



Planning Committee (South)

Tuesday, 20th February, 2018 at 2.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:	Brian O'Connell (Chairman)	
	Paul Clarke (Vice-Chairman)	
	John Blackall	Gordon Lindsay
	Jonathan Chowen	Tim Lloyd
	Philip Circus	Paul Marshall
	Roger Clarke	Mike Morgan
	David Coldwell	Kate Rowbottom
	Ray Dawe	Jim Sanson
	Brian Donnelly	Ben Staines
	David Jenkins	Claire Vickers
	Nigel Jupp	Michael Willett
	Liz Kitchen	

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 12
To approve as correct the minutes of the meeting held on 16 January 2018 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

To consider the following reports of the Head of Development and to take such action thereon as may be necessary:

5. Appeals 13 - 14

Applications for determination by Committee:

6. DC/17/2564 - Oak Tree View and Lane Top, Nutbourne Road, Pulborough 15 - 26

Ward: Pulborough & Coldwaltham

Applicant: Mr Simon Staples

7. DC/17/1499 - Firtops, Grove Lane, West Chiltington 27 - 44

Ward: Chanctonbury

Applicant: Mr & Mrs P Barker

8. DC/16/0728 - Land adjacent to Railway Cottages and Pulborough Railway Station, Stopham Road, Pulborough 45 - 72

Ward: Pulborough & Coldwaltham

Applicant: Willowmead & Network Rail

9. Urgent Business

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

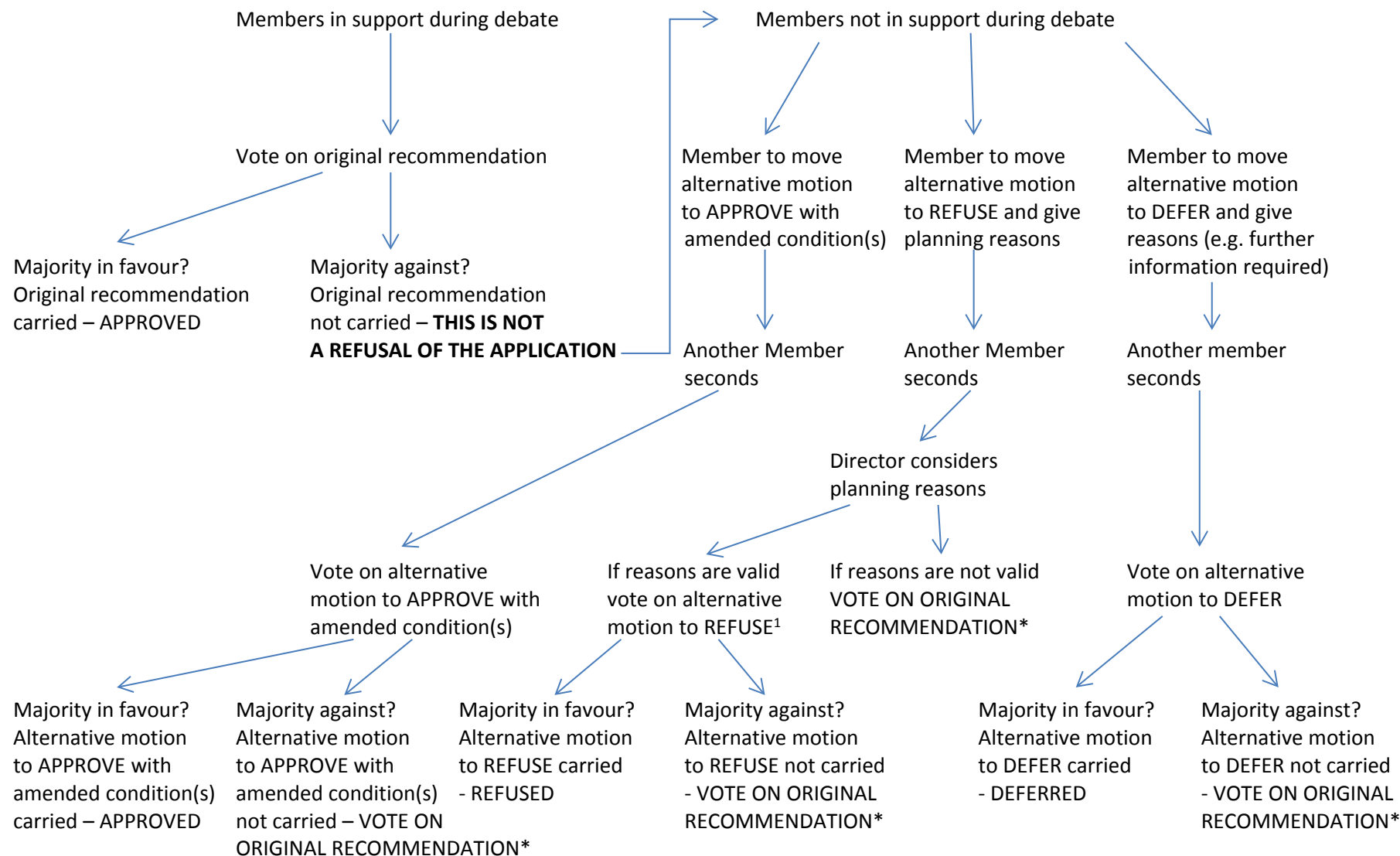
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

Addressing the Committee	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only.
Quorum	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
Declarations of Interest	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
Announcements	These should be brief and to the point and are for information only – no debate/decisions .
Appeals	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
Agenda Items	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
Public Speaking on Agenda Items (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed 2 minutes each to make representations; members of the public who object to the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes; applicants and members of the public who support the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes. Any time limits may be changed at the discretion of the Chairman.
Rules of Debate	<p>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max 5 minutes or longer at the discretion of the Chairman) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment to a motion o To move a further amendment if the motion has been amended since he/she last spoke o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of original motion

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> ○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. ○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman's ruling on the admissibility of the personal explanation will be final. <ul style="list-style-type: none"> - Amendments to motions must be to: <ul style="list-style-type: none"> ○ Refer the matter to an appropriate body/individual for (re)consideration ○ Leave out and/or insert words or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
Alternative Motion to Approve	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer's recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
Alternative Motion to Refuse	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer's recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
Voting	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - Two Members request a recorded vote - A recorded vote is required by law. <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
Vice-Chairman	<p>In the Chairman's absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

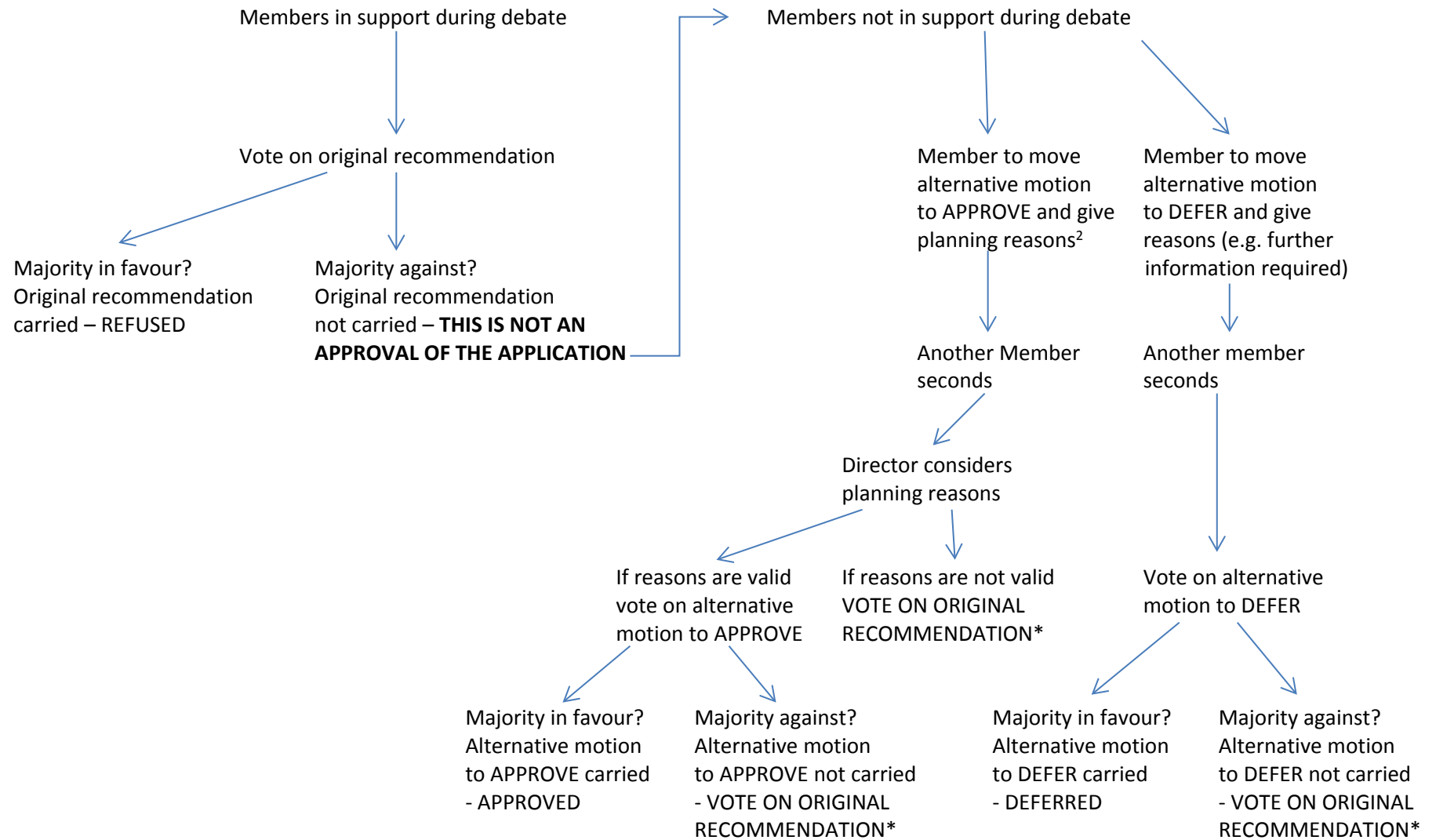
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ Subject to Director's power to refer application to Full Council if cost implications are likely.

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

² Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

Planning Committee (South)
16 JANUARY 2018

Present: Councillors: Brian O'Connell (Chairman), Paul Clarke (Vice-Chairman), John Blackall, David Coldwell, Ray Dawe, Brian Donnelly, David Jenkins, Nigel Jupp, Gordon Lindsay, Tim Lloyd, Paul Marshall, Mike Morgan, Kate Rowbottom, Jim Sanson, Claire Vickers and Michael Willett

Apologies: Councillors: Jonathan Chowen, Philip Circus, Roger Clarke and Ben Staines

Absent: Councillors: Liz Kitchen

PCS/55 **MINUTES**

The minutes of the previous meeting of the Committee held on 19 December 2017 were approved as a correct record and signed by the Chairman.

PCS/56 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/17/2639 and SDNP/17/02592/FUL – Councillor Nigel Jupp declared a personal interest because he knew some of the speakers and neighbouring residents. He took no part in the debate and abstained from voting on the application.

PCS/57 **ANNOUNCEMENTS**

There were no announcements.

PCS/58 **APPEALS**

The list of appeals lodged and appeal decisions, as circulated, was noted.

PCS/59 **DC/17/2111 - ROBELL WAY, STORRINGTON**

The Head of Development reported that this application sought permission for works along Robell Way including: realigning the southern kerb line; introducing double yellow lines along the length of the road; resurfacing the road and footpath; and the introduction of areas of soft landscaping. The application had been deferred by the Committee in November 2017 to allow further discussions between the applicant and adjacent business owners with a view to addressing concerns regarding access to the commercial units (Minute No. PCS/43 (21.11.17) refers). In the light of these discussions the applicant had submitted amendments to the proposal.

The application site was located southwest of Water Lane in Storrington and was a private roadway and access to the Water Lane Trading Estate. It would also be the vehicular access for a new residential development of 98 dwellings that had recently been approved.

Members were referred to the previous report which contained details of relevant policies, planning history, the outcome of consultations and a planning assessment of the original proposal. The consultation response from the Highway Authority commenting on the revised plans was noted by the Committee.

In response to consultation on the amended scheme, the Parish Council had raised concerns regarding the narrowing of the road and had sought advice from the Highway Authority and, since preparation of the report, had raised no objection. Nine further letters of objection had been received. Three letters had also been received withdrawing previous objections. One member of the public spoke in objection to the application, and a representative of the applicant spoke in support of it.

Members considered the officer's planning assessment of the amended proposal and considered whether the concerns of local businesses, regarding access for larger vehicles when manoeuvring into Robell Way and accessing the industrial units, had been satisfactorily addressed.

Members considered that effective enforcement of the proposed double yellow lines was essential to prevent parked vehicles narrowing the road further and restricting access. Members therefore agreed that the applicant should submit a Parking Management Plan to establish how parking enforcement would be effectively sustained.

RESOLVED

That planning application DC/17/2111 be determined by the Head of Development with a view to approval subject to an additional condition requiring the submission of a satisfactory Parking Enforcement Management Plan, with the discharge of this condition to be in consultation with the Local Members.

PCS/60 **DC/17/2639 - DOWNSVIEW FARM, CLAY LANE, COOTHAM**

The Head of Development reported that this application sought permission for the erection of a single storey agricultural training building, with a maximum ridge height of 3.6 metres, within the farmyard. The building would include training rooms for agricultural and butchery course related to the use of the farm, overnight accommodation for trainees, kitchen areas and bathroom/WCs.

The application site was located in the countryside, partly within the South Downs National Park (SDNP) but also within the Horsham District, southwest of the built up area of Storrington. The site was the working farmyard with access

via a track from Clay Lane. There was a cold store and other agricultural outbuildings. The site was screened by a natural bund to the north, and there were established shrubs and trees to the south.

Because the application site straddled two planning authorities, the SDNP and Horsham District Council (HDC), a concurrent application SDNP/17/02592/FUL for the proposal had also been submitted for consideration by this Committee.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. A mobile home on the site, which had been granted temporary permission, was currently the subject of an enforcement case.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. Storrington and Sullington Parish Council objected to the application. Three letters of objection had been received. Three members of the public spoke in objection to this application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; diversification of the existing agricultural use; its visual impact on the rural setting; neighbouring amenity; and transport and parking.

Officers advised that an additional condition was recommended relating to levels to ensure that the building has the correct ground level. Members were also concerned that the unauthorised building on the site, which the applicants had stated would be reused for this development, should be removed through a condition. Officers therefore suggested an additional condition for its removal prior to the first use of the building now proposed.

Members were concerned that the proposed building should be used for its stated purpose only and discussed the need for assurance that the proposed business was viable.

Members discussed the poor condition of Clay Lane and suggested that officers request the Highway Authority review its condition.

RESOLVED

That planning application DC/17/2639 be determined by the Head of Development with a view to approval subject to the submission of an acceptable Business Plan, in consultation with the Local Members, and the addition of: (i) a condition relating to levels; and (ii) a condition to secure the removal of the existing unauthorised building prior to first use of the new building.

PCS/61 **SDNP/17/02592/FUL - DOWNSVIEW FARM, CLAY LANE, COOTHAM**

The Head of Development reported that this application sought permission for the erection of a single storey agricultural training building, with a maximum ridge height of 3.6 metres, within the farmyard. The building would include training rooms for agricultural and butchery course related to the use of the farm, overnight accommodation for trainees, kitchen areas and bathroom/WCs.

