 The application is therefore compliant with policies CP3 of the Core Strategy (2007), policies DC9 and DC28 of the General Development Control Policies (2007). The application also fully endorses those policies within the framework that seek to promote good design and sustainable development; namely sections 7 and 14 of the Framework.

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission be granted subject to the following conditions:

### STANDARD CONDITIONS

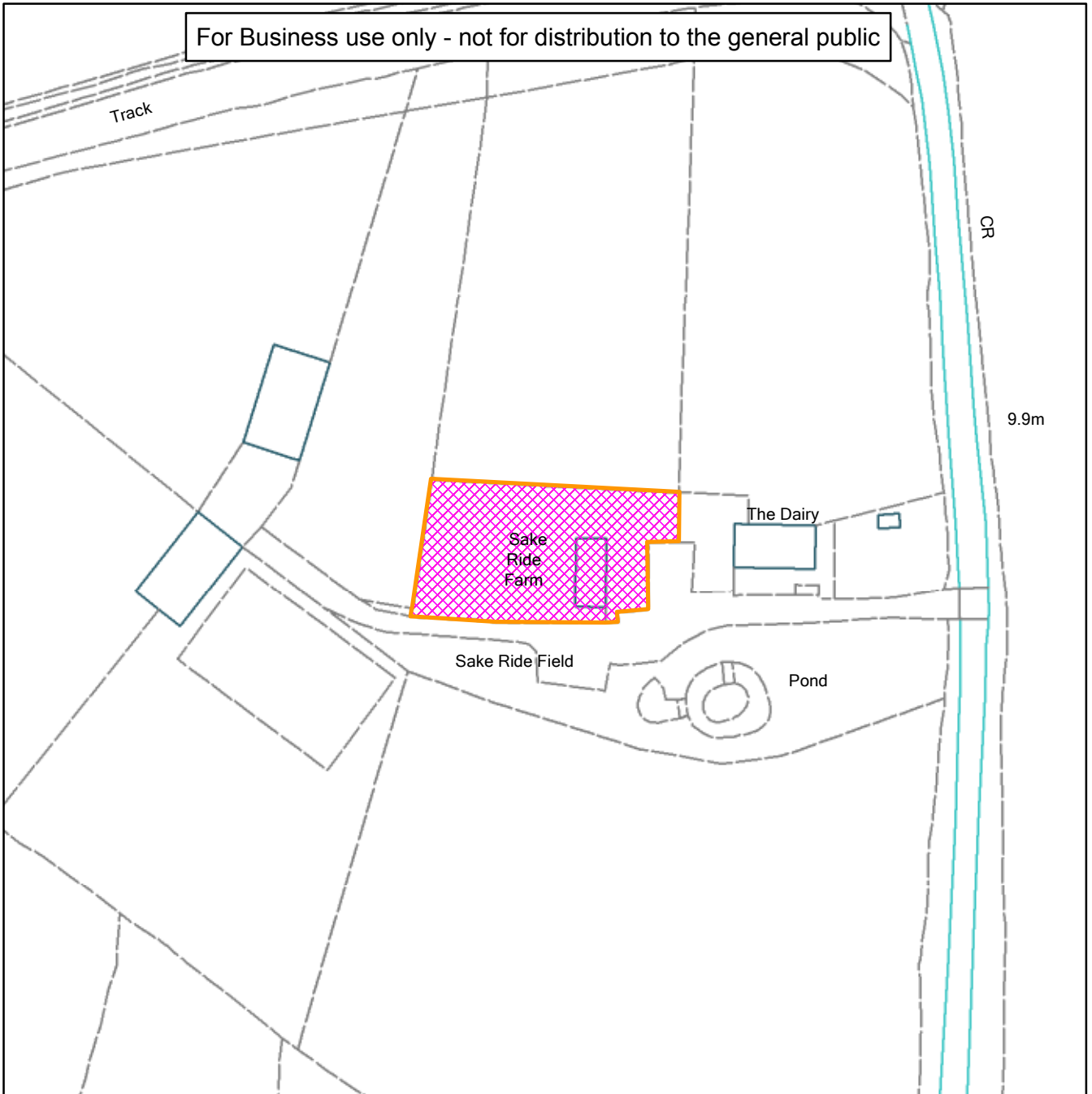
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The materials and finishes of all new external walls and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Background Papers: DC/15/0163



