



TO: Planning Committee North

BY: Head of Development

DATE: 05 March 2019

DEVELOPMENT: Permission in Principle for the demolition of the existing outbuildings and erection of 3no. residential dwellings

SITE: Little Homefield Brighton Road Mannings Heath Horsham West Sussex RH13 6HZ

WARD: Nuthurst

APPLICATION: DC/19/0074

APPLICANT: **Name:** Mr Mark Helliwell **Address:** Tillingbourne Barn The Street Albury Surrey GU5 9AG

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

RECOMMENDATION: To approve Permission in Principle

1. THE PURPOSE OF THIS REPORT

To consider the application for Permission in Principle.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks Permission in Principle for residential development at the site under Part 2A of the Town and Country Planning (Permission in Principle) Order 2017.
- 1.2 The scope of permission in principle is limited to location, land use and amount of development. The Applicant has submitted a Location Plan indicating the proposed site, with an indication of 3no. dwellings proposed for the site.
- 1.3 The grant of a Permission in Principle does not constitute the grant of planning permission, rather it sets out that the principle of the location, land use and amount of development proposed is acceptable. Following the grant of a Permission in Principle, the applicant would need to apply for Technical Details Consent. The grant of Technical Details Consent would then create the planning permission.

DESCRIPTION OF THE SITE

- 1.4 The application site is positioned to the west of Brighton Road, and lies within the built-up area of Manning Heath. The application site is positioned to the south of residential

development that fronts Brighton Road, and lies directly adjacent to the allocated site known as 'Land Opposite The Dun Horse' which has approval under reference DC/16/1753 for 8 no. dwellings. The site currently includes a number of utilitarian buildings which are positioned centrally in the site, with the remainder of the site having recently been cleared of vegetation.

- 1.5 The application site consists of a triangular plot of approximately 0.3ha in area positioned to the rear of the frontage dwellings. The site is defined by a mix of boundary treatments, including hedging and closeboarded fencing, with a public footpath running directly along the western boundary of the site.
- 1.6 The wider surroundings encompass a mix of residential development and open countryside, defining the area as a semi-rural locality. The main settlement of Mannings Heath is positioned to the north of the application site, with the surroundings to the south, east and west of the site defined by open, undulating countryside.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

2.4 Nuthurst Neighbourhood Development Plan 2015-2031

- Policy 1: A Spatial Plan
- Policy 4: Land opposite Dun Horse Public House, Mannings Heath
- Policy 10: Housing Design
- Policy 14: Green Infrastructure and Biodiversity

PARISH DESIGN STATEMENT

- 2.5 Nuthurst Parish Design Statement (2017)

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/1753	Proposed residential development for 8 dwellings with associated parking and amenity space	Application Permitted on 02.06.2017
DC/18/0219	Non-Material Amendment to previously permitted application DC/16/1753 (8 dwellings with associated parking and amenity space) involving partial/full infilling of front recess and revised fenestration to dwellinghouses on plots 5 to 8 (with additional ground floor side window) and plots 1 to 4 (additional obscure glazed first floor and ground floor side windows).	Application Permitted on 01.03.2018
DC/18/0927	Non Material amendment to previously permitted application DC/16/ 1753 (8 dwellings with associated parking and amenity space) involving partial/full infilling of front recess and revised fenestration to dwellinghouses on plots 5 to 8 (with additional ground floor side window) and plots 1 to 4 (additional obscure glazed first floor and ground floor side windows).	Application Permitted on 09.05.2018
DC/18/1849	Demolition of the existing outbuildings and erection of 6no. 3 bedroom dwellings with associated parking and private amenity served via approved access from Brighton Road.	Application Refused on 07.12.2018
DC/18/2612	Non-material amendment to previously approved application DC/16/1753 (Proposed residential development for 8 dwellings with associated parking and amenity space) relating to change of length of the visibility splay in the northwest direction from 2.4 x 120 metres to 2.4 x 109 metres.	Application Permitted on 01.02.2019

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Strategic Planning:** No Comment
- 3.3 **HDC Landscape Architect:** No Comment
- 3.4 **HDC Conservation:** No Comment
- 3.5 **HDC Environmental Health:** No Comment
- 3.7 **HDC Drainage Engineer:** No Objection. The surface water drainage strategy proposed is acceptable. The Applicant should be advised that any discharge to the local watercourse might require 'Ordinary Watercourse Consent'.