The application site was located in the countryside, partly within the South Downs National Park (SDNP) but also within the Horsham District, southwest of the built up area of Storrington. The site was the working farmyard with access via a track from Clay Lane. There was a cold store and other agricultural outbuildings. The site was screened by a natural bund to the north, and there were established shrubs and trees to the south.

Because the application site straddled two planning authorities, the SDNP and Horsham District Council (HDC), a concurrent application DC/17/2639 for the proposal had also been submitted for consideration by this Committee.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. A mobile home on the site, which had been granted temporary permission, was currently the subject of an enforcement case.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. The Parish Council raised no objection subject to a non-severance condition. Ten letters of objection had been received, including one from the Wiggonholt Association. Two members of the public spoke in objection to this application, and the applicant addressed the committee in support of proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; diversification of the existing agricultural use; its visual impact on the rural setting; neighbouring amenity; and transport and parking.

Officers advised that an additional condition was recommended relating to levels to ensure that the building has the correct ground level. Members were also concerned that the unauthorised building on the site, which the applicants had stated would be reused for this development, should be removed through a condition. Officers therefore suggested an additional condition for its removal prior to the first use of the building now proposed.

Members were concerned that the proposed building should be used for its stated purpose only and discussed the need for assurance that the proposed business was viable.

Members discussed the poor condition of Clay Lane and suggested that officers request the Highway Authority review its condition.

RESOLVED

That planning application SDNP/17/02592/FUL be determined by the Head of Development with a view to approval subject to the submission of an acceptable Business Plan, in consultation with the Local Members, and the addition of: (i) a condition relating to levels; and (ii) a condition to secure the removal of the existing unauthorised building prior to first use of the new building.

The meeting closed at 3.35 pm having commenced at 2.30 pm

CHAIRMAN

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Planning Committee (South)

Date: 20th February 2018



Report on Appeals: 05/01/2018 – 07/02/2018

1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/17/2105	1 Rosemary Avenue Steyning West Sussex BN44 3YS	09/01/2018	Refuse	
DC/17/2239	Whiteoaks Shoreham Road Small Dole Henfield West Sussex BN5 9SD	09/01/2018	Prior Approval Required and Refuse	
DC/17/0861	Bus Turning Circle Old Mill Drive Storrington West Sussex	01/02/2018	Permit	

2. Live Appeals

HDC have received notice from the Department of Communities and Local Government that the following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/17/1157	1 Hudson Way Henfield West Sussex BN5 9FD	Fast Track	22/01/2018	Refuse	
DC/17/1170	2 The Birches West Chiltington Pulborough West Sussex RH20 2PH	Fast Track	12/01/2018	Refuse	
DC/17/2105	1 Rosemary Avenue Steyning West Sussex BN44 3YS	Fast Track	12/01/2018	Refuse	

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
EN/14/0333	The Caravan Littleworth Lane Partridge Green West Sussex	Written Representation	Dismissed		
DC/17/0530	3 Greenfield House The Square Storrington Pulborough West Sussex RH20 4DJ	Written Representation	Allowed	Refused	
DC/16/1930	High Croft Hampers Lane Storrington Pulborough West Sussex RH20 3HY	Written Representation	Dismissed	Refused	Refused
DC/17/0593	Tisserand Piggeries Stane Street Billingshurst West Sussex RH14 9AE	Written Representation	Dismissed	Refused	
DC/17/0338	Land Between The Paddocks and Fuchias West End Lane Henfield West Sussex	Written Representation	Dismissed	Refused	
DC/17/1262	St Josephs Abbey Greyfriars Lane Storrington West Sussex	Written Representation	Dismissed	Refused	



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 20th February 2018

DEVELOPMENT: Removal of Conditions 2 and 3 to previously permitted application DC/10/0586 (Use of land for stationing of 2 caravans for settled gypsy accommodation retrospective application to retain 2 existing caravans, one with a temporary permission). Relating to personal occupancy restrictions

SITE: Oak Tree View and Lane Top Nutbourne Road Pulborough West Sussex RH20 2HA

WARD: Pulborough and Coldwaltham

APPLICATION: DC/17/2564

APPLICANT: **Name:** Mr Simon Staples **Address:** Oak Tree View and Lane Top Nutbourne Road Pulborough West Sussex RH20 2HA

REASON FOR INCLUSION ON THE AGENDA: More than 8 public representations received which are contrary to the officer's recommendation.

RECOMMENDATION: To grant planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The proposal seeks to remove the personal occupancy conditions which currently restricts occupation of the two mobile homes on the two separated sites to the applicant and his wife, Mr & Mrs Staples-Lee and their immediate family, and to Mr Joseph Smith and his wife. Immediate family is stated to include: parent, grandparent, child, grandchild, brother, sister, aunt, uncle, nephew and niece.
- 1.2 The proposal also seeks to remove the personal occupancy condition so that the site can be counted towards the Council's overall allocation of gypsy, travellers and travelling showpeople provision.

DESCRIPTION OF THE SITE

- 1.3 The application site comprises an area of land, set on an elevated position approximately 500m south of the undefined settlement of Nutbourne, and about 1.7km west of the BUAB of Pulborough. The site therefore lies in a rural area in terms of planning policies, although the site map reveals a number of residential properties adjoining and nearby the site.

- 1.4 There are no other designations on the land in terms of heritage interest or protected trees, although the site is reasonably well-screened along its boundaries by trees, hedging and timber fencing.
- 1.5 The site, as currently laid out, is accessed from the north- western side by a driveway off Nutbourne Road, shared along most of its length with a neighbouring property Inglenook Cottage (formerly Little Paddock), sited to the north-west. There is a timber stable-block aligned along the site's eastern boundary and an open area of paddock land to the north and centre of the site. There is a fenced curtilage of a static mobile home which is sited alongside the site's south-eastern boundary, shared with the adjoining property Nutbourne Studio. This curtilage includes an area of hard-standing for parking, a timber garden / outbuilding and an area of lawn forming a garden around the static mobile home, occupied by Mr & Mrs Simon Staples and family.
- 1.6 This mobile home was first subject to a temporary and personal permission for Mr and Mrs Staples-Lee, expiring on 20th November 2010 (DC/06/1722).
- 1.7 A pole barn is sited alongside the central / southern part of the site and has been adapted to form a dwelling, occupied by Mr James Smith. This dwelling was subject to an LDC application DC/16/2873, confirming its residential occupation for at least 4 years preceding the application date.
- 1.8 Permission DC/10/0586 was granted in late July 2010 for 'Use of land for stationing of 2 caravans for settled gypsy accommodation (retrospective application to retain 2 existing caravans, one with a temporary permission)', subject to the following conditions:

2 The residential use hereby permitted shall be carried on only by Mr Staples-Lee and Mr Joseph Smith and their immediate family, defined as the wife of Mr Staples-Lee and the wife of Mr Smith, or any person whom the said persons are living as man and wife; the parent, grandparent, child, grandchild; brother, sister aunt, uncle, nephew, niece of Mr Staples-Lee and Mr Smith, or the spouse thereof, and by no other person or persons.

Reason: Due to the special circumstances of the case and in accordance with DC32 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

3 When the land ceases to be occupied by the persons named in condition 2, the use hereby permitted shall cease and any caravans, vehicles, trailers, structures, materials and equipment (including all areas of hardstanding and sanitary equipment) brought onto the land in connection with the use, save as otherwise permitted, shall be permanently removed. Within two months of that time, the land shall be restored to pasture land.

Reason: Permission would not normally be granted for such development in this location under policy DC1 of the Horsham District Council Local Development Framework: General Development Control Policies (2007) but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal and policy DC32 of the Horsham District Council Local Development Framework: General Development Control Policies (2007).

- 1.9 At the time of consideration in 2010, it was noted that the permission had already been a temporary permission, and therefore it was not recommended to grant a further temporary permission on the site. Furthermore, it was noted that since the last permission had been granted in 2006, there was one child attending local school and a sibling due to start, so the potential displacement of the family was a material consideration, as was the lack of

suitable alternative sites in proximity to the application site and schools being attended. The family was considered to be integrated into the local community, and the visual setting of the wider rural area was not deemed to be compromised by way of the resulting two additional pitches on this site in addition to the exiting pitch, resulting in only three pitches on the Lane Top site.

- 1.10 Whilst the location of the site did not fully comply with the local and regional policies on gypsy and traveller sites at the time, it was considered that a more pragmatic approach be taken in assessing the more long-term occupation of the site, and why, in this instance, the use of a personal occupancy condition was applied, rather than a further temporary permission.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations

Policy 22 - Gypsy and Traveller Sites

Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Supplementary Planning Guidance:

Gypsy Traveller site allocations DPD

Site Allocations DPD is still at an early stage

RELEVANT NEIGHBOURHOOD PLAN

The Pulborough Neighbourhood Plan is still at an early stage

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/06/1722	Stationing of 1 mobile home for gypsy settled accommodation and retention of outbuilding	Application Permitted on 22.11.2007
DC/16/2873	Use of building as a residential dwelling (Certificate of Lawful Development - Existing)	Application Permitted on 17.03.2017
DC/10/0586	Use of land for stationing of 2 caravans for settled gypsy accommodation (retrospective application to retain 2 existing caravans, one with a temporary	Application Permitted on 27.07.2010

permission)

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 HDC Strategic Planning: Comment

- It is acknowledged, the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites, however the removal of the personal occupancy condition on this site would help to remove the backlog. This is a significant consideration in terms of the determination of this planning application and would normally weigh in favour of the proposal, provided that the proposed development does not significantly depart from the criteria laid out in the Planning Policy for Traveller Sites (PPTS) (particularly paragraphs 13, 24 and 25).
- In terms of compliance with paragraphs 13, 24 and 25 of the PPTS, it is noted that the application site is located approximately 0.43 km (as the crow flies) from the Built-up Area Boundary (BUAB) of West Chiltington, a 'medium village' as defined by Policy 3 of the HDPF (Strategic Policy: Development Hierarchy). These are 'settlements with a moderate level of services and facilities and community networks together with some access to public transport'. Whilst West Chiltington does have a good level of services and facilities, given its location of the site, it is still likely that the main mode of transport would be the private motor vehicle, although other public transport options are available.
- This site is allocated through policy 21 of the HDPF as Gypsy and Traveller Site. Its delivery would go some way to enabling the Council to meet its 5 year supply of deliverable sites by removing some of the backlog. This is a significant consideration in terms of the determination of the planning application. The site is identified in the current regulation 18 Gypsy 'Site Allocations' DPD for 3 gypsy and traveller pitches, although limited weight can be given to the document at this stage
- Such considerations would need to be weighed, together with compliance with paragraphs 13, 24 and 25 of the PPTS, against the significant requirement for new pitches within the District.

OUTSIDE AGENCIES

3.4 WSCC Highways: No Objection

- No Highways concerns raised in response to this application
- Principle of use for the stationing of two caravans / mobile homes on the site and associated vehicular movements has been established under DC/10/0586
- No anticipated material change in frequency or type of vehicular movements associated with the removal of the personal occupancy restriction condition

PUBLIC CONSULTATIONS

3.5 Pulborough Parish Council:

- No Objections

3.6 To date, letters have been received from 17 neighbouring and nearby properties, objecting to the proposal on the following grounds.

- Total reliance on private cars as no public transport available in the village.
- Cond 9 on DC/10/0586 (relating to visibility Splays) has yet to be implemented at the site – concern regarding the lack of enforcement action being taken with regard to planning breaches at the site.
- Existing situation works well so no need to lift personal occupancy restriction – permanent use of the site would not be suitable given its location.
- Site located adjacent to 9 residential properties.
- Poor highway safety / access – visibility at best still only 30m (visibility splays required to be at least 70m as per WSCC) – no footpath along Nutbourne Road and bend in road leading to a hazard for other road users and pedestrians
- Width of access track to the site a problem in that there is no passing place – requiring vehicles to reverse up or out of the track in some instances – installation of electric gates exacerbates the problem.
- Removing the conditions would be out of keeping with rural amenity.
- Concern that removing the personal occupancy condition, in order to address a District-Wider shortfall of gypsy and traveller sites would adversely impose on the local community and affect character – development is contrary to local policies already quoted within application DC/10/0586.
- Object to the identification of the site as a permanent settled site.
- Change of use of the site would represent a very different use of land.

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 considerations in the determination of this application are whether the removal of the conditions is appropriate in terms of land use, impact on amenity, highway safety and design.

Background:

- 6.2 In 2015, the government published its 'Planning Policy for Traveller Sites' (PPTS) to be read alongside the NPPF. Policy H of the guidance relates to the determination of planning applications for traveller sites, stating that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. The PPTS states, at Paragraph 27, if a local planning authority cannot demonstrate an up-to-date 5 year 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.

- 6.3 The Horsham District Planning Framework (HDPF) through Policy 21, Gypsy and Traveller Site Allocations, makes provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011-2017. Policy 21 also states that the Council will make provision for further pitches over the rest of the Plan period from 2017 to 2031 in a Site Allocations DPD, including the application site, which has been 'earmarked' for three pitches, which are the existing properties on the site.
- 6.4 A call for Gypsy, Traveller and Travelling Showpeople sites was undertaken early in 2016. The Council is in the early stages of developing its Site Allocations document and is actively assessing sites and accommodation needs within the District, although this emerging DPD currently carries limited weight at this stage.
- 6.5 Being able to count the application site towards the overall site allocations within the District would enable the Council to meet its 5-year supply of deliverable sites. At this stage, there is nothing to suggest the site would not continue to be occupied by the extended family. The removal of the conditions allows this site to be in accordance with Policy 21 of the HDPF and to go towards the upcoming Gypsy, Traveller and Travelling Showpeople Allocations Development Plan Document . Permission DC/10/0586 would still limit this site to two caravans. With the existing unit in between the two pitches, there is a total of 3 pitches on this site in accordance with the requirements of Policy 21. Subject to the assessment of this site in terms of other criteria such as impact on residential amenity and design, the principle of the removal of the conditions is considered appropriate.

Sustainable Development:

- 6.6 Policy 23 of the HDPF requires that sites are served by safe and convenient pedestrian and vehicular access, and should not result in significant hazard to other road users. Furthermore, there is an expectation that sites are located in or near existing settlements, within reasonable distance of a range of local services and community facilities, such as schools and essential health services.
- 6.7 It is noted that the site lies in a rural area, which is reliant on the use of private vehicular transport to access services, shops and schools. The application site is not however considered to be particularly isolated owing to the level of residential properties sited adjacent to the application site. It is also noted that the site has been occupied by the family for many years and is therefore essentially an established residential site.
- 6.8 The site has vehicular access onto Nutbourne Road, which one of the local connector routes for residents to access larger settlements. The location of the site and nature of the proposed development is therefore considered to comply with the relevant criteria of the HDPF.

Design and Appearance:

- 6.9 The removal of the personal occupancy condition is not considered to affect the setting or visual character of the rural location, in which this established site lies. The development across the site is of a single-storey and low-rise nature and is currently well-screened by site boundaries and intervening landscaping features. The site layout would appear commensurate with the setting of the adjacent residential plots. Furthermore, the site is not visible from public views.
- 6.10 The proposal therefore continues to accord with the wider criteria of the PPTS, and with HDPF policy 23.

