



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Development Manager

**DATE:** 19<sup>th</sup> September 2017

**DEVELOPMENT:** Proposed re-plan of northern parcel to provide 75 dwellings (increase of 12 dwellings from previously approved development), together with associated car parking, landscaping and access.

**SITE:** Land North of West End Lane Henfield West Sussex

**WARD:** Henfield

**APPLICATION:** DC/17/1140

**APPLICANT:** **Name:** Mr Rob Phillips **Address:** Barratt David Wilson House Walnut Tree Close Guildford GU1 4SW

**REASON FOR INCLUSION ON THE AGENDA:** Departure from the Development Plan & Number of Representation Letters contrary to Officer Recommendation

**RECOMMENDATION:** That planning permission be delegated for approval to the Development Manager, subject to completion of new legal agreement and/or a deed of variation to approved application DC/13/0787 and appropriate conditions.

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the proposed development of the northern part of the development previously allowed on appeal DC/13/0787 for 160 houses on land to the north of West End Lane, Henfield. The application site of DC/13/0787 was divided into two distinct areas, to the north and the south of a public right of way that crosses the site. This application proposes an alternative development on the northern parcel. The proposed development would provide 75 dwellings, a net increase of 12 dwellings from the previously approved development on the northern part of the site, together with associated car parking, landscaping and access on the northern part of the site.

1.3 The houses on the southern part of the site are currently being built under the previous consent and some completed houses have now been occupied.

1.4 The proposed development maintains a similar layout to the approved development with the additional 12 units accommodated by with the exception that the built form of the

development would extend further to the north by 6 metres. There would be no increase in the area of built form to the south and the central amenity open space and greenway route; local equipped area of play (LEAP); 'trim trail' and allotments would still be provided in relation to the original approval.

- 1.5 The building line of houses comprising plots 117-122 and 139-144 would be moved northwards and the alignment of the frontages would be straightened to align approximately with the gable end of plot 160. The landscape buffers to the, east and west of the development will be maintained as permitted. These buffers provide screening of the site from the surrounding open land. The northern perimeter buffer would be reduced and the swales would be re-aligned to accommodate the extended footprint of the residential development. However a significant buffer to the north would still be maintained.
- 1.6 In comparison to the approved application, this proposal would incorporate a higher proportion of smaller 2 and 3 bedroom semi-detached houses within the central portion of the site. The revised housing mix for 75 dwellings on the northern part of the site is set out below.

<b>House Type</b>	<b>Northern parcel as proposed</b>
1 Bed Flat	8
2 Bed Coach House	2
2 Bed House	24
3 Bed House	23
4 Bed House	18
5 Bed House	0
<b>Total</b>	<b>75</b>

- 1.7 The proposed development would include the provision of 7 No. 2 storey dwellings with habitable space in the lofts served by dormer windows and rooflights (Plots 118-121 and 140-143) on northern edge and 9 No. 2 storey dwellings with habitable space in the lofts served by dormer windows and rooflights (Plots 128-131 and 150-154) along the southern edge of the development which would replace 2 storey dwellings within the approved development. Plots 118-121, 130-131 and 150-154 would have a ridge height of 10.5 metres and an eaves height of 6.3 metres. Plots 140-143 and plots 128-129 would have a ridge height of 10.3 metres and an eaves height of 6.3 metres. The remaining dwellings would remain as per the approved development, without accommodation in the loft spaces.
- 1.8 Parts of the development including the western quarter (plots 98-108), the north-east corner (plots 157-167) and sections in the central Mews area have not been amended and remain as approved. Other parts of the scheme incorporate more minor revisions with the same house types being moved a small distance and/or their parking and surroundings being slightly amended.
- 1.9 The proposal would provide 1 additional affordable unit of accommodation in comparison to the approved scheme, resulting in a total of 33 affordable units in the northern part of the site. 32 affordable units have been secured on the southern part of the site in relation to the approved scheme. The total of 65 affordable units across the entire development of 172

dwellings would equate to 38% affordable housing provision, incorporating a mix of rented and shared ownership. The previous permission secured a total of 64 affordable units, which equated to 40% of the permitted 160 dwellings.

