



**TO:** Planning Committee South

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

**DATE:** 24th May 2022

**DEVELOPMENT:** Demolition of existing church buildings and erection of No.7 dwellings with associated access, parking, and landscaping.

**SITE:** St Crispins Church Church Place Pulborough West Sussex RH20 1AF

**WARD:** Pulborough, Coldwaltham and Amberley

**APPLICATION:** DC/21/1815

**APPLICANT:** **Name:** Mr Jason Vince **Address:** The Old Mill Kings Mill Lane South Nutfield RH1 5NB

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

**RECOMMENDATION:** To refuse planning permission

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 Planning permission is sought for the demolition of the existing church and the erection of 7x two-storey dwellings, comprising 5x three bedroom dwellings and 2x four bedroom dwellings. Plots 1 and 2 form a pair of semi-detached dwellings towards the west of the site facing Church Place, with Plots 3-5 adjacent to the east facing the street as a terrace of three dwellings. Plots 6 and 7 form another pair of larger semi-detached dwellings to the north-west of the site. Plot 2 would benefit from 2x tandem parking spaces, accessed via Church Place. The Plots 2-5 would be served by a communal parking area within the centre of the site with 9 spaces and 2 visitors' spaces, to the rear of Plots 1-5 (to the front of Plots 6 and 7), and would be accessed via the existing access serving the cul-de-sac to the rear. Plots 6 and 7 would each benefit from an attached open carport to their side elevations with an additional parking space to its front. The parking area would also feature a bin collection point, and would be planted with grassed verges, hedging, and planting.
- 1.2 Plots 1 and 2 would be composed of a multi-stock brick facing to all elevations at ground floor level with contrasting quoining, with a hung tiled facing to the first floor, and a pitched roof with side facing gables finished in plain clay tiles. Plots 3-5 would comprise a similar

appearance, though without the tile hanging at first floor mid-level horizontal brick band detailing and a slate roof. Plots 6 and 7 would comprise a similar material make-up to plots 1 and 2, though features a much steeper pitch to the roof with a larger front facing gable to the front of plot 6, 4x rear half-dormers (2x each) and a hipped roof to the side additions hosting the carports at ground floor level.

## DESCRIPTION OF THE SITE

- 1.3 The application relates to an existing church sited on the northern side of Church Place, Pulborough. The site comprises a parking area to the front of the site, with pedestrian access from the street and vehicular access to the rear shared with a cul-de-sac serving The Hermitage, Charnwood, Ovingdean, and The Hoops. The site extends to the north-west, running along the northern boundary of the adjacent property to the west, Milton. The north-western boundary of the site lays adjacent to the railway. The existing church comprise a simple rectangular planform with a small extension to the northern elevation, modest open porch to the side, hosting a pitched roof with side facing gables finished in slate tile. The building is composed of red brick to the front and rear elevations, and painted roughcast render to the sides. The site is located within the built-up area boundary, abutting the countryside further west, and is wholly within the Pulborough (Church Place) Conservation Area. The surrounding area is varied in character, composed of a mix of detached and terraced dwellings of varying ages and styles.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

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

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

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 27 - Settlement Coalescence  
Policy 28 - Replacement Dwellings and House Extensions in the Countryside  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities  
Policy 43 - Community Facilities, Leisure and Recreation

## RELEVANT NEIGHBOURHOOD PLAN

### **Pulborough Neighbourhood Plan** (regulation 16)

The Pulborough Neighbourhood Plan is at post-examination stage, and therefore carries significant weight. The following policies are therefore considered to carry significant weight in the determination of this application:

Policy 1 – A Spatial Plan for the Parish

Policy 13 – Community Facilities

Policy 15 – Design

## PLANNING HISTORY AND RELEVANT APPLICATIONS

PL/54/51

Roman catholic church  
(From old Planning History)

Application Permitted on  
05.12.1951

## 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)

### INTERNAL CONSULTATIONS

**HDC Arboricultural Officer:** Comment – advised alternate construction methods to pathways to the north of the site.

**HDC Conservation:** No Objection – suggested conditions

**HDC Environmental Health:** No Objection – suggested conditions

**HDC Drainage Engineer:** No Objection – suggested conditions

### OUTSIDE AGENCIES

**WSCC Highways:** No Objection – suggested conditions

**Ecology Consultant:** Objection – Further to our request for further information (22/12/2021), we have still not received any survey reports to assess the bat species using the site or their levels of activity although the Ecological Appraisal Report (Wychwood Environmental Ltd, January 2021) identified that the site has potential to support foraging bats.

