



**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.

APPENDIX A – Report to Committee 16 August 2017 (DC/16/0728 – Stopham Road)

- 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.