



**Horsham  
District  
Council**

# **DEVELOPMENT MANAGEMENT REPORT**

**TO:** Development Management Committee (South)

**BY:** Development Manager

**DATE:** 18 October 2016

**DEVELOPMENT:** Outline planning application with all matters reserved except for means of access from Glebelands, for residential development of up to 100 dwellings, new internal access road (to include the re-alignment of Drovers Lane) and associated infrastructure

**SITE:** Land North East of Glebelands Pulborough West Sussex RH20 2GN

**WARD:** Pulborough and Coldwaltham

**APPLICATION:** DC/16/0731

**APPLICANT:** Mr David Morris

**REASON FOR INCLUSION ON THE AGENDA:** The application, if approved, would represent a Departure from the adopted Development Plan.

**RECOMMENDATION:** Refuse planning permission

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

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application is in outline with all matters reserved except for access and proposes a scheme of up to 100 dwellings, new internal access road and associated infrastructure.
- 1.2 The illustrative masterplan indicates a scheme set around a central access road which branches off from the eastern end of Drovers Lane and runs through the site with a number of smaller roads leading off. The housing areas are indicated in a number of parcels around the access roads interspersed with new landscaping belts (three are shown) to separate the different character areas. The boundaries of the site would retain existing planting to the east with a new hedgerow along the northern boundary. An existing line of mature poplars running through the site would be removed.
- 1.3 Two 'key buildings' are shown – one adjacent to the entrance and one more centrally placed adjacent to a 'key public space' – being the junction of two roads within the scheme towards the northern boundary. The Design and Access statement indicates that a higher density of development (40-45dph) could lie on the western edge of the scheme with lower densities achieved on the north eastern and south eastern corners of the site (30-35dph). Typical dwelling heights would be predominantly up to 2 ½ storeys (maximum height 11.5m to the ridge) across most of the site, but with an element of 2 storey development (max

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10m to the ridge) – sited closer to the southernmost boundary, closest to the bungalows in Drovers Lane. These heights are illustrative only in accordance with the outline nature of the application. The Design and Access Statement makes reference to creating 4 different character areas based around a hierarchy of streets from primary, to shared surface streets and green edge streets/private drives:

- North eastern corner - in general terms this proposes the lowest density and most verdant character on the highest part of the site.
- Adjacent to the easternmost edge of the site would lie an area with informal plot arrangements, mix of dwelling types, gardens facing onto the countryside providing a less formal eastern edge
- The central portion of the site would be more uniform in character, a mix of dwellings - including a higher proportion of smaller units and with southern boundaries less formal in nature, with large set backs to frontages.
- The westernmost portion of the site would have the highest density development comprising mostly terraced housing.

- 1.4 Pedestrian links around the site are shown running along the southern edge of development between the housing and the attenuation basins that sit adjacent to the southernmost boundary, crossing from Drovers Lane and linking to the public footpath on the western side of the site.
- 1.5 The scheme would make provision for policy compliant levels of affordable housing.
- 1.6 The attenuation basins would provide a green open space between existing development and the new proposed dwellings running along the southern edge of the site and linking into a children's play area adjacent to the western boundary. An informal play area is proposed but there are no details of this at this stage.
- 1.7 A site has been identified on the illustrative plan for public art – lying between the attenuation basins close to the Drovers Lane boundary.

### DESCRIPTION OF THE SITE

- 1.8 The site is located on the northern edge of Pulborough to the north of housing development in Drovers Lane. To the west, woodland and planting screens a public right of way which runs adjacent to the site boundary; adjacent to the eastern and northern boundaries lies the existing New Place Nursery. On the eastern edge, the boundary is formed by a line of young poplar planting and to the north is a sparse hedge beyond which lies an access track for the nursery.
- 1.9 The site itself comprises land that is currently used by the New Place Nursery for storing and growing of plants – with some small elements comprising polytunnels. The site itself slopes uphill from south to north, particularly steeply to the north eastern corner and is therefore quite visible to the adjacent development.
- 1.10 Drovers Lane is served by a vehicular access and footway on the southern side of the carriageway, which leads into the wider footway network on Glebelands and beyond. The local road network is a residential one. The pedestrian network provides access to most local facilities. The nearest bus stops are located on Glebelands, approximately 40m south of the site boundary whilst Pulborough railway station is approximately 1.9km to the south-west of the site on the Arun Valley Line.
- 1.11 The site lies outside the settlement boundary which runs along the northern edge of Drovers Lane.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework (NPPF). The Policies contained within this document are, therefore, material to the consideration of this application. Due regard must also be had to the guidance contained within the Government's National Planning Practice Guidance. The following Sections of the NPPF are particularly relevant to the consideration of this application;
- Section 1: Building a Strong Competitive Economy
  - Section 4: Promoting sustainable transport
  - Section 6: Delivering a wide choice of high quality homes
  - Section 7: Requiring good design
  - Section 8: Promoting healthy communities
  - Section 10: Meeting the challenge of climate change, flooding and coastal change
  - Section 11: Conserving and enhancing the natural environment
  - Section 12: Conserving and enhancing the historic environment

