



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (South)

BY: Development Manager

DATE: 19 April 2016

DEVELOPMENT: Residential development of 87 dwellings, including 30 affordable units, together with associated open space (including ecological mitigation and an equipped play area), landscaping and the creation of a new vehicular access from Marringdean Road

SITE: Kingslea Farm, Marringdean Road, Billingshurst, West Sussex

WARD: Billingshurst and Shipley

APPLICATION: DC/15/0896

APPLICANT: Countryside Properties

REASON FOR INCLUSION ON THE AGENDA: More than five letters of representation have been received that are contrary to the Officer recommendation.

RECOMMENDATION: That planning permission be delegated for approval to the Development Manager subject to securing a legal agreement and appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The original application proposed the erection of 107 no. units. The number of proposed units has been reduced, however, and the latest proposal for consideration is for the erection of 87 no. dwellings (Class C3), with associated access and areas of public open space.

1.3 The development would comprise;

18 no. two bedroom flats;
11 no. two bedroom dwellings;
37 no. three bedroom dwellings;
12 no. four bedroom dwellings; and
9 no. five bedroom dwellings.

1.4 35% of the proposed residential units would be made available on the affordable housing market. The affordable housing units would comprise;

18 no. two bedroom flats;
4 no. two bedroom dwellings;
8 no. three bedroom dwellings;

- 1.5 The proposed dwellings would be arranged as detached and semi-detached pairs, together with short terraces of up to 4 no. houses. Two larger buildings, containing flats, are proposed on the northern side of the site.
- 1.6 The properties would be constructed from a varied palette of materials, including red brick, white timber weather boarding and tile hanging, designed to reflect the local vernacular. The dwellings have been designed to include projecting gables, lean-to canopies, porches and chimneys.
- 1.7 The proposed vehicle access to the site would be taken from Marringdean Road and would be sited approximately two-thirds of the way along the eastern boundary, 70 metres to the south of the existing junction serving Kingsfold Close. It would comprise a single priority junction and would achieve visibility splays in excess of 2.4 metres x 90 metres in both directions. The proposed access, which has been the subject of a Stage 1 Road Safety Audit, would be sited within the section of Marringdean Road that is the subject of a 30 mph speed restriction.
- 1.8 The main internal access road through the site would have a width of 5.5 metres, reducing to 4.8 metres on the smaller side roads. The existing footpaths through the site would be retained, with additional paths provided to increase permeability through the development. A new 3 metre wide shared foot/cycle path would be provided on the eastern side of the site, adjacent to the hedgerow fronting Marringdean Road. The path has been introduced in order to provide a south-north pedestrian link through the site, as this part of Marringdean Road does not have a pavement. The internal path would terminate at the north-eastern end of the development, via an existing stile, providing access back onto Marringdean Road. An informal crossing point (incorporating a dropped kerb and tactile paving) would be provided in order to achieve access to the pavement on the eastern side of the highway (which in turn, provides a continuous pedestrian route to Billingshurst).
- 1.9 A total of 211 no. parking spaces would be provided at the site. 192 no. of the spaces would be allocated, equating to an average of 2.42 spaces per dwelling. 19 no. visitor spaces would be provided.
- 1.10 The development is anticipated to generate 45 no. two-way vehicle movements in the morning peak hour and 52 no. two-way vehicle movements in the evening peak hour.
- 1.11 The Transport Assessment, submitted in support of the application, proposes that an enhanced gateway feature be introduced within Marringdean Road, where the speed limit reduces from 40 mph to 30 mph. The gateway would include a visual narrowing of the highway and an associated change in surface material. The gateway feature is intended to reduce the speed of traffic travelling north, towards the development site.
- 1.12 As part of the development, it is also proposed to provide improved cycle links into Billingshurst. The Transport Assessment includes plans showing the provision of cycle lanes, including across junctions, and the provision of improved street lighting to meet current British Standards.
- 1.13 With the exception of the section of hedgerow to be removed in order to provide the proposed vehicular access, the remaining trees and hedgerows around the perimeter of the site would be retained and reinforced. Additional native tree and hedge planting is proposed around the boundaries of the site. It is proposed to plant Common Hawthorn, Holly, Field Maple, Oak and Wild Cherry trees. It is also proposed to erect bat and bird boxes at the site and to create log piles in order to provide habitat for invertebrates.

- 1.14 Under the original submission, it was proposed to erect 107 no. dwellings. The number of dwellings was reduced, however, in order to allow for the provision of larger landscape buffers around the southern, western and eastern edges of the site. The increased landscape provision was considered necessary in order to achieve an appropriate transition between the proposed dwellings and the adjacent countryside. The reduction in dwelling numbers also provided opportunity to achieve greater separation distances between the opposing side elevations of the dwellings on the western and southern sides of the site, in an attempt to reduce their visual prominence and the potential impact on the setting of the Grade II Listed Great Gillmans Farm to the west.
- 1.15 The originally submitted plans showed the provision of a Locally Equipped Area of Play (LEAP) in the south-western corner of the site. Under the latest submission, the equipment has been removed and it is now proposed to provide a more 'natural', woodland trail through the site, including timber play equipment located next to the internal footpaths.
- 1.16 The application is supported by a Noise and Vibration Assessment; Ecological Assessment; Great Crested Newt Mitigation Strategy; Landscape and Visual Matters Report; Arboricultural Report; Tree Survey; Heritage Statement; Transport Assessment; Travel Plan; Flood Risk Assessment and Drainage Strategy; Energy and Sustainability Statement, and Economic Benefits Statement.

DESCRIPTION OF THE SITE

- 1.17 The application site comprises a single agricultural field with an overall area of 5.34 hectares. The site, which is within Flood Zone 1, is located approximately 0.8 km to the south of Billingshurst railway station and 1.6 km from the town centre. The nearest bus stops are located in Natts Lane, approximately 400 metres from the application site. The stops are served by bus service 100, which provides hourly services between Horsham and Burgess Hill.
- 1.18 The application site, together with a smaller area of land to the west (and at the rear of Great Gillmans Farm) has been allocated for housing by Policy SD11 of the HDPF. Policy SD11 identifies that the sites, in combination, could deliver 'around 150 no. dwellings.'
- 1.19 The site is generally flat, although there is a slight slope from east to west. It contains 2 no. Public Rights of Way (FP1321 and FP1322) which run along the southern and western boundaries. The Public Right of Way on the western side of the site extends up into the northern corner of the site, where it terminates (via a stile) onto Marringdean Road.
- 1.20 The site is enclosed on all sides by trees and hedges. The site includes a total of 14 no. individual trees and 9 no. groups. The densest vegetation is on the north/north-western and southern boundaries. Beyond the eastern boundary is Marringdean Road, a two lane carriageway that is the subject of a varied speed limit. The majority of the highway immediately outside of the application site is the subject of a 30 mph speed restriction, however, this increases to 40 mph at the southern end of the site, as vehicles drive out of Billingshurst. Beyond Marringdean Road, and on the eastern side of the highway is a development known as Kingsfold Close, a residential cul-de-sac of 12 no. detached, two storey dwellings. The properties are constructed from a combination of red and brown brick with first floor tile hanging. The dwellings are set on spacious plots, with landscaped front gardens.
- 1.21 To the south of the site is a farm and open countryside. The northern side of the site is bordered by a private, single lane driveway, which provides access from Marringdean Road to Great Gillmans Farm House, a Grade II Listed Building. The farm house, which is located to the west of the application site, is a seventeenth century, timber framed building with casement windows. The two storey building has a painted brick ground floor with timber

weather-boarding at first floor level. The property has a hipped, tiled crown-post roof. The property has been extended in recent years through the provision of a single storey side extension.

