



## **DELEGATED APPLICATIONS - ASSESSMENT SHEET**

### APPLICATION NO./ADDRESS:

DC/20/2564

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

### DESCRIPTION:

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

### RELEVANT PLANNING HISTORY:

None

### SITE AND SURROUNDS

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

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

### DETAILED DESCRIPTION

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

### RELEVANT PLANNING POLICIES

**The National Planning Policy Framework (NPPF, 2019):**

**Horsham District Planning Framework (HDPF, 2015):**

Policy 1 - Strategic Policy: Sustainable Development

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

### Horsham District Planning Framework (2015) – Update on Status

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

### **West Sussex Joint Minerals Local Plan (2018)**

Policy M9 - Safeguarding Minerals

### **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

### **Neighbourhood Planning:**

#### Shingley Neighbourhood Plan

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

### Relevant Policies:

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

### Southwater Neighbourhood Plan

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

#### Relevant Policies:

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

### Weight of Neighbourhood Plans

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

#### **Parish Design Statement:**

Shipley Parish Design Statement SPD (May 2013)

Southwater Parish Design Statement SPD (April 2011)

### REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

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

#### Consultations:

#### INTERNAL CONSULTATIONS

##### **HDC Landscape Architect: Comment**

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

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

#### **HDC Environmental Health: No Objection (subject to conditions)**

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

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

#### **HDC Conservation Officer: Comment**

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

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

#### **HDC Housing: Comment**

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

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

### **HDC Drainage Engineer: No Objection (subject to conditions)**

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

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

### **OUTSIDE AGENCIES**

### **WSCC Highways: No Objection**

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

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

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

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

### [Summary of Subsequent Comments]: More Information Required

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

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

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

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

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

**[Summary of Initial Comments]: More Information Required**

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

**WSCC Flood Risk Management: Comment**

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

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

**Archaeology Consultant: No Objection (subject to condition)**

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

**Ecology Consultant: No Objection (subject to conditions)**

[Summary]

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

**Southern Water: No Objection (subject to conditions)**

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

**Southwater Parish Council: Objection**

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

## **Shipley Parish Council: Objection**

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

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

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

### **Representations:**

0 letters of support for the development were received.

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

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

### **HUMAN RIGHTS**

Article 8 (right to respect of a private and family life) and Article 1 of The First Protocol (protection of property) of the Human Rights Act 1998 are relevant to the application. Consideration of human rights is an integral part of the planning assessment set out below.

### **PLANNING ASSESSMENT**

#### **Principle of Development:**

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



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

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

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

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

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

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

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

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

### Summary

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

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

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

### **Landscape Impact:**

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

### Existing Site Characteristics

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

### Landscape Character and Capacity Assessment

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

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

### Assessment of Impact

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

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

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

### Site Layout and Design

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

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

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

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

### Summary

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

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

### **Highways Impact:**

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

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

#### Access/Visibility

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

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

#### Trip Generation and Highway Capacity

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

#### Access by Sustainable Modes

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

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

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

### Internal Road Layout and Parking

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

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

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

### **Affordable Housing and Housing Mix:**

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

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

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

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

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

### **Layout:**

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

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

### **Heritage Impact:**

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

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

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

### **Amenity Impact:**

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

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

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

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

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

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

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

### **Drainage and Flooding:**

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



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

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

### **Ecology:**

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

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

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

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

### **Other Matters:**

#### *Air Quality:*

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

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

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

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

#### Archaeology

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

#### Contaminated Land:

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

#### Trees:

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

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

### Minerals Safeguarding:

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

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

### Energy/Climate Change:

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

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

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

### **Conclusion and Planning Balance:**

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

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

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

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

### **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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

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

### **Recommendation: Application Refused**

#### **Reasons for Refusal:**

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

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

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

#### NOTE TO APPLICANT

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

#### POSITIVE AND PROACTIVE STATEMENT

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

#### **Plans list for: DC/20/2564**

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

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

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

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

## **DELEGATED**

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

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