



**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 9 March 2021

**DEVELOPMENT:** Erection of a two storey detached dwelling with associated access, landscaping and parking.

**SITE:** Infill Plot Land West of Elmfield House New Hall Lane Small Dole West Sussex BN5 9YH

**WARD:** Bramber, Upper Beeding and Woodmancote

**APPLICATION:** DC/20/2269

**APPLICANT:** **Name:** Clow **Address:** care of agent Melton Lodge Rusper Road Newdigate RH5 5BX

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

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the erection of a two storey detached dwelling and associated works.
- 1.2 The proposed dwelling would be sited centrally within the site, and set back from the road frontage by approximately 9.7m. The proposed dwelling would be stepped back from the neighbouring property of Elmfield Gardens to the west and would project forward of the front elevation of Hill View to the east. The proposal would measure to an overall length of 10.5m and a total depth of 13m, and would incorporate a pitched roof measuring to an overall height of 7.2m. A hipped roof dormer would extend from the eaves of the front and rear elevations respectively, with a single first floor side window to the western elevation. The proposal would provide kitchen/family/dining room, utility room, living room, and, w.c, to the ground floor, with 4no. bedrooms (with ensembles) to the first floor.
- 1.3 A new access is proposed to the north-western corner of the application site, with an area of hardstanding to allow for off-road parking located to the frontage. The existing natural

vegetation that bounds the site would be retained, with the amenity area to the south laid to grass.

## DESCRIPTION OF THE SITE

- 1.4 The application site is located to the south of New Hall Lane, within the built-up area of Small Dole. The site comprises an undeveloped and relatively flat parcel of land that is surrounded by the linear residential development of New Hall Lane.
- 1.5 The wider residential development consists of an eclectic mix of detached and semi-detached dwellings of both single and two storeys, all of which are set back from the road frontage.
- 1.6 The neighbouring property to the east is stepped back from the relatively continuous build line, with the neighbouring property to the west sited along the build line, and incorporating several ground and first floor windows to the side elevation.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities

### RELEVANT NEIGHBOURHOOD PLAN

**Henfield Neighbourhood Plan 2017-2031** – Examiner recommendation to proceed to referendum

Policy 1: A Spatial Plan  
Policy 4: Transport, Access and Car Parking  
Policy 10: Green Infrastructure and Biodiversity  
Policy 12: Design Standards for New Development

## PLANNING HISTORY AND RELEVANT APPLICATIONS

HF/71/01	Erection of 1 dwelling and access Site: Land At Site W New Hall Lane Small Dole	Withdrawn Application on 29.10.2001
HF/85/02	Erection of 1 house Site: Land At Site W New Hall Lane Small Dole	Withdrawn Application on 17.10.2002
HF/120/02	Erection of 1 house Site: Site W New Hall Lane Small Dole	Withdrawn Application on 24.01.2003
HF/50/03	Erection of 1 house and access	Application Refused on 02.06.2004

### 3. OUTCOME OF CONSULTATIONS

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

#### OUTSIDE AGENCIES

- 3.2 **WSCC Highways:** No objection

The LHA accepts that small developments such as the one subject to the proposal, generate a small increase of 1-2 trips a day per dwelling. Given the location and nature of the site. The LHA would consider that the anticipated trip rate of 3 two-way trips, would not generate a material intensification of the access or highway network in this location. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the New Hall Lane. Therefore, there is no evidence to suggest that the existing junction access is currently operating unsafely. With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing junction.

For the LHA to consider bay parking spaces towards the parking provision of the site they must first measure 2.4 x 4.8 metres (as per MfS guidance). The LHA would consider the parking spaces to provide a provision of 2 spaces. Thought the hardstanding is large enough to accommodate more cars, this would restrict the ability for cars to turn on site and is likely not to be common practice. The application site is located at distance from any publicly maintainable highway along a private road. As a result, any parking displacement caused by the development is to be considered an amenity issue and should be resolved by the Local Planning Authority (LPA).

