



**TO:** Planning Committee South

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

**DATE:** 19<sup>th</sup> March 2024

**DEVELOPMENT:** Demolition of existing building and erection of 6no. dwellings with associated access, parking, and landscaping

**SITE:** St Crispins Church, Church Place Pulborough RH20 1AF

**WARD:** Pulborough, Coldwaltham and Amberley

**APPLICATION:** DC/23/1361

**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 approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

## **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 6x two-storey dwellings, comprising 4x 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. Plot 6 forms a detached dwelling to the rear of the site.
- 1.2 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 11 spaces (including visitors' spaces) to the rear of Plots 1-5 (to the front of Plot 6), and would be accessed via the existing access serving the cul-de-sac to the rear. Plot 6 would benefit from

2x tandem spaces to its side elevation. The parking area would also feature a bin collection point, and would be planted with grassed verges, hedging, and planting.

- 1.3 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. Plot 6 would comprise a contrasting material makeup, with stained timber cladding and a steeper pitched roof, hosting front and rear dormer windows.

#### DESCRIPTION OF THE SITE

- 1.4 The application relates to an existing church hall 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, though on the edge to 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. Ramblers (a Grade II listed building) is located on the adjacent side of the street.

## 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

**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 Advice Notes:

Facilitating Appropriate Development  
Biodiversity and Green Infrastructure

**PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/22/1428	Demolition of existing church buildings and erection of No.6 dwellings with associated access, parking, and landscaping.	Application Refused on 19.12.2022
DC/21/1815	Demolition of existing church buildings and erection of No.7 dwellings with associated access, parking, and landscaping.	<i>Appeal Lodged</i> Application Refused on 25.05.2022
		<i>Appeal Dismissed</i> 12.07.2023

**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 Landscape Architect:** No Objection, subject to condition

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

**HDC Environmental Health:** The principal concern with the proposed development is the exposure of future occupiers to high levels of noise from rail movements. However, the Environmental Noise Impact Assessment provided with the application has demonstrated that the recommended internal noise levels in habitable rooms will be met. Open windows can be used for ventilation without prejudicing the internal noise levels. The development site is therefore considered suitable in terms of exposure environmental noise. Conditions recommended.

**HDC Arboricultural Officer:** No Objection

**HDC Drainage Engineer:** No Objection. Suggested conditions (attached)

**OUTSIDE AGENCIES**

**WSCC Highways:** No Objection – The site will be served by an existing access from private road from Church Place. This private access will serve the 11-space parking court and the 2 spaces for plot 6. An additional dropped crossing point is proposed from Church Place to serve 2 further parking spaces to plot 2. This crossing point is in the location of the existing

church access - please note a S278/Minor Works Licence will be required for the changes to this access point. A 7-day Automatic Traffic Count (ATC) has been undertaken close (west of) to the site access from the public highway. Average weekday traffic volumes were measured at 287 vehicles (eastbound and westbound combined) per day with average 85%ile speeds measured at 20mph. An additional ATC was undertaken to the east of the site access which measured lower speeds. Visibility splays of 2.4m x 43m from the private access road have been provided and are acceptable given the low traffic speed. Conditions recommended.

**Ecological Consultant:** No Objection, subject to conditions and approval from Natural England regarding Bat HRA.

**Southern Water:** No Objection

**Network Rail:** Comment – concerns raised regarding drainage on rail network. Suggested percolation test

**Natural England:** No Objection to water neutrality solution – subject to appropriate mitigation being sought by way of condition and legal agreement (awaiting comments on HRA Appropriate Assessment on bats, comments to be stated at planning committee).

**NatureSpace** (District Newt Licencing): No Objection

## PUBLIC CONSULTATIONS

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

1) A29 Access – Currently, the A29 at Church Hill is subject to single file restriction, controlled by traffic lights extending to the eastern end of Church Place, a narrow mostly single-file lane leading to the proposed development site. Any delays in construction traffic attempting to access or exit Church Place using this junction could un-synchronise the unmanned traffic lights and potentially cause a serious accident or at least severe traffic congestion, since visibility between the concrete barriers at this point is considerably impaired. We would suggest that no construction or related work be carried out before the full width A29 is reinstated. Furthermore, we would also ask for an urgent traffic survey to take account of the traffic lights, and the A29 junction through Church Place to the proposed site, prior to any HDC Planning decision. An earlier survey did not take this area, or current restrictions into account.