OUTSIDE AGENCIES

- 3.8 **WSCC Highways:** No Objection. No concerns from a highway safety or capacity perspective are raised. Appropriate parking and garage space should be provided, with cycle storage provision also required. Any construction traffic will require managing via a Construction Management Plan.
- 3.9 **Ecology Consultant:** Comment. A Preliminary Ecological Appraisal provided by a suitably qualified ecologist would be required subject to the presence of Priority Habitats and European Protected Species and Sites within the vicinity of an on-site which may be present and affected by the development.
- 3.10 **Southern Water:** No Objection
- 3.11 **WSCC Rights of Way:** No Comment

PUBLIC CONSULTATIONS

- 3.12 56 letters of objection have been received from 43 separate households, and these can be summarised as follows:
- The site is not allocated in the Neighbourhood Plan
 - The development is not required as the quota of dwellings has been met
 - Backland site that is not supported by the Neighbourhood Plan
 - The site is too small for the number of dwellings proposed
 - The proposed development is out of keeping with the surroundings.
 - Highways access is limited
 - Harmful impact on amenities of neighbouring properties
 - Adjoins countryside
 - Similar footprint to recent refusal
 - Noise impact
 - Potential flooding
 - Overdevelopment of the site

- 3.13 **Nuthurst Parish Council:** No Objection

The Parish Council acknowledges that the application site is currently within the built-up area boundary, where development within the built-up area will be permitted under HDC's Planning Framework and under Policy 1 of the Nuthurst Parish Neighbourhood Plan, provided they accord with the other provisions of the HDPF and NPNP.

Since no details of the type of dwellings are given or required for a Permission in Principle application, the Parish Council cannot determine whether the development proposals accord with the provisions of the HDPF or NPNP. Therefore, the Parish Council cannot object to the Permission in Principle application.

Notwithstanding the above, the Parish Council will expect the Applicant to provide details of the size, type and design of the dwellings and their siting in the "Technical Details Consent" application that fully complies with:

- the overarching objective of the NP to provide smaller dwellings for older people to downsize or for younger people/families; and
- Policies 25, 26, 31, 32, and 33 of the HDPF and Policy 10 of the NP in order to avoid a harmful impact on the amenities of the properties fronting Brighton Road, and the character of the landscape and visual amenities of the site and wider area.

The Parish Council may therefore consider supporting a subsequent application for 3no. 2/3 bedroom detached bungalows with all accommodation on the ground floor suitable for older

people to downsize. Furthermore, the lower roof height would reduce the harmful impact of dwellings in this particularly sensitive location.

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

The main considerations material to this application relate to:

- Location
- Land Use
- Number of Dwellings

- 6.1 The Permission in Principle consent route is an alternative way of obtaining planning permission for residential development, which separates the consideration of matters of "principle" for the proposed development, from the "technical details" of the development. As such, the Permission in Principle route has two stages: the first being the "permission in principle" stage (subject of this current application), which establishes whether the site is suitable in-principle; and the second being the "technical details consent" stage which is when the detailed development proposals are assessed.
- 6.2 The scope of the Permission in Principle application (being the first stage) is limited to location, land use, and amount of development.

Location

- 6.3 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.
- 6.4 Policy 1 of the made Nuthurst Neighbourhood Development Plan states that "development proposals within the built-up area boundary of Mannings Heath, as defined on the Policies Map, will be permitted, provided they accord with the other provisions on the NPNP and HDC's adopted Development Plan."
- 6.5 Paragraph 68 of the NPFF states that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area...to promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes..."
- 6.6 The majority of objections received make reference to the adopted Nuthurst Neighbourhood Development Plan (NPNP), and the unallocated nature of the application site within it. As stated within Policy 1 of the Nuthurst Neighbourhood Development Plan 2015 - 2032,

development proposals within the built-up area boundary of Mannings Heath will be permitted, provided they accord with the other provisions of the NPNP and Horsham District Council's adopted development plan. The housing figure provided within the Nuthurst Parish Neighbourhood Plan does not reflect a definitive upper limit to acceptable housing numbers, albeit that it provides a future supply of land which is suitable, available, and achievable for housing development. Policy 15 of the HDPF makes provision for a total of 750 windfall sites, with Policy 3 of the HDPF stating that development will be permitted within built-up areas provided it is of an appropriate nature and scale to maintain characteristics and function of the settlement.

