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# Planning Committee (South)

Tuesday, 19th March, 2019 at 2.30 pm  
Conference Room, Parkside, Chart Way, Horsham

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

You are summoned to the meeting to transact the following business

Glen Chipp  
Chief Executive

## Agenda

	Page No.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 14
<p>To approve as correct the minutes of the meeting held on 19 February 2019 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</p>	
3. <b>Declarations of Members' Interests</b>	
<p>To receive any declarations of interest from Members of the Committee</p>	
4. <b>Announcements</b>	
<p>To receive any announcements from the Chairman of the Committee or the Chief Executive</p>	

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

5. **Appeals** 15 - 16

Applications for determination by Committee:

6. **DC/18/2514 - Land west of Brighton Road, Brighton Road, Shermanbury** 17 - 48

Ward: Cowfold, Shermanbury & West Grinstead  
Applicant: c/o Agent

7. **DC/18/2589 - 7 Allfreys Wharf, Pulborough** 49 - 58

Ward: Pulborough & Coldwaltham  
Applicant: Ms Donna Hawes

8. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

# Agenda Annex

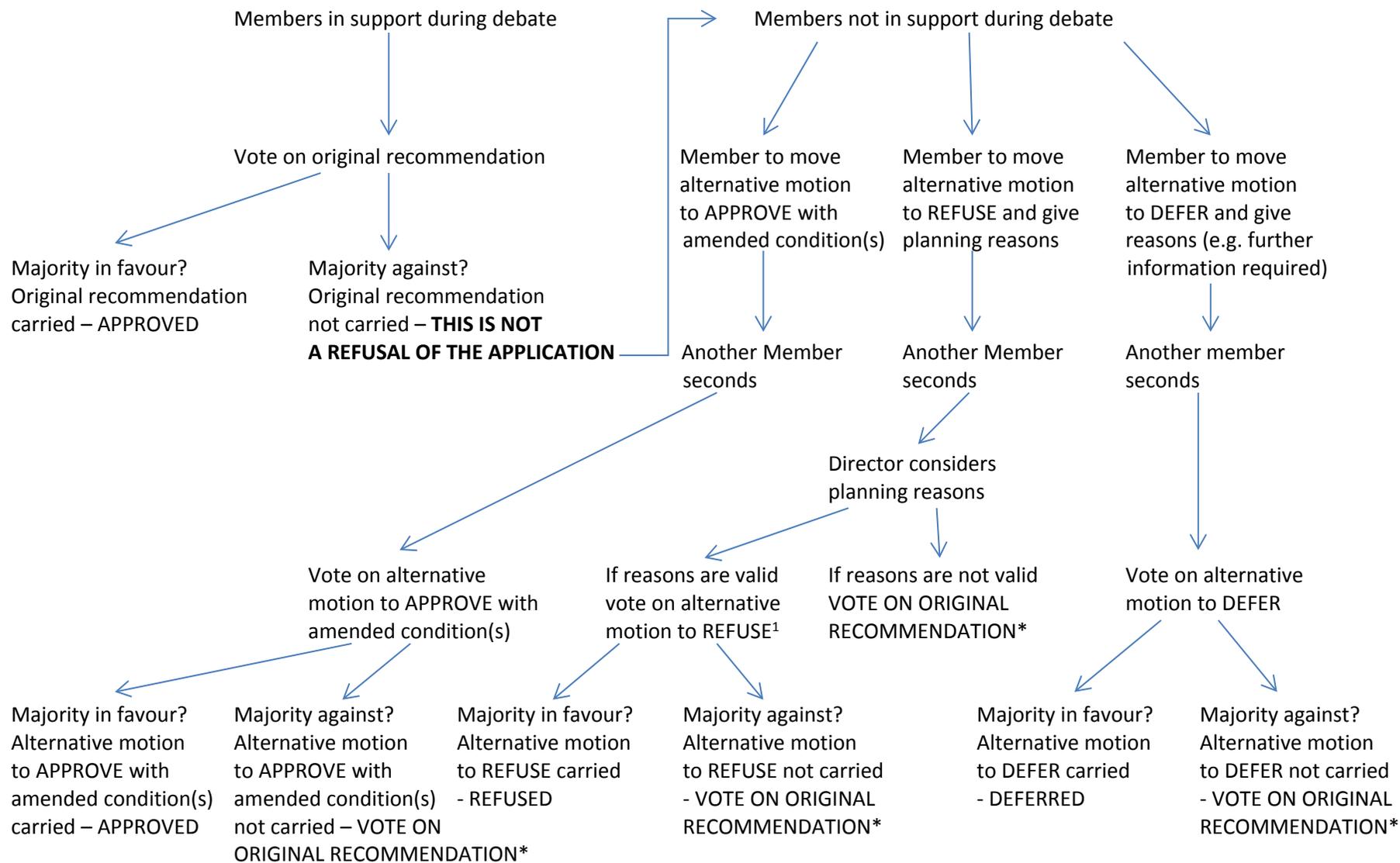
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

### Original recommendation to APPROVE application



\*Or further alternative motion moved and procedure repeated

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

**Original recommendation to REFUSE application**



\*Or further alternative motion moved and procedure repeated

<sup>2</sup> Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

**Planning Committee (South)**  
**19 FEBRUARY 2019**

Present: Councillors: Brian O'Connell (Chairman), Paul Clarke (Vice-Chairman), John Blackall, Karen Burgess, Jonathan Chowen, Philip Circus, David Coldwell, Brian Donnelly, David Jenkins, Nigel Jupp, Lynn Lambert, Gordon Lindsay, Tim Lloyd, Paul Marshall, Kate Rowbottom, Jim Sanson and Claire Vickers

Apologies: Councillors: Mike Morgan, Ben Staines and Michael Willett

PCS/71 **MINUTES**

The minutes of the meeting of the Committee held on 15 January were approved as a correct record and signed by the Chairman.

PCS/72 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/18/0661 – Councillor Nigel Jupp declared a conflict of interest in this application because he knew the applicant well. He therefore withdrew from the meeting during the determination of this item.

PCS/73 **ANNOUNCEMENTS**

The Chairman announced a change in order of the agenda so that Item 8 (DC/18/1488) could be considered as the last application. This was because the application required the Chairman asking the Committee to resolve to go into private session to consider exempt information.

PCS/74 **APPEALS**

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

PCS/75 **DC/18/0661 - MENZIES WOOD FARM, OKEHURST LANE, BILLINGSHURST**

The Head of Development reported that this hybrid application sought: full planning permission for the full enclosure and refurbishment of a barn and the regularisation of current onsite uses (light industrial, storage and distribution) including the repair and assembly of horse boxes and trailers and customer collections and loading of trailers; and outline permission for the demolition of a workshop, barn and offices and erection of a new barn, workshop, office and open storage area. The outline permission included access and layout with all other matters reserved for future determination.

Members were advised that the last sentence of paragraph 6.21 of the report, regarding a condition to cease all noise generating activities in the two open buildings, should read 'to cease within **six** months', as stated correctly elsewhere in the report.

The application site was located approximately 1.3 kilometres north of Billingshurst on the north side of Okehurst Lane and was an established commercial site. Access was shared with a residential property on the south west boundary and there were two other residential properties to the west and south. Okehurst Lane, a relatively narrow country lane led to the A29 approximately 650 metres east of the site.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. Planning history of the site, in particular the permitted uses granted under DC/07/0421 and the current compliance case relating to the site, were noted by the Committee.

The Parish Council raised some objections to the application. A total of 35 objections from 15 households had been received. Three members of the public spoke in objection to the application and the applicant and the applicant's agent both spoke in support of it. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; the character of the development and visual amenities of the area; the amenities of occupiers of adjoining properties; and parking and traffic.

Members considered the current operations on the site and noted that the proposal would benefit the local business. Members concluded that, in the light of the new site layout and conditions to restrict operations and control noise emanating from the site, there would not be a significant impact on neighbouring amenity.

Members discussed the narrow nature of the lane and agreed that an additional condition to restrict heavy goods vehicles from leaving and entering the site should be included.

#### RESOLVED

That planning application DC/18/0661 be granted subject to the conditions as reported, with an additional condition to restrict the number of heavy goods vehicles permitted to or from the site. The wording of this condition to be agreed in consultation with Local Members.

PCS/76 **DC/18/2244 - LAND ADJACENT TO 1 TEA CADDY COTTAGES,  
WORTHING ROAD, WEST GRINSTEAD**

The Head of Development reported that this application sought permission for the demolition of a commercial building and a dwelling, and the erection of one 4-bedroom dwelling and one 3-bedroom dwelling. They would have pitched roofs and gables and include stone, brick, clay tiles and slate. Each would have a garden to the rear and two parking spaces. A retaining wall on the western boundary adjacent to the old A24 was also proposed.

The application site was located outside the built-up area to the east of the A24 and south of the Buck Barn crossroads. The two buildings to be demolished were single storey, with the commercial building occupying a large area of the site. The surrounding area was largely open countryside with sporadic development. 1 and 2 Tea Caddy Cottage were to the south, and four other dwellings about 130 metres to the north. There were several equestrian and commercial developments nearby.

Since publication of the report and applicant had submitted a number of documents: ecological appraisal survey; bat roost assessment; habitat suitability index; further information on contamination; and a technical note in respect of highway related issues.

The Ecology Consultant had advised that the additional documents did not provide sufficient information and the fourth reason for refusal was still relevant, with a minor amendment to reflect the submission of the ecology appraisal survey and other documents.

WSSC raised no objections to the application. Whilst they acknowledged that loss of the employment use would result in fewer heavy goods vehicle movements over the A24, there was no evidence of safety issues with the present arrangement. In response to the contamination information submitted, the Environmental Health Officer advised that additional works would still be required.

The Parish Council objected to the application. Seventeen representations had been received (not 12 as stated in the report). Fifteen representations supported the application, and two objected to it.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development, which led to the loss of a commercial unit and new residential accommodation; its impact on the character and visual amenities of the street scene and countryside location; the amenities of neighbouring occupiers; and parking and traffic conditions.

Members agreed that the proposal was unacceptable for the reasons as set out in the report.

RESOLVED

That planning application DC/18/2244 be refused for the following reasons:

- 01 The proposed development would be located outside of a built-up area boundary on a site not allocated for development within the Horsham District Planning Framework, or in an adopted Neighbourhood Development Plan. The proposed development would therefore be inconsistent with the overarching strategy for development set out within the Horsham District Planning Framework. The proposed development is therefore contrary to policies 1, 2, 3 and 4 of the Horsham District Planning Framework (2015) and to the National Planning Policy Framework (2012).
- 02 The site lies within a rural location outside the limits of any existing settlement and does not constitute a use considered essential to such a countryside location. The proposal would therefore conflict with Paragraph 79 of the National Planning Policy Framework, and with policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework 2015.
- 03 The application site is in employment use and no justification has been provided to demonstrate that the premises are no longer needed or unviable for continued employment use. The loss of the employment use would therefore be contrary to policies 9 and 10 of the Horsham District Planning Framework (2015), which seek to encourage sustainable rural economic development within the District.
- 04 There is insufficient information on which to consider the potential impacts of the proposed development proposal on protected species in accordance with Policy 25 of the Horsham District Planning Framework 2015 or as required by the Bat Conservation Trust's Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016) and Circular 06/2005. In the absence of this information it has not been possible to demonstrate that the proposal would comply with the provisions of Policy 31 of the Horsham District Planning Framework 2015 and the provisions of the National Planning Policy Framework.

PCS/77 **DC/18/1488 - LAND EAST OF COOLHAM ROAD, WEST CHILTINGTON**

The Head of Development reported that this application sought permission for the stationing of a mobile home and erection of a 2-box stable block and bin store for use as permanent Gypsy accommodation. An addendum to the report

contained an amended description of the application 'Proposed site for settled gypsy accommodation for 1 pitch with associated stable block'.

The proposal included vehicular access to an area of hardstanding. The mobile home would be in the north of the site, 15 metres from the boundary with ancient woodland. Measures had been proposed by the applicant to avoid damage to trees.