2) Gas mains in Church Place – Residents have reminded the Council that damage to the gas supply pipes has previously been a problem in Church Place. We understand that although the main supply pipe was laid at the correct depth, the spurs to adjoining properties were laid at too shallow a depth and consequently have previously been damaged by heavy vehicles, requiring evacuation of properties some time ago. This will require further investigation.

3) Affordable Housing – Although current HDC guidelines stipulate affordable housing should be incorporated into any housing proposals of over five dwellings, no such provision is offered.

4) Mains and Sewage – No detailed plans of mains water or sewage pipes are offered and subsequently, no construction work can be commenced until these are identified and given the required protection afforded by a distance of at least three metres as stipulated by Southern Water. Further, the ancient sewerage mains, have known pitch-points and offer an increasingly failing system throughout most of the village, with regular effluent overflows at Swan Bridge to the south and near Wickford Bridge to the east. Urgent investment in our infrastructure is needed if additional housing can be sustained.

5) The Pulborough Flood Plain and Arun Valley (Biodiversity) – The nearby Arun River runs through a highly regarded and well-known RAMSAR, UNESCO and SSSI protected area. Water extraction must be strictly controlled to protect our almost unique local biodiversity and in order to comply with international legislation.

6) Water Neutrality – We have seen no details or how the developer intends to capture rainwater for domestic use, such as flushing WCs. This should be a basic requirement in planning terms, together with photovoltaic and thermal cells. The provision of water butts is not sufficient. We live in the 21st Century! Offsetting water demand with other developments is not a satisfactory or even proven solution.

7) Site Access – We understand that there are three “ransom strips” across the road affording access to the parking bays. Unless this problem can be overcome through legal agreements, this housing as laid out cannot commence.

8) Design – The design of the smaller houses displays no architectural features prevalent in West Sussex, such as half-hipped gables that would lessen the visual impact of these structures.

3.3 20 letters of representation received from 13 separate addresses objecting to the proposal on the following grounds:

- The proposal goes against the neighbourhood plan
- Adverse heritage harm
- Increased traffic and parking pressures in the area
- Access would be granted on a private road with no permission from landowners
- Loss of greenspace
- The proposal is not water neutral
- No safe pedestrian access to / from the site
- No affordable housing provision
- Insufficient utilities serving the site (gas, water etc)
- HGV traffic would not be able to access the site
- Adverse ecological harm
- The site was not appropriately marketed

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person’s rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council’s public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

#### **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**

### **Background**

- 6.1 The application forms a resubmission of a previously refused application, reference DC/22/1428. This most recently refused application comprised an identical development to that of the present proposal for six dwelling, and was refused solely on water neutrality grounds by Officers under delegated powers. The 2022 refusal has been appealed and is currently being considered by the Planning Inspectorate. In 2021, another application for seven dwellings was refused by the committee in accordance with the Officer recommendation, reference DC/21/1815. This application was refused for water neutrality reasons, with an additional reason included by the Committee relating to the character of the development. The appeal was dismissed on 12 July 2023 solely on water neutrality grounds. At Paragraph 30 of their report, the Inspector concluded that the development would preserve the character of the Conservation Area.

### **Principle of Development:**

- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 It is noted that the proposal would result in the loss of the church (currently not in use). 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.
- 6.6 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.'*

- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 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:**

- 6.11 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.
- 6.12 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, would open to a communal parking area.
- 6.13 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 Plot 6 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.

- 6.14 The proposed dwellings would all comprise two-storeys with varying styles and sizes. The chosen material composition and style is considered acceptable within this setting, offering a varied design that would not appear out of context. In terms of housing mix, the proposal comprises 3x 3-bedrooms dwellings and 3x 4-bedroom dwellings, which broadly complies with Horsham's housing need for smaller housing, requiring 44% for three-bed dwellings (Table 70 of the Icen SHMA report, 2019). Whilst the proposal incorporates a 50/50 split of 3- and 4-bedroom properties, given the character of the surrounding area, composed of similarly scaled dwellings, the proposed mix is considered acceptable.
- 6.15 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.

#### **Heritage Impacts:**

- 6.16 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.
- 6.17 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.
- 6.18 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.
- 6.19 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.
- 6.20 With the above in mind, Officers raise no objection to the proposal on historic and archaeological grounds.