- 6.7 In terms of the overall housing needs for Nuthurst Parish, paragraph 60 of the NPPF states that a housing needs assessment should identify the minimum number of homes needed. This is also reflected within paragraph 4.12 of the NPNP which states that:

'In overall terms, the indicative total number of houses specifically provided for in the NPNP is approximately 50 over the plan period....As the policy allows for sustainable development proposals in the form of windfall and other sites within the Built up Area Boundary of Mannings Heath and the confines of Maplehurst, Monks Gate and Nuthurst, the total number of dwellings consented over the plan period will be greater than the number resulting from the allocations of the NPNP'.

- 6.8 In addition, paragraph 3.36 of the Examiner's Report for the Nuthurst Parish Neighbourhood Plan, the Examiner makes it clear that the housing figure contained within the supporting text for each policy is not prescriptive and is given as a range.

- 6.9 On this basis, neither the Development Plan nor the Nuthurst Parish Neighbourhood Plan can place an absolute cap on development. The Government have made it clear that an absolute cap on numbers of new homes is not justified, particularly if proposals are acceptable in all other respects. The District's housing targets are a minimum, and development cannot be refused when this target has been reached; with the same principle applicable to Local Needs Assessments.

- 6.10 As stated within paragraph 4.12 of the Nuthurst Parish Neighbourhood Plan, paragraph 4.12 states that Policy 1 " allows for sustainable development proposals in the form of windfall and other sites within the Built-Up Area Boundary of Mannings Heath..."

- 6.11 The application site lies within the designated built-up area of Mannings Heath, categorised as a "Smaller Village" within Policy 3 of the HDPF. The application site forms part of the existing settlement of Mannings Heath where development proposals that are of an appropriate nature and scale to maintain characteristics and function of the settlement are considered acceptable. There is a presumption in favour of sustainable development within the built-up area, and as such, the location of the proposed residential development is considered acceptable in principle.

Land Use

- 6.12 The application proposes the use of the site for residential development.
- 6.13 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.
- 6.14 Policy 1 of the made Nuthurst Neighbourhood Development Plan states that "development proposals within the built-up area boundary of Mannings Heath, as defined on the Policies Map, will be permitted, provided they accord with the other provisions on the NPNP and HDC's adopted Development Plan."

- 6.15 The purpose of these policies is to prioritise appropriate development, including infilling, redevelopment, and conversion, within built-up area boundaries, with a focus on brownfield land. Proposals will need to ensure that development is of a scale that can retain the character and role of the settlement in terms of the range of services and facilities and community cohesion.
- 6.16 The direct surroundings of the site, and the wider locality of Mannings Heath, is characterised primarily by residential development. While recognised that the application site sits within a backland setting, it is noted that the adjacent surroundings comprise residential development.
- 6.17 Given the spatial context of the site, which sits within close proximity to a number of residential dwellings, it is considered that a residential use would be an appropriate use of the site. In addition, given the location of the site within the built-up area boundary, where development is considered acceptable in principle, it is considered that the site is appropriate for development.
- 6.18 The application site lies within the built-up area of Mannings Heath, with the application seeking to develop the site for residential purposes. Such development and use is considered to accord with Policy 3 of the HDPF and Policy 1 of the Nuthurst Neighbourhood Plan, and is therefore considered an appropriate land use.

Number of Dwellings

- 6.19 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.20 Policy 10 of the Nuthurst Parish Neighbourhood Plan (NPNP) states that the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of surrounding buildings. Residential development proposals should make use of high quality building materials and finishes, and include adequate functional private garden space appropriate to dwelling size and type.
- 6.21 The application site measures to an area of approximately 0.2 hectares. The wider surroundings are characterised by dwellings that front the public highway, set within relatively large and spacious plots. It is acknowledged that there are limited examples of smaller terrace and semi-detached dwellings within the locality, with these dwellings set within a linear build pattern fronting the public highway. It is noted that the recent approval directly north of the application site is designed with 2 no. pairs of semi-detached dwellings positioned to the rear of the site, however, these form a book-end to the ribbon of development along this section of Brighton Road, and is considered to relate to the built pattern and character of the surroundings.
- 6.22 A previous application under planning reference DC/18/1849 sought full planning permission for 6no. dwellings on the application site. The proposed development was refused at Planning (North) Committee on 04 December 2018 for the following reasons:
- 1 *The proposed development would result in the overdevelopment of this backland site, which would not respect or reflect the pattern of development in the vicinity, to the detriment of the character of the landscape and visual amenities of the site and wider*