The application site was a field located in the countryside, approximately 770 metres north of Thakeham to the east of Coolham Road, which was reached along a shared track. There were established field boundaries, including trees on the east, west and north boundaries. The nearest residential properties were approximately 140 metres to the north. The nearby landscape character comprised a number of small-holdings.

The addendum notified Members of a recommended additional condition requiring details of a 15 metre buffer to the Ancient Woodland and a paddock area east of the site. This condition would ensure adequate protection of the Ancient Woodland and surrounding countryside.

The Parish Council objected to the application. Six representations supporting the proposal had been received, including one received after publication of the report. One member of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; landscape character; trees and landscaping; impact on residential amenity; the highway impacts.

It was noted that the site was not allocated in the Horsham District Planning Framework as a Gypsy and Traveller site and the proposal was contrary to policies in the Thakeham Neighbourhood Plan.

A motion to defer the item in order to obtain the view of the Information Commissioners Office regarding the decision to consider sensitive personal information in exempt session was put to the Committee; the motion was lost.

The Committee resolved that the press and public be excluded from part of the meeting so that they could consider items the publication of which would be likely to disclose exempt information, on the grounds that they involve the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Paragraph 2 in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

The press and public were invited to return to the meeting after consideration of the extenuating personal circumstances outlined in the exempt information and before the determination of the item.

Members considered the site location in relation to local services and facilities, and agreed that the unsustainable nature of the site would not help the applicant in relation to the extenuating personal circumstances. Members therefore concluded that the proposal was unacceptable.

RESOLVED

That planning application DC/18/1488 be refused for the following reason:

The proposed development is in an unsustainable location remote from services in Thakeham, and school and health facilities, and is not readily accessible by sustainable means. The extenuating circumstances provided by the applicant are not considered sufficient to outweigh this harm. The proposal therefore fails to comply with policies 23 & 26 of the Horsham District Planning Framework and Policy 9 of the Thakeham Neighbourhood Plan.

PCS/78 **DC/18/2236 - UNITS 53 TO 54, MACKLEY INDUSTRIAL ESTATE, HENFIELD ROAD, SMALL DOLE**

The Head of Development reported that this application sought permission for the change of use of two units from light industrial to leisure use as a ski training centre. The proposal included a revised parking layout for 16 spaces instead of 22. There would be no external alterations to the building.

One unit would include reception, office and storage areas, the other would comprise two ski ramps for giving skiing lessons. The ramps would tilt to varying angles and operate like a treadmill. The ski and snowboard sessions would be by appointment only and there would be no 'free ski' sessions as part of the proposed use. The training centre would operate between 9am and 10pm Tuesday to Sunday.

The application site was located in the built-up area of Small Dole within Mackley Industrial Estate, a Key Employment Area in the district. Access to the site was off Henfield Road. The South Downs National Park boundary was approximately 70 metres to the east and there was Ancient Woodland directly north of the units. A public footpath ran to the west of the buildings; its current route was a long standing illegal diversion and officers recommended that the owner applies for a legal diversion.

The Parish Council raised no objection to the application. Thirteen representations in support of the proposal had been received. A representative of the ski training business and a representative of Mackley Industrial Estate both spoke in support of the application and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of

development; the applicant's business plan and supporting information; the loss of a light industrial site within a Key Employment Area; impact on residential and visual amenity; highways and parking.

With regards to policy concerns regarding the loss of B1 employment space, Members noted that the proposal would generate employment for up to 14 people, significantly more than the previous occupant. Members also noted that, whilst the units had not been formally advertised, other units on the site had been vacant and advertised since July 2017.

Members discussed the significant community and employment benefits of this particular proposal and noted the existing availability of B1 use units in the vicinity, and concluded that the proposal was acceptable.

Members agreed that in order to protect the integrity of the Industrial Estate a condition should be included to restrict the change of use to the current proposal, and that should this particular business leave the premises it should revert to B1 use.

#### RESOLVED

That planning application DC/18/2236 be granted, subject to the following condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises at Units 53 and 54 hereby permitted shall operate as a ski training centre only and for no other purposes whatsoever, (including those falling within Class D2 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The ski training centre shall not be open or otherwise accessible to the public other than by way of appointment and upon cessation of use of Units 53 and 54 as a ski training centre, the respective units shall revert back to Class B1 use.

*Reason: As the change of use is only considered acceptable on the basis on the specific business model proposed and to ensure the retention of employment floorspace within this designated Key Employment site in accordance with Policy 9 of the Horsham District Planning Framework (2015).*

#### REASON

The proposed development would result in employment generation within this Key Employment Area. Whilst full marketing of the site has not been provided it is considered that the unique business proposal

for the site is sufficient to ensure compliance with Policy 9, subject to the above condition relating to use of the unit.

*The meeting closed at 5.08 pm having commenced at 2.35 pm*

CHAIRMAN

## Planning Committee (South)

Date: 19th March 2019

Report on Appeals: 7/2/19 – 6/3/19

### 1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/18/2084	Fryern Park Farm Fryern Park Fryern Road Storrington Pulborough West Sussex RH20 4FF	11-Feb-19	Application Permitted	Application Refused
EN/18/0001	40 Pound Lane Upper Beeding Steyning West Sussex BN44 3JD	13-Feb-19	Notice Served	N/A
DC/18/2066	Heron Farm Horsebridge Common Ashurst Steyning West Sussex BN44 3AL	06-Mar-19	Application Refused	N/A

### 2. Live Appeals

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

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/18/1344	Kingslea Farm Marringdean Road Billingshurst West Sussex RH14 9HD	Informal Hearing	21-Feb-19	Refuse	N/A

3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/18/1007	Stables South of Rowfold Lodge Coneyhurst Road Billingshurst West Sussex RH14 9DD	Written Representations	Dismissed	Refuse	N/A
DC/17/1978	West Sussex Showground Grinders Lane West Grinstead West Sussex	Written Representations	Withdrawn	Refuse	N/A



Horsham  
District  
Council

## DEVELOPMENT MANAGEMENT REPORT

**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19<sup>th</sup> March 2019

**DEVELOPMENT:** 20 residential dwellings including 7 affordable units, together with the creation of a new highway access with associated roads, parking, and footpaths, and SuDS system with attenuation basin and associated soft and hard landscaping

**SITE:** Land West of Brighton Road Shermanbury RH13 8HQ

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

**APPLICATION:** DC/18/2514

**APPLICANT:** **Name:** C/O Agent **Address:** Riverdale House 190-192 Garth Road  
Beverley Trading Estate Morden SM4 4LU

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation have been received within the consultation period which have raised material considerations contrary to the recommendation of the Head of Development.

**RECOMMENDATION:** To delegate authority to the Head of Development to grant planning permission subject to the completion of a S106 agreement to secure the provision of on-site affordable housing, and appropriate conditions.

In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

### 1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 This application is for a residential development scheme to provide 20 dwellinghouses (Use Class C3) with associated infrastructure including an attenuation basin, on an undeveloped field within the parish of Shermanbury. The housing mix, as amended, consists of 3 no. 2 bedroom dwellings; 9 no. 3 bedroom; 6 no. 4 bedroom; and 2 no. 5 bedroom dwellings. The applicant has indicated that it would be intended to provide seven of the dwellings as affordable housing (4 x affordable rent and 3 x shared ownership). The site is an allocated

site under Policy 6 of the Wineham and Shermanbury Neighbourhood Plan 2014-2031 (WASP) for at least 11 dwellings and up to 20 dwellings.

- 1.3 The submitted plans show the dwellings would be set away from all the site boundaries, including the Brighton Road frontage, in order to provide open space, an attenuation basin, areas of ecological mitigation, and retained areas of vegetation. The open spaces at the front of the site are designed to offer recreational opportunities for informal play and picnics, not only for the proposed development but also for the existing residents of Shermanbury.
- 1.4 The development will be accessed via a new bell mouth junction and access road from the A281 Brighton Road. This will be 5.5m wide with 2m wide footways flanking either side for 45m into the site, where the access road will become a 'u-shaped loop' of shared space which will provide access to the dwellings. The proposed dwellings would be dispersed across the site, with dwellings fronting the attenuation basin and arranged around the u-shaped loop. Buildings would be either short terraces or clusters of paired and individual houses, and predominately two storey in height. A varied palette of materials selected to reflect the local vernacular would be used for the buildings (including red-brown facing brickwork, hanging tile, and clay tile roofs).
- 1.5 It will be necessary to remove and/or maintain at a reduced height some of the existing hedgerow along Brighton Road in order to provide safe site access. With the exception of the vegetation within the visibility splays of this access, existing site boundary planting would be retained and reinforced with new tree and thicket planting. This includes the existing copse to the southwest corner to enhance its structure and biodiversity value and provide a vegetative screen and filter views of the development.
- 1.6 Pedestrian and vehicular visibility splays either side of the new access will be provided; 2.4 metres by 142.3 metres to the north and 2.4 metres by 154.1 metres to the south. The southern splay continues across the carriageway as there is a bend in the road and the splay line does not cross the eastern highway boundary line. To address this, an additional tangential visibility splay has also been provided; all vegetation within this splay will also need to be removed. Two specimen trees (identified as a category B Oak tree and category C tree Horse Chestnut with a heavily leaning trunk) are to be removed as they would be too close to the site entrance, along with hedgerow trees and shrubs providing low-level screening.
- 1.7 A Stage 1 RSA has been submitted with the application. The applicant has responded to the issue of pedestrians crossing the A281. The north side footway of the site access road will end before the new bell mouth where a crossing point would allow pedestrians to join the south side footway, which ends at Brighton Road. From there, an informal dropped kerb/tactile paving crossing point directly outside the site would allow pedestrians to cross Brighton Road and join the existing footway on the east side of the A281.
- 1.8 The dwellings would be arranged with allocated parking provided on private driveways and within double garages. It is intended to provide the affordable properties with 2 car parking space each, and the market properties with 4 spaces each. 4 unallocated visitor spaces would also be provided within the development, providing a total of 60 spaces for 20 dwellings. External parking spaces and garages will be of sufficient dimensions to provide for the allocated car and bicycle parking.
- 1.9 It is proposed to provide a Sustainable Urban Drainage System (SuDS) to reduce surface water run-off to a rate matching the current conditions and to improve water quality. The sustainable drainage system would include underground geo-cellular storage and an attenuation basin. Surface water would be discharged into an existing drain adjoining on the eastern boundary of the site.

- 1.10 The application is supported by a Design and Access Statement; Tree Survey and Arboricultural Implications Report; Stage I Road Safety Audit and Transport Statement; Ecological Impact Assessment; and Flood Risk Assessment
- 1.11 Negotiations between Officers and the applicant have secured various changes to the original proposal, including; reintroduction of a 3 bed bungalow in lieu of a 4 bed dwelling to improve the housing mix, relocation of the informal pedestrian crossing to the south of the site access; provision of pedestrian visibility splays either side of the access and widening of the radii of bell mouth to allow for larger vehicles; relocation of affordable housing for better integration with the rest of the development, architectural embellishments to the buildings; omission of the smaller swale to the southeast corner to enhance usability of the open space; ecological enhancements to the site perimeters; and retention of the copse in the southwest corner to better safeguard occupier amenities of Wymarks Farm House

#### DESCRIPTION OF THE SITE

- 1.12 The 1.85 hectare site is an open field of rough grassland with perimeter shrubs. Circular in shape, it is located to the west side of the A281 Brighton Road approximately 130m north of its junction with the B2116 Partridge Green Road. Levels across the width of the site gently fall from west to east by some 2 metres. There are two ditches on the north and east boundaries; currently, surface water is conveyed via a pipe culvert under the A281 and discharged to a local watercourse on the other side of the road.
- 1.13 The site is bounded to the south and north by a combination of post and rail fencing and hedging and low walling, which borders private drives serving residential dwellings to the south (the nearest is Wymarks Farm House), and a farm and residential dwellings (Barrack Cottages) to the north. Field-edge Oaks line the west and north boundaries (identified as 16-44 on the Tree Protection Plan), beyond are open fields. A pond exists in the northwest corner of the site; in the southwest corner is a copse of Aspen trees. The east boundary forms a frontage with the A281 Brighton Road; there are semi-mature trees to this boundary (T1, T2, T3, and T10) within, or close to, the mixed broadleaved hedgerow along the roadside.
- 1.14 The settlement of Shermanbury is located in a rural area, approximately 9 miles to Horsham town. Brighton Road (A281) is a classified single carriageway road, subject to a speed restriction of 40 mph in the vicinity of the site. There is no parish lighting on this section of road, with no footway on its west side. However there is a footway on the east side of the road which continues into Partridge Green, via a pedestrian refuge crossing point on Partridge Green Road (B2116). The site is approximately 1600 metres west of the centre of Partridge Green (some 20 minutes by foot), a 'Medium Village' defined in Policy 3 of the HDPF where some local amenities are located, including post office, primary school, GP surgery, recreation facilities, pubs, and some shops.
- 1.15 There are bus stops within 5 minute walk of the site, and additional stops within a 1 minute walk connecting the site to Brighton and Horsham. The nearest bus stops are on Brighton Road adjacent to Woodside Close and on Partridge Green Road next to 1 & 2 Cornerhouse. Public Right of Way 2378 linking Brighton Road to the moated Ewhurst Manor and countryside is some 112 metres south of the site.
- 1.16 The medieval moated site at Ewhurst Manor is Grade II Listed, a Scheduled Ancient Monument and an archaeological site, and The Gateway House is a Grade I Listed Building. Both are some 750 metres away southeast of the site. Morley Manor, a Grade II Listed Building, is some 500 metres to north of the site. Two further Grade II Listed Buildings, Nos. 1 & 2 Cornerhouse and Toll Cottage are to the south along Brighton Road. 1 & 2 Cornerhouse are 95 metres south of the site, Toll Cottage some 190 metres away.