**Southern Water:** No Objection

**Historic England:** No Comment

**Archaeology Consultant:** No Objection – suggested conditions

**HDC Landscape Consultant:** Comment – suggestions to amend layout and planting. Suggested conditions.

**Natural England:** Comment (standing advice)

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites.

Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

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

## PUBLIC CONSULTATIONS

### 3.2 **Pulborough Parish Council** *objects* to the proposal on the following grounds:

- This constitutes overdevelopment in a conservation area and is out of keeping with the character of the area;
- The site is not included in the Pulborough Neighbourhood Plan, which is at an advanced stage, and which identifies this area as an open space/local green space;
- Access issues - There are concerns about extra traffic as Church Place is essentially a single track road with few safe passing places; Safe egress and ingress to/from the A29 is of concern due to poor visibility in both directions, volume of traffic including HGVs and speed of traffic;
- The January ecological survey was conducted at an inappropriate time – assessment of newt activity should take place in June.
- Access on to the A29 is very dangerous due to poor visibility in both directions and the volume/speed of oncoming traffic; The Council questions the validity of the traffic survey, which was undertaken during the pandemic when traffic volumes were low;
- Church Place is narrow, and additionally has vehicles parked along one side of the road due to lack of parking in the area;
- There will be increased traffic resulting from the already approved planning application for the new dementia unit at the Anchorage Care Home;
- The site is in a conservation area, with historic buildings situated nearby;
- It is believed that the gas pipe serving the area has not been sited deep enough into the road;
- There are flooding and sewerage capacity problems in the area;
- The application constitutes overdevelopment in a conservation area and is out of keeping with the character of the area;
- This site is not allocated for development in Pulborough Neighbourhood Plan, which carries significant planning consideration weight having passed independent examination: Pulborough Neighbourhood Plan in fact excludes any development within a conservation area.

### 3.3 58 letters of representation received from 26 separate addresses (6 of which were received outside of the consultation period) *objecting* to the proposal on the following grounds:

- Greenfield site development
- Adverse loss of biodiversity
- Loss of community asset
- Does not form part of the neighbourhood plan
- Cumulative development impacts
- Overdevelopment
- Insufficient sewage connections
- Increased local parking pressures
- Loss of general amenity
- Resultant increased congestion

- Harm to pedestrian users
- Harm to the character of the Conservation Area
- Adverse climate change implications
- Restricted access for emergency vehicles
- Resultant overlooking
- Loss of trees / planting
- The site is of archangelical interest
- Adverse effect on listed buildings
- Developers have no right of access to the site

3.4 1 letter of representation received outside of the consultation period *neither objecting to nor supporting* the proposal, stating:

- Existing building could be converted
- Site could be used for resident parking

3.5 11 letters of representation received from 11 separate addresses *supporting* the proposal for the following reasons:

- The proposal is well-designed
- Additional housing is needed
- The proposal will enhance the Conservation Area
- Re-use of brownfield land

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

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

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

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

#### **6. PLANNING ASSESSMENTS**

##### Principle of Development:

6.1 Policies 2 and 3 of the Horsham District Planning Framework state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the built-up area boundaries is accepted in principle, and that appropriate development, including infilling, within the built-up areas will be prioritised.

6.2 The site is located within the built-up area of Pulborough. Pulborough is defined by Policy 3 as a small town / larger village, with a good range of services and facilities, with strong community networks and local employment provision, together with reasonable rail and bus services.

6.3 Given the location of the site within the built-up area boundary of Pulborough, the principle of development is considered acceptable, subject to all other detailed material planning considerations as discussed below.

6.4 It is noted that the proposal would result in the loss of the church. Policy 43(3) of the Horsham District Planning Framework states that proposals that would result in the loss of sites and

premises currently or last used for the provision of community facilities or services, leisure or cultural activities for the community will be resisted unless equally usable facilities can be conveniently provided nearby. It will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as; appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier. Where it cannot be demonstrated that such a loss is surplus to requirements, a loss may be considered acceptable provided that:

- a) an alternative facility of equivalent or better quality and scale to meet community needs is available, or will be provided at an equally accessible location within the vicinity; or
- b) a significant enhancement to the nature and quality of an existing facility will result from the redevelopment for alternative uses on an appropriate proportion of the site.

