



Email: committeeservices@horsham.gov.uk
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Planning Committee (North)

Tuesday, 1st March, 2022 at 5.30 pm
Park Suite, Parkside, Chart Way, Horsham

Councillors:	Karen Burgess (Chairman)	
	Billy Greening (Vice-Chairman)	
	Matthew Allen	Tim Lloyd
	Andrew Baldwin	John Milne
	Tony Bevis	Colin Minto
	Martin Boffey	Christian Mitchell
	Toni Bradnum	Jon Olson
	Alan Britten	Louise Potter
	Peter Burgess	Sam Raby
	Christine Costin	Stuart Ritchie
	Ruth Fletcher	David Skipp
	Tony Hogben	Ian Stannard
	Liz Kitchen	Claire Vickers
	Lynn Lambert	Belinda Walters
	Richard Landeryou	Tricia Youtan
	Gordon Lindsay	

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

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

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

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

5. **Appeals** 13 - 14

Applications for determination by Committee:

6. **DC/21/1831 Smith and Western, 37 North Parade, Horsham** 15 - 38

Ward: Trafalgar

Applicant: Mr and Mrs Cox

7. **DC/20/2564 Woodfords, Shipley Road, Southwater** 39 - 70

Ward: Southwater South and Shipley

Applicant: Reside Developments Ltd

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

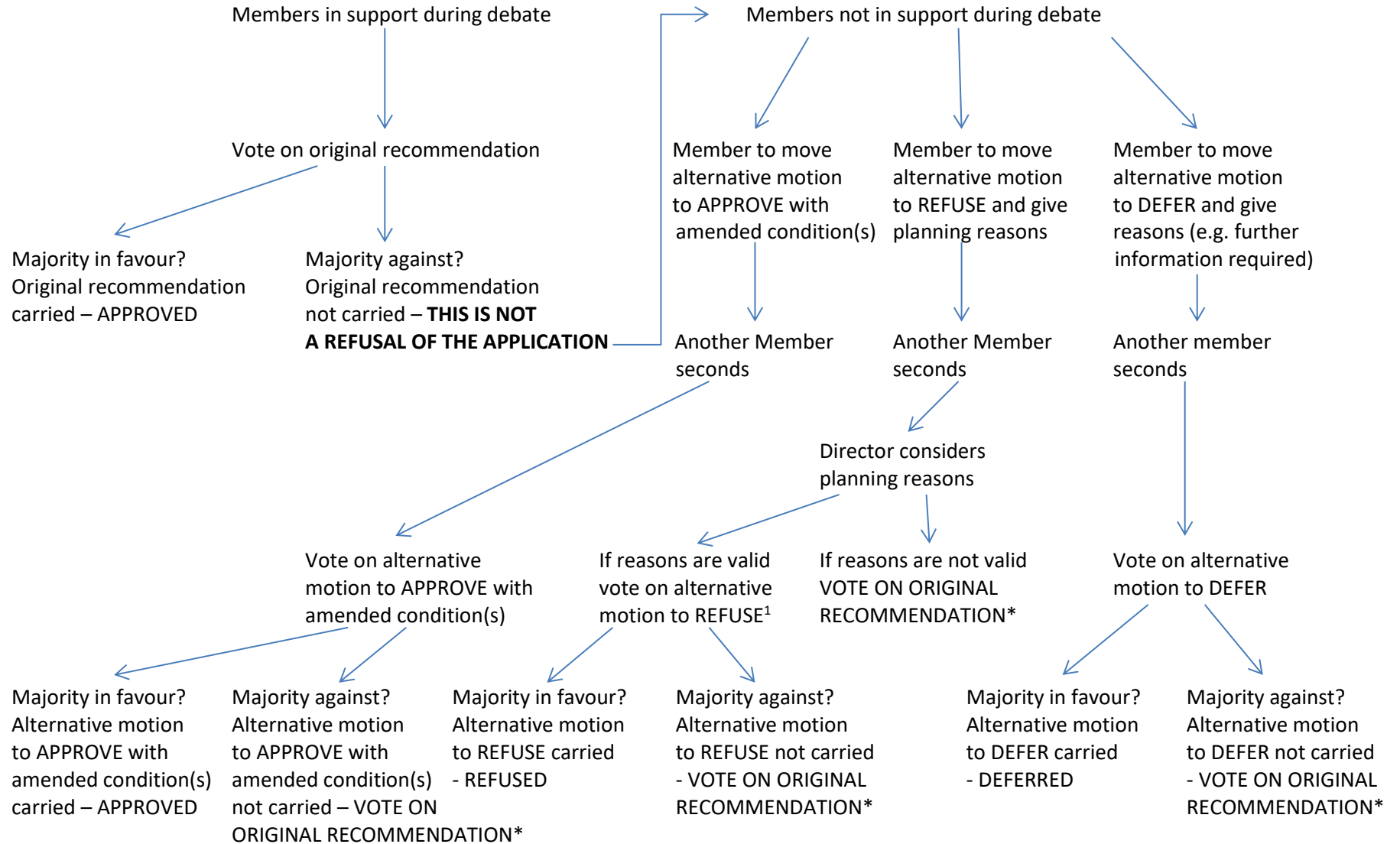
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

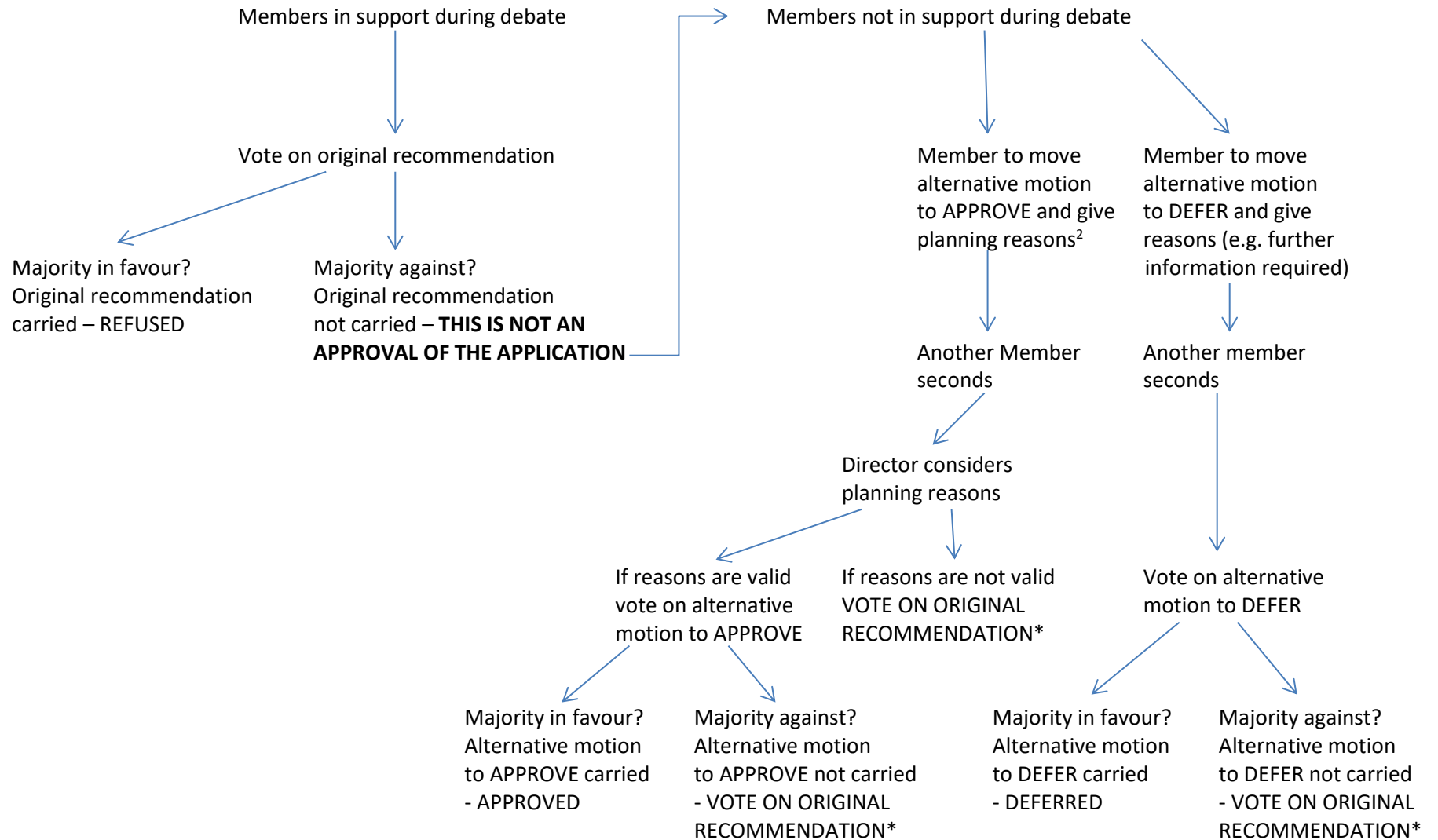
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

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

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

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

Planning Committee (North)
1 FEBRUARY 2022

Present: Councillors: Karen Burgess (Chairman), Matthew Allen, Andrew Baldwin, Tony Bevis, Martin Boffey, Toni Bradnum, Peter Burgess, Christine Costin, Ruth Fletcher, Billy Greening, Tony Hogben, Liz Kitchen, Lynn Lambert, Richard Landeryou, Gordon Lindsay, Tim Lloyd, John Milne, Colin Minto, Christian Mitchell, Jon Olson, Louise Potter, Sam Raby, Stuart Ritchie, David Skipp, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Alan Britten and Ian Stannard

PCN/54 **APPOINTMENT OF VICE CHAIRMAN**

RESOLVED

That Councillor Billy Greening be appointed Vice Chairman for the rest of the Municipal Year.

PCN/55 **MINUTES**

The minutes of the meeting held on 7 December were approved as a correct record and signed by the Chairman.

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

DC/21/2691 Councillor Greening declared a non pecuniary interest by close association to this item. During this item he withdrew from the meeting and took no part in its determination.

PCN/57 **ANNOUNCEMENTS**

The Chairman welcomed Councillor Sam Raby to his first meeting of the Committee.

PCN/58 **APPEALS**

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

PCN/59 **DC/21/1415 LAND BETWEEN TRUNDLE MEAD AND APRIL RISE (LAND AT WINDACRES FARM) COX GREEN, RUDGWICK**

The Head of Development & Building Control reported that this outline application sought permission for a new access road off Cox Green to allow access for a proposed development of 37 houses at land at Windacres Farm. The dwellings would be within the boundary of Waverley Borough Council. In addition to the road, the proposal included a foul water pumping station, which would also serve the development. If approved, a legal agreement would tie the permission exclusively to the Waverley application for housing.

A similar access road had been granted permission in 2019 (DC/18/1520), but was not implemented because it was linked to a proposal for 57 houses on the Waverley site, which had been refused.

The application site was located between two detached houses on Cox Green within the built-up area at the northern end of Rudgwick. It included hedgerow and vegetation fronting Cox Green.

Since the report had been published further details had been received from the Ecologist who recommended further conditions in the event of approval. These were:

- the scheme would be implemented in accordance with the submitted Ecological Appraisal recommendations.
- the submission of a Natural England licence for Great Crested Newts proof from Natural England that a licence is not required.
- the submission of a Biodiversity Enhancement strategy for approval.
- the submission of wildlife sensitive lighting scheme for approval.

The Parish Council strongly objected to the application. There had been 39 representations objecting to the application including an objection from the Rudgwick Preservation Society.

One member of the public spoke in objection to the application and a representative of the Parish Council spoke in objection to the application.

Members considered the consultees' responses and the officer's planning assessment, which included the following key issues: highway safety; design; impact on amenity; ecology; and drainage.

The Committee agreed to make additional representations to Waverley on sustainable access links for walking and cycling and the need for an alternative route for construction traffic given the likely impact on neighbouring residents.

RESOLVED

DC/21/1415 Approved subject to:

- i) a legal agreement be entered into to tie the new access road to the proposal at Waverley Borough Council for new housing.
- (ii) That subject to (i) above, planning application DC/21/1415 be determined by the Head of Development & Building Control with a view to approval.

PCN/60 **DC/21/2211 OAKFIELD, COX GREEN, RUDGWICK, HORSHAM**

The Head of Development & Building Control reported that this application sought planning permission for the demolition of existing dwelling and garage, construction of a replacement two-storey four-bedroom dwelling, new vehicular access, attached garage and car parking.

The replacement dwelling would be situated slightly further back into the site from the highway and would be of a similar scale and height.

The wider surroundings were characterised by detached two storey dwellings set back from the public highway. Residential properties were varied in appearance, and sited within elongated plots bound by a mix of hedging and fencing.

Members noted planning history of the site as set out in the report.

An addendum to the report had been published advising that the replacement dwelling at Oakfield was recognised as positioned slightly over the Built-Up Area Boundary (BUAB) of Rudgwick.

As advised in the addendum, the line of the BUAB crossed through the middle of the garden of the dwelling, however the proposed dwelling would marginally cross the BUAB line. The proposal was still considered acceptable in accordance with the Horsham District Planning Framework (2015).

The Parish Council objected to the proposal. There had been 11 representations received objecting to the proposal.

One member of the public spoke in objection to the application and one spoke in support. The applicant and applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in objection of the application.

Councillors discussed concerns with the BUAB siting that the plot had sufficient land to move the proposed dwelling so this would not be affected. Concerns were raised regarding the new access to the site causing a safety risk due to

inadequate visibility. It was felt that further consultation needed to be gained from West Sussex County Highways.

It was noted however that no relevant concerns has been raised from the consultees in the report.

RESOLVED

That planning application DC/21/2211 be delegated to the Head of Development and Building Control with a view to approval, subject to further consideration to the proposed site access, and WSCC Highways.

PCN/61 **DC/20/2578 THE COBBLERS, HAYES LANE, SLINFOLD**

The Head of Development & Building Control reported that this application sought permission for demolition of existing buildings on site, construction of 12 flats with associated car parking, landscaping and outline permission for a replacement scout hut.

The new development would be accessed via the existing site access along Hayes Lane. The site was bounded to the north and south by residential properties along Greenfield Road.

Since the report had been published the applicants water neutrality statement had been updated and Slinfold Parish Council had raised no objection to the comments.

The application had been approved in August 2021 in accordance with Officer recommendation and subject to a legal agreement.

This item had returned to Committee following the requirement from Natural England for all developments to demonstrate water neutrality and the legal agreement had not been finalised. Therefore permission was still sought.

Recent consultations reported that the new development would use less than a third of existing water consumption which demonstrated that water neutrality was achievable.

Ward Members were highly in favour of the scheme.

RESOLVED

That planning application DC/20/2578 be granted subject to appropriate conditions as reported and the completion of a Section 106 Legal Agreement.

PCN/62 **DC/21/2691 ST ANDREW'S CHURCH OF ENGLAND PRIMARY SCHOOL,
NUTHURST STREET, NUTHURST, HORSHAM**

The Head of Development and Building Control reported that the application sought retrospective planning for a free standing storage container for a temporary 12 month period subject to conditions.

In January 2021 application DC/20/2366 was granted for the installation of a free standing storage container on the condition that this would be removed and land restored by January 2022.

The current application sought to retain the storage for an additional 12 months until January 2023 as long term plans had not been overcome due to the disruption of Covid 19 pandemic. The additional time would enable the applicant to put in place a long term plan and alternative storage proposal.

The application site was located south of the Grade II listed St Andrews Church, Nuthurst Street and within the Nuthurst Conservation Area.

There had been five representations received objecting to the proposal. Although in support of the applicant, the Parish Council objected to the container becoming permanent as it was considered inappropriate for a Conservation Area.

The Ward Member advised the Committee that the applicant was considering longer term plans however they had budgetary constraints. Committee Members considered the current request acceptable however were keen to see a longer term solution proposed for the future especially in a Conservation area.

Members agreed that a Note to Applicant would be submitted advising that the container was not appropriate as a permanent addition and they should seek alternative storage arrangements for the school and remove the container within the next year.

RESOLVED

That planning application DC/21/2691 be granted for a temporary 12 month period subject to the conditions reported.

The meeting closed at 6.50 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (NORTH)

Date: 1st March 2022



Report on Appeals: 20th January – 16th February 2022

1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/21/1607	Plot C1 Oakhurst Business Park Wilberforce Way Southwater West Sussex	21-Jan-22	Application Permitted	Application Refused
DC/21/0276	Netherledys Blackbridge Lane Horsham West Sussex RH12 1SD	01-Feb-22	Application Refused	N/A
DC/21/2088	26 Amberley Road Horsham West Sussex RH12 4LN	04-Feb-22	Application Refused	N/A
DC/21/0912	Annexe at 1 Oakwood Cottages Hooklands Lane Shipley RH13 8PY	11-Feb-22	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/20/1488	Mobile Home Valewood Farmhouse Valewood Lane Barns Green Horsham West Sussex RH13 0QJ	Written Representation	20-Jan-22	Application Refused	N/A
DC/20/2465	Land Adjacent To Pucks Croft Cottage Horsham Road Rusper Horsham West Sussex RH12 4PR	Written Representation	20-Jan-22	Application Refused	N/A

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/20/2564	Woodfords Shiple Road Southwater Horsham West Sussex RH13 9BQ	Written Representation	20-Jan-22	Application Refused	Application Refused
DC/21/1554	Crabtree Inn Brighton Road Lower Beeding Horsham West Sussex RH13 6PT	Written Representation	21-Jan-22	Application Refused	N/A
EN/21/0534	Stonehouse Farm Handcross Road Plummers Plain Horsham West Sussex RH13 6NZ	Written Representation	31-Jan-22	Notice served	N/A
EN/21/0544	The Caravan Jacksons Farm Yard Hammerpond Road Plummers Plain West Sussex RH13 6PE	Written Representation	31-Jan-22	Notice served	N/A
DC/21/1418	1 Parkfield Horsham West Sussex RH12 2BG	Fast Track	04-Feb-22	Prior Approval Required and REFUSED	N/A
DC/21/1507	Broadbridge Heath Retail Park Wickhurst Lane Broadbridge Heath West Sussex	Fast Track	15-Feb-22	Split Decision	N/A

3. Appeal Decisions

HDC have received notice from the Ministry of Housing, Communities and Local Government that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/20/0579	Land at Church Road Mannings Heath RH136JE	Written Representation	Appeal Dismissed	Application Refused	N/A



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st March 2022

DEVELOPMENT: Demolition of existing restaurant facility and erection of 20 residential apartments including all associated landscaping and external works.