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Horsham Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via a suitably worded condition which is advised below.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

- 3.3 **Southern Water:** No objection

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission requiring the diversion of the public sewers, in consultation with Southern Water, prior to the commencement of the development.

## **PUBLIC CONSULTATIONS**

- 3.4 **Henfield Parish Council:** Objection of the grounds that the scale and massing is out of proportion.
- 3.5 16 letters of objection were received from 12 separate households, and these can be summarised as follows:
- Impact on highway safety at junction
  - Increased volume of traffic
  - Overshadowing and loss of light
  - Overdevelopment
  - Increased flood risk
  - Impact on pedestrian access and public footpath
  - Not allocated in the Neighbourhood Plan
  - Flood risk arising from development
  - Sewage disposal issues
  - Setting of a precedence
  - Loss of vegetation and impact on wildlife
  - Scale of the proposed dwelling
  - Noise impact

## **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 application seeks full planning permission for the erection of a two storey detached dwelling and associated works.

## **Principle of Development**

- 6.2 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 and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy.
- 6.3 Draft Policy 1 of the Henfield Neighbourhood Plan outlines that development proposals located inside the built-up area boundary will be supported, provided they accord with the other provisions of the Henfield Neighbourhood Plan and the Horsham District Planning Framework (HDPF).
- 6.4 The application site is located within the built-up area of Small Dole, where infill development is considered acceptable in principle, subject to all other material considerations.

## **Design and Appearance**

- 6.5 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.6 Draft Policy 12 of the Henfield Neighbourhood Plan states that development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. In addition, as appropriate to the site concerned, development proposals should comply with the following criteria: the design respects the amenities of occupiers/users of nearby property and land; the design achieves satisfactory access without harming the amenities of neighbouring properties and residents; the scale, density, massing, height, layout, and materials of all development proposals are of a high quality and reflect the architectural and historic character and scale of surrounding buildings.
- 6.7 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.8 It is recognised that the wider street scene is characterised by an eclectic array of detached and semi-detached dwellings comprising various designs, form, and materials. The application site itself is located between a detached two storey dwelling to the east and a semi-detached two storey dwelling to the west, both of which are set back at various distances from the road frontage along a staggered build line. Given this context, it is important that any proposal be thoughtfully designed to ensure an appropriate transition between the surrounding buildings. Issues of siting, bulk, height, and proportion are therefore considered to be of intrinsic importance to ensure that the design appropriately relates to the surrounding context.
- 6.9 Concerns were initially raised regarding the scale, proportion and siting of the proposed dwelling, and the impact the proposal would have on the visual amenities of the street scene. Amendments were received which re-positioned the dwelling, reduced the footprint, scale, bulk, and height of the proposal, and lessened the massing. These alterations sought to

address the visual prominence of the dwelling and have facilitated a better transition between the built form along the street scene.

- 6.10 Subject to these amendments, the proposed dwelling is considered to sit appropriately within the context of the site and the immediate neighbouring properties, and is considered to be of a scale, form, and massing that relates sympathetically to the wider built form. It is recognised that there is no defined character within the street scene, with the proposal considered to utilise features and form present within the wider locality. As such, the proposed dwelling is considered to be of a design and appearance that relates to and reinforces the character of the street scene and wider surroundings. The proposal is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Amenity Impacts**

- 6.11 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.12 The proposed dwelling would be located centrally within the plot, and would be sited along a staggered build line projecting forward of Hill View to the east, and set back from Elmfield Gardens to the west. The proposed dwelling would be set at a distance of approximately 4.4m from the neighbouring property to the east, and 4.7m to the west, with the proposal incorporating first floor side window to the western elevation.
- 6.13 While recognised that the proposed dwelling would sit forward of the neighbouring property to the east, it is considered that the distance between the dwellings would facilitate only oblique views, with limited harm arising through overshadowing and loss of light. In addition, given the residential context of the wider surroundings, a degree of mutual overlooking is anticipated and accepted. The proposed dwelling is not considered to result in any further overlooking than generally accepted in the locality, and is not considered to result in harm in this regard.
- 6.14 For these reasons, the proposed development is not considered to result in harm to the amenities and sensitivities to neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