- 6.5 Policy 13 of the post-examination Pulborough Neighbourhood Plan supports proposals to improve the viability of an established community use by either the extension or partial redevelopment of existing buildings, provided the design of the scheme and the resulting increase in use are appropriate in design terms and will not harm the amenities of adjoining residential properties. The site is referred to in the policy of the draft plan version ('10. Roman Catholic Church and accompanying car park'). However, following consultation of the plan, representation was received about this inclusion as part of the policy. At Paragraph 88 of the Examiner's report (dated 18 September 2021), it is noted:

*'I understand from the representations that the Roman Catholic Church and its car park has closed and the site has been put onto the market. I therefore do not consider that it is appropriate to retain its status as a community facility.'*

- 6.6 The application was accompanied with a statement from The Catholic Diocese of Arundel & Brighton. The statement confirms that the Catholic church has faced a significant reduction in clergy numbers. As a result of this, the bishop has undertaken a strategic review of provisions within the Diocese and has concluded that there is a need to rationalise the number of churches in a small number of Parishes (such as Pulborough) so that the faithful can continue to be accommodated with greater efficiency. As such, churches will be centralised around major towns in the region, thus consolidating the workload of the priests for their congregation. Given the steady decline in regular worshippers in Pulborough, it is no longer viable or sustainable for the Diocese to continue to serve the Parish from St Crispin's Church – the decision was therefore taken to close the church in October 2019. The statement from the Diocese continues, stating that the Parish would be served by nearby churches in neighbouring settlements, such as St Gabriel's in Billingshurst, which is a much larger church and thus is capable of taking on the worshippers from Pulborough.
- 6.7 A marketing report was also received in support of the application, which concludes that the condition of the building is 'most suited' for church use, given its basic specification. Whilst another Class F.1 planning use could occupy the site, the report identifies that a number of improvements to the building would be needed. The report concludes that whilst this is appropriately reflected in the building's valuation, this has reduced the appeal for the building to be used for alternative community uses. The site was marketed from February 2021, and the majority of the enquiries for the site were for residential re-development, with only one enquiry relating to non-residential use as a training centre. However, the offer received for this enquiry was significantly lower than the market value and not pursued.
- 6.8 Having considered these circumstances the loss of St Crispin's church is considered to be acceptable in planning terms, as nearby facilities will be able to accommodate the needs of the Parish. As such, the proposal is considered in accordance with Policy 43 of the Horsham District Planning Framework and Policy 13 of the Neighbourhood Plan.

- 6.9 The Parish's objection regarding the site's allocation as a local green space within the post-examination neighbourhood plan is noted. However, the site has no such allocation within the plan.

Design and Appearance:

- 6.10 Policy 32 of the Horsham District Planning Framework states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.11 The site layout illustrates a pair of semi-detached dwellings and a terrace of three dwellings facing Church Place, with pedestrian access to the front within modest front garden curtilages, planting, and a grassed verge, with Plot 2 benefitting from vehicular access and parking from the street. The existing access to the site, which leads to the cul-de-sac to the rear serving four existing dwellings, opening on a communal parking area for Plots 1 and 3-5, visitor parking, and Plots 6 and 7.
- 6.12 The proposed layout is considered logical, and would utilise the site in a way which makes an efficient use of the land, with reasonably sized dwellings and curtilages. Plots 1-5 facing the street emulates development on the street, with Plots 6 and 7 set behind the street. Whilst it is noted that the neighbours immediately adjacent to the site comprise a much larger planform on a more generous curtilage, the prevailing character of the area is mixed, with some properties facing the street, and some with a far more modest footprint and curtilage. Overall, the proposed layout is considered to suitably follow and adhere to the character of development within the wider surrounding area.
- 6.13 The proposed dwellings would all comprise two-storeys with varying styles and sizes. Revisions were sought (received 30.11.2021) to include more visual detail and interest to better integrate their appearance within the Conservation Area. The chosen material composition and style is considered acceptable within this setting, offering a varied design that would not appear out of context.
- 6.14 With the above in mind, the proposed development is considered suitably scaled and designed, that would not appear out of character within this setting, and would thus accord with Policies 32 and 33 of the Horsham District Planning Framework.