SITE: Smith and Western 37 North Parade Horsham West Sussex RH12 2QR

WARD: Trafalgar

APPLICATION: DC/21/1831

APPLICANT: **Name:** Mr and Mrs Cox **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to a legal agreement to secure an affordable housing contribution, 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 The application seeks the demolition of the existing Smith and Western restaurant facility and the erection of a flatted development comprising a total of 20 residential apartments along with all associated landscaping, external works including a gated and modified 5.2m wide site access set back 13m from the edge of the carriageway at North Parade; provision of 27 parking spaces (including two disabled and 2 visitor spaces) and 35 cycle spaces.

1.3 The development comprises 7 x 1-bed and 13 x 2-bed apartments.

- 1.4 The apartment block consists of two separate elements, comprising part three and part four storey blocks with accommodation within the roofs. The approximate dimensions of each element ranges from 11.17m (height) and 20.22m (length) (smaller block) and 14.66m (approx. max width) to 13.28m (height) and 22.27m (length) between 15.82m -22.33m (width) (larger block to widest point), rising to 13.88m including chimney stacks.
- 1.5 The development occupies a corner plot and has a dual frontage to North Parade and West Parade; the main frontages of both elements face North Parade, there is a central pedestrian access through the middle of the site from North Parade through to the shared amenity and car parking and bicycle storage areas. The three storey block has a separate shared central access point to the apartments fronting North Parade, and the duplex apartment (plot 2.1) has its own private entrance onto North Parade. All of the ground floor units have private amenity space comprising garden area; the apartments facing north, east and south east have individual balcony areas. The plans have been amended during the course of the application to remove balconies previously shown on the south west elevation of the larger block.
- 1.6 The design of the proposed development has been informed by comments made during the committee debate relating to the previous application DC/20/0614 which was refused at the 07/12/2020 Planning Committee North meeting for the following reasons:
- 1 The scale, design and form of the proposed building is out of character with the streetscene and fails to enhance the character of the area, contrary to policies 32 and 33 of the HDPF.
 - 2 No legal agreement has been completed to secure the affordable housing contribution. The proposed development therefore fails to provide for affordable housing contrary to Policy 16 of the HDPF.
- 1.7 The current application differs in design from the previously refused scheme, and now proposes 20 apartments (a reduction from 22 as previously proposed) along with 27 car parking spaces, and 35 cycle storage spaces (previously 24 car parking spaces).
- 1.8 The applicants have put forward a scheme which reflects a traditional and locally established design approach that incorporates a variety of pitched / hipped and flat roof forms with accommodation within, over detailed and featured red brick and rendered elevations, with projecting two and three storey gables and town house bays, punctuated by fenestration which give both vertical and horizontal rhythm and emphasis to the buildings. The exterior window reveals and balconies, all provide depth, shade and articulation to the elevations under the red tile hung roof.
- 1.9 The building, unlike the previous application (refused under DC/20/0614), forms two distinctly separate buildings which break up the building line along North Parade; the overall footprint of the building has also been reduced from that of the previously refused scheme. The larger building on the corner of West Parade and North Parade has been angled to soften its appearance and reduce the square massing.
- 1.10 The building line is similar to the previously refused scheme, however it has been reduced and marginally pulled back in places from more sensitive neighbouring boundaries and viewpoints to the corner of North Parade and West Parade and sits comfortably within the site. Many of the units are dual aspect and the floor areas including proportions, internal areas and layouts of the units has been informed using guidance from the London Plan.
- 1.11 It is noted that 'Smith and Western' have already relocated to 24 -28 East Street Horsham, secured under planning permission DC/20/0302. As such the application site is currently vacant.

DESCRIPTION OF THE SITE

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

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 9 – Employment Development
Policy 12 - Vitality and Viability of Existing Retail Centres
Policy 13 -Town Centre Uses
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking Horsham District Planning Framework (HDPF 2015)

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

RELEVANT NEIGHBOURHOOD PLAN

Trafalgar Neighbourhood Council forms part of the Horsham Blueprint Business Neighbourhood Forum which is the designated body of the un-parished area of Horsham Town.

The Independent Examiner has produced his final report following an examination of the Horsham Blueprint Business Neighbourhood Plan and decision statement on the 18 February 2021. It has been recommended that the HBBNP should proceed to referendum subject to the Examiners series of recommended modifications which are required to ensure that the plan meets the basic conditions.

Relevant Policies include:

HB1 Location of Development
HB2 Meeting Local Housing Needs
HB3 Character of Development
HB4 Design of Development
HB5 Energy efficiency and Design
HB12 Encouraging Sustainable Movement

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1527	Demolition of existing restaurant and erection of 23 apartments with associated parking and landscaping	Withdrawn Application on 18.10.2019
DC/20/0614	Demolition of existing restaurant facility and erection of 22 residential apartments including all associated landscaping and external works	Application Refused on 07.12.2020

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Environmental Health: No Objection subject to conditions

HDC Housing: Objection
No affordable housing has been provided

HDC Arboricultural: No Objection (As per previous comments relating to DC/20/0614)

The development proposals will not have any adverse effect upon the local tree stock in the locality. You will have noticed that a small number of trees, present in the past, are recorded as having been subject to TPO's 76 (from 1962) and 239 (from 1975). I can advise that NONE of these trees remain.

Present on the site today, though unprotected, are a Silver birch and a Field maple tree, both on the periphery of the site where it abuts West Parade.

The position of the bulk of the car parking spaces along the northern site boundary, border the number of large (though unprotected) trees within the access to White Hart Court. However, these are being sited on existing hard surfacing, at an existing higher elevation than the adjacent land, and none of the said trees will be in any way affected by this. The land upon which these trees are sited is adopted by West Sussex County Council Highways, and I am advised by their tree management team that two of these large trees, which are in particularly poor condition, are targeted for removal.

OUTSIDE AGENCIES

WSCC Highways: No Objection

Initial Comments 06/10/2021:

Concerns raised regarding the following:

- Stage 1 Road Safety Audit in relation two issues (i) dropped kerbs and (ii) Footway on West Parade.
- Provision for EV charge points
- Parking off West Parade, specifically manoeuvring distance between existing and proposed parking bays.
- Access (main off of North Parade), removal of 2m stretch of hedge required for pedestrian and vehicle inter visibility
- Access (secondary off West Parade), Visibility splay required
- Keep / Turn right sign - Relocation?

Further Comments 10/02/2022: No objection

The applicant has addressed all the outstanding issues raised by the Highways Authority. (as above) and should the LPA be minded to approve the application it is recommended that conditions be imposed as recommended.

Ecology (Water Neutrality): No Objection

Evidence has been submitted to demonstrate Water Neutrality

Southern Water: No Objection

WSCC Flood Risk Management: No Objection

Trafalgar Neighbourhood Council: No objection

Trafalgar Neighbourhood Council advise that in their opinion the current designs are significantly better than those submitted in 2020, to which they objected on the grounds of unsuitability for the area. The NC do not object to the new designs, which are far more reflective of the character and aspirations of our town and neighbourhood.

However, a number of local residents have raised important concerns, which are stated below:

Concerns regarding parking on West Parade, White Hart Court, Newlands Road, and in particular Tulip Court (which has only 10 parking spaces for 20 residences) and concerns regarding the creation of additional pressure for street parking. Many residents consider that resident's parking permits for West Parade, would alleviate this problem. The NC would be very happy to see any collaboration between the developers and WSCC on this matter.

Concerns regarding the four parking spaces onto North Parade and concerns regarding accidents and traffic safety. The four parking will require cars to reverse on this narrow and busy road, will exacerbate the problem. We hope the four spaces can be positioned in such a way as to reduce danger and disruption.

Some residents have concerns about design features such as the metal canopies proposed over the balconies, while attractive, are typical of Brighton and would be unique in Horsham.

Noted that changes made to design reduce the privacy impact of this new design. However it is noted that there is still a window positioned to look over the houses of The Walnuts.

The site closely adjoins housing, particularly The Walnuts, and we note that residents will be carefully monitoring the timing, noise and dust of construction.

PUBLIC CONSULTATIONS

The application has been the subject of two separate consultation periods as further information has been received. A total of 21 letters of Objection (including 2 letters from 3 different households) and 1 letter of Support have been received across the two consultation periods.

Initial consultation:

9 letters of objection were received during the first consultation, from 8 separate households. (2 letters from same household) 1 letter raising neither support nor objection and 1 letter of support was received.

Second consultation

13 letters of objection were received during the second consultation period from 11 households. Of the 13 letters received, 2 letters were from 2 different households and 2 letters were raising neither support nor objection.

Objections have been raised on the following grounds

- Overlooking from balconies onto West Parade
- Canyon type entrance
- Loss of Silver Birch tree.
- Impact of 4 parking bays off of West Parade on existing street parking and highway / pedestrian concerns
- Insufficient car parking spaces (28)
- Design and Mass
- Cycle contraflow
- Road traffic noise pollution
- Canyon design on sound distribution and pressure
- Need for parking permits on West Parade
- Overshadowing

Horsham Society: Support new design (noted that the design of the chimneys were not entirely appropriate and should have fewer Cupolas).

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

- 6.1 Paragraph 2 of the National Planning Policy Framework (NPPF) states that the starting point for decision making should be the development plan and that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of planning applications.
- 6.2 The Horsham District Planning Framework [HDPF], adopted in November 2015 is the current Local Development Framework against which applications are determined, with the exception of the housing policies which are out of date (owing to the Council's lack of five year housing land supply- see below), the remaining policies are considered to be relevant, consistent with the NPPF and therefore significant weight may be accorded to the HDPF, which remains the starting point for the assessment of this proposal.
- 6.3 Horsham District Council is unable to demonstrate a 5 year housing supply at the current time as reflected in the Council's latest Authority Monitoring Report, which calculates the five year supply from 1st April 2021 to 31st March 2026 to be 4.0 years and as such paragraph 11(d) applies.

- 6.4 Paragraph 11d of the NPPF requires that those policies most important for determining applications be deemed out-of-date in circumstances where a Council is unable to demonstrate a five year supply of deliverable housing sites (footnote 8). Paragraph 11d in such circumstances then requires that planning permission be granted, triggering the presumption in favour of sustainable development (also referred to as the ‘tilted balance’), that is unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.5 Footnote 7 to Paragraph 11(d) identifies that policies relating to habitat sites are those capable of forming a clear reason to refuse permission under part i) above. In respect of habitat sites, NPPF paragraph 180 is relevant and is considered later in this report.
- 6.6 The application proposals fall within the Built up Area Boundary of Horsham and as such Policies 1, 2, 3 and 4 of the HDPF are relevant. These policies set out the Council’s main strategy for the location of development across the District and, in accordance with the NPPF’s sustainable development approach; and seeks to concentrate development in and around the District’s most sustainable settlements. The application site is located within the built up area of Horsham which is classified as a town within the defined settlement hierarchy. Policy 3 describes the settlement as having a large range of employment services and facilities and leisure opportunities, including those providing a district function. Strong social networks, with good rail and bus accessibility. The settlement meets the majority of its own needs and many of those in smaller settlements.
- 6.7 The principle of development in this location as set out in Policies 2 and 3 of the HDPF is therefore considered to be acceptable subject to a thorough assessment of the application details, material considerations and compliance with all relevant policy criteria.

Loss of Restaurant

- 6.8 Policy 12 of the HDPF relates to Vitality and Viability of Existing Retail Centres and recognises the development hierarchy for the district, and the hierarchy for the districts town and village centres. The application site being located outside of the town centre site does not fall within any defined primary or secondary frontages and as such the loss of the A3 restaurant in the current outlying area is not considered to conflict with Policy 12. The restaurant use has relocated to the ‘quarter’ of Horsham Town where it’s A3 use is considered most appropriate in meeting needs most appropriate to the character of the town centre and as such the restaurant business continues to operate, albeit at a different location. The restaurant has sought to retain the existing staff from the Horsham branch. Therefore it is considered that there is no conflict with Policies 9 or 12 of the HDPF.

Design and Appearance

- 6.9 The area surrounding the application site comprises houses and flatted developments of various scale, mass and design. There is a mix on two, three and four storey development with no particular or prevailing architectural style or significant features of special interest. The site sits on the northwest corner of a staggered crossroads with blocks of flats of differing scale and design to each of the other three corners. The main elevations front North Parade, a busy thoroughfare from the town centre to the A24 that is characterised by large flatted building forms given the road a more urban character than the residential streets that extend from it. The common themes that unite the area are square and rectangular buildings with bay elements, dominant use of red brick, and pitched roofs.

- 6.10 Tulip Court sits to the southwest of the crossroads (corner of North Parade and West Parade), and forms a three storey block of flats with a relatively square footprint. It has red brick elevations under a high pitched roof that extends to approximately 13.5m to the overall ridge height. Tulip Court sits close to the West Parade footway at a setback of approximately 2.4m. The North Parade frontage is setback by approximately 9.4m to 12.3m behind a landscaped garden area.
- 6.11 Delancey Court sits to the northeast of the crossroads (east of the application site and immediately opposite on the corner of North Parade and Wimblehurst Road), and forms a three storey block of flats with a stepped and staggered footprint, It has a mix of red brick and white rendered elevations under a pitched roof that rises to a height of 11.68m, but appears higher given it is set on moderately higher ground. Delancey Court is set back behind soft landscaping variously by approximately 7m- 14.6m along its staggered front elevation to North Parade.
- 6.12 To the rear/west of the site are terraces and semi-detached pairs of two storey houses along West Parade, with further blocks of flats to the north along North Parade.
- 6.13 Given the mixed character of the area, the addition of a new block of flats on this corner location can be supported in principle, as it would complement the blocks of flats to the other three corners of this staggered crossroad junction, and other block of flats in the area that front North Parade. The site is on a prominent corner therefore any replacement building will inevitably be seen as more dominant in the townscape than the existing restaurant building.
- 6.14 Following concerns raised in representations relating to the previous scheme as refused under DC/20/1614, the current proposals have sought a fresh approach, whilst retaining the proposed apartments on the site. The applicants have returned to a more traditional design which has sought to overcome previous concerns relating to the design and massing of the proposal, in particular its square massing on the prominent road junction with little setback.
- 6.15 The proposed elevations to the corner of North Parade and West Parade have been pulled back and softened, and decorative iron balconies added to give interest and reduce the visual impact of the massing. The footprint of the building has been marginally reduced and there is a clear division between the two building elements which make up two apartments blocks. The footprint of the building is comparable to the square and rectangular footprints of other buildings in the area, using elements such as 'town house' bays and gable elements to provide depth and articulation reflective of the bays to Tulip Court and the staggered frontage to Delancey Court. It is considered that there is sufficient horizontal and vertical variation in the elevations and front and rear building lines to add movement and articulation to the elevations which provide visual interest to the appearance of the development within the street scene and help to break up the visual mass.
- 6.16 It is acknowledged that the building sits closer to North Parade than the existing restaurant, however, the current architects have made further adjustments to the building line to help provide further opportunities for landscaping, albeit that the site would not have the same opportunities for soft landscaping to reflect the other North Parade frontages in the area. This is partly derived from the relatively narrow and angled plot shape. It is noted that the existing restaurant has little soft landscaping other than a box hedge to North Parade. The proposal would improve on this by introducing a grassed frontage with the addition of some new tree planting and hedges around the site boundaries. The articulated building line behind would break up the elevation's mass and provide visual punctuation by way of the transition between the 4 storey to 3 storey buildings (including roof accommodation) as viewed from the public highway
- 6.17 In terms of its overall height and roofline, the building has been designed to accord with the heights of Tulip Court and Delancey Court, with its overall 13.28m similar to the 13.5m ridge

line to Tulip Court. The apartment blocks both sit under a varied pitched / hipped roofs that are more reflective of the locality and reflect the similar proportionality and dominance as the rooflines to Tulip Court or Delancey Court. The building's design has evolved through dialogue with interested parties including local residents. The roof line, brick detailing and large windows creating a modern composition rather than a replication of the more moribund forms of Tulip Court and Delancey Court opposite.