- 1.17 In terms of planning policy constraint, the site is outside the defined Built up Area Boundary. The site is within Flood Zone 1, as defined by the Environment Agency. Site geology is in the Weald brick clay mineral safeguarding area, as defined by the Minerals Planning Authority.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990

### RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework (2019)**

#### **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 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 43 - Community Facilities, Leisure and Recreation

West Sussex Joint Minerals Local Plan (July 2018)

West Sussex Waste Local Plan (2014)

#### Supplementary Planning Documents

Planning Obligations and Affordable Housing (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Document: Air Quality & Emissions Reduction Guidance

### RELEVANT NEIGHBOURHOOD PLAN

Shermanbury Parish has provided a 'made' Neighbourhood Plan. The application site known as "Barmarks" is allocated under Policy 6: Housing Development of the Wineham and Shermanbury Plan (WASP) which was 'made' on 21 June 2017. The stipulations of Policy 6 are:

- The WASP provides for housing development to meet local needs, including affordable housing
- Residential development of the Barmarks site should be for at least 11 dwellings and up to around 20 dwellings
- The layout should provide for the retention of as many existing mature trees and hedgerows as possible;
- Access to the A281 should incorporate visibility splays to ensure safe egress and ingress for all vehicles, the splays to incorporate footways and provide for safe pedestrian crossing to the existing footway on the eastern side of the main road; and
- The layout should provide for the re-planting of the existing frontage hedgerow to the rear of the visibility splays.

Also considered to be relevant to the assessment of this application are the following Policies and Aims:

Policy 1: Flood Risk

Policy 2: Protect and Enhance Biodiversity

Policy 3: Heritage Assets

Policy 4: Location and Setting

Policy 5: Design

Policy 7: Density and Mix

Policy 10: Parking

Aim 1: Recreation Facilities

Aim 6: Affordable Housing: Serving the Needs of Existing Local Residents

Aim 7: Accessibility

Aim 8: Road Safety

Aim 9: Road Safety and Traffic Calming

## PLANNING HISTORY AND RELEVANT APPLICATIONS

A previous application submitted on the site in 2018 was withdrawn as all necessary surveys and for protected species had not been completed in advance to inform the planning process.

DC/18/0091

Development comprising of the erection of 17 residential dwellings, the creation of a new highway access and associated soft and hard landscaping

Withdrawn  
17-04-2018

### 3. OUTCOME OF CONSULTATIONS

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

Public notices were displayed in five locations not requiring the public to enter private land on 28 Dec 2018; opposite the application site, north of the site by the farm access and on the speed limit road sign; immediately outside of Barmarks Cottages, and on the bus stop pole sign adjacent to Woodside Close.

#### INTERNAL CONSULTATIONS

**HDC Housing:** Support. HDPF policy compliant

**HDC Drainage Engineer:** No objection

**HDC Waste Manager:** No objection

**HDC Arboricultural Team:** No objection

The scheme does not require the removal of any trees of especial or particular merit, and additionally will provide for, by way of the site layout, a harmonious relationship between the proposed built form and the existing trees thereon in accordance with BS 5837 'Trees in relation to design, demolition, and construction - Recommendations' (2012).

**HDC Community and Culture:** No objection

**HDC Landscape Architect:** No objection.

Revised plans and general layout improve quality of the amenity space.

**HDC Environmental Health:** Comment

No information about past uses that could pose potential risks to future occupants. No provision for residents to make low emission vehicle choices.

#### OUTSIDE AGENCIES

**Ecology Consultant:** No objection

Recommend Approval subject to conditions. Satisfied on impacts and mitigation. Ecological mitigation and enhancements welcomed.

**WSCC Highways:** No objection, following site visit.

Satisfied outstanding issues addressed and that safe and suitable access for all has been demonstrated in line with paragraphs 108 and 109 of the NPPF. Proposals are therefore not anticipated to result in an unacceptable residual impact to highway safety or capacity and there are no transport grounds to resist the proposal. If minded to approve, conditions should be secured: access, visibility, vehicle parking and turning, Construction Management Plan.

**Southern Water:** No objection.

**WSCC Flood Risk Management:** No objection.

Low flood risk from surface and ground water. No records of site flooding. No ordinary watercourses nearby. Drainage Strategy would meet NPPF requirements. Development shall not commence until SuDS maintenance and management set out.

**WSCC Minerals & Waste:** No objection.

#### PUBLIC CONSULTATIONS (summarised)

**Shermanbury Parish Council:** Objection

Objection on grounds of non-conformance with Policy 4 of Wineham and Shermanbury Neighbourhood Plan, and The Disability Act 1995:-

- Revised plans still fail to address safe pedestrian access to public transport and local amenities on existing inadequate footpaths, which are not compliant with standards.
- Applicant not attempted to influence West Sussex County Council (WSCC) with whom responsibility rests and WSCC has not recognised and addressed hazards associated with this new development.
- Particular issue is the footways and bus stops adjacent to the new development combined with an acknowledged problem of speeding on the A281.

- Speed Issues. WSCC acknowledges an average speed at 85 quartile of 48.9 mph in 40 mph zone, is an issue. Data obscures that 141 vehicles exceeded 65 mph over 7 days. Local residents attest to being passed at speed at this point on A281 whilst travelling at 40mph.
- Bus Stops. Bus stops north of the development can be reached on a 1 metre footway and obstructed from tree canopies. South bound bus stop is accessible across grass verge but north bound bus stop requires A281 to be crossed again to reach it. North bound bus stop sits on narrow 1m wide raised pavement in hedge which obscures much of it during summer. Bus stops to the south, situated on road to Partridge Green can be reached by existing eastern footway but this requires A281 to be crossed twice and use of narrow and uneven footway.
- School Children. The Parish receives complaints from parents concerned about safety of children waiting for school buses. New development will include school age children. North boundary bus stop adjacent to Woodside Close is we believe too dangerous for children to use, so close to speeding traffic and too narrow to provide safe distance from the kerb. Bus stops on Partridge Green road would provide a safer environment, as traffic speeds just before the junction with A281 are believed to be significantly slower than on A281. However frequent crossing of A281 to each bus stop and likelihood children will adopt a more direct route makes this journey across existing footways a concern.
- Disabled. The Disability Act sets out minimum standards for disabled access to new developments and the footways that connect to the new development are non-compliant. As previously illustrated both footways and bus stops are unsuitable for disabled individuals and their carers.
- Recommendations. The Parish propose a new footway is constructed on the western side of the A281 from the development into the Partridge Green road and the current bus stops, both of which have bus shelters. This proposal has been rejected by WSCC. Welcome solution to this issue through co-operation between WSCC, HDC and the Parish.
- Council acknowledges steps to introduce adequate screening between the development and properties to southeast corner. Conditions requested to ensure screening is sufficient to provide acceptable level of privacy and effectiveness of the planting assessed when planting has matured.

13 objections and 1 representation have been received from 14 different residential addresses which raise the following issues;

- No need or sustainable benefit for housing development in Shermanbury; as an 'unclassified' settlement no expectation the settlement should necessarily contribute to District wide requirement for housing. No requirement for any 3 bed houses in the Parish. Virtually no services in rural parish and lack of community infrastructure to support new housing.
- Lack of justification for overprovision of affordable housing based on HDPF Policy 16 as does not take into account WASP Policy 6. Last AiRS Housing Needs Survey in 2014 was limited to views of 33% of community. AiRS survey identified need for 2 affordable houses in first 5 years of plan and further 2 in following 5 years. That survey has not been updated since the Neighbourhood Plan (NP) was made. Evidence base should be reviewed to identify updated local housing need. The NP Examiner queried that the need was required to be provided from within Shermanbury parish itself. No development should start until unconditional funding is secured for the affordable housing.
- Overdevelopment. Density does not reflect sparsely populated surrounding area. Will erode sense of openness of our rural village. WASP envisioned no more than 14 bungalows on this site. Harmful precedent.
- Modern generic suburban estate design is not characteristic of height, scale, massing, vernacular, density, or type of dwellings within Shermanbury, which largely consists of

linear road frontage development and of bungalows and chalet bungalows like Woodside Close. Affordable housing is segregated rather than integrated.

- Proximity and height of new dwellings would result in unacceptable overbearing and overshadowing, and harmful loss of privacy to the living conditions and amenities of neighbours. Impacts exacerbated by removal of copse in southwest corner of site. Increased noise disturbance onto neighbours, especially during construction.
- Additional traffic generated by the development and increased numbers of pedestrians crossing Brighton Road would result in road traffic injury and fatality, on an already dangerous road where vehicles regularly exceed the speed limit. Traffic calming measures should be introduced. No safe or adequate pedestrian access to bus stops or crossing A281 to reach the existing footway. The entrance width to the development should be wide enough to allow for large vehicles. Insufficient parking spaces for residents or visitors is proposed.
- Inconsistencies between supporting application documents conceals fact that the visibility splays cannot be achieved. The NP Examiner noted the retention of existing mature trees and hedgerow was incompatible with formation of safe access onto A281.
- Disregard for existing ecology as preparatory site work started.
- Non-authorized parking in Woodside Close should not be allowed.
- No detail to energy source for development. Village is served by independent oil or gas.
- Application is an adversarial approach rather than listening to local concerns. Developer should attend site with community representatives to move toward consensus.

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

- 6.1 The main issues to consider in the determination of this application are the principle of the development in land use terms, having regard to identified housing need in the District; impact on the character and visual amenity of the locality; the appropriateness of the mix of dwellings proposed; the impact on the amenity of existing neighbouring occupiers and future residents; the impact of the development on the setting of the nearby Scheduled Monument and listed buildings; whether safe vehicular and pedestrian access can be provided to the site and the impact of the development on highway and pedestrian safety and; whether the development can be delivered without harming the interests of nature conservation, flooding and land contamination.

##### *Status of Neighbourhood Plan*

- 6.2 Once approved at referendum, a neighbourhood plan attains the same legal status as the Local Plan prepared by the local planning authority. At this point it comes into force as part of the statutory development plan. Decisions on planning applications must be made in accordance with the statutory development plan, and any other material considerations.
- 6.3 A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development. It must not constrain the delivery of important national policy objectives. At examination the Wineham and Shermanbury

Neighbourhood Plan 2017 (WASP) was judged by the Examiner to be in conformity with the Local Plan.