area. The proposal is therefore contrary to policies 25, 26, 31, 32 and 33 of the Horsham District Planning Framework (2015) and Policy 10 of the Nuthurst Parish Neighbourhood Plan.

2 *The proposed development, by reason of the siting and orientation of the proposed dwellings, would result in a harmful impact on the amenity of the occupiers of the properties fronting Brighton Road. The proposal is therefore contrary to policies 32 and 33 of the Horsham District Planning Framework (2015) and Policy 10 of the Nuthurst Parish Neighbourhood Plan.*

6.23 The reasons for refusal related to the quantum of development, and the layout, siting and orientation, which was considered to result in overdevelopment of the site, to the detriment of the character and pattern of development. The previous application was not therefore refused on principle grounds, but rather the number of proposed dwellings and its impact on the character of the locality and the amenity of neighbouring occupiers.

6.24 The previous refusal on the site is a material consideration of weight in the assessment of the current application. However, the previous application was not refused on principle grounds, but was considered to result in overdevelopment of the backland site. It is therefore considered that a reduction in the number of proposed dwellings would overcome the previous reason for refusal.

6.25 Paragraph 122 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account among other things: the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; the desirability of maintaining an area's prevailing character and setting; and the importance of securing well-designed, attractive and healthy places.

6.26 It is considered that the application site could accommodate between 3-4 dwellings comfortably, with the site capable of providing a layout that would continue the build pattern of the recently approved application at Land Opposite Dun Horse under reference DC16/1753. It is considered that the proposed range of residential development would be of a reasonable nature so that it would not harm the landscape character or visual amenities of the locality, or the amenities of neighbouring occupiers.

Other Matters

6.27 The matters of scale, design, layout, and access of the proposed development are reserved for consideration under the subsequent "Technical Details" application.

Conclusion

6.28 The application seeks Permission in Principle for residential development on the site. The Permission in Principle stage (subject of this application) establishes whether the site is suitable in-principle for development, with the scope of considerations solely relate to location, land use, and amount of development.

6.29 The application site is within the built-up area boundary of Mannings Heath where development is acceptable in principle, in accordance with Policy 3 of the Horsham District Planning Framework (2015) and Policy 1 of the made Nuthurst Parish Neighbourhood Plan. The site is located within an established residential area, with the proposed residential use of the site considered appropriate to this context.

6.30 It is considered that the application site could comfortably accommodate a range of development of between 3-4 dwellings, with this reduced number considered to overcome the reason for refusal as part of the previous application.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

In the case of Permission in Principle applications the CIL charge will be calculated at the relevant Technical Details stage.

7. RECOMMENDATIONS

- 7.1 To approve the Permission in Principle application for a range of residential development of between a minimum of 3 and a maximum of 4 dwellings.

NOTE TO APPLICANT

The Applicant is advised that this decision and any determination of a subsequent Technical Details Consent application would be made in accordance with the Horsham District Local Development Framework, including the made Nuthurst Parish Neighbourhood Plan. The Applicant is therefore advised to pay particular regard to the relevant policies in both the Horsham District Planning Framework and Nuthurst Parish Neighbourhood Plan when submitting a Technical Details Consent application, including housing mix, scale, massing and design.

NOTE TO APPLICANT

The Applicant is advised that in accordance with the consultation response received from the Ecologist, a Preliminary Ecological Appraisal would be required to be submitted at the Technical Details Consent stage for consideration.

NOTE TO APPLICANT

The Applicant is advised that in accordance with the consultation response received from WSCC Highways, the proposed development would require the submission of detailed plans illustrating the proposed access, turning and parking arrangements, including the provision of cycle storage.

Background Papers: DC/18/1849
DC/19/0074