- 6.18 Overall, the character of the proposed flatted development is considered to sit appropriately within the context of the wider and immediate surrounds in terms of the proposed scale as well as the three dimensional mass derived from the height, depth and footprint, particularly as compared with Tulip Court and Delancey Court opposite. The flatted development proposed has a traditional appearance, with rendered and detailed red brick elevations, large window openings and varied roof form, including some centrally located flat roof areas that seek to reduce the overall height of the roof form, are considered to appropriately reflect the key characteristics of the area and provides well-ordered and proportioned elevations across the two elements of the building, providing both visual and aesthetic interest on this prominent corner plot. The precise detailing and materials specifications (including brick types) will be secured by condition for subsequent approval should planning permission be granted.
- 6.19 In respect of concerns of overdevelopment, the proposed 20 unit development has been designed to make maximum use of the 0.19 ha application site, which results in a density of around 105 dwellings per hectare. Whilst Officers consider this to be an example of a moderately high density development, it is not uncommon for this level of density to be seen in Horsham, particularly for flatted development. In comparison the density of development at Tulip Court opposite is 138 dph.
- 6.20 As such, it is acknowledged that high density development is not considered to be uncharacteristic of this area, and it is important to acknowledge that the Government now place a new emphasis on making 'effective use of land' and 'achieving appropriate densities' (NPPF Paras 124-125), which is a material consideration in this case.
- 6.21 As this site is located within the BUAB of Horsham, and in close proximity to Horsham Town Centre, the site is considered to be suitable and sustainable for residential development, with the revised design appropriately reflecting the key characteristics of the area whilst adding to the variety and mix of buildings, in accordance with Policies 32 and 33 of the HDPF.

Housing Mix and Affordable Housing

- 6.22 Policy 16 [part 3 (a) refers] states that on sites providing 15 or more dwellings, the Council will require 35% of dwellings to be affordable provision with a tenure split of 70% affordable rented and 30% intermediate housing. The Planning Obligations and Affordable Housing SPD (2017) confirms that "The Policy states the Council will assess the viability of developments when applications depart from adopted policy. Given the level of housing need in the District, the Council will expect 35% of housing on qualifying sites to be affordable unless the applicant can provide sound evidence that this cannot be achieved without making the scheme unviable'.
- 6.23 HDPF Policy 16 requires that development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment November 2019 (Iceni Projects). The reports set out that there is a higher demand for 2 and 3 bed market housing, with the requirements for Horsham District made up of 5% of 1 bed; 30% of 2 bed; 40% of 3 bed; and 25% 4 bed plus. The 20 unit development proposes a mix of dwellings including 1 bed flats, 2 bed flats and 2 x 2 bed duplex apartments. Given the nature of the development proposed comprising a flatted development, as opposed to family houses, the absence of 3 bed units and the higher level

of two-bedroom dwellings proposed is considered acceptable as the higher proportion of 2 bed flats meet an identified need for smaller units in the district.

- 6.24 The application as submitted proposed no onsite affordable housing on the basis that the provision of affordable housing would make the development unviable.
- 6.25 In accordance with Paragraph 10 of the National Planning Policy Guidance (NPPG), the applicant has submitted a Viability Statement, with open book provision of all financial information and appropriate evidence sufficient for an independent consultant to assess the viability position in relation to the development proposed. The Applicants Viability Report has been independently assessed on the Council's behalf. Taking all the relevant parameters into account including gross development value, development timescale, build costs as well as professional fees, CIL, sales and marketing, site acquisition costs, finance and profit costs, the Council's valuer confirms that the scheme is not viable to support affordable housing or S106 contributions at a developer return of 17.5%. The development would not therefore be able to provide affordable housing as required by Policy 16 Meeting Local Housing Need. The previously refused scheme for 22 units (DC/20/0614) would otherwise have been able to support a contribution equivalent to 2 affordable housing units and a residual commuted contribution sum of £3,156.
- 6.26 Given the above, the Council's viability consultants have recommended that a review mechanism be included in a legal agreement to secure for the Council a proportion of any uplift to the developer return in the event of market changes between the date of decision and date of final occupation. In this case a review mechanism is considered appropriate, however such mechanisms do not guarantee an affordable housing sum coming forward, and can instead provide uncertainty for developers impacting on the delivery of a scheme of this modest size. With this in mind, the applicants have instead offered a set affordable housing contribution of £50,000 in lieu of the review mechanism. Having carefully considered the viability case for this development, and the benefits or otherwise of a review mechanism as a tool to secure affordable housing contributions in this instance, officers recommend that the £50,000 be secured in a s106 agreement instead of the review mechanism, with this contribution providing suitable certainty for both the Council and applicants.

Impact on neighbouring amenity

- 6.27 As previously stated the proposed development is larger in scale than the existing building on site, therefore the amenity experienced by existing neighbouring occupiers (especially 1 The Walnuts which is closest to the rear west elevation) is likely to change. The primary impact would be from the larger bulk of the building extending considerably beyond the rear of The Walnuts which would have a potential impact on outlook and sunlight to these properties, as well as introducing overlooking potential where currently none exists.
- 6.28 To minimise these impacts, the applicants have created a 10m separation distance between the rear / west elevation of the proposed apartments in the larger Block 1 and the rear (east) boundary 1 The Walnuts. Windows have been located to reduce the potential extent of overlooking of the rear garden area and 1 The Walnuts, and the balcony areas on the west and south west elevations have been removed to overcome concerns regarding overlooking towards the front of 1 The Walnuts and Tulip Court. A 45 degree line of sight has been illustrated from windows where there may be potential for overlooking to demonstrate the field of vision across The Walnuts to ease concerns. There is a separation distance of between 6.7m at the nearest corner point of the proposed development to the front of 1 The Walnuts and 13.13m at the furthest point from the rear (east) elevation to the side of 1 The Walnuts. . At this point the proposed new development is adjacent to the flank wall of 1 The Walnuts which has one small window at first floor to their hallway. This relationship is considered acceptable as the window position of units 1.1, 1.4, 1.5 and 1.8 (west elevation) are from an obscure angle, and communal windows within the entrance hall are obscure glazed. Windows in the smaller apartment block within the rear (west) elevation of the proposed apartments are high

level, and as such do not afford any opportunities for overlooking of garden area within The Walnuts. Windows in the communal access areas are obscure glazed.

- 6.29 Fenestration as previously proposed to bedroom windows within the northern building would have offered the greatest sense of overlooking, with windows to bedrooms on all levels facing towards the rear garden of 1 The Walnuts at between 10m and 13.13m. The windows have since been positioned to the side elevations as far as possible to direct views away from the garden of 1 The Walnuts. Views directly into the rear windows of 1 The Walnuts would therefore be very limited given the positioning of the windows in the northern block and their angled relationship. The impact on the garden areas would be alleviated somewhat by the separation distance, and the fact that it is bedrooms and bathrooms that would face this property, rather than more frequently occupied main living room spaces. In addition, it is noted that the site plan details trees to be planted alongside the rear garden of 1 The Walnuts which in time will grow to provide shielding. The final details of this planting are secured in a landscape condition and would assist in mitigating the accepted impact. Given this arrangement, it is not considered that proposed development (with rooms at roof level above) would be unacceptably overbearing on these neighbouring properties.
- 6.30 To further minimise any overlooking impacts, the applicant has demonstrated that the stairwell windows are to be obscure glazed. Given this, a suitable condition can be imposed to ensure that private amenity is maintained and it is considered that the impact of the development on the privacy of The Walnuts and the enjoyment of their rear gardens, has been suitably mitigated.
- 6.31 In terms of daylight and sunlight impacts, it is accepted that the scale of the main building would likely introduce greater shadowing to the rear north facing garden of 1 The Walnuts during parts of the early and late summer months. This would though dissipate later on in the morning as the sun paths to the south, with all remaining sunlight during the day unaffected. Whilst this loss of sunlight would have an impact, its impact would be limited to part of the day during part of the year. As such it is not considered to be of such an extent that would warrant the refusal of permission.
- 6.32 Concerns have been raised by residents regarding the potential for overlooking into the flats at Tulip Court, which face north towards the site at close proximity to West Parade. Whilst it is accepted that there would be mutual overlooking, it is considered that the front to front relationship of the existing and proposed developments which are separated by approximately 13.00m (window to window relationship of opposing elevation between Tulip Court and the proposed apartments) increasing to 16.30m and separated by the intervening highway of West Parade, is not irregular in an urban setting and in this case is acceptable. Whilst the height and additional windows facing towards front elevations of Tulip Court would be more intrusive than the current arrangement, some impact is inevitable when introducing new residential development into a residential area. In this instance, facing habitable rooms to Tulip Court comprise lounges that are set back approximately 16.00m from the front elevation of Tulip Court, and bedrooms which are set back approximately 13.00m. The separation distance of these rooms across a road are considered to be a reasonable distance. Nevertheless, in order to preserve the amenities of Tulip Court, and reduce the visual dominance of the building in views from West Parade, the balconies to flats 1.1 and 1.2 facing Tulip Court have now been removed from the south western corner of the proposed development.
- 6.33 The proposed development of 20 residential units will generate a level of noise and activity commensurate with its residential use. This impact would be less intrusive than that afforded by the existing restaurant which brings with it odour disturbance and late night noise impacts from customer movements, car park chatter, and extract systems. Whilst the proposed development would also create its own noise, this would be more domestic in its nature characteristic of a residential setting such as this. On this basis, and subject to the

recommended conditions, the proposed development is not considered to conflict with policy HDPF 32 or 33 of the HDPF.

- 6.34 A Construction Management Plan (CEMP) condition is recommended to address and control the construction management process should planning permission be granted. The CEMP will require satisfactory information to be submitted with regard to the construction programme, site logistics including access, contractor parking arrangements, and measures to control dust and mud. The approved details will help to reduce the adverse impact of the construction process on neighbouring residents, but it is acknowledged that construction process at this site is still likely to cause some (albeit temporary) adverse impact.

Landscape and Trees

- 6.35 The sites as existing includes limited soft landscaping beside the restaurant building to the North Parade and West Parade frontages only. The car park is largely barren of any soft landscape features.
- 6.36 The proposal includes the provision of new trees and hedges around the site boundaries and includes a new hard surfaced communal area to the rear of the site with soft borders. This will improve the appearance of the site within the streetscene compared to existing. The majority of dwellings at ground floor have access to private defensible green spaces. No specific landscaping strategy has been submitted as part of the application and as such a suitable landscaping condition is required to ensure a satisfactory scheme is bought forward should planning permission be granted and to ensure compliance with policy 33 of the HDPF.
- 6.37 The Councils Tree Officer was previously consulted as part of the original application refused under DC/20/0614. It is not considered that there are any changes to the previous comments. It is advised that the development proposals will not have any adverse effect upon the local tree stock in the locality. A small number of trees, present in the past, are recorded as having been subject to TPO's 76 (from 1962) and 239 (from 1975), however it has been confirmed that none of these trees remain. Present on the site today, though unprotected, are a Silver birch and a Field maple tree, both on the southern periphery of the site where it abuts West Parade. These trees are to be removed as part of the development proposals, however there is a net increase in the number of trees to be planted as part of the proposals and as these trees do not benefit from any formal protection through legislation, it cannot be required that they are retained
- 6.38 As with the existing car park, the new car park would border the number of large (though unprotected) trees within the access to White Hart Court to the north. The car park is at an existing higher elevation than the adjacent land, and none of the said trees will be affected by the proposal. The land upon which these trees are sited is adopted by West Sussex County Council Highways, and the Council's tree officer has been advised by WSCC tree management team that two of these large trees, which are in particularly poor condition, are targeted for removal.

Highways, Access and Parking

- 6.39 The site is situated in a sustainable location within good walking and cycling distances of local facilities, so there would be no reliance on the private motor vehicle for future occupiers to meet their daily needs..
- 6.40 The site will be accessed via the existing access which is to be enlarged to a width of 5.2m to allow two passing vehicles and avoid standing traffic left in the main carriageway waiting to access the site/pass opposing vehicles leaving the site. The access will be gated, with the gates set back by 13m from the edge of the carriage way to allow operation without traffic waiting to enter and blocking the main carriageway.

- 6.41 Following the review of the Transport Statement dated March 2020 by WSCC Highways and their subsequent comments dated the 6 October 2021, there was an identified need for a Stage 1 Road Safety Audit, and amendments to the parking area off of West Parade requiring modifications to the layout. A Road Safety Audit (RSA), as required by WSCC Highways Department, has been carried out by an external auditor on the 22 December 2021. The RSA and designers response was provided in Appendix B of the Addendum Transport Statement (ATS) prepared by Paul Basham Associates on behalf of Smith and Weston. Amendments to the kerb are required as is a pedestrian footpath over the parking area on West Parade. A visibility plan has also been provided to demonstrate that appropriate visibility splays of 43m looking east from the secondary access point off West Parade along with the removal of a 2m long section of hedge on the northern main side access to provide for pedestrian and vehicle indivisibility.in line with the requirements of Manual for Streets (MfS) for a 30mph road. Swept path analysis drawings have been provided to demonstrate that the site access and proposed parking layout are workable. This also demonstrates that a refuse vehicle can enter the site and turn to avoid reversing out of the site into the carriageway.
- 6.42 In respect of parking, 27 car parking bays are proposed (3 more than the original application), although initially 28 spaces were proposed, one of the spaces on West Parade did not meet size standards and has therefore been removed, consequently there are now 27 spaces proposed including two disabled bays and two visitor bays. The three spaces (off of West Parade) will be allocated with the remaining spaces within the main parking courtyard being unallocated. 31 cycle spaces are proposed within the cycle storage facility which has been relocated closer to the amenity area. The WSCC parking calculator advises that in Trafalgar Ward a development of this housing mix would require 22 parking bays if unallocated, and 22 bays if they are all to be allocated per flat. With three spaces now allocated fronting West parade, the calculator requires that a total of 22 parking spaces are provided.
- 6.43 The 27 parking bays proposed therefore exceeds that required by the Parking Calculator for this Ward. Given the concerns raised in consultation responses over potential overspill into heavily parked streets, it is considered appropriate here to require that 24 spaces be unallocated. This will minimise the risk of overspill parking in surrounding streets. A condition is therefore recommended that secure the parking bays within the main parking courtyard to be unallocated at all times and to provide 3 allocated parking bays off of West Parade.
- 6.44 The site is 1km from Horsham Station and the town centre, in a sustainable location where car ownership is not critical in order to reach shops, services and workplaces. On this basis the risk of overspill parking is considered limited.
- 6.45 A Travel Plan for the site has been provided. The Local Highway Authority have reviewed the content and have not raised any concerns. The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Appropriate conditions and informatives are required should planning permission be granted.

Climate Change:

- 6.46 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Low-e double glazing to windows will aid in reducing heat transfer, which, will in turn reduce heating and cooling requirements.
- Energy efficient fittings and appliances such as 100% low energy light bulbs, dual flush toilets, water meters, draught-proofing, energy and efficient gas condensing boilers amongst others.
- The scheme aims to achieve between 15% and 25% improvement of the dwelling Emission Rate (DER) over the Target Emission Rate (TER) based on SAP 2005 or any subsequent amendment in effect at the time of implementation of the scheme.
- The use of renewable, reusable or recyclable material resources such as glass, bricks and timber.
- The scheme aims to exceed Building Regulation Part E requirements by either carrying out pre-completion air testing and/or by using Robust Details in the construction.

6.47 In addition to these measures conditions are attached to secure the following:

- Water consumption limited to 110litres per person per day
- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Cycle parking facilities
- Electric vehicle charging points
- Travel plan

6.48 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Drainage

6.49 The Environment Agencies' flood zone map, indicates that the application site is located wholly within Flood Zone 1. As such, a full Flood Risk Assessment (FRA) for this site is not required (as per the PPG). Notwithstanding this, it is still essential for the site to be properly drained, and to ensure that it will not result in an increase in flood risk elsewhere. A Drainage Strategy and Management Plan has been submitted which has been reviewed by the Council's Drainage Engineer and by WSCC's Flood Management Team, no objection has been raised to date. A suitable condition is recommended in respect of foul and surface water drainage as required by Southern Water.

Refuse Storage

6.50 Communal bin stores are provided along the north boundary of the site away from both existing and proposed residential properties. The provision includes 5 x 1100L recycling bins and 4 x 1100L refuse bins. The Councils Environmental Waste Management Services department have been consulted and they previously advised that the provision is acceptable. As the proposed provision remains as previously proposed, the refuse and recycling provision is considered to be acceptable subject to details of the bin storage area which can be secured via an appropriate condition.

Other Matters

Water Neutrality

6.51 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use

of water in the supply area before the development is the same or lower after the development is in place.

- 6.52 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.53 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.
- 6.54 The application site at falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore a material planning consideration relevant to the application. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.55 The applicants have submitted a Water Neutrality Statement as well as previous water usage bills relating to the existing restaurant use of the site. These bills show full data for water usage at the site between October 2019 to January 2021, and show that in the period October 2019 to January 2020 (i.e. prior to the first Covid lockdown, and also excluding a period during which the restaurant was shut) the daily water consumption was 5,357 litres. Based on the average occupancy of the proposed development and the Building Regulations G2 requirement of 110 litres per person per day required by Policy 37, it is projected that daily water usage for the proposed development would amount to 4,070 litres. This represents a daily saving of 1,287 litres per day.
- 6.56 The application has been screened to ascertain whether the proposed development would result in a significant effect on the Arun Valley Sites. It is considered that sufficient evidence has been submitted to demonstrate that the application proposals for 20 apartments would result in development that will consume less water than the existing restaurant use of the site, and as such is considered to be water neutral. There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions

- 6.57 The principle of residential development in the Built up Area Boundary of Horsham is in accordance with the Council's overarching development strategy. The scale, form and design of the proposed flats is considered appropriate in this location, with the materials and form of the building appropriately reflecting the positive characteristics of the surrounding mixed development that characterises this part of Horsham. Whilst the site density is

moderately high, it is in keeping with the density of the adjacent flat blocks and would help meet the demand for smaller residential units in the town.