- 1.22 Great Gillmans was built as part of Little Gillmans Farm, which also included Blackthorne Barn and agricultural fields. It is a typical example of the historical fixed farmsteads found around Billingshurst. Great Gillmans is significant in respect of its architecture and historic interest, in so far that it had an important role (together with other farmsteads) in the development of Billingshurst as a farming village. Its setting is also of significance, in that its substantial lands and rural views are typical of a historical farmstead in Billingshurst.
- 1.23 The farmhouse is now positioned within a site measuring approximately 3.3 acres, comprising 4 no. paddocks, stables, planted gardens and an enclosed courtyard, with a swimming pool and outbuilding. The agricultural function of the farmhouse has now ceased and the property is now used as a residential dwelling, with facilities for keeping and exercising horses.
- 1.24 An overhead power line traverses the application site in an east-west direction across the southern part of the site. The applicant anticipates that these lines would be buried as part of the proposals, in order to improve south facing views.
- 1.25 To the north of the site, planning permission reference DC/10/0939 (which was allowed, on appeal, in 2011), granted consent for 150 no. units. The scheme, which is currently being built-out and is nearing completion, is accessed from Marringdean Road. As part of the scheme, the developer is required to introduce traffic calming features, in the form of an enhanced gateway feature on Marringdean Road, together with the introduction of priority arrangements to reduce traffic speeds on the highway.
- 1.26 50 no. residential units have also been approved to the west/north-west of the application site, at the rear of the Grade II Listed Great Gillmans Farm. These dwellings, which were approved in 2013 under planning reference DC/13/2379, would be accessed from the development approved by DC/10/0939, as described above. The dwellings would wrap around the rear boundary of Great Gillmans Farm and its associated outbuildings.
- 1.27 To the north-east of the application site, and on the eastern side of Marringdean Road, planning permission reference DC/13/0147 (which was allowed on appeal) granted consent for the erection of 46 no. residential properties, together with a new access onto Marringdean Road. This application is currently being built out. Beyond this development, planning permission reference DC/11/2385 granted consent for a further 46 no. dwellings, accessed from the easternmost end of Daux Avenue. The consent includes alterations to the Natts Lane/Marringdean Road/Lower Station Road/Daux Avenue junctions in order to improve visibility for drivers pulling out onto Daux Avenue.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 Government Planning Policy is contained within the National Planning Policy Framework (NPPF). The Policies contained within this document are, therefore, material to the consideration of this application. Due regard must also be had to the guidance contained within the Government's National Planning Practice Guidance. The following Sections of the NPPF are particularly relevant to the consideration of this application;

- Section 1: Building a Strong Competitive Economy
- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

RELEVANT COUNCIL POLICY

- 2.3 The following Policies of the HDPF are considered to be relevant to the consideration of this application:

Policy 1 (Strategic Policy: Sustainable Development)
 Policy 2 (Strategic Policy: Strategic Development)
 Policy 3 (Strategic Policy: Development Hierarchy)
 Policy 4 (Strategic Policy: Settlement Expansion)
 Policy 15 (Strategic Policy: Housing Provision)
 Policy 16 (Strategic Policy: Meeting Local Housing Need)
 Policy SD11 (Strategic Policy: Land South of Billingshurst)
 Policy 24 (Strategic Policy: Environmental Protection)
 Policy 25 (Strategic Policy: The Natural Environment and Landscape Character)
 Policy 26 (Strategic Policy: Countryside Protection)
 Policy 31 (Green Infrastructure and Biodiversity)
 Policy 32 (Strategic Policy: The Quality of New Development)
 Policy 33 (Development Principles)
 Policy 34 (Cultural and Heritage Assets)
 Policy 35 (Strategic Policy: Climate Change)
 Policy 36 (Strategic Policy: Appropriate Energy Use)
 Policy 37 (Sustainable Construction)
 Policy 38 (Strategic Policy: Flooding)
 Policy 39 (Strategic Policy: Infrastructure Provision)
 Policy 40 (Sustainable Transport)
 Policy 41 (Parking)
 Policy 42 (Strategic Policy: Inclusive Communities)

- 2.4 Together with a smaller site to the west, the land subject of this application, forms part of the Strategic Housing land allocation SD11. Housing allocation SD11 identifies that, in combination, the two sites will provide 'around 150 no. residential dwellings'. The second site allocated as part of SD11 is currently the subject of a separate application, which is being considered under reference DC/16/0274. This application is for 45 no. dwellings.
- 2.5 Policy SD11 notes that "*development of this area will be required in order to deliver the necessary infrastructure, facilities and services to meet the needs of the community.*" It states that the development "*will be designed at an appropriate density and layout, which relates to the existing settlement, providing a mix of dwelling sizes, types and tenures to reflect local need.*"
- 2.6 The supporting text indicates that "*the design of the development shall ensure that there is a landscape buffer to the south of the village providing a clear transition into the open countryside and a strong defensible boundary to the settlement edge.*" In formulating proposals, developers must have due regard to the design and layout in order to ensure that it will "*preserve and recognise existing sensitive heritage assets and their settings, including the Listed Great Gillmans Farmhouse, as well as conserving and enhancing the biodiversity and positive landscape qualities of the site.*"

- 2.7 In accordance with Housing Allocation SD11, the development must have a “*legible layout which facilitates and supports all modes of sustainable transport, providing clear linkages to local services and facilities. Access to the site must be in a safe and convenient location, ensuring good visibility in all directions and taking account of the capacity requirements of Marringdean Road.* The Policy states that “*the internal road layout should be designed to allow for the circulation of bus routes, should this be required.*”
- 2.8 The Horsham District Local Development Framework Planning Obligations Supplementary Planning Document 2007 is also relevant to the consideration of this application.
- 2.9 The Horsham District Council Infrastructure Delivery Plan (2014) and Horsham Council Community Infrastructure Levy Preliminary Draft Charging Schedule (2014) are also material considerations.

NEIGHBOURHOOD PLAN

- 2.8 Billingshurst Parish does not have an adopted Neighbourhood Plan.
- 2.9 The Billingshurst Parish Design Statement (2009) sets out the Parish Council’s design aspirations for Billingshurst and is intended to be applied to any future development within the village itself and other centres within the Parish boundaries.

PLANNING HISTORY

- 2.10 There is no relevant planning history relating to the application site.
- 2.11 The following developments are, however, relevant to the consideration of this application;

DC/10/0939	Development at Land South of Groomsland Drive and Gillmans Industrial Estate for the erection of 150 dwellings	PER
DC/11/2385	Development at Land East of Daux Avenue for the erection of 46 dwellings	PER
DC/13/0147	Development at Land at Daux Wood for the erection of 46 dwellings	PER
DC/13/2379	Land adjoining Blackthorne Barn for the erection of 50 dwellings	PER
DC/16/0274	Development of the land south of Marringdean Acres so as to accommodate 45 dwellings together with associated access road, car parking, landscaping and open space	PEND

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

3.2 **HDC Strategic Planning** (summary)

The site is one of two parcels of land allocated in the adopted HDPF (November 2015) Policy SD11 Strategic Policy: Land South of Billingshurst.

The HDPF was adopted by Council on the 27th November 2015 and now forms the development plan for the District.

In principle, there is no policy objection to the development as it is an allocated site. The allocation combined two sites for housing development and associated infrastructure to accommodate around 150 dwellings. There was no set number for the individual sites in the allocation. The Main Modifications to the Local Plan introduced a definition that allowed allocations to be referred to as “around” which was agreed in discussion at the Examination to be a 10% tolerance for strategic sites. Therefore, the allocation could yield between 135 and 165 units depending on design and infrastructure considerations. During the detailed consideration of the application the amount of development on the site has been reduced to address other policy issues. The proposal is now for 87 dwellings. In order to deliver the housing envisaged by Policy SD11, due regard must be had to what can be delivered on the remaining site within the allocation. There is a current application on this other site (DC/16/0274) for 45 dwellings. This application is still being considered. When combined, the two sites would generally deliver the quantum of development indicated, when applying the 10% tolerance threshold. Therefore, the application is consistent with the allocation and is supported by planning policy.

3.3 **HDC Environmental Management, Waste and Cleansing** (summary)

Each property must have a designated bin collection point within 25 metres of the dwelling that it serves.

3.4 **HDC Housing** (summary)

No objection. The proposed mix is acceptable.

3.5 **HDC Parks and Countryside** (summary)

No objection. The provision of green space across the site is acceptable. There is a requirement to provide play equipment at the site although it is agreed that this can take the form of ‘natural’ play equipment. The details need to be agreed by the Local Planning Authority, in consultation with the Parks and Countryside team.

3.6 **HDC Drainage Technician** (summary)

No objection. The principle of the proposed drainage scheme is acceptable. Conditions should be used requiring the submission and approval of the final details of the foul and surface water drainage for the site.

3.7 **HDC Environmental Health** (summary)

No objection, subject to a condition requiring development to stop if unexpected contamination is found to be present at the site. In this event, work should not recommence until an appropriate remediation strategy has been submitted to and approved by the Local Planning Authority.

Some of the proposed dwellings will be sited close enough to Marringdean Road for prospective occupiers to be affected by noise disturbance. A condition should be attached, therefore, requiring the submission and approval of a scheme of works to reduce the intrusion of noise to all habitable rooms and amenity spaces affected by unacceptable noise levels. The scheme should have due regard to the requirements of BS8233:2014.