Sake Ride Farm

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	02/04/2015
MSA Number	100023865



Horsham  
District  
Council

# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management (South) Committee

**BY:** Development Manager

**DATE:** 21<sup>st</sup> April, 2015

**DEVELOPMENT:** Fell 1 x oak tree.

**SITE:** Land south of 3 The Green, High Street, Partridge Green.

**WARD:** Cowfold, Shermanbury and West Grinstead.

**APPLICATION:** DC/14/2690

**APPLICANT:** Horsham District Council.

**REASON FOR INCLUSION ON AGENDA:** Application by Horsham District Council.

**RECOMMENDATION** - To grant consent.

## 1. THE PURPOSE OF THIS REPORT

To consider the application.

### DESCRIPTION OF THE APPLICATION

1.1 The application proposes the felling of a protected oak tree.

### DESCRIPTION OF THE SITE

1.2 The tree stands on a small triangle of land to the immediate south of a block of three garages attendant to the properties in The Green, west of the Huffwood Trading Estate. This land is owned by Horsham District Council and managed by the Leisure Services Department as recreational land.

### PLANNING HISTORY

1.3 The tree is protected under individual Tree Preservation Order (TPO) No. 1007, confirmed on 21<sup>st</sup> December 1999, being designated tree T1.

1.4 Previous applications *DC/07/2149* and *DC/11/2083*, for minor surgery works, were both permitted.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 As a tree subject to a TPO, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under the **Town & Country Planning (Tree Preservation) (England) Regulations 2012**.

### RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the on-line publication **Tree Preservation Orders and trees in conservation areas** (<http://planningguidance.planningportal.gov.uk/>, dated 06 03 2014).

## 3. OUTCOME OF CONSULTATIONS

- 3.1 One letter of objection has been received.
- 3.2 West Grinstead Parish Council originally advised of an objection to this application, but this has subsequently been withdrawn upon receipt of further information from the applicants.

## 4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

## 6. PLANNING ASSESSMENT

- 6.1 The tree in question is a moderately sized oak of fair merit. Although on separate land, it is the most northerly of the group of trees sited to the west of the industrial units within the Huffwood Trading Estate, trees on private land subject to their own area tree preservation order.
- 6.2 Around 17m in height, this tree is most closely visible from the turning area below it attendant to the garage block serving The Green. It can be seen from the High Street to the north, and from Meyers Wood to the west, but in both cases although it clearly has amenity merit, this is principally as a background tree, as from these viewpoints it blends in to the other similarly sized oak trees to the south on the trading estate. Its amenity value is accordingly adjudged to be moderate.
- 6.3 The tree is in fair health, though in recent years has suffered from extensive storm damage and resultant surgery.
- 6.4 The Council's Leisure Services Department seeks the removal of this tree in response to a claim for damages from the insurers appointed by the owners of the adjacent garages. It is alleged that this detached garage block, the footprint of which lies within 4m of the tree, has suffered from structural damage caused by

fluctuating volumetric changes in the clay sub-soil upon which it was erected. Evidence has been put forward substantiating the damage and implicating the oak tree.

- 6.5 Should the Council, as the tree's owner, seek to defend its retention, it would leave it exposed to a claim for the repair of the garage block. It should be acknowledged that this would necessarily include not just the costs of superficial repair of the existing structural defect, but also works above and beyond this to prevent the block suffering from any repeat damage that might occur at a later date as a result of the retention of the tree. No quantum has been put forward for such works, but underpinning to a standard allowing the continuing retention of a nearby large tree is known to be expensive, normally costing tens of thousands of pounds.
- 6.6 It is clear that the garage block has suffered structural damage requiring redress. It is also considered that the evidence of the tree's involvement meets with the level of evidential test required in such cases, that is, that it has been established on the balance of probabilities that the actions of the tree's roots are causing cyclical volumetric changes to the localised clay sub-strate causing structural defect blighting the building. There is no requirement in law to prove this beyond reasonable doubt. The Council is accordingly left with the judgement as to whether the tree is worthy of retention in spite of the inevitable cost associated with this.
- 6.7 Although it is regrettable to lose any protected oak tree, the relatively modest amenity value of this specimen suggests that its loss will not greatly adversely affect the character and amenities of the area. The adjacent trees within the trading estate will maintain the background of arboreal cover and the removal of this single tree is not considered to represent a serious loss to the village.
- 6.8 Given the very close proximity of the parcel of land to the garage block, it is not considered reasonable to secure the planting of a replacement tree.