- 1.10 The proposal of 172 houses across the 7.3 ha site (including the southern parcel) would provide a housing density of just over 23 dwellings per hectare. The previously approved scheme of 160 houses across the 7.3 ha provided a housing density of 22 dwellings per hectare.
- 1.11 The site would be accessed via the newly formed vehicular access from West End Lane and the spine road leading through the southern part of the development. The proposed development of 75 dwellings provides 181 car parking spaces. These consist of 123 allocated residential spaces, 32 spaces in garages and 26 unallocated and visitor spaces.
- 1.12 The proposal would include the provision of a new footpath link to connect the Public Right of Way 2524 to the South Downs Link at the north-east corner of the site as per the approved scheme. As part of this revised scheme the Developer has also agreed to provide an off-road cycle access to link the development's access road at the north-east corner of the development site to the South Downs Link.

#### DESCRIPTION OF THE SITE

- 1.13 The application site lies to the west of the village of Henfield and is located on the northern side of West End Lane. The application site forms the rectangular northern parcel of the larger development site approved under DC/13/0787 and has an area of 2.16 hectares, all of which is outside of the built-up area boundary of Henfield.
- 1.14 To the east of the site lies the residential development of Staples Barn Lane and to the south that of Hollands Road. To the west the site is bounded by Stonepit Lane which serves a number of detached dwellings and the former Stonepit Kennels. Open countryside abuts the northern boundary of the site.
- 1.15 The South Downs Link recreational route and a disused railway line lies immediately to the east of the site. Public footpath no.2524 crosses the middle of the site in an east to west direction and then along the eastern boundary of the site. Public Footpath no. 2530 follows Stonepit Lane to the west of the site.
- 1.16 Construction works on the southern part of the site which is being built under the approved scheme are at an advanced stage with some of the dwellings occupied. The formation of the access road into the southern part of the site from West End Lane has been constructed and some landscaping to the sites southern frontage has been undertaken.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (NPPF 2012)

NPPF 1 – Building a strong, competitive economy

NPPF 3 – Supporting a prosperous economy

NPPF 4 – Promoting sustainable transport

NPPF 6 – Delivering a wide choice of high quality homes

NPPF 7 – Requiring good design

NPPF 8 – Promoting healthy communities  
 NPPF 9 – Protecting Green Belt land  
 NPPF 10 – Meeting the challenge of climate change, flooding and coastal change  
 NPPF 11 – Conserving and enhancing the natural environment  
 NPPF 14- Presumption in favour of sustainable development

### 2.3 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 4: Strategic Policy: Settlement Expansion  
 Policy 10: Rural Economic Development  
 Policy 15: Strategic Policy: Housing Provision  
 Policy 16: Strategic Policy: Meeting Local Housing Needs  
 Policy 17: Exceptions Housing Schemes  
 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  
 Policy 42: Strategic Policy: Inclusive Communities  
 Policy 43: Community Facilities, Leisure and Recreation

### 2.4 Local Development Framework: Supplementary Planning Document:

- Planning Obligations (2007)

### NEIGHBOURHOOD PLAN

2.5 The site is within the Parish of Henfield. An application was made to the High Court for judicial review of the Henfield Neighbourhood Plan which was heard in High Court in October 2016. The Henfield Neighbourhood Plan was subsequently quashed on 13 October 2016. Henfield Parish Council are currently in the process of reviewing sites which will inform a new Neighbourhood Plan. As such, there is currently no Neighbourhood Plan in place in this area and no relevant draft Neighbourhood Plan Policies to consider in the determination of this application.

### 2.6 PLANNING HISTORY

DC/13/0787	Development of 160 residential dwellings (comprising 10 x 5-bed, 49 x 4-bed, 24 x 3-bed, 67 x 2-bed and 10 x 1-bed) together with associated landscaping, open space and access	Allowed Appeal 02/06/2014
DC/16/0368	Non material amendment to previously approved DC/13/0787 (Development of 160 residential dwellings (comprising 10 x 5-bed, 49 x 4-bed, 24 x 3-bed, 67 x 2-bed and 10 x 1-bed) together with associated landscaping,	Permitted 08/03/2016

open space and access) Alterations to approved plots 20/21 to split originally approved pair of semi-detached with the relocation of one of the garages in between the two plots; and alterations to the garage roof in plot 1.