#### Principle

- 6.4 The site is located in Shermanbury parish which does not have a Built-up Area Boundary (BUAB) and, as such, it is considered countryside under Policy 4 of the HDPF. Policy 4 permits the expansion of settlements outside of Built up Area Boundaries only where they have been allocated in the Local Plan or within a made Neighbourhood Plan. In this case the development proposed is within the boundary of the site allocated under Policy 6 of the Parish Neighbourhood Plan, for residential development of at least 11 dwellings and up to 20 dwellings. This means the site is in conformity with HDPF Policy 4. As such, the principle of residential development in this location has already been established on this site through allocation under Policy 6 of the WASP.
- 6.5 A number of objections have been received relating to the number of houses proposed. Principally objectors have set out that less than 20 dwelling should be provided on the site as policy provides. The Parish's assessed need for dwellings over the plan period is also challenged. Objectors consider that this figure is incorrect and there is not a requirement for the amount of additional housing within the Parish.
- 6.6 In considering the acceptability of the proposed development it is necessary to assess the proposal in the context of the Policy 6 of the WASP which allocates the site for residential development. This development proposal is for 20 dwellings, and therefore the development is in conformity with criteria 2 and 4 of Policy 6 of the WASP. To have been included in the 'made' Neighbourhood Plan, Policy 6 had to be in conformity with the Local Plan, which includes HDPF Policy 3. Policy 3 addresses the need for development to be of an appropriate nature and scale to maintain the characteristics and function of settlements. The Examiner of the WASP therefore judged the allocation of 20 dwellings on the site to be in conformity with Policy 3. He reasoned that:-
- On balance, given the evidence available and taking account of community preference I consider that the Parish Council have made a reasonably pragmatic choice in identifying the 20-29 dwelling range ... It is not such a large number of houses compared to those which already exist that it raises a question of general conformity with the HDPF in the sense that it would affect the settlement function. ... If there is to be any affordable housing at all (as there are no exception sites) the minimum site size should be 11 dwellings (Para 3.13).*
- 6.7 HDPF Policy 15 sets out explicitly where provision will be made for at least 16,000 homes within the plan period (from 2011 to 2031), and that includes the provision of at least 1,500 homes allocated through Neighbourhood Planning.
- 6.8 This proposal would contribute towards the required 1,500 homes to come from Neighbourhood Planning. The site is the only allocated housing site in the WASP. The HDPF settlement hierarchy and the nature of the rural area means there is likely to be very little scope for 'windfall' development of any size to otherwise address the identified housing need in the Parish.

#### Affordable Housing and Dwelling Mix

- 6.9 Objectors consider that Policy 16 of HDPF should not be used to set the requirement for the amount of affordable housing within the Parish, but rather the evidence base of the WASP should be the determinant to the overall affordable housing need.

- 6.10 The Parish's 2014 AiRS housing survey identified a need for a contribution to the provision of affordable housing in the Parish. The Examiner of the WASP acknowledged this, but he went on to reason that, on affordable housing need:-
- As HDC's housing allocations policy is district-wide, account would have to be taken of wider availability ... The need identified in the AiRS survey is not, therefore, a determinant of the overall number of houses to be provided in the plan area (Appendix 1 Para 5).*
- 6.11 Moreover at para 5.8 of the WASP the Parish Council acknowledge that as the WASP covers up to 2031, the Parish Council propose to plan for a minimum of 7 affordable homes and a maximum of 10 affordable dwellings over the Plan period.
- 6.12 As previously explained, a neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development in conformity with Local Plan policy. It must not constrain the delivery of important national policy objectives.
- 6.13 One of the roles of the District Council is to enable and co-ordinate the provision of housing to meet local need. This includes affordable housing, which is provided for those who cannot afford to buy or rent on the open market. The Council seeks to maximise the supply of homes to meet the needs of local people, ensuring that all new residential development contributes to the supply of homes to meet that need in terms of size, type and tenure.
- 6.14 The District Council's Strategic Housing Market Assessment Update 2014 identified a net need for between 225 – 404 affordable homes per annum. The delivery of affordable housing as an important strategic development need. HDPF Policy 16 is one of the key mechanisms available to the Council to securing this.
- 6.15 HDPF Policy 16 sets out the District Council's affordable housing thresholds and targets for various types of residential schemes. This proposal is for 20 residential units and the Council will require 35% of the dwellings to be affordable. The proposal includes provision for 7 affordable units which satisfies the requirements of Policy 16.
- 6.16 The affordable units consist of 3 x 2 bed houses and 4 x 3 bed houses. Of these 4 units are to be rented housing and 3 units shared ownership. This represents a 60% affordable rented tenure and 40% shared ownership split.
- 6.17 The proposed affordable housing reflects unit size requirements and waiting list demands, particularly for smaller homes (2 and 3 bed properties), as set out in the Council Planning Obligations and Affordable Housing SPD (2017). The overall affordable housing tenure target is to provide 70% of the total as Social/Affordable rented properties and 30% as Intermediate/shared ownership properties.
- 6.18 The Planning Obligations and Affordable Housing SPD (2017) recognises that on smaller sites the Council may negotiate a revised mix having regard to the overall target and the site specifics, and in order to facilitate on-site delivery rather than commuted sums.
- 6.19 The Council's Head of Housing and Community supports the affordable provision. Elsewhere in the district there is evidence that Registered Providers are unwilling to offer on schemes with limited numbers of affordable units. In the case of this development proposal, a Registered Provider has expressed an interest in taking on these 7 units in the current tenure split. On this basis, Housing Officers support this tenure mix. Given this, it is considered that the proposed tenure split can be accepted in this instance. The provision of affordable housing on site would be a significant benefit to the scheme, both for the Parish and the wider district.

- 6.20 Policy 16 of the HDPF seeks to achieve a mix of housing sizes, types and tenures to meet the needs of the district's communities. The policy states that the appropriate mix will depend upon the established character and density of the neighbourhood.
- 6.21 The housing mix is for 3 x 2 bed houses, 8 x 3 bed houses and 1 x 3 bed bungalow, 6 x 4 bed houses, and 2 x 5 bed house.
- 6.22 The District Council's 2016 Market Housing Mix study recommends that rural housing schemes are weighted in favour of 1, 2 and 3 bed properties, as this is the greatest future demand across the Horsham District. This report also predicts that there will be only modest growth in demand for one bedroom dwellings.
- 6.23 Policy 7 'Density Mix' of the WASP supports housing developments which provide housing schemes weighted in favour of 3 or fewer bed properties. In this regard the WASP is in conformance with the Local Plan. The WASP sets out a preferred mix that reflects the need identified within the Parish: 26% for up to 2 bed; 35% for up to 3 bed; and 38% for 4 bed plus.
- 6.24 The proposed housing mix would be close to conformity with the WASP preferred mix. Although more 3 beds are provided than 2 bed properties, given the broad housing need identified in the Neighbourhood Plan, the proposed mix is considered sufficiently aligned to the requirements of the Neighbourhood Plan.

Impact on Landscape, Character, and the Visual Amenity

- 6.25 HDPF and WASP Policies require design to be in keeping with the prevailing character of the surrounding area by, amongst other things, responding to the heritage and identity of the local context.
- 6.26 The existing site forms a large parcel of land and the dispersal of the proposed built development across the site in a 'u-shaped' loop, is a response to the irregular circular shape of the site that is somewhat singular to the pattern of surrounding field boundaries.
- 6.27 The landowner has agreed to set aside in excess of 0.2 hectares of land within the site for wider community aspirations. This approach goes above and beyond the aspirations of WASP Aim 1: *Recreation Facilities* where the Parish Council will positively support development proposals which provide for communal amenity space. As a result, the layout of the proposed development has maximised the opportunity for amenity space provision at the front of the site, facing Brighton Road. This links up with the attenuation basin on the north east corner, to make best use of available land. The long term maintenance of these areas would be undertaken by a management company and secured by planning condition. A linear pattern of built development fronting Brighton Road, as proposed by some objectors, would not have maximised this opportunity.
- 6.28 More so, given the quantum of housing allocated for the site in Policy 6 is it difficult to foresee how the site could be developed as a foreshortened cul-de-sac like Woodside Close as some objectors suggest, mindful of the fact that Government instruction continues to be that development should maximise efficient use of land.
- 6.29 Following negotiations with Officers, the proposal layout has been amended to carefully locate and design the new development to retain sizeable landscape buffers to all the site boundaries. For the most part, views of the site would be relatively constrained by boundary vegetation, so confining the impact of the development to the immediate site surrounds and minimising its visual intrusion into the wider countryside.

- 6.30 However, glimpses of the site are available from various vantage points; the development would be visible from close-up views into the site from Brighton Road, permitting views of residential properties and associated paraphernalia, and thereby having a visual impact on what is currently a rural setting. These views would be more readily available during winter months, when the trees have lost their leaves. However the forward roadside position of the amenity space and the attenuation basin offers scope to soften the visual appearance of the access road when viewed from the A281. Having this space available allows for the planting of long living, ultimately large tree species such as Oak, as well as substantial reinforcement of thicket hedge planting of the development's frontage to minimise any resultant urbanising effect on the street scene. This would not have been achievable had a linear roadside frontage been proposed.
- 6.31 Objectors have asserted that the density of the development is not appropriate, and that the new housing should resemble the existing bungalows along Brighton Road, and in particular Woodside Close.
- 6.32 The new residential dwellings would sit in generous plots, characteristic of the area. The affordable housing element is at a higher density, but garden sizes would cater for future family needs. Taking the site allocation as a whole, the proposed development would exhibit a density of approximately of 10.8 dwellings per hectare (dph). Taking the net developable area of the site (approx. 1.07 hectares), the density would be 18.6 dph. Densities of existing house plots vary significantly throughout Wineham and Shermanbury Parish. It is notable that according to the WASP Woodside Close equates to 14 dph.
- 6.33 Officers recognise the settlement of Shermanbury consists primarily of a ribbon development of mostly post-war detached bungalows to the east of Brighton Road. Equally evident, however, is the presence a loose collection of period buildings strung out along the both sides of Brighton Road. These are mostly early 1800s buildings, some identified on historic Tithe Maps. This includes the early 19<sup>th</sup> century Barrack Cottages north of the application site. These buildings used local building materials in a distinctive vernacular and historic construction technique; brick or with tile hanging, reflecting local brick and sand production. These are almost exclusively two-storey in scale. Some are terraced, including Barrack Cottages. All are pleasing proportioned with characterful exterior treatments; good quality brickwork, with headers and dressings and small paned casement windows. Evidently, such buildings make a positive contribution to defining heritage and identity in the local context.
- 6.34 Conversely, by in large the bungalows along Brighton Road are less conformist to traditional local vernacular. The scale, roof form, and footprint of most including those of Woodside Close, are more exhibitivie of later era housing stock (albeit adapted over time) than locally distinctive tradition. Certainly the large pane picture windows and exterior rendered finish of most of these bungalows has little local reference. Whilst by their existence these modern bungalows contribute to the character of Brighton Road, it is Officer's view that new development should stride to reference exemplars of local vernacular. To this end, the building scale and architectural approach to the proposed development is considered correct and appropriate.
- 6.35 The exterior design of the new buildings strongly reference the historic traditions evident in the period buildings along Brighton Road, as does their two storey scale. The new 4 property terrace is the building of greatest scale. It would face Brighton Road, reflecting the linear arrangement of the modern era bungalows opposite. However its set back off from the roadside behind the attenuation basin, ensures the scale of this building would not appear intrusive in the street scene. Design embellishments to the new buildings enhances the scheme's 'sense of place'. Particular attention has been paid to repetition of traditional features, such as gauged brick head, dentil course and quoining. Ornamental ridge tiles and gabled finials are proposed to create individual expression and some variety in built form. Tiled roofs are largely fairly steep in pitch and brickwork and vertical tile hanging dominate

the facades to achieve a visual cohesiveness to the scheme. Chimneys and bargeboards impart a historic feel to the development whilst affording it its own distinct modern identity.

- 6.36 In summary whilst Officers are mindful of the views of objectors, it is considered the site can accommodate the 20 dwellings in the layout and design as it is currently proposed without substantial harm resulting to the character and visual amenity of the locality.