## **Amenity Impacts:**

- 6.21 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.
- 6.22 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 11.3m east of Plot 6 (front to rear) – a tree within the rear curtilage of The Hermitage would obscure most of the south-eastern elevation of Plot 6
  - 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
- 6.23 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 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, where no side windows are proposed facing Milton.
- 6.24 The front elevation of Plot 6 would face the side and rear of The Hermitage to the east. One small secondary window would face the neighbour at first floor level serving the master bedroom- all views from Plot 6 towards The Hermitage from first floor 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
- 6.25 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 in this regard.
- 6.26 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.
- 6.27 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 Plot 6 8.2m. 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.
- 6.28 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.

- 6.29 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.
- 6.30 The proposed dwellings would be sited mainly to the side of each other, with few windows at first floor level resulting in opportunities of overlooking. Plot 6 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 has been revised since the previous application 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.
- 6.31 It is also noted that Plot 6 backs 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 information 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.
- 6.32 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:**

- 6.33 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.
- 6.34 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.
- 6.35 The proposal seeks permission for 6 dwellings, with a parking provision of 15. WSCC have raised no concerns with the proposed level of parking.
- 6.36 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:**

- 6.37 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.

- 6.38 The application was accompanied by a detailed Ecological Appraisal Report in addition to a Hazel Dormouse Desk Study, in addition to an update walkover survey. The reports conclude that the site has potential for some protected species, and has moderate ecological value. Mitigations and enhancements are proposed as part of the scheme. Following consultation with the Council's ecological consultant, no objection has been raised with regards to ecological matters, subject to conditions. It should be noted that the Council's Ecologist has no objections to the proposal in terms of the bat sustenance zone. Any further comments on the Habitat Regulations Appropriate to Bats from Natural England will be reported at committee.

#### **Water Neutrality:**

- 6.39 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.
- 6.40 An 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.
- 6.41 Planning permission is sought for the demolition of existing building and erection of 6no. dwellings with associated access, parking, and landscaping.
- 6.42 The existing building is not in use and is unmetered. The baseline water use for the existing arrangement is therefore considered to be nil.
- 6.43 The proposed development seeks consent for the erection of 3x four-bedroom dwelling and 3x three-bedroom dwellings. Using the Council's average occupancy and Part G calculations, together with efficiency enhancements for each of the proposed dwellings, the development has been calculated to comprise an overall daily water demand of 1,378.72l/d.
- 6.44 In order to offset the proposed demand, the applicant proposes to utilise an offsite offsetting scheme via a privately arranged 'credit' system. The site in question is within the water supply zone (Danefold Farm, Horsham), and is used for the rearing of 300 cattle. The site is connected to mains water supply, which is fed to the livestock. The offsetting scheme seeks to finance rainwater harvesting to replace the mains water use with rainwater, which currently totals some 13,200l/d (including the two properties on the site). The harvesting and recycling scheme would capture 12,935l/d, meeting the needs of the agricultural enterprise on the site (12,367l/d) with a 567l surplus.
- 6.45 The strategy concludes that the offsetting site has the capacity for 12,367 credits available, with 12,033 currently reserved for developers (including the applicant). The proposed development would occupy 1,379 credits of the available supply. The purchasing of these credits for offsite offsetting would therefore account for the proposed water demand, thus demonstrating water neutrality.

- 6.46 In order to ensure that the offsetting works will be undertaken in accordance with the strategy, and that accurate records are kept of the available credits (between all involved developers), a Section 106 legal agreement will be entered into between the applicant, the landowner of the offsetting site, and the Council. Any other uses of the scheme would need to enter into similar legal proceedings with the interested parties, where a record would be kept of the available credits at the time of preparing the legal agreement- this ensures that 'double counting' is evaded, and provides a legal framework to secure the works. The Council are therefore satisfied that through the use of the legal agreement (currently under instruction) the offsetting measures would demonstrate water neutrality.

**Other Matters:**

Drainage and Flooding:

- 6.47 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

- 6.48 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.

Climate Change

- 6.49 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 mitigate the impact of development on climate change. The submission documents detail that the proposed development could include the following measures to address climate change:
- Exceeding good or best practice building regulation standards;
  - water usage limitations;
  - Use of permeable surfaces and sustainable drainage systems;
  - Dedicated refuse and recycling storage capacity;
  - Opportunities for biodiversity gain (as detailed below);
  - Cycle parking facilities;
  - Improved pedestrian and cycle links, and;
  - Provision of electric vehicle charging points;
- 6.50 With the above in mind, the Local Planning Authority are satisfied that through the use of appropriately worded planning conditions, the above measures could be implemented to reduce the development's impact on climate change. To this regard, the Local Planning Authority does not object to the proposal on these grounds.