### RELEVANT COUNCIL POLICY

- 2.3 Horsham District Planning Framework 2015 (HDPF) and the following policies are considered relevant:

Policy 1 (Strategic Policy: Sustainable Development)  
Policy 2 (Strategic Policy: Strategic Development)  
Policy 3 (Strategic Policy: Development Hierarchy)  
Policy 4 (Strategic Policy: Settlement Expansion)  
Policy 15 (Strategic Policy: Housing Provision)  
Policy 16 (Strategic Policy: Meeting Local Housing Need)  
Policy 24 (Strategic Policy: Environmental Protection)  
Policy 25 (Strategic Policy: The Natural Environment and Landscape Character)  
Policy 26 (Strategic Policy: Countryside Protection)  
Policy 31 (Green Infrastructure and Biodiversity)  
Policy 32 (Strategic Policy: The Quality of New Development)  
Policy 33 (Development Principles)  
Policy 34 (Cultural and Heritage Assets)  
Policy 35 (Strategic Policy: Climate Change)  
Policy 36 (Strategic Policy: Appropriate Energy Use)  
Policy 37 (Sustainable Construction)  
Policy 38 (Strategic Policy: Flooding)  
Policy 39 (Strategic Policy: Infrastructure Provision)  
Policy 40 (Sustainable Transport)  
Policy 41 (Parking)  
Policy 42 (Strategic Policy: Inclusive Communities)

- 2.4 The Horsham District Local Development Framework Planning Obligations Supplementary Planning Document 2007 is also relevant to the consideration of this application.
- 2.5 The Horsham District Council Infrastructure Delivery Plan (2014) and Horsham District Council Community Infrastructure Levy Preliminary Draft Charging Schedule (2014) are also material considerations.

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2.6 Pulborough Design Statement 2013

2.7 Strategic Housing and Employment Land Availability Assessment 2016

Site Reference SA445 – Identifies the site as developable in 6-10 years for 15 units: “*The landowner has expressed an interest in developing the site, meaning the site is available. Whilst in a countryside location, the site is contiguous with the settlement edge of Pulborough and has relatively few constraints.*”

*Development of the whole site would have an adverse impact on the established landscape character of the area, however a small amount of development may be possible on the southern portion of the site if considered as part of the emerging Pulborough Neighbourhood Plan. A Landscape and Visual Impact Assessment would be a mandatory requirement for development on this site.”*

### RELEVANT NEIGHBOURHOOD PLAN

2.8 Pulborough Submission Plan October 2015.

Identifies the site at Policy 2 Land at New Place Farm, Pulborough. It sets out 6 criteria which any development should comply with to address issues such as traffic management, layout, the size of houses provided, landscaping, infrastructure contributions and acknowledges that the site “may comprise development with a total of approximately 100 new homes”. The policy seeks to ensure that a scheme is delivered that “not only blends with the existing housing landscape and local roads, but makes a contribution to improving local community infrastructure”. A potential access to a site identified in the emerging Neighbourhood Plan for self build housing is shown in the south east corner of the site.

2.9 The Neighbourhood Plan (NP) has not yet been referred to the Examiner and is therefore only limited weight can be attributed at this stage.

### PLANNING HISTORY

2.10 There is no planning history relevant to the consideration of this application.

## 3. OUTCOME OF CONSULTATIONS

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

3.1 **HDC Strategic Planning – Drainage:** No objection

I have no overall objections to the surface water design strategy proposed.