- 6.58 Due to the overall scale of the flats, and its position in a built-up area urban setting, it is acknowledged that there will be some impact on neighbouring amenity from increased overlooking potential. The amendments and recommended conditions suitably mitigate this impact as far as possible, with any impact to be considered in the context of the removal of late night noise disturbance from the existing restaurant. The parking provision on site is considered to be acceptable by Officers and WSCC Highways, whilst no highway safety issues have been identified.
- 6.59 A contribution of £50,000 towards affordable housing in the district has been offered by the applicant which officers consider an acceptable sum given the development has been assessed by the Council's viability consultants as not being viable even with a reduced developer return. The certainty of this sum is considered preferable in lieu of an affordable housing review mechanism, and is considered a benefit of the development.
- 6.60 Taking all matters into consideration, Officers are of the view that overall the development is acceptable, and recommend that this planning application is approved accordingly.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	2137	421	1716
		Total Gain	1716
		Total Demolition	421

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

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

- 7.1 To approve planning permission subject to a legal agreement to secure the affordable housing contribution, and the following conditions:
1. List of approved plans
 2. **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until the proposed means of foul and surface water disposal (including details of surface water attenuation) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

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

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

6. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

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

7. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on and off the site shown for retention on approved drawing number [2021 12 05 Rev E], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing

affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).

- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

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

8. **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).

9. **Pre-Commencement Condition:** No part of the development shall be first occupied until such time as the vehicular accesses and associated visibility splays serving the development have been constructed in accordance with the details shown on the approved planning drawings and including all road safety audit recommendations. The accesses permitted shall thereafter be retained as such for their designated use. The visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 10 **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 and samples of the precise specification of materials and finishes and colours (including brick detailing and patterns) to be used for external walls, windows, and roofs of the approved building has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

- 11 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the balconies including their design, materials, finishes and colour, have been submitted to and approved by the Local Planning Authority in writing. The balconies shall be constructed in full accordance with the approved details and be retained as such thereafter.

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

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

- i. Details of all existing trees and planting to be retained;
- ii. Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
- iii. Details of all hard surfacing materials and finishes works including surface materials to support a 26 tonne refuse vehicle;
- iv. Details of all boundary treatments including fencing, walls etc.;
- v. Details of all external lighting.
- vi. Measures to improve the ecological interest of the site

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. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 13 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, 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).

- 14 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling in accordance with drawing number [2021.12.03 Rev B]. These facilities shall thereafter be retained for use at all times.

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

- 15 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of the covered cycle parking shelter for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 16 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the car parking spaces and associated electric vehicle charging infrastructure necessary to serve it have been constructed and made available for use in accordance with the approved plan 2021.12.05 Rev G. The car parking spaces shall be unallocated (with the exception of any disabled bays and the 3 allocated car parking spaces off of West Parade) at all times and shall thereafter be retained as such for their designated use. The means for charging electric vehicles shall be retained as such thereafter (unless being upgraded to active charging spaces and/or rapid charge points)

Reason: To provide car-parking space for the use and 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, 40 & 41 of the Horsham District Planning Framework (2015).

- 17 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 18 **Pre-Occupation Condition:** The building hereby permitted shall not be occupied until the central stairwell windows within the west elevation of the three storey block at 2nd and 3rd floor levels on Plan [2021.12.11REV C] have been fitted with obscured glazing. Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.

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

- 19 **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).

- 20 **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 locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 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:** No external lighting or floodlighting other than those approved as part of Condition 16 shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

- 23 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: 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).

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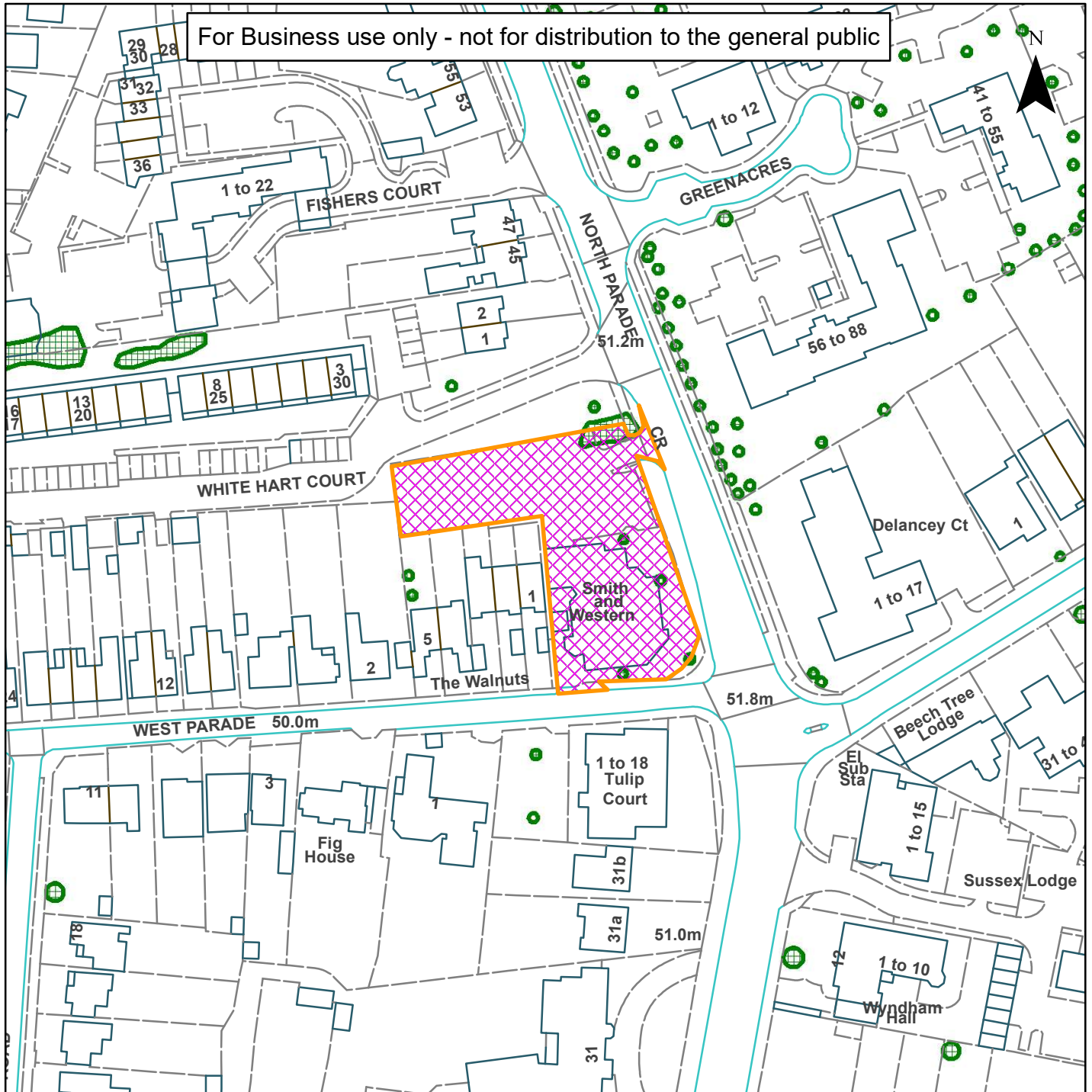
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**Horsham
District
Council**

Smith and Western, 37 North Parade, Horsham, West Sussex,
RH12 2QR

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st March 2022

DEVELOPMENT: Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road with all matters reserved except access.

SITE: Woodfords, Shipley Road, Southwater, Horsham, West Sussex, RH13 9BQ

WARD: Southwater South and Shipley

APPLICATION: DC/20/2564

APPLICANT: **Name:** Reside Developments Ltd **Address:** The Dutch House, 132-134 High Street, Dorking, Surrey

REASON FOR INCLUSION ON THE AGENDA: By request of the Head of Development and Building Control

RECOMMENDATION: To amend the reasons for refusal being considered under the current appeal by the Planning Inspectorate. This would comprise withdrawing the reason for refusal on the principle of development and introducing a reason for refusal on water neutrality.

1. THE PURPOSE OF THIS REPORT

1.1 To consider revisions to the reasons for refusal for application DC/20/2564, which is subject to a current appeal by the Planning Inspectorate. The recommendation is as follows:

- (a) To withdraw the current reason for refusal relating to the principle of development, owing to the Council's lack of five year housing land supply; and
- (b) To introduce a new reason for refusal relating to the adverse impact of the development on the Arun Valley SAC/SPA and Ramsar sites, as the development has not been demonstrated to be water neutral.

BACKGROUND:

1.2 An outline application for planning permission for the development at Woodfords, Shipley Road, Southwater with 73 dwellings was submitted to the Council in December 2020 (ref: DC/20/2564). Following consideration of the proposals planning permission was refused under delegated powers on 29th April 2021 for the following reasons:

1. *The proposed development would be located in the countryside, outside of a defined built-up area boundary, and on a site that is not allocated for development within the Horsham*

District Planning Framework, or a made Neighbourhood Plan. The Council is currently able to demonstrate a 5-year housing land supply, and consequently the proposed development would be contrary to the Council's overarching strategy for development. Furthermore, the proposed development is not essential to its countryside location. The proposed development is therefore contrary to Policies 1, 2, 4, 15 and 26 of the Horsham District Planning Framework (2015), and paragraphs 2, 11, 12, and 47 of the National Planning Policy Framework (2019).

2. *The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 35% of units required to be provided as affordable housing units. The proposal is therefore contrary to Policy 16 of the Horsham District Planning Framework (2015) as it has not been demonstrated how the affordable housing needs of the District would be met.*
- 1.3 The delegated officer report is attached at Appendix A, which includes the description of the site and the full details of the application along with all consultee comments and a discussion of all material considerations.
- 1.4 An appeal against the refusal of permission has now been submitted and is to be heard by way of written representations.
- 1.5 Since the refusal of planning permission, there have been material changes to the weight to be applied to the current development plan which necessitate the re-consideration of the principle of development. The Council can no longer demonstrate a five year supply of deliverable housing sites, and the Shipley Neighbourhood Plan has been made and now carries full weight in decision-making. Furthermore, the Natural England Position Statement of September 2021 raises an important new material planning consideration relating to water abstraction in the Arun Valley. In addition, the scheme has been amended to now include 4 self / custom build plots.
- 1.6 Since the submission of the appeal, a new application for 73 dwellings (ref: DC/21/2180) has also been submitted. This application is currently under consideration and is awaiting the submission of a water neutrality statement to address the issues raised by Natural England in their Position Statement. The proposed layout for the scheme is the same as the current appeal scheme.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/2564	Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road with all matters reserved except access.	Application Refused on 29.04.2021. Subject of an appeal.
DC/21/2180	Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highway infrastructure works, including vehicular access from Shipley Road, with all matters reserved except for access	Under consideration.

3. OUTCOME OF CONSULTATIONS

- 3.1 The full list of all consultations received as a result of the original application are outlined in the appended report, including 73 letters of objection from interested parties. These letters, along with all consultation responses, have been forwarded to the Planning Inspectorate as part of the consideration of the current appeal. Residents and all interested parties have also been notified of the current appeal with any further comments to be made directly to the Inspectorate.

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

- 4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form 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 As set out above, since the refusal of planning permission, new material considerations have arisen relating to:

1. Water neutrality, and the consequential impact of development on the integrity of the Arun Valley SAC/SPA and Ramsar site.
2. The introduction of 4 custom / self-build dwellings in the proposal;
3. The Shipley Neighbourhood Plan; and
4. The Council's five year housing land supply position

These new considerations are discussed below along with the officer's recommended re-balancing of the development against these new considerations and the development plan as a whole.

Water Neutrality

- 6.2 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.3 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the

competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.

- 6.4 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.5 The application site at Woodfords falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore a new material planning consideration relevant to the appeal proposals. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.6 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone must demonstrate water neutrality, i.e. that water consumption from the site when occupied will not increase water abstraction in the Arun Valley.
- 6.7 The appeal documents do not contain a Water Neutrality Statement, therefore it is not possible to conclude with sufficient certainty that the development of 73 dwellings at the Woodfords site would not result in adverse impact on the integrity of the Arun Valley habitat sites. On this basis the development does not comply with s.70 of the Conservation of Habitats and Species Act 2017 and is also contrary to Policy 31 of the HDPF and paragraph 180 of the NPPF.
- 6.8 The officer recommendation is therefore that the following refusal reason be added to the Council's Statement of Case for consideration by the appointed inspector:
1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

The introduction of four custom / self build plots to the development proposals

- 6.9 The scheme, as submitted under the appeal, has been amended to include 4 self / custom build units. This equates to just over 5% of the housing provision. As this proposal is for outline permission, the exact location and design of the units will be assessed under a reserved matters application. The draft legal agreement submitted with the appeal requires the provision of the units with an obligation for the units to be delivered. The exact wording of the agreement is to be agreed. The original refused application did not include the provision of custom / self build units, however the inclusion of the units is welcomed as a benefit of the development and will assist in helping meet this demand in the district. If the original refused scheme had included the custom / self build units, reason for refusal no.2 would have included a requirement for a legal agreement for the proposal to also make reference to these units to secure their provision. As such, a minor amendment is recommended to the wording reason for refusal no.2 to include reference to the custom / self build units:

1. *The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 35% of units required to be provided as affordable housing units or include a requirement for the provision of 4 custom / self build units. The proposal is therefore contrary to Policy 16 of the Horsham District Planning Framework (2015) as it has not been demonstrated how the affordable housing needs of the District would be met.*

The appellants have submitted a draft legal agreement to include the provision of these four custom / self build plots, as discussed later in this report at paragraph 6.23

The Shipley Grinstead Neighbourhood Plan

- 6.10 Since the refusal of planning permission, the Shipley Neighbourhood Plan (SNP) has passed referendum and now forms part of the adopted development plan for Horsham District. At the time the application was refused the SNP had passed through examination and was given significant weight in the decision made. The SNP does not allocate sites to meet its identified housing need, instead relying on the wider district plan to address housing need. Consequently, the principle of housing on this site does not conflict with the SNP, and there is no identified conflict with any other policy in the SNP.

The Council's five year housing land supply position:

- 6.11 The application was refused planning permission at a time when the Council was able to demonstrate a five year supply of deliverable housing sites. Accordingly, the identified conflict with Strategic Policies 2, 4, and 26 of the HDPF was afforded full weight and the principle of development on this unallocated greenfield site was considered unacceptable.
- 6.12 Since this decision was made, recent appeal decisions at Rascals Farm, Southwater (DC/20/0695), Newhouse Farm, Horsham (DC/20/0470) and Sandy Lane, Henfield (DC/20/0427) have established that the Council is no longer able to demonstrate a five year housing land supply, with the supply calculated to be between 4.2 and 4.4 years. This is reflected in the Council's latest Authority Monitoring Report, which calculates the five year supply from 1st April 2021 to 31st March 2026 to now be 4.0 years.
- 6.13 The absence of a five year housing land supply is a significant new material consideration that in itself triggers the presumption in favour of sustainable development at paragraph 11d of the NPPF. Accordingly, the provision of 73 dwellings carries significant weight in decision making, and the weight to be applied to the identified conflict with Policies 2, 4 and 26 is diminished.

Revised Planning Balance:

- 6.14 In light of the Council's five year housing land supply position and the other new material planning considerations identified above, it is necessary to re-balance the benefits of the proposed development against the harm identified.
- 6.15 The proposals would provide for a number of benefits including 73 dwellings, a policy compliant 35% affordable housing and increased local spend. No harm was identified in respect of landscape impact, highways impacts, neighbouring amenity, air quality, trees, flood risk, heritage, and ecological impacts. The provision of 4 custom / self build plots would provide a small benefit in helping meet the demand for such plots on the council's custom /self build register.

- 6.16 The proposals however remain contrary to Strategic Policies 2, 4 and 26 of the HDPF, in that the site is located outside a defined settlement boundary, remains unallocated for housing development, and is not essential to be located in this countryside location.
- 6.17 However, as set out above, the weight to be applied to this conflict is now significantly reduced. This is because Paragraph 11d of the NPPF requires that those policies most important for determining applications (in this case Policies 2, 4 and 26) be deemed out-of-date in circumstances where a Council is unable to demonstrate a five year supply of deliverable housing sites (footnote 8). Paragraph 11d in such circumstances then requires that planning permission be granted, triggering the presumption in favour of sustainable development (also referred to as the 'tilted balance'), that is unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 6.18 Footnote 7 to Paragraph 11d identifies that policies relating to habitat sites are those capable of forming a clear reason to refuse permission under part i) above. In respect of habitat sites, the NPPF at paragraph 180 states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*. Paragraph 182 of the NPPF further states that *'the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'* In this instance, the proposal has not demonstrated water neutrality and therefore would result in harm to the Arun Valley habitats sites. This constitutes a clear reason to refuse permission applying paragraphs 180 and 182 of the NPPF.
- 6.19 Whilst the harm to the Arun Valley habitat sites provides a clear reason to refuse permission that disengages the Paragraph 11d 'tilted balance', it is no longer considered reasonable to otherwise resist the principle of development on this site. As set out above, Policies 2, 4 and 26, and by extension the district's settlement boundaries, are to now be considered out of date given the Council's housing land supply position. The benefit of the housing must now attract very significant weight and outweigh the conflict with these out-of-date policies. As such, officer's advice is that the first refusal reason can no longer be supported.
- 6.20 In reaching this recommendation regard has been had to paragraph 14 of the NPPF which states that *'in situations where the presumption (at paragraph 11d) applies to application to involving the provision of housing, the adverse impact of allowing development that conflicts the neighbourhood plan is likely to significantly demonstrably outweigh the benefits.'* This safeguard is subject to several criteria, including the requirement that any qualifying neighbourhood plan must contain allocations to meet its identified housing need. In this instance, the recently made Shipley Neighbourhood Plan does not include allocations to meet its identified housing need, therefore the protections of paragraph 14 do not apply.
- 6.21 Regard has also been had to the Local Plan Review, with the draft Regulation 19 Plan provisionally published in July 2021 not including this site as a housing allocation. This Plan has not progressed to public consultation while the impacts on water abstraction in the Arun Valley on the Plan are further explored. The content of this draft Plan therefore carries no appreciable weight in decision making.