#### Impact of the Amenity of Existing and Prospective Occupiers

##### *Existing Occupiers*

- 6.37 Objections have been received over the potential amenity impact on neighbouring occupants. The nearest residential neighbours are to the south (Wymarks Farm House) and north (1-3 Barracks Cottages), with Boeingfield directly opposite on the east side of Brighton Road. Various agricultural farm buildings including a pole barn for tractor storage, exist adjacent to the site on the north site.
- 6.38 The domestic properties all currently enjoy an outlook across the area of land that would be developed. Due to the views available through the boundary hedges/trees, this outlook would, inevitably, be altered by the proposed development, particularly at night with the house lighting. There would also be a greater propensity for mutual overlooking.
- 6.39 The most sensitive relationship would be between new dwellings to the southwest corner with Wymarks Farm House. Impacts onto this neighbour would be exacerbated by the change in level between sites; the single storey dwellinghouse of Wymarks Farm House, is some 1 metre lower than the application site. It is not doubted that the physical presence of nearest new buildings would be clearly discernible to occupiers of Wymarks Farm House, even accounting for screening provided by the existing copse in the southwest corner.
- 6.40 However Wymarks Farm House is built so its principal habitable living space faces inward into its own private garden courtyard, which is due south of the application site, rather than outwards to the north. Those windows that do face north serve bathroom and hallway. Given the careful orientation of the new dwellings and the intervening garden distances, which are commensurate to those already established in the area, it is considered the separation distance between the new dwellings and Wymarks Farm House would be sufficient to negate adverse overshadowing and overbearing impacts, in line with the Council's design guidance. The intervening distances in relation to remaining neighbours to the north (Barracks Cottages), Waymarks Cottages to the south, and Boeingfield to the east are more generous still.
- 6.41 Due to the acceptable separation distances involved and the orientation of the development onto existing properties (the rear aspects of the new dwellings would face onto the driveway of Wymarks Farm House rather than its private garden), it is considered intrusive rear window-to-window overlooking and unacceptable loss of privacy onto neighbours would be avoided. Layout amendments to the proposed development have established a future screen of vegetation along the southern boundary which reduce amenity impacts further still; the existing copse is to be reinforced with additional tree and thicket planting.
- 6.42 Given the relationship of the new development onto existing properties, the comings and goings of vehicles or the use of the parking areas and rear gardens, would not result in unacceptable levels of disturbance to neighbours.

##### *Prospective Occupiers*

- 6.43 Each new dwelling is of a good size with good access to natural light and outlook, and each would have its own sufficient sized rear garden to cater for the needs of future occupiers. As

such the development has been designed in such a way so as to ensure a pleasant living environment for prospective occupiers.

- 6.44 In terms of noise impact, the Council's Environmental Health Officer has reviewed the scheme and does not consider that the location of the proposed dwellings to the A281 would result in adverse noise impacts for future residents of the site. Likewise the proposed development would not result in unacceptable levels of disturbance to future occupiers that could give rise to conflict with the activities of the working farm to the north of the site, and so avoid future pressures that may impinge upon its daily operations.
- 6.45 Concerns have been raised over the impact of construction works on the amenities of existing residents. A comprehensive Construction Environmental Management Plan (CEMP) is recommended by condition to help reduce noise, dust, and disturbance impacts during the construction phase. This would include limiting the hours of construction and deliveries, and control of the parking of contractors vehicles and storage of materials. The controls and measures of this CEMP would be sufficient to safeguard the amenities of existing residents.
- 6.46 Subject to this condition, the development is considered to avoid unacceptable harm to the amenity of occupiers/ users of nearby property and land whilst having regard to the sensitivities of surrounding development in accordance with Policies 32 & 33 of the HDPF.

#### Access, Parking and Highway Safety

- 6.47 Officers acknowledge that objections have been received relating to the potential for the development to increase traffic volumes to unacceptable levels and create safety implications for pedestrians seeking to cross the A281 to reach bus stops and other services. The Parish Council's concerns in relation to pedestrian access from the development site to local bus stops is recognised, as is their request that the developer provides for a continuous footway south on the western side of the A281 to link to Partridge Green Road.
- 6.48 Highway safety criteria within policy 6 of the WASP states that visibility splays for the access on to the A281, footways and provision for safe pedestrian crossing to the east side of the road should be provided at the safest point as advised by West Sussex County Council.
- 6.49 As well as the bellmouth site access, the developer has proposed a footway link and dropped kerb and tactile paving crossing facility directly outside the site on Brighton Road (A281). Following negotiations, information and clarification on the pedestrian visibility splays, location of speed counter and full swept path tracking diagrams have now been provided by the applicant. The corner radii of the proposed bellmouth junction have been increased to 8 metres to accommodate larger vehicles such as Refuse Collection and Fire Appliance. As a result of the modified access the pedestrian A281 crossing point has been relocated to the south of the access. A taper to the north of the access is also proposed to allow a Refuse Collection vehicle to exit the site and turn left, without encroachment on the opposite side of the carriageway.

#### *Accessibility & Sustainability*

- 6.50 Brighton Road is the A281, an arterial road subject to a 40 mph speed restriction in this location. It links to Cowfold, the A272 and on to the A23 to the north, and the larger village of Henfield to the south.
- 6.51 The Applicant has submitted a Transport Statement to support this application, and this concludes that the additional number of car movements is relatively small and therefore that it is unlikely to result in a material impact on the operation of the highway network. This report has been reviewed by Officers and WSCC Highways Officers who have raised no objection on this basis.

- 6.52 WSCC Highway Officers have analysed any anticipated increase in vehicular trips on the nearby road network; it is concluded that vehicular trip rates are anticipated to be approximately 90 movements over the 12-hour day with 12 two-way movements in the AM peak and 13 two-way movements in the PM peak. The peak hour movements equates to approximately one vehicle movement every six minutes. A sensitivity test has been undertaken using trip rates accepted under DC/17/2352, a proposal for 8 x dwellings in Cowfold. The resultant figures suggests that for 20 x dwellings 15 two-way trips in the AM and 11 two-way trips in the PM peak would be expected, equating to approximately one vehicle movement every four minutes in the AM peak and every six minutes in the PM peak.
- 6.53 WSCC does not consider that this increase in vehicular trips to the nearby road network would be considered 'severe' under paragraph 109 of the NPPF, and thus no capacity concern is anticipated as a result of the development.
- 6.54 The NPPF states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The area is semi-rural and it is likely that the private car would remain the main mode of transport. However, there is opportunity to utilise modes of transport other than the private car.
- 6.55 To that end, the developer has proposed a footway link and dropped kerb and tactile paving crossing facility directly outside the site on Brighton Road (A281). This will effectively enable pedestrians from the development to cross Brighton Road and join the existing footpath on the eastern side of the A281 (Nb there is no footpath to the western side of the A281). From there residents will be able to travel north on a continuous footpath to the bus stops near Woodside Close and to the south to the bus stops on Partridge Green Road. It is appreciated that the arrangement proposed by the applicant does require pedestrians to cross the A281 twice but these routes and crossing facilities are considered by the Highway Authority to be safe for all users, including disabled and children. It is recognised that the existing footway provision is 1 metre, at its narrowest, with little scope for improvement, and that a wheelchair user and ambulant person at their side requires 1.5m footway width. However the maximum width of wheelchair alone is 750cm and from observations on site the WSCC Highway Officer considers that a wheelchair user could be accommodated. The proposed crossing arrangement outside of the site has been the subject of a Stage 1 Road Safety Audit. The proposed footway link and pedestrian crossing points would be carried out as part of the access works under a S278/38 Agreement, technical details to be approved by the WSCC Implementation team, and following further Stage 2 and 3 Road Safety Audits.
- 6.56 Any request WSCC makes for mitigation through development needs to accord with the Community Infrastructure Levy Regulations 2010 and specifically regulation 122. This requires that any planning obligation sought must be:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 6.57 WSCC consider that the improvement proposed to the footway connection across the A281 is reasonable and is proportionate to the scale of the development. Conversely, WSCC believe the works proposed by Shermanbury Parish Council to construct a footpath to the western side of the A281 to connect the site to Partridge Green Road do not meet the test of being fairly and reasonably related in scale to the development, nor necessary to make the development acceptable, especially given the alternative works as proposed by the applicant are considered to also facilitate a safe and convenient route from the site to local bus stops. Therefore, in light of this WSCC as Highway Authority are not seeking the footway improvements suggested by Shermanbury Parish Council. WSCC officers have advised that an alternative route to securing the necessary funding for these works could be via the Community Highways Scheme route or Community Infrastructure Levy. It is important to note

that WASP Policy 6 explicitly requires safe crossing to the eastern footway, as the applicant has done; what Policy 6 does not stipulate is that the creation of a footway on the west side of Brighton Road is necessary to make development of this site acceptable. WASP Policy 4 is an overarching policy related to the location of development within the Parish more generally, rather than this specific site allocation.

- 6.58 Notwithstanding the assessment of the impact of the development by WSCC Highways Officers, HDC planning officers consider that the development would necessitate upgrades to the bus stops on the A281 as they are currently of a poor quality with no dropped kerb access across the A281 and with a small set down area. A contribution to upgrade these stops is considered to accord with legal planning obligation tests and criterion of WASP Policy 4, which stipulates the location and siting of new development in the Parish should achieve a safe and accessible environment that enables non car modes of travel that meet the needs of users. The applicant has subsequently agreed in principle to fund improvements to the north bound stop opposite Woodside Close, mindful of its rural context and limited verge space. This is will be secured by S106 legal agreement.
- 6.59 Subsequent to this, WSCC have advised that they would like to see crossing points, a wide hardstanding with sufficient drainage, and if at all possible a shelter. However WSCC want to ensure the bus operators who provide a service at these stops are consulted to understand there no plans to alter the routes or services before these commitments are made. The Parish will be responsible for maintaining any bus shelter and agreement with them will need to be sought also. Finally, for a bus shelter to be located on the public highway, permission must be sought from the WSCC Area Highway Manager. Members will be updated on these matters at the Committee meeting.

#### *Highway Safety*

- 6.60 WSCC Highway Officers acknowledge the speed survey highlights that there is an existing speeding issues on this section of the A281. The applicant carried out a seven day Automatic Traffic County speed survey between 9 and 15 March 2018. The speed counter was located approximately 90 metres to the north of the proposed site access at of existing 40mph roundel markings. From an inspection of the achievable visibility splays WSCC Highway Officers consider that the location is representative of the speeds on this section of Brighton Road and thus that the supplied 85<sup>th</sup> percentile speeds and visibility splays demonstrated to meet these are acceptable.
- 6.61 When calculating required visibility splays, WSCC use the speed at which 85% of vehicles are travelling over 7 days. Using the highest 85% speed on the Parish's speed survey this would be 48.9 mph, although it is noted this is the 85% average over 4 days and not the usual 7. When reducing for wet weather by 2.5 mph, as per relevant highway standards, this would result in 46.4 mph which equates to a required splay of 129.4 metres. WSCC Highway Officers also note the Parish speed surveys were taken further north and south of the site where the road alignment is straighter and thus slightly higher speeds would be expected. Notwithstanding the assessment of the impact of the development by WSCC Highways Officers, HDC planning officers consider that the anecdotal evidence of speeding would necessitate a contribution toward additional speed signage, and that this is considered to accord with legal planning obligation tests and criterion of WASP Policy 4, which stipulates the location and siting of new development in the Parish should achieve a safe and accessible environment that enables non car modes of travel that meet the needs of users. The applicant has subsequently agreed in principle to additional speed signage. This is will be secured by S106 legal agreement.
- 6.62 The applicant has demonstrated that 154.1m is achievable to the south which is equivalent to speeds of 51.45 mph and 142.3m north which is equivalent to 49.10 mph. Stopping Sight Distance (SSD) in excess of what would be required for the 85<sup>th</sup> percentile speeds of 48.4

mph northbound (southern splay) and 45.7 mph southbound (northern splay) is therefore achievable without passing through third party land. When the Highway Authority officer visited the site, no obvious concern with visibility on site was observed, both in forward visibility, stopping sight distance and in crossing the road.