3.2 **Community & Leisure:** No objection subject to securing appropriate open space  
Quantities of open space and recreational facilities generated by the development and quantities proposed are as follows

We are pleased that a LEAP is proposed because the nearest existing play facility is outside of the required distance threshold. We would want re-assurance that the location of the LEAP is optimal, particularly with regard to its proximity to any affordable housing within the development (if that is to be segregated in any way). Also of course, the LEAP will need to meet our normal requirements for a LEAP. In its current location, there seems to be plenty of available buffer zone as required

Amenity and Accessible Natural Greenspace are clearly provided in great excess, I suppose as a result of other factors that the developers have had to consider. We are happy that that the SuDS are suitably integrated into the natural green space but further detail will be necessary to demonstrate that they meet our requirements for safe accessibility and landscape quality.

3.3 **Environmental Health: (summarised)** No objection subject to conditions

The principle concerns relating to this application are noise from the adjoining wholesale nursery use and contamination arising from use of the development site

Noise

The applicant has submitted an environmental noise assessment which has not identified any significant adverse impacts.

Land contamination

The contaminated land reports submitted with the application have identified some minor contamination risks at the site. The sampling strategy adopted in the report has not provided complete coverage of the development site and therefore additional investigations are required. If consent is granted it is recommended that a relevant condition be applied:

A construction environmental management plan shall be submitted – a relevant condition is recommended

3.4 **Landscape Officer: (summarised)** Comment

The HD Landscape Capacity Assessment 2013 identifies the site as being of Low-moderate landscape capacity for large scale development on lower parts of the area due to the poor to moderate condition of the landscape in the area. The assessment also suggests that development should avoid housing on the higher landform to the north as it is likely to be visually intrusive. I concur with this assessment.

As it stands, due to the siting on the higher ground combined with proposed scale and density, I consider that the development would be perceived to stand out and intrude upon the landscape and townscape character of the area as the second storeys and roofs of many of the proposed houses located in the northern eastern and eastern part of the site will be very prominent. It will also further exacerbate the existing harsh abrupt urban edge already visible in parts of the settlement. A better design transition to the rural character of the surrounding fields to the east and north east of the site should be considered, and this should include, for the purposes of the parameter plans, lower density housing and height.

In arboricultural terms the Councils Arboricultural Officer is supportive of the removal of the Poplars as he concurs with Marlow Consulting and considers these to be in very poor condition. In landscape terms, the tree belt is considered a landscape feature of value and visually significant which should be retained. However, taking the tree officer's advice and considering that the proposals are to provide a new native tree belt to mitigate the loss of the poplars and conserve the landscape character I am minded to accept that these should be removed subject to the new native tree belt proposed which is of considerable size and should include some semi mature trees from the outset.

Notwithstanding the above, further consideration should be given to the design proposals with regards the green infrastructure and vegetation proposed. The green structure appears disconnected and disjointed particularly to the central and western parts of the site. The proposals should enhance, retain and protect the well treed character of the village and hedgerow pattern and small copses of the wider landscape.

In conclusion I confirm that from a Landscape point of view I agree with the principle of development on the site. The illustrative masterplan as provided raises some concerns with adverse effect to the landscape character, visual amenity and settlement setting as detailed on my response' However, subject to detail design which should include the reduction in height of development along the northern boundary and the reduction in number of units these concerns could be overcome.

3.5 **Collections Supervisor (summarised)** Comment

The proposed re-alignment to Drivers Lane will help with access and egress for vehicular movement. However we will require clarification on the shared surfaces relating to the suitability of the paved area for an 26,000 tonne refuse/ recycling vehicle. Domestic refuse and recycling storage facilities including collection points where necessary should be designed into the scheme from the outset. We will require reasonable access to the development so there should be suitable parking areas for visitors or unallocated parking lay-bys. Reversing for vehicles needs to be kept to a minimum and where there is a need, short distances to reverse of ideally no more than 20 metres is suggested.

OUTSIDE AGENCIES

3.6 **WSSC Strategic Planning:** Comment  
School Infrastructure Contribution

The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. As the housing mix is not known at this stage, the insertion of a formula into any legal Agreement is proposed in order that the school infrastructure contribution may be calculated at a later date.