Amenity Impacts:

- 6.11 Policy 33 of the HDPF requires that development is designed to avoid unacceptable harm to occupiers of nearby land and property, for example, through overlooking or noise.
- 6.12 The established nature of the site is noted and it is not considered that removing the personal occupancy condition would result in any adverse impacts to neighbouring residential amenities. The removal of the conditions may result in different occupiers of the caravans. However, this would not be reason enough to warrant refusal of the proposal.

Highways Impacts:

- 6.13 The removal of the occupancy condition would not affect the access to and from the established site as it currently functions.
- 6.14 The comments are noted relating to the previous permission, granted in 2010, which included a visibility splay condition.
- 6.15 For reference, the submitted block plan at the time of the 2010 application did not extend out to cover the highways access and adjacent land required to form the visibility splays. In any event, the current application to remove the personal occupancy condition would not include a requirement to provide the visibility splays.
- 6.16 WSCC Highways Officer has commented that the use of the site for two caravans and the vehicular movements associated with them has been established under DC/10/0586. It would not be anticipated the removal of conditions 2 or 3 would result in any material change in the frequency or type of vehicular movements being associated with the site. No highways concerns would be raised the removal of these conditions. The Highways Officer has also stated that the existing visibility splays are also appropriate and do not result in any highway concerns.

Conditions Amendments:

- 6.17 It is recommended that the remaining planning conditions that were previously applied to DC/10/0586 be reconsidered and updated accordingly to reflect current policies.
- 6.18 Condition 8 of DC/10/0586 relating to the drainage is no longer considered to be necessary as the Council is aware that the site is connected to the mains.
- 6.19 Similarly, as the visibility splays to the site are considered acceptable to the Highways Authority, there is no longer a need to retain Condition 9 of DC/10/0586.

Conclusions and Planning Balance:

- 6.20 The Council cannot currently meet the identified gypsy and traveller accommodation need or future need in accordance with policies 21, 22 and 23 of the HDPF. It is also recognised that the Council is still in the early stages of developing its Site Allocations document and is actively assessing sites and accommodation needs within the District, by way of the forthcoming DPD.
- 6.21 Whilst the site results in meeting the direct needs of the respective Smith and Staples-Lee families as it currently stands, the restrictive personal occupancy condition means that the site cannot be counted towards meeting the Council's district-wide needs.
- 6.22 The proposal is therefore considered to be in line with local and national planning policies and is therefore recommended for approval, thus lifting the personal occupancy condition.

The proposal is also considered appropriate in terms of highway safety, impact on amenity and design.

7. RECOMMENDATIONS

Conditions:

- 2 **Regulatory Condition:** 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 2015).

Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policies 21, 22 and 23 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** No more than 1 static caravans or mobile home, and no more than 1 touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting these Acts), shall be stationed on each of the respective land parcels, identified as Oak Tree View and Lane Top, at any one time.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity in accordance Policy 33 of the Horsham District Planning Framework 2015.

- 4 **Regulatory Condition:** Any touring caravans shall not be occupied by any person at any time whilst on the application site.

Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policy 21, Policy 22 and Policy 23 of the Horsham District Planning Framework 2015.

- 5 **Regulatory Condition:** 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 33 of the Horsham District Planning Framework 2015

- 6 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no additional gates, fences, walls, or other means of enclosure shall be erected or constructed on the site unless prior written permission has been granted by the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework 2015.

- 7 **Regulatory Condition:** 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 33 of the Horsham District Planning Framework 2015

- 8 **Regulatory Condition:** No external lighting fixtures shall be erected or placed on the land, without the prior written approval of the Local Planning Authority.

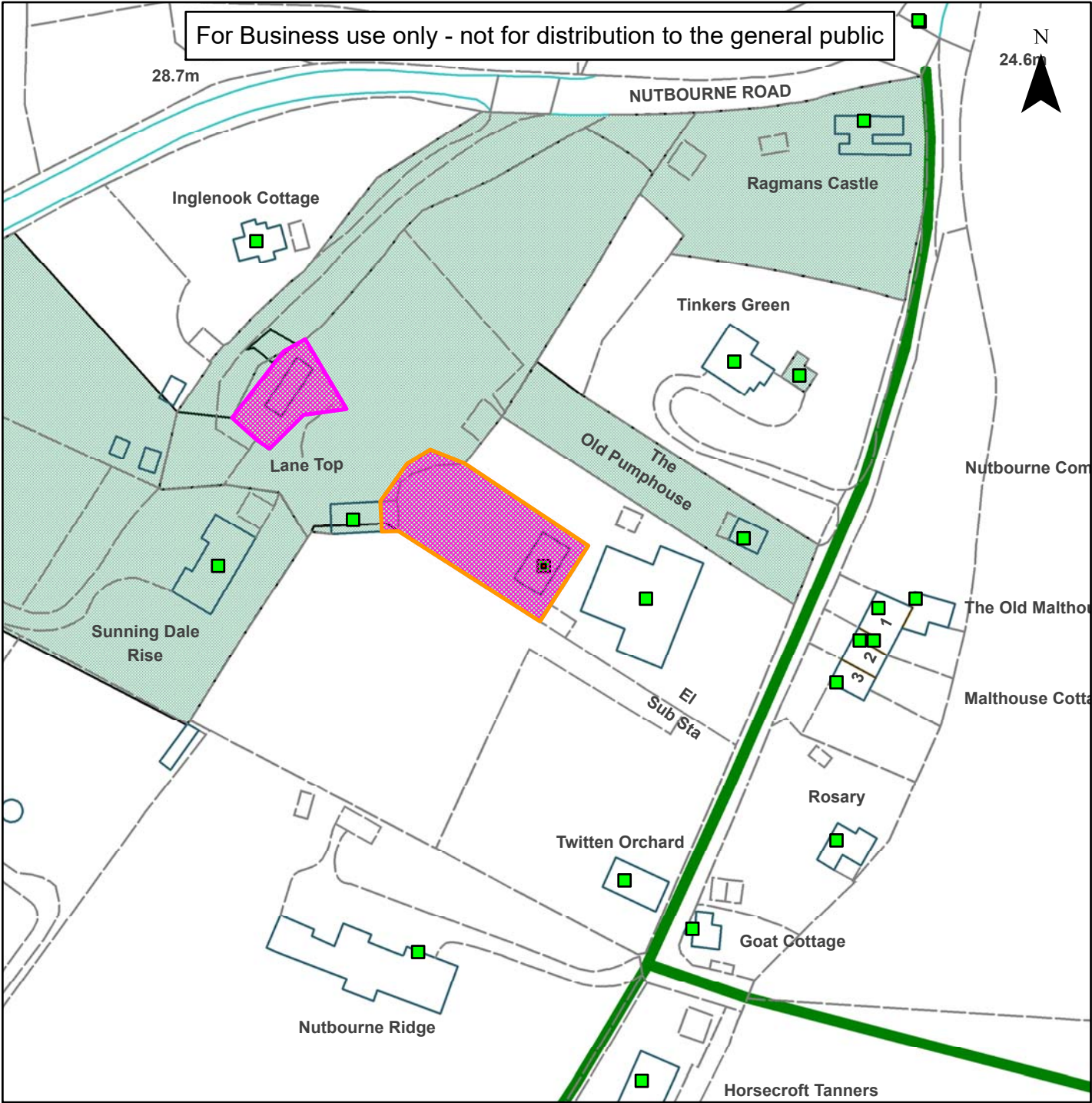
Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework 2015.

- 9 **Regulatory Condition:** The mobile homes and outbuildings hereby permitted shall not be extended or altered in any way unless planning permission has been granted by the Local Planning Authority on application in that respect.

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

Background Papers: DC/17/2564

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	08/02/2018
MSA Number	100023865

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**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 20 February 2018

DEVELOPMENT: Erection of a two-storey four bedroom dwelling with detached garage, associated hardstanding and alterations to access

SITE: Firtops Grove Lane West Chiltington Pulborough West Sussex RH20 2RD

WARD: Chanctonbury

APPLICATION: DC/17/1499

APPLICANT: **Name:** Mr & Mrs P Barker **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: Councillors requested the case be deferred to consider design and impact

RECOMMENDATION: To grant planning permission

1. THE PURPOSE OF THIS REPORT

- 1.1 The application was first reported to the December 2017 Committee meeting, whereby it was resolved to defer the application to allow the development to be reconsidered in terms of its potential impact on the amenities of Firwood Cottage and to achieve a design which is considered to be more in keeping with the Wells Cottages style prevalent in the immediate setting.
- 1.2 A copy of the original Committee Report is attached at Appendix A.
- 1.3 Amended drawings have been received which show the building and the garage both set down by an additional 0.5m over and above the previously considered drawings. The submitted drawings also now show a more detailed level survey with the proposed site plan overlaid, revealing that the proposed garage and house floor levels would be comparable with the levels at the front along the driveway to Firtops, and that the new dwelling would be set into the ground at the rear by approximately 1m.
- 1.4 A further site visit has been carried out to re-assess the visual context of the proposed development site in terms of its character and design, and to re-visit the proposed siting of the new dwelling within its context and in relation to the neighbouring properties, particularly Firwood Cottage.

Separation / Ground Levels

- 1.5 The site visit assessed the context of the neighbouring property Firwood Cottage in relation to the proposed scheme, and it was noted that the area immediately to the east of this dwelling is used primarily as the sitting out area / patio, as well as being set around 1m below the adjacent site levels of Firtops, immediately at the site boundary to the eastern side of the plot. A further rise in ground levels was noted in the south-eastern corner, where ground levels increased by an estimated 1.7m above the patio area
- 1.6 The number and nature of windows were also noted to Firwood Cottage, which has a modest floor plan with rooms benefitting from dual aspect outlooks. In the case of the room alongside the patio, there are also north and south-facing windows. At first-floor, the east (side) facing window serves an en-suite to the main bedroom.
- 1.7 The proposed setting out dimensions have also been checked whilst on site, and the resulting off-set and angle of the proposed development would lead to the proposed development being set some 8m back from the edge of the existing driveway that serves Firtops. This would result in the proposed garage being set towards the rear corner of Firwood Cottage, with an off-set distance of some 14m at the closest point between walls. The details as submitted are therefore confirmed as being accurate. It is also noted that the proposed site plans show the retention of a series of timber sleeper steps along the western boundary, which also assist in 'siting' the proposed development within the plot.
- 1.8 The proposed development layout sets the garage to the north-western side of the new dwelling, allowing the development bulk to follow the site's topography. The main two-storey house would have the first-floor accommodation set within the half-hipped roof-slope, further diminishing the overall bulk of the development.
- 1.9 The distances between the two-storey mass of the main house and the neighbouring dwelling to the west at Firwood Cottage is therefore confirmed at some 22m, as is the distance of some 18m between the new dwelling and the front wall of the host dwelling at Firtops.

Amenity Impact

- 1.10 As noted already, the adjacent property at Firwood Cottage includes rooms with dual aspects, where rooms facing onto the eastern application site boundary also benefit from an alternative outlook direction, with the exception of the first-floor bathroom window.
- 1.11 Applying common principles regarding daylight, outlook and separation, taken from the Council's Supplementary Design Guide for House Extensions (May 2008), it is clear that the proposal maintains the advised minimum distance of 21m back-to-back separation, or where first-floor habitable windows face each other, as well as the minimum 10.5m distance between habitable window and a blank gable end at two-storeys.
- 1.12 Furthermore, the proposal does not breach another common daylight principle, called the '25 degree rule', when measured against the centerline of the facing ground-floor habitable window to Firwood Cottage.
- 1.13 It is also noted that the relationship between Firwood Cottage and the proposed new development, including the patio area would be off-set, with the bulk of the proposed development set principally towards the rear of the building lines at Firwood Cottage.
- 1.14 Having assessed the site context and the proposed plans against some spot dimensions taken on site, Officers therefore consider that there are no robust reasons to refuse the proposal on amenity grounds, given the site context and resulting development siting in

relation to adjacent properties, including the resulting off-set between the proposed development and the building lines at Firwood Cottage.

- 1.15 It is noted that current Permitted Development Rights would restrict potential additional first-floor flank (and roof-level) windows to the main house, and garage, in that they would be restricted to being obscured, as well as fixed shut below a height of 1.7m. However, this does not currently extend to the garage at ground level where new windows could potentially be added post-development, at the side. Officers note that the pyramidal roof form would provide limited head height within, and also note that any future proposal to add a mezzanine level within the garage would require planning consent. However, it would be possible to secure a planning condition to ensure that no new side-facing windows are added to the north-western flank wall or roof-slope are added without prior consideration by the LPA.

Design

- 1.16 Having re-visited the site, Officers consider that the design, architectural features and overall style of the proposed new dwelling would complement the immediate context along Grove Lane.
- 1.17 Both of the two immediately adjacent dwellings to the site, comprising the host dwelling Firtops and the western neighbor at Firwood Cottage are of white painted brick. Both are designated as original 'Wells Houses', with Firwood Cottage still retaining its original thatched roof, and Firtops having replaced this with a tiled roof-slope.
- 1.18 Grove Lane winds its sinuous way past variously sized properties and hugs the topography, dropping steeply on the eastern side where it joins Threals Lane with a sharp turn from the southern approach direction. The overall topography, plot layouts and boundary treatments, many of which have become established over the passage of years, results in some of the houses being near invisible from the lane whilst others can only be glimpsed through hedgerows.
- 1.19 Where other houses are visible along Grove Lane and the western end of Bower Lane, they are of white or light painted brick, apparently a typical 'Wells House' feature, with half-hipped roof-slopes, some thatched and some tiled. Whilst there are some full two-storey houses, notably Plashetts and Quilters others primarily include low eaves, inset dormers and/ or eye-brow windows.
- 1.20 The application site seeks to echo these localised architectural features by using a half-hipped roof design with wall dormers, resulting in a relatively modest property bulk which would have an overall ridge height that is comparable to the adjacent properties. Officers consider that the use of appropriate external materials would lead to the development being commensurate with its surrounding context.
- 1.21 In addition to a planning condition which would require approval of external materials prior to development above slab level, Officers are currently awaiting further details to provide an indication on the external materials of the proposed new dwelling, and have sought to agree the use of timber cladding to the detached garage, which would echo the use of timber on other detached garages along Grove Lane. Any further details will be reported to Members at the meeting.
- 1.22 West Chiltington Parish have produced a draft Neighbourhood Plan which includes a section on the Wells Houses. The Neighbourhood Plan has not yet gone through the examination process. As such, the plan cannot be afforded any weight at this time.

Notwithstanding this, the proposal is considered to preserve the setting and character of the adjacent Wells House.

2. Conclusion

- 2.1 Following the receipt of amended plans, which now drop the proposed development further into the site ground levels by an additional 0.5m, and following a second visit to the site and the neighbouring property (Firwood Cottage), the proposal is acknowledged to lead to some impact to the adjacent amenities of the occupants at Firwood Cottage. However, despite this neighbouring property being set at a lower level than the proposed development, the off-set angle and separation distances being proposed would alleviate the immediate and harmful effects, so that the patio area to the eastern side would not become unduly overshadowed or overlooked by way of the resulting development.
- 2.2 The potential use of timber cladding to the garage should also assist in the garage being 'rooted' into its wooded setting as some of the other detached garages in the vicinity are also timber clad.
- 2.3 The proposal, taking account of the amended and additional details which have been received, would lead to a form of development that relates well to the wider localised design character of the area, and would respect the overall spaciousness of the Grove Lane context and the adjacent Wells Cottages.

