



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Planning Committee (South)

Tuesday, 21st June, 2022 at 2.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

John Blackall
Chris Brown
Jonathan Chowen
Philip Circus
Paul Clarke
Michael Croker
Ray Dawe
Joan Grech
Nigel Jupp
Lynn Lambert

Tim Lloyd
Mike Morgan
Roger Noel
Bob Platt
Josh Potts
Kate Rowbottom
Jack Saheid
Diana van der Klugt
James Wright

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

Page No.

GUIDANCE ON PLANNING COMMITTEE PROCEDURE

1. **Election of Chairman**
2. **Apologies for absence**
3. **Appointment of Vice-Chairman**
4. **To approve the time of meetings of the Committee for the municipal year**
5. **Minutes**

7 - 10

To approve as correct the minutes of the meeting held on 24 May
(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.)

6. **Declarations of Members' Interests**

To receive any declarations of interest from Members of the Committee

7. **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:

8. **Appeals** 11 - 12

Applications for determination by Committee:

9. **DC/21/2394 141 Shooting Field, Steyning** 13 - 34

Ward: Steyning and Ashurst
Applicant: Mr Joe Lean

10. **DC/22/0135 Field View, Clay Hill, Bramber, Steyning** 35 - 44

Ward: Bramber, Upper Beeding and Woodmancote
Applicant: Mr Jason Doe

11. **TPO-1551 Land at Southmill House, Mill Road, West Chiltington** 45 - 50

Ward: West Chiltington, Thakeham and Ashington

12. **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

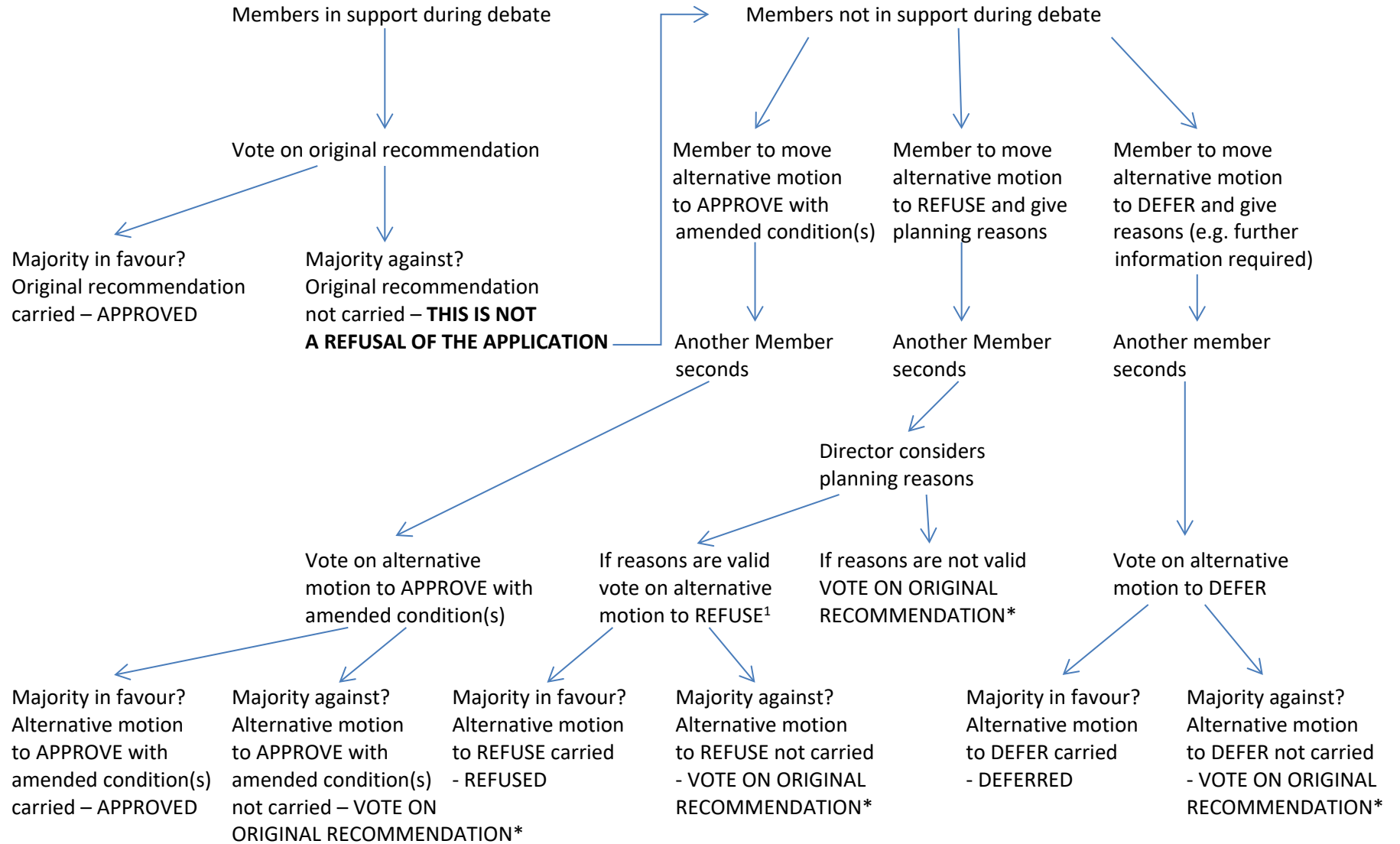
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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>

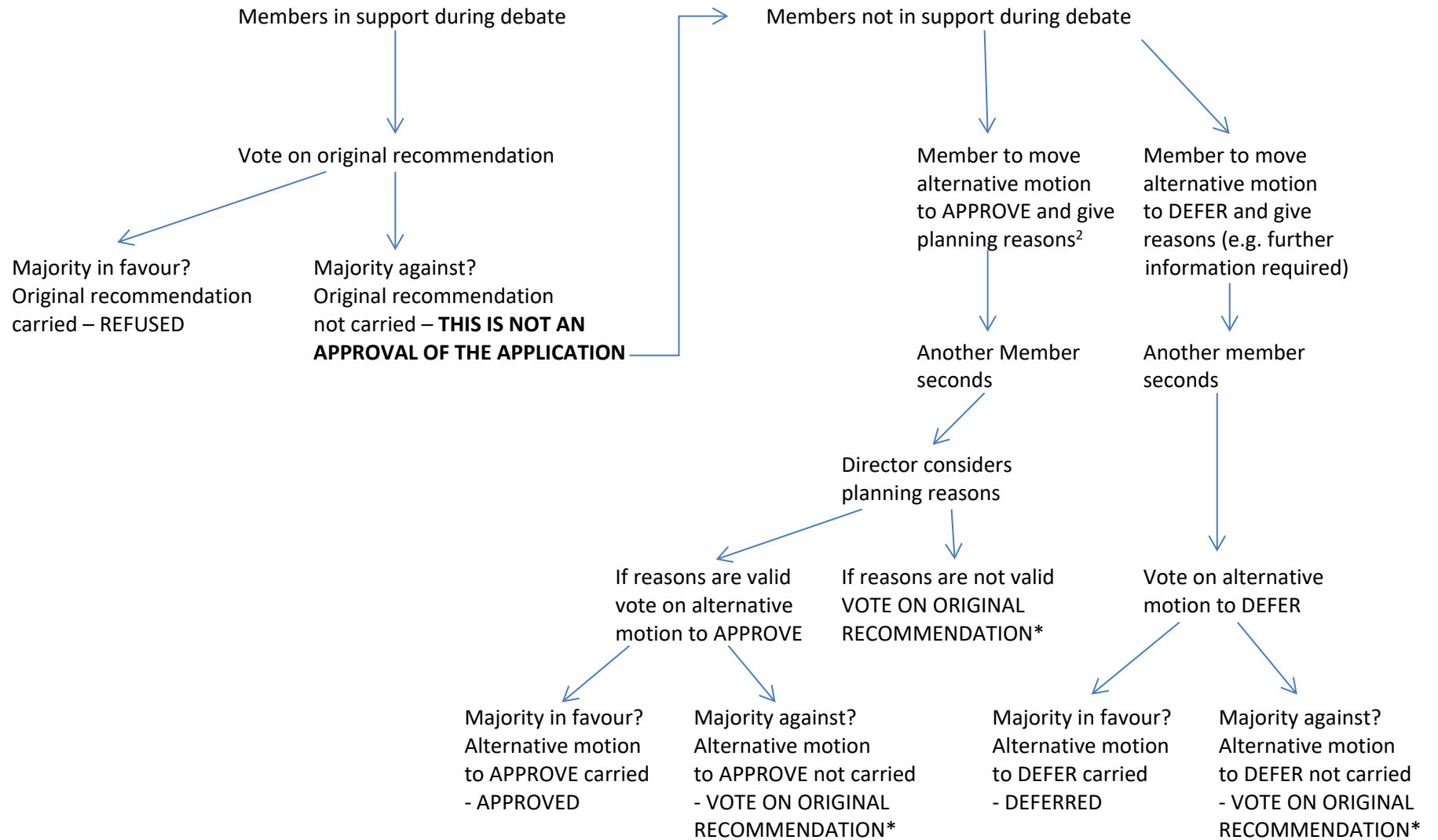
Original recommendation to APPROVE application



*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 (South)
24 MAY 2022

Present: Councillors: Tim Lloyd (Chairman), Paul Clarke (Vice-Chairman), John Blackall, Chris Brown, Karen Burgess, Jonathan Chowen, Michael Croker, Ray Dawe, Joan Grech, Nigel Jupp, Lynn Lambert, Mike Morgan, Roger Noel, Bob Platt, Josh Potts, Jack Saheid and Diana van der Klugt

Apologies: Councillors: Philip Circus, Kate Rowbottom and James Wright

PCS/71 **MINUTES**

The minutes of the meeting held on 26 April were approved as a correct record and signed by the Chairman.

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

Cllr Roger Noel declared a personal interest in Item 7 – DC/21/0938 as he knew the applicant.

Cllr Lynn Lambert declared a personal interest in item 7 – DC/21/0938 as she knew they applicant.

PCS/73 **ANNOUNCEMENTS**

There were no announcements.

PCS/74 **APPEALS**

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

PCS/75 **DC/21/2206 BILLINGSHURST BUSINESS PARK, STANE STREET, BILLINGSHURST**

The Head of Development & Building Control reported that the application sought permission for the erection of a restaurant and drive-through facility, with an external patio seating area and a children's play area.

The proposed restaurant would be open 24 hours a day, 7 days a week. The application was submitted as a mixed use Class E/Sui Generis use, however officers considered the application to be purely a Sui Generis use due to the proposal being comprised of the restaurant element and the hot food takeaway/drive-through element.

The application site was comprised of a parcel of land located to the northern Phase 1 of the new Billingshurst business park, immediately joined to the new 4-arm roundabout and the entrance into the business park alongside the A29.

The wider business park occupied former agricultural lands set between a rural lane to the north and the A29 to the west.

The HDC Landscape Architect, HDC Economic Development, and Billingshurst Parish Council objected to the application. 427 Letters had been received, comprised of 124 letters of support and 303 letters of objection, since the officer report has been published a further 16 letters had been received, 8 objecting, 7 supporting and 1 commenting on the application.

One member of the public spoke in objection to the application and the applicant's agent addressed the committee in support of the application.