Library Infrastructure Contribution

The County Librarian advises that the proposed development would be within the area served by Billingshurst Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings

Fire & Rescue Service Infrastructure

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings

Transport (TAD) Contribution

The Total Access Demand Contribution will be calculated by the County Council in accordance with an identified formula.

3.7 **WSCC Highways: (summarised)** No objection subject to conditions  
Access

Vehicular access is proposed via a realigned and extended Drovers Lane. Drovers Lane is presently an un-adopted no through road that serves 13 dwellings. The development seeks to extend the existing Lane northwards to enable access to the proposed development. The existing Drovers Lane will then be retained as a side road with a priority junction formed onto the new northbound carriageway. In summary, the proposed access arrangement is considered acceptable.

Trip Generation, Distribution, and Highway Capacity

The means by which trip generation has been estimated was agreed as part of pre application discussions. Trip generation has been based upon the use of TRICS data. The LHA acknowledge that this development would generate additional vehicle movements on the local highway network. It is not considered that the increase in vehicle trips would result in such residual conditions that would result in unacceptable or severe highway capacity issues.

Accessibility

The TA considers access to and from the site to local services by those travelling on foot, cycle, and by passenger transport. The LHA accept that the majority of services in the village are within a reasonable walking distance (this generally being accepted as 2km) of the development. This includes access to passenger transport. Similarly, all services in the village are within reasonable cycling distance (accepted as 5km) of the site.

The draft Pulborough Neighbourhood Plan and Pulborough Village transport study identifies a number of deficiencies for the sustainable transport network in the village. It is acknowledged that this development wouldn't give rise to such increases in walking or cycling trips to justify the delivery of a specific scheme. Nevertheless, a contribution should be sought towards improvements to walking/cycling routes within the village. This would be used towards the Lower Street regeneration scheme and improvements in the vicinity of Swan Corner, which includes enhancements to pedestrian facilities.

Other Matters

A Section 59 Agreement under the 1980 Highways Act would also be appropriate to cover construction access routes to the development site. An agreement under s59 would enable the LHA to recover from the developer the cost of repairing any damage to the highway that occurs as a result of extraordinary construction traffic (i.e. HGVs). The applicant should contact the WSCC Highway Engineer to commence this process.

No highway objection would be raised subject to the attachment of a number of relevant conditions.

3.8 **WSCC Flood Risk Management: (summarised)** No objection subject to conditions

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

3.9 **WSSC Public Rights of Way:** No objection

Looking at the existing network of public rights of way this proposed site doesn't directly impact on any of them however I see from the Design and Access Statement that it is proposed to have a link from the development to the junction of Public footpath (FP) 2330 and Public Bridleway (BW) 2332. This is welcomed as it encourages users out from the development on foot and cycle to access the wider network. This link would benefit from a consistent surface to what already exists on the length of BW2332 and would also need to be unrestricted by any structure so easy and safe access is available at all times. This would give a safe off road route toward the supermarket and the wider rural network.

At present the surfaces of both the existing BW and FP are in good condition so at this time further improvements are not required however it is worth pointing out that if the tree and vegetation boundary on the eastern side of FP2330 is within the ownership of the developer then it will be their responsibility to undertake regular maintenance work on this so it doesn't encroach onto the FP in the future.

3.10 **Southern Water: (summarised)** Comment

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.

The applicant will need to make sure that arrangements exist for the long term maintenance of the SuDS facilities: it is critical that the effectiveness of these systems is maintained in perpetuity.

Following initial investigations SW can provide a water supply to the site.

3.11 **Ecology: (summarised)** No objection

Based on the information provided, we have no objection to the proposed development with regards to ecology. However, we suggest the planning conditions related to up to date ecological data, a detailed lighting strategy and an ecological mitigation and management plan, should the LPA be minded to grant planning permission

3.12 **NHS:**

Views awaited from the Coastal West Sussex CCG, although we are advised that the Pulborough Medical Group has capacity for new residents.

3.13 **Archaeology: (summarised)** No objection subject to conditions

The Archaeological Assessment makes it clear that there is potential for archaeological deposits and features to be present on the site. These remains are considered most likely to be of later Iron Age and Romano-British origin date and relate to Historic Environment Record data relating to the site itself and to the surrounding landscape. In the light of the identified archaeological potential of the site and the inconclusive nature of the results of the geophysical survey we consider it reasonable to seek further information on the proposed development site that will confirm whether archaeological deposits are present and determine their significance.