Trees and Landscaping:

- 6.15 Policy 25 of the HDPF relates to the Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:
1. Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.
  2. Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.
  3. Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.
  4. Conserve and where possible enhance the setting of the South Downs National Park.

- 6.16 The proposal incorporates the re-landscaping of the site which is currently predominantly laid hardstanding, with additional planting and boundary treatments to the new dwellings, in addition to the removal and retention of a number of trees within the site.
- 6.17 Plots 1-5 would be sited towards the southern side of the site facing Church Place, which is currently laid to hardstanding. The dwellings would benefit from a modest front garden curtilage with pedestrian paths and additional planting / hedging. Each dwelling would also benefit from a reasonably sized rear garden curtilage. The rear of the plots facing the street would back on to the proposed parking court. In order to soften the appearance of the parking area, hedging has been proposed to the rear boundaries. The area to the north-west where Plots 6 and 7 are to be sited is currently heavily planted / foliated with a mix of species, and save for an existing storage shed, currently remains largely undeveloped. A number of trees within this area would be removed, including:
- G2 – group of young birch ash and goat willow (classified: C)
  - G4 – mixed evergreen shrubs (classified: C)
  - T2 – common hazel (classified: C)
  - T3 – goat willow (classified: C)
  - T5 – plum tree (classified: U)
  - T7 – apple tree (classified: C)
  - T8 – goat willow (classified: U)
  - T9 – goat willow (classified: C)
  - T10 – sycamore (classified: U)
- 6.18 The remaining trees would be retained (classified as grade C or higher), and appropriate tree protection measures would be incorporated to ensure their long-term retention. Some trees close to the boundary outside of the site (within the ownership of The Hermitage to the north) would be subject to root pruning within the site. Following consultation with the Council's Arboricultural Officer, it was concluded that alternate methods of construction should first be considered prior to root pruning, as this may result in some long term damage to these trees. Alternative methods of construction such as geotextile surfaces or above ground construction would ensure that the trees are not harmed. However, Officers are satisfied that this matter could be adequately controlled by way of condition in the event that permission were to be granted. Furthermore, the Council's Arboricultural Officer concluded that the trees to be removed (listed above) are not of any particular merit. As such, no objection is raised on arboricultural grounds.
- 6.19 Following consultation with the Council's Landscape consultant, it was concluded that the proposed development would result in minimal visual harm to the visual amenity and landscape quality. However, a number of recommendations were suggested, including (in summary):
- Relocation of planting to the front of Plots 1-4
  - Potential for additional tree planting on the site
  - Incorporate a wider variety of tree species
  - Incorporate a wider variety of hedge species
  - Replace boundary treatments to plot 5 with a brick wall
- 6.20 The above suggestions from the Landscape consultant are not insurmountable, and thus Officers are satisfied that these minor alterations to the scheme could be incorporated with the detailed landscape scheme by way of condition, in the event that permission were to be granted. As such, no objections are raised on landscape or arboricultural grounds.

#### Heritage Impacts:

- 6.21 The Council recognises that the historic environment is an irreplaceable resource which should be conserved for its own sake for the benefit of future generations. Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory



requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Chapter 16 of the National Planning Policy Framework (NPPF) follows this statutory provision and seeks to positively manage changes to the historic environment to ensure sufficient flexibility whilst conserving the important and irreplaceable nature of the designated asset.