Members considered the consultees' responses and officer's planning assessment which included the following key issues: principle of development; loss of employment floor space; design and appearance; highways impact; and the impact on the local amenity.

RESOLVED

That Planning permission for application DC/21/2206 be refused for the reasons as set out in the officer report.

PCS/76 **DC/21/0938 HASCOMBE FARM, HORN LANE, HENFIELD**

Cllr Brown left the meeting.

Cllrs Lambert and Noel left the meeting for the duration of this item.

The Head of Development and Building Control reported that this application had been previously considered at a meeting of Planning Committee South on 15 March 2022, where Members resolved to defer the decision to enable further consideration of the noise impacts of the proposed development.

Following this resolution, a meeting had taken place between HDC officers, the applicant, local Members, and Henfield and Woodmancote Parish Councils to allow for a further understanding of the proposals, the applicants intentions, and the context of the application site.

The applicant had confirmed a willingness to accept conditions being attached to a prospective grant of planning permission to lessen concerns previously raised.

RESOLVED

That planning application DC/21/0938 be approved subject to the conditions as set out in the officer report.

PCS/77 **DC/21/1815 ST CRISPINS CHURCH, CHURCH PLACE, PULBOROUGH**

The Head of Development and Building Control reported that this application sought permission for the demolition of an existing church and the erection of 7 two-storey dwellings.

The presenting officer stated that since the committee report was published, an additional ecology appraisal report had been received. This addressed the concerns of the HDC Ecologist who recommended permission subject to conditions and referral of a Bat Appropriate Assessment to Natural England. As such, the second reason for refusal, in the officer report, relating to lack of ecology details was to be deleted.

The application site was located on the northern side of Church Place, Pulborough. The site was comprised of a parking area to the front of the site, with pedestrian access from the street and vehicular access to the rear, shared with a cul-de-sac.

Pulborough Parish Council objected to the application. 58 letters from 26 separate addresses objecting to the proposal, 1 letter of comment, and 11 letters supporting the proposal had been received.

One member of the public spoke in objection and the applicant's agent addressed the committee in support of the application.

Members considered the consultees' responses and officer's planning assessment which included the following key issues: principle of development; design and appearance; trees and landscaping; heritage impacts; amenity impacts; highways impact; ecology; and water neutrality.

RESOLVED

That planning application DC/21/1815 be refused in accordance with reason for refusal on water neutrality and additional reason for refusal as recommended by members on appearance and layout:

1. Notwithstanding information submitted, the application has not satisfactorily demonstrated 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), thus the Local Planning Authority is unable to discharge 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 appearance and layout of the development, with particularly reference to plots 6 & 7, is considered overdevelopment and would detrimentally affect the character and appearance of the surrounding area contrary to policies 32, 33 & 34 of the Horsham District Planning Framework (2015).

PCS/78 **TPO - 1553 STONE CROFT WOOD, FRYLANDS LANE, WINEHAM**

The Head of Development and Building Control reported that provisional tree preservation order 1553 was served on 23 February 2022 under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under these regulations, the trees forming the woodland benefitted from immediate protection.

The presenting officer stated that since the committee report was published an additional objection had been received. This had been forwarded to all members. The officer stated that the letter reiterated disagreement with the proposed TPO, disputed elements of the report and raised concerns about how the application has been managed.

The woodland was located to the north of the River Adur, south of Frylands Lane.

Two letters of Objection had been received, including the letter received following the publication of the officer report.

It was stated that the affected woods also had amenity value when viewed from the public footpath on the southern side of the River Adur.

A representative of Shermanbury Parish Council spoke in support of the application. Reference was made to the Chapel to the east of the site and that the proposed TPO may limit the ability of the Parish to maintain the trees which overhang the cemetery. Officers advised members woodland can still be appropriately managed with a TPO in place.

RESOLVED

That TPO 1553 be approved.

The meeting closed at 4.28 pm having commenced at 2.30 pm

CHAIRMAN

Planning Committee (SOUTH)

Date: 21st June 2022



**Horsham
District
Council**

Report on Appeals: 12/05/2022 - 08/06/2022

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
DISC/21/0223	Tea Caddy Cottages Worthing Road West Grinstead West Sussex	23-May-22	Split Decision	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/21/1614 and DC/21/1615	95 High Street Steyning West Sussex BN44 3RE	Written Representation	20-May-22	Application Refused	N/A
DC/21/1279	Hurston Lane Depot Hurston Lane Storrington RH20 4AF	Written Representation	25-May-22	Non-determination	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/21/1571	Land North of Tisserand Farm Stane Street Billingshurst West Sussex	Written Representation	Appeal Dismissed	Application Refused	N/A
EN/20/0471	Land North West of Junipers Harbolets Road West Chiltington West Sussex	Informal Hearing	Appeal Dismissed	Notice served	N/A

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 21st June 2022

DEVELOPMENT: Demolition of 2No. residential dwellings and all ancillary structures.
Construction of 14No. 2 bedroom apartments with secure and covered cycle storage, car parking provision and refuse enclosure.

SITE: 141 Shooting Field, Steyning, West Sussex, BN44 3SW

WARD: Steyning and Ashurst

APPLICATION: DC/21/2394

APPLICANT: **Name:** Mr Joe Lean **Address:** 141 Shooting Field Steyning West Sussex BN44 3SW

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 refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE SITE

- 1.1 This application concerns the existing dwellings of No.141 and 143 Shooting Field and the respective residential curtilage of both dwellings. The application site is located within the defined built-up area of Steyning, towards the northern extent of Shooting Field within an area predominantly characterised by mid/late 20th century residential development.
- 1.2 The site occupies a position west of the junction between Shooting Field and Toomey Road, with Nos 141/143 presently accessed via Shooting Field. Toomey Road extends the full length of the site along its north-eastern boundary leading to a number of bungalows constituent of the Dingemans Court development found to the north-west of the application site. A number of small single-storey bungalows are located to the adjacent south-west of the site, with three storey flatted development located opposite to the site to the south east on Shooting Field. Two storey terraced dwellings and flatted development is found to the north-east of the application site, opposite on Toomey Road.

- 1.3 The site and its surroundings possess a suburban character, though, variety in building heights, the set-back between roads and buildings together with the separation between buildings and retention of grassed verges does act to provide a sense of spaciousness within the public realm.
- 1.4 Parking in the vicinity of the site is varied, divided between on-street parking, private off-street parking and private car-parks to flatted developments. Bus services are available on Shooting Field with a bus stop/shelter present at the nearby junction between Shooting Field and Reads Walk.
- 1.5 The site is not subject of any statutory or non-statutory environmental, ecological, landscape or heritage designations.

DESCRIPTION OF THE APPLICATION

- 1.6 Planning permission is sought for the demolition of Nos 141 and 143 Shooting Fields, and associated ancillary structures, and the erection of 14 market dwellings contained within a single three-storey building. The proposed building would, roughly, be arranged to occupy a staggered 'L' shaped footprint presenting its main frontages to the north-eastern and southern eastern boundaries of the site towards Toomey Road and Shooting Field respectively.
- 1.7 The proposed building would be provided to a flat-roofed form and broadly consistent height, though, with a small reduction in height towards the eastern and northern parts of the proposed building, providing for a minor degree of articulation. Full details as to material types and colours have not been provided at this stage, though, the submitted elevations and visuals contained within the submitted Design and Access Statement do suggest an intended mix of white engineering brick and red-facing brick, which may be textured in part, in addition to the use of dark framed fenestrations and a living sedum and wildflower roof.
- 1.8 The proposed building would feature large and uniformly arranged openings to its main frontages, with some reduction in the amount of fenestration within proposed rear elevations. Each proposed flat above ground floor level would benefit from an external balcony, with balconies to be provided to the main frontages and the main rear facing elevation.
- 1.9 The main vehicular access is proposed to be provided off Toomey Road, with access provided by way of undercroft to 9 parking spaces provided to the rear of the proposed building. A further disabled parking space would be provided off Shooting Field. A communal waste and bicycle store, accommodating 8 bikes, would be provided at ground floor level within the footprint of the building accessed via the proposed undercroft.
- 1.10 The submitted plans indicate the intended provision of 111 roof-mounted solar PV panels, while standard Building Regulation calculations for energy use have been submitted indicating that high standards of energy efficiency could be achieved. Within a submitted 'water-neutrality' statement the proposal would incorporate rainwater collection and re-use systems, which in combination with specified efficiency and offsetting measures proposed to be undertaken on third party land, are intended to achieve a standard of net-neutrality in respect of the use of mains-water.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
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 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

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)

Steyping Neighbourhood Plan (2020) (Regulation 16)

The Steyping Neighbourhood Plan has recently undergone Regulation 16 consultation and has been submitted for independent examination. The examination remains at an early stage and is presently paused in response to the Natural England Position Statement of September 2021, in response to which, an updated Habitat Regulations Assessment has been prepared in accompaniment to the Neighbourhood Plan and is subject to further consultation with Natural England. Given the current stage of preparedness, and with a number of unresolved objections in respect of individual Neighbourhood Plan policy, it is currently considered that the provisions of the Regulation 16 Neighbourhood Plan would be assigned moderate weight in this assessment in accordance with Paragraph 48 of the NPPF (2021).

The following policies of the emerging Neighbourhood Plan are deemed of relevance to this application:-

SNDP 1 – Green Infrastructure and Biodiversity
SNDP 2 – Responsible Environmental Design
SNDP 3 – Contribution to Character

PLANNING HISTORY AND RELEVANT APPLICATIONS

No previous or relevant planning history.

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

3.2 **HDC – Drainage:** No objection:-

3.3 **Place Services – Ecology:** No objection (subject to conditions):-

The Council's consultant ecologists sought to raise no objection to the proposed development. It was considered that the submitted ecological documents were sufficient to provide certainty to the Authority as to the ecological impacts of proposed development in respect of biodiversity and protected species, which could be made acceptable through the incorporation of appropriate mitigation measures. A measurable net-gain for biodiversity as required by the National Planning Policy Framework, furthermore, could be secured by way of appropriately worded condition requiring the submission and approval of a Biodiversity Enhancement Strategy.

3.4 **WSCC – Surface Water Drainage:** Advice:-

The Lead Local Flood Authority (LLFA) considered that the site was at a low risk of surface water flooding and a high risk of groundwater flooding with reference to standard mapping and modelling. The LLFA officer noted that no drainage strategy or detail had been provided and recommended that the Council seek the expertise of its own engineers in order to identify specific considerations relevant to a review of drainage systems.

3.5 **WSCC – Highways:** Further Information Requested

The Local Highways Authority (LHA) considered that a material increase in vehicle movements resulting from a development of this scale would not materially affect highway operation.

The LHA officer noted that proposed levels of parking provision were below adopted LHA standards, though, evidence and assessment provided within a submitted transport statement and parking capacity study was deemed to provide sufficient justification for a departure from standards. Further information pertaining to the provision of electric vehicle charging apparatus and the conduct of a Road Safety Audit was, however, requested.

3.6 **WSCC – Fire and Rescue:** Further information requested

The Fire and Rescue service invited the submission of evidence demonstrating that all points inside of the proposed dwellings are within 45m of a fire-appliance as required under the Building Regulations. Any areas beyond the requirements of the Building Regulations should see the installation of a domestic sprinkler or water-mist system compliant with the relevant British standard.