7. RECOMMENDATION

- 7.1 That planning permission be granted subject to the following conditions:-

1 A list of the approved plans.

- 2 **Standard Time Condition:** 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.

- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

- 4 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted

to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

- 7 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, 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 similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 8 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking turning and access facilities shall be implemented in accordance with the approved details as shown on plan 2840/700 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the north-eastern flank wall or roof-slope of the garage of the development without express planning consent from the Local Planning Authority first being obtained.

Reason: To protect the amenities of adjoining residential properties at Firswod Cottage from loss of privacy and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1499



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development

DATE: 19 December 2017

DEVELOPMENT: Erection of a two-storey four bedroom dwelling with detached garage, associated hardstanding and alterations to access

SITE: Firtops Grove Lane West Chiltington Pulborough West Sussex RH20 2RD

WARD: Chanctonbury

APPLICATION: DC/17/1499

APPLICANT: **Name:** Mr & Mrs P Barker **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA:

RECOMMENDATION:

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The proposal seeks to subdivide the existing residential plot to create a new residential curtilage within the northern section of the site, utilising the same vehicular access as the host dwelling.
- 1.2 The new property would be sited approximately 15m off the northern boundary with a footprint of approximately 14m x 6.8m and an additional rear gable-end bay approximately 3m in depth. The design of the new dwelling would include first-floor accommodation set largely within the roof-space and served by front and rear part-inset dormers and a rear-facing Juliet balcony. A half-hipped roof form with brick elevations and a clay-tiled roof seeks to create a 'traditional' appearance, with elevations broken up by arched soldier coursing and painted brick banding.
- 1.3 The proposed dwelling would retain distances of separation of approximately 12m to the western boundary with Firwood Cottage (cumulative distance of approximately 21m), approximately 20m to the boundary with Yew Tree House (cumulative distance of approximately 32m), and some 4m between the garage and the neighbouring property Firwood.
- 1.4 Indicative site sections show a 2.4m difference between the proposed new ridge level and that of the closest dwelling Firwood Cottage, with the intervening garage stepping down to a height that is comparable to the neighbouring property at Firwood, seeking to utilise some of the natural slope level.

- 1.5 The resulting footprint of the proposed new dwelling and double garage would amount to some 150sq.m.

DESCRIPTION OF THE SITE

- 1.6 The application site forms a large residential plot accessed off a single-width private track, Grove Lane, within the West Chiltington built up area.
- 1.7 The host property forms a white rendered detached house which is set back some 40m off the site's northern boundary with Grove Lane, and is therefore sited with most of its amenity space to the front. The vehicular driveway into the property is a sloping track off Grove Lane, leading to a large turning area at the front of the house where there is also a double garage. The site boundaries are reasonably well screened by mature vegetation and trees. Given the rising topography and the vegetation across the wider site, the host property is visible only from limited vantage points along Grove Lane, notably from the northern edge where the access drive joins the Lane. It is also noted that none of the trees on the site are subject to preservation orders and the site does not lie within a conservation area.
- 1.8 The host property has an overall site area of some 3811sq.m, which is significantly larger than its immediate adjoining neighbours, including Firwood Cottage, Mallards, Yew Tree House and The Rustlings, which vary in site area from around 1140sq.m to some 1940sq.m, with each of these properties taking up a central position in relation to their site boundaries. In comparison there are some properties on the northern side of the lane which are comparable to the host property in terms of site areas. Quilters has an area of some 6330sq.m, and is the largest plot on the lane.
- 1.9 Grove Lane provides vehicular access to some 20 properties, with a couple of spurs leading off the lane that serve clusters of dwellings. Whilst on site, it did not appear that the lane operated only as a one-way route, suggesting that it currently provides access from both Roundabout Lane and Threals Lane.
- 1.10 The site visit also revealed a number of trees across the site having recently been felled, increasing the sense of light and space to the northern area of the site, which is the location of the current planning application. What appeared to be a dry valley landscaping feature was also noted in this northern part of the site, along with a topography which drops towards the west.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.2 **National Planning Policy Framework**

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.4 RELEVANT NEIGHBOURHOOD PLAN

The West Chiltington Neighbourhood Plan is still at pre-submission stage and therefore still carries limited weight

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/07/0433	High hedges complaint	Application Permitted on 09.08.2007
DC/16/0309	Removal of thatched roof and replacement with tiles	Application Permitted on 31.03.2016
SG/22/82	2 storey extn to provide garaging and stores at ground floor and additional bedroom/bathroom at first floor	Application Permitted on 28.09.1982
SG/8/82	Two storey extension	Application Permitted on 30.04.1982
SG/5/69	Extension to form utility room	Application Permitted on 21.02.1969
SG/38/65	Extension to include studio, three bedrooms and bathroom	Application Permitted on 08.12.1965

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

OUTSIDE AGENCIES

3.2 WSCC Highways: No Objection:-

- Grove Lane is a private road;
- The nearest junction with the public highway at Roundabout Lane, where there is no apparent visibility issue and no evidence that the junction has been operating unsafely;
- The applicant would be advised to contact the proprietor of Grove Lane to obtain formal approval to carry out works affecting the private lane.

3.3 Southern Water: No Objection:-

- No stated means of foul disposal from the site – Southern Water would require a formal application for connection to the Public Foul Sewer required from the applicant / developer;
- Application lies within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy;
- There is the potential for public sewers to be crossing the site, formerly deemed to be private;
- Southern Water can provide a water supply to the site but requires formal application for connection and on-site mains to be made to Southern Water by the developer / applicant.

PUBLIC CONSULTATIONS

3.4 Parish Council Consultation: Objection:-

- Overbearing – impact on neighbouring properties;
- Not in keeping with surrounding Wells Houses;
- Too large for plot size;
- Concerns over access onto single-track unmade road;
- Affect setting of Wells Houses – Policy EH10 in West Chiltington Draft Neighbourhood Plan.

3.5 Representations have been received from 10 properties along with a petition signed by some 28 neighbouring individuals objecting for the following reasons:-

- Additional access to unmade road - close to bend and access point to 3 other properties (*Second access omitted from current proposal*);
- Increased traffic along lane / bridleway (getting busier owing to online shopping trends);
- Construction traffic cause unacceptable pressure on narrow and unmade road;
- Lack of access for emergency services;
- Further tree felling needed in addition to existing trees lost on site;
- Loss of garden space / harm to wildlife and biodiversity;
- Loss of trees and hedgerows contrary to objectives in Village Design Statement and HDPF policies;
- Unsustainable;
- Create new and unwanted views for many neighbours;
- Principle of infilling is contrary to draft neighbourhood Plan;
- Does not meet local housing needs (which are for small dwellings for downsizing or for affordable);
- Sizable gardens to other properties;
- Unacceptable resulting density;
- Unsympathetic in design, form and scale to site context and neighbouring development - out of character from local vernacular / Wells Cottages;
- Overbearing on area owing to gradients at the site;
- Overbearing on Firwood Cottage which has a narrow rear courtyard garden and is only some 7.2m off application site boundary and about 1-1.2m below garden - proposal would need significant earthworks to create level ground;
- Loss of light to Firwood Cottage;
- Potential to remove screening by any prospective owners exacerbating overbearing impact on Firwood Cottage - main screening provided by a large conifer tree which has been subject to discussions with applicant and requests to remove it;
- Limited local amenities in West Chiltington;

- Restrictive covenants on Wells properties in Grove Lane that development is not less than 1/2 acre (2023sq.m);
- Since 2005, no new-build development along lane;
- Loss of heritage assets (character and setting of Wells Cottages);
- Previous refusals for development at:-
 - Poppys Place - Roundabout Lane.
 - Maison Deau - Spinney Lane.
 - Plashetts - Grove Lane.
 - Firwood Cottage - Grove Lane.
- Noise and disturbance during building process;
- Lack of clarity in plans, no indication of steep gradient on plan, extension to host property not shown, distance to Firwood Cottage inaccurate, no levels of proposed height of new dwelling, difference in property width between plans.

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development:

- 6.1 HDPF Policy 3 advises that development will be permitted within towns and villages which have defined built up areas provided that it can demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy as set out within the policy. The application site falls within the defined built up area of West Chiltington and the scale of the development would maintain the characteristics and function of the settlement. The principle of development is therefore considered acceptable, subject to detailed considerations.

Character and appearance:

- 6.2 Policy 32 of the HDPF requires new development to 'Complement locally distinctive characters and heritage of the district', 'Contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings'. Policy 33 requires developments to relate sympathetically with the built surroundings and seeks to make reference to any Design Statements or Character Assessments where relevant.
- 6.3 This area of West Chiltington is known for its low density housing, consisting mainly of detached dwellings in generous and landscaped plots, laid out in a patchwork pattern of development, with houses exhibiting varying architectural styles and scales. However, tying the street-scene together along these narrow and unmade rural lanes is the sense that each property is well separated from its neighbour and is set back from the edge of the lane, allowing the retention of the landscaping, boundary hedging and trees.

- 6.4 It is considered that where visible subsequent infill development throughout the lanes has allowed plots to maintain this sense of spaciousness, with landscaping features maintaining the overall sylvan character of the lanes and the adjacent properties. These newer plots, such as Deveron House and Quilters Place, are set on generously proportioned plots of their own and are sited back from the edge of the lane, provided with sufficient intervening landscaping features and boundary hedges, so as to avoid any dominating urban features which would otherwise erode the overall rural aspect of the lane.
- 6.5 Whilst the Neighbourhood Plan is still at pre-submission stage, and therefore carries limited weight in the determination of the current planning application, it is noted that this document, and the Village Design Statement (2003) identifies the host application site, Firtops, as an original 'Wells Cottage', along with Quilters, Firwood Cottage, Plashetts, Coleraine, Silverwoods, Barmley Cottage, Grove Gate, Rosemary Cottage, Little Hayden, Summerleas and Brackenhill (formerly Karibu) all in the immediate vicinity along Grove Lane and Bower Lane. The Wells Cottages are not listed or locally listed, but have shaped the development of this southern area of West Chiltington since the inter-war years, establishing a rural and 'quintessentially English' character with many of the houses having thatched roofs, eyebrow windows and some instances of mock-Tudor beams. All of these properties are set in generous plots, albeit they have been subject of some infilling over the years.
- 6.6 The siting of the proposed new dwelling would be on land levels that are higher than the adjacent roadway. However, the amended location of the proposed new dwelling, further from the access point off Grove Lane, would diminish the resulting public views of the new dwelling. It is therefore considered that the proposed new dwelling would not result in an unduly dominant and overbearing feature. Its position in relation to the lane is noted to be comparable to the adjacent western dwelling, Firwood Cottage, and the amended plans have re-aligned the proposed new dwelling on the sub-divided plot, with the garage set on the lower ground levels adjacent to Firwood Cottage, and the dwelling set at the more level part of the site, providing opportunities to introduce screening and landscaping within the forecourt.
- 6.7 The proposed site area appears to be capable of providing a subdivided residential plot, which would be of a comparable resulting area to a number of adjacent properties. Although the siting of a new dwelling would somewhat diminish the original relationship of the host property to the Lane, this is already limited by the site levels and boundary screening which result in the host dwelling having a very modest visual relationship to the wider setting of the lane. The site is not subject to any tree preservation orders, which would prevent clearance of planting on the site, and further detail of landscaping works are therefore sought through condition.
- 6.8 The proposal would therefore continue to respect its context and would accord with the provisions of Policies 3, 32 and 33 of the HDPF (2015).
- Impact on neighbouring amenity:
- 6.9 Policy 33 of the HDPF (2015) seeks to avoid unacceptable harm to neighbouring amenity. Officers acknowledge the comments raised by neighbouring properties regarding loss of amenity and overlooking.
- 6.10 It is considered that there would be sufficient separation distances between the proposed new dwelling and the neighbouring properties on the northern side of the and, as well as to the south-west (Yew Tree House and Reynards), to prevent any direct or harmful overlooking or loss of light or outlook. It is considered that sufficient space would be retained around this property to create adequate amenity space for occupants, with the siting of the new dwelling precluding any adverse and direct instances of overlooking or loss of light to the habitable windows of the host dwelling.

- 6.11 The siting and layout of the proposed dwelling would not include any side-facing windows, reducing concerns regarding any resulting direct loss of privacy towards the west. At its closest, the proposed new dwelling would be set some 11m off the common boundary with Firwood Cottage, which is currently noted to include a high level of screening vegetation. The amended layout would set the smaller garage structure some 4m off the common boundary. Given the site's topography and the proposed layout, the proposal is not considered to result in an unduly close relationship which would adversely affect living conditions within the neighbouring dwelling Firwood Cottage.
- 6.12 A condition is recommended (no. 3) to secure a Construction Method Statement and this would reduce the potential impacts of construction activities on adjoining properties and the wider surroundings.
- 6.13 It is therefore considered that the proposal would not result in any significant or harmful loss of amenity for occupants of adjoining properties, and there would be no conflict with Policy 33 of the HDPF.

Highways and Traffic:

- 6.14 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, with Policy 41 requiring adequate parking facilities within developments.
- 6.15 In this location, the width, unmade surface and winding nature of the lane is considered to encourage most drivers to go at a modest speed. While the lane does not form a designated public right of way or bridleway in general terms the lanes are considered to be wide enough for cars to pass pedestrians safely and there are areas of verge or entrances where pedestrians can stand as a vehicle passes.
- 6.16 It is not anticipated that the cumulative effect of one additional dwelling within the area, either in its contribution to vehicle movements or pedestrian use, would have any detrimental effects on highway safety of the public highway network. The proposal allows for sufficient off-street parking in an accessible location on the site. The Highway Authority has raised no objections to the proposal. As such there are considered to be no highway grounds to refuse the application, which would accord with the relevant policies of the HDPF.

Conclusion:

- 6.17 There is policy support for additional and appropriate development within built-up area boundaries, and the proposed scale and layout of the development would respect and be sympathetic to the street-scene and pattern of development along the lane. The proposal would not result in harm to neighbouring amenity or highway safety.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

- 6.19 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	184.67	0	184.67
	Total Gain		184.67
	Total Demolition		0

- 6.20 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.21 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted subject to the following conditions:-

- 1 A list of the approved plans.
- 2 **Standard Time Condition:** 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.
- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding, where appropriate
 - v. the provision of wheel washing facilities if necessary
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

- 4 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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

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

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

- 7 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, 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 similar size and species unless the Local Planning Authority gives written consent to any variation.