In the event that significant remains are present on this or any development site it is preferable for the developer to have this information early in the process so that it affords them opportunity to react to discoveries. Such information allows them to mitigate the potential impacts of a discovery on programme, budget and design. It is better, in short, to find out there are remains on site well in advance of construction, or even before designs are finalised, to keep costs down and reduce delay.

However, the application is for "up to 100 houses" and this does make a difference to the approach we could adopt in this case. It is our opinion that this wording gives sufficient flexibility for the applicant to proceed with archaeological evaluation under a suitably



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worded condition. The results of evaluation could, were remains identified on site, influence the final design, density and layout of the development, should that be necessary. This approach would not work so well on a proposed development with a submitted design, but the open nature of the number of dwellings here affords flexibility.

We do not consider the lack of archaeological information to be a reason for refusal at this time. We would wish, at the appropriate time, to engage with the applicant to develop a suitable evaluation strategy that gives everyone the certainty required about the archaeological potential of the site and enable appropriate responses to be developed.

### PUBLIC CONSULTATIONS

#### 3.14 **Pulborough Parish Council:**

No objection, but only up to 50 houses MAXIMUM. This number of houses would then be in line with Pulborough Parish Council's emerging Neighbourhood Plan.

Members also made the following comments:

- Are disappointed that the PC has only been consulted on the outline planning application with all matters reserved except for means of access
- The legal issue of who owns rights to Drovers Lane needs to be resolved
- Density is too high
- A natural tree screen between Drovers Lane and the proposed area should be put in place
- A robust traffic management scheme should accompany these plans to ensure they do not hinder or prejudice the possible development to the north of the site where access here must be from New Place Nursery
- The site remains a key site for development in the draft Neighbourhood Plan
- Overall it is not possible to take an optimal decision until HDC have considered the number of houses.

#### 3.15 52 letters of objection have been received from local residents raising the following issues:

- Loss of trees
- Harm to wildlife including a loss of bird and bat roosts
- Over development
- Loss of neighbour amenities through loss of privacy, additional noise and light, fumes/air quality issues
- Concerns over the new highways access – due to poor visibility
- The area is already heavily parked and this scheme would exacerbate that issue
- The attenuation basins would comprise a safety hazard to children
- Inadequate infrastructure to cope with all the new residents
- This is a greenfield site and should not be developed
- Potential conflict with the NP which seeks to prioritise brownfield sites for development
- This scheme does not comply with the NP in respect of the illustrative layout shown ie a single site not smaller distinct development parcels.
- The Parish Council has previously advised that this site is unsuitable for development, being inaccessible and subject to flooding (July 2004).
- Until the NP has been made the District Council cannot give it any weight.
- Not sympathetic to nearby housing densities
- Concern about references to access to adjacent land in the future for further development
- Harm to the landscape character particularly as a result of the development on the higher slopes of the site
- Surface water drainage concerns

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- The field to the south west of the site is open to the public and used by dog walkers - this facility will be lost
- Loss of employment space/jobs
- Harm to neighbours amenities resulting from inappropriate use of the play area.
- Conflict with the principles contained within the Pulborough Design Statement
- The SHLAA concludes that the development of the majority of this site would have an adverse impact on the established landscape character of the area – considering that only 15 dwellings could be accommodated
- Additional surveys required in respect of identifying contamination
- Archaeological concerns
- The scheme will harm the rural character of this part of Pulborough
- The Council has identified its housing land supply and additional units are not required
- Disruption to neighbours during construction
- This is good agricultural land
- Previous schemes have been refused
- Loss of property values to neighbours
- Loss of outlook to nearby residents
- This would encourage further development of the wider nursery site

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

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

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

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

### **6. PLANNING ASSESSMENTS**

- 6.1 The main issues concern the principle of the development; the design and layout of the proposed development and its impact on the character and appearance of the surrounding streetscene; impact upon the landscape; noise; highways; drainage; infrastructure; neighbour amenities; ecology; housing, archaeology and sustainability.