3.7 **Southern Water:** Standing advice received (no objection).

3.8 **Steyning Parish Council:** No objection.

PUBLIC CONSULTATIONS

3.9 Letters of representation were received from 37 registered addresses in conjunction with the proposal. Of the letters received 24 sought to support the proposed development and 13 sought to object to the proposed development. It is noted that 4 letters of representation were received from addresses registered beyond the administrative area of the District.

3.10 The main material grounds for support can be summarised as:-

- The proposal would increase the amount and range of housing available within Steyning;
- The proposals would provide smaller, more affordable, dwellings for which there is a local need;
- The increase in housing would provide economic benefits to local business;
- The proposal makes good use of previously developed land;
- The proposals would not look out of place with other blocks of flats in the immediate surroundings;
- The proposal would provide energy efficient homes;
- The site is within walking distance of local services and amenities;
- The local area requires regeneration and the proposal would provide for an updated appearance;
- The impact of the proposal on light and character would not prove much greater than that of existing buildings;
- There is always plenty of parking available locally;
- Proposed parking provision is sufficient and adequate to minimise impact on existing occupiers;
- Small infill developments should be supported;
- The proposals would not result in the loss of undeveloped land or green space;
- The proposals would provide a type of accommodation accessible to young people and first-time buyers;
- The proposals would achieve high environmental standards;

3.11 The main material grounds for objection can be summarised as:-

- Concern regarding the adequacy of proposed parking provision and potential for increased pressure for on-street parking in the vicinity of the site;
- Concern regarding the increase in traffic associated with the proposed development and resultant effects upon the highway network;
- Concern regarding the acoustic effect of the proposals and detrimental effects upon local character and nearby occupiers;
- The proposals would represent an overdevelopment of a small site;
- The proposals, and inadequate parking provision, would disrupt bus services and access by emergency service/utility vehicles;
- The proposed development would not reflect existing buildings in the vicinity;
- The proposals would detrimentally influence the visual quality of this location;
- The proposals would adversely influence the privacy of neighbouring occupiers;
- The proposals would adversely influence the receipt of natural light by neighbouring occupiers;
- The proposals would detrimentally influence local safety and security;
- The proposals would give rise to an increase in pollution;
- On-street parking in the vicinity of the site is already at capacity;
- The disruption caused by proposed development would prove detrimental to the living conditions of nearby occupiers and nearby vulnerably occupiers;
- There is no need for further flats in this area;
- The proposed design and use of materials is not sympathetic to this location;
- The proposals would provide flats close to the pavement on Toomey Road and close to the houses opposite;

- The amount of landscaping forward of the frontage of the building is lesser than that otherwise present to other buildings in the vicinity;
- Concern with the representation of surrounding features on the submitted plans and traffic surveys, including the amount of 'undesigned parking' shown available locally;
- Trees were removed prior to the ecology and environmental surveys;
- The proposals would adversely influence local protected species and general biodiversity;
- Construction operations would prove disruptive to local residents and adversely influence local highway conditions and character;
- Concern that the submitted traffic survey does not take account of the operational pattern of local bus services and waiting;
- Concern that the submitted traffic survey was undertaken a time not representative of usual traffic/parking conditions;
- Concern that the water efficiency survey does not take account of the installation of washing machines or dishwashers and water efficiency opportunities are not realised;
- Displaced demand for on-street parking will adversely influence the living conditions of disabled and vulnerable occupiers;
- Concern regarding the proposed siting of bin-stores and resultant acoustic/olfactory disturbance to neighbouring occupiers;

3.12 Concerns regarding a loss of outlook as a result of the proposed development as expressed within a number of representations are acknowledged, though, the effects of development upon private views does not represent a material consideration in the determination of this application.

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development

6.1 Policy 3 of the Horsham District Planning Framework (HDPF) (2015) provides that development will be permitted within towns and villages which benefit from defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain the settlement characteristics of its respective setting in accordance with the defined settlement hierarchy.

6.2 Steyning is characterised as a small town/larger village within policy 3 of the HDPF, with such settlements deemed to benefit from a good range of services and facilities, strong community networks, local employment provision and reasonable public transport services. Such settlements act as 'hubs' providing services to smaller settlements within the District, but also rely on larger settlements and other small towns/larger villages in order to access a full range of services/amenities.

- 6.3 Paragraph 4.7 of the HDPF confirms that development within built-up areas is accepted in principle, with land beyond such areas considered to be countryside where development will be more strictly controlled. Paragraph 4.8 of the HDPF confirms that the priority of spatial policy is to locate appropriate development, including infilling, redevelopment and conversion, within built-up areas in order to maintain the rural qualities of the District and to ensure appropriate access to services and facilities in accordance with HDPF paragraphs 4.6 and 4.7.
- 6.4 The application site falls within a defined built-up area where the principle of development is established, and where the policies of the development plan would operate to support infilling and redevelopment of an appropriate scale.
- 6.5 In this instance the proposed development would provide 14x total dwellings in replacement of 2x existing dwellings. It is considered that the proposed development is of an appropriate scale which would preserve the settlement characteristics of Steyning, and its respective positioning within the defined settlement hierarchy. Subject to consideration in all other material regards it is considered that the principle of development is acceptable in this instance.

Character, Design and Appearance:

- 6.6 Policy 25 of the HDPF seeks to protect the townscape and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.
- 6.7 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.
- 6.8 Policies 2 and 3 of the Regulation 16 Steyning Neighbourhood Development Plan (SNDP) (2019) provides that development must be designed responsibly with regard to its lifetime environmental impact and incorporate built and landscape features to increase standards of sustainability, respond to the scale mass, height, materials and form of neighbouring properties and positively contribute towards Steyning's character.
- 6.9 The site falls within Local Character Area 2, as classified within the Steyning Character Appraisal (2019). As noted within the Character Appraisal this area is predominantly comprised of post-war residential development, becoming increasingly urban in character towards its northern extent and within the vicinity of Toomey Road given the quantum and presence of three-storey flatted development together with reliance on on-street parking. The Character Appraisal notes at paragraph 4.37 that the presence of green-spaces to the side of the highway course provides for an open-feeling, which reduces towards the northern extent of the character area owing to the increased sense of enclosure created by taller buildings. Paragraph 4.40 of the Character Appraisal notes the northern extent of the character area to be more mixed in character, with no noteworthy views in or out of the estate except at the end of Church Lane at paragraph 4.47.
- 6.10 As observed during the officers site visit, buildings surrounding the site vary in terms of type and height. Buildings to the south of the site on Toomey Road comprise 3-storey flat-blocks with additional 2-storey flat-blocks also evident. Development opposite the site to the north on Toomey Road comprises of terraced 2-storey development, with single-storey terraced dwellings present to the adjacent south-west and north of the site. As noted within the Character Appraisal this section of Shooting Field is more urban in character relative to the

prevailing suburban character evident moving southwards on Shooting Field. The absence of tall-boundary treatments forward of principal elevations, together with the width of the grassed highway verge does allow for a sense of spaciousness within the public realm, notwithstanding the greater sense of enclosure provided by flatted and terraced development.

- 6.11 The prevailing material palette in the vicinity of the site is the use of facing red-brick, together with clay and/or concrete tile to roof surfaces. Given the variety in local building types and heights, with the exception of predominant red-brick and shallow pitched roofs, there is not considered to be a consistent vernacular in this location.
- 6.12 Nos 141 and 143 are of an identical design, though, No.143 has been extended to the side and rear. This existing development is not considered of any particular architectural or aesthetic merit such as to warrant preservation by reason of existing contribution to local character and/or appearance.
- 6.13 The proposed development would be provided to 3-storeys and a total height of 9.3m, broadly consistent with flatted development opposite on Shooting Field. A minor reduction (of 60cm) in parapet height towards the south-western and northern extents of the proposed block would provide for some minor articulation at roof level, which would be further reflected within the staggered footprint of the building. In light of the more urban character which exists in this section of the local character area, and at the junction between Shooting Field and Toomey Road, it is not considered that a flatted development of the proposed height would appear uncharacteristic to its respective surroundings.
- 6.14 The proposed block is set back a minimum distance of 4.8m to the pedestrian footway on Shooting Field and a minimum distance of 2.3m to Toomey Way, which increases towards the junction between these roads given the staggered footprint of the proposed development. This degree of set-back is consistent with development to the adjacent southwest of the site on Shooting Field and would be considered to preserve a sense of spaciousness which currently exists within the public realm, notwithstanding the increased sense of enclosure which a 3-storey development would provide. The degree of set-back relative to Shooting Field and Toomey Road, further, would allow for additional soft-landscaping and tree-planting within the street-scene, as indicated on the submitted visuals and layout plans, of benefit to local character and appearance.
- 6.15 The proposed building would make use of a contrasting brick and detailing intended to provide relief within vertical faces, which would be further reinforced by a favourable solid-void ratio given the presence of large fenestrations within the building. Though section plans showing intended reveals and detailed plans of intended detailing (such as textured brick) have not been provided at this stage, such details can be secured in conjunction with appropriately worded conditions, subject to which the proposed development would be considered to satisfy a standard of high quality design required by HDPF policies 32 and 33.
- 6.16 The flat-roofed form of the proposed development does not reflect the shallow-pitched form of surrounding buildings, though, this is not considered to diminish the design quality of the proposed development and is necessary to accommodate the scale of proposed solar PV provision and the incorporation of a wildflower/sedum roof of significance to standards of environmental sustainability promoted by HDPF policies 31 and 37 in addition to policies 2 and 3 of the emerging SNDP.
- 6.17 Overall it is considered that the proposed development is of an acceptable siting, height, scale and standard of design which would preserve the character and appearance of its surroundings in compliance with HDPF policies 25, 32 and 33 in addition to policies 2 and 3 of the emerging SNDP.