A condition should also be attached requiring the submission and approval of a Construction Environmental Management Plan (CEMP), to control the potential impacts on adjacent residents during the construction period.

3.8 **HDC Landscape Officer** (summary)

The density in the northern section of the site is very high and a lower residential density would be preferable in landscape terms. However, given the reduction of 20 no. units and the enhancements made to the southern/south-western boundary, it would be possible to support the application, subject to agreeing further details relating to; the soft landscaping across the site; the provision of street furniture (ie, benches); a specification of the hard surfacing materials across the site; details of a landscape management and maintenance plan; details of any acoustic fencing required; details of the nature trail equipment; and the design of the pumping station.

3.9 **HDC Heritage Officer** (summary)

Comments received in response to the original submission for 107 units.

The proposed development would cause less than substantial harm to the setting of Great Gilmans Farm, a Grade II Listed farmhouse dating from the 17th Century. It is also considered that the scheme would cause harm to the wider landscape, which is clearly rural in character and marks a significant change from the already extended urban environment of Billingshurst to the north and the western side of Marringdean Lane.

The introduction of 107 no. dwellings, with associated residential paraphernalia would have a significant and harmful impact on the rural character of this green field, altering not only its appearance, but also its role in maintaining the rural scene in contrast to the urban environment to the north. As such, it is considered that the very urban nature of the development and despite attempts to soften the edges, would read as an unacceptable visual intrusion into the countryside scene.

The site falls within the setting of the Listed Building which is seen in views across it, from within it and in conjunction with it. The sense of the Listed Building's rural setting will be significantly harmed, now and in the future, having a lasting, permanent and damaging impact. The experience of the Listed Building will also be eroded. Its current extent of relative isolation, which is an important aspect of its significance, would also be affected.

There is a statutory duty to preserve the setting of heritage assets and any level of harm must be given considerable weight in the decision-making process. As such, the wider public benefits of granting planning permission must be so significant to sufficiently outweigh the harm and include sufficient mitigation.

A verbal update on the latest proposal for 87 no. dwellings will be provided at Committee.

OUTSIDE AGENCIES

3.10 **Environment Agency**

Do not wish to comment on the application.

3.11 **Ecology Consultant** (summary)

No objection. Subject to conditions requiring the submission of a bat sensitive lighting scheme and an Ecological Mitigation, Management and Monitoring Plan, it is not considered that the development will have an adverse impact on the interests of nature conservation. A condition should also be attached requiring an updated badger survey to be undertaken prior to the commencement of development (including preparatory work) to confirm the continued absence of badger setts from the effected part of the site.

To avoid risk to potentially nesting birds, an informative should also be included on any decision stipulating that the removal of trees and/or shrubs should take place between September and the end of February.

3.12 **Natural England** (summary)

No objection.

3.13 **Southern Water** (summary)

No objection, subject to conditions requiring the submission of details of the proposed means of foul and surface water sewerage disposal, to be approved by the Local Planning Authority, in consultation with Southern Water.

Initial investigations reveal that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the development. Additional off-site sewers, or improvements to existing sewers will be required in order to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain a specific location.

3.14 **WSCC Drainage** (summary)

No objection. A condition should be attached requiring the submission and approval of a surface water drainage scheme.

3.15 **WSCC Highways** (summary)

The applicant has submitted details relating to the provision of improvements to the cycle network, to provide improved links between the application site and Billingshurst. The applicant has also provided details of traffic calming measures, including a gateway feature on Marringdean Lane, to reduce the speed of vehicles travelling along the highway to the east of the site. It will be necessary to make sure that the implementation of these features is co-ordinated with the provisions secured by planning permission reference DC/10/0939.

A verbal update will be provided at Committee.

3.16 **WSCC Public Rights of Way**

No objection. Footpaths 1321 and 1322 are within the site boundaries, however, they have been appropriately accommodated within the development.

3.17 **Archaeology Consultant** (summary)

No objection. Notwithstanding the surveys, there remains a possibility that archaeological finds may be present across the site. A condition should be attached to any permission, therefore, requiring the applicant to prepare a Written Scheme of Investigation to address any unexpected archaeology that may be found during construction. Concern is raised regarding the likely impact of the development on the local highway network.

3.18 **Sussex Police (Crime Prevention and Design)** (summary)

No objection. The design and layout has produced outward facing dwellings and, in the main, back-to-back gardens, which has virtually eliminated the need for potentially vulnerable rear garden paths. Parking is overlooked and is provided on driveways, garages or parking bays so that the street remains unobstructed.

Gates should be lockable. In the single instance where there is a rear garden path, consideration should be given to providing a 1.5 metre fence, with 0.3 metre of trellising in order to increase opportunities for surveillance.

PUBLIC CONSULTATIONS

3.19 **Billingshurst Parish Council** (summary)

Object to the planning application. Concern is raised regarding the impact of the development on flooding and drainage. Concern is also raised regarding the lack of a footpath on Marringdean Road and onward pedestrian access to the village. The Parish Council has also noted the loss of the Locally Equipped Play Area from the plans.

In the event that planning permission is granted, the Parish Council has requested that the financial contributions secured through the legal agreement be put towards the following community facilities; upgrading/refurbishment/repair of the facilities at the Lower Station Road Recreation Ground, including a new bridge to span the Parbrook; upgrading/refurbishment/repair of the facilities at the Billingshurst Bowling Club; upgrading/refurbishment/repair of the facilities at the Billingshurst Scout and Guides' hut.

3.20 29 no. letters of objection (received from 23 no. different addresses) were received in response to the original public consultation relating to the development of the site for 107 no. units. A letter of objection has also been received from the CPRE Countryside Trust. The letters raised the following issues:

- concern regarding the cumulative impact of recent developments in Billingshurst;
- concern regarding the increase in traffic on the local highway network and the associated impact on highway and pedestrian safety;
- concern regarding the use of the local highway network by construction traffic;
- concern about traffic speeds on Marringdean Road;
- inadequacy of on-site car parking provision and the availability of parking in Billingshurst, including at the station;
- concern regarding the inadequate infrastructure, services and facilities in Billingshurst;
- concern regarding drainage and flooding issues;
- concern regarding the loss of countryside and the potential impact on wildlife and protected species;
- concern regarding the loss of trees/hedges;
- concern regarding the potential increase in air pollution
- the Design and Access Statement contains errors

3.21 17 no. letters of objection (received from 16 no. different addresses) have been received in response to the amended plans relating to the development of the site for 87 dwelling units. The letters raised the following new issues:

- concern regarding the visual impact of the development;
- there are limited job opportunities in Billingshurst;
- problems with litter and rubbish in Marringdean Road;
- impact on property values

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

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

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

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

6. PLANNING ASSESSMENTS

6.1 The main issues to consider in this case are; the acceptability of the principle of residential development in this location; the acceptability of the mix and tenure type of the proposed dwellings; the design and layout of the proposed development and its impact on the character and appearance of the landscape and the amenity of existing and prospective occupiers; the impact on the setting of the adjacent Grade II Listed Building; whether the proposed access arrangements are acceptable; the adequacy of the parking and refuse collection arrangements; whether the development can be delivered without having a harmful impact on local traffic conditions, or highway and pedestrian safety; the impact of the proposal on drainage and flooding; the interests, nature conservation (including trees), flooding and land contamination and; whether appropriate mechanisms are in place to secure the necessary infrastructure improvements.

The Principle of Development

6.2 The principle of residential development at the site is established by Policy SD11 of the HDPF. In combination with a site immediately to the west of Great Gillmans Farm, the application site is expected to deliver around 150 no. dwellings.

6.3 The provision of 87 no. dwellings, on the larger of the two sites will, therefore, make a significant contribution to this provision helping to meet the housing needs of the District, as required by the HDPF. Given the application site is the larger of the two land allocations that make up Policy SD11, it is appropriate that this site should accommodate the greater quantum of development. The remainder of the land allocated under Policy SD11 is the subject of a separate application for 45 no. dwellings (DC/16/0274), which provides a combined total of 132 no. units. Whilst this falls slightly below the figure of 'around 150 dwellings' as set out in Policy SD11, it would be very close to the 10% tolerance that was agreed for strategic sites during the Local Plan Examination. The slight reduction in overall housing numbers has also been necessitated in order to overcome specific detailed landscape and heritage related matters, so as to comply with other Policies in the HDPF. The amended scheme is, therefore, considered to represent the best approach in so far as achieving both an acceptable design solution and the best/most efficient use of land.