- 6.22 Accordingly, officers recommend that the Council should no longer defend the first reason for refusal relating to the principle of development. Instead, officers recommend that the Council defend the appeal in relation to the new material consideration concerning the impacts of the development on the Arun Valley habitat sites.
- 6.23 In respect of the second reason for refusal, which related to the absence of a s106 legal agreement to secure the affordable housing and upgrades to footpath 1840, a draft legal agreement has been submitted as part of the current appeal and is being considered by the Council's legal department. At this stage until the draft agreement is agreed the second reason for refusal will remain.

7. RECOMMENDATION

7.1 That the Council advises the Planning Inspectorate that it will:

- (a) No longer be seeking to defend the reason for refusal no. 1 regarding the principle of development given the Council's five year housing land supply position; and
- (b) Will be defending the refusal of planning permission instead on the following grounds:
 - 1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).
 - 2. The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 35% of units required to be provided as affordable housing units or include a requirement for the provision of 4 custom / self build units. The proposal is therefore contrary to Policy 16 of the Horsham District Planning Framework (2015) as it has not been demonstrated how the affordable housing needs of the District would be met.

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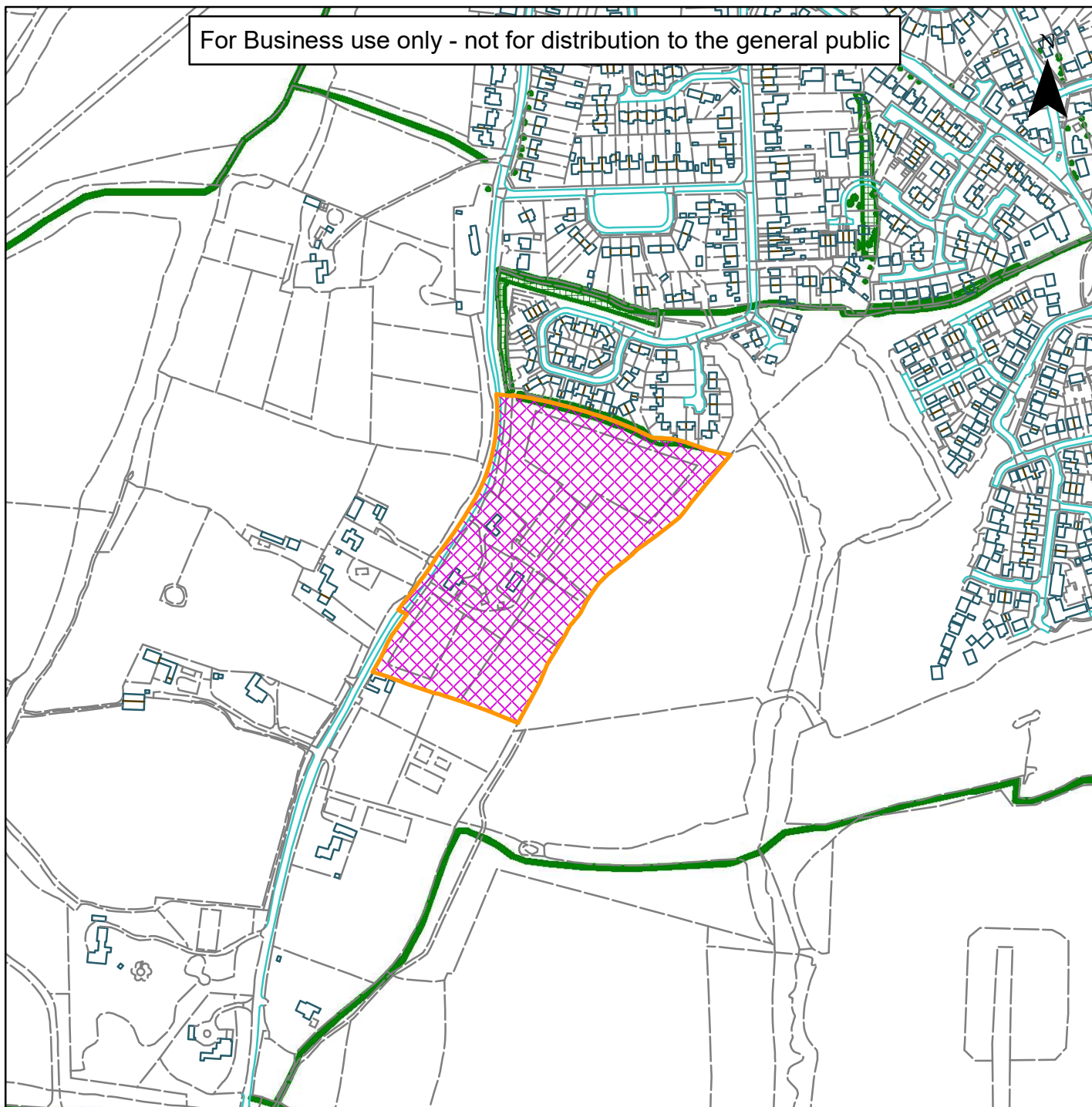
07) DC/20/2564



Horsham District Council

Woodfords, Shipley Road, Southwater, Horsham, West Sussex, RH13 9BQ

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Organisation	Horsham District Council
Department	
Comments	
Date	16/02/2022
SA Number	100023865

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DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/20/2564

Woodfords, Shipley Road, Southwater, Horsham, West Sussex, RH13 9BQ

DESCRIPTION:

Outline application for the erection of up to 73 new dwellings (C3 use) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road with all matters reserved except access.

RELEVANT PLANNING HISTORY:

None

SITE AND SURROUNDS

The application site is located to the east of Shipley Road, directly to the south of the village of Southwater, but within the Parish of Shipley. The site is approximately 1 mile (1.6km) from the centre of Southwater (Lintot Square). The 4.1Ha site is formed of two, relatively flat fields dissected roughly in the middle by a row of trees (including one large mature Oak). The existing site comprises a main dwelling known as 'Woodfords' which is not listed, but is thought to date back to the seventeenth century (therefore considered to be a non-designated heritage asset); and other associated but more modern buildings.

The site boundaries are largely defined by mature landscaping including dense hedgerows and mature trees. The trees along the northern boundary are protected under TPO/1436. An area of ancient woodland is located approximately 40m to the north east of the site (at its nearest point). The site is relatively tranquil in nature and semi-rural in character, although influences such as noise from Shipley Road to the west and the visibility of existing houses directly to the north of the site, give the site a sub-urban influence, particularly towards the northern end. The site has an existing vehicular access point from Shipley Road.

DETAILED DESCRIPTION

The application is proposed in Outline, and during the course of determination, has been amended to seek permission for the re-development of the site to provide up to 73 dwellings, with detailed permission sought for a new vehicular access point from Shipley Road. The submitted illustrative site plan shows the development of 73 units which comprise a mix of 1, 2, 3 and 4-bed houses and flats, and 29 of the units (39.7%) are proposed to be affordable. The design and layout of the site is only shown indicatively, but proposes areas of public open space, water attenuation, and a 100sqm play area in the central section of the site. A 'trim trail' is proposed around the perimeter of the site. A new pedestrian access point is shown at the north-west corner of the site, which includes the provision of a new section of pedestrian footway along the eastern side of Shipley Road. The indicative layout shows two 'character areas' within the site, with a denser and more urban character to the north, and more of a 'farmstead' character to the south, which includes the retention of the existing farmhouse. An internal road would lead from the new access point into the site, enabling access to the southern parcel. Most existing trees within the site are to be retained, and landscaping at the site boundaries would be enhanced.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF, 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 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Horsham District Planning Framework (2015) – Update on Status

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan (the HDPF), however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). In this case, the relevant policies as set out above are considered to remain in accordance with national policy set out in the NPPF. The Council's annual target for housing delivery has now risen from the previous 800 dwellings per year set out in HDPF Policy 15 to 920 dwellings per year in accordance with the latest standard housing methodology calculator, however the Council's latest Authority Monitoring Report (2020) sets out that a 5 year housing land supply at 920 dwellings per year can be demonstrated (N.B. the latest standard methodology calculations now reduce the number to 897). Accordingly, as the relevant policies are compliant with the NPPF, and a 5 year housing land supply can be demonstrated, paragraph 11 of the NPPF is not engaged in decision making.

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Neighbourhood Planning:

Shipley Neighbourhood Plan

The application site is located in the parish of Shipley, and is therefore under the jurisdiction of the designated Shipley Neighbourhood Plan area. The Shipley Neighbourhood Plan has undergone independent Examination, and on 18 June 2020 the Examiner issued a report recommending that subject to a number of modifications, the plan meets the legal requirements and Basic Conditions. HDC have published a Decision Statement confirming that the Examiner's recommended modifications to the Shipley NP have been accepted. The plan (as modified) will pass through Referendum on 06 May 2021 and assuming it is passed will become part of the development plan immediately after.

Relevant Policies:

- Policy Ship HD1: New Housing Development
- Policy Ship HD2: Housing Mix
- Policy Ship HD3: High Quality Design
- Policy Ship TT1: Active Travel

Southwater Neighbourhood Plan

Whilst the application site is not located in the designated Southwater Neighbourhood Plan area, given its proximity to the Parish boundary (and its likely association with the village of Southwater); it is considered appropriate to consider the contents and policies of the Southwater Neighbourhood Plan as part of this application. As per the Shipley Neighbourhood Plan, the Southwater Neighbourhood Plan has undergone independent Examination, and on 15 May 2020 the Examiner issued a report recommending that subject to a number of modifications, the plan meets the legal requirements and Basic Conditions. HDC have published a Decision Statement confirming that the Examiner's recommended modifications to the Southwater NP have largely been accepted. This Plan will also pass through Referendum on 6 May 2021.

Relevant Policies:

- SNP1 – Core Principles
- SNP2 – Allocation for Residential Development
- SNP4 – Keeping Our Roads Moving
- SNP10 – Residential Space Standards
- SNP12 – Outdoor Play Space
- SNP13 – Enhancing Our Non-Motorised Transport Network
- SNP14 – Adequate Provision of Car Parking
- SNP15 – Driving in the 21st Century
- SNP16 – Design
- SNP17 – Site Levels
- SNP18 – A Treed Landscape

Weight of Neighbourhood Plans

In line with the Planning Practice Guidance (Paragraph: 107 Reference ID: 41-107-20200925) which was modified recently in light of implications caused by the COVID-19 pandemic, the publication of the Council's Decision Statement means that both the Shipley and Southwater Neighbourhood Plans are now considered to carry significant weight in the decision making process.

Parish Design Statement:

Shipley Parish Design Statement SPD (May 2013)

Southwater Parish Design Statement SPD (April 2011)

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

It should be noted that a revised site and Parameter plan was submitted to the Council during the application consideration period, which amended the scheme to show the retention of the existing farmhouse on site ('Woodfords'). The revised site plan now shows the erection of 73 units on site (reduced from 78 previously). The summaries below detail consultee comments on the revisions, where relevant.

Consultations:

INTERNAL CONSULTATIONS

HDC Landscape Architect: Comment

[Summary of Final Comments]: The revised illustrative layout (Drawing ref: PL-12) results in a reduction of units from 78 to 73. This illustrative layout has reduced dwelling numbers, to retain the existing farmhouse, which is welcomed. However, the green edge remains the same and therefore we would still advise that further consideration is given to the expansion of the site perimeter green corridor and implementation of the proposed circular play route.

[Summary of Initial Comments]: The site is located outside the settlement boundary of Southwater, therefore within the designated countryside, where the provisions of HDPF Policy 26 apply. The site is enclosed by strong tree lined hedgerows and dense woodland shaws along all boundaries. The site falls within area 'G4: Southwater & Shipley Wooded Farmlands' of the Horsham District Landscape Character Assessment (2003). The application has been supported by a Landscape and Visual Assessment with Impact Overview (LVAIO) which considers the likely physical and visual impacts arising as a result of the proposed development. The LVAIO notes that the site has a limited visual envelope. The only partial visual connection the site has is with neighbouring properties in Rascals Close, and from transient receptors on Shipley Road. The LVAIO states that the development will have an adverse effect upon the landscape character, but that there will also be positive impacts. We can see that a landscape-led approach to development has been applied, with the scheme being led by the existing landscape character and the majority of existing trees on site proposed for retention. Overall, in landscape terms we have judged that the site has capacity to accept a level of development, but the urbanising influence of this proposed residential development will have an adverse impact on the existing rural character and should remain a key consideration in the decision process. Several recommendations have been made if Officers are minded to approve (including, expansion of green edge, and submission of additional details including tree survey plan and site-wide planting plans for landscaped and SuDS areas).

HDC Environmental Health: No Objection (subject to conditions)

[Summary of Final Comments]: The Council's Air Quality Officer has reviewed the revised AQ Emissions Mitigation Plan (March 2021) and recommends that the provision of air quality mitigation (including EV charging; bus tickets; and other provisions to encourage sustainable transport) be secured by condition. The noise impact of the proposed heat pumps will require an approval from the LPA prior to installation. The damage costs associated with the emissions from the proposed development were estimated at £22,318; this should be secured by a s106 agreement.

[Summary of Initial Comments]: Air Quality – the damage cost calculation has been based on the costs for 'rural' road traffic, which underestimates the true costs. Given the proximity to Southwater, the 'urban small' road costs should be used. No Air Quality mitigation is proposed – this should also be costed. Noise impacts from the proposed Air Source Heat Pumps should be provided. Conditions recommended include: (1) Contaminated Land; (2) CEMP.

HDC Conservation Officer: Comment

[Summary of Final Comments]: The amended Parameter Plan states "*retention or removal of existing farmhouse to be considered as part of future RM application*" – I am not convinced that this is a satisfactory approach. I would prefer this Outline application make no reference to demolition and a separate Outline or Full application can be submitted at a future date. At face value, the Outline application is not proposing demolition and therefore the level of harm resulting from the proposed surrounding development will be minor and to the setting of the house. If you are content the balance falls in favour of development, then please carry on without a heritage reason for refusal.

[Summary of Initial Comments]: I am not satisfied they have presented an acceptable argument that the historic building cannot be retained. In retaining the house the harm to the setting of the non-designated heritage asset could be mitigated by a layout that retains some perception of primacy of the historic building and detachment from any modern development. The loss of the historic building is not justified in this case. The increased harm to the asset through its demolition should be considered proportionately against the public benefit that might arise from development of this site as indicated by para. 197 of the NPPF.

HDC Housing: Comment

[Summary]: 29x affordable units is 37%, which is policy compliant and supported. The proposed mix has been based on the 2019 SHMA. Housing Officers urge the developer to consider providing fewer 2-bed

properties in favour of more 3-bed units to reflect current local needs. No details of tenure split have been provided (a 70%/30% split is expected). An agreement with a RP should be made as soon as possible.

HDC Drainage Engineer: No Objection (subject to conditions)

[Summary of Final Comments]: The revised FRA (February 2021) has been reviewed, and no objection is raised, subject to the submission and approval of details (by condition) as follows: (1) Drainage Strategy; (2) Sustainable Surface Water Drainage; and (3) SUDS Verification Report. In addition, the following informative notes should be added: (1) Surface Water Drainage Statements; and (2) a note to advise the applicant that discharge to the local watercourse will require 'Ordinary Watercourse Consent' (under the Land Drainage Act, 1991).

[Summary of Initial Comments]: Parts of the site have a 'medium risk' of flooding. Therefore evidence should be included in the Flood Risk Assessment that this has been investigated and considered. Also, evidence of any third party agreement (in principle/ consent to discharge) to discharge to the local watercourses is required.

OUTSIDE AGENCIES

WSCC Highways: No Objection

[Summary of Final Comments]: In comments dated 31 March 2021, the LHA requested further information in respect to point 2.4.3 of the Road Safety Audit (RSA). The Designer was asked to increase the width of the central refuge islands at sites 1-3. Drawing J32-4384-012 Rev. A now shows the widened islands along with tactile paving. Drawing J32-4384-016 Rev. A shows that vehicle tracking still works at Shipley Road and Shipley Road/Mill Straight junction islands and drawing J32-4384-017 demonstrates this at the Worthing Road/ Industrial Estate junction.

The LHA now consider that all outstanding highways issues have been addressed at this stage and any other further points for assessment at detailed design stage have been indicated on the Designers Response. The proposed access arrangements and pedestrian infrastructure improvements have been demonstrated as safe and suitable in line with paragraph 108 of the National Planning Policy Framework. The Local Highway Authority does not consider that the proposal for would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Matters of internal layout, car and bicycle parking should be reviewed at reserved matters stage.

The LPA should look to secure a fee of £1500 for auditing of the Travel Plan Statement via s106 Agreement/ Unilateral Undertaking. If the Local Planning Authority is minded to grant planning consent the following conditions and informative notes would be advised: Access and Pedestrian Improvement Works; Visibility (details approved); Construction Management Plan; and Travel Plan Statement (to be approved).

[Summary of Subsequent Comments]: More Information Required

The previous comments requested further information regarding (1) the proposed footway link where this crosses a parking layby; (2) clarification of speed survey results and visibility splay requirement; and (3) provision of a Stage 1 Road Safety Audit (RSA) with Designers Response (DR).

1 – Parking Layby/Footway Link: drawing [J324384-015] has been submitted, showing bollards across the layby to prevent footway parking. Details for this can be confirmed at detailed design (s278) stage.

2 - The raw speed survey data has been reviewed, finding the average 85th percentile speed to be 44.4mph southbound and 46.3mph northbound. Weather data shows that there was light rain for brief

periods when the survey was undertaken - therefore the speeds as recorded should be used (i.e. no reduction for wet weather as per DMRB guidance). The resulting splay requirements would be 122m north and 131m south. Splays of 124m north and 161m south are achievable, thus the LHA is satisfied that suitable visibility for the observed vehicle speeds has been demonstrated.