Amenity:

Neighbouring Occupiers:

- 6.18 Policy 33 of the HDPF, *inter alia*, seeks to ensure that development avoids unacceptable harm to the amenities of nearby occupiers/users of land, including by way of overshadowing, a loss of privacy and/or disturbance resulting from proposed development.
- 6.19 The proposed block is designed and orientated so as to maintain a separation in excess of 22m between dwellings opposite on Toomey Road and those present within an existing block of flats opposite on Shooting Field (Nos 37-47 Toomey Road). A minimum separation of 12.15m would separate the south-western extent of the proposed block and adjacent bungalows to the west (Nos 133-137 Shooting Field), increasing to ~19m moving northwards through the site accounting for the staggered layout of the 'L' shaped footprint of the proposed block.
- 6.20 It is expected that the proposed development, by reason of the length of its respective proposed frontages, three-storey height and nature as a flatted development, would result in a change in relationship with dwellings opposite on Shooting Field and Toomey Road relative to the existing condition of Nos 141 and 143 at present. Nonetheless, it is considered that 22m does represent a healthy degree of separation, sufficient to prevent an unacceptable loss of natural light and would not be untypical of a cross-street relationship between respective opposite principal elevations, even between flatted and non-flatted development. While it is accepted, therefore, that neighbouring occupiers opposite on Shooting Field and Toomey Road would experience a loss of privacy, by reason of increased potential for mutual overlooking, it is not considered that such impact would amount to unacceptable harm contrary to the requirements of HDPF policy 33.
- 6.21 A terrace of four bungalows at 133-137 Shooting Field abut the site to the adjacent south-west and are located in closer proximity to the proposed development relative to other dwellings opposite on Shooting Field and Toomey Road. These bungalows are orientated 'back-to-front', being accessed by a private footpath which runs adjacent to the south-western boundary of the application site. The main living room space to each bungalow sits to the rear southwest and opens onto a large open communal grassed area. The bungalows are otherwise accessed via a small private amenity space to their front that faces northeast towards the application site, separated only by their access footpath and 1.8m close boarded fencing to the application site boundary. The proposal would retain the boundary fencing with new soft-landscaping and the proposed car-parking areas beyond within the application site.
- 6.22 It is expected that those neighbouring bungalows within closest proximity to the southernmost component of the proposed block (Nos 137 and 139) would experience some degree of overshadowing given the proposed degree of separation to the three-storey block, though, this block is located at broadly the same separation as the existing two storey dwelling, and would include only obscure glazed windows to bathrooms. Whilst the extra height at this point and continuation of the building around to the northwest would increase bulk and massing to the outlook of all four bungalows, the separation of some 19m and orientation to the north east is such that no harmful loss of daylight or sunlight would result.
- 6.23 The size of the building and the additional windows and balconies to its recessed southern elevation facing the four bungalows would though undoubtedly lead to an increased sense of enclosure and a loss of privacy for occupiers of these bungalows. Whereas currently the front outlook to the four bungalows is predominantly towards the boundary fence and undeveloped rear garden of 141 Shooting Field, the proposed outlook would be towards a much large building across the full width of the site with the first and second floors each providing windows to three bedrooms alongside two large windows and balconies serving the main living areas to two of the flats. The closest wall-wall separation distance from these

windows to the bungalows would be some 19m, with the separation from the edge of the balconies to the edge of the small gardens to the bungalows being some 13.7m.

- 6.24 This increased impact would though be only to the small front amenity spaces and a single room to each bungalow, affecting primarily nos 135 and 137 given no. 135 has an additional westerly aspect and no.139 largely faces the side elevation to the south-eastern wing. Having carefully considered the nature and extent of this impact, including how the bungalows function with their main living room aspect facing southwest away from the site, on balance it is not considered that the privacy of occupiers of the bungalows would be so compromised as to warrant the refusal of permission.
- 6.25 The submitted plans do not currently indicate the intended provision of external lighting for access and/or security purposes. It is considered that details pertaining to the provision of external lighting, and control over the future introduction of lighting, could be secured by way of appropriately worded condition such as ensure lighting appropriate to local character and without detriment to the living conditions of nearby occupiers.
- 6.26 It is considered that conditions requiring the submission and approval of a construction management plan, together with appropriate controls in relation to construction hours, would prove sufficient to avoid an unacceptable level of disturbance associated with construction activity.

Future Occupiers:

- 6.27 Policy 32 of the HDPF, *inter alia*, seeks to promote high-quality, attractive, functional, accessible, safe and adaptable development.
- 6.28 The proposed development would provide for 14x 2-bed market flats, each benefiting from a gross-internal area (GIA) of ~62m². Each flat would be designed so as to benefit from a dual-aspect, with flats to be provided at first and second floor levels to benefit from a private balcony space. The footprint and layout of the proposed flats, further, has been designed so as limit opportunities for mutual overlooking between flats and between external balconies, partly due to the staggered footprint of the proposed block.
- 6.29 Neither the HDPF or emerging SNDP endorse nationally described space standards such as to require adherence with such standards, though, it is noted that the proposed dwellings are designed exceed minimum space standards for a 2-bedroom (single-storey) dwelling type, such as to indicate that future occupiers would benefit from an adequate level of internal space. In addition, given the dual-aspect nature of proposed flats and absence of a significant risk of overshadowing resulting from the orientation and layout of the proposed development, it is considered that future occupiers would benefit from adequate access to natural light and ventilation. It is not considered that the proposed development would fail to afford an adequate standard of general amenity to future occupiers.

Affordable Housing and Housing Mix:

- 6.30 HDPF policy 16 provides that development should provide a mix of housing sizes, types and tenures to meet the needs of the District as assessed within Strategic Housing Market Assessment documents in order to create sustainable and balanced communities. HDPF policy 16 recognises that the mix of housing types and sizes will depend upon the established character and density of the site together with the viability of the scheme.

Affordable Housing:

- 6.31 HDPF policy 16 sets out an expectation, for development providing 5-14 dwellings, that 20% of units will be delivered as affordable housing, or where on-site provision is not achievable, a financial contribution is sought in-lieu on on-site provision.

- 6.32 The Council's adopted 'Planning Obligations and Affordable Housing Supplementary Planning Document' (2017) (SPD), confirms that the Council will assess the viability of developments which depart from adopted policy, and expect the delivery of the appropriate amount of affordable housing on qualifying sites unless the applicant can provide sound evidence that this cannot be achieved without making the scheme unviable.
- 6.33 In this instance no affordable housing is proposed, on the basis that the provision of affordable housing would render the development unviable. In support of this proposition the applicant has provided an 'open-book' viability assessment which includes all financial information and evidence relevant to the proposed development in accordance with the provisions of the viability Planning Practice Guidance document. The submitted financial viability report has been reviewed by an independent assessor on the Council's behalf.
- 6.34 With regard to relevant financial parameters, including gross-development value, development timescale, build costs, professional fees, CIL charges, sales, marketing, and finance costs in relation to a reasonable profit margin the independent assessor considers that the scheme would prove unviable and may prove undeliverable in a manner which provides for a commercially acceptable return. The independent assessor, further, advises that it would not prove economically viable for the scheme to provide any affordable housing, or an equivalent contribution in-lieu.
- 6.35 The conclusions of the financial viability report and independent assessment provide a clear rationale for a departure from relevant policy in respect of the delivery of affordable housing. In its determination the Local Planning Authority must balance harm arising from the non-provision of affordable housing, in conflict with HDPF policy 16, against the inability of the proposed development to accommodate such development and in relation to other material benefits which may be derived from an entirely market-based housing scheme.

Housing Mix:

- 6.36 All 14x proposed dwellings are to be provided as 2-bed units. This proposed provision would provide 9x additional 2-bed units relative to the assessed demand for larger market homes set out within the Northern West Sussex Strategic Housing Market Assessment (SHMA) (2019) referenced within HDPF policy 16, which sets out an expectation that 65% of market dwellings are respectively delivered across the District as 3 and 4+-bed units in response to assessed demand.
- 6.37 The conclusions of the 2019 SHMA, however, relate to the housing needs of the District as a whole, with the promoted housing mix not necessarily appropriate to replicate exactly on each and every site. HDPF policy 16, further, recognises the need to consider the established character and density of an individual site surroundings in determining an appropriate mix of units.
- 6.38 In this instance the site surroundings do consist of a mix of flatted and terraced building typologies, with a number of smaller units evident within single-storey terraces to the adjacent west of the site and within existing flat blocks to the south. Furthermore, notwithstanding conclusions as to strategic assessed demand reflected within the 2019 SHMA at table 71, the SHMA does identify a need for smaller housing types in order to address issues of affordability for younger persons at paragraphs 8.96 together with the need to make available smaller housing types in order to allow downsizing at paragraph 11.7, representing a general recognition of the need for smaller housing types balanced with traditional family-sized housing across the District. On balance, therefore, notwithstanding the absence of larger housing types in this instance, it is not considered that there is an absence of demand for smaller 2-bed units as proposed, or that the proposed housing mix would fail to promote sustainable growth within Steyning.

Parking, Highway Safety and Operation:

- 6.39 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.
- 6.40 NPPF paragraph 111 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.41 Policy 41 of the HDPF provides that development should provide adequate parking facilities to meet the needs of anticipated users. Consideration should be given to the needs of cycle parking, motorcycle parking and charging facilities for low-emission vehicles.
- 6.42 The proposed development is to benefit from two vehicular accesses, the primary being via Toomey Road to the north east of the proposed development serving 9x parking spaces accessed via undercroft to the rear of the proposed building. The secondary access would serve a single disabled space accessed via the existing crossover serving No.141 to be retained following the proposed development.
- 6.43 Toomey Road, at the point where the primary access would connect to the public highway is a no-through D class road serving the adjacent Dingemans Court and with good visibility along the course of the highway as observed during the Officer site-visit. It is expected that vehicles will be travelling below the posted 30mph limit in this location and that Toomey Road will be lightly trafficked. While the Local Highways Authority has sought to request a Road Safety Audit, given the 'major' classification of proposed development, there is no indication before the Authority that the proposal would unacceptably impact upon highway safety such as to warrant a refusal of planning permission on this ground. It is, instead, considered that an appropriately worded condition could be utilised to allow for the conclusion of the audit process prior to the commencement of development and to allow for the receipt of details in response to any necessary changes to access design in response.
- 6.44 The proposed retention of a secondary access onto Shooting Field to serve the single disabled space is not considered to unacceptably impact upon highway safety.
- 6.45 The Transport Statement provided in support of the proposed development, with regard to TRICS data, models a net increase in 2x vehicle movements during the AM peak and 4x vehicle movements during the PM peak. It is considered that the modelled increase in vehicle-movements would represent a modest change in the context of the publicly maintained highway network and which would not equate to a severe impact upon highway safety on an individual or cumulative basis contrary to NPPF paragraph 111.
- 6.46 The proposed development would provide 10x total vehicular parking spaces, inclusive of a single disabled space. The submitted Transport Statement recognises that proposed vehicular parking provision is below that expected in accordance with published West Sussex County Council Guidance (24x spaces), though, comments that County Council guidelines would appear excessive for a flatted development in this location, noting that 2011 Census data denotes 35% of flats, and similar accommodation types, reported no cars or vans in household.
- 6.47 The submitted Transport Statement advances an alternative demand of 11x vehicular spaces through the application of Department for Transport Trip End Model (TEMPro) growth rates to 2011 Census data. This results in a total expected demand of 11.34x spaces for the proposed development (0.81x spaces per dwelling) accounting for modelled increases in vehicular ownership. As commented at paragraph 3.8 of the submitted Transport Statement TEMPro growth rates do not distinguish between flats and houses, and therefore, such a

method of calculation likely inflates expected demand for flatted development with regard to greater levels of vehicular ownership typically seen to house typologies.