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

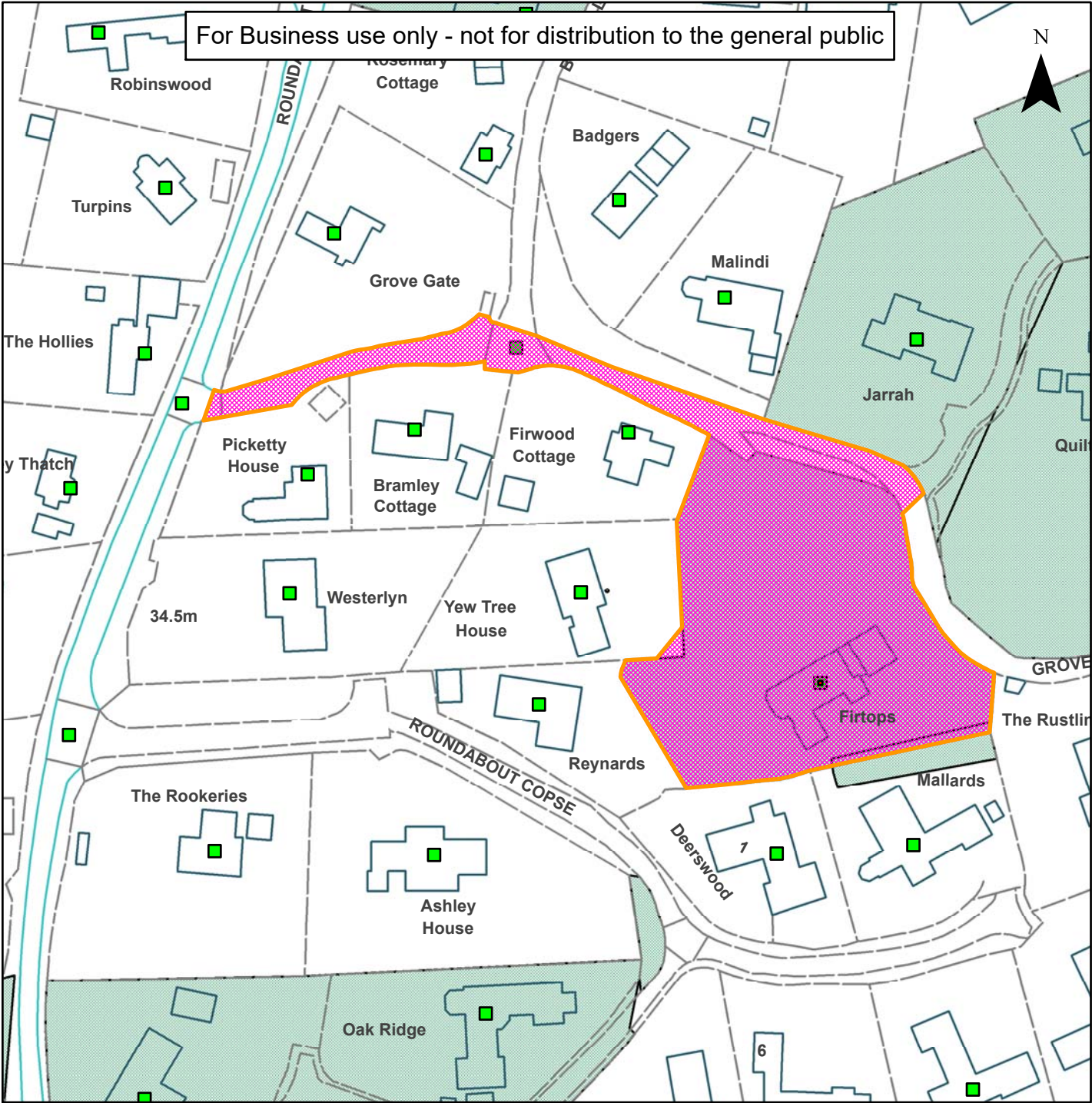
- 8 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking turning and access facilities shall be implemented in accordance with the approved details as shown on plan 2840/700 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1499

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	08/02/2018
MSA Number	100023865

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**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Planning Committee (South)

BY: Head of Development

DATE: 20th February 2018

DEVELOPMENT: Development of the site to provide 23 dwellings and 6 flats with ancillary parking, garaging, and landscaping, and the construction of a 106-space station car park, all served by new access on to Stopham Road. Construction of private parking bays to serve existing dwellings on Stopham Road served by new access from Stopham Road.

SITE: Land Adjacent Railway Cottages and Pulborough Railway Station
Stopham Road Pulborough West Sussex

WARD: Pulborough and Coldwaltham

APPLICATION: DC/16/0728

APPLICANT: Willowmead & Network Rail

REASON FOR INCLUSION ON THE AGENDA: At the discretion of the Head of Planning

RECOMMENDATION: To grant planning permission subject to the completion of a Legal Agreement by no later than 23rd March 2018. In the event a suitably worded Legal Agreement has not been completed by 23rd March 2018, or other later date as agreed by the Director of Planning, Economic Development and Property, to refuse the application in consultation with local members.

1. INTRODUCTION AND BACKGROUND

- 1.1 This Application was considered by Members at the 16 August 2016 Development Management (South) Committee, with Members determining to grant planning permission subject to the completion of a legal agreement to secure a number of benefits including the delivery of a 106 space station car park extension and associated highway improvements. The published minutes of the 16th August 2016 meeting record that, in addition to the matters set out in the agenda report of the application:

"Since publication of the report the applicant's Landscape Architect had submitted additional information in response to concerns regarding the landscape impact of the proposal.

The Parish Council had supported the proposal and, since publication of the report, had confirmed the local community support for the proposal. Sixteen letters of support from 12 addresses, and 17 letters of objection from 11 addresses had been received. Two

members of the public and the applicant's agent all spoke in support of the application. A representative of the Parish Council spoke also spoke in support of the proposal.

Whilst a legal agreement to secure affordable housing and infrastructure contributions had not been secured, the applicant had indicated they were willing to enter into such an agreement.

Members discussed the proposal in the context of the reasons for refusal of DC/15/1025 relating to the principle of the development and its impact on the landscape.

Members considered the proposal in the context of the Horsham District Planning Framework (HDPF), which had been adopted since DC/15/1025 had been refused, and discussed the amount of weight that could be given to the draft Neighbourhood Plan, which included the site for development (concluding that this was only limited). The site's proximity to the railway and the A283 were noted.

Members discussed the benefits that the scheme would bring to the wider community, in particular:

- Increased capacity for commuter parking;*
- The erection of bollards to prevent parking along part of the Stopham Road (entrance to the Village);*
- Creation of a surfaced car parking layby for existing residents of the Stopham Road;*
- Moving the 30mph speed limit further west from the village (increasing the 30mph zone);*
- A traffic light system to allow pedestrians to pass under the railway bridge safely; and*
- Step-free access (to improve disabled accessibility) to the station's northbound platform.*

Members weighed the policy objections against the significant community benefits that the scheme would bring (listed above) and after careful consideration of all the material considerations concluded that the significant package of community benefits outweighed the concerns and thus the benefits warranted approval of the development as a Departure to the Development Plan.

RESOLVED

- i. That a legal agreement be entered into to secure affordable housing provision and infrastructure contributions.*
- ii. That on completion of (i) above, planning application DC/16/0728 be determined by the Development Manager for the framing of conditions in association with Ward Members. The view of the Committee was that the application should be granted."*

- 1.2 Since Members' resolution at the 16th August 2016 meeting, Officers and the Council's Solicitor have been in negotiations with the Applicant and their Solicitor in respect of the drafting of the s106 agreement. However, to date no final draft s106 has been agreed between the parties.

2. OFFICER ASSESSMENT

- 2.1 Although there are provisions for the LPA and applicant to agree an extension of time limit over and above the statutory time period for determination (13 weeks for a major application such as this), the Government's Planning Practice Guidance states that the government's policy is that decisions should be made within 26 weeks at most. This application was valid from the 31st March 2016. Therefore, at the time of this Committee meeting on 20th February 2018, the application will have been valid and under consideration for over 98 weeks.

- 2.2 While in this Council's experience, large strategic developments may require in excess of 26 weeks to negotiate complex legal obligations to secure matters to be delivered over construction periods of many years, the vast majority of Legal Agreements should be capable of completion within this timescale. This small-scale major application necessitates fairly straightforward obligations which Officers would have expected to have been finalised many months ago, but the application has now been with us for over 22 months, which is well in excess of the government's 26-week policy, and in excess of their 'planning guarantee' that no application should spend more than a year with decision makers, including any appeal.
- 2.3 The reasons for the significant delay in this case are not entirely clear, although the Applicant has made reference to Network Rail's internal processes taking time whilst it is agreed which party (the Applicant or Network Rail) is to own and manage the car park.
- 2.4 Communications between the Applicants and the Council have been ongoing since the resolution to grant planning permission. An initial draft s106 was sent to the Applicant's solicitor late September 2016, following the 16th August Committee. In October 2016, Land Registry title searches revealed that there was land within the red edge which was owned by a third party and not one of the two named applicants. A 21 day period then had to lapse following notice being served on this landowner to allow them to make their representations. None were received, and the Council progressed drafting. Although these early discussions of the s106 wording progressed within normally acceptable timescales, following the Council's issuing of a draft on 20 January 2017 incorporating changes and addressing issues raised by the Applicant, comments were not received from the Applicant's solicitor until 12 May 2017, despite a series of agreed extensions of time during this period and assurances made by the Applicants that each of those dates was a realistic date for their completion of the s106 Agreement. The Applicants advised that the delay was owing to delays with Network Rail agreeing the draft.
- 2.4 A series of further exchanges of drafts between the Council's and the Applicant's solicitors were made between late June and mid-August 2017, and comments on the Council's draft of 14th August were received on 2nd October 2017. During these exchanges, the Applicant was notified on 1st August 2017 of the Council's implementation of CIL charging from 1st October 2017. On 13 September 2017, the Applicant's Agent advised that they would not be in a position to complete the s106 before CIL implementation, and suggested an Extension of Time for determination to 30th November 2017 as a realistic date by which the Applicants would be able to complete the s106 Agreement.
- 2.5 Due to pressures in the Council's Legal Team, the Council's solicitor was not in a position to respond to the 2nd October draft until 15th November 2017, and Officers sought a further Extension of Time to allow completion before Christmas 2017. In response, the Applicant has provided a commitment that they will provide a Completed s106 Agreement in time for a decision to be issued before the end of February 2018. This commitment was re-iterated in email exchanges in mid-January 2018 when a further revised draft was submitted to the Council.
- 2.5 Whilst the Applicants are continuing to commit to completing the legal agreement by the end of February 2018, in light of the repeated delays, many of which it is accepted were not at the direct fault of the Applicant, Officers are seeking Members authority to refuse the application in the event that a satisfactory s106 Agreement is not Completed by the Applicant by 23rd March 2018, or other later date as agreed by the Director of Planning, Economic Development and Property in consultation with Local Members.
- 2.6 As referred to above, Members should note that since this application was considered by the Committee in August 2016, the Council has adopted and implemented a CIL charging

schedule. As such, contributions which were previously secured through a 'tariff-style' formula are now covered by CIL payments. This includes education, libraries, play areas and open space contributions. The only items to be secured through a s106 Agreement in connection with this application are now the provision of affordable housing, the completion of off-site highway works and the construction and commencement of use of the proposed car park.

- 2.7 As set out in the minutes of the 16th August 2016 meeting (extract copied in section 1.1, above), Members' resolution to grant planning permission contrary to Officers' recommendation relied on securing the benefits listed, in order to outweigh the harm arising from the landscape impacts of development and the conflict with the spatial strategy for growth set out in the HDPF. If those benefits are not secured, then there are insufficient material considerations to outweigh the harm arising as a result of the conflict with the Development Plan. As such, in the event that the application is refused, the reasons for refusal would be as originally recommended by Officers, and not solely related to the absence of a completed Legal Agreement.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 3.1 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 3.2 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	2727	0	2727
	Total Gain		
	Total Demolition		0

- 3.3 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 3.4 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

4. RECOMMENDATIONS

- 4.1 **A.** To grant planning permission subject to appropriate conditions and the completion of a Legal Agreement securing the provision of affordable housing, the completion of off-site highway improvements and the completion of a public car park with level pedestrian access to the western station platform by no later than 23rd March 2018.
1. A condition listing the approved plans
 2. **Standard Time Condition:** 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.
 3. **Pre-Commencement Condition:** No development shall commence prior to the completion of off-site highway works comprising:
 - a) installation of pedestrian controlled traffic signals under the Stopham Road railway bridge in accordance with details to be submitted to and agreed in writing by the LPA.

- b) construction of laybys for parking of vehicles in connection with the residential occupation of Nos. 1-11 Stopham Road as shown indicatively on drawing number 1 676-Olc received by the LPA on 24th June 2016
- c) erection of bollards and no-waiting restrictions to prevent parking on verges on Stopham Road, the extent of which is shown indicatively on drawing number 1676-Olc received by the LPA on 24th June 2016.
- d) relocation of the 30mph speed limit zone signage as shown indicatively on drawing number 1676-Olc received by the LPA on 24th June 2016.

Reason: In order to secure delivery of benefits of the development which were a strong material consideration in determining to permit the development which would otherwise have been contrary to the provisions of the Development Plan and in the interests of highway safety in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).

4. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the 106 space car park hereby permitted has been completed and is open to the public for use.

Reason: In order to secure delivery of benefits of the development which were a strong material consideration in determining to permit the development which would otherwise have been contrary to the provisions of the Development Plan and in order to provide additional parking to serve the railway station in accordance with Policy 41 of the Horsham District Planning Framework (Adopted November 2015).

5. **Pre-Commencement Condition:** No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing 1676-02d received by the LPA on 20th June 2016.

Reason: In the interests of road safety in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).

6. **Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 90 metres to the east and 2.4 metres by 142 metres to the west have been provided at the approved site vehicular access onto Stopham Road in accordance with plans and details to be submitted to and approved, in writing, by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).

7. **Pre-Occupation Condition:** No dwelling shall be first occupied until the car parking has been constructed in accordance with drawing 1676-02d received by the LPA on 20th June 2016. These spaces, including garages, shall thereafter be retained at all times for the parking of vehicles in connection with the residential use of the dwelling.
- Reason: To provide car-parking space for the use in accordance with Policy 41 of the Horsham District Planning Framework (Adopted November 2015).

8. **Pre-Commencement Condition:** Prior to the commencement of development of the car park hereby permitted, a specification for the car park including details of layout, surfacing and lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of safety and to provide sufficient parking, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (Adopted November 2015).

9. **Pre-Occupation Condition:** No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved, in writing, by the Local Planning Authority.
Reason: To secure satisfactory standards of access for the proposed development in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).
10. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Management Plan has been 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,
a) the anticipated number, frequency and types of vehicles used during construction,
b) the method of access and routing of vehicles during construction,
c) the parking of vehicles by site operatives and visitors,
d) the loading and unloading of plant, materials and waste,
e) the storage of plant and materials used in construction of the development,
f) the erection and maintenance of security hoarding,
g) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
h) details of public engagement both prior to and during construction works.
Reason: In the interests of highway safety and the amenities of the area and in accordance with Policies 40 and 24 of the Horsham District Planning Framework (Adopted November 2015).
11. **Pre-Occupation Condition:** Prior to the initial occupation of the development hereby permitted, the provision of footways on the A283 Stopham Road, eastwards to Pulborough shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety in accordance with Policy 40 of the Horsham District Planning Framework (Adopted November 2015).
12. **Pre-Commencement Condition:** No external lighting or floodlighting 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 biodiversity at the site and adjacent and in the interests of the visual amenities of the locality, in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015)
13. **Pre-Commencement Condition:** No development shall be commenced unless and until a schedule of materials and finishes and colours to be used for external walls and roofs of the buildings has been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details.
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 33 of the Horsham District Planning Framework (2015)
14. **Pre-Commencement Condition:** No development shall take place until details of all screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and no dwelling hereby permitted shall be occupied until such approved screen walls and/or fences associated with it 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 33 of the Horsham District Planning Framework (2015)

15. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed forward of the principle elevation of any dwelling hereby permitted.
Reason: In order to safeguard the character and visual amenities of the locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015)
16. **Regulatory Condition:** Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A to E of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.
Reason: In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015)
17. **Pre-Commencement Condition:** Prior to the commencement of the development hereby permitted, details of the finished floor levels of the development and ground levels of the site (where differing from existing) in relation to a fixed datum point outside of the site shall be submitted to and approved by the Local Planning Authority in writing. The development 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 33 of the Horsham District Planning Framework (2015).
18. **Pre-Commencement Condition:** No works or development shall take place unless and until full details of all hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species 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 otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory development and in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015)
19. **Regulatory Condition:** 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 33 of the Horsham District Planning Framework (2015)

20. **Pre-Commencement Condition:** Prior to the commencement of development or any preparatory works, an Ecological Mitigation and Management Plan shall be submitted to the Local Planning Authority for approval, in writing, which shall include pre-, during and post-works mitigation measures, and will include, but not be limited to, the recommendations made in Sections 6 and 7 of the Ecology Survey Report and Ecological Mitigation Strategy by Arbeco dated January 2016, in particular with regards to measures for felling trees, and reptile translocation. The Ecological Mitigation and Management Plan shall include details of landscape management of the site, and a management regime for 10 years following construction. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: To ensure protected species and biodiversity is protected and enhanced in accordance with Policy 31 of the Horsham District Planning Framework (Adopted November 2015).