DC/16/1877	Removal of condition 15 under DC/13/0787 (Development of 160 residential dwellings comprising 10 x 5-bed, 49 x 4-bed, 24 x 3-bed, 67 x 2-bed and 10 x 1-bed) together with associated landscaping, open space and access) Relating to pre-commencement requirement for traffic calming scheme	Permitted 20/12/2016
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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.horhsam.gov.uk](http://www.horhsam.gov.uk).

#### INTERNAL CONSULTATIONS

- 3.2 **HDC – Housing:** No objection. Whilst the overall reduction in the percentage of affordable housing proposed with the updated scheme is disappointing, the amended numbers, 65 affordable dwellings out of 172 total dwellings is in excess of the 35% required in accordance with HDPF. The one additional two bedroom affordable dwelling also reflects current demand.
- 3.3 **HDC – Drainage Officer:** No adverse comments or observations to make with regards the evidence submitted (Ref; Drainage Statement – SW/15-161-08 dated 16<sup>th</sup> May 2017) concerning accommodating the additional dwellings within the previously agreed drainage strategy.
- 3.4 **HDC – Environmental Health:** No objection subject to the conditions attached to the previous consent.
- 3.5 **HDC – Refuse Collections Officer:** No objection.
- 3.6 **HDC – Policy Section (EIA Assessment):** A formal Screening Opinion was sought for this application and it was considered that an Environmental Impact Assessment (EIA) would not be required for this proposal.
- 3.7 **HDC – Policy Section (Strategic):** No objection. The principle of development has already been agreed by the previous appeal decision of 2 June 2014 (DC/13/0787). The Case Officer should assess whether the scheme would accord with Policies 33, 35, 36, 37, 40, and 41.
- 3.8 **HDC – Leisure Services:** No objection subject to an additional contribution to compensate for the additional people generated by this proposal.
- 3.9 **HDC – Landscape Officer:** Following the submission of amended planting plans and cross sections it is noted that the proposed planting plans shows that additional trees have been added for instant impact. Concerns that the increase in height of the proposals will take a further 10 years to mitigate in parts have been confirmed. Whilst not desirable, it is appreciated that views from the public footpath are now seen in the context of the southern part of the development (which is under construction and already impact the views) and that other benefits are to be considered on the planning balance that may outweigh the

landscape harm identified above. Requested landscaping conditions attached to any recommendation for approval.

#### OUTSIDE AGENCIES

- 3.10 **West Sussex County Council – Highways**: No objection provided that the development is built in accordance with the submitted plans. There would be no highway safety or capacity objection to the proposed increase or change in the type of units.
- 3.11 **West Sussex County Council – Public Rights of Way**: No objection. As all cycle access to the development on the approved scheme is on-road access. WSCC consider that the re-planning of the northern parcel of land provides an opportunity to reconsider cycle access to and from the development.

Given the scale of the development and the likely demand for cycling for leisure, recreation and utility purposes, off-road cycle access should be provided to link the Downs Link to the development's access road at the north-east corner of the development site. The alignment and specification for this link and any other alterations to the public right of way should be agreed with the Public Rights of Way Team prior to construction starting on the northern parcel of land.

- 3.12 **West Sussex County Council – Lead Local Flood Authority (LLFA)**: No objection. The LLFA are aware that adjacent land/carriageway has been subject to historic flooding in the past. Any existing surface water flow paths across the site must be maintained, a wholesale site level rise via the spreading of excavated material should be avoided and any excavated material kept on site should be located in areas designed and designated for that purpose.

The proposed development site is at low risk from groundwater flooding and therefore the risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities. The LLFA request that finalised surface water drainage designs/calculations and a site-specific maintenance manual of the SUDs system are submitted and approved. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

- 3.13 **Coastal West Sussex Clinical Commissioning Group** No additional contributions required given the small number of additional houses proposed on this application. The CCG and Henfield Surgery will be seeking to drawdown the paid contributions for NHS capital infrastructure works in relation to application DC/13/0787.
- 3.14 **Southern Water**: A public water trunk main is located within the site and its exact position must be determined on site before the layout of the proposed development is finalised. It is further advised that there is currently inadequate capacity in the local network to provide a water supply and foul sewage disposal to service the proposed development. Therefore additional off-site mains and sewer infrastructure or improvements to the existing systems will be required. Due to the vibration, noise and potential odour generated by sewerage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