- 6.48 It is considered that the method of calculation for expected vehicular parking demand advanced within the submitted Transport Statement is robust, and does have regard to local levels of vehicular ownership through the application of local 2011 Census data. This method of calculation is noted to be comparable to that utilised within the preparation of the County Council's own guidance at paragraphs 5.1 and 5.2, with the main distinction being the difference in 'baseline' data, with the County Council guidance appearing to aggregate data for all 'Zone 1' Parking Behaviour Zones within the County and the applicants Transport Statement relying on data solely specific to this Census area. The consultation response provided by the Local Highways Authority in conjunction with this application considers that the proposed level of parking below County Council standards is justified on the application of Census data.
- 6.49 With regard to the anticipated demand of 11.34x vehicular spaces, and expected demand of 2.8x spaces for visitor parking (in line with WSCC Guidance), a small shortfall of spaces would be expected given the total number of spaces (10x) to be provided on-site which would result in increased demand for on-street parking in the vicinity.
- 6.50 The submitted Transport Statement does not specifically address demand for visitor parking, though, advances that any displaced demand for vehicular parking can be subsumed within capacity available in the surrounding street-network by means of on-street parking. In support of this proposition two site specific parking surveys were undertaken during night-time hours on 14th and 15th July 2021 in accordance with a method promoted by Lambeth London Borough Council, such as to establish on-street parking capacity available within a 2-minute walk of the site at times when on-street parking levels would be at their maximum. This survey identifies a total capacity for 111x vehicles, on-street, in the vicinity of the site and with a total 'stress' of 65% and 68% respectively between the first survey and second survey, showing capacity for 35-40 vehicles on-street.
- 6.51 It is acknowledged that a number of representations have sought to dispute the method and findings of the parking survey undertaken, however, West Sussex County Council do not promote an alternative method of calculation to the 'Lambeth' method, while the submitted survey clearly explains the parameters and assumptions employed in the survey. The Local Planning Authority does not possess any data of its own to dispute the findings of the parking survey undertaken, which would appear to reveal moderate on-street capacity in the vicinity of the site, consistent with the case officers own observations during a site-visit.
- 6.52 The under-provision of on-site vehicular spaces relative to expected demand does result in conflict with HDPF policy 41, which would presume in favour of sufficient parking provision to meet the needs of anticipated users. As noted within the Steyning Character Appraisal, however, on-street parking is characteristic of this area of Shooting Field with sufficient evidence available to demonstrate on-street capacity in the vicinity of the site. In combination with the general walkability of the site to locally available services and amenities, and the presence of bus-services in the immediate vicinity of the site on Shooting Field, it is considered that any degree of conflict with HDPF policy 41 is limited in this instance, and insufficient to warrant a refusal of planning permission.
- 6.53 The proposed level of cycle-parking provision (7 spaces) within a covered and secure store is compliant with standards set out within County Council Guidance, with details pertaining to the provision of electric-vehicle charging apparatus deemed capable of being secured in accordance with an appropriately worded condition.

Drainage and Flood Risk

- 6.54 Policy 38 of the HDPF, *inter alia*, seeks to ensure that development within areas at significant risk of flooding is avoided, that development is adequately served by suitable drainage systems and that development does not exacerbate flood risk elsewhere.
- 6.55 The application site is located within flood-zone 1, constituting land not considered at strategic risk of fluvial, surface or groundwater flooding. Notwithstanding, the applicant has submitted a flood-risk assessment which considers and confirms the limited potential for a flood event within the site. The submitted flood-risk assessment, further, recognises that the underlying geology to the site may not prove suitable for drainage via infiltration, though, that the suitability of the site to support sustainable urban drainage systems (SuDS) in addition to the design of any drainage scheme be determined subsequent to hydraulic modelling and testing undertaken post-determination.
- 6.56 The site is not designated as at risk of flooding, with existing publicly maintained surface water sewers present in the immediate vicinity of the site. While it cannot presently be demonstrated that the proposal could support SuDS, as currently proposed, as set out within the submitted 'water-neutrality statement' the proposal does intend to incorporate rainwater collection and re-use systems. There is no evidence before the Authority that the proposal would exacerbate flood-risk elsewhere, or that drainage conditions are so inadequate that an appropriate means of disposal for surface-water drainage cannot be secured by way of appropriately worded condition. No conflict is considered with HDPF policy 38 in this instance, therefore.

Ecology:

- 6.57 Policy 31 of the HDPF seeks to protect the natural environment and green infrastructure of the District. HDPF policy 31 confirms that protected habitats and species will be protected against inappropriate development while development resulting in the loss of green infrastructure will be resisted unless new opportunities to mitigate and/or compensate for loss are provided. Development will be required to contribute to the enhancement of existing biodiversity, including through the creation of new habitats where appropriate. Development which retains and/or enhances significant nature conservation features will be supported, or which improves linkages between habitats between local and regional ecological networks.
- 6.58 Policies SNDP 1 and 2 of the emerging Neighbourhood Plan, *inter alia*, require that development protects and enhances green infrastructure, natural capital and increases the potential for carbon sequestration, inclusive of identified valued landscape features such as green road verges, accessible green-space, hedgerows, trees, woodlands and river corridors. Development should provide opportunities for a biodiversity net-gain including through additional indigenous habitat provision and planting.

Biodiversity and Protected Species:

- 6.59 In support of this application the applicant has provided a professionally conducted Preliminary Ecological Appraisal and Bat Survey. The submitted ecological documents considers the site to possess limited biodiversity value, and/or potential for protected species, by reason of the influence of existing residential activity, the distance of the site to relevant designated habitat sites and the condition of existing buildings/trees, deemed to possess limited roosting suitability for bats.
- 6.60 The conclusions of the Ecological Appraisal would appear consistent with the prevailing condition of the site, which is predominantly maintained as lawn, ornamental planting or as made hardstand. Some immature trees are present within the site to the rear of the garden serving No 143, with mature trees located beyond the rear (northern) site boundary.

6.61 The submitted Ecological Appraisal considers that the proposal would not unacceptably impact upon protected species, subject to relevant precautionary measures, and that the proposal is capable of delivering a proportionate ecological net-gain subject to the inclusion of additional planting, the creation of a sedum/wildflower roof, low impact (ecologically sensitive) lighting and integral bat-boxes. A detailed landscaping plan has not yet been made available in conjunction with the proposed development, though, the submitted plans do denote the formation of additional planting along the western and northern site-boundaries in addition to the introduction of hedging to the street-facing frontages of the site and a wildflower/sedum roof. It is considered that the ecological enhancements and measures outlined within the submitted Ecological Appraisal are capable of being secured by way of appropriately worded conditions, and that the development would, therefore, satisfy the requirements of HDPF policy 31 and SNDP policies 1 and 2 in respect of the delivery of a site-specific biodiversity net gain and in relation to expected impacts upon protected species.

Effects Upon Habitat Sites – (Water Neutrality)

6.62 The application site falls within the Sussex North Water Supply Zone where mains-water is supplied by groundwater abstraction within the Arun Valley. The Local Planning Authority received a 'Position Statement' from Natural England in September 2021, advising that the effects of existing groundwater abstraction cannot be objectively demonstrated to be compatible with the conservation objectives of a number of habitat sites. The habitat sites named within the Natural England position statement include the Arun Valley SAC, SPA and Ramsar sites.

6.63 Within its Position Statement of September 2021, Natural England advise that decisions on planning applications should await the development of a water-neutrality strategy on a strategic basis. In the current absence of a strategic solution to achieving water-neutrality, Natural England advise that individual plans and projects, where it is critical that these proceed, must demonstrate net-neutrality in respect of the use of mains-water such as to avoid contribution to the known adverse effect upon the integrity of Arun Valley habitat sites by reason of water-use.

6.64 The proposed development would involve the provision of a 14x flat development in replacement of 2x existing dwellings. It is expected that the proposed development would give rise to an increased level of residential occupancy, with regard to census data available to the Local Planning Authority, relative to the existing dwellings which would be replaced by the proposed development. It is, therefore, considered that the development would give rise to a net-increase in the use of mains-water, in the absence of any mitigation measures, such as to contribute to the adverse effect upon Arun Valley habitat sites associated with the use of groundwater resources within the Supply Zone identified within the Natural England Position Statement of September 2021.

6.65 It is not considered that the proposed development would result in any other significant effect upon the Arun Valley sites, other than by way of the use of groundwater resources, or upon any other designated habitat site.

6.66 In response to the Position Statement of September 2021, the applicant has submitted a water-neutrality statement, intended to demonstrate that the proposed development would achieve net-neutrality in respect of the use of mains-water resources, through reliance on specified mitigation measures. These measures include the provision of efficient installations to reduce water-use, the incorporation of rainwater collection and re-use systems to provide an alternative source of water to mains-water supply and the provision of similar systems to a dwelling currently under construction at 'Robins Wood, Horsham Road, Steyning', such as to offset 153 litres/day.

6.67 The Local Planning Authority has undertaken an appropriate assessment pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations (2017) which

represents a detailed consideration of the proposed mitigations and the resultant effects of development upon the integrity of habitat sites.

- 6.68 In summary, with regard to the primary data of meter readings made available to the Authority, it is considered that a 'baseline' of 1,337.1 litres/day can be assumed, representing existing mains-water use associated with the occupancy of both existing dwellings and swimming pool facilities currently present to No.141. It is, however, not considered that the proposed mitigation measures can be demonstrated to result in a development which would achieve an equivalent, or lesser, level of mains-water use with the requisite degree of certainty for the purposes of Habitat Regulations Assessment.
- 6.69 As explained within the Council's appropriate assessment, in particular, concern is held in respect of the method of calculation for water-use within the development, with a standard metric of 5 litres/person/day (equivalent to 131.6 litres/day total) for external usage excluded from the submitted calculations. Inclusive of expected demand for external usage, which is deemed reasonable to include given the inclusion of balconies, landscaped areas and to account for car-washing, a shortfall of 284.85 litres/day is expected relative to anticipated demand on the basis of the applicant's own calculations. It is, further, noted that the applicant has utilised a 'yield-co-efficient' of 0.8 (80% yield) in calculating total expected rainwater-collection, deemed to represent an inappropriate metric for a flat-roof featuring sedum and wildflower components in relation to the provisions of BS EN 16941-1:2018 ('On-site non-potable water systems') at paragraph 6.1.2, which recommends co-efficient of 0.3-0.5 (30%-50%) for green roofs. It is not considered, therefore, that the Authority can conclude that proposed on-site mitigations would prove as effective as represented within the submitted water-neutrality statement such as to achieve a standard of net-neutrality in respect of the use of mains-water.
- 6.70 Where net-neutrality in respect of the use of mains-water cannot be demonstrated, with a sufficient degree of certainty, it is considered that the proposal would adversely impact the integrity of Arun Valley sites by reason of contribution to the use of groundwater resources within the Supply Zone. It is, therefore, considered that the Authority is unable to demonstrate that the proposal would maintain the integrity of habitat sites pursuant to the requirements of the Conservation of Habitat and Species Regulations 2017 at Regulation 63(5), HDPF policy 31 and NPPF paragraphs 179 and 180.

Climate Change:

- 6.71 HDPF policies 35, 36 and 37, in addition to policies SNDP 1 and 2 of the emerging neighbourhood plan require that development mitigates against the impacts of climate change. These policies, collectively, provide that development is designed to a high standard of energy efficiency, promotes the use of non-motorised or zero-emission transport, reduce flood risk and reduce water-consumption. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the contribution of development towards, and vulnerability to, climate change.
- 6.72 The proposed development does seek to introduce a total of 111 roof-mounted solar PV panels, with heating to be provided by electric air-source heat pumps. In combination with the specified standards of thermal efficiency indicated within the submitted 'predicted energy assessments' the proposed development would achieve a high-level of energy efficiency in excess of existing building-regulations requirements and achieving a '100' efficiency and environmental impact rating when assessed in accordance with the Standard Assessment Procedure (SAP) 2012 Methodology. It is, therefore, considered that the proposed development would satisfy the requirements of HDPF policies 35-37 in addition to policies SNDP 1 and 2 of the emerging Neighbourhood Plan in respect of energy use.
- 6.73 As assessed in detail within the preceding sections of this report it is not considered that the proposed development would exacerbate flood-risk elsewhere, or that adequate provision

for electric vehicles and/or cycles could not be secured by way of appropriately worded condition.