21. **Pre-Commencement Condition:** Development shall not commence until a drainage strategy detailing the proposed means of foul sewerage disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure sufficient provision is made for disposal of sewerage from the site in accordance with Policy 38 of the Horsham District Planning Framework (Adopted November 2015).

22. **Pre-Commencement Condition:** Development shall not commence until details of surface water disposal, based on sustainable drainage principles, and a timetable for delivery has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The submitted details shall include details of management and maintenance responsibilities for the lifetime of the development. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure sufficient provision is made for disposal of surface water from the site in accordance with Policy 38 of the Horsham District Planning Framework (Adopted November 2015).

23. **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until dedicated cycle parking to serve that dwelling has been provided in accordance with details, to be submitted to and approved, in writing, by the Local Planning Authority and the facilities so provided shall be thereafter retained solely for that purpose.

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

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

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

25. **Pre-Commencement Condition:** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including

the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (c) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works in accordance with Policy 24 of the Horsham District Planning Framework (Adopted November 2015).

26. **Regulatory Condition:** If contamination, including 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 to humans, controlled waters or the wider environment during and following the development works in accordance with Policy 24 of the Horsham District Planning Framework (Adopted November 2015).

27. **Pre-Occupation Condition:** Where the acoustic report reference 14019 received by the LPA on 31st March 2016 has identified any adverse noise impact, a scheme of works to reduce the intrusion of noise shall be drawn up. The scheme shall have regard to the requirements of BS8233:2014 and shall include provision of appropriate alternative ventilation where appropriate. The scheme shall be submitted to and approved in writing by the local planning authority. The scheme as approved by the local planning authority shall be fully installed before the development is occupied.

Reason: In the interests of the amenity of future occupiers of the development, in accordance with Policy 24 of the Horsham District Planning Framework (Adopted November 2015).

28. **Pre-Commencement Condition:** Prior to the commencement of the development hereby permitted, the developer shall provide evidence that their approved building control provider has been notified of the requirement to apply the optional requirement for water efficiency to the development (limiting water use within the dwellings hereby permitted to less than 110 litres per person per day). The development shall thereafter be carried out in accordance with the optional requirement for water efficiency standard set out in the Building Regulations.

Reason: In the interests of managing water use in this area of Serious Water Stress, in accordance with Policy 37 of the Horsham District Planning Framework (2015)

29. **Pre-Occupation Condition:** Prior to their first occupation, each dwelling shall be provided with the necessary infrastructure to enable connection to high-speed broadband internet.

Reason: To ensure a sustainable development that meets the needs of future occupiers by providing a greater opportunity for home working and a reduction in car-based commuting and to comply with Policy 37 of the Horsham District Planning Framework (2015).

- 4.2 **B.** In the event a suitably worded Legal Agreement has not been completed by 23rd March 2018, or other later date as agreed by the Director of Planning, Economic Development and Property, to refuse the application in consultation with local members for the following reasons:

- 1 The application site is located outside of the built-up area boundary and is not allocated for residential development in a Local Plan or a Made Neighbourhood Plan. The development of the site is therefore contrary to the spatial strategy for growth in Horsham District and is contrary to Policies 1, 2, 3, 4 and 15 of the Horsham District Planning Framework (Adopted November 2015).
- 2 The proposed development is located outside of the existing settlement and in close proximity to the South Downs National Park and in a prominent and elevated position above the open countryside to the south. The proposed development, by reason of its extent beyond the existing development on Stopham Road, would result in the inappropriate urbanisation of this part of Stopham Road, which currently has a distinctly rural character due to the open and rural nature of the site. In addition, the proposal would result in harm to the setting of the South Downs National Park, by reason of the urbanisation of the site and associated external lighting. The proposal is therefore contrary to Policies 2, 25, 26, 27, 30 and 33 of the Horsham District Planning Framework (Adopted November 2015).
- 3 Policy 16 requires 35% affordable housing provision on developments of this size. Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. The provision of affordable housing must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (Adopted November 2015).

Appendix A

Report of DC/16/0728 from Agenda of 16 August 2016 Development Management South Meeting



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (South)

BY: Development Manager

DATE: 16 August 2016

DEVELOPMENT: Development of the site to provide 23 dwellings and 6 flats with ancillary parking, garaging, and landscaping, and the construction of a 106-space station car park, all served by new access on to Stopham Road. Construction of private parking bays to serve existing dwellings on Stopham Road served by new access from Stopham Road.

SITE: Land Adjacent Railway Cottages and Pulborough Railway Station
Stopham Road Pulborough West Sussex

WARD: Pulborough and Coldwaltham

APPLICATION: DC/16/0728

APPLICANT: Willowmead & Network Rail

REASON FOR INCLUSION ON THE AGENDA: (1) The application, if permitted, would represent a Departure within the meaning of the Town and Country (Development Plans and Consultations) (Departures) Directions 1999
(2) The Parish Council have requested the opportunity to address the Committee.
(3) More than 5 representations contrary to the Officers' recommendation have been received.

RECOMMENDATION: To refuse the application

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application follows refusal of DC/15/1025 which proposed development of 24 dwellings and 4 flats with a 106 space station car park. The application proposes the erection of 29 dwellings, comprising 23 houses and 6 flats, of which 10 would be affordable. Also proposed is the construction of a car park to serve Pulborough Rail Station and highway works to Stopham Road, including the erection of bollards to prevent parking on certain stretches of verge, creation of surfaced parking laybys intended for use by existing residents of Stopham Road, erection of speed limit signage and a traffic light system to allow pedestrians to cross beneath the railway bridge. Most of the highway works are not within the red edge of the application site and require the consent of the Highway Authority and not the Local Planning Authority, they therefore do not form part of the description of

development. They do however form part of the package of works put forward as part of the overall proposal. The creation of access to the proposed Stopham Road resident's parking bays does require planning permission.

- 1.3 The proposed development would be served by a new access onto Stopham Road. The access would continue north of the residential development to serve a new public car park on the western side of the tracks at Pulborough Station. The Applicant has indicated in their email of 1st July that they intend for the proposed roads within the development to be un-adopted and remain in private ownership. The proposed car park to the west of the railway line would have 106 spaces. Those dwellings facing the main access road have very short front gardens, or in the case of Plots 20, 22 and 23, are hard up to the edge of the footway. The dwellings located on a spur off of the main access (plots 1-5) are set further back in their plots, allowing for parking to the front of the dwellings.
- 1.4 The residential element comprises a mix of detached, semi-detached and terraced dwellings, as well as 6 flats. The proposal would provide five 4-bedroom houses, ten 3-bedroom houses, eight 2-bedroom houses (2 of which also have a study at first floor), four 2-bedroom flats and two 1-bedroom flats. Most of the houses are provided with at least two parking spaces, through a combination of integral garages, detached garages/car ports and driveways. A 12-space parking court, including undercroft parking, is proposed to serve units 12a-18 (eight units, although two of these are 1-bedroom flats). The flats are also served by a detached building providing storage for six bicycles and two 1100 litre bins.
- 1.5 The house types incorporate a variety of gabled and hipped roof forms, and dwellings vary in orientation, with some being wider than they are deep and vice versa. The height of buildings ranges from 5.5m in the case of the single storey dwelling at Plot 20 to 10m in the case of the flats. However, most of the dwellings have a height in the region of 8.6 metres.
- 1.6 The Design and Access Statement sets out that the buildings would be constructed with brick facing walls to the lower half and hanging tile to the upper half, and plain clay tiles to the roofs, although some of the elevations also show large areas of render.
- 1.7 The application is accompanied by a number of supporting documents including:
 - Planning, Heritage, Design and Access Statement
 - Landscape Visual Impact Assessment
 - Drainage Strategy and Flood Risk Assessment
 - Transport Statement
 - Code for Sustainable Homes Report
 - Phase 1 Desk Study (land quality)
 - Arboricultural Implications Assessment
 - Light Impact Assessment
 - Acoustic Report
 - Sustainability and Renewable Energy Report
 - Ecological Appraisal Report
- 1.8 The proposed drawings are virtually identical to those previously considered under DC/15/1025. The main differences are the splitting the dwelling formerly proposed at Plot 12 into two flats, addition of single storey rear sections to plots 20-26, addition of a single storey side section to plot 9, replacement of a detached double garage serving plot 12 with two surface parking spaces and addition of a flat crown roof to the building comprising flats.

DESCRIPTION OF THE SITE

- 1.9 The part of the site proposed for residential development lies outside of the built-up area boundary of Pulborough. The part of the site proposed for a car park lies within the built-up area boundary. The land in the vicinity of the site slopes down towards the river Arun to the south, on the opposite side of Stopham Road. The South Downs National Park boundary is the opposite side of the river, about 62m south of the site. To the west, the SDNP boundary is about 138m from the site boundary. The signal box to the north of the proposed car park site is a listed building. There is a row of 11 dwellings on the opposite side of Stopham Road, but these only extend for less than half the width of the application site. North of the site lies a field, which slopes up to a group of farm buildings and an area of woodland towards the crest of the hill. An archaeological notification area, Park Mound, lies towards the top of the hill, about 400m north west of the site.
- 1.10 The proposed residential site is set at a higher level than Stopham Road, with the difference in levels most pronounced towards the eastern end of the site. Nos. 1 and 2 Railway Cottages have a high retaining wall to their front boundary, and this difference in levels continues west, with a steep bank (which is currently covered by a mix of trees and shrubs) rising from Stopham Road up to the application site. The existing access is gated and surfaced. The rear and western boundaries of the site are demarked by hedging and a few larger trees. The boundary with No. 2 Railway Cottages is demarked by close boarded fencing.
- 1.11 There is an existing access immediately to the west of the railway bridge which serves Railway Cottages and also provides maintenance access to the western side of the railway line. There is a layby off the access track which is used for parking by occupiers of Nos. 1 and 2 Railway Cottages, but which is understood to be within Network Rail's ownership. The existing access road to the north of Railway Cottages would be widened to allow public access to the proposed car park. The land proposed for car park use includes an area of roughly surfaced land immediately adjacent to the western platform, and encroaches into an area of disused railway sidings, which had been covered by self-seeded vegetation, although this has recently been partly cleared.
- 1.12 There is pavement in front of Nos. 1-11 Stopham Road, but none beyond this. The narrow width of the railway bridge means that there is insufficient space for pavement and there is no demarked pedestrian area under it.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 1, 4, 6, 7, 8, 10, 11 and 12.

RELEVANT COUNCIL POLICY

- 2.3 The Development Plan consists of the Horsham District Planning Framework (November 2015) (HDPF).

- 2.4 The relevant Policies of the HDPF are 1 (Sustainable Development), 2 (Strategic Development), 3 (Development Hierarchy), 4 (Settlement Expansion), 15 (Housing Provision), 16 (Meeting Local Housing Needs), 24 (Environmental Protection), 25 (The Natural Environment and Landscape Character), 26 (Countryside Protection), 30 (Protected Landscapes), 31 (Green Infrastructure), 32 (The Quality of New Development), 33 (Development Principles), 34 (Cultural and Heritage Assets), 35 (Climate Change), 36 (Appropriate Energy Use), 37 (Sustainable Construction), 38 (Flooding), 39 (Infrastructure Provision), 40 (Sustainable Transport) and 41 (Parking).

NEIGHBOURHOOD PLAN

- 2.5 The Submission (Regulation 16) version of the Pulborough Parish Neighbourhood Plan (PPNP) was subject to public consultation from 23 November 2015 to 08 January 2016. Having considered the representations received in response to the consultation, the Council has decided that the plan should not proceed to examination at the current time. Policy 10 of the Submission version of the PPNP allocates the site for residential development of approximately 28 dwellings fronting Stopham Road and a public car park of approximately 100 spaces adjoining the railway station.

PLANNING HISTORY

DC/15/1025	Development of the site to provide 24 dwellings and 4 flats with ancillary parking, garaging, and landscaping, and the construction of a 106-space station car park, all served by new access on to Stopham Road	Refused
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3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.1 HDC Collections Supervisor (refuse and recycling): No objection.
- 3.2 HDC Ecology Consultant: No objection, subject to conditions requiring approval of an ecological mitigation and management plan prior to commencement and preventing installation of external lighting, unless approved by the LPA.
- 3.3 HDC Drainage Engineer: No objections, subject to conditions requiring approval of detailed drainage design and securing the implementation and maintenance of any sustainable drainage features.
- 3.4 HDC Environmental Co-ordination Manager:
- The Sustainable and Renewable Energy Statement submitted does not make reference to current planning policy and contains no detail on if the proposal will meet the 100 litres per person per day water use target contained in Policy 37.
 - No data is provided for baseline and predicted energy demand and the energy that will be saved. A figure should be provided for the reduction in energy use that will be achieved for each of the energy saving measures used, as well as any renewable technology that is installed.
 - Little information has been given to justify why solar thermal and PV have not been included and why heat pumps have been opted for.

3.5 HDC Landscape Architect: Objection. Comments include the following points:

- Concur with the majority of comments made on the previous application by previous Landscape Architect.
- Extensive loss of existing vegetation which collectively makes a valuable contribution to the landscape character of the site and immediate surrounds.
- Proposed new boundary planting is within very narrow buffer strips insufficient to provide appropriate screening and softening of the development.
- Removal of existing parking on verges of the A283 is a landscape benefit, but the proposals are undermined by formalising with hardsurfacing of existing residents parking in the immediate vicinity of the site in addition to the footpath which adds to the need for existing planting to be removed.
- The dense development of the site of an urban character is likely to have a moderate-adverse impact.
- Development would relate poorly to settlement boundary, extending residential dwellings a long way westwards into very open countryside on a visually prominent site.
- The layout would be perceived as 'ribbon' development, although the existing buffer west of the site access would somewhat help reduce this effect.
- There would be no meaningful transition in the height and scale of the development extending westward.
- The three dwellings at the western end of the development would create a 'wall' of development, uncharacteristic of the countryside.
- Development would erode the immediate setting of the SDNP and intrude on views of the Arun/Rother floodplain landscape and the backdrop of the downland escarpment.
- There are some views from public footpaths where no existing view of the site is or is likely to be available, but the principle concerns are in respect of the visual impact of the development from near distance views to the north, south and west of the site.
- Proposed gardens are of very small proportions and in close proximity to existing trees/hedgerows, so will suffer from shading and overhang. This will result in immediate post-development pressures on the removal and/or reduction in size of this buffer as they screen and shade out much desired afternoon and evening sun to plots 4-6 and 9-12, in addition to improving views to countryside to plots 21-27.
- Development cannot be supported in its current form on landscape and visual grounds due to the adverse effects on the open and rural landscape lying immediately north and north-west of the development.
- The development will extend built form further into the countryside and reduce the existing open transition from urban to rural leading to an urbanising effect on the setting of the SDNP.
- The development is not of an appropriate scale for its countryside location and fails to integrate successfully into the wider landscape.
- The proposal is in conflict with HDPF Policies 2, 25, 26, 27 and 33.
- Recognise that some development could be successfully implemented with an acceptable level of adverse effect, but with a significantly reduced number of units to allow for a more harmonious design transition to open countryside.