Dwelling Type and Tenure

- 6.4 35% of the proposed residential units that would be provided across the site would be made available on the affordable housing market, in accordance with Policy 16 of the HDPF. The development will provide 18 no. two bedroom flats, 4 no. two bedroom dwellings and 8 no. three bedroom dwellings, which will be made available on the affordable housing market and this is considered to represent a suitable mix. The affordable units will be sited towards the north-western side of the site, however, they will be surrounded by open market dwellings and this will help to promote the creation of inclusive communities. The tenure of the affordable housing units will be controlled by the legal agreement.
- 6.5 Policy 16 of the HDPF seeks to achieve a mix of housing sizes to meet the District's housing needs, as identified in the Strategic Housing Market Assessment (SHMA), in order to create balanced and sustainable communities. The SHMA recognises that larger development sites, such as that under consideration, provide the best opportunity to deliver larger homes and a broader mix of house sizes and suggests a proportion of up to 45% of all units on such sites have three or more bedrooms. Whilst the proportion of three or more bedroom properties across the development site as a whole would exceed the above guideline threshold, it is important to note that the SHMA itself recognises that demand for family homes remains strong and that the exact mix of housing across the site has been tailored to reflect the established pattern of development in the locality and the need to provide low density development, comprising larger dwellings set on spacious plots towards the southern edges of the site (to reduce the potential impact on the character of the adjacent countryside). The proposed mix will help to meet a local need and is supported by the Housing Services Manager.

Layout, Residential Density and Landscaping

- 6.6 In accordance with the requirements of Policy SD11, the design of the proposed development must be suitable, having due regard to its position at the transition between the built up area and the adjacent open countryside and its proximity to the Grade II Listed Great Gillmans Farm.
- 6.7 Accordingly, careful consideration has been given to the proposed layout in order to ensure that a suitably robust landscaping buffer can be provided around the perimeter of the site, particularly on the south-eastern and south-western boundaries. The landscaping buffer, which will comprise native trees and hedgerows, will be complemented by generous areas of public open space which, in combination, will ensure that an appropriate transition is achieved between the proposed development and the adjacent open countryside. Indeed, the lowest density of development would be located at the southern end of the site, where properties would also be set back a considerable distance from the application boundaries, to avoid the perception of a harmful encroachment into the adjacent rural environment.
- 6.8 The dwellings at the southern end of the site will comprise detached units, set on spacious plots and this will also help to reduce the perception of built form adjacent to the open countryside. The fragmented layout of these dwellings, together with the strong landscape strip to be provided on the boundaries of the site, will help to reflect the more rural character of the land immediately to the south-west and south-east. The roads providing access to these dwellings will have a more informal appearance, so as to reflect the more rural context of this side of the site.
- 6.9 The highest density of development would be sited on the northern side of the site, away from the open countryside and adjacent to the more suburban context of Marringdean Road and its associated residential developments, including that approved immediately to the north. The dwellings would, however, be screened by existing and new landscaping

and this would help to reduce the relative perception of built form when viewed from outside of the application site.

- 6.10 The density in the northern part of the site would be noticeably higher than across the remainder of the development. This design concept has evolved, however, in order to ensure that an appropriately low density of development can be provided towards the more landscape sensitive southern boundary, whilst at the same time, achieving an appropriate overall quantum of development across the site as a whole, noting the allocation prescribed by Policy SD11 of the HDPF. Overall, the development proposed an average residential density of 16.3 dwellings per hectare (dph).
- 6.11 Each dwelling will be provided with its own useable area of private amenity space and the garden sizes and separation distances between opposing elevations comply with Horsham District Council's design guidance. Opportunities have been sought to introduce street planting and to enhance the most prominent corner plots and junctions with suitable areas of soft landscaping. Under these circumstances, and whilst it is noted that the density of development in the northern corner is higher than across the remainder of the site, the proposed layout and average residential density is considered acceptable. In reaching this conclusion, due consideration has also been given to the design, layout and residential density of the development immediately to the north and the layout of the development approved under DC/13/2379 to the west. Taken in this context, it is not considered that the northern area of the development would be at odds with the established pattern of development in the immediate locality.
- 6.12 Large areas of the site would remain undeveloped, providing pleasant and useable areas of outdoor amenity space for both existing and prospective occupiers. The informal nature of the landscaping will reinforce the rural character to the south and establish a clear, defensible boundary between the edge of the built up area and the open countryside, as required by Policy SD11.
- 6.13 The existing footpaths at the site will be retained and complemented by additional pedestrian routes throughout the site. Not only will this ensure that the site is easy to negotiate, it will allow continued access by local residents to the retained areas of public open space. The provision of a woodland trail will provide an attractive alternative to a more formalised Locally Equipped Area of Play (LEAP) and will avoid the need to provide more urban features such as safety surfacing and fences/enclosures, which would be less in keeping with the adjacent countryside.
- 6.14 It is noted that the public's experience of the existing footpaths will be altered by the introduction of new dwellings, particularly at the northern end of the site. Whilst the development would have an urbanising affect on the path, it is important to note that the pedestrian's experience of this route has already been altered, to a degree, by the development immediately to the north. On balance, therefore, and noting the provision of new paths across the site, which will provide new and alternative routes across the site (and will maintain access to the adjacent countryside), the proposed arrangement is considered acceptable.
- 6.15 The proposal will result in the loss of a section of vegetation on the eastern boundary in order to accommodate the proposed access, however, this is a very small section of hedgerow relative to the overall length of the boundary. The access will be sited towards the northern end of the site, close to existing residential accesses, thereby reducing the potential impact on the rural character of this part of the highway. Taken in this context, it is not considered that the removal of the hedge will have an unacceptably harmful impact on landscape character.

- 6.16 The proposed attenuation pond has been designed to make a positive contribution to the landscape character. The final details of the pond can be controlled by a suitably worded condition.

Design

- 6.17 Careful consideration has been given to the design and siting of the proposed dwellings in order to achieve active frontages, including on corner plots, and high levels of natural surveillance. The height of the proposed dwellings is comparable to adjacent developments and is appropriate in this location, noting that the southernmost properties will be sited away from the site boundaries in order to reduce their visual prominence when viewed from the adjacent countryside.
- 6.18 The choice of external facing materials has been carefully considered so as to achieve an appropriate level of continuity across the site, whilst at the same time, avoiding monotony in the streetscene. The provision of porches, chimneys, projecting gables, first floor tile hanging and timber boarding will help to enliven the appearance of the dwellings and the provision of both hipped, barn-hipped and pitched roofs will add further visual interest.
- 6.19 The plans show that wherever rear garden walls would be visible from an adjacent access and/or paths, they would be complemented by suitable areas of soft landscaping, so as 'soften' the appearance of these boundary features. The provision of wooden fencing to enclose rear gardens where they are not publicly visible is common in modern residential developments and is acceptable. Notwithstanding this, details of all rear boundary treatments, including materials is to be controlled by condition, so as to ensure a suitably high quality of design.
- 6.20 The use of contrasting hard surfacing materials across the site will not only enhance the appearance of the development, but will also help to control traffic speeds and establish a hierarchical system of streets. The applicant has indicated that the roads at the southern end of the site would be finished in bound gravel, so as to reflect the rural character of the adjacent countryside. Where car parking courts are proposed, they are set back from the highway, so as to reduce their prominence in the streetscene, thereby ensuring that the development does not become dominated by large areas of hard surfacing.
- 6.21 In order to ensure that the development maintains a high quality appearance, it is proposed to include a condition removing the permitted development rights relating to the erection of new walls, fences, or other means of enclosure at the front and/or side of dwellings, where this elevation fronts onto a highway or path. Likewise, in order to ensure that suitable separation distance is maintained between opposing side elevations, it is proposed to remove the permitted development rights relating to the erection of side extensions. Finally, in order to preserve the appearance of the properties on the southern side of the site (where they front on to the adjacent countryside), it is proposed to remove the permitted development rights relating to roof alterations to the front roofslope (to prevent the erection of dormer windows without first obtaining planning permission).

Residential Amenity

- 6.22 The properties to the east in Kingsfold Close are located on the opposite side of Marringdean Road. Whilst it is accepted that the proposals could alter the outlook from the first floor windows of the closest properties in this cul de sac, in light of the intervening road and landscaping, and the orientation of the properties, it is not considered that the proposed development will have a harmful impact on the residential amenity of the occupiers of these dwellings in terms of loss of light, outlook or privacy.
- 6.23 Similarly, the properties immediately to the north are located beyond a dense tree screen and an intervening private access drive that serves Great Gillmans Farm. As such, it is not

considered that the development will harm the amenity of these residents in terms of loss of light, outlook or privacy.