3 – The Road Safety Audit and Designer’s Response (DR) has been reviewed. Several minor problems were identified in the RSA, but the Designer’s Responses have largely been accepted subject to implementation of changes at detailed design stage. The only outstanding matter is point 2.4.3 which required the width of the pedestrian refuge island to be increased to 1.5m. Associated swept path tracking / turning circles should also be provided.

[Summary of Initial Comments]: More Information Required

- Trip generation is not expected to result in a ‘severe’ number of additional vehicles using the Shipley Road/A272 junction.
- The LHA does not consider that recorded accident incidents along Shipley Road are related to road layout, nor that an existing safety concern on the nearby road network exists.
- A new bellmouth junction is proposed into the site, plus a pedestrian footway. A 2m wide footway is desired but not possible in this location, so it is accepted that a 1.5m footway will be an improvement over the existing arrangement. Applicant must clarify the footway arrangement shown across the parking layby.
- Raw speed survey data should be provided and confirmation of the weather conditions during the time of the survey. If mostly wet weather then the correction factor should be added. Splay requirements (based on the speeds provided) are achievable. A Road Safety Audit (and designer’s response) for the proposed off-site works should be provided.
- Appropriate access and turning for larger service vehicles (refuse, fire etc.) is shown.
- Off-site improvements include a new footway along Shipley Road and upgrades to crossing points – to be secured through condition or s106.
- TRICS results show that 67x trips (AM) and 64x trips (PM) could result. Junction modelling using PICADY shows that the site access/Shipley road junction will operate within capacity in 2025.
- Within 2km walk are various amenities and services. Off-site works will improve pedestrian routes towards Southwater. The nearest bus stop is approx. 350m north.
- The internal site layout is mostly shared surface but vehicle flows are anticipated to be at an acceptable level for cyclist use also.
- The TA outlines mitigation measures proposed for promoting sustainable transport use - including a Travel Plan with a range of measures to reduce car travel, e-bike/scooter parking, bus voucher and footway improvements. A Travel Plan should be secured via condition. The LHA consider that opportunities to promote sustainable transport modes has been made, and that there are chances to utilise transport modes other than the private vehicle for some daily journeys, such as walking and public transport (bus).
- Parking – Based on the proposed mix, the WSCC Parking Demand Calculator shows a need for 188 spaces. The indicative provision is short by 3 x spaces. Note that garages will count as 0.5 space. Spaces for EV charging, bicycles, and disabled use should also be provided in accordance with the WSCC standards.

WSCC Flood Risk Management: Comment

[Summary of Final Comments]: No comments received on revised FRA (February 2021).

[Summary of Initial Comments]: While the Drainage Strategy does use acceptable methods to drain the site, the FRA fails to identify that the site is at risk from surface water flooding according to current surface water flood maps. Section 4.6 needs to be revisited and mitigation proposed for the areas at risk. There is also no mention of the Ordinary Watercourse that is shown to running across the site. Condition recommended for the submission and approval of a maintenance and management manual for the SuDS system.

Archaeology Consultant: No Objection (subject to condition)

[Summary]: The site is located around the historic farmstead of The Vagers, and within the adjacent field there is cropmark evidence of ridge and furrow and therefore the potential for preserved medieval agrarian features to extend into the proposed development. The proposed development is also located in close proximity to Hogs Wood which contains a number of earthworks including pits and banks. It is evident that the proposed development is located within a settled medieval and post-medieval landscape. Condition recommended to secure a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI).

Ecology Consultant: No Objection (subject to conditions)

[Summary]

- Mitigation measures should be collated in a CEMP for Biodiversity.
- Building B1 supports bat roosts, therefore, any works to this buildings will require a European Protected Species (EPS) Licence from Natural England. A copy of this licence should be provided to the LPA and secured by condition.
- The Hazel Dormouse Survey identified that this species were present within the boundary hedgerows onsite. As a section of hedgerow will be removed to facilitate the new access, an EPS Licence for Hazel Dormice will be required from Natural England prior to commencement. A copy of this licence should be provided to the LPA and secured by condition.
- The Bat Activity Survey identified moderate bat activity onsite. The report makes appropriate recommendations to allow this foraging behaviour to continue and these measures should be secured by condition.
- Site Plan is supported, which identifies that the scheme has been designed avoiding any gardens backing onto the edge habitat.
- A Habitats Regulations Assessment (HRA) screening report is required as the site is approximately 12.3km from The Mens SAC. As no Annex II species have been identified onsite, and mitigation for foraging and commuting bats has been included; it is considered that this will not need an Appropriate Assessment. See separate HRA.
- Proposed biodiversity enhancements, to secure net gains for biodiversity are supported. These measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by condition.
- A Landscape and Ecological Management Plan (LEMP) should be secured and included in any reserved matters application.
- Conditions recommended include: (1) Action required in accordance with Ecological Appraisal recommendations; (2) Submission of the EPS Licence for Hazel Dormice; (3) Submission of the EPS Licence for Bats; (4) Biodiversity CEMP; (5) Landscape and Ecological Management Plan.

Southern Water: No Objection (subject to conditions)

[Summary]: No objection, subject to appropriate agreements being made between the developer and Southern Water under s104 of the Water Industry Act (1991). Condition recommended for submission of details for foul and surface water disposal.

Southwater Parish Council: Objection

[Summary]: Development of the countryside and concerns over added congestion on Shipley Road, HDC have confirmed a 5-year land supply of housing and development is not an allocated site in the Neighbourhood Plan of Southwater or Shipley. Southwater Parish Council also objects on the same basis of the objections outlined by Shipley Parish Council.

Shingley Parish Council: Objection

[Summary]: The Shingley NP has relevance because the proposed site is within the designated plan boundary. Policy Ship HD1 of the Shingley Neighbourhood Plan requires development to be in accordance with the spatial strategy for the District. The Shingley NP resists development on greenfield land. This site falls within the countryside, therefore contrary to Policy 26 of the HDPF.

The proposed development would have an urbanising influence in the countryside beyond Southwater resulting in harm to the countryside character of the area. The whole development would have a detrimental impact on the rural location.

Due to the site's location outside the Built up Area Boundary and on a site not allocated for development within the HDPF, or an adopted Neighbourhood Plan, is unacceptable, and conflicts with Policies 2, 3, 4 and 15, 26 and 17 of the HDPF, and does not support any one of the four criteria set out at paragraph 4.5 of the Shingley Neighbourhood Plan.

Representations:

0 letters of support for the development were received.

73 letters of objection were received from 63 different households, including an objection from CPRE Sussex. A summarised list of reasons for objection is below:

- Highways/traffic impact on Shingley Road;
- Noise during construction;
- Loss of privacy and light;
- Impact on wildlife/ecology;
- Lack of local facilities or local infrastructure;
- Lack of employment opportunities;
- Overdevelopment of Southwater;
- Pollution;
- Lack of regular bus links;
- Insufficient parking;
- Impact on protected trees;
- Contrary to Neighbourhood Plan;
- Contrary to HDPF development strategy;
- Council has a 5 year supply of housing;
- Woodfords is a 'non designated heritage asset'.

HUMAN RIGHTS

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 the application. Consideration of human rights is an integral part of the planning assessment set out below.

PLANNING ASSESSMENT

Principle of Development:

The site is located outside any of the District's defined built up area boundaries (BUAB's), and does not form part of Horsham's adopted development plan (comprising the Horsham District Planning Framework (HDPF) or a 'Made' Neighbourhood Development Plan), nor an adopted Site Allocations DPD. As a result, residential development here would conflict with the requirements of Policies 1 and 2 of the HDPF as well as with Policy 4 'Settlement Expansion', and as such, is not considered to be acceptable. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location.

Whilst the Shipley Neighbourhood Plan (NP) is not yet formally 'Made', having passed independent Examination with all recommended modifications accepted by the PC and by HDC; the plan is considered to hold significant weight in the decision making process. Whilst the Shipley NP includes a housing policy (Policy Ship HD1) which allows small scale housing growth within infill gaps or on PDL; the Shipley NP (as modified) does not identify a parish-wide housing growth target, and the policies contained within the plan do not include any specific residential site allocations. The application site is not therefore allocated for development in either the Shipley NP or the adopted HDPF, and is not therefore acceptable in principle.

Policy 15 of the HDPF sets a housing target of at least 16,000 homes to be delivered within the District over a twenty year plan period, running to 2031. This equates to an average of 800 dwellings per annum. The HDPF was found sound by the Planning Inspectorate in November 2015, and provides for a sufficient housing land supply of deliverable sites across a large proportion of the plan period, including a buffer of over 5%. As of 28th November 2020, the HDPF became 5 years old, therefore the Council's annual target for housing delivery has risen from 800 dwellings per year (as set out in Policy 15) to 920 dwellings per year in accordance with the Government's latest standard housing methodology calculator (N.B. this is now 897 dwellings as of March 2021). Based on this, it is the Council's current position that it can demonstrate a five-year housing land supply of 108% against the Government's requirement of 920 dwellings per annum (the standard methodology). The calculation and breakdown of this is outlined in the Council's most recent Authority Monitoring Report (AMR) 2019/20, published in December 2020. It is noted from the submitted Planning Statement (paragraphs 7.12 – 7.13) that the applicant is of the view that the Council are unable to demonstrate a five-year housing land supply beyond 2024. The applicant contends in paragraph 7.18 that given the HDPF is now over 5 years old, the Council's 5-year supply position must be assessed against the government's Standard Methodology, and as such, the Council '*will be unable to demonstrate a five-year land supply*'. No evidence has been provided by the applicant to expand on this claim, or to support the contention that the Council cannot demonstrate a sufficient housing supply. The Council dispute this claim, and would refer the applicant to the recently published AMR which demonstrates that a supply of 108% against the target required by the Standard Methodology is being achieved.

Whilst a recently calculated 5-year housing land supply of 108% can be demonstrated by the Council; work to progress a revised local plan (the Local Plan Review) continues, and a 'Regulation 19' draft Local Plan is due to be published for full public consultation in the Summer of 2021. The Local Plan Review will seek to address a projected shortfall in housing supply in the latter part of the HDPF plan period (as identified by the Local Plan Inspector appointed to examine the HDPF in 2015), as well as proposing suitable sites for the District's projected housing needs up to 2036. The Reg 19 draft Local Plan will include proposed site allocations across the District, which will be selected based on their sustainability credentials and the local housing needs of the Parish they are located within. The Reg 19 plan will be subject to public consultation prior to its submission to the Government for Examination, therefore the draft policies and land allocations included will only carry limited weight.

As background to the forthcoming Reg 19 draft Local Plan; in early 2020 the Council published a 'Regulation 18' consultation paper on the Local Plan Review. Within this document, the settlement of Shipley was identified as a 'Secondary Settlement' which is a new settlement category, denoting very small villages that have some limited local employment, services and facilities. Given the scale and character of Shipley, the Reg-18 paper does not identify this settlement as one with an identified housing need that would warrant any 'smaller site allocations'. As such (and notwithstanding the Council's active work to progress a Local Plan Review), the proposed residential development of the application site at Woodfords is currently contrary to local and national planning policy, and is not acceptable at this time.

Paragraph 11 of the NPPF (2019) states that '*plans and decisions should apply a presumption in favour of sustainable development*', which for decision-taking means; '*approving development proposals that accord with an up-to-date development plan without delay*'. In determining what is meant by an 'up-to-date development plan', footnote 7 clarifies that out-of-date development plan policies include situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer), or where the Housing Delivery test is failed. In accordance with the data presented in the 2019/20 AMR, the Council can demonstrate a healthy five-year housing land supply of 108%. It is therefore considered that most important policies for the supply of housing remain up-to-date despite the change

to the housing target from 800 dwellings per year to 897, and the provision of NPPF Paragraph 11(d) do not apply.

Paragraph 12 of the NPPF also states that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making'*. In relation to this, the Planning Inspectorate's June 2017 decision of an appeal submitted at Chanctonbury Nurseries in Ashington (APP/Z3825/W/16/3151508) is relevant. Despite acknowledgement of the merits of the proposed residential development scheme, the Inspector dismissed the appeal due to the conflict with the development plan strategy - namely that the site was not allocated in the development plan. Notwithstanding any merits or material benefits that would come with the proposed development at the application site, paragraph 12 of the NPPF and the above mentioned appeal decision at Chanctonbury Nurseries makes it quite clear that where a Council has an up-to-date development plan in place (as Horsham does), the presumption in favour of sustainable development does not override the strategy outlined in the development plan.

Paragraph 47 of the NPPF goes on to states that *'...applications for planning permission [should] be determined in accordance with the development plan, unless material considerations indicate otherwise'*. The HDPF has thoroughly assessed housing need within the Horsham District, and seeks to direct development to the most suitable sites to accommodate that need within the plan period. Seeking to manage development and growth in this way is one of the fundamental principles of planning and the plan-led system, and is what the NPPF requires all Local Planning Authorities to do. The Council can confidently demonstrate a 5-year housing land supply of 108% against a recently raised target of 920 dwellings per annum (now 897 dwellings), and are actively undertaking a review of the adopted plan to address needs to 2036. It is considered therefore that in terms of identified housing need, supply and delivery; there are currently no material considerations of such significant weight that would warrant a departure from the adopted development plan. The proposed residential development at Woodfords, insofar as the site is not within a defined settlement boundary and is not allocated within the Council's up-to-date development plan or the forthcoming Shipley Neighbourhood Plan; is contrary to the plan-led approach required by planning law, and as endorsed within policies contained within the NPPF and HDPF.

Summary

To conclude, the Council continues to be able to demonstrate a healthy five-year housing land supply (currently 108%) against the Governments standard methodology, and therefore, the adopted development plan and the overall strategy for growth across the District can be afforded full weight. Unplanned and ad-hoc major development, such as this proposal for up approximately 73 dwellings, places a strain on the District's key infrastructure (including road networks, healthcare and education), and can have a detrimental impact on the character of a settlement and the overall sense of place. As a result, planning for growth through suitable site allocations and accompanying policies in up-to-date Local Plans is vital to ensure settlements grow appropriately to meet current and future needs.

The adopted development strategy outlined in the HDPF currently provides for sufficient housing development across the District through site allocations and opportunity to develop smaller settlements through the Neighbourhood Planning process. In accordance with national planning policy set out in the 2019 NPPF; the HDPF resists the principle of residential developments in locations outside of the defined settlement boundaries and within the countryside. For the reasons outlined above, the principle of providing housing at this site which is located outside the defined built-up area boundary of Southwater and within the countryside, and where the land has not been allocated for development within a Local or Neighbourhood Plan, is unacceptable. The principle of the proposed development is therefore contrary to Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework, and paragraphs 2, 11, 12 and 47 of the NPPF which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Notwithstanding the Council's view with regard to the unacceptable principle of the proposed development on this site, the following sections provide assessment of the more detailed site considerations.

Landscape Impact:

The site is located outside of, but adjacent to the settlement boundary of Southwater. As such, in planning terms, the site is located within the designated countryside, where the provisions of HDPF Policy 26 apply. The site is not allocated for development on a district-wide or local level, and (as has already been established) by virtue of the countryside location of the site and the non-essential need for housing in such a location, the proposal is contrary to policy 26, and not considered to be acceptable in principle. The site is not located within a protected or designated landscape.

Existing Site Characteristics

The 4.1Ha site comprises a main residential dwelling (Woodfords) which is surrounded by private equestrian uses (including stables, a riding arena, and paddocks etc.), and other associated buildings clustered in the central part of the site. The site enjoys a sense of enclosure due to the existing boundary vegetation which includes strong tree lined hedgerows and dense woodland shaws along all boundaries. Several mature Oak trees are present along the northern boundary which are protected by TPO's. A fragmented band of trees (including one very large Oak tree) runs through the centre of the site, which is likely to be remnant of a historic field boundary. These trees have the effect of separating the site in two, creating a slightly larger 'northern' section, and a smaller 'southern' section. The site is relatively flat, but falls slightly from north to south by around 10m. The site is predominantly rural in character albeit subject to some urban influence from glimpses of houses visible along the northern boundary (Rascals Close), as well as the influence of traffic noise from Shipley Road to the west. The southern parcel is more closely associated with the rural countryside beyond.

Landscape Character and Capacity Assessment

The site falls within area 'G4: Southwater & Shipley Wooded Farmlands' of the Horsham District Landscape Character Assessment (2003). This wider character area as described in the 2003 Character Assessment largely reflects the characteristics of the application site, which includes: gently undulating land, strongly wooded landscape, irregular pattern of pasture fields, some isolated farms, traditional building materials, visual and noise intrusion from roads, and confined views due to enclosed woodlands. The 2003 Character Assessment describes the overall landscape condition in this area as good, with a high overall sensitivity to change.

The Council's Landscape Capacity Assessment was updated in February 2020, and indicates that the application site is included within Local Landscape Character Area 26 (Land South of Southwater). Area 26 includes the application site, as well as a wider area to the west and north-west of Shipley Road. The 2020 Capacity Assessment notes the enclosed nature of the landscape owing to its wooded character and strong framework of thick hedgerows, shaws and woodland. As such, the area has a low visual sensitivity to housing development, and its landscape value is classed as 'Moderate'. Despite this, the 2020 Assessment concludes that the key features and qualities of the landscape are highly sensitive to large scale development, and that together with the area's strong unspoilt rural landscape character and its good landscape condition, there is **No/Low** capacity for large (500+) or medium (100-500 unit) housing development. Due to its location on the edge of Southwater, Area 26 is included in 'Part 1' of the Landscape Capacity Assessment (for urban extensions to the main towns/villages). As such, no specific assessment was made in the 2020 Capacity Assessment for housing development in this area of less than 100 units (such as the current proposal).