## PUBLIC CONSULTATIONS

3.15 **Henfield Parish Council:** The Parish have strongly objected to this application on the following grounds which are summarised below:

- The original application was won on appeal because HDC could not demonstrate a rolling 5 year land supply. This is no longer the case. The proposal is therefore contrary to the policies set out within the HDPF (in particular policies 1, 3, 4 and 26).
- The development would be an urban intrusion into the countryside if permitted and would harm the rural character and historic landscape character of the area.
- The site is not a brownfield site and good agricultural land would be lost if this application is approved.
- HDC refused an application (DC/14/0588) for the building of 72 dwellings on land at Sangate Nursery. The reason for refusal included over development of the site. Therefore this application should also be refused for the same reasons.
- The proposal does not promote sustainable transport and will exacerbate traffic congestion, pollution and issues of highway safety in the village
- There is no evidence to suggest that the proposed development will generate any long term employment opportunities and the additional housing would put further strain on available employment.
- Proposal would increase already over-stretched parking provision within Henfield.
- Additional pressure on the existing infant, junior and secondary schools in area
- The existing health care centre is already at capacity and any additional dwellings would only exacerbate the already overstretched situation.
- There is inadequate capacity in the local network to provide foul sewerage disposal to service the proposed development. To mitigate the above deficiencies, upgrading the existing pumping station and sewerage system would be necessary.
- There is currently inadequate capacity in the local network to provide a water supply to service the proposed development.

3.16 67 letters have been received objecting to the application on the following grounds:

- The original permission was granted when Horsham District Council did not have its 5 year housing supply. Horsham can now demonstrate a 5 year housing land supply so this application should be refused.
- Overdevelopment of the site
- The development would put additional pressure on local services and infrastructure which are already overstretched (including roads, doctors surgeries, schools, water supply, sewerage capacity and gas supply)
- Loss of public footpath east-west that avoids West End Lane
- Increase in volume of traffic as a result of the development down West End Lane, Church Street / Nep Street Town Road and into Bishops Close
- The applicant is being disingenuous in their description of the land in question as Brown Field as the site has not been redeveloped.
- Proposed housing does not meet local housing need for small homes in the district
- Level of affordable housing should be increased as per the 20% rule of Policy 16 of the HDPF
- The section 106 funds for the existing development are not sufficient to cover the impact on Henfield. Should the number of houses increase, the financial benefit to Henfield will be small.

- Traffic calming measures should be introduced in Nep Town to mitigate the impact of construction traffic
- The development would exacerbate existing parking problems within the village
- There are no sustainable methods of transport to the development and most people who live in the village have to drive so additional development will exacerbate the problem
- Urbanisation of the village and loss of countryside
- Safety of roads for pedestrian users during the construction phase
- Existing pedestrian safety on West End Lane and the negative impact of more development. The site is accessed from West End Lane, this is narrow, regularly floods and has no pavements.
- The proposed storm water drainage pond will be a hazard to children
- Negative impact on migrating birds including the Turtle Dove and Nightingale
- The Henfield Neighbourhood Plan sets out the wishes of the local community. This site was not found to be suitable for the neighbourhood plan and as such it should not be approved. Although the plan has to be revisited over technical issues, it is representative of the views of the community.
- Existing development is causing vibration, noise and dirt to the nearby houses. More development will only exacerbate the problem.
- Increase in air pollution due to more traffic will have negative health impacts for local residents
- The Sandgate Nurseries application was refused and therefore this development should also be refused
- Impact to residents of nearby neighbouring dwellings
- Risk of flooding and safety of residents
- Poor design of development
- Emergency access to the village is already at risk and will be exacerbated by additional development

#### **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 This proposal is a stand-alone application for full planning permission relating to the northern parcel of the development site to provide 75 dwellings (amendments to increase by 12 dwellings compared to the previously approved development), together with associated car parking, landscaping and access. The principle of development on the site has been permitted by the original permission in relation to the wider development site on land north of West End Lane. As such, the only matters for consideration now are the



acceptability of the proposed amendments taking into account any changes to national or local planning policy and any other material considerations.