- 6.24 The separation distance with Great Gillmans Farm to the west is sufficient to ensure that the development does not harm the residential amenity of the occupiers of this property.
- 6.25 It is recognised that the introduction of 87 no. dwellings, into what is a currently undeveloped field, will result in increased levels of activity associated with, for instance, the use of rear gardens and the comings and goings of vehicles. Given the separation distances involved, however, and the intervening landscaping (which is to be enhanced as part of the development proposals), it is not considered that this will result in unacceptable levels of disturbance to adjacent occupiers.
- 6.26 The details of any street lighting required at the site is to be controlled by condition. This will ensure that the design is acceptable and that the development does not result in unacceptable light pollution or instances of glare. The provision of appropriate lighting will also protect the amenity of existing and prospective occupiers and help to reduce the potential urbanising affect on the adjacent countryside.
- 6.27 The application is supported by a Noise Survey, which assesses the likely impacts of the adjacent highway on the living environment of prospective occupiers. The Survey concludes that, subject to appropriate mitigation, in the form of acoustic glazing, the adjacent highway should not give rise to unacceptable levels of disturbance to prospective occupiers. The Head of Environmental Health has endorsed this view and has recommended that conditions be included requiring the submission and approval of the details of such mitigation measures. The subsequent implementation of these facilities can be controlled by condition.
- 6.28 A condition will be used requiring the submission and approval of a Construction Environment Management Plan, including details of the design and siting of any site compound(s), the measures to control noise and dust from the site (including hoarding) and the siting of any plant and machinery. A condition will also be used to control the hours of construction. This will protect the amenity of residents during the construction period.

Heritage Impact

- 6.29 There are 14 no. Listed Buildings within 1km of the site. Due to their siting relative to the application site, however, the proposed development only has the potential to have an impact on the Grade II Listed Great Gillmans Farm.
- 6.30 In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must have special regard to the desirability of preserving Listed Buildings and their setting or any features of special architectural or historic interest that they possess.
- 6.31 The application site is located within the setting of Great Gillmans, a Grade II Listed Building. The NPPF and NPPG recognise that 'heritage assets may be affected by direct physical change or by changes in their setting'. Guidance provided by Historic England (formerly English Heritage) expands on this position, explaining that the setting of a heritage asset includes the surroundings in which it can be experienced. In this regard, it must be noted that setting does not rely wholly on a visual relationship or inter-visibility. Rather, a range of other factors must be considered, including, but not exhaustive of, matters relating to topography, openness, enclosure, boundaries, functional relationships, and relationships with other heritage assets. Whilst it is noted that the boundaries of the farm may have evolved since the property was first constructed, the application site clearly forms part of its original setting.

- 6.32 Recent case law arising from the Court of Appeal's judgment in *Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust and SSCLG* [2014] EWCA Civ 137 clarifies how a decision taker must address the issue of harm to the setting of a Listed Building. This decision closely follows that of the High Court in *North Norfolk DC v SSCLG & Mack* [2014] EWHC 279 (Admin), which concluded that, in accordance with Paragraph 134 of the NPPF, it is not permissible to carry out a simple balancing exercise, rather, it is necessary to determine 'whether there is justification for overriding the presumption in favour of preservation'. This emphasises that, in enacting Section 66(1) of the Listed Buildings Act, Parliament has intended that the desirability of preserving the settings of Listed Buildings should not simply be given careful consideration for the purpose of deciding whether there would be some harm, but should be given 'considerable importance and weight', when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption in favour of preservation. This is the case whether the harm is 'substantial' (and thus engages Paragraph 133 of the NPPF) or is 'less than substantial' (thereby engaging Paragraph 134 of the NPPF). The judgment makes clear the point that 'less than substantial harm' to the setting of a Listed Building does not equate to a less than substantial objection to the grant of planning permission. It is within this context, therefore, that the Local Planning Authority is duty bound to consider the application.
- 6.33 It is acknowledged that the application site is currently partially screened from Great Gillmans by the intervening belt of vegetation on the western boundary. Notwithstanding the presence of this vegetation screen, it is evident that views of the application site are afforded from the first floor windows in the eastern elevation of the Listed Building, particularly in winter months, when the trees have lost their leaves. Historic England's guidance is clear in its contention that the screening of development does not, in itself, make it an acceptable addition to the landscape or significantly reduce impact on character. It must also be remembered that the appreciation of built form, associated with the erection of 87 no. dwellings, would also be readily discernable at night, due to the associated street and house lighting, irrespective of the presence of screening. The provision of 87 no. houses on the application site would, therefore, alter the rural setting of the Grade II Listed Building, by introducing built form onto what is currently an undeveloped field, having an adverse impact on the rural isolation of the building, which currently contributes to its significance. The sense of openness that is currently experienced from the building would also be altered.
- 6.34 It must be noted, however, that the sense of rural isolation has already been diminished, to an extent, by the development immediately to the north of the application site, which has further extended the village of Billingshurst southwards, towards the Grade II Listed Building and by the grant of planning permission DC/13/2379 immediately to the west. Taking all the above matters into account, therefore, on balance, it is considered that the harm identified above would be 'less than substantial', as set out in Paragraph 134 of the NPPF.
- 6.35 On this basis, it is necessary to balance all material planning considerations in the planning judgement in order to determine whether the proposals constitute sustainable development within the meaning of the NPPF. This includes whether the public benefits associated with the proposed development would outweigh the less than substantial harm identified in the paragraphs above.
- 6.36 The proposed development has been sensitively designed so as to ensure a low residential density at the southern end of the site, closest to the Listed Building, with large areas of open space and landscaping provided in order to ensure that the proposal retains a rural interface with the adjacent Listed Building. Whilst the dwellings at the southern end of the site have not sought to achieve a pastiche replication of the traditional farmstead developments that were once typical of the village of Billingshurst, they have, nevertheless, been designed to provide spacious layouts and opportunities for increased areas of soft

landscaping, respecting the more rural character of this part of the site. Whilst the development would introduce urbanising features within the setting of the Listed Building, it is noted that the context within which this building is experienced and appreciated has evolved considerably over time, with the introduction of the Gillmans Industrial Estate and the residential development immediately to the north of the application site, both of which have, consequently, extended the boundaries of the village considerably closer to the Listed Building. Planning permission DC/13/2379 has further altered the context within which the Listed Building must be considered. The above factors, coupled with the fact that the closest of the proposed dwellings will be set in excess of 100 metres from the eastern elevation Great Gillmans, reduce the level of harm to the setting of this Listed Building.

- 6.37 In accordance with Policy SD11 of the HDPF, the application site, together with a smaller site, immediately to the west of Great Gillmans Farm is allocated for housing development and is expected to contribute to the delivery of around 150 no. dwellings. Whilst, during the course of the application, the number of units proposed at the site has been reduced (in order to achieve an improved design, increased areas of soft landscaping and a lower density of development at the southern end of the site), the provision of 87 no. houses will continue to make a significant contribution to the delivery of housing in the District, in accordance with the overarching requirement of the HDPF, which seeks to deliver 800 homes per annum. From a social perspective, the proposed development would also provide 30 no. affordable housing units, which would help to meet the needs of the local community.
- 6.38 The financial contributions secured through a planning obligation, as described in greater detail in Sections 6.63 – 6.69 of this report would, together with highway improvements (including improved cycle links to Billingshurst) and enhanced local facilities, support the local community's social well-being. The proposed development would also provide useable areas of public open space, which greatly exceed the requirements set out in the Horsham District Council Design Guidance and this would help to contribute to the open space provision in the District. Policy SD11 itself notes that the development of this site is necessary in order to deliver the necessary infrastructure, facilities and services to meet the needs of the community.
- 6.39 The provision of additional housing would have some short term economic benefits, including employment opportunities during the construction process and prospective occupiers would be likely to contribute to the local economy and would also be required to pay Council Tax. Whilst this positive benefit must be given less weight than the provision of housing on an allocated site, it is, nevertheless, an important consideration in the balancing exercise.
- 6.40 In summary, whilst the introduction of 87 no. dwellings at the application site will result in less than substantial harm to the setting of the adjacent Grade II Listed Building by altering its rural setting, the development has been sensitively designed to reduce this impact. The application site is allocated for housing within the HDPF and the provision of 87 no. units will make a meaningful contribution to the overall quantum of development identified in strategic housing allocation SD11 and the Council's requirement to deliver 800 no. houses per annum over the HDPF period. The development will also deliver social benefits, including the provision of 30 no. affordable housing units, which must be given considerable weight in the balancing exercise, as well as less significant benefits, including improvements to community facilities used by local residents. Taking all of the above matters into account, it is considered that the positive benefits of granting planning permission would significantly and demonstrably outweigh any adverse impacts, including to the setting of the Listed Building. The proposal is, therefore, considered to amount to sustainable development, relative to paragraphs 14 and 49 of the NPPF.