3.6 HDC Strategic Planning: Objection. The consultation response includes the following points:

- The latest Authority Monitoring Report demonstrates a 114% 5-year housing land supply.
- The Sustainability Appraisal produced in support of the HDPF concluded that growth beyond 750-800 dwellings per annum would have an impact on sustainability due to a lack of available infrastructure to support new development which cannot be delivered in the short term.
- Over 1,000 dwellings per annum are being delivered in the first 5 years of the plan. Therefore the sustainability threshold is already being challenged.

- Any development beyond that already allocated in accordance with HDPF Policies 3 and 4 would be unsustainable, particularly in the short term while the District has such a high 5-year supply.
- Proposal does not comply with Policy 2 as it does not comply with the development hierarchy and does not protect the rural character and landscape around the edges of the existing settlement of Pulborough.
- Proposal does not comply with Policy 3 as it is outside of the settlement boundary.
- Proposal does not comply with Policy 4 as it is not allocated for settlement expansion in the HDPF or Neighbourhood Plan, does not demonstrate that it meets identified local housing need as there is a 5-year housing land supply and does not protect or enhance landscape character features.
- Proposal does not comply with Policy 26 as it is not essential to the countryside location.
- An objection to the proposal at this stage does not preclude the site from coming forward as part of an allocation in a Neighbourhood Plan.
- Although the site is included in the Draft Pulborough Neighbourhood Plan, this is not Made and therefore cannot be a material consideration.
- For the off-site highway works and additional station car park to be considered as benefits of the development, the need for these facilities should be supported by evidence and whether this is the best solution to meet an identified need.
- The Strategic Planning comments on previous application DC/15/1025 commented that there was insufficient evidence to support the proposal on the basis of works being put forward as 'benefits'.
- The 2016 Infrastructure Delivery Plan update does not include a station car park and as such, there is no HDC evidence to support the need for these facilities.
- Proposal is therefore in conflict with the adopted Development Plan.

OUTSIDE AGENCIES

- 3.7 WSCC Highways: No objection subject to conditions and legal agreement. Original consultation response of 3rd May raised a number of concerns, mainly relating to insufficient information being submitted to demonstrate that acceptable off-site highway works could be delivered. The Applicant has continued discussions with the Highway Authority and submitted additional and amended information. The Highway Authority now raise no objection, subject to conditions and a legal agreement including the following:
- Construct the vehicle access pre-commencement
 - Create the visibility splays and implement means by which to ensure these remain clear pre-commencement
 - Provide the resident's parking bays pre-commencement.
 - Provide the traffic signals and footway beneath and on the approach to the railway bridge pre-first occupation or first use of the car park.
 - Have the car park available for use prior to initial occupation of the dwellings
 - Ensure each dwelling is provided with its allocated parking prior to occupation
 - Ensure the internal access road is constructed to an acceptable standard.
 - Approve a construction management plan
 - Secure a TRO payment for moving the speed limit signs
 - Secure a TRO payment for the new traffic signals
 - Prevent commencement of development until residents parking bays, site access and works in the vicinity of the railway bridge are completed.
 - Ensure a management company is in place to enforce residents parking only within the development and within the Stopham Road residents' parking bays
 - Ensure access to the car park is available through the development's private road in perpetuity.
 - Fund initial maintenance of the bollards along Stopham Road.

- 3.8 WSCC Strategic Planning: No objection, subject to Legal Agreement requiring financial contributions towards education, libraries, fire and rescue and transport.
- 3.9 WSCC Flood Risk Management (as Lead Local Flood Authority): No objection, subject to conditions requiring full details of surface water drainage design and management/maintenance to be approved prior to commencement.
- 3.10 WSCC Rights of Way team: No objection.
- 3.11 South Downs National Park Authority: Comment
- Site is about 100m north and east of the boundary with the SNDP and is seen from elevated viewpoints along the Wey-South Path national trail.
 - SDNPA are concerned about the extension of the built-up area west of the railway line into open countryside and closer to the boundary of the SNDP, leading to an urbanising effect on its setting including through infrastructure and light pollution.
 - On balance, a limited development does provide opportunities for substantial benefit through the provision of station parking to address the problem of unmanaged parking on grass verges along Stopham Road and will in turn provide a safer and more attractive entry into the SDNP.
 - Should this allocation be retained within the Pulborough Neighbourhood Plan, the SDNPA would expect to see clear requirements that any development must be part of a comprehensive proposal to address the unmanaged parking on Stopham Road, improve the entrance to the village/SDNP and minimise any impact on the setting of the SDNP.
 - External and street lighting should be designed to minimise the impact on the Dark Night Skies objective of the National Park.
 - Urban expansion of Pulborough to the west would significantly erode the important open countryside transition from urban to rural and in particular upon the setting and special qualities of the National Park.
 - Reduction in the green and open space closer to the boundary of the SDNP would erode the natural green space protection currently afforded by the countryside that the site would occupy.
 - A greater degree of transitional buffer land between the development and the boundary of the SDNP would be appropriate and would help reduce the impact of the new housing scheme on the setting of the SNDP and allow for a more natural transition from urban form to the SDNP.
 - Proposal would introduce noise and disturbance closer to the boundary of the SDNP.
 - External materials should be of a type and quality to fit into the local vernacular.
- 3.12 Southern Water: No objection subject to condition. Advise the development will need to provide additional infrastructure as a result of increased flows into the wastewater sewerage system, which can be secured by S98 of the Water Industry Act 1991. Conditions requiring approval of foul and surface water drainage disposal are requested to ensure that the development does not result in an increased risk of flooding in and around the site.
- 3.13 Sussex Police: No objections

PUBLIC CONSULTATIONS

- 3.14 Pulborough Parish Council: No objection, but raise the following concerns:
- The road servicing the proposed car park goes through an area of houses.
 - A form of hedge along the northern boundary should be agreed.

- The 30mph speed limit sign is not far enough to the west, and should be placed west of the Park Farm driveway.
 - The proposed new car park of 100 spaces is not enough.
- 3.15 16 Letters of support from 12 households have been received by the Council. The points raised can be summarised as follows:
- The houses are well designed.
 - Proposal will bring some life back to this part of the village.
 - Most development has taken place at the north of the village, and this proposal will balance this with some development to the west.
 - Additional houses will provide closure to the edge of the village.
 - Existing parking on Stopham Road is messy and an eye-sore.
 - Coupled with highway improvements, the approach to Pulborough will be improved.
 - Cars often have to park on Stopham Road as the station car park is full.
 - Inclusion of affordable units is supported, as there is a need for this locally.
 - It is not safe to walk through the railway tunnel, so residents to the west must feel cut off from the village.
 - Proposal will allow residents to walk under the railway bridge.
 - Proposal will provide better disabled access to the platform.
 - 28 dwellings will not have a significant effect on traffic.
 - Doubt that the District or County Councils will ever have the funds to implement the proposed scheme of improvements.
- 3.16 17 Letters of objection from 11 households have been received by the Council. The points raised can be summarised as follows:
- Proposal will exacerbate parking on Stopham Road.
 - Proposal will result in loss of views of the countryside from nearby dwellings and public footpaths.
 - Commuters park on Stopham Road as it is free. The new car park will not change habits.
 - Commuters start parking on Stopham Road from 0530am, when there is ample parking available at the station.
 - Proposal will push parking on Stopham Road elsewhere.
 - The A283 becomes congested at the railway bridge, and the proposed pedestrian controlled crossing will add to this.
 - Traffic from the 100-space car park will add to traffic flow problems and will be a safety hazard.
 - This part of Pulborough is a buffer to the SDNP.
 - Overlooking and loss of privacy to occupiers of 2 Railway Cottages and houses on the opposite side of the road.
 - Gateway to Pulborough should be kept green.
 - There is no market for these, as there are sufficient houses currently on the market in Pulborough.
 - Access remains unsafe- the narrow railway bridge is a hotspot for HGVs becoming stuck, with regular scrapes and near misses.
 - This area commonly floods.
 - Lighting will damage views across the downs.
 - Village school is already at capacity.
 - Development is located outside of the built-up area.
 - This is a ribbon development which encroaches on the SDNP.
 - Insufficient sight lines from the access onto Stopham Road.
 - Doubtful whether the current sewerage system could cope.
 - Proposal is a dense, ribbon development and would be a blot on the landscape.
 - Proposal would set precedent for further building.

- Nothing to warrant a different decision from the previous refusal.
- There is insufficient infrastructure to support new residents.
- Disabled bays have been provided within the new car park, but it is not feasible for anyone who cannot walk well to gain access to or from the railway station.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The application follows the refusal of DC/15/1025. While the main consideration and starting point for assessment of any planning application is whether the proposal complies with the adopted Development Plan, regard must also be had for any other relevant material considerations. The previous reasons for refusal are a strong material consideration of significant weight in determining this application. It must therefore be considered whether any changes to the proposal, the site or the Policy context in which the application is determined would warrant the Council taking a different decision to that under DC/15/1025.
- 6.2 The previous application DC/15/1025 was considered by Members at the 17th November 2015 meeting. At that time, the Examiner's report of the HDPF had been received and the HDPF was due to be adopted at the 27th November Council meeting (it was adopted as planned). Given the stage at which the HDPF was at when DC/15/1025 was determined, it was given considerable weight in the Officers' report and in Member's discussion of the application. Therefore, although there has been a material change to the adopted Development Plan since the previous refusal, the previous application was considered against the new Development Plan, and the previous reasons for refusal included reference to the relevant Policies of the HDPF.
- 6.3 Pulborough Parish are preparing a Neighbourhood Plan (the PPNP). The previous draft of the PPNP which was published at the time of determination of DC/15/1025 included land subject of the application as an extension of the built-up area boundary, but the draft plan did not include a specific allocation for the site explaining what should be delivered there (i.e. use, amount etc.). The current draft of the PPNP proposes to allocate the site to the west of the railway for residential development to facilitate access to the western side of the railway line and creation of a carpark of about 100 spaces. Having considered the representations received in response to the PPNP Regulation 16 consultation, HDC has decided that the plan should not proceed to examination at the current time. The representations from the Regulation 16 consultation included objections to Policy 10, which relates to the application site. Given that there are a number of outstanding objections to the PPNP, and as it has not been through the process of examination or referendum, it is considered that the PPNP can be afforded only little weight in decision making. Furthermore, it is understood that the Parish intend to revise the draft PPNP and revert back to the early consultation stage, i.e. collecting additional evidence base to feed into a new Pre-Submission (Regulation 14 stage) draft. In determining the previous application,

the Council also gave little weight to the draft PPNP, given the early stage it was at. The new draft Policy 10 is a material change since the previous refusal, albeit one which can still only be given little weight as a result of the stage that the draft plan is at.

- 6.4 The previous application was assessed for compliance with the HDPF, little weight was given to the PPNP in assessing the previous application, and the proposed plans are virtually the same as previously submitted. As such, the previous Officers' report (appended) sets out the main issues and Policies for consideration of this proposal. The main consideration now is therefore whether the previous reasons for refusal have been addressed.

Consideration of the First Reason for Refusal of DC/15/1025

- 6.5 The first reason for refusal of DC/15/1025 related to the principle of development and stated:

"The application site is located outside of the built-up area boundary and is not allocated for residential development in a Made Neighbourhood Plan. The development of the site is therefore contrary to the emerging spatial strategy for growth in Horsham District and is contrary to Policies 2, 3, 4 and 15 of the emerging Horsham District Planning Framework."

- 6.6 As set out above, although Policy 10 of the PPNP seeks to allocate the site for residential development and a car park, there are outstanding objections to the draft PPNP and it has not been through Examination or referendum. Therefore, although the draft PPNP provides an indication of local aspirations and which sites may be acceptable for development locally, it can only be afforded little weight and this is confirmed in the Strategic Planning Officer's consultation response. Given this limited weight, the PPNP does not amount to a material change to the Policy context in which this application is considered. Although it is noted that Policy 4 does not state that a site must be allocated in a 'made' Neighbourhood Plan in order for development to comply with the Policy, a document can only be formally recognised as a 'Neighbourhood Plan' once it has been 'made' by the District Council and therefore forms part of the Development Plan. The site therefore is not 'allocated for residential development in a Made Neighbourhood Plan' and the first reason for refusal remains applicable to the current application.

Consideration of the Second Reason for Refusal of DC/15/1025

- 6.7 The second reason for refusal of DC/15/1025 related to landscape harm and stated:

"The proposed development is located outside of the existing settlement and in close proximity to the South Downs National Park and in a prominent and elevated position above the open countryside to the south. The proposed development, by reason of its extent beyond the existing development on Stopham Road, would result in the inappropriate urbanisation of this part of Stopham Road, which currently has a distinctly rural character due to the open and rural nature of the site. In addition, the proposal would result in harm to the setting of the South Downs National Park, by reason of the urbanisation of the site and associated external lighting. The proposal is therefore contrary to Policies CP1 and CP3 of the Horsham District LDF Core Strategy and Policies DC1, DC2 and DC9 of the Horsham District LDF: General Horsham District Local Development Framework General Development Control Policies (2007), to the Facilitating Appropriate Development SPD and to Policies 4, 25, 27 and 30 of the emerging Horsham District Planning Framework."

- 6.8 The proposal has not materially changed in terms of scale, appearance and layout since the previous application. The SDNPA position has changed slightly since the previous refusal, and although they still raise concern 'about the extension of the built-up area west

of the railway line into open countryside and closer to the boundary of the SDNP' and the urbanising effect on the setting of the SDNP, they acknowledge that a 'limited development does provide opportunities for substantial local benefit through the provision of greater station parking and addressing the problem of unmanaged parking on the grass verges of Stopham Road which will provide a safer and more attractive entry into the National Park. The consultation response identifies the need for a greater degree of green transitional buffer land between the development and the boundary of the National Park, and allowing for a more natural transition from the urban form. Therefore, although the SDNPA acknowledge some of the benefits that could be delivered from a 'limited' development here, they advocate a larger area of green space to create a better transition from urban area to countryside.

- 6.9 The HDC Landscape Architect has reviewed the proposal and advises that, although some development of a significantly reduced number of dwellings could potentially be accommodated within the site, concern is raised regarding the scale, amount and layout of development as proposed. The Landscape Architect assesses the development as having an urbanising impact on the setting of the SDNP and as not being an appropriate scale for the countryside location. The areas for buffer planting are considered to be too narrow and the layout of development, and its extent beyond the existing built-up area, is considered to be harmful to landscape character. Therefore, the landscape harm arising from the proposal remains as previously assessed and the second reason for refusal remains applicable.