Assessment of Impact

The application has been supported by a Landscape and Visual Assessment with Impact Overview (LVAIO) which considers the likely physical and visual impacts arising as a result of the proposed residential development on this site. The LVAIO has been reviewed by the Council's Consultant Landscape Architect who agrees that the assessment has been carried out in line with the principles set out on the third edition of "*Guidelines for Landscape and Visual Impact Assessment*" (GLVIA3) and includes viewpoints previously agreed prior to the assessment being undertaken. The LVAIO notes that due to the presence of boundary vegetation, the site has a very limited visual envelope. The only partial visual connection the site has is with neighbouring properties in Rascals Close to the north, and from transient receptors (mainly those in cars on bicycles) on Shipley Road to the west. In terms of landscape impact, the LVAIO states that the development will have an adverse effect upon the landscape character, but "*primarily where semi improved grassland is replaced by new homes and associated public realm*". However, there will also be positive impacts "*notably through species enrichment to some areas of grassland and the retention and enhancement of the wooded frameworks*". On review, the Landscape

Architect agrees that a landscape-led approach to development on this site has been applied, with the illustrative scheme layout and design being led by the existing landscape character including the majority of existing trees on site which are shown for retention.

Whilst the 2020 Landscape Capacity Assessment concludes that the area this site is located in (Area 26) has an overall 'No/Low' capacity for housing development over 100 units, Officers are of the view that given the site's location (abutting the village of Southwater), and its relatively enclosed nature; the site has some landscape capacity for appropriately designed smaller scale housing development. Despite the enclosed nature of the site, its existing partial residential use, and urban influences arising from existing development to the north and the road to the west; it is acknowledged that the site is predominantly rural in character, and a development of up to 73 units including a new access road will result in an urbanising influence into the countryside and therefore an adverse impact on the existing landscape character. The Landscape Architect has advised that this should be a key factor in the overall decision making process, and must be considered as part of the overall planning balance.

Site Layout and Design

As a whole, the enclosed and relatively flat nature of the site affords it a good level of screening which would help to soften the development from most viewpoints. The site, once developed, is unlikely to be seen in long-distance views, but would still be partially visible in shorter views (i.e. from Rascals Close and from Shipley Road). However, when seen from these closer views, it is likely to be seen (and associated with) the more urban context of Southwater to the north, and its presence would not therefore be wholly uncharacteristic or unexpected.

The proposed layout of the site shows the development parcels set back slightly from Shipley Road to the west, allowing space for the retention and enhancement of dense boundary vegetation, and a pedestrian walkway. Notwithstanding the new access point, and the development within the site (which is accepted will be noticeable), the retention of the existing dwellinghouse (Woodfords) on the eastern edge of the site will help to maintain an elements of the existing character when viewed from Shipley Road. The urbanising influence of the development when viewed from Shipley Road would still be notable when passing, but the setting-back and retention/enhancement of the existing house and existing tree screening along this boundary will help to minimise this impact. Internal access roads are shown along the northern, eastern and southern boundaries which is welcomed. The positioning of these access roads further help to set the development parcels back from the sensitive peripheries of the site, as well as helping to ensure that the existing mature trees are able to thrive, and are not put under undue pressure from felling or pruning from future occupants.

Notwithstanding this, the Consultant Landscape Architect has advised that if Officers are minded to approval the Outline proposal, the following recommendations should be taken into consideration. Officers are of the view that if the Outline application were to be approved, these recommendations could be secured at Reserved Matters stage, either upfront, or by condition:

1. To better accord with Policy 33 of the HDPF (which requires development to be locally distinctive in character and respect the character of the surrounding area); the layout of the site should be reconsidered to enable the circular play route to be integrated into the natural greenspace (through an expansion to the green edge) to provide a more rural character to the development.
2. The Arboricultural Implications Assessment is not supported by a site plan that shows the location of the trees surveyed and their associated RPAs. This would be required prior to determination.
3. In order to maximise amenity and biodiversity value, details of the planted ditches and play opportunities within the central open space, and the other water attenuation areas and SuDS features should also be submitted prior to determination.
4. Details of all new planting (trees/shrubs etc.) should also be provided, to ensure sufficient variety and species diversity with preference given to native trees and shrubs.

Summary

It is considered that by virtue of its urbanising influence, the proposed residential development of this site is likely to result in adverse harm to the landscape character of the area when compared to its existing open rural character. Despite this, the relatively enclosed, flat and well screened nature of the site, coupled with existing residential development to its immediate north and road to its west, is also acknowledged, and has led to the conclusion that the site has some capacity for sensitively designed development. Officers are of the view therefore, that the development as shown on the illustrative layout

would not result in a wholly uncharacteristic change to the receiving landscape, and the harm would not be considered significant. Notwithstanding this, the harm to the landscape character that has been identified remains a factor in the overall decision making process, and this must be considered as part of the overall planning balance.

Highways Impact:

The application is supported by a Transport Assessment (TA), as well as a Stage 1 Road Safety Audit (RSA) with Designer's Response (DR), Speed Surveys for Shipley Road, and various details plans showing visibility splays, swept paths, and pedestrian refuge/footway designs.

A detailed assessment of the highways considerations is set out below; but in summary, subject to conditions (including the re-submission of a Travel Plan), the Highway Authority is satisfied that the proposal would not result in any severe highway impact in terms of capacity, and would not result in highway safety concerns. The Highways Authority do not identified any issues with the proposed access to the site or visibility splays, and do not therefore object to the application. As such, it is considered that the access arrangements and impact on the surrounding highway network are in accordance with Policy 40 of the HDPF and paragraph 109 of the NPPF, and are acceptable.

Access/Visibility

A new bellmouth (priority 'T') junction is proposed into the site from Shipley Road, plus a new pedestrian access and a 1.5m footway along a 220m stretch of the eastern side of Shipley Road. WSCC (as the Local Highways Authority) note that a 2m wide footway is desired, but acknowledge that it is not possible in this location. WSCC is of the view that the proposed 1.5m footway will be an improvement over the existing arrangement, and therefore accept the proposed arrangement. These off-site improvements works fall within the application's red-line boundary, so it is considered appropriate that their implementation can be secured by condition of any approval granted.

In terms of visibility from the proposed access point, raw speed survey data has been provided. WSCC has confirmed that the surveys took place in mostly dry weather conditions, so no correction factor is required (as per guidance within DMRB). WSCC advise that based on the 85th percentile average speeds recorded, the resulting visibility splay requirements would be 122m north and 131m south. Splays of 124m north and 161m south are achievable, therefore the LHA is satisfied that suitable visibility for the observed vehicle speeds has been demonstrated. WSCC has also confirmed that appropriate access and turning for larger service vehicles (refuse, fire etc.) at the new access and within the site, is shown.

Trip Generation and Highway Capacity

TRICS has been used to predict trip rates resulting from the proposed development. The results show that 67x trips in the AM period, and 64x trips in the PM period could result. Junction modelling has also taken place on the proposed site access and other nearby junctions using PICADY. This shows that the site access/Shipley road junction will operate within capacity in 2025 (taking into account other developments as a worse-case scenario). As such, WSCC raise no objection the proposed development on the basis of highways/junction capacity.

Access by Sustainable Modes

Whilst the site is located outside the development boundary of Southwater, within 2km walk of the site are various amenities and services located in Southwater village centre (including shops, doctors, pubs, schools etc.) The introduction of a new footway on the eastern side of Shipley Road (plus other pedestrian improvement works including crossing points and central refuge islands) will enable safe pedestrian access to these facilities. The nearest bus stop to the site is approximately 350m north (on Foxfield Cottages). This serves bus route no.98 which provides transport into Horsham town and beyond. Further bus services are available from Worthing Road (including the 23 which provides access to Crawley), although the stops serving this route are further away from the site. Despite this, it is considered that the site is reasonably well located in terms of access to essential services by foot, cycle or bus.

Chapter 7 of the TA outlines mitigation measures proposed for promoting sustainable transport use. These include a Travel Plan with a range of measures to reduce car travel, e-bike/scooter parking, bus voucher and footway improvements. A Travel Plan has not been provided at this stage, but it is considered reasonable that this can be secured by condition in the event that the application was approved. WSCC are of the view that opportunities to promote sustainable transport modes has been

made by the applicant, and that there are opportunities to utilise transport modes other than the private vehicle for some daily journeys, such as walking and public transport (bus).

Internal Road Layout and Parking

The internal design of the site includes roadways that are predominantly shared surface arrangements, although segregated footways are shown in some areas of the site, including around the central public open space and play area, which reduces the potential for conflicts between pedestrians and vehicles. WSCC has advised that the anticipated low vehicle flows within the site mean that the shared surface arrangement will be acceptable for dual use by cars and cyclists.

Based on the proposed housing numbers and mix, the WSCC Car Parking Demand Calculator shows a demand for 188no car parking spaces. The TA suggests that 185 spaces are proposed, which is slightly short of the requirement. This, however, was based on the total housing number before the amended site plan was submitted which reduced the overall number of units from 78 to 73. As such, for the purpose of this Outline proposal (taking into account the illustrative nature of the site plan), it is considered that sufficient parking provision is likely to be achieved on this site, and this could be confirmed and secured at Reserved Matters stage, if the application was acceptable at Outline.

Sufficient provision for EV charging, bicycles, and disabled use should also be provided in accordance with the WSCC standards, and it is considered that this could also be secured at Reserved Matters stage.

Affordable Housing and Housing Mix:

Policy 16 of the HDPF requires that residential development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment (SHMA). Policy 16 requires that on sites providing 15 or more dwellings, or on sites over 0.5 ha, the Council will require 35% of dwellings to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.

The application originally proposed that 28 of the 78 units would be made available for affordable housing which (at 35.9%) is policy compliant, and therefore acceptable. The overall number of housing units shown on the revised Site Plan has since reduced to 73 (owing to a revised layout which was submitted in order to show retention of the existing dwellinghouse). Of these, 29 units are proposed to be for affordable tenure, which at 39.7% is above the minimum policy requirement, and is acceptable.

The Accommodation Schedule shown on the revised Site Plan [ref PL-12], shows an indicative breakdown of the mix of dwelling tenure proposed (market / affordable). The proposed indicative mix and tenure split for both market and affordable units appears to be largely in line with the Council's latest Strategic Housing Market Assessment (SHMA, 2019). The only exceptions are the absence of any 1-bed market units, and the number of 2-bed and 3-bed affordable units which (at the request of the Council's Housing Manager) has been adjusted to reflect the latest figures and trends from the Council's housing register for Southwater (which shows a need for fewer 2-bed properties in favour of more 3-bed units). This adjustment has been made and is welcomed, therefore the indicative mix proposed is considered to be acceptable. If this Outline application was to be permitted, the precise mix would be confirmed and secured at Reserved Matters stage.

The tenure split of affordable units (rent / shared ownership) is unknown at this stage, and no details have been provided with regard to an agreement with a local Registered Provider. In the event that the application was acceptable, given it is proposed in Outline form, these details could also reasonably be secured at Reserved Matters stage.

Despite this, whilst it is considered that an appropriate level of affordable housing can be provided; no legal agreement has yet been entered into to secure the required 35% affordable units, therefore at present it cannot be demonstrated that this obligation can be fulfilled. As such, and until such time as an appropriate agreement is in place, the proposal is contrary to Policy 16 of the Horsham District Planning Framework (2015).

Layout:

The detailed layout of the site is a matter that would be reserved for subsequent approval should the application be successful at Outline stage, therefore it is not for consideration now. However, Officers consider the revised indicative masterplan and Parameter Plan for up to 73 units on this site,

demonstrates that a detailed design proposal can be generated that would avoid unacceptable harm to the wider landscape and character and local amenity, whilst still allowing flexibility in determining the detailed design of a scheme at Reserved Matters. For instance, the amended illustrative layout is a response to the Council's early advice and areas of potential built development within the site, separated by open space. The northern area is shown to be more dense than the southern, which reflects the site characteristics and its abutment to agricultural fields at the settlement edge of Southwater. The retention of the Woodfords farmhouse building as shown is an important placemaking component to the scheme. Existing boundary vegetation and trees within the central belt of the site are shown to be retained, which will help to integrate the site into its wider surrounds, and is welcomed. The structure of this retained landscape and green infrastructure are important placemaking components. The internal road layout shown along the northern boundary will help to provide sufficient separation between proposed dwellings within the site and the protected trees along this boundary. This will help to prevent the need to cut the trees back, thereby ensuring their long term survival. Overall, for these reasons, the indicative masterplan and parameter plan of the site is considered to be acceptable for the purpose of this Outline proposal to show that the quantum of development proposed can be acceptably accommodated.

Heritage Impact:

It is acknowledged that there are no formally designated heritage assets located in proximity to the application site that would warrant protection in accordance with Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 or Chapter 16 of the NPPF. Whilst it is not subject to a statutory or local listing, the existing farmhouse located within the site ('Woodfords') appears on the 1st ed. O.S. as 'The Vagers' and then on the 2nd ed. As 'Woodfords'. The Council's Senior Conservation Officer has visited this building, and is of the view that parts of it date back to the early seventeenth century, with additional sections added throughout the eighteenth and nineteenth centuries. As such, this building has a local heritage interest. The Conservation Officer is satisfied that the interest of the house would not likely meet the criteria for statutory listing, but he is of the view that it has sufficient local interest and should therefore be considered a non-designated heritage asset. Paragraph 4.4 of the applicant's Heritage Statement also acknowledges that this building is considered to be a non-designated heritage asset (albeit it is not included in a local list).

It is noted that the proposal as originally presented (which showed 78 units on site) would have necessitate the demolition of this building, and that a 'feature building' that is equal in quality of construction and interest as the historic building would be erected in its place. In his initial review of the details submitted in support of the application (including the original illustrative site plan, and the Heritage Statement prepared by Orion), the Conservation Officer was of the view that the applicant did not present an acceptable argument that the existing farmhouse (Woodfords) cannot be retained as part of the development. In his initial comments, the Conservation Officer further stated that the demolition of the non-designated heritage asset was not justified, and was of the view that by retaining the house, the harm to the setting of the asset could be mitigated by a layout that retains some perception of primacy of the historic building and detachment from any modern development. As such, an objection to the unjustified loss of this building was raised by the Council's Conservation Officer.

In response to this, the applicant submitted revised Parameter and illustrative Plans that show the retention of the existing farmhouse building with a curtilage contained within a walled garden. The revisions have resulted in the loss of 5 units within the overall (indicative masterplan) scheme. The description of the application has been amended to omit any reference to demolition. The outline application does not proposed demolition and therefore the Council's Conservation Officer advises that the level of harm resulting from the proposed surrounding development will be minor to the historic setting of the house. As such, the effect on the significance of this non-designated heritage asset has been taken into account, with a balanced judgement reached on the scale of any harm, and having done so, the proposal is considered to accord with the requirements of HDPF Policy 34 and NPPF paragraph 197.

Amenity Impact:

Given the site's location, the main impact on privacy that could arise is likely to be upon existing residents in Rascals Close to the north of the site and upon residents of the existing farmhouse (Woodfords) which is proposed to be retained as part of the development. Whilst several dwellings in Rascals Close back onto the northern boundary of the application site, it is not thought that the privacy of these dwellings would be directly impacted due to the presence of the existing dense tree-lined boundary (all protected under TPO), and the separation distance (of around 30m) between the rear of the nearest dwellings and

the front of the proposed dwellings (as shown on the indicative Site Plan). The internal access road that runs alongside the northern boundary of the site assists with this separation, and will help to prevent actual or perceived overlooking. Despite this, one element that may be at a heightened risk of privacy impact is the block of flats to the north-east corner of the site (units 19-24) as this block sits closer to the northern boundary. Given this application is Outline, it is not clear how many storeys this building would be (although it is presumed it would be 2-storey), and no details of elevations have been submitted. As such, if the application was to be successful at Outline stage, a detailed assessment of the layout, orientation and appearance of this block (particularly the positioning of windows etc.) would need to be considered before detailed approval is granted.

The outlook currently experienced by Woodfords will change as a result of the development, but subject to the retention of a good sized curtilage and appropriate boundary treatments (which the illustrative site plan suggests would include a walled garden) it is considered that the privacy and general amenity of residents in this dwelling can be satisfactorily protected from significant harm. The private access road to this house will help to maintain a sense of separation from the rest of the development, which is welcomed.

Other existing residential dwellings in proximity to the application site include three properties located on the opposite side of Shipley Road. Given the set-back position of these dwellings, and the presence of the road, it is not thought that the amenity of these dwellings would be adversely harmed by the proposed development on this site.

Due to ground levels, the drainage strategy explains that the site is not expected to be able to be drained by gravity, therefore a foul water pumping station is proposed to be located in the north-east corner of the site, opposite units 25/26. It is understood that the pumping station would be set underground, with perimeter fencing surrounding it. It is noted that the pumping station, whilst close to proposed dwellings, is over 15m from any dwellinghouse, which is welcomed. Detailed layout and design at Reserved Matters stage will determine whether the proximity of the pumping station to residential dwellings is acceptable in terms of visual appearance, noise and odour. It is also noted that all dwellings within the site are proposed to be heated by air source heat pumps. Whilst the use of this energy source is welcomed, if the application was to be approved, an assessment of the acoustic impact arising from the operation of the proposed air source heat pumps would be secured by condition to ensure there would be no adverse noise impact upon future occupants.