Archaeology

- 6.41 Archaeological investigations have been undertaken and no archaeological features, deposits or finds were encountered. Notwithstanding this, the Council's Archaeological Consultant has suggested that it is possible that unexpected archaeological finds may still be encountered during the construction period and has requested that a condition be attached requiring the applicant to submit a Written Scheme of Investigation for approval, prior to commencement of development.

Highway Impact, Access and Parking

- 6.42 Adequate visibility is available at the proposed site entrance to ensure that vehicles are able to enter and exit the site safely and conveniently. The layout of the internal roads (including the widths, swept paths and visibility splays) and junctions will provide safe, well-lit routes for both vehicles, cyclists and pedestrians. Given the nature of the layout, traffic speeds throughout the site will be low and this will help to provide a safe environment for all users of the highway. The plans show that adequate space is available within the internal roads to allow a refuse collection vehicle to turn safely and conveniently.
- 6.43 The Local Highway Authority has confirmed that the existing highway network retains adequate spare capacity to accommodate the additional traffic associated with the 87 no. additional dwellings, including when existing developments are taken into account. The application is supported by a Travel Plan, which includes a requirement to reduce car journeys from the site by 10%. The implementation and subsequent monitoring of the Travel Plan will be controlled by condition and this will help to promote sustainable alternatives to the use of the private motor vehicle, reducing the number of vehicles on the local highway network.
- 6.44 The provision of an enhanced gateway feature to the south of the site (at the transition between the 40 mph and 30 mph speed limits) will help to reduce the speed of vehicles travelling north towards the village and beyond the access to the development site. This will help to improve highway safety. The Local Highway Authority has agreed the design of the traffic calming measures, in principle, however, the final details of the scheme and its subsequent implementation will be controlled by a condition. The condition will need to ensure the effective co-ordination between the highway works proposed by planning permission DC/10/0939.
- 6.45 The proposed development will provide adequate facilities for both visitor and resident car parking, in accordance with West Sussex County Council's Parking Standards. It is not, therefore, considered that the development will result in harmful overspill parking either within the site itself, or within the local highway network. The design and siting of the spaces will allow for safe and convenient maneuvering. A condition will be used requiring that all driveways, garages and parking courts are retained for the parking of vehicles, so as to ensure that adequate car parking remains available across the development site.
- 6.46 The proposed development will provide an internal path on the eastern side of the site so that pedestrians may walk through the site without having to use Marringdean Road. This is preferable to providing a new pavement on the road itself, which would necessitate the loss of an extensive length of hedgerow. It is also considered that the path will also provide a more pleasant environment for pedestrians. The path will terminate at the north-eastern end of the site, where an informal crossing will provide access across the road and onto the pavement on the eastern side of the highway. From here, pedestrians will be able to access Billingshurst on foot.
- 6.47 The site is located within reasonable walking distance of a number of local services and facilities. The site is also located close to bus stops, which will help to reduce the reliance on the private motor vehicle. Whilst these facilities are close, the Local Highway Authority has advised that the cycle links between the application site and Billingshurst are in need of

improvement. In order to address this identified deficiency, the applicant proposes to provide improved cycle links towards the village centre, through the provision of marked lanes and crossings. Although the Local Highway Authority has confirmed the acceptability of the design of these improvements, in principle, the final details and the subsequent implementation will be secured by way the legal agreement.

- 6.48 Appropriate facilities for the storage of cycles and refuse bins has been shown, the final details of which can be controlled by condition. Refuse collection points have been shown and this will allow for the safe collection of bins on collection days. The precise details of the refuse collection points, and their subsequent implementation and retention, will be controlled by condition.
- 6.49 Taking all of the above matters into account, it is not considered that the proposed development will have a harmful impact on the local highway network or highway and pedestrian safety. Appropriate facilities will be available for the parking of vehicles and cycles and the development will provide improved cycle links towards Billingshurst.

Flood Risk and Drainage

- 6.50 The application site is located within Flood Zone 1, which is defined as having a low probability of flooding. The area is identified as having a low risk of flooding from the Main River. It is also noted that there are watercourses at the boundaries of the application site and that a number of local residents have reported incidents of localised flooding.
- 6.51 The site is underlain by Weald clay and intrusive investigations have confirmed that ground conditions are not suitable for the use of infiltration drainage techniques. This is not uncommon, however, and suitable drainage strategies, in the form of attenuation ponds, are often used to overcome this issue, as is being proposed in this application.
- 6.52 The application is supported by a Flood Risk Assessment that demonstrates that the proposed attenuation pond has been designed to ensure that there is no increase in surface water run-off at the site. The Council's Drainage Technician has raised no objection to the drainage strategy proposed. A condition will be used to control the implementation and future maintenance of the SUDs to ensure that they remain effective for the lifetime of the development, as requested by Southern Water.
- 6.53 Southern Water has advised that there is currently inadequate capacity in the local network to provide foul sewage disposal for the proposed development. Additional off-site sewers, or improvements to existing sewers, will, therefore, be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided by Southern Water to drain to a specific location.
- 6.54 Subject to the conditions requiring full details of the foul and surface water drainage schemes, together with details of the management and maintenance for the SUDs, it is not considered that the proposed development will increase the risk of flooding to people or property, in accordance with the NPPF and Policy 38 of the HDPF.

Land Contamination

- 6.55 It is not anticipated that the land is contaminated. Notwithstanding this, a condition can be used that will require works to cease in the event that unexpected contamination is found to be present, until such a time that suitable mitigation measures have been agreed, in writing, by the Council.

Ecology and Biodiversity

- 6.56 Additional information has been submitted regarding the potential of the site to support foraging and commuting bats (including Barbastelle). The potential impacts of the development on the Men's Special Area of Conservation (SAC) has also been appropriately considered and appropriate avoidance and mitigation measures have been formulated.
- 6.57 Due to the proximity of the site to a number of ponds, the land has potential to provide habitat for Great Crested Newts (particularly during their terrestrial phase). Additional information has been provided regarding the adjacent ponds and newt populations and appropriate mitigation has been put forward.
- 6.58 In light of the above, and subject to conditions requiring the submission and approval of a bat sensitive lighting scheme and an Ecological Mitigation, Management and Monitoring Plan, it is not considered that the development will have an adverse impact on the interests of nature conservation.
- 6.59 The Council's Ecological Consultant has also advised that a condition should be attached requiring an updated badger survey to be undertaken prior to the commencement of development (including preparatory work) to confirm the continued absence of badger setts from the effected parts of the site.
- 6.60 To avoid risk to potentially nesting birds, an informative will also be included on any decision stipulating that the removal of trees and/or shrubs should take place between September and the end of February.

Renewable Energy

- 6.61 The applicant proposes to design-in measures to reduce the scheme's carbon dioxide emissions. It is proposed to achieve this objective by reducing the energy demands of the proposed buildings by incorporating measures to increase passive solar gain, achieve high levels of thermal efficiency and by using low energy lighting.
- 6.62 The development would, therefore, comply with the NPPF, which seeks to ensure that development minimises emissions of greenhouse gases and utilises sustainable construction techniques.

Section 106 Obligations

- 6.63 Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, contributions would be required towards amenity open space, play and recreation areas, indoor and outdoor sports provision, community facilities, libraries, education, fire and rescue and highway improvements.
- 6.64 All contributions must be justified in accordance with the three tests set out under Regulation 122 of the Community and Infrastructure Levy Regulations 2010, in so far that they must be; necessary to make the development acceptable in planning terms; directly related to the development and; fairly and reasonably related in scale and kind to the development.
- 6.65 It is considered that the District Council's approach continues to meet the three statutory tests, as explained below.
- 6.66 The developer contributions, which would be secured through an appropriate legal agreement, would be allocated towards improvements within the local area, to ensure they benefit local residents. The Sport, Open Space and Recreation Assessment lists other

types of improvements that can be made to existing facilities, for instance, new lighting, seating, safety signage, provision of new/improved safety surfacing, new play equipment, dog proof fencing, provision of additional litter bins, additional planting, amongst others.