Consideration of the Third Reason for Refusal of DC/15/1025

- 6.10 The third reason for refusal related to the absence of a legal agreement to secure affordable housing provision and financial contributions to infrastructure. It stated:

"Policy CP12 requires provision of 40% affordable units on developments involving 15 units or more, while the emerging HDPF Policy 16 requires 35% affordable housing provision on developments of this size. Policy CP13 and Policy HDPF 39 require new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policy CP12 and CP13 of the Horsham District Local Development Framework Core Strategy (2007), to the Horsham District Local Development Framework Planning Obligations Supplementary Planning Document, the emerging HDPF Policies 16 and 39 and to the NPPF, in particular paragraph 50."

- 6.11 Policy 16 of the HDPF sets out that the Council will seek for at least 35% of units on a development of this scale to be affordable, with the preferred tenure mix being 70% rented, and 30% shared ownership. This equates to 10 units on this scheme of 29 units. Application DC/15/1025 originally did not propose any on-site affordable housing or financial contribution towards off-site provision. Negotiations involving the Council's and Applicant's financial consultants led to an agreement to provide 10 affordable units in a 50/50 rented/shared ownership tenure split. The current application also proposes 10 affordable units in a 50/50 rented/shared ownership tenure split. The provision of the affordable units must be secured by way of a Legal Agreement.
- 6.12 The County Council have requested infrastructure contributions to education (primary, secondary and sixth form), libraries, fire and rescue services and a total access demand contribution (separate to the specific highway works and traffic regulation order contributions required in connection with the proposed development). The Council's Parks and Countryside Team have highlighted that the development does not make on-site provision for open space, sport or recreation facilities and that a contribution to off-site

provision would be necessary. Subject to identification of suitable projects that meet the relevant CIL-compliance tests, such contributions can be included in a Legal Agreement. The Applicant's Planning, Design and Access Statement indicates their intention to provide these contributions. However, no Legal Agreement is in place to secure affordable housing provision and infrastructure contributions at the current time and therefore, the proposal remains contrary to Policies 16 and 39 of the HDPF and the third reason for refusal remains applicable.

Matters Not Previously Objected To

- 6.13 In the assessment of the previous application other matters including the amenity of neighbouring residents, the impact on heritage assets (including the setting of the listed signal box), the amenity of future occupiers, biodiversity, ecology and drainage, were considered to be satisfactorily addressed. Given the minimal changes to the scheme since the previous refusal, no objections are raised in these respects.

Other Material Considerations

- 6.14 As set out above, the previous reasons for refusal of DC/15/1025 have not been addressed, and the policy context has not changed materially. The proposal therefore remains contrary to the Development Plan. However, in determining a planning application, consideration must also be given to whether there are any other material considerations which would warrant permitting the proposal as a Departure from the Development Plan. In this case, there are off-site highway works and provision of an additional station car park put forward by the applicant as benefits of the application.
- 6.15 The Officers' report of DC/15/1025 assessed whether there was sufficient evidence to support the proposal as a Departure from the Development Plan on the basis of works being put forward by the applicant as 'benefits' of the proposal. As well as the proposed station car park, this includes off-site highway works to deter parking on the verges on Stopham Road in the vicinity of the site (comprising erection of bollards and waiting restrictions), relocation of the 30mph speed limit change further west along Stopham Road, additional footway to allow pedestrian access to the site, construction of laybys to provide parking for existing dwellings on Stopham Road and the installation of pedestrian controlled signals under the railway bridge. The Applicant has previously advised that the proposed car park of 106 spaces would be operated by Network Rail as part of their parking provision at the station. However, it is understood that the car park land could potentially be disposed of by Network Rail to the Applicant or other third party. Therefore, if this application were to be permitted, it would be necessary to ensure the effective management and maintenance of the car park.
- 6.16 Although the text following Policy 10 of the draft PPNP refers to the need for a new station car park being identified in the Pulborough Community Action Plan and the Village Transport Plan (2010), these documents and the recommendations contained therein were considered in the previous Officers' report. In summary, the Village Transport Plan did not include the provision of additional station parking in the lists of long-term and short-term improvement projects. While the Community Action Plan made reference to a need to improve access to the northbound platform (the platforms are currently linked only by steps), the proposal does not deliver level access within the station itself, and disabled travellers who have parked on one side of the station would still need to take a relatively long and convoluted route to return to their cars on the return journey. It was set out in the previous Officers' report that the new car park was not listed as a Policy objective in the HDPF, the May 2014 HDC Infrastructure Delivery Plan, the Network Rail Sussex Route Plan (2014-2019) or the Network Rail Strategic Business plan (2014-2019). The HDC Infrastructure Delivery Plan (IDP) has been updated following consultation in summer 2015. The 2016 IDP does not include a station car park amongst the projects identified

through the consultation process. The text following PNP Policy 10 also makes reference to application DC/15/1025 carrying considerable support from the local community. However, while that application attracted 11 letters of support, it also attracted 8 letters of objection. In the context of the size of the settlement of Pulborough, 11 letters of support is not considered to amount to ‘considerable’ support.

- 6.17 Given the absence of Policy support for the proposed car park in an Adopted Local or Neighbourhood Plan or in the latest Infrastructure Delivery Plan, it is considered that there is insufficient evidence to attribute significant weight to the proposed car park as a benefit of the development to warrant permitting residential development of a major scale in the countryside as a Departure from the Development Plan.
- 6.18 The Infrastructure Delivery Plan (2016) does however refer to pedestrian improvements in the village comprising *“Provision of pedestrian in road warning signs and vehicle activated sign to manage traffic speeds in conjunction with possible minor amendments to the speed limit to improve pedestrian safety in the vicinity of A283 Stopham Road railway bridge”*. There is therefore policy support for improvements to pedestrian safety in the vicinity of the railway bridge. However, the IDP indicates that these works would cost in the region of £35,000 to be funded from CIL receipts. Given the scale of the proposed residential element (29 dwellings), it is considered that the development is too large a scale to be proportionate to the cost of the works identified in the IDP, and does not warrant permitting the scheme as a Departure to the Development Plan. It is noted that the current application proposes additional works over and above those identified in the IDP, namely pedestrian controlled traffic signals to address pedestrian safety, which would exceed the cost of the more limited works identified in the IDP.
- 6.19 WSCC have advised that it would only be reasonable to require bollards to prevent parked vehicles obstructing the visibility splays, and not to solve an existing parking issue on Stopham Road, as a proposed development should not be required to solve an existing issue, only to mitigate any deficiencies or harm arising from the development itself. The Highway Authority has also raised concern regarding the longer term maintenance of the bollards, and whether this would place an unreasonable burden on the Authority.
- 6.20 The WSCC Highways Consultation highlights a number of legal and technical issues which result in there being no certainty that the off-site highway works proposed by the Applicant will be delivered. In summary, the installation of waiting restrictions (yellow lines) on Stopham Road, the installation of pedestrian controlled signals under the railway bridge and the Stopping Up of highway land to allow construction of parking bays on Stopham Road are all subject to separate public consultation processes, the outcome of which is not known and therefore there is no guarantee that these works would be delivered. WSCC also highlight that there are issues of land ownership to be resolved in order to deliver the proposed parking bays and parts of the proposed new footway. However, if the application were to be considered acceptable in all other respects, conditions and a Legal Agreement could be used to ensure that these works which are reliant on other consents processes are carried out prior to the commencement of the development. Should these other consent processes not be successful, the development could not be carried out without a further application to vary or remove the relevant conditions/planning obligations, and therefore allowing the Council to review the proposal in light of any change to off-site works that might be necessary.
- 6.21 Although the site is not far from the village, sustainable transport choices rely on the nature of the route taken, as well as the distance. If this development were permitted without the associated improvements to pedestrian access under the railway bridge, the residential element of this proposal would remain poorly connected to the village and therefore with a greater reliance on the car even for short journeys. Therefore if permission were

forthcoming it would need to be subject to controls preventing commencement of development before the pedestrian improvement works are carried out.

- 6.22 Overall therefore, there have been no material changes to the proposed off-site highway works and proposed car park which would warrant increasing the weight afforded to these as benefits of the development.

Conclusion

- 6.23 The NPPF sets out the presumption in favour of sustainable development, which is described at paragraph 7 has involving three dimensions: economic, social and environmental roles. Paragraph 8 of the NPPF states that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. In this case, there is an in-principle objection to the proposal as it is contrary to the spatial strategy set out in the HDPF. The plan-led system, which is based on consideration of development against Local Plan policies formulated through consultation with the public and Adopted through a democratic process reflects the social element of sustainable development. The HDPF's strategy of delivering growth within built-up area boundaries or on sites that have been allocated in a Neighbourhood Plan or Local Plan ensures that any allocations document is subject to the Sustainability Appraisal process to ensure that the allocations are made in accordance with the provisions of the NPPF and that any additional infrastructure requirements arising from the allocations are identified and planned for. This is in line with the environmental element of sustainable development. The identified in-principle objection to the proposal would require significant benefits to be delivered in order to outweigh this harm, when considering the overall planning balance. Added to this in-principle objection is the landscape harm identified by the SNDPA and the Council's Landscape Architect, which is an impact of moderate weight against the environmental element of sustainable development.
- 6.24 The provision of affordable housing is a benefit of the proposal but the tenure split is not policy-compliant tenure (i.e. it is not weighted towards rented accommodation), and the 35% provision put forward is not over and above what would normally be delivered by Policy 16. As such, the affordable housing offer is a benefit of moderate weight in favour of the proposal. The highway safety benefits put forward by the Applicant are not identified in Policy or forward planning documents as a local need, other than the improvement of pedestrian safety under the railway bridge. While addressing this would be a significant benefit in favour of the proposal, given the scale of the development in comparison to the cost of the pedestrian safety works identified in the IDP, the proposed development is not proportionate in scale to the works sought and this reduces the weight afforded to this benefit.
- 6.25 It is therefore considered that, in the overall balance of issues in this case, the benefits put forward by the applicant in this case do not outweigh the harm arising from the proposal and the proposal does not represent sustainable development as defined in the NPPF and the HDPF. In addition, there are no material considerations which would warrant granting permission as a Departure from the Development Plan. The proposal is therefore contrary to the strategy for growth set out in the HDPF.

7. RECOMMENDATIONS

To refuse the planning application for the following reasons:

- 1 The application site is located outside of the built-up area boundary and is not allocated for residential development in a Local Plan or a Made Neighbourhood Plan. The development of the site is therefore contrary to the spatial strategy for growth in Horsham District and is

contrary to Policies 1, 2, 3, 4 and 15 of the Horsham District Planning Framework (Adopted November 2015).

- 2 The proposed development is located outside of the existing settlement and in close proximity to the South Downs National Park and in a prominent and elevated position above the open countryside to the south. The proposed development, by reason of its extent beyond the existing development on Stopham Road, would result in the inappropriate urbanisation of this part of Stopham Road, which currently has a distinctly rural character due to the open and rural nature of the site. In addition, the proposal would result in harm to the setting of the South Downs National Park, by reason of the urbanisation of the site and associated external lighting. The proposal is therefore contrary to Policies 2, 25, 26, 27, 30 and 33 of the Horsham District Planning Framework (Adopted November 2015).
- 3 Policy 16 requires 35% affordable housing provision on developments of this size. Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (Adopted November 2015).

Note to Applicant:

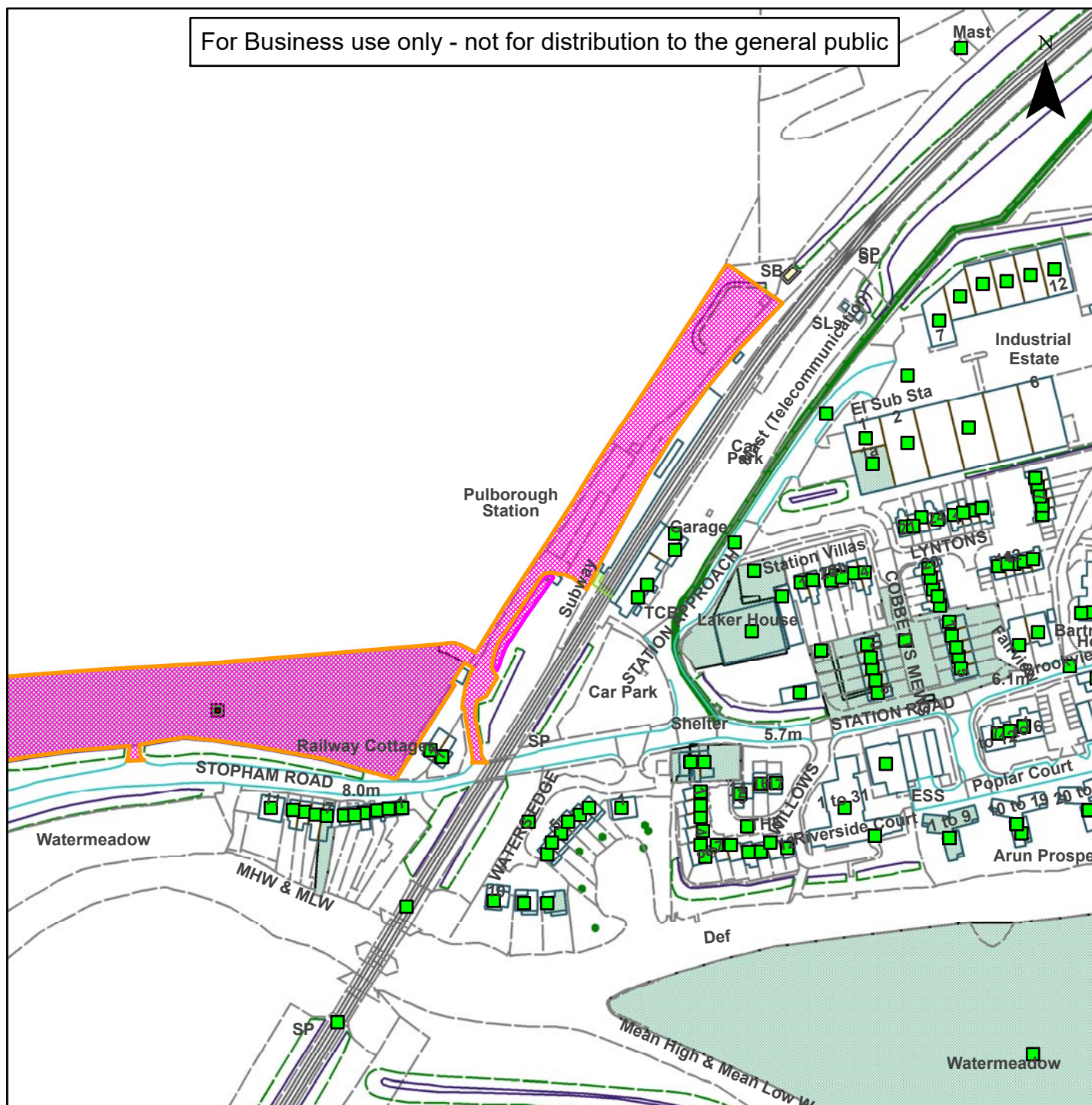
The reason for refusal (above) in respect of affordable housing provision and infrastructure contributions could be addressed by the completion of a Legal Agreement. If the Applicant is minded to appeal the refusal of this application, you are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable Agreement.

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	08/02/2018
WISA Number	100023865

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