### **Highways Impacts**

- 6.15 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.16 Draft Policy 4 of the Henfield Neighbourhood Plan states that as appropriate to the scale, nature and location of development, proposal should demonstrate safe pedestrian routes from residential sites to community facilities, and adequate off-road car parking should be provided in accordance with West Sussex Parking Standards.
- 6.17 The proposal seeks to create a new access to the north-western corner of the application site, which would measure to a width of 6.3m. The proposal would incorporate hardstanding along the breadth of the frontage which would be utilised for parking and turning, with the detached garage also providing an additional off-road parking space.
- 6.18 It is recognised that a previous application under reference HF/50/03 was refused on the grounds of access, and particularly the state of New Hall Lane. At this time, it was considered that the visibility splays at the junction with Shoreham Road were sub-standard and the width of the lane did not allow for passing. Additional information was subsequently submitted to address the issues with the visibility splays, but inadequate information to support the installation of passing lanes was received. The application was therefore refused due to concerns with accessibility along the lane.

- 6.19 A number of applications for infill development have been approved along New Hall Lane, where no objections have been raised in regard to accessibility along the lane. It is therefore considered that a refusal on the grounds of accessibility and passing lanes could not be substantiated or justified.
- 6.20 Following consultation with WSCC Highways, the proposed development is considered to benefit from suitable visibility, with the additional dwelling not considered to generate a material intensification of the access or public highway network. While parking for 3no. vehicles is indicated on the plans, the area of hardstanding would not meet the standard to meet this number. As such, it is considered that adequate space for only 2no. vehicles would be provided on-site.
- 6.21 The West Sussex Parking Demand Calculator indicates that 3no. off-street parking spaces would be required to meet the anticipated demand of the development. It is considered that sufficient space on-site could be provided to accommodate the anticipated number, and therefore should the application be approved, a condition requiring the submission of a detailed Parking Plan would be imposed.
- 6.22 Subject to such condition, it is not considered that the proposal would result in material harm to the function and safety of the public highway network, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

### **Climate Change**

- 6.23 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Dedicated refuse and recycling storage capacity
  - Improved energy performance, including higher levels of insulation, double glazing, and low energy lighting
- 6.24 In addition to these measures conditions are attached to secure the following:
- Water consumption limited to 110litres per person per day
  - Requirement to provide full fibre broadband site connectivity
  - Refuse and recycling storage
  - Cycle parking facilities
  - 1 electric vehicle charging points
- 6.25 Subject to these conditions the application will suitable reduce the impact of the development on climate change in accordance with local and national policy.

### **Conclusion**

- 6.26 The proposed infill dwelling is considered to be acceptable in principle, and is considered to be of a design, scale and form that would relate appropriately to the character and visual amenities of the street scene and locality. The proposal is not considered to result in harm to the amenities and sensitivities of neighbouring properties, and is not considered to result in material harm to the function and safety of the public highway network. The proposal is

therefore considered to accord with Policies 1, 2, 3, 25, 32, 33, and 41 of the Horsham District Planning Framework (2015).

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

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

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	206	0	206
		<b>Total Gain</b>	<b>206</b>
		<b>Total Demolition</b>	<b>0</b>

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

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

## 7. RECOMMENDATIONS

7.1 That the application is approved subject to the following conditions:

- 1 A list of the approved plans
- 2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
  - i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
  - ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

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

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

- 5 **Pre-Commencement Condition:** No development shall commence until a detailed plan showing the measures to divert the public sewers 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.

Reason: As this matter is fundamental to ensure that the development is properly serviced and to comply with Policies 32, 33 and 38 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

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

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- A written outline soft specification, including ground preparation, cultivation and other operations associated with plant and grass establishment
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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

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

- 8 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a plan showing the layout of the proposed development and the provision of car parking spaces for 3no. vehicles shall have

been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

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

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

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

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

- 11 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

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

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

- 13 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

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