- 6.63 Pedestrian visibility splays are also to be provided either side of the proposed site access, following a request from WSCC Highway Officers who consider that with the revised geometry and inclusion of the taper to the proposed site access, pedestrians travelling to/from the site utilising the proposed tactile paving crossing point would also be visible to cars exiting the site. These splays should thereafter be kept free of all obstructions over a height of 0.6 metres above the adjoining highway level.

#### *Servicing & Internal Layout*

- 6.64 Sufficient space would be made available within the garages or rear gardens of properties to provide suitable facilities for the storage of refuse/recycling bins. The LHA is satisfied the proposed garages meet their standards, which all have rear access so refuse can be stored in the rear garden to wheel through on day of collection to kerb site. Refuse collection will take place within the site with collection points at appropriate locations in line with guidance within Manual for Streets.
- 6.65 The kerb radii of the proposed bell mouth access has been increased to 8 metres to accommodate larger vehicles, such as refuse collection and fire tender. Amended swept path tracking diagrams with the increased kerb radii demonstrate the required manoeuvres for all vehicles to and from Brighton Road are achievable without crossing the centre line of the A281 carriageway, and that two cars can pass in the access. Turning on site has also been demonstrated so vehicles can exit onto the public highway in a forward gear. As a result of the modified access the pedestrian crossing point has been relocated to south of the access. Whilst justification was previously provided for the crossing point to be positioned north of the access, a comparable level of pedestrian connectivity is retained and a pedestrian crossing point within the site also provided.
- 6.66 Adoptable estate roads would require technical approval with the WSCC Implementation team via a S278/38 agreement. In this instance, the shared surface street arrangement is considered by the LHA as acceptable.

#### *Car & Cycle Parking*

- 6.67 The car parking demand has been estimated on the proposed housing mix of affordable dwellings and open market. The layout indicates that houses will have their own garages and external allocated spaces as well as unallocated visitor parking. Using the mix of habitable room, proposed parking allocation, tenure type, ward and nearest neighbouring wards the Highways Authority has assessed the parking demand as 58 spaces (with 4 of these being unallocated visitor spaces). Considering that 60 spaces are to be provided total across the site the Highways Authority are satisfied with the proposed parking provision. This is an appropriate level of parking across the site to avoid overspill parking in the local road network.
- 6.68 WSCC highways officers have advised that external perpendicular car parking spaces should measure 2.4m by 4.8m, parallel bays should measure 3m by 6m. The plans indicate that double garages will be sufficient dimensions (6m by 6m) to provide for allocated car and bicycle parking. Bicycle parking should be provided in line with WSCC standards with two spaces provided per 3+ bedroom houses and one space per 1 and 2 bedroom houses. Sufficient space would be made available within the garages or rear gardens of properties to provide suitable facilities for the storage of cycles.

- 6.69 The Council's Environmental Health Officer has requested facilities for charging plug-in and other ultra-low emission vehicles should be incorporated in accordance with HDC's planning advice. This recommends standard mitigation for residential developments of 1 eV charging point per residential unit where there is a private drive/garage. In this instance given the main A281 north runs through the Cowfold Air Quality Management Area it is considered that a condition should be secured in the event permission is granted to secure a suitable provision for electric vehicle charging within the development.

#### *Construction Traffic*

- 6.70 Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Brighton Road and construction vehicles will utilise main routes on the arterial road network. A comprehensive construction management plan should be submitted. This should set out the controls to be implemented throughout the construction project to ensure that safety of users of the public highway, as well as its operation, is not detrimentally affected. The construction management plan should amongst other things set out how deliveries are to be managed along the nearby road network. Deliveries should be taken outside peak hours where possible to reduce the impact of construction traffic on the public highway network.

#### *Summary*

- 6.71 The LHA are satisfied that there are no grounds to resist the application on highway network capacity, and that amended plans have overcome the concern identified in the Stage 1 Safety Audit so that highway safety will no longer be impacted; the applicant has demonstrated that suitable visibility to recorded speeds is achievable. For these reasons the proposed development would have an acceptable impact on highway capacity and/or safety, in accordance with HDPF Policies.

#### Trees

- 6.72 All four of the semi-mature tree specimens on the eastern boundary are to be retained. The proposed site access has been placed roughly equidistantly between Oak trees T1 and T2. Where works are required within the root protection areas (RPA's) of these trees, manual excavation is proposed; this is reasonable and satisfactory. A number of trees and shrubs forming the hedgerow will need to be removed and/or maintained at a reduced height to allow safe site access, but the Council's Arboriculturist raises no objection to this; the visual impact of removal will be offset through both replacement planting and continued growth of the remaining tree belt. The hedgerow overall would benefit from some management and infill planting in some parts.
- 6.73 The important large trees on the western and northern boundaries are to be retained. By placing the access roadway along the western boundary close to the trees (though outside their respective RPAs) future residential post development pressures on trees to the west should be avoided.
- 6.74 The tree belt along the northern boundary of the site will overhang the three plots in this area (plots 1, 9, and 11); however, as the trees are to the north of the plots future pressure for surgery or felling on shading grounds is not likely. The copse in the south-west site corner (G3) consists of young, drawing up and mutually suppressed Aspen trees, reflecting poor horticultural management in the past. Nonetheless, this will be retained and reinforced with new planting.
- 6.75 Physical protection of the trees on the site during the construction process would accord with the relevant British Standard and are satisfactory.

- 6.76 Overall, this proposal shows a suitable and satisfactory level of respect for the principle trees around the site, allowing retention and protection from harm both during the construction period and subsequently in accordance with the requirements of the WASP and HDPF.

#### Ecology

- 6.77 WASP and HDPF policies require that development must maintain and enhance biodiversity. With regards to designated sites, protected and priority species and habitats, the applicant has undertaken ecological surveys to establish the impact of the proposed development on protected species and their habitat.
- 6.78 The Council's consultant Ecologist considers these surveys reliable and suitable to inform appropriate mitigation strategies. Reasons behind reduced survey effort on reptiles and bats have been clarified and considered acceptable by the Council's Ecologist in this instance.
- 6.79 The Council's Ecologist is equally satisfied with the information on impacts and mitigation, and welcomes ecological enhancements identified in the Ecological Impact Assessment. Mitigation includes creation of nesting tree and scrub habitat along the south boundary. This is to protect the bat roosting potential of trees T45 and T46 and improve connectivity of the site to the wider landscape. The importance of the site for the Barbastelle bat is noted and an appropriate lighting strategy can be secured by condition.
- 6.80 Through consultation with the Council's Ecologist it is considered the site could be developed, as any harmful impacts of the development on protected species and their habitat could be adequately mitigated, subject to the inclusion of appropriate conditions.

#### Contamination

- 6.81 The land, the subject of this application has been used for farming in the past and, accordingly, the Head of Environmental Health has advised that conditions would need to be included on any consent requiring the applicant to undertake investigations prior to commencement of development and submit the results to the Council for consideration/approval.

#### Drainage

- 6.82 The proposed surface water drainage strategy incorporates the use of Sustainable Drainage Systems and allows for the potential effects of climate change. It is proposed to discharge to the existing drainage ditch at the east boundary at a controlled rate to match current run-off conditions, with surface water attenuated above ground in a dry basin also at the east boundary. This basin will also receive water flows from the other attenuation device, a geocellular storage, at the south east boundary. Both are at the natural low points, reinforcing existing drainage patterns.
- 6.83 As the attenuation basin would be dry most of the year, Officers believe its presence allows for an opportunity to maximise the multi-functional uses of the land, through an appropriate design that secures additional amenity objectives. This ambition constitutes best practice and is underpinned by paragraph 10.1.1 of the SuDS manual (2015). To enable the ambitions of the basin area to be designed for amenity and multi-functionality to be truly achieved, would involve shallow profiled batters around the basin edge to avoid being excessively deep or steep and to allow natural play space to integrate more safely with the basin. The final outcome of which would be subject of continued negotiations with Officers through the imposing of a condition on any permission.
- 6.84 The site is located in Flood Zone 1, the lowest possible risk of flooding. The Council's Drainage Technician has confirmed the proposed drainage strategy is acceptable and

appropriate and that the final details could be controlled through condition. Subject to this condition, the new development should not increase the risk of run off from flooding either on site or elsewhere and so it accords with WASP Policy 1 and HDPF Policy 38.

#### Designated Heritage Assets and Archaeology

- 6.85 The site is very self-contained bound within mature field boundaries, with no direct line of sight to any of the Listed Buildings in the vicinity. 1 & 2 Corner House are the Designated Heritage Assets closest to the application site, and even these are some distance to the south of it with the heavily vegetated Brighton Road between. There is no direct line of sight into or out of the site of Ewhurst Manor. Therefore, due to the siting of the proposed development and the separation distances involved there would be no detrimental impact on the setting and significance of any nearby Designated Heritage Assets (and the relevant statutory tests related to their settings have been satisfied).
- 6.86 The application site is not identified in Council records as a site of archeological sigificance. The submitted desk-based archaeological assessment has established there is low to moderate potential for finding archaeological remains on the site. Nonetheless, the submitted assessment recommends that given the possibility that archaeological remains may be present, a programme of archaeological work is undertaken by way of condition on the planning approval. Accordingly a watching brief condition will be imposed.

#### Mineral Safeguarding

- 6.87 Weald Brick clay is abundant in the wider area. The applicant has explained prior commercial extraction is neither practicable nor environmentally feasible, especially with immediately adjacent residential properties. This is an allocated site for housing and prior extraction would have some impact upon viability of future built development. This is accepted by Officers and the County Planning Authority raises no objection on the grounds of impact on mineral resources.

#### Conclusion

- 6.88 The site is allocated in the 'made' Neighbourhood Plan for up to 20 dwelling units, contributing the District Council's 5 year housing land supply.
- 6.89 This proposal would inevitably change the character of the site and its immediate surroundings, however any harm is considered to be limited by virtue of the layout of the proposed dwellings on the site and the proposed landscape buffers to the perimeters of the site. Overall the proposed development would be of a layout and design that would benefit from its own distinctive identity whilst not adversely harmful to the established character of Shermanbury. The proposed development will deliver seven affordable units on-site as well as convivial amenity space for the benefit of all those in Shermanbury.
- 6.70 Taking all matters into account, the proposal is considered to represent a sustainable form of development. There are several material considerations that weight in favour of development, including the contribution the development would make toward housing supply in Shermanbury Parish and the wider district, and the capacity within the local highway network to safely cater for the development. The details provide assurance that the development would maintain a good level of amenity for adjacent residents and for future occupiers, and would be capable of providing sufficient on-site parking, with no harmful impact on highway safety. It is considered no material harm would arise onto other material planning considerations, including, ecology, drainage, and designated Heritage Assets.

- 6.71 For these reasons the proposed development is recommended for approval in compliance with the relevant policies of the HDPF and WASP Neighbourhood Plan, and subject to a S106 agreement to secure the necessary provision of on-site affordable housing.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	3118	0	3118
<b>Total Gain</b>			
<b>Total Demolition</b>			<b>0</b>

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## 7. RECOMMENDATIONS

That planning permission be approved, subject to the completion of a S106 agreement to secure the provision of on-site affordable housing and the following conditions:

#### Conditions:

1. **Regulatory Condition:** Approved Plans List
2. **Regulatory Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
  - (a) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - Potentially unacceptable risks arising from contamination at the site.
 The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
  - (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
  - (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

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

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

Reason: As this matter is fundamental 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).

- 4. Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for, but not be limited to:

- i. Details of how residents will be advised of site management contact details and responsibilities
- ii. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), erection and maintenance of security hoarding, and storage of plant and materials (including any stripped topsoil)
- iii. Details regarding parking of site operatives and visitors, deliveries, and storage;
- iv. The method of access to and from the construction site
- v. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- vi. Locations and details for the provision of wheel washing facilities

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 5. Pre-Commencement Condition:** No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved, in writing, by the local planning authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the developer has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the local planning authority. Works shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy 34 of the Horsham District Planning Framework (2015).