## Parish Comments

- 6.51 The Parish's strong objection to the proposal is noted, which raises concerns relating to highways and access, utilities, affordable housing, rainwater harvesting, and design. As above, WSCC Highways have not objected to the proposal on highways grounds, and is it not anticipated that the proposal would result in any increase in trip generation as per the above. It is acknowledged that the A29 is subject to temporary single file restrictions. Given that there are a number of dwellings on Church Place that would use this junction on a daily basis, it is not considered that the proposed use would 'un-synchronise' the traffic system.
- 6.52 Matters relating to the use of utilities to and from the site (such as gas mains and waste water) are maintained and managed by the relevant statutory undertaker, and are not material in the consideration of planning applications. It will be for the developer to negotiate with the relevant bodies to ensure that the development would be suitably serviced from these utilities post-approval. Similarly, matters relating to ownership of the land or 'ransom strips' are civil matters to be dealt between interested parties outside of the planning application process.
- 6.53 The Parish's comments relating to affordable housing is noted. Whilst the HDPF does state that development over 5 dwellings are required to provide affordable housing, the NPPF (subsequently updated since the adoption of the HDPF) states at Paragraph 65 that only major development is required to provide affordable housing. As this development is below the threshold of a major application, affordable housing provision is not required.
- 6.54 As per the water neutrality section above, the proposal does not seek to provide on-site rainwater harvesting, instead relying on an offsite credit-based solution.
- 6.55 Comments relating to the design of the dwellings are noted. Whilst matters relating to design may be subjective, it is the Officer's view that the design is acceptable, taking cues from nearby buildings such brick quoining and varied brick courses. Furthermore, it is important to note that the overall design of the development has not changed significantly from the 2021 permission, which was refused for matters relating to character. Though the appeal was ultimately dismissed, the Inspector concluded at paragraph 30 of their report that the development would preserve the character of the conservation area.

### **Conclusions:**

- 6.56 The site is located within the built-up area boundary of Pulborough and has been found to not be suitable for continued community use through the vacancy of the church and the outcome of marketing. Therefore, the principle of the development for 6x 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.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

6.59 **It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
District Wide (Zone 1)	695m <sup>2</sup>	149.1m <sup>2</sup>	545.9m <sup>2</sup>
	<b>Total Gain</b>		<b>545.9m<sup>2</sup></b>
	<b>Total Demolition</b>		<b>149.1m<sup>2</sup></b>

6.60 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

6.61 Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

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

## 7. RECOMMENDATIONS

7.1 Officers therefore recommend that the application is approved subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

### Conditions:

#### 1 **A List of the Approved Plans**

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

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

3 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.

- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

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

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

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

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

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

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

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

- 7 **Pre-Commencement (Slab Level) Condition:** Prior to the commencement of the development above slab level, A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey – Letter of Validation (Whychwood Environmental Ltd, February 2024), Ecological Appraisal Report (Whychwood Environmental Ltd., January 2021) and Hazel Dormouse Desk Study – Letter of Report (Whychwood Environmental Ltd., February 2021), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 9 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), and to enable the Local Planning Authority to discharge its duties its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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

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

- 11 **Pre-occupation Condition:** Notwithstanding previously submitted information, prior to the first occupation of the new dwellinghouse hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
  - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
  - Details of all hard surfacing materials and finishes
  - Details of all boundary/residential curtilage treatments
  - Details of any external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years,



dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a plan showing the layout of the proposed development and the provision of car parking spaces (including garages where applicable) for vehicles has been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

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

- 13 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

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

- 14 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 15 **Pre-Occupation Condition:** Prior to the occupation of any dwelling hereby permitted, a lighting design scheme for biodiversity based on GN: 08/23 shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 16 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey – Letter of Validation (Whychwood Environmental Ltd, February 2024), Ecological Appraisal Report (Whychwood Environmental Ltd., January 2021), Hazel Dormouse Desk Study – Letter of Report (Whychwood Environmental Ltd., February 2021) and Reasonable Avoidance Measures Strategy for Bats (Whychwood Environmental Ltd., May 2022), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Hazel Dormouse non-licensed Precautionary Method Statement in the Ecological Survey – Letter of Validation (Whychwood Environmental Ltd, February 2024), which avoids impacts on European Protected Species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

- 17 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of neighbouring properties along Church Lane in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order, no development falling within Classes A, AA, B, C, E, or F of Part 1, Class A of Part 2, or Class AD of Part 20 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to control the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).