- 6.22 Policy 34 of the Horsham District Planning Framework states that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets, stating that development within a Conservation Area will only be permitted if the proposal would preserve or enhance the Conservation Area. Development affecting the setting of a listed will not be permitted which would have an adverse impact on the setting or special architectural character or appearance of a listed building.
- 6.23 The site is located wholly within the Pulborough (Church Place) Conservation Area, and is sited adjacent to a Grade II listed dwelling, Ramblers. Overall, the scale and proportion of Plot 1-5 reflect the cottages on the opposite side of Church Place and village dwellings more generally. However, initial concerns were raised with regards to the detailing of certain architectural features. Revisions were received following a meeting between Council Officers and the applicant, which are now reflective of traditional village dwellings and will reinforce the character of the conservation area and will not harm the setting of the adjacent listed buildings.
- 6.24 The Council's Senior Conservation Officer, however, remains concerned regarding the outlook for Plot 6 and 7, which would directly face the service road and parking area that serves the site. These concerns are noted. Whilst it is appreciated that this outlook may not be desirable, this is not considered so significant a reason to warrant refusal on these grounds alone. As above, the layout logically and efficiently utilises the site, and provides adequate amenity space for the dwellings, whilst avoiding harm to neighbouring amenities (detailed below).
- 6.25 In addition to the above, the site is also located within the Pulborough Historic Core archaeological notification area. As such, the site has a high archaeological potential. The site is currently mostly developed, and thus it is likely that any archaeological deposits have already been disturbed. Following consultation with the Council's archaeological consultant, no objection was raised provided that suitably worded conditions are applied in the event that permission is to be granted.
- 6.26 With the above in mind, Officers raise no objection to the proposal on historic and archaeological grounds.

#### Amenity Impacts:

- 6.27 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.28 The proposed dwellings would be sited along the southern and north-western boundary of the site, neighbouring the following existing properties:
- Milton, sited 5.9m west of Plot 1 (side to side) and 19m south-west of Plot 6 (side to rear) – a tree within the rear curtilage of Milton would obscure most of the south-western elevation of Plot 6
  - The Hermitage, sited 12.7m east of Plot 7 (front to rear) – a tree within the rear curtilage of The Hermitage would obscure most of the south-eastern elevation of Plot 7
  - Ramblers, sited 14.6m south of Plots 3-5 (front to front) – the street (Church Place) separates the site from the neighbours

- The Hoops sited 21m east of Plot 5 (side to side) – the access to the cul-de-sac would separate the two

- 6.29 Milton hosts no windows to the side elevation facing the site. Plot 1 would incorporate 1x small window at first floor level which would serve the upstairs hallway and staircase. Given the siting of this window and its use in relation to the internal arrangement of the dwelling, it is not anticipated that that this arrangement would result in adverse harm to neighbouring amenities by increased opportunities of overlooking. This too is considered to be the case with regards to Plot 6, and no side windows are proposed facing Milton.
- 6.31 The front elevation of Plot 7 would face the side and rear of The Hermitage to the east. No windows are proposed to the side elevation of the dwelling, and thus would not overlook the neighbouring garden. Views from first floor bedrooms from Plot 7 would be largely obscured by the tree retained between the two properties (within the curtilage of The Hermitage), and any outlook from this level would be oblique at best. As such, it is not anticipated that that this arrangement would result in adverse harm to neighbouring amenities by increased opportunities of overlooking
- 6.31 The front elevations of Plots 3-5 would face the front elevation of Ramblers, and would be separated by the street (Church Place). Any overlooking from ground and first floor windows would be mutual, and given the separation distance between the proposed dwellings and the neighbour, the level of potential overlooking is not considered harmful. In any case, this arrangement within the built-up area is not unexpected within a location characterised by residential development. As such, no concerns are raised to this regard.
- 6.32 The side elevation of Plot 5 would be sited 21m from the side curtilage of The Hoops. The first floor level of Plot 5 incorporates a window serving a bathroom (presumably obscurely glazed) and a secondary window serving the second bedroom. Given the separation distance, any overlooking would again be oblique, and would thus not result in any adverse harm.
- 6.33 All of the dwellings are proposed to be two-storey in height. Plots 1-5 incorporate pitched roof with an overall ridge height of 8.5-9.8m, and Plots 6 and 7 9.4m. Given the scale of the proposed dwellings, coupled with the retained separation distance, and orientation to the immediate neighbours, the proposal would not result in any adverse harm to neighbouring amenity with regards to overshadowing or overbearing.
- 6.34 It is acknowledged that the development would likely result in an increased sense of activity on site compared to the existing arrangement, given the regular though infrequent use associated with the church. However, the site is located within the built-up area boundary, and located within an area of existing residential development. As such, this perceived increased level of activity with this kind of location would not be expected from a development of this nature.
- 6.35 With the above in mind, the proposal is considered in accordance with Policy 33(2) of the Horsham District Planning Framework with regards to impact on existing neighbouring properties.
- 6.36 The proposed dwellings would be sited mainly to the side of each other, with few windows at first floor level result in opportunities of overlooking. Plot 6 and 7 would be sited to the rear of Plots 1-5, facing inward to the service road and parking area. Each dwelling would benefit from a reasonably sized curtilage, thus would provide ample outdoor amenity space. Whilst the siting of Plots 6 and 7 facing the parking area is not overly desirable, this area was revised to incorporate additional planting in order to improve and soften any outlook from these plots. Overall, Officers are not concerned that this arrangement would overly detract from the enjoyment of these dwellings.