Principle of Development:

- 6.2 This application site lies in the countryside and outside the built up area of Henfield. A proposal for housing development in the countryside is not one of the forms of development which the Horsham District Planning Framework 2015 (HDPF) would normally permit in such a location. However, the planning history on this site that forms a material consideration relating to the principle of residential development on the site.
- 6.3 Planning permission was previously allowed on appeal for 160 dwellings on the land north of West End Lane in 2013 (DC/13/0787). At the time, the Council could not demonstrate a 5 year housing land supply and the Planning Inspector attributed considerable weight to the early provision of new homes in this circumstance of a local housing shortfall. The Inspector considered this to outweigh some of the identified adverse environmental impacts including the loss of open countryside, changes to local and long distance views and failure to preserve the open setting of the Grade II Listed Building, Camellia Cottage to the south-west of the site.
- 6.4 The current application relates to the northern parcel of the site previously considered under the 2013 application whereby planning permission for 63 dwellings was granted, and this is a strong material consideration when assessing the current proposal. Under the current application, consent is sought to replace these units with 75 dwellings, an increase in 12 units. Within the whole development site, this would increase the total number of residential units on this site to 172.
- 6.5 As a result of planning permission being granted on appeal, the 160 dwellings permitted by DC/13/0787 are now included in the HDPF's target to provide at least 16,000 new homes in the period to 2031, with Policy 15 stating that this target includes homes that are already permitted or agreed for release, and those that were completed in the 2011-2015 period. Although Policy 4 of the HDPF precludes development outside of built-up area boundaries unless the site is allocated for development, Policy 16 confirms that the principle of implementing extant permissions is acceptable. Therefore, the main consideration on this application is the acceptability of the additional 12 dwellings which are now proposed within the site, in addition to the 160 which are in compliance with Policy 16, and whether the additional 12 dwellings would have a materially different impact in planning terms in comparison to the permitted scheme, and whether those differences are harmful or conflict with established Local and National planning policies.
- 6.6 In terms of changes to the development in comparison to the approved development, overall, the scheme retains a similar overall layout and design to the area approved for 63 dwellings. The main changes comprise the increase in housing density, change to the housing mix which incorporates more 2 and 3 bedroom dwellings, the moving of the northerly central part of the residential development 6 metres further north and reduction in the northern landscape buffer. The layout of dwellings in the central portion of the site has been subject to most change in order to accommodate the increase in dwellings.
- Housing Mix and Infrastructure Provision
- 6.7 One of the additional 12 units on the northern part of the site would be affordable which would result in 33 dwellings out of 75 dwellings being affordable. On the southern part of the site the approved development provided 32 affordable dwellings. Cumulatively, the entire site would provide 65 affordable dwellings and 38% affordable provision in comparison to the approved development which provided 40%, which accorded with the superseded Core Strategy Policies in relation to affordable housing. The current Development Plan, the HDPF, has a revised affordable housing requirement of 35% for a development of this size set out in Policy 16. This proposal would exceed the 35%

affordable requirement in the current adopted Policy 16 of the HDPF. The affordable housing tenure mix on the amended northern part of the development is shown below.

<b>Rented</b>	<b>Shared Ownership</b>
8 x 1 Bed Maisonettes	2 x 2 Bed Coach Houses
11 x 2 Bed Houses	5 x 2 Bed Houses
	7 x 3 Bed Houses
<b>Total: 19 units</b>	<b>Total: 14 units</b>

- 6.8 All of the contributions relating to the approved development have been paid with exception of the Highways contribution. In order to mitigate the impact of the additional 12 units proposed as part of the current application additional community contributions proportionate to the increase in the number of units towards education, transport, fire services, libraries, open space sport & recreation and community centres/halls will be secured by a Legal Agreement.
- 6.9 In accordance with the NPPF there is a requirement to plan for a mix of housing types. Within this context, Policy 16 of the HDPF requires that the mix of housing types should be based on evidence set out in the latest Strategic Housing Market Assessment (SHMA). In November 2016, Chilmark Consulting Ltd undertook a Market Housing Mix Assessment of Crawley and Horsham. The assessment indicates that in the Horsham District there is a good spread of market housing choice at present. However, there is a need to refine and maintain the market mix to ensure that choice and access to appropriate housing remains in future. In conclusion, the assessment states that there is a need to maintain a spread of choice in market housing sizes, especially for smaller units.
- 6.10 The approved scheme for the northern part of the site proposed a mix of 22 x 2 bed units and 10 x 3 bed units. The proposed scheme for 75 units proposes a mix of 26 x 2 bed units and 23 x 3 bed units. This results in an increase of smaller 2 and 3 bed units and a reduction in the larger detached 4 bedroom units on the site. The higher proportion of 2 and 3 bed units in the proposed development would contribute to the need for smaller homes in the District and meet the current requirements relating to market housing mix, in accordance with Policy 16.
- 6.11 In conclusion on the matter of housing mix and planning obligations, subject to completion of a satisfactory Legal Agreement to secure the affordable housing and infrastructure contributions, the proposed amended scheme does not conflict with Policies 16 and 39.