- 6.74 The expected performance of proposed rainwater harvesting systems and efficiency measures is assessed in detail within the preceding section of this report. While it is considered that the proposed measures are insufficient to demonstrate that a standard of water-neutrality would be achieved, and therefore, that development would avoid contribution to adverse effects upon habitat sites by way of the use of groundwater resources, it is nonetheless considered that the proposed development would likely achieve a standard of efficiency in excess of 110 litres/person/day as required by HDPF policy 37, representing a general metric of sustainable construction.

Other Matters:

- 6.75 It is noted that the Fire and Rescue service have sought confirmation that all parts of the proposed building are within 45m of the public highway such as to ensure access to fire-appliance in the event of fire. All parts of the site are within 45m of the public-highway, with internal accesses positioned such as to allow access to all parts of the proposed building within a maximum distance of 45m from the public-highway.

Conclusions and Planning Balance

- 6.76 The application site is located within a defined built-up area boundary where the principle of development is established in accordance with the adopted spatial strategy of the development plan.
- 6.77 The proposed development is considered to be of an acceptable scale, siting, height and design which would preserve the character and appearance of its surroundings and provide for an acceptable standard of environmental sustainability. Whilst some harm to neighbouring amenity to the rear of the site would result, this is on balance considered acceptable. The proposals are therefore in accordance with the requirements of HDPF policies 25, 32, 33, 35, 36 and 37 in addition to policies SNDP 2 and 3 of the emerging neighbourhood plan. It is, similarly, considered that the proposed development would not unacceptably impact upon highway safety and/or operation, or that a minor underprovision of parking spaces in relation to assessed demand would warrant a refusal of planning permission against the provisions of HDPF policies 40 and 41.
- 6.78 The proposed development would provide socio-economic benefits through the provision of additional housing, by way of a permanent demand for services and temporary construction employment. These benefits attract positive weight in relation to the provisions of HDPF policy 15, and in relation to NPPF paragraphs 60 and 69.
- 6.79 The proposal would not deliver a policy-compliant level of affordable housing, or an equivalent financial contribution, though, it has been established through a viability assessment exercise, undertaken in accordance with the Council's adopted Affordable Housing SPD and the national published Planning Practice Guidance document in respect of viability, that the proposed development would be unable to achieve policy-compliance in a manner which would maintain overall development viability. A departure from the provisions of HDPF policy 16, in this regard, therefore, is deemed justified on viability grounds and would not outweigh the material socio-economic benefits associated with the delivery of market housing and the minor contribution to overall housing supply which the proposed development would provide.
- 6.80 Subject to the inclusion of appropriately worded conditions it is considered that the proposed development would achieve a biodiversity net-gain and would be supported by appropriate drainage infrastructure, without exacerbating flood-risk elsewhere. Compliance with the

requirements of HDPF policies 31 and 38 in these regards, however, is considered neutral and does not weigh in favour of, or against, a grant of planning permission.

- 6.81 Overall, without regard to the likely effects of development upon the integrity of designated habitat sites, therefore, it is considered that the overall benefits of development would weigh in favour of a grant of planning permission.
- 6.82 NPPF paragraph 182, however, confirms that the presumption in favour of sustainable development does not apply where a plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the integrity of the site would not be adversely affected. This provision reflects the requirements of the Species and Habitat Regulations at Regulations 63(1) and 63(5), that a competent Authority must not consent a plan or project likely to result in a significant effect unless an appropriate assessment concludes the integrity of a relevant site would not be adversely affected.
- 6.83 In this instance the Authority has undertaken an appropriate assessment which considers that the proposed mitigations are insufficient to demonstrate that a standard of water-neutrality would be achieved beyond reasonable scientific doubt, such as to ensure that development avoids contribution to the adverse effect upon habitat sites associated with the use of groundwater resources within the Supply Zone by way of increased demand.
- 6.84 Conflict with the provisions of Regulation 63 of the Conservation of Habitats and Species Regulations (2017), and equivalent provisions at NPPF paragraph 179 and HDPF policy 31, is considered to attract substantial and overriding weight in this determination, irrespective of the benefits of proposed development considered in other material regards. It is, therefore, recommended that planning permission be refused accordingly, for the reasons set out below.

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
Residential – District Wide Zone 1	1,101	0	863.35
		Total Gain	863.35
		Total Demolition	237.65

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

Reason for Refusal:

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).

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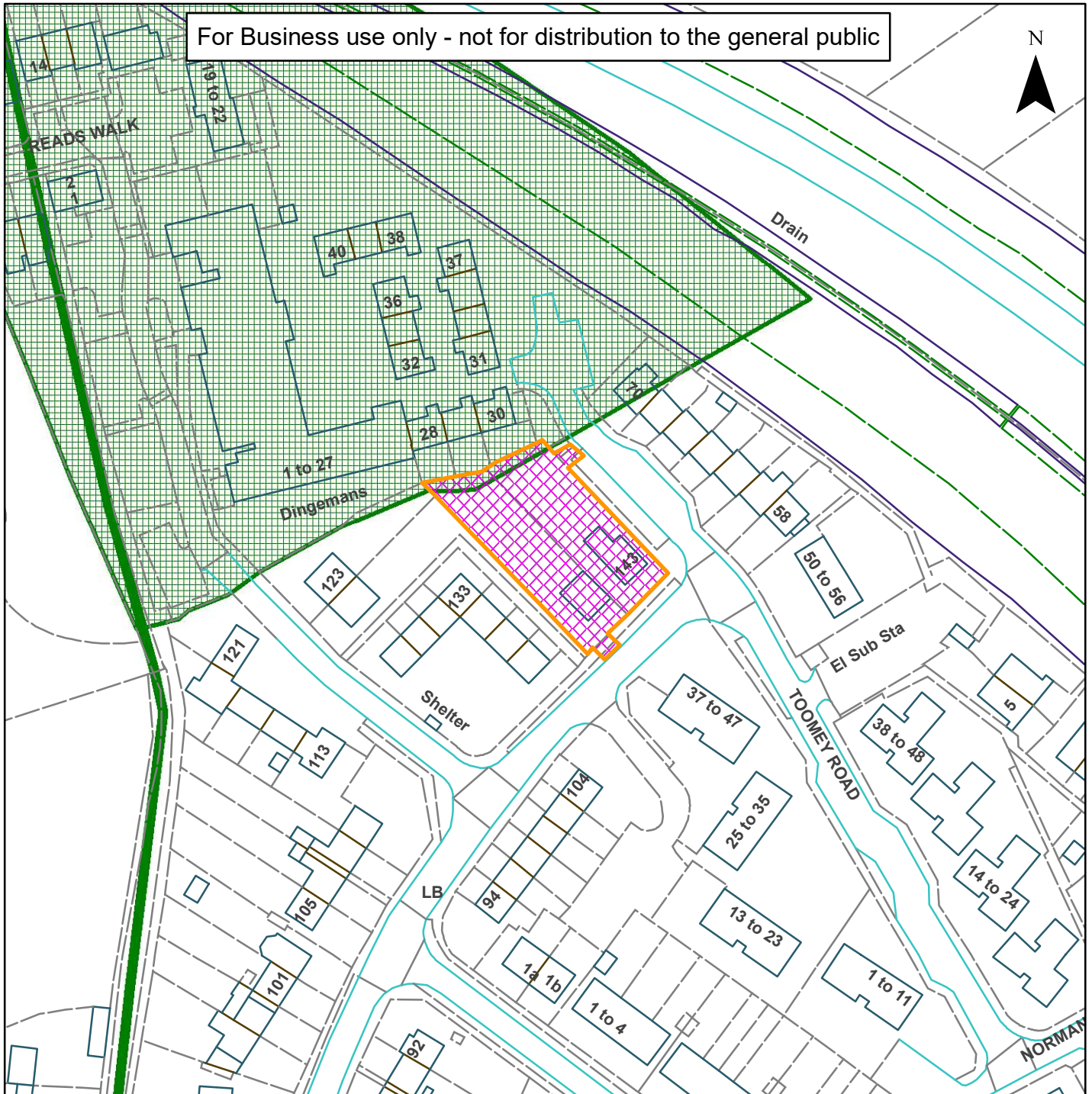
09) DC/21/2394



Horsham District Council

141 Shooting Field, Steyning, West Sussex, BN44 3SW

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 21 June 2022

DEVELOPMENT: Erection of a replacement boundary wall to front of the property providing an access to the highway as a variation from previous permission DC/17/1245.

SITE: Field View Clays Hill Bramber Steyning West Sussex BN44 3WD

WARD: Bramber, Upper Beeding and Woodmancote

APPLICATION: DC/22/0135

APPLICANT: **Name:** Mr Jason Doe **Address:** Field View Clays Hill Bramber Steyning BN44 3WD

REASON FOR INCLUSION ON THE AGENDA: By request of Councillors Croker and Noel

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks planning permission for the erection of a replacement brick boundary wall to the front of the two storey dwelling, namely Field View, with a vehicle access to the highway slightly west of its location permitted under DC/17/1245.
- 1.2 Previous permission DC/17/1245 approved the construction of a new dwelling and associated new vehicular access, located opposite the approved garage and with visibility splays of 2.4 x 61 metres westbound and 2.4 x 56 metres eastbound.
- 1.3 This application was revised and resubmitted on 21 March 2022 and proposes a front boundary brick wall reduced to a height of 0.6m either side of the vehicle access. The width of the vehicle access 4.5m width approx. The gradient of the land slopes upwards east to west. The proposed height of the wall to the west doesn't exceed 0.6m in height. The height of the wall to the east maintains a height of 0.6m to a distance of 7.3m east of the vehicle access, and then rising to a maximum of 1.5m further east due to the gradient of the land. Visibility splay 2.4 x 56 metres westbound and 2.4 x 61 metres eastbound. Vehicle access is positioned west of the garage.

DESCRIPTION OF THE SITE

- 1.4 The application site is set to the southern side of Clays Hill within the built-up area boundary of Steyning. Field View is a detached brick faced two storey 4 bed dwelling with attached garage which gained planning permission as a rear garden area infill development in 2017, associated with the adjacent property to the west which fronts Maudlin Lane. Field View fronts Clays Hill which forms the main road into Steyning from the south and which rises up to the west as it approaches the village centre. Clays Hill is served by a single footpath that runs alongside the site frontage.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

Bramber Neighbourhood Plan:

Policy B1: Location of Development

Policy B2: Character of Development

Policy B3: Design of Development.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- | | |
|--------------|---|
| DC/21/2433 | Erection of a replacement boundary wall and railings to front the property.
Withdrawn Application on 30.11.2021 |
| DISC/20/0076 | Approval of details reserved by Condition 6 (re: bricks and window frames)
to approved application DC/17/1245 Application Permitted 12.05.2020 |
| DC/17/1245 | Proposed erection of a single two storey dwelling (Amendments to previously
approved application DC/16/1088). Land To The Rear of Crimond Maudlin Lane
Bramber Application Permitted 21-09-2017 |
| DC/16/1088 | Erection of 1 x dwelling. Land To The Rear of Crimond Maudlin Lane Bramber
Application Permitted 26-04-2017 |

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

3.2 **WSCC Highways: No Objection**

Initial comments:

The applicant has now submitted for a retrospective application siting the access to the west of the previously proposed. The applicant states they wish to intent to expand this access point to 7.4 metres. The applicant should be made aware that Vehicle Crossovers (VCO's) under 4.5 metres or over 6.4 metres are generally not accepted at the licensing stage. Though in this instance, such a provision is not considered a highway safety concern. The applicant should be mindful that this may result in, if successful, a planning permission that cannot be implemented. Therefore, the applicant is recommended amending the plans to show a kerbside VCO of between 4.5 – 6.4 metres.