- 6. Pre-Commencement Condition:** No development shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal by way of a Sustainable Drainage System (SuD) methodology and an assessment of the hydrological and hydrogeological context of the development that would also restrict surface water draining onto the public highway has been submitted to and approved in

writing by the Local Planning Authority. The submitted details shall include a SuDS management plan and be fully coordinated with the landscape scheme. The SuDS drainage strategy so approved shall be completed prior to the occupation of the dwelling houses hereby permitted.

Reason: As this matter is fundamental to ensure that the development is properly drained and in the interests of road safety to comply with Policies 38 and 40 of the Horsham District Planning Framework (2015).

- 7. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and doors, and roofs of the buildings and a statement setting out details of the window headers and cills, quoining, chimneys, bargeboards, dentil course, ornamental ridge tiles and gabled finials, has been approved by the Local Planning Authority in writing. Only the materials and details so approved shall be used in the construction of the buildings.

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 buildings of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 9. Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of existing and proposed levels and cross sections of the attenuation basin, and associated topsoil stripping, storage and re-use on the site
- all retained and proposed planting and seeding, including schedules specifying species, planting size, densities and plant numbers, and tree pit and staking/underground guying details
- all hard surfacing materials and finishes; layout, colour, size, texture, coursing, levels, markings to parking bays
- all boundary treatments; location, type, heights and materials

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to achieve a satisfactory dry attenuation basin area that functions as part of useable amenity space with appropriate landscaped buffers along the site boundaries to ensure a satisfactory development sympathetic to the street scene of Brighton Road and to safeguard the character of Shermanbury, in accordance with Policy 25, 32, 33, 34 33 of the Horsham District Planning Framework (2015).

- 10. Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a landscape management and maintenance 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).

- 11. Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce 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).

- 12. Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 13. Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of bicycles, refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of bicycles, refuse and recycling facilities in accordance with Policies 32, 33 & 41 of the Horsham District Planning Framework (2015).

- 14. Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces (including garages where applicable), turning and access facilities necessary to serve it have been constructed and made available for use in accordance with the approved drawings. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 32, 33 40 40 of the Horsham District Planning Framework (2015).

- 15. Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until the vehicular access serving the development has been constructed in accordance with the drawing titled Proposed Site Access Junction and number 70035978/SK/001/I. The proposed site access shall provide for visibility splays of 2.4 metres by 142.3 metres to the north and 2.4 metres by 154.1 metres to the south have been provided at the proposed site vehicular access onto Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 16. Pre-Occupation Condition:** No dwelling where there is a private drive/garage shall be first occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 17. Pre-Occupation Condition:** No dwelling shall be first occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and to allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 18. Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 19. Regulatory Condition:** All works shall be executed in full accordance with the approved Arboricultural Implications Report Jan 2019 by SJA trees Arboricultural Planning Consultants.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015).

- 20. Regulatory Condition:** All works and all mitigation and enhancement measures shall be executed in full accordance with the details contained in the approved Ecological Impact Assessment RIV21488 REV R2 dated 18.02.19 by ACD Environmental.

If the development does not commence within 2 years from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of Protected and Priority Habitats and Species and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure the successful and satisfactory protection of Protected and Priority species in accordance with Policy 33 Horsham District Planning Framework (2015) and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 21. Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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

- 22. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto 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 new development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 23. Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending

or revoking and re-enacting the same, no development falling within Class B of Part 1 of Schedule 2 of the order shall be constructed on the dwellinghouses hereby permitted without express planning permission from the Local Planning Authority first being obtained.

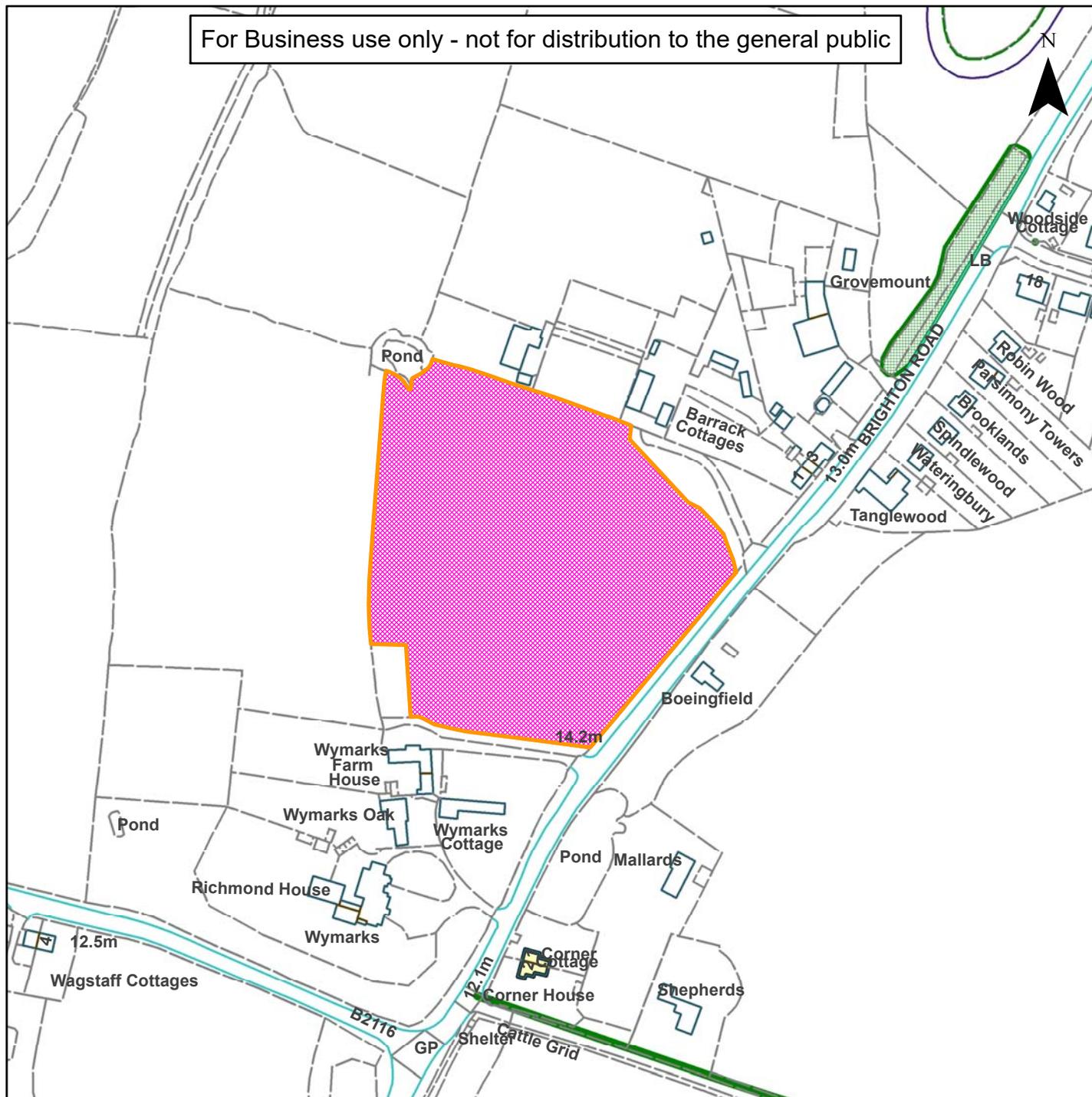
Reason: In the interest of visual amenity and to protect the amenities of adjoining residential properties from loss of privacy in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/2514

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Comments	
Date	07/03/2019
MSA Number	100023865

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## **AGENDA ITEM 6 – DC/18/2514**

### **Land West of Brighton Road Shermanbury**

#### **Highway Infrastructure Improvements:**

Following further negotiations, HDC officers have secured the applicant's agreement for the following highway infrastructure improvements:-

- Additional speed warning or regulatory signage on new sign posts along Brighton Road
- Upgrade of the north bound bus stop with hard standing and new post with sufficient drainage and a dropped kerb tactile paved crossing opposite Woodside Close
- A contribution of £30,000 toward a standard bituminous footway with kerbing/edging and a dropped kerb tactile paved crossing on the west side of Brighton Road, to link the site to Partridge Green Road on the B2116.

HDC Officers believe the above highway improvements agreed by the applicant accord with the legal planning obligation tests set out in the CIL Regulations 2010 and the criterion of Wineham and Shermanbury Neighbourhood Plan Policy 4.

On this basis, your Officers believe this is a successful solution to the issue of accessibility and sustainability through co-operation between parties, as advocated by the Parish.

#### **Amended Officer Recommendation:**

The officer recommendation is amended to reflect the inclusion of the above highway infrastructure works:

*To delegate authority to the Head of Development to grant planning permission subject to the completion of a S106 agreement to secure the provision of on-site affordable housing and highway infrastructure improvements, and appropriate conditions.*

*In the event that the legal agreement is not completed within three months of the decision of this committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms*

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South  
**BY:** Head of Development  
**DATE:** 19<sup>th</sup> March 2019  
**DEVELOPMENT:** Conversion of garage into habitable living space C3 use  
**SITE:** 7 Allfreys Wharf Pulborough West Sussex RH20 2BN  
**WARD:** Pulborough and Coldwaltham  
**APPLICATION:** DC/18/2589  
**APPLICANT:** **Name:** Ms Donna Hawes **Address:** 2 Cobbs Mill Mill Lane Sayers  
Common West Sussex BN6 9HN

**REASON FOR INCLUSION ON THE AGENDA:** More than eight letters of representation have been received contrary to the Officer recommendation

**RECOMMENDATION:** Approve subject to conditions

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

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for the installation of a front and rear rooflight and a rear window to the existing garage. These alterations facilitate the conversion of the attached single garage to additional accommodation associated with the domestic occupation of 7 Allfreys Wharf.

1.3 It should be noted that planning permission is only required for the external alterations. Planning permission is required for the roof light and window as permitted development rights were removed for any external alterations to the dwelling under the original planning permission. No such rights were removed for the conversion of the garage into living accommodation, and therefore this could be carried out without the need for planning permission.

### DESCRIPTION OF THE SITE

1.3 Allfreys Wharf is a modest cul-de-sac to the south of Lower Street comprising of 8 dwellings and associated garaging. Development on Allfreys Wharf is of a circa 1995 construction (following application PL/5/94), and possesses a principally uniform modern character. No.7 is a two storey dwelling, linked to No.8 by attached single garaging. The application property principally comprises of stock facing brickwork, concrete tiling and typical brown uPVC

windows/doors. The property incorporates red brick window surrounds and quoins as decorative detailing; consistent with other detailing in the Allfreys Wharf development.

- 1.4 The application site is located within the defined built-up area of Pulborough and sited approximately 15m south-east of the Pulborough Conservation Area.
- 1.5 The property provides sheltered accommodation for vulnerable persons. The property currently accommodates four vulnerable persons with a single live-in carer. Occupiers share ground floor communal spaces; lounge, living room and dining room in addition to shared garden spaces. Some bedrooms benefit from a dedicated en-suite, but other first floor bedrooms share bathroom facilities. The in-house carer assists vulnerable occupiers with healthcare, household chores and cooking.
- 1.6 A C3 use is defined under The Town and Country Planning (Use Classes) Order 1987 as “a dwellinghouse (whether or not as a sole or main residence) –
  - (a) By a single person or by people living together as a family, or
  - (b) By not more than 6 residents living together as a single household (including a household where care is provided for residents).”
- 1.7 The use of the dwelling for sheltered accommodation has previously been confirmed to fall within a C3(b) use class under a lawful development certificate previously issued under application DC/11/0699. The proposal would increase the total possible occupancy of the property to 6 persons through the provision of an additional bedroom. It is considered, therefore, that the application currently before the council would not introduce a level of occupancy constituting a material change of use from the existing C3(b) use class.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework**

#### **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 18 - Retirement Housing and Specialist Care  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities

#### **Pulborough Neighbourhood Plan:**

Pulborough Parish has been designated as a Neighbourhood Plan Area (regulation 7) on 25<sup>th</sup> February 2014. The Council continues to work with local stakeholders to progress the Neighbourhood Plan to draft stage.

## PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/11/0699	Use of property as a domestic dwelling with an element of care provided (Lawful Development Certificate - Proposed)	Application Permitted on 07.06.2011
DC/06/2815	Fell 2 Sycamore trees	Application Permitted on 10.01.2007

### 3. OUTCOME OF CONSULTATIONS

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

#### EXTERNAL CONSULTATIONS:

##### **WSCC Highways:** No Objection

- 3.2 The Local Highways Authority (LHA) considered that the proposal would not result in a severe impact on the public highway and that there are no transport grounds to resist the proposal. The LHA Officer highlighted the WSCC car parking standards of two spaces for a dwelling of this size and location, but further noted that the existing garage is not utilised for parking purposes. The LHA invited the Local Planning Authority to consider the availability of on-street parking from an amenity perspective.

#### PUBLIC CONSULTATIONS

##### 3.3 **Pulborough Parish Council: Objection**

Parish Councillors considered that the proposal would not be keeping with the area and would have an impact on parking in the area. It was further highlighted that impacts on trees should be considered.

#### PUBLIC REPRESENTATIONS:

- 3.4 11 letters of public representation were received in objection to the proposal. The main material grounds for objection can be summarised as:-
- Insufficient off street parking provision and resulting impacts on highway operation and parking availability
  - Likely intensifications of use resulting from additional accommodation
  - Possible enhanced disruption to highway operation/parking availability due to temporary construction traffic
  - Overdevelopment
  - Proposed front rooflight would not be in keeping with the design of the Allfreys Wharf 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

### Principle of Development:

- 6.1 Policy 3 of the HDPF sets out the spatial strategy for the District, and provides that development will be permitted within towns and villages that have defined built-up areas. Any development within a built-up area must be of a nature and scale that would maintain the settlement characteristics of its respective settlement.
- 6.2 The application site is located within the built-up area of Pulborough and in close proximity to local shops, services and amenities. The site, therefore, is considered a sustainable location for development as defined by the relevant spatial policies of the HDPF. Policies 18 and 42 of the HDPF would encourage the adaptation of the existing built environment to provide additional specialist care accommodation, where sustainably located relative to local services/amenities.
- 6.3 As formally approved under DC/11/0699, the application property falls into a C3 use class with the current and proposed levels of accommodation consummate with a C3(b) use (up to six people living together as a single household and receiving care) as defined under The Town and Country Planning (Use Classes) Order 1987. Whilst it is recognised that the application property is occupied in a relatively unique manner, the proposed development should be assessed within the context of a lawful use. Policies 18 and 42 would offer support to the provision of additional specialist accommodation, in principle, and it is contended that such policies would apply to supported housing accommodation defined under a C3(b) use.
- 6.4 The provision of a single additional bedroom through conversion would not be considered an unacceptable intensification of use within a built-up area, and therefore, it is considered that there would be no in principle policy objection to the proposed development; subject to all other material considerations.
- 6.5 It should also be noted that planning permission is not required for the conversion of the garage into habitable accommodation, and therefore it is unreasonable to object to its conversion.

### Character, Design and Appearance:

- 6.6 Policies 32 and 33 of the HDPF (2015) stipulates that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.
- 6.7 The proposed development would not seek to increase or alter the external footprint of the application property. The proposal would retain the existing garage door fronting onto Allfreys Wharf, whilst the only publicly appreciable alteration would be the installation of a front facing rooflight. Whilst it is acknowledged that no such similar example exists elsewhere in the Allfreys Wharf development, this constitutes a minor alteration within the context of the public realm and would not be deemed harmful to the modern suburban character of the development. Furthermore alterations to the rear would not be perceptible from relevant public perspectives, and therefore would have a minimal influence on the character and appearance of the dwelling and surrounding environment. It is considered that the quality and character of the Allfreys Wharf development would remain substantially unaffected by the proposal, and therefore, the relevant criteria of policies 32 and 33 would be satisfied.
- 6.8 A condition requiring the use of materials designed to match the colour and texture of existing materials No.7 is recommended in this instance to ensure a consistent appearance/finish with the existing dwelling and surrounding development.

#### Neighbouring Amenity:

- 6.9 Policy 33 of the HDPF provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land.
- 6.10 The proposal would involve the introduction of a single rear facing window and half gazed door. Both of these elements would be positioned in relative proximity to the common boundary with No.8 although orientated towards the direct east. As these elements would be at single storey level they would not result in overlooking and would not result in any unacceptable loss of privacy to the occupiers of No.8. It is, furthermore, noted that both elements would only marginally project above 1.8m, and therefore, any vantage over neighbouring land would be significantly impeded by the presence of typical boundary treatments.
- 6.11 The proposal would not be considered to have any wider influence on the amenities of other nearby occupiers in terms of overbearingness, loss of privacy and/or natural light.
- 6.12 It is noted that neighbouring representations have sought to highlight the proximity and impact of existing trees on the amenities of No.8, however, it should be noted that these trees are not subject to this application and, therefore, not a material consideration in the determination of this application.
- 6.13 As outlined above, with the conversion of the garage, the use of the property would still be classed as dwellinghouse within Class C3. As such, planning permission is not required for the use of the garage as an additional bedroom. Consequently, the use of the property and any resulting impact in terms of increased noise is not a material consideration in the determination of this application. Notwithstanding, the use of this dwelling by 6 people is considered appropriate and commensurate to the use of the property by a large family.

#### Highway Operation and Parking:

- 6.14 Policy 40 of the HDPF stipulates that transport access is crucial to the performance of the local economy. Development will be supported if appropriate in scale to existing transport infrastructure and located in areas with a choice of modes of transport available. Development must provide safe and suitable access for all highways users, including pedestrians, vehicles and cyclists.
- 6.15 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.
- 6.16 As noted above, planning permission is not required for the conversion of the garage into habitable accommodation. As such, parking and highway implications are not a material consideration in the determination of this proposal.
- 6.17 Notwithstanding this the existing garage measures 7.8m in depth and 2.8m in width. The applicant has confirmed that the garage is currently utilised for storage purposes, and therefore, makes no contribution to the property's parking availability. The dwelling otherwise benefits from a single off-street parking space.
- 6.18 It is acknowledged that a single dedicated off-street car parking space would fail to satisfy the calculated demand of two off-street spaces for a 6 bedroom dwelling, however, this would remain the case for the 5 bedroom dwelling at present. The provision of a single additional

bedroom would not be considered to result in a significant intensification of parking demand, and as such, is not deemed a material change from the current arrangement.

- 6.19 It is recognised that several neighbouring representations have sought to highlight inadequacies in the current parking arrangement, however, there is some availability of on-street parking in the vicinity of the application site and no relevant parking restrictions on Lower Street. Furthermore the use of public transport is a viable alternative to the use of the private car in this location, with sufficient space retained within the garage to facilitate the storage of cycles if necessary. As highlighted by the response of the Local Highways Authority it is considered that the proposal would not result in a severe impact on highway safety or operation. Overall, whilst a limited intensification of parking demand is likely, the requirements of policy 41 must be balanced against the planning merits of the proposal as a whole. In this instance, as other policy criteria are satisfied, it is considered unreasonable to resist the development on the sole basis of a limited intensification of parking demand.

#### Conclusions:

- 6.20 The proposed development is situated within the defined built-up area boundary and would constitute a form of development that is supported by policies 18 and 42 of the HDPF, being well located relative to local services and amenities. It is considered that the current and proposed level of accommodation would not result in a significant intensification of use or constitute a material change of use from the property's current C3(b) use.
- 6.21 The proposal would result in minimal built alterations to No.7 that would not be considered harmful to the character or appearance of the existing dwelling and its surroundings. The addition of glazed openings to the rear of the existing garage would not result in an unacceptable loss of privacy to the occupiers of the adjoining No.8.
- 6.22 Whilst the provision of a single bedroom may result in a minor increase in parking demand, this is not considered an intensification likely to compromise existing car parking arrangements or the fundamental operation and safety of the public highway. It is considered that there is sufficient capacity in on street parking in the vicinity of the application site to accommodate the needs of prospective occupiers, with any unlawful parking subject to separate regulation under relevant statutory authorities.
- 6.23 Overall, therefore, it is considered that the proposal satisfies the relevant policies of the development plan and is recommended for approval accordingly, subject to the conditions recommended below.

## **7. RECOMMENDATIONS**

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

1 Plans condition

2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

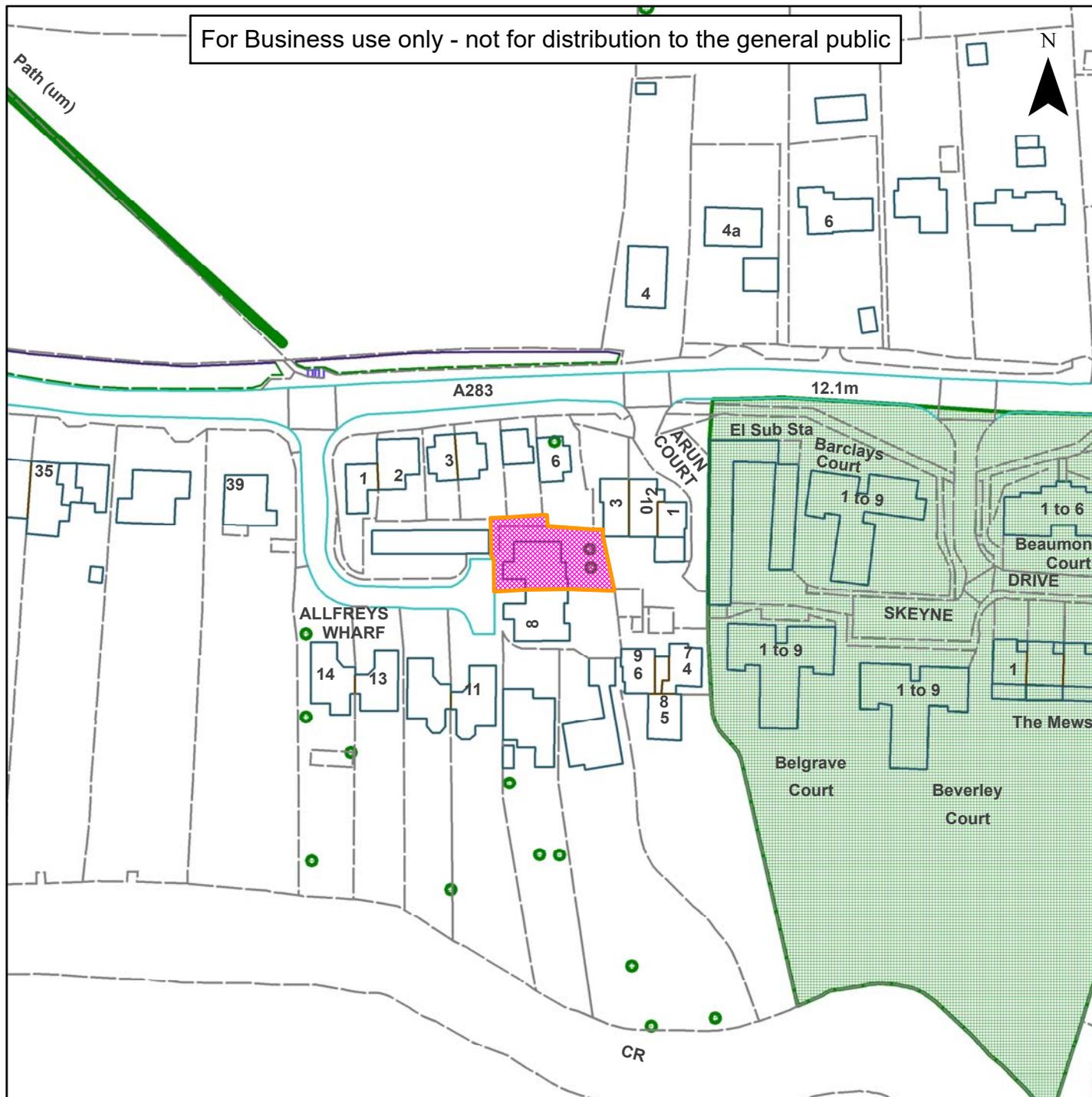
3 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

- 4 **Regulatory Condition:** The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 7 Allfreys Wharf, Pulborough, RH20 2BN as a dwelling.

Reason: The establishment of an independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).

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