#### Appearance and Layout

- 6.12 The proposed development retains a very similar layout to the approved scheme, with the detached and semi-detached dwellings overlooking the landscaped areas of the development more informally arranged, separated by driveways and set-back garages between the dwellings. Within the centre, the short rows of terrace housing have narrower frontages and more defined terraced streets. On the approved scheme the Planning Inspector considered this approach was acceptable and had regard to its context and local distinctiveness.
- 6.13 The revised layout has shifted 7 central dwellings positioned to the northern perimeter a further 6 metres further to the north, yet the dwellings have retained their front gardens and front parking areas in terms of their street scene appearance. The housing density would also increase to 23 dwellings per hectare across the 7.3 ha site as opposed to a housing density of 22 dwellings per hectare across the 7.3 ha as approved on the previous scheme. Given the relatively small increase in housing density on the northern part of the site and retention of the landscaped buffer around the residential development, it is considered that the revised layout would not result in the development having a materially different impact

on the character and appearance of the site and locality in comparison to the approved scheme. In addition, the proposed development would not appear cramped or out of character when compared to the housing on the southern part of the site and the estate development within the surrounding roads of Staples Barn Lane, Staples Barn and Station Road, some of which generally have shorter front gardens and less planting along their roadside frontages than within the proposed development.

- 6.14 The dwellings as amended would retain a traditional appearance with a mix of detached and semi-detached two-storey houses. The dwellings would be in red brick and plain red/orange roof with some dwellings incorporating either dark stained weather-boarding or white painted render to their external elevations. The amendment to the design and layouts of the dwellings would match the appearance of dwellings approved in the southern part of the site and would fit in with the context of development on the site as a whole.

#### Landscape Value & Visual Effects

- 6.15 The visual impact of the proposed residential development on the landscape and views of the development from the Public Right of Ways (PROW) surrounding the site was an important issue that was considered by the Planning Inspector in respect of the approved application. The principle of residential development on this site and impact on the surrounding landscape and views has been established by the previous permission. In the consideration of the previous scheme, the retention of the existing hedging and additional planting comprising the northern, eastern and western landscape buffers around the proposed residential development were key components of the mitigation scheme to the limit the impact of the development in terms of close views of the development from the surrounding footpaths.
- 6.16 This revised scheme would retain the landscape buffers to the north, east and west of the site. The shifting of the residential development further north within the site would reduce the northern landscape buffer by approximately 6 metres in the central section of the boundary opposite a line of mature trees situated on the edge of the approved site, and there would be a 2 metre increase in the height of the 7 dwellings (Plots 118-121 and 140-143) along the northern perimeter of the site. As originally submitted, the proposals did not incorporate additional planting to the landscape buffer to mitigate the impact of this additional height and closer proximity of dwellings to the landscape buffer, including when viewed from the PROW 3509. An amended planting scheme has been submitted which includes more mature trees between the sparser areas of the existing hedge along the northern boundary which would provide further instant screening of the higher dwellings. Additional cross section drawings have been submitted through the centre of the development which show that in parts views of the dwellings would be possible above the northern landscape buffer from the public footpath and open fields to the north in the shorter term. In the longer term (10 years) views of the dwellings would be completely screened.
- 6.17 It is acknowledged that the proposed revised layout would have some impact on the northern landscape buffers capacity to screen the increased height of the 7 dwellings along the northern perimeter of the development. However, given that views from Public Right of Way 3509 can now be seen in the context of the southern part of the development and that additional planting has been secured along the northern boundary for instant impact, it is considered that the revised layout would not cause any significant additional harm to views of the development from the surrounding footpaths in comparison to the approved scheme.