The applicant has provided visibility splays of 2 x 43 metres westbound & 2 x 24 metres eastbound. The speed survey data conducted would strictly speaking, require 2.4 x 62.3 metres westbound (MfS) and 2.4 x 103.2 eastbound (DMRB).

The applicant also has provided a setback X distance of 2 metres. The LHA advises the applicant that 2 metre set back distances can only be utilised in areas where the roads a very lightly trafficked with low speeds. The LHA do not believe this location meets either criterion.

The LHA therefore requests that the applicant provides maximum achievable visibility splays for both directions of travel and demonstrate the impact of the boundary treatment on these vehicle visibility splays, ideally, any boundary treatment, within the extent of the splays needs to be below 0.6 metres in height in order to provide a clear line of sight.

While the LHA is mindful of the secured visibility splays (essentially the fall-back position) the visibility details currently being presented represents a significant worsening over and above what has previously been secured by condition.

Subsequent comments following amendments: No objection

The LHA notes that the currently implemented access does not benefit from a planning application. With the above noted, the LHA will provide comments on the suitability of the boundary treatment. It should be noted that this current application will see the permitted access stated above, being built over with a boundary treatment subject to this proposal.

The LHA have reviewed the details subject to the current live planning application specifically looking at the impact the boundary treatment will have on visibility at the informal VCO. The applicant has provided vehicle visibility at the access, which from the previously permitted, would be seen to provide a marginally worse provision. That said, the LHA notes the applicant's willingness to open the vertical visibility of the access by dropping the height of the boundary treatment to no more than 0.6 metres opening up the Westbound splay, creating a vast improvement over the existing and permitted.

The applicant should also be made aware that they are required to contact their local highways area office regarding a license for the VCO. The LPA may wish to secure the access with details to be provided.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely. With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

Further comments received from Highways on 13 May 2022 following consideration and impact of nearby telegraph pole sight lines: No objection

The LHA notes that the horizontal visibility is marginal worse than the approved. However, this is offset by the improvement of vertical visibility in the leading direction, where the wall height has been reduced. Also as a result, the LHA and Manual for Streets (MfS) do not anticipate that the telegraph pole would obstruct visibility at the access point detrimentally. The LHA would see the proposal as being neutral rather than an improvement.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently working unsafely.

Conclusion

The LHA does not consider that this 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 111), and that there are no transport grounds to resist the proposal.

3.3 **Natural England:** Standing Advice

It cannot be concluded that existing 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. Developments within Sussex North must therefore must not 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.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

3.4 **Bramber Parish Council:**

Bramber PC objected to the original application on the grounds of highway safety and design. No comments received from Bramber PC to the amendments and reduced wall height.

3.4 PUBLIC CONSULTATIONS

1 letter of objection was received on highway safety grounds.

4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE EQUALITY & 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.

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 and Equalities 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

Background:

- 6.1 Planning permission was granted under DC/16/1088 for a single dwelling on the site, accessed from Clays Hill via a new vehicle crossover. The approved crossover was to be 3.2m in width and located more towards to the eastern part of the site frontage, 3.6m from the eastern side boundary. Visibility splays of 56m westbound and 61m eastbound were provided. New boundary walls either side were approved at a height of 600mm (0.6m).
- 6.2 A subsequent amendment to the development was approved under DC/17/1245. This application included the relocation of the approved crossover to sit more centrally to the site some 10m from the eastern side boundary, fronting the proposed garage at a width of 4m. As before, visibility splays of 56m westbound and 61m eastbound were provided. The new boundary walls either side remained approved at a height of 600mm (0.6m).
- 6.3 Subsequent to this permission, the vehicular crossover was constructed some 4m further west and to a reduced width of 3.8m, with the boundary walls to the east and west constructed to a height of 720mm and 1055mm respectively.
- 6.4 This application seeks to part regularise this arrangement, retaining the position of the access and crossover but at a greater width of 4.25m, and reducing the boundary walls either side to a maximum height of 600mm across the full site frontage.

Character and Appearance:

- 6.5 Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.
- 6.6 The proposed boundary walls would be at a modest height and clearly a subservient feature which would not harm the character or appearance of the wider area. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Impact on Neighbouring Amenity:

- 6.7 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.8 It is considered that the siting and layout of the proposed front boundary treatment and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways:

- 6.9 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users. Policy 40 requires that development provides safe and suitable access for all vehicles, pedestrians, cyclists and other highway users. Paragraph 111 of the NPPF states that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 6.10 As set out above, consent has previously been given with the support of the Highways Authority for a vehicle crossover central to the site providing visibility splays 2.4m by 56m westbound and 2.4m by 61m eastbound over a 600m high front boundary wall.
- 6.11 As initially submitted, the proposals provided for splays of 2 x 43 metres westbound & 2 x 24 metres eastbound, with the front boundary wall reduced only to 950mm. The Local Highways Authority were not satisfied with this arrangement, noting that given recorded 85h percentile speeds being 38.7 mph westbound & 40.5 mph eastbound, splays of 2.4 x 62.3 metres westbound and 2.4 x 103.2 eastbound would ordinarily be required.
- 6.12 The application was subsequently amended to the current plans, reducing the front wall to 600mm, and demonstrating 2.4m by 56m westbound and 2.4m by 61m eastbound as previously accepted by the Highways Authority. Given the previous consent on the site, which could still be implemented, the Highways Authority are now satisfied with this arrangement, noting that there have been no reported injury collisions within the vicinity of the site in the past five years.
- 6.13 On this basis, there are no grounds to consider the revised arrangement unsafe having regard to Paragraph 111 of the NPPF and Policy 40 of the HDPF.

Water Neutrality:

- 6.14 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 dwelling 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.

Conclusion:

- 6.15 The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval with conditions.

7. RECOMMENDATIONS

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

- 1 A list of the approved plans

- 2 **Regulatory Condition:** The brickwork of the boundary wall(s) hereby permitted shall match in type, colour and texture to the brickwork of the existing building/dwelling on site.

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

- 3 **Regulatory Condition:** Prior to the use of any part of the development hereby permitted, the access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details and shall be thereafter retained as such. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

Background Papers: DC/22/0135
DC/17/1245
DC/16/1088

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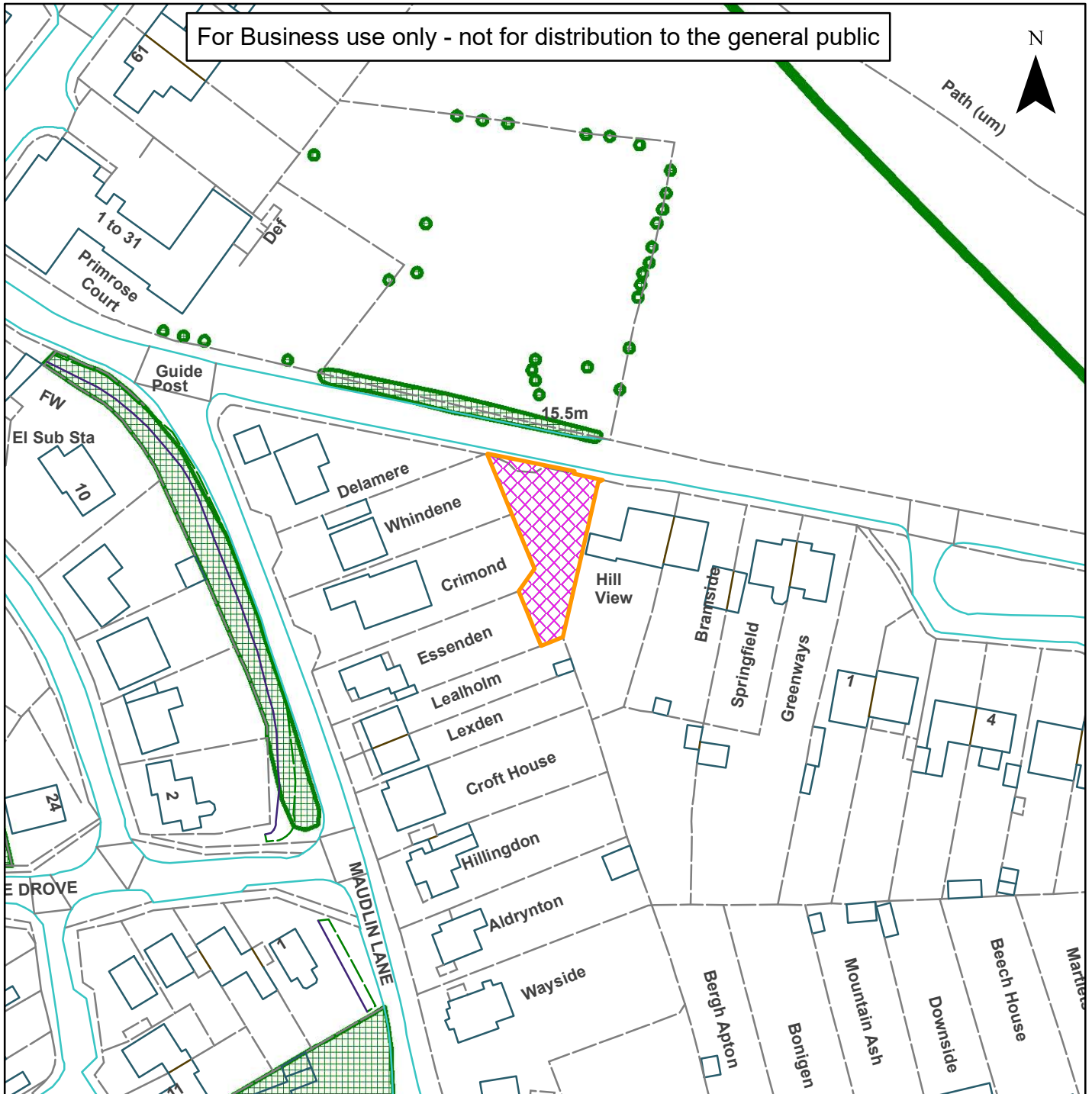
10) DC/22/0135



**Horsham
District
Council**

Field View, Clays Hill, Bramber, Steyning, West Sussex, BN44 3WD

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South
BY: Head of Development and Building Control
DATE: 21st June 2022
SITE: Land at Southmill House, Mill Road, West Chiltington.
WARD: West Chiltington, Thakeham and Ashington.
APPLICATION: Tree Preservation Order No. 1551.

REASON FOR INCLUSION ON AGENDA: Objection to a tree preservation order.

RECOMMENDATION: To confirm Tree Preservation Order 1551

1. THE PURPOSE OF THIS REPORT

To consider whether Tree Preservation Order 1551 should be confirmed.