The central location of the proposed Play Area and open space (as shown on the layout plan) is welcomed, however it is close to other dwellings within the site. If the application was to be considered acceptable at Outline stage, the proximity of this facility to dwellings would need to be assessed in more detail at Reserved Matters stage to demonstrate that they will not have a detrimental impact on the amenity of future occupants of the nearest units.

As with all major developments, it is acknowledged that the construction phase of the development has the potential to impact existing neighbours through noise, lighting and air quality effects. It is considered that, should the application be approved, potential impacts to the amenity of neighbours that might arise during the construction phase could be controlled by suitable conditions including requiring the submission and approval of a construction mitigation plan; restrictions on site floodlighting and working times on site.

Drainage and Flooding:

The application site falls within Flood Zone 1 as defined in the Environment Agency flood maps. This means the site has a '*less than 1 in 1,000 annual probability of river or sea flooding*'. The site has been assessed as being low (or very low) risk of flooding from all sources, except for surface water flooding where it is considered to be at 'medium' risk. The submitted Flood Risk Assessment notes that the existing site is mainly greenfield, and currently drains into existing ordinary watercourses located along the northern, eastern and southern boundaries. Two drainage catchments (Catchment A and Catchment B) have been identified within the site. Paragraph 5.8 of the FRA notes that as a result of the development and increase in hardstanding, without mitigation, there will be an increase in surface water run-off from the site.

It is proposed that surface water within the development (Catchment A and Catchment B) will be attenuated and discharged into the existing ordinary watercourses at restricted rates (3.22 to 3.8l/s respectively). Permeable paving is proposed to be laid for all roads and parking areas within the site to allow drainage into the watercourses. Additional attenuation in the form of swales and basins are also proposed in the north east and south east corners of the site. The strategy has been designed to store the volume of water associated with a 1 in 100 year rainfall event (plus a 40% increase to account for climate change). A pumping station is proposed to be included at the north-east of the site to deal with foul water generated from the development.

The Council's Drainage Engineer has reviewed the submitted FRA and (subject to conditions and an informative to advise the applicant that Ordinary Watercourse Consent will be required) has not raised an objection to the drainage strategy proposed. As such, if the application were to be considered acceptable at Outline stage, it is considered reasonable that the submission of a detailed drainage strategy for foul and surface water, and SuDS verification report could be secured by condition.

Ecology:

The site is located approximately 12.3km from the Mens Special Area of Conservation (SAC), therefore a Habitats Regulations Assessment (HRA) screening report was required to be undertaken by the Council in order to ensure that the development would not affect protected habitats. The HRA was undertaken, and concluded that as no Annex II species were identified onsite, and mitigation for foraging and commuting bats has been included; there was no requirement to proceed to Appropriate Assessment.

In support of the application a suite of ecology documents were submitted, including: a Preliminary Ecological Appraisal (PEA), an Ecological Impact Assessment (EIA), a Great Crested Newt eDNA Report, a Bat Activity Survey Report, a Bat Roost Assessment, a Dormouse Survey Report, and a Biodiversity Net Gain Calculation Assessment. The submitted ecology information has been reviewed by the Council's consultant Ecologist, who has confirmed that enough information is available for the application to be determined.

The mitigation measures specified in the ecology reports include: retaining 99% of existing mature treelines and underlying scrub, layouts to avoid gardens backing onto edge habitats, recommended good-practice working, works on bat or dormouse habitats to be undertaken under NE licence, planting of new scrub and native trees etc., provision of bird bat and dormouse boxes, provision of reptile habitats, provision of hedgehog access through garden fences, provision of ponds, use of a sensitive lighting strategy, and landscape strategy to provide at least 10% biodiversity net gain.

The Ecologist recommends that the above mentioned mitigation measures and ecological enhancements should be secured and implemented in full (to be secured by condition of an approval). A construction management plan for biodiversity should also be secured, including details of any lighting needed during construction. The proposed measures to secure net gains for biodiversity are supported by the Council's Ecologist, and these should be outlined in a Biodiversity Enhancement Strategy to be secured by condition prior to slab level construction. European Protected Species Licences for hazel dormice and bats should be secured from Natural England, and copies provided to the LPA. Finally, a Landscape and Ecological Management Plan (LEMP) should be secured and included in any future reserved matters application. In summary, no objection is raised by the Council's ecologist, subject to these conditions being secured; which in the view of Officers, would be reasonable.

Other Matters:

Air Quality:

The application site is not located within or close to any of the District's defined Air Quality Management Areas (AQMAs). However, in support of the application, and as required by the Council for any development classed as 'major', an Air Quality Assessment (supported by an Air Quality Emissions Mitigation Plan) has been submitted.

The AQ assessment notes that the development will generate additional traffic on the local road network, but concludes that that future residents of the proposed development will experience acceptable air

quality, with the effects judged to be 'not significant'. As is required for all major developments, the air quality damage costs resulting from the development have been calculated, and requires a damage cost of £22,318 (as outlined in the amended Emissions Mitigation Plan). Appropriate mitigation will be required to offset these costs in accordance with Sussex Air Quality Partnership's 'Air quality and emissions mitigation guidance for Sussex' (2020). The Council's Air Quality Officer has reviewed the Air Quality Assessment and has confirmed that the conclusions (including the damage cost calculation of £22,318) are agreed with. The mitigation measures proposed in the submitted Emissions Mitigation Plan include electric vehicle charging provision for 50% of units, bus ticket provision, cycle parking provision, provision of E-bike/E-scooter shelter, use of air source heat pumps, and other provisions to encourage sustainable transport to be presented in a Travel Plan.

If the development on this site was to be considered acceptable in principle, appropriate (and costed) air quality mitigation measures would be required to be included within the development - the details of which would be secured by condition. Provided these measures are implemented, it is considered that the development would accord with the requirements of Policy 24 of the HDPF, and Paragraphs 170, 180 and 181 of the NPPF.

Archaeology

The site is not located within a defined Archaeological Notification Area, and there is no indication that the site is likely to contain archaeological artefacts of local or national significance. Notwithstanding this, the applicant has submitted an Archaeological Desk-Based Assessment to support the application. The assessment notes that the site is unlikely to contain remains of national significance, although some historic remains of local significance could be present. The assessment concludes that appropriate mitigation to the limited impact of the proposed development would comprise a programme of archaeological monitoring, which could be secured by condition of any consent.

Contaminated Land:

The application is supported by a Phase 1 Desk Study by Leap Environmental which has been reviewed by the Council's Environmental Health Officer. The EHO agrees with the conclusions set out in the report in that the identified sources of contamination present a 'moderate risk' to future site users and that a site investigation is required to fully quantify the risks from contamination to future users. It is considered appropriate that this information is secured by condition of a consent, and as such, if the application was to be acceptable at Outline stage, conditions would be imposed to secure a scheme to deal with the risks associated with contamination (by way of an intrusive site investigation scheme based on the Phase 1 Desk Study), as well as details of remediation measures required.

Trees:

In support of the application, an Arboricultural Implications Assessment has been submitted (with tree protection plan, tree schedule, and Arboricultural method statement enclosed). An 'area' Tree Preservation Order (TPO/1436) is in place for the belt of trees that run along the site's northern boundary. This TPO comprises a mix of woodland species, and was confirmed in 2012. Given the positioning of the houses in Rascals Close (with rear gardens backing onto the tree line) a number of applications have been made to the Council since the TPO was confirmed for surgery (or felling) to these trees which has resulted in notable asymmetric growth of the crowns with natural branch overhang into the application site, to avoid overhang into Rascals Close gardens. None of the trees protected by TPO are proposed to be removed as part of this application. The indicative site layout shows an internal access road along the northern boundary of the site which has been placed in order to avoid private gardens being located close to the trees, thereby helping to safeguard the trees from further surgery which could be damaging to their growth and survival.

The mature trees that are located within the site are also proposed to be retained (and incorporated into an area of open space) which is welcomed. Of the 49 trees, hedges and groups surveyed on site; 17 are proposed to be removed wholly or in part in order to facilitate the development. The main removal is to facilitate the access and pedestrian footway on the western boundary. Given the majority of the site's existing boundary vegetation is to be retained (and enhanced), the removal of a section of trees and vegetation along the western boundary is not considered to be significantly detrimental to the overall amenity of the wider area and is therefore accepted. If the application was to be considered acceptable at Outline stage, conditions to ensure the protection of existing trees on site during construction would be imposed.

Minerals Safeguarding:

The proposal is within the Weald Brick Clay Mineral Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan (JMLP), 2018). The applicant has not provided an assessment of how the residential development of the site would impact access to this identified safeguarded resource. Despite this, given the limited extractable size of the site, its locality on the edge of the built-up-area, and the relative abundance of the safeguarded brick clay resource throughout the county; the safeguarding of the resource in this particular instance is considered a low priority. Notwithstanding this, Policy M9 (iii) of the West Sussex Joint Minerals Local Plan requires that for non-mineral development (such as residential development), the decision-maker must determine whether the overriding need for the development outweighs the safeguarding of the mineral. In addition, the applicant must demonstrate that prior extraction is not practicable or environmentally feasible.

Whilst the Council can demonstrate a 5-year supply of housing land, and therefore do not consider that there is an overriding need for the proposed residential development in this location; given the 'low priority' that is attributed to the necessity to safeguard brick clay resources on this site, it is considered on balance that it would be unreasonable to prevent development in this location for the purpose of safeguarding an abundant resource with a low priority to safeguard. As such, it is not considered that the sterilisation of minerals can be justified as a reason for refusal in this instance.

Energy/Climate Change:

Policies 35, 36 and 37 of the HDPF require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. Submitted in support of the application is an Energy and Sustainability Statement. Whilst the application is only submitted in Outline, several measures are proposed within the Energy Statement for this development, which seek to build resilience to climate change and reduce carbon emissions, including:

- Orientation of buildings to maximise solar gain;
- Energy efficient building envelopes (including thermal glazing, air tight building fabric);
- Use of appropriate glazing to control overheating risk;
- Use of energy efficient lighting and A+/A++ rated appliances;
- Install high efficiency Air Source Heat Pumps for heating and hot water;
- Install Waste Water Heat Recovery units where feasible;
- Water saving - low/dual flush WCs, low capacity baths, taps with low/aerated flows;
- Provision of rain water butts;
- Integration of SUDS and green infrastructure to manage flood risk;
- EV charging points on at least 50% of units (and ducting on remaining for future connection);
- Cycle storage for every property;
- Provision of secure storage for E-Scooters and E-Bicycles;
- Provision of dedicated home working area for all 2-4 bed houses;
- Submission of Travel Plan, and implementation of recommendations;
- Minimising construction and demolition waste (use local suppliers where possible, re-use of materials);
- Consider opportunities for on-site re-use of materials where feasible;
- Provision of accessible bin storage to facilitate recycling;
- Homes to be M4(2) compliant and 5% for M4(3) (to facilitate future adaptation); and
- Enhancements to biodiversity as recommended in the Ecological Appraisal and Protected Species Reports.

Officers welcome the proposed measures, and if the application were to be recommended for approval, the inclusion of these measures within the final details of the scheme would be secured by condition in order to suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusion and Planning Balance:

In principle terms, a development of up to 73 residential units on this unallocated countryside site is contrary to the spatial strategy for growth set out in the HDPF (particularly Policies 1, 2, 3, 4 and 26) and therefore objectionable in principle. Whilst a policy compliant level of affordable housing of just under 40% is proposed, the absence of a legal agreement to secure this renders the proposal contrary to HDPF Policy 16.

The planning statement submitted in support of this application acknowledges that the site is not currently allocated within the adopted Local Plan for Horsham, or in an adopted Neighbourhood Plan, but sets out the applicant's view that material considerations exist (including the inability of the Council to demonstrate a sufficient 5-year housing land supply going forward, and the site's positive technical assessment as presented in the Regulation-18 papers) to justify a departure from the plan and to allow the development. However, as set out in this report, the Council are able to demonstrate a 5-year housing land supply of 108% (as reported in the 2020 AMR), and as such, the applicant's argument that the policies contained within the HDPF are out-of-date hold no weight. In accordance with paragraphs 2, 11, 12 and 47 of the NPPF, the proposal is in conflict with the strategy and policies contained within an up-to-date development plan, and at this time, there are no material considerations of such significant weight that would overcome this conflict.

In addition to the conflict with the Council's overarching development strategy (and notwithstanding the already established conflict with Policy 26 – Countryside Protection), some site-specific landscape harm has also been identified. This harm has however been assessed by the Council as 'not significant', and given the illustrative site plan shows an acceptable development layout which helps to mitigate against the harm, it is not considered on balance that landscape harm in its own right warrants a reason to refuse the application. Likewise a balanced approach has been taken to the minor harm identified to the setting of the non-designated heritage asset such that this impact is not sufficient to warrant the refusal of permission.

Overall, given the Council's sufficient 5-year housing land supply position, it is considered that the harm identified (namely the conflict with the adopted spatial strategy) outweighs the benefit of housing provision in this location. Whilst it is considered that other elements of the proposal are acceptable (including the overall quantum of development, the indicative site layout and the impact on highways, heritage, ecology and landscape); the proposal cannot be accepted as a departure from the development plan. The proposal therefore is considered to be contrary to Policies 1, 2, 3, 4, 16, and 26 of the Horsham District Planning Framework (November 2015) and is recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

Recommendation: Application Refused

Reasons for Refusal:

- 1 The proposed development would be located in the countryside, outside of a defined built-up area boundary, and on a site that is not allocated for development within the Horsham District Planning Framework, or a made Neighbourhood Plan. The Council is currently able to demonstrate a 5-year housing land supply, and consequently the proposed development would be contrary to the Council's overarching strategy for development. Furthermore, the proposed development is not essential to its countryside location. The proposed development is therefore contrary to Policies

1, 2, 4, 15 and 26 of the Horsham District Planning Framework (2015), and paragraphs 2, 11, 12, and 47 of the National Planning Policy Framework (2019).

- 2 The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the 35% of units required to be provided as affordable housing units. The proposal is therefore contrary to Policy 16 of the Horsham District Planning Framework (2015) as it has not been demonstrated how the affordable housing needs of the District would be met.

NOTE TO APPLICANT

The reason for refusal (no.2) in respect of affordable housing provision could be addressed by the completion of a Legal Agreement. If the Applicant is minded to appeal the refusal of this application, they are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable agreement.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/20/2564

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Design & Access Statement	LAND AT WOODFORDS, SHIPLEY ROAD, SOUTHWATER DESIGN AND ACCESS STATEMENT NOVEMBER 2020 by Reside	NONE	22.12.2020
Location plan		PL-04 B	22.12.2020
Plans	Parameter Plan	PL-05 D	28.04.2021
Supporting Docs	Housing Schedule	6769-SOA-210304	04.03.2021
Supporting Docs	Flood Risk Assessment / Drainage Strategy	2007068/1rdsou	03.03.2021
Supporting Docs	Air Quality Emissions Mitigation Plan	J4490A/1/F1	03.03.2021
Supporting Docs	ShipleY Road Speed Survey	ATC 1	03.03.2021
Supporting Docs	ShipleY Road Speed Survey	ATC 2	03.03.2021
Supporting Docs	RSA Designer's Response (Amended)	NONE	22.04.2021
Supporting Docs	Stage 1 Road Safety Audit	NONE	03.03.2021
Supporting Docs	Land Contamination Phase 1 Study (Appendix C Photos)	LP2354	28.01.2021
Supporting Docs	Land Contamination Phase 1 Study	LP2354	25.01.2021
Supporting Docs	Dormice Report	NONE	22.12.2020
Supporting Docs	Economic Benefits	NONE	22.12.2020
Supporting Docs	Bat Activity Report	NONE	22.12.2020
Supporting Statement	Preliminary Ecological Appraisal	NONE	22.12.2020

Supporting Docs	Energy and Sustainability Statement	NONE	22.12.2020
Supporting Docs	Biodiversity Calculation Assessment (Letter)	NONE	22.12.2020
Supporting Statement	Ground Risk Assessment	NONE	22.12.2020
Supporting Docs	Heritage Statement	PN2736/HS/2	22.12.2020
Supporting Docs	Great Crested Newt Survey	NONE	22.12.2020
Supporting Docs	Archaeological DBA	PN2736	22.12.2020
Details plan	Swept Path Plan (Worthing Rd Junction)	J32-4384-017	15.04.2021
Details plan	Swept Path Plan (Shipleigh Rd/Mill Straight)	J31-4384-016	15.04.2021
Site plan	Illustrative Site Plan	PL-12	14.04.2021
Details plan	Pedestrian Crossing Improvements Plan	J32-4384-012	08.04.2021
Details plan	Visibility Splays Plan (Forward)	J32-4384-014	03.03.2021
Details plan	Pedestrian Footway Plan (Tanglewood/Reksley)	J32-4384-015	03.03.2021
Details plan	Visibility Splays Plan (Vine Cottage)	J32-4384-013	03.03.2021
Supporting Docs	Landscape Input into DAS	D2971	22.12.2020
Supporting Statement	Planning Statement	HP19068-A113902	22.12.2020
Supporting Statement	Statement of Community Involvement	NONE	22.12.2020
Supporting Docs	Ecological Impact Assessment	NONE	22.12.2020
Supporting Docs	Landscape and Visual Appraisal with Impact Overview	D2971	22.12.2020
Supporting Docs	Bat Roost Assessment	NONE	22.12.2020
Supporting Statement	Arboricultural Implications Assessment	191214- AIA 2	22.12.2020
Supporting Statement	Air Quality Assessment	J4362A/1/F1	22.12.2020
Supporting Statement	Transport Assessment	J324384	22.12.2020

DELEGATED

Case Officer sign/initial Matthew Porter Date: 29 April 2021

Authorising Officer sign/initial Adrian Smith Date: 29/04/2021