- 6.67 Due to the scale of the proposed development, it is considered that prospective occupiers would make use of the enhanced community facilities and would benefit, therefore, from any improvements. It is necessary for each new dwelling to contribute towards improvements to the facilities to enhance strategic areas of recreational space for residents, rather than having to travel further afield. The Parish Council has identified specific schemes towards which the community facilities contribution could be put towards.
- 6.68 For the reasons outlined above, the provision of a commuted sum for specific local projects is considered a fair approach to deal with the cumulative pressure on existing qualitative and quantitative deficiencies in the District and in this case, to enhance existing facilities in the Billingshurst and Shipley ward.
- 6.69 The developer has confirmed a willingness to enter into a legal agreement to secure the necessary sums, in accordance with the NPPF and Policy 39 of the HDPF and this is therefore reflected in the recommendation.

Other issues

- 6.70 The impact of a development on existing property prices is not a material planning consideration in the determination of this application. Although Design and Access Statements are prepared by the applicant in support of their application, the development proposals are assessed following a site visit and based on the submitted plans. The matters raised by Billingshurst Parish Council are duly noted, including those relating to flooding and drainage, which are addressed in sections 6.50 – 6.54 of this report. The precise details of the means of access to the site for construction traffic and the hours of construction will be controlled by a suitably worded condition. It has been noted that the equipped play area has been deleted from the amended plans. As referenced in section 6.13 of this report, however, the provision of a more informal woodland trail is considered more appropriate in this location.
- 6.71 Paragraphs 186 and 187 of the NPPF require Local Planning Authorities to approach decision making in a positive way and look for solutions rather than problems, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This sentiment is reflected in Policy 1 of the HDPF, which requires the Council to work pro-actively with applicants to find solutions that allow applications to be approved wherever possible.
- 6.72 Accordingly, discussions were held with the applicant in order to agree amendments to the design, layout and siting of dwellings across the site. Due regard has also been had to the Parish Council's comments which have identified projects that the financial contributions secured through the legal agreement could be put towards, to best suit the needs of the Parish and local residents.

Conclusion

- 6.73 The acceptability of the principle of residential development at the site is established by Policy SD11 of the HDPF. The proposed development, by reason of its appropriate design, layout, appearance, scale and soft landscaping proposals will not significantly harm the character or appearance of the area or the residential amenity of existing or prospective occupiers. It will provide a mix of dwelling types, including 35% affordable housing units, thereby contributing to the mix of units available in the local area. The layout, access and vehicle parking arrangements, together with the provision for refuse storage and cycle parking are acceptable. The development will not harm the interests of highway or

pedestrian safety and will not contribute to harmful levels of congestion in the local highway network. Adequate provision has been made for open space which, together with the provision of new landscaping and boundary planting will provide valuable amenity space, wildlife habitats and provide a suitable buffer with the adjacent open countryside, so as not to harm the local landscape. The development will not increase the risk of flooding to people or property and will not have an adverse impact on the interests of nature conservation, archaeology or land contamination. The development includes measures to enhance biodiversity and promote energy conservation.

- 6.74 The introduction of 87 no. dwellings at the application site will result in less than substantial harm to the setting of the adjacent Grade II Listed Building by altering its rural setting. The development has, however, been sensitively designed to reduce the impact on the Listed Building. The application site is allocated for housing within the HDPF and the provision of 87 no. units will make a meaningful contribution to the overall quantum of development identified by Policy SD11 and the Council's overall requirement to deliver 800 no. houses per annum.
- 6.75 Taking all the above matters into account, it is considered that whilst the proposals will result in less than substantial harm to the setting of the Listed Building, the positive benefits of granting planning permission would significantly and demonstrably outweigh any adverse impacts and the proposals represent a sustainable form of development, in accordance with the NPPF.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be delegated for approval to the Development Manager subject to securing a legal agreement and appropriate conditions;

1. Approved plan numbers
2. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.
Reason: To comply with Section 91 of the Town and Country Planning Act, 190 (as amended).
3. No development shall take place until details of the surface water drainage scheme, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the following:
 - (a) The attenuation pond, including detailed designs and sections;
 - (b) information about the design relating to storm period and intensity, the method employed to delay and control surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.;
 - (c) a timetable for the implementation of the surface water drainage scheme;
 - (d) a management plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

The surface water drainage scheme shall be carried out, managed and retained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to protect water quality and to ensure the future maintenance of the surface water drainage system and to comply with the NPPF and Policy 38 of the Horsham Development Planning Framework (2015).

4. No development shall take place until a scheme to dispose of foul water has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the following:
 - (a) a timetable for the implementation of the foul water disposal scheme;
 - (b) a management plan for the lifetime of the development.

The scheme shall be carried out, managed and retained in accordance with the approved details.

Reason: To ensure that there is adequate provision for foul drainage from the site and to comply with the NPPF and Policy 38 of the Horsham Development Planning Framework (2015).

5. No development shall take place until details of all underground trenching requirements or services, including the positions of soakaways, service ducts, foul, grey and storm water systems and all other underground service facilities and associated ground excavations, have been submitted to and approved, in writing, by the Local Planning Authority. These details shall demonstrate effective co-ordination with the approved landscape scheme and with existing trees on the site. All such underground services shall be installed in accordance with the approved details.

Reason: To protect the roots of important trees and hedgerows on the site in accordance with the NPPF and Policy 25 of the Horsham Development Planning Framework (2015).

6. No development shall take place until details of the traffic management measures and pedestrian crossing to be provided on Marringdean Road, necessary to reduce traffic speeds and secure safe pedestrian access have been submitted to and approved, in writing, by the Local Planning Authority. The approved details, which will demonstrate effective co-ordination with any highway works implemented under planning permission DC/10/0939, shall be implemented prior to the occupation of the first dwelling.

Reason: In the interests of highway and pedestrian safety and improved cycle links between the site and Billingshurst and to comply with the NPPF and Policy 40 of the Horsham Development Planning Framework (2015).

7. No development shall take place until the details of all external lighting for the site, including within parking courts have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include:
 - (a) a layout plan with beam orientation and light spill relative to any established bat roosts and key flight and foraging routes;
 - (b) the design of all lighting, including luminaire type, mounting height, aiming angles and luminaire profiles;
 - (c) a light scatter diagram with relevant contours;
 - (d) a timetable for the implementation of the lighting scheme;

The lighting scheme shall be carried out only in accordance with the approved details and timetable.

Reason: In the interests of amenity, to create a safe environment, to prevent light pollution and interests of nature conservation, to comply with the NPPF and in the interests of preserving the environment for protected species, in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and Policies 24, 25, 26 and 32 of the Horsham Development Planning Framework (2015).

8. No development shall take place until a detailed Construction Environmental Management Plan (CEMP) for the development has been submitted to and agreed, in writing, by the Local Planning Authority. The CEMP shall contain details of:
- (a) the location of the site compound and any buildings within it;
 - (b) the location of any moveable structures, plant, or machinery required temporarily in connection with the development;
 - (c) the means of enclosure of the site compound;
 - (d) the provisions to be made for the parking of contractors, site operatives, employees and visitors vehicles;
 - (e) the provision for wheel washing facilities;
 - (f) a scheme for recycling/disposing of waste and spoil resulting from construction works;
 - (g) measures to control the emission of dust and dirt from the site during construction;
 - (h) measures to prevent adverse impacts to surface water and ground water;
 - (i) construction vehicle routes;
 - (j) a scheme to reduce emissions associated with the construction process.

The development shall be carried out in accordance with the approved CEMP unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure the environment is protected and that the demolition and construction works on site do not impact surrounding properties and/or adjacent occupiers and to comply with the NPPF and Policies 24 and 33 of the Horsham Development Planning Framework (2015).

9. No development shall take place until details of ecological mitigation measures have been submitted to and approved, in writing, by the Local Planning Authority. The ecological mitigation measures shall include details of:
- i) a wildlife protection, mitigation and enhancement plan, setting out practical steps to be taken to avoid impacts on wildlife during site preparation and construction and make future provision of biodiversity (informed by the results of the Preliminary Ecological Appraisal), together with a timetable for the implementation of enhancements;
 - ii) a pre-development badger survey and mitigation measures as appropriate;
 - iii) a detailed lighting plan, supported by modelled lux levels and luminaire profiles, showing the measures to be used to minimise light pollution of boundary hedgerows and subsequent impacts on nocturnal wildlife, particularly bats;
 - iv) a hedgerow enhancement and management, including measures to maximise wildlife habitat value.

The development shall be carried out in accordance with the approved details and timetable, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To avoid adverse impacts on protected and priority species and to enhance the biodiversity value of the site, in accordance with the NPPF and Policy 24 of the Horsham Development Planning Framework (2015).

10. No development shall take place until details of the finished floor levels of the development in relation to an appropriate datum point have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with the NPPF and Policies 32 and 33 of the Horsham Development Planning Framework (2015).