DESCRIPTION OF THE ORDER

- 1.1 Provisional Tree Preservation Order 1551, Land at Southmill House, Mill Road, West Chiltington, was served on 25th of January 2022 on six individual and one group of four oak trees under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under these Regulations, the trees included within the Order benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

DESCRIPTION OF THE SITE

- 1.3 All the trees are located within the garden/field to the east of the property Southmill House, Mill Road, West Chiltington. T1 is located at the rear of the dwelling known as Springwood, on Mill Road. The trees identified in the order as T2, T3, T4, T5 and T6 are sited on the eastern boundary of the field immediately south of the property Trian by The Mill, The Hollow. Public right of way 2421 runs in a west-easterly direction, along the northern boundary of Trian by The Mill and of the adjacent field to the west. The trees identified in the order as G1 sit in a central location towards the southern part of the field, with the properties known as Wilmaray and Oakmere, also located on Mill Road, sit beyond to the southwest.

PLANNING HISTORY

- 1.4 On 26th October 2021 the Council received an application for outline planning permission for the erection of up to 18 dwellings on the site (*ref: DC/21/2429*). The application was subsequently withdrawn by the applicant on 29th April 2022.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on Local Planning Authorities to make a TPO if it appears to them to be “*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*”.

3. OUTCOME OF CONSULTATIONS

PUBLIC CONSULTATIONS

- 3.1 Letters of support have been received in regard to this order from eight addresses in the vicinity of the site.
- 3.2 A single letter of objection has been received from an agent whose clients hold an interest in the land. The grounds for the objection are:
- i. As part of the recent application for planning permission, a comprehensive tree survey was carried out highlighting the value of the trees in question and has been used to advise the design and layout of the scheme.
 - ii. It has always been the intention of the objectors to retain the trees identified in the order as T2, T3, T4, T5 and T6. They have always intended to co-operate with the LPA, to manage and mitigate any potential impact on the trees and their Root Protection Area's (RPA), and they consider that the inclusion of these trees in the new order is unnecessary.
 - iii. The group of trees identified in the order as G1 have been listed as category B and C trees in the tree survey and the objector considers that they are not worthy of retention in the long term as they provide poor landscape, ecological and visual amenity value to the locality, and they are poorly formed specimens.
 - iv. The objector considers that the retention of G1 will jeopardise the most effective use of the site, as this part of the development has been identified as the location of the affordable housing allocation at the site.
 - v. Comments provided by the Councils Arboricultural Officer in their consultation response on the application DC/21/2429; regarding the pre-application tree felling at the site, despite the trees being free from any planning constraints at the time of removal. Comments regarding the pressure the trees may be under due to the change of use of the site for residential use.
 - vi. The objector claims that all the trees, and in particular T1 and G1 are not sufficiently visible from a public place to warrant their inclusion in the order.
 - vii. The objectors are concerned that the proposed order will jeopardise and compromise the viability and delivery of housing at the site.

West Chiltington Parish Council: Support

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

5. **PLANNING ASSESSMENT**

- 5.1 An outline application for planning permission was submitted to the Council for the demolition of the residential dwelling known as Southmill House on Mill Road, West Chiltington, to allow for the erection of 18 houses in the field/large garden to the rear/east of the property. The site was inspected by the Council's Arboricultural officer, where it was found that several trees in the centre of the site had recently been felled before the application was submitted to the Council for determination.
- 5.2 Along with a considerable number of trees of low merit were 6 individual trees of high public visual amenity value and 4 old ditch line trees, which as a group are considered to add to the overall rural feel of the area and screen the site from the properties to the south. The trees in question are all semi-mature to mature oaks. The trees indicated as T2, T3, T4, T5, and T6 are sited along the eastern periphery of the field. T1 is situated on the western boundary of the field, and the line of trees that form G1 are located in the southern part of the site.
- 5.3 T1, T2, T3, T4, T5 and T6 are large old specimens of high individual merit. In good condition and health, they generally have widespread crowns typical of the species and have a highly pleasing appearance. The trees that form G1 are a group of old ditch line trees, which as a group are considered to add to the overall wooded rural feel of the site.
- 5.4 The main public view of T2, T3, T4, T5, and T6 is from the public footpath that runs to the northeast of the site; from this aspect, the line of trees can readily be seen in their entirety and indeed represent the principal landscape amenity feature in the area. The primary public view of T1 is from the east on Mill Road where the tree can be seen through two brakes in the property line, between Millview and Springwood, and Melverley and Bancroft.
- 5.5 The main public view of the trees in G1 is from the West Chiltington Village Hall carpark; 110m to the east of the site. Due to their size, their crowns are clearly visible above the roof line of the bungalow Wilmaray. During the site visit, some minor deadwood was observed within the crowns of the trees in the group. However, this was not considered to be excessive for trees of their age, and the overall condition and health of the trees is deemed to be good. It is also noted that the trees within G1 screen the site from the properties to the south. Para 3.2 of Tree Preservation Orders: A Guide to the Law and Good Practice states that "*trees may be worthy of preservation for their intrinsic beauty or contribution to the landscape or because they serve to screen an eyesore or future development*". On this basis it is considered that the protection of these trees is justified, should the site be developed for residential usage and on visual amenity grounds.
- 5.6 The Objector states a comprehensive tree survey was carried out and has been used to advise the design and layout of the scheme. Having assessed the case file, I could not find any record of a Tree Survey being submitted to support the application. The level of threat to the trees and comments provided by the Council's Arboricultural officer in their consultation response were based upon the evidence gathered during the site visit and the proposed site plan (PSP) drawing number 19341/OP102, as well as the other documents that had been submitted to support the development proposals at the site.
- 5.7 It is acknowledged that trees T1 to T6 were shown for retention on the proposed site plan. However, from the plans, it was apparent that there would still be a significant level of development within the Root Protection Areas (RPA's) of T4, T7, T8 and T9. In addition,

due to the proximity of the proposed dwellings to the trees, any new property owners are likely to experience and have concerns with several common tree related issues. These include problems with the level of natural light entering the gardens and rear of the properties, leaf litter blocking drains and gutters, deadwood dropping in the gardens and bird droppings. Such issues are all common concerns that a new property owner may have with the retention of mature countryside trees within a residential curtilage. It is likely that the retention of the trees in such a setting would increase the potential for injudicious surgery or removal to abate any concerns the new property owners could have with the trees and the impact on their reasonable use and enjoyment of their new property.

- 5.8 Since the serving of TPO/1551 application DC/21/2429 has been withdrawn by the applicant. Should revised plans be submitted, it might be feasible to integrate the trees within an alternative site layout proposal. However, it is considered that the amenity value and importance of these specific oaks is such that it is in the public interest that their retention is emphasised and indeed assured, so far as is possible.
- 5.9 Without the protection of a tree preservation order, the trees at the site could be heavily pruned or removed legitimately should those with an interest in the land see fit to do so. It is considered that either of these actions would result in a profound and highly unsatisfactory loss of amenity to the area, contrary to the Council's environmental aims and to Section 198(1) of the Town & Country Planning Act 1990. It is accordingly recommended that the order be confirmed.

6. **RECOMMENDATIONS**

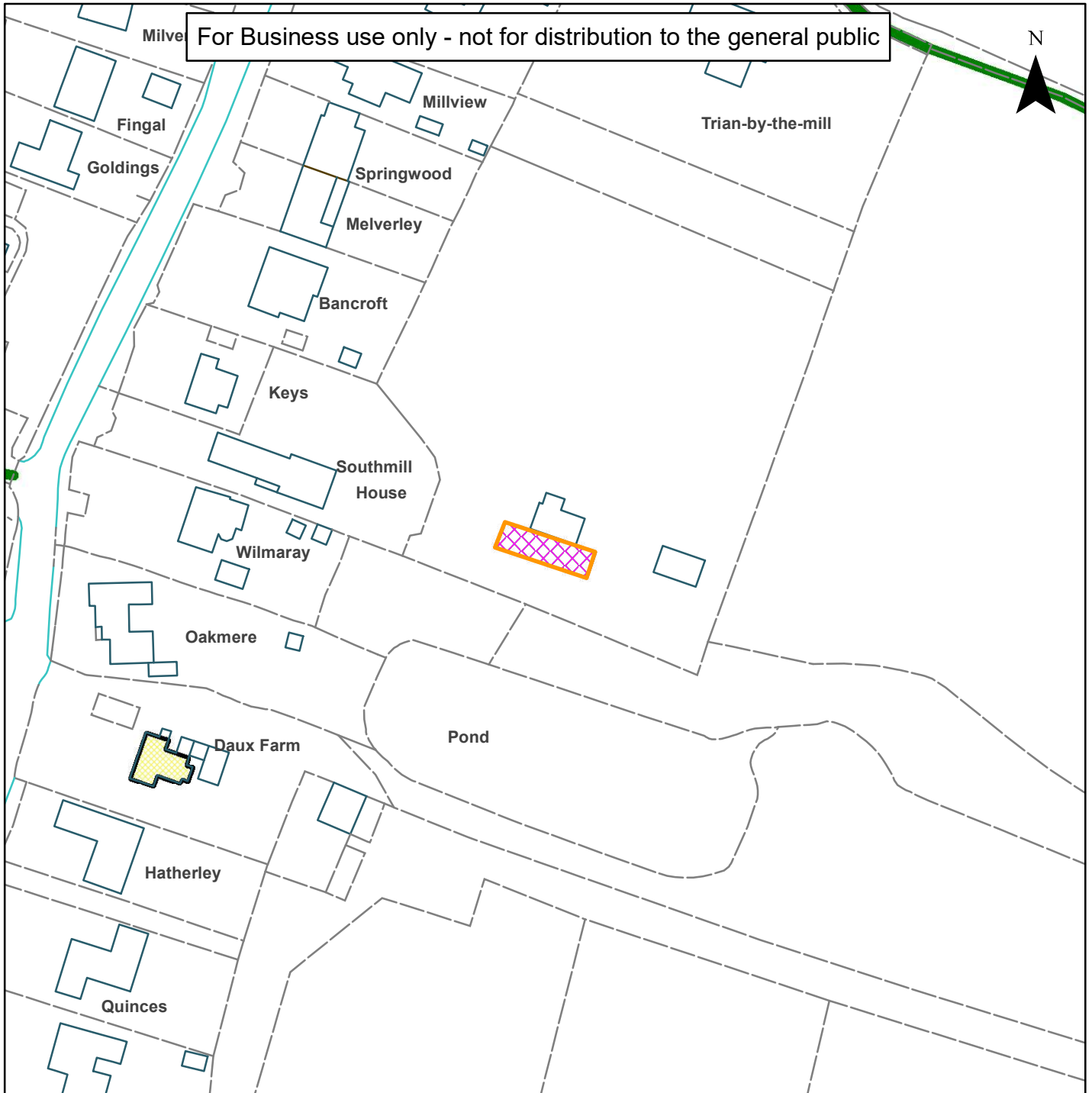
- 6.1 It is recommended that Tree Preservation Order 1551- Land at Southmill House, Mill Road, West Chilton, be confirmed.

11) TPO/1551



**Horsham
District
Council**

Southmill House, Mill Road, West Chiltington, Pulborough,
West Sussex, RH20 2PZ



Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	09/06/2022
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