- 6.37 It is also noted that Plots 6 and 7 back on to the railway, which may be a source for noise disturbances. The Council's Environmental Health Officers have commented on this matter, stating that further could should be provided with regards to noise mitigations to be incorporated within the design of these dwellings. Officers are satisfied that this could be adequately requested and controlled by way of condition.
- 6.38 With this in mind, the proposal is considered in accordance with Policy 33(2) of the Horsham District Planning Framework with regards to the amenities future occupants.

Highways Impacts:

- 6.39 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.40 The proposal seeks to utilise the existing access off of Church Place that serves the existing dwellings in the cul-de-sac. Church Place is adopted highway. The proposed access is a private track. The existing access and track would remain unaltered. WSCC has commented on this aspect of the proposal, stating that the proposal is not anticipated to generate a significant change in trips that would result in any harm to the safe use and operation of the highway. Furthermore, as no alterations are proposed to the existing junction on to Church Place, which currently includes adequate visibility and no records of any severe accidents, no concern is raised from a highways safety perspective. Reference has been made to cumulative trip generation alongside consent for a dementia care home to the west, however permission for the care home expired in 2019 and there is no evidence it has commenced.
- 6.41 The proposal seeks permission for 7 dwellings, with each dwelling benefitting from at least two parking spaces, in addition to the provision of two visitor spaces (17 total). WSCC have advised that a development of this size should at least accommodate 18 spaces. It was further noted that this may result in overspill parking onto Church Lane in the event that occupants of dwellings are to own more than two cars. In order to avoid this, it has been suggested that a Traffic Regulation Order (TRO) to secure double yellow lines in front of the development is agreed.
- 6.42 Neighbouring concerns regarding parking on Church Lane are acknowledged. Officers noted when visiting the site that some residents on Church Lane rely on on-street parking, as driveway space on the street is limited. It is appreciated that new double yellow lines would further limit the opportunity for on-street parking. However, given the limited width on Church Lane, it would not be possible / feasible for cars to park on both sides of the street. Therefore, it is not anticipated that a TRO would impinge on existing residents' ability to park on the street as already practiced. WSCC state that securing the lines on this bend in the road would be safer, in case parking were to occur on this side of the road instead of the other- this is thus a precautionary measure. As such, Officers consider that using yellow lines on the frontage of the site would not adversely upset existing parking pressures on the street over and above the existing arrangement.
- 6.43 WSCC comments regarding parking numbers are also noted: WSCC initially commented prior to the design being amended, stating that there was an overall provision of 15 spaces, as garages are only classed as 0.5 spaces. The garages to Plots 6 and 7 were revised to carports, thus are not considered as 0.5 spaces. As such, the proposal only results in a shortfall of 1 space, compared to 3 previously. Overall, it is considered that a provision of 2 spaces per dwelling is adequate, with a further three spaces available as a surplus. The single space shortfall is not considered sufficient reason alone to warrant refusal. Whilst

additional spaces could be incorporated within the design layout of the proposal, this would be to the detriment of the overall aesthetic and appearance of the proposal, which has been designed with its setting within the Conservation Area in mind.

- 6.44 With the above in mind, the proposal is considered in accordance with Policies 40 and 41 of the Horsham District Planning Framework, and would not result in any adverse harm to the safe use and operation of the highway.