11. No development shall take place until details of the windows and doors, including the measures to protect prospective occupiers from unacceptable levels of noise, together with appropriate ventilation systems, have been submitted to and approved, in writing, by the Local Planning Authority. The windows and doors and associated ventilation systems shall be installed in accordance with the approved details prior to the occupation of each dwelling and shall thereafter be retained.

Reason: Such details have yet to be submitted and in the interests of residential amenity and to comply with the NPPF and Policies 32 and 33 of the Horsham Development Planning Framework (2015).

12. No development shall take place until details, including samples, of all external facing and roofing materials for the dwellings, flats and garages hereby approved have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.

Reason: To ensure that the external appearance of the buildings is acceptable and to preserve the character and visual amenity of the locality, in accordance with the NPPF and Policies 32 and 33 of the Horsham Development Planning Framework (2015).

13. No development shall take place until a written programme of archaeological investigation and recording has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the findings of the archaeological investigation/recording shall be submitted to the Local Planning Authority within 6 months of the completion of the development.

Reason: To ensure that any archaeological evidence is investigated and recorded and to comply with the NPPF and Policy 34 of the Horsham Development Planning Framework (2015).

14. No development above slab level shall take place until a programme/timetable for the implementation of the following approved aspects of the development have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved programme/timetable and retained thereafter.

- (i) the make up and provision of internal roads, footways, driveways, junctions and street lighting;
- (ii) the provision of vehicle parking and turning areas;
- (iii) the pedestrian paths and cycle paths through the site
- (iv) the provision of benches

Reason: In the interests of highway and pedestrian safety, residential and visual amenity and to comply with the NPPF and Policies 33 and 40 of the Horsham Development Planning Framework (2015).

15. The roads, footways, cycle path, driveways, internal junctions, parking areas shall be surfaced in accordance with the details, including samples, to be submitted to and

approved, in writing, by the Local Planning Authority and provided and made available in accordance with the programme/timetable approved under condition 14.

Reason: In the interests of highway and pedestrian safety and the visual amenity of the locality and to comply with the NPPF and Policies 32, 33 and 40 of the Horsham Development Planning Framework (2015).

16. No development above slab level shall take place until full details of all boundary treatments, including screen walls, have been submitted to and agreed, in writing, by the Local Planning Authority. The details shall include:
- (i) elevation drawings showing the height and design of the boundary treatment;
 - (ii) sample materials and/or manufacturer specifications of the material to be used in the construction of the boundary treatment.

The approved boundary treatments shall be provided in accordance with a programme/timetable to agreed, in writing, by the Local Planning Authority.

Reason: Such details have yet to be submitted and in the interests of security and the visual amenity of the locality and to comply with the NPPF and Policies 32 and 33 of the Horsham Development Planning Framework (2015).

17. No development above slab level shall take place until details of bat and bird boxes and log piles to be installed at the site, including the design/manufacturer specification and locations for the bat and bird boxes and a timetable for their implementation, has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and timetable thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: Such details have yet to be provided and to enhance the biodiversity value of the site and to comply with the aims and objectives of the NPPF and Policy 31 of the Horsham Development Planning Framework (2015).

18. No development above slab level shall take place until full details of the soft landscaping for the site, including a programme/timetable for its implementation, based on the information shown on plan PL-L01 Rev PL2, has been submitted to and approved, in writing, by the Local Planning Authority. The soft landscaping shall be provided in accordance with the approved details and programme/timetable thereafter.

Reason: To ensure that an appropriate level of open space is provided at the site and in the interests of the future visual amenity of the locality and to comply with the NPPF and Policies 25, 32 and 33 of the Horsham Development Planning Framework (2015).

19. No development above slab level shall take place until a Landscape Management and Maintenance Plan has been submitted to and agreed, in writing, by the Local Planning Authority. The approved landscaping shall be managed and maintained in accordance with the approved details thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the soft landscaping and areas of open space are managed and maintained appropriately and in the interests of the future visual amenity of the locality and to comply with the NPPF and Policies 25 and 33 of the Horsham Development Planning Framework (2015).

20. No development above slab level shall take place until details of the equipment and any associated landscaping, to be provided as part of the woodland trail has been submitted to and approved, in writing, by the Local Planning Authority. The play equipment shall thereafter be provided in accordance with the programme/timetable to be agreed in writing, with the Local Planning Authority, prior to occupation of the first dwelling.

Reason: To ensure that appropriate recreational areas are provided and in the interests of the visual amenity of the locality and to comply with the NPPF and Policies 25, 32 and 33 Horsham Development Planning Framework (2015).

21. No development above slab level shall take place until details of the surface water pumping station to be provided at the site, as shown on approved plan PL-L01 Rev PL2, including elevation drawings at an appropriate scale and sample materials have been submitted to and approved, in writing, by the Local Planning Authority. The surface water pumping station shall be constructed in accordance with the approved details thereafter.

Reason: Such details have yet to be provided and in the interests of visual and residential amenity and to comply with the NPPF and Policies 32 and 33 of the Horsham Development Planning Framework (2015).

22. Before the development hereby permitted is first occupied, a detailed Travel Plan, including details of the appointment of a Green Travel Plan Coordinator and a method of monitoring and implementation shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall operate in accordance with the approved Travel Plan following the occupation of the first dwelling unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To reduce the impact of the development on the surrounding highway network, to support sustainable transport objectives, including a reduction in single occupancy car journeys, and to encourage an increased use of public transport, walking and cycling and to comply with the NPPF and Policy 39 of the Horsham Development Planning Framework (2015).

23. The approved cycle parking facilities shall be provided for each respective dwelling before it is first occupied and shall be thereafter retained, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that adequate cycle parking facilities are provided and to comply with the NPPF and Policies 33 and 40 of the Horsham Development Planning Framework (2015).

24. No development above slab level shall take place until details of the refuse storage and collection facilities for each dwelling have been submitted to and approved, in writing, by the Local Planning Authority. The approved facilities shall be provided and made available prior to the occupation of each respective dwelling and shall be thereafter retained, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that adequate refuse/recycling storage facilities are provided and to comply with the NPPF and Policy 32 and 33 of the Horsham Development Planning Framework (2015).

25. In the event that contamination not previously identified is found to be present on site, an investigation, risk assessment and mitigation study shall be undertaken and submitted to and approved, in writing, by the Local Planning Authority. A verification

report that demonstrates that the remediation has been carried out in accordance with the approved scheme shall be submitted to and approved, in writing, by the Local Planning Authority before the development is first brought into use, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the risks from contamination for future users of the land and neighbouring land, property and ecological systems are minimised and in the interests of the safety of construction workers, occupiers of adjacent land and off site receptors, and to comply with the NPPF.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no side extensions or front dormer extensions permitted by Classes A or B, Part 1, Schedule 2 shall be permitted to the dwellings on Plots 59, 60, 64, 65, 66, 71, 72, 73 and 74, as shown on approved plan 2414-A-1005-R.

Reason: To preserve the visual amenity of the locality and the setting of the adjacent countryside and to comply with the NPPF and Policies 25, 32 and 33 of the Horsham Development Planning Framework (2015).

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be permitted to be erected forward of the front and/or side elevations of any of the dwellings hereby approved.

Reason: To preserve the visual amenity of the locality and to comply with the NPPF and Policies 32 and 33 of the Horsham Development Planning Framework (2015).

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), all garages, driveways and parking areas shall be retained for the parking of vehicles only.

Reason: To ensure that adequate car parking is available at the site and in the interests of highway and pedestrian safety and amenity and to comply with the NPPF and Policy 40 of the Horsham Development Planning Framework (2015).

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of the development hereby permitted shall be erected or stored on the application site other than within the compounds approved pursuant to condition 8 of this planning permission.

Reason: To protect the amenity of neighbouring occupiers and in accordance with the NPPF.

30. No development shall be carried out, other than between the hours of 0800 and 1800 on Mondays to Fridays and 0900 – 1300 on Saturdays. No development shall be carried out at any time of Sundays, Bank Holidays or Public Holidays.

Reason: To protect the amenity of nearby properties and to comply with the NPPF.

31. No materials, including those obtained from demolition, site clearance or construction works shall be burnt on the site.

Reason: To protect the amenity of nearby properties and to comply with the NPPF.

32. The existing trees and hedges at the site trees which are to to be retained at the site shall be protected during building operations in compliance with BS5837:2012 – Trees in Relation to Construction.

Reason: To ensure the enhancement of the development by the retention of natural features, and to comply with the NPPF.

Background Papers: DC/15/0896