## 7. **RECOMMENDATIONS**

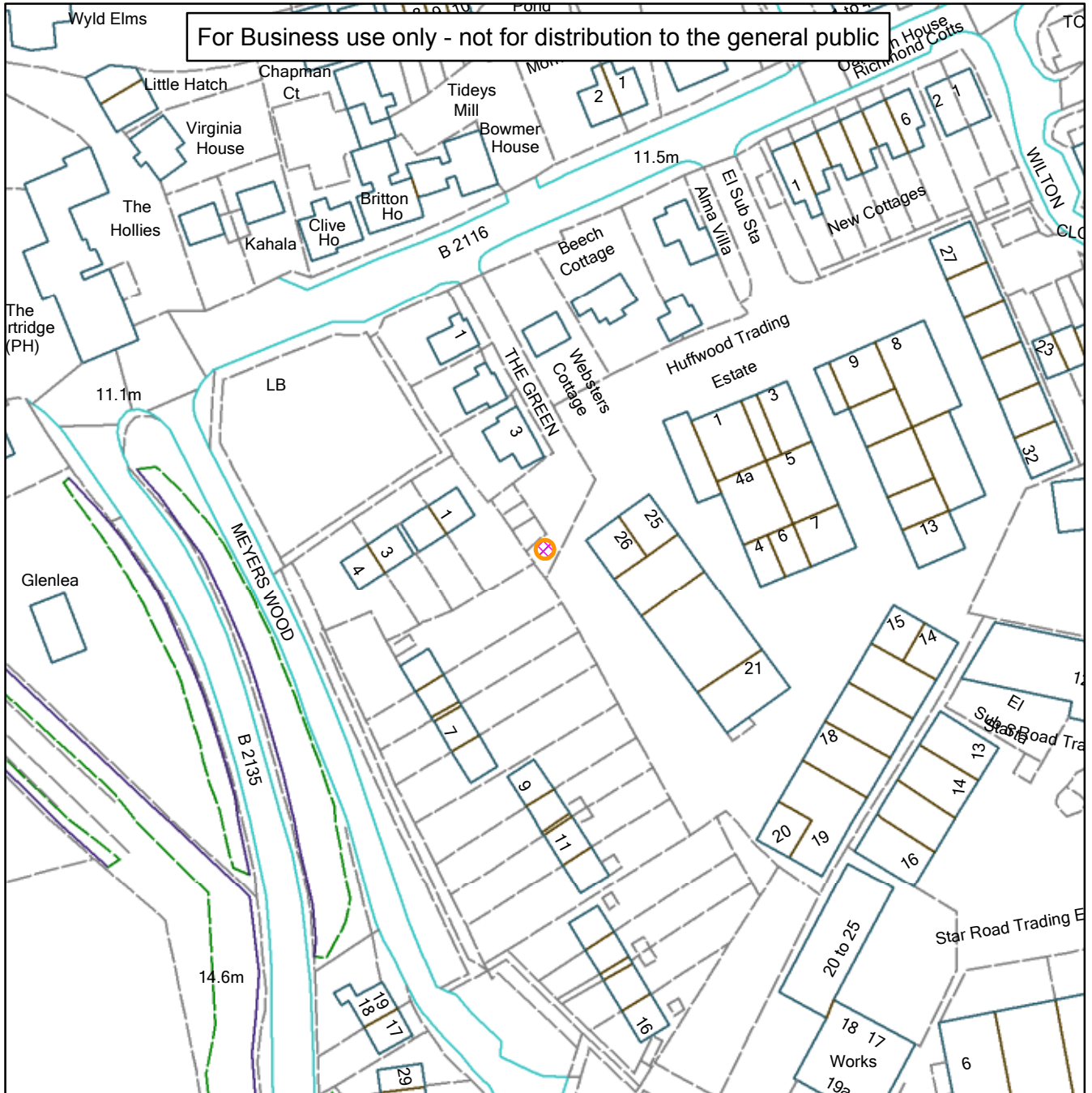
It is recommended that the application be granted, subject to the following conditions:

1. TR2            Time limit  
   INF8            Wildlife protection.

Background Papers: DC/14/2690

Contact Officer: Will Jones.

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	02/04/2015
MSA Number	100023865