#### Impacts upon nearby and future residents:

- 6.18 Policy 31 of the HDPF requires that developments are designed to avoid unacceptable harm to the amenity of occupiers and users of nearby properties and land. As the dwellings in the western part of the development would remain unchanged by the revised

proposal and would be set a significant distance from the nearest existing neighbouring properties to the west of the site they would not result in a significant impact on the amenity of any adjacent properties. Given the layout, the scheme would not result in any loss of light or increased enclosure for the respective residents of the houses.

- 6.19 In accordance with the original approval for the site, the houses would not benefit from any permitted development rights for extensions or outbuildings. This would ensure that no extensions or roof additions can be built without the benefit of planning permission. This will also protect the amenity of the future residents of the houses.

#### Highway Impacts:

- 6.20 The amendment would not alter the main road layout within the site. The vehicle access to the houses and the main spine road access through the southern part of the site from West End Lane would remain unaltered. The proposed development of 75 dwellings would provide 181 car parking spaces, comprising 123 allocated residential spaces, 32 spaces in garages and 26 unallocated and visitor spaces. The level of parking is slightly above the required County Council levels and is appropriate for the development.
- 6.21 The revisions to the dwellings would lead to a marginal increase in terms of the overall traffic levels previously considered to be acceptable in relation to site access and highway capacity. On this basis, West Sussex County Council Highway Authority has not raised any objections to the proposal. The proposal is therefore in accordance with Policies 40 and 41 of the HDPF. The Highways Authority has also commented that they would support additional traffic calming measures and improvements to the rights of way in the vicinity of the site. This is subject to details to be agreed as part of the deed of variation.
- 6.22 The Developer has also agreed to the provision of an off-road cycle access to link the development's access road at the north-east corner of the development site to the South Downs Link. These improvements have been brought forward in discussion with WSCC Rights of Way Officer and would provide a safer and direct access for cyclists from the development to the South Downs Link to encourage journeys by sustainable modes of transport, as well as providing opportunities for leisure and recreation cycling.. Details of the off-road cycle path would be secured through the deed of variation and/or new S106 agreement.

#### S106 Obligations and Off-Site Highway Improvements

- 6.23 In addition to the affordable housing, community infrastructure and cycle link referred to above, the deed of variation/new legal agreement will also secure amendment of the total Highways Contribution which is to be paid in relation to the approved application DC/13/0787 and will exclude reference to the Traffic Calming Works and Footpath Improvements.
- 6.24 All of the financial contributions in respect of the previous S106 agreement have been paid, with exception of the Highways contribution. The Highways contribution was allocated to footway improvements, bus stop improvements, a scheme of traffic calming, local community bus services and travel vouchers. Following discussion with the County Council for the Highway works, it has been agreed that the Developer would carry out the footway improvements themselves. Condition 15 of planning consent DC/13/0787 relating to the submission and approval of a traffic calming scheme was removed under application DC/16/1877. The deed of variation attached to this planning approval did not however update the Highways contribution to reflect the removal of the traffic calming scheme. A further deed of variation will therefore be secured in relation to this application which would formally amend the definition of the Highways Contribution by excluding reference to the Traffic Calming Works and Footpath Improvements, amending the total Highway

Contribution sum which is to be paid in relation to the approved application DC/13/0787 and requiring the footway improvements to be carried out by the developer.

- 6.25 As the scheme results in an additional 12 units on site, in accordance with Policy 39 of the HDPF, consideration is given to the infrastructure needs of the proposal and it is considered that additional contributions are required to mitigate the impact of the additional units. A deed of variation and/or new S106 agreement relating to this application and the approved application would secure 1 additional affordable housing unit proposed, the new housing mix and the uplift in West Sussex County Council and Horsham District Council financial contributions.
- 6.26 West Sussex County Council has commented that additional contributions would be required for education (primary, secondary and sixth form), libraries and fire and rescue. In accordance with the Council's SPD on Planning Obligations, this then leaves contributions for health improvements in the area and District Council contributions. The Coastal West Sussex Clinical Commissioning Group have confirmed that they would not be seeking any further financial contributions for the 12 additional dwellings proposed.
- 6.27 In terms of District Council contributions, contributions are normally required to mitigate the impact of additional residential units for amenity open space, LEAPs, indoor and outdoor facilities and community centres and halls. An area of central open space, trim and trail equipment and a LEAP was secured as part of the approved planning consent and the additional 12 units do not materially increase the amount of open space required within the development itself. A contribution towards Community Centre & Halls and off-site Open Space, Sport & Recreation would be sought in the deed of variation and/or new S106 agreement relating to the uplift of 12 dwellings.