Ecology:

- 6.45 Policy 31(2) of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.
- 6.46 The application was accompanied with a detailed Ecological Appraisal Report in addition to a Hazel Dormouse Desk Study. The reports conclude that the site has potential for some protected species, and has moderate ecological value. Mitigations and enhancements are also proposed as part of the scheme.
- 6.47 The Council's Ecological consultant initially comments on the proposal, stating that no survey work has been provided to assess the bat species using the site of their levels of activity. As the site is within 5km (3.6km) from the Key Conservation Area of The Mens Special Area of Conservation (SAC) and is also in the Wider Conservation Area for Ebernoe Common SAC, this information is required upfront in order for the appropriate assessments to be undertaken and certificates to be issued.
- 6.48 The applicant has suggested that further studies were undertaken in order to provide the necessary detail relating to bats and dormice. To date, no further information has been submitted. In the absence of this information, the Council's Ecological Consultant has not been able to provide a Habitats Regulation Assessment screening necessary to positively determine the application.

Water Neutrality:

- 6.49 The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.
- 6.50 A recently received advice note from Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.51 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction. The proposal is for seven new dwellings will result in an increase in water usage. The applicant has provided a Water Neutrality Statement. The statement includes details of methods to reduce water demand within the 7x dwellings, which could reduce water use down to 73-81lpd, below the 110l Part G Building Regulations Optional Standard. At paragraph 3.24 of the statement, it is acknowledged that the proposal would not be water neutral. In order to achieve neutrality, the report suggested offsite offsetting

measures (up to 862,236l per annum) on public sector buildings, or (in the absence of being able to so) provide an offsetting contribution (£6,750).

- 6.52 As the water demand cannot be entirely mitigated against or offset on site, it is accepted that offsite offsetting would be required. However, the statement advanced does not provide the certainty needed to progress this strategy to appropriate assessment. The strategy does not specify properties that could be retrofitted with these mitigations, and instead suggested that a financial contribution could be used by the Council to provide these mitigations. Currently, the Council is unable to accept financial contributions for offsetting, as there is no strategic mechanism in place that this payment would go towards. Furthermore, there is no evidenced to suggested that this contribution has been properly costed. In any case, a Section 106 legal agreement would be required to secure this contribution / offsite offsetting. In the absence of an agreement, the Local Planning Authority has no guarantee that an appropriate mitigations strategy would be put in place to offset increased water demand.
- 6.53 With the above in mind, there is no certainty that the proposal will not contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraphs 179 and 180.

#### Other Matters:

##### *Drainage and Flooding:*

- 6.54 Notwithstanding objections which have been received in this regard, the site is located within Flood Zone 1 as designated by the Environment Agency, where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. Given the nature of the proposal, a suitable pre-commencement condition requiring submission of a drainage strategy and the proposed means of foul and surface water drainage is considered to be appropriate in the event that planning permission were to be granted.

##### *Contamination*

- 6.55 The application was not accompanied with a Phase 1 contamination survey, detailing previous uses of the site or the quality of the soils below slab level. Given the site is already developed, and is within an area predominantly characterised by residential development, it is considered that there is likely a low risk of contamination. In any case, the Council's Environmental Health Officers have advised that this could be adequately controlled and detailed by way of condition.

#### **Conclusions:**

- 6.56 The site is located within the built-up area boundary of Pulborough and has been found to be not suitable for continued community use through the vacancy of the church and the outcome of marketing. Therefore, the principle of the development for 7x dwellings is not resisted. The proposal is considered well-designed, which would appear in context and in sympathy with the Pulborough (Church Place) Conservation Area, and would not adversely impact on the setting or character of neighbouring listed buildings. Furthermore, the site has been laid out and orientated in a way that would not result in any adverse harm to neighbouring amenity.
- 6.57 Officers note that there is a shortfall of one parking space (according to WSCC parking calculator), though it is not considered that this would stand as sufficient reason to warrant refusal given each property benefits from at least two allocated spaces, alongside two visitor bays. In the event that planning permission were to be granted, further information relating to noise mitigations, landscape detail, drainage, and contamination could be secured by way of planning condition.

- 6.58 However, notwithstanding information submitted with the application, the applicant has not demonstrated to the satisfaction of the Local Planning Authority how the proposal would seek to demonstrate water neutrality. As such, the proposal is therefore contrary to Policy 31 of the Horsham District Planning Framework and Paragraphs 179 and 180 of the National Planning Policy Framework, and thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species). Furthermore, the applicant has not provided sufficient information to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).

## **7. RECOMMENDATIONS**

### Reasons for Refusal:

- 1 Notwithstanding information submitted, the application has not satisfactorily demonstrated with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).
- 2 Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).