### Conclusions

- 6.28 As set out under the heading 'Principle of Development', the development under construction and permitted by DC/13/0787 complies with Policy 15 of the HDPF, but by reason of the location of the site outside of the built-up area boundary, the proposed development of an additional 12 dwellings is contrary to Policy 4. However, , the proposal in the context of the development of this site as permitted, the proposed amendments to provide an additional 12 dwellings do not result in any additional harm over and above the permitted scheme. The proposal is acceptable in terms of design and is appropriate with respect to potential impact on the landscape, residential amenity and highway safety. On balance therefore, it is considered that the conflict with the Development Plan is outweighed by the benefit of delivering an additional 12 dwellings within the confines of the existing development site. The proposed Departure from the Development Plan is therefore considered to be acceptable and justified in this case.

## **7. RECOMMENDATIONS**

- 7.1 That planning permission be delegated for approval to the Development Manager, subject to completion of a Deed of Variation and/or Legal Agreement and appropriate conditions:
1. List of approved plans and documents.
  2. Standard 3 Year Time Limit

### **Pre-Commencement Conditions:**

3. 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).*

4. No external lighting street lighting or flood lighting 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 retained in accordance with the approved details.

*Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

5. 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).*

6. No development shall commence until an Arboricultural Method Statement detailing measures to protect and the retained trees and hedges within the northern landscape buffer has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees and hedging. The development shall be implemented strictly in accordance with agreed details.

*Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

7. No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the soft landscaping scheme on Drawing No. 5822/ASPD001 Rev O submitted on the 4<sup>th</sup> August 2017 and the Arboricultural Method Statement submitted pursuant to condition 4. The development shall thereafter be carried out in accordance with the approved details.

*Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory development in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

8. 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
- 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 residential amenity during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

9. 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).*

10. No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

*Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).*

11. i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

*Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).*

**Pre-Occupation Conditions:**

12. Prior to the first occupation of any part of the development on the site, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the boundary treatments associated with that dwelling have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

13. Prior to the first occupation of any part of the development a detailed tree planting plan shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape scheme shall then be fully implemented in accordance with the detailed tree

planting plan to be submitted and the Planting Overview Plan 5822/ASPD001 Rev O received on the 4<sup>th</sup> August 2017 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).*

14. Prior to the first occupation of any part of the development hereby permitted, full details of the hard landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved hard landscaping scheme shall be fully implemented in accordance with the approved details.

*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).*

15. Prior to the first occupation of any part of the development hereby permitted, a landscape management plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

*Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

**Regulatory Conditions:**

16. The facilities for the storage of refuse/recycling bins shall be fully implemented, and shall thereafter be permanently retained, in accordance with the refuse strategy and details shown on Information Layout Plan 021711-BAR-SC-02 Rev A dated the 18<sup>th</sup> July 2017.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A B C D E F G and H of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

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

18. 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 gate, fence, wall or other means of enclosure shall be erected or constructed in front or to the side of any proposed building which faces a highway without express planning consent from the Local Planning Authority first being obtained.



*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).*

19. During the construction period the burning of any materials from site clearance or from any other source shall not take place within 10 metres of the furthest extent of the canopy of any tree, group of trees, or hedgerow, targeted for retention on the site or on land adjoining.

*Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

20. Any visibly contaminated or odorous material encountered on the site during the development work must be investigated. The Local Planning Authority must be informed immediately in writing of the nature and degree of contamination present.

*Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).*

21. No deliveries to and from the site in connection with the construction of the development shall take place outside of the following times:

Between 07:30 hours and 17:30 hours on Mondays to Fridays;

Between 08:00 hours and 13:00 hours on Saturdays

And none shall take place on Sundays or Public Holidays

*Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

22. The dwellings comprising plots 113-116, 118-121, 123-126, 130-131, 135-138, 145-148, 150-154 & 166-169 hereby permitted shall not be occupied until the first floor side bathroom windows have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

*Reason: To protect the privacy of the adjacent neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

Background Papers: DC/10/1314, DC/12/0841, DC/15/1242, DC/16/0871, DC/16/2835