#### **6.2 Principle**

The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and this should run through both plan-making and decision-taking (paragraph 14). In terms of the determination of planning applications this should mean the approval of developments that accord with the development plan without delay, and where the development plan is silent or relevant policies are out of date, that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies of the NPPF indicate otherwise.

- 6.3 The NPPF refers in its Core Planning Principles to encouraging the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. Previously developed land (PDL) is land which is or was occupied by a permanent structure and any associated fixed surface infrastructure, but specifically excludes land occupied or previously occupied by agricultural buildings. The wider nursery site includes a number of structures, which could be considered to fall within the definition of agriculture (as set out in Section 336 of the Town and Country Planning Act 1990).

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Whilst it is understood that some of the buildings may have been used for non-agricultural purposes, insufficient evidence of their use has been provided at this stage to determine if the site, or part of the site, should be considered to constitute PDL. The NPPF is clear that if part of a site is PDL it should not be assumed that the whole curtilage should be developed. Part of the site is largely open – there are a very small number of polytunnels on part of the site alongside an area that is partitioned into separate growing areas using polythene sheeting. For these reasons, it is considered that as a whole the application site cannot be considered to be previously developed, and therefore this does not weigh in favour of the proposed development.

- 6.4 At a local level policies 1- 4 of the HDPF address the Council's strategic locational approach to development within the District. Policy 2 deals with settlement expansion and aims to concentrate development in and around the main settlement of Horsham and to allow growth in the rest of the District in accordance with the settlement hierarchy. In this case Pulborough is identified in Policy 3 as a small town/larger village – being a settlement with a good range of services and facilities with reasonable rail and/or bus services. Policy 3 refers to the support of development within towns and villages.
- 6.5 This site lies outside the settlement boundary and therefore Policy 4 which deals with settlement expansion is relevant. This states that settlement expansion outside built up area boundaries will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan (NP). In this case the site is not allocated in the HDPF and nor is there a Neighbourhood Plan at a stage where it can be afforded any significant weight. Accordingly this site lies outside a settlement boundary, is unallocated and contrary to the locational policies of the HDPF, therefore representing unsustainable development.
- 6.6 **Design**  
The NPPF attaches great importance to good design – it being a key aspect of sustainable development.
- 6.7 At a local level Policies 32 and 33 of the HDPF address the issue of design seeking high quality and inclusive design to complement locally distinctive character and contribute to a sense of place both in the buildings and spaces themselves and the way they integrate with their surroundings. Development should nevertheless make efficient use of land and prioritise the use of previously developed land and buildings.
- 6.8 However, this is an outline application and the details that would be required to assess the impact of the scheme are not available. The Design & Access Statement (DAS) outlines the approach that could be taken to the development of this site in terms of potential building heights, densities, layout, landscaping etc. However if the principle were acceptable it would be open to the Council to limit the number of dwellings that could be accommodated on the site.
- 6.9 The adjacent area is an attractive residential environment and a scheme on this site could, if the principle of development were acceptable and subject to the relevant conditions, be developed to appear as an extension to Pulborough. The Design & Access Statement outlines a number of constraints and concept plans, the details of which cast doubt over whether the quantum of development proposed could successfully be placed on the site without causing harm to the character and appearance of the wider area. These details are illustrative only, and do not form a formal submission as parameter plans. Therefore it has not been satisfactorily demonstrated that a development of this scale would not result in overdevelopment of the site. However, it is noted that the application is made in outline only, with all matters except access reserved for later consideration, it is considered that were the principle of development acceptable, matters relating to design would be addressed at reserved matters stage.

**Landscape**

- 6.10 The NPPF seeks to contribute to and enhance the natural environment particularly seeking to protect and enhance valued landscapes. At a local level Policy 25 of the HDPF seeks to protect the natural environment and landscape character of the District and in this respect the Horsham District Landscape Capacity Assessment is of assistance, as referred to by the Landscape Officer. In addition Policy 26 seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development.
- 6.11 The sloping nature and therefore prominence of this site from the surrounding land is of importance in ensuring that any development does not detract from the wider landscape. The Landscape Officer refers to the Landscape Capacity Assessment 2013 and its comments that development should avoid housing on the higher landform to the north as it is likely to be visually intrusive.
- 6.12 Whilst the DAS also refers to this issue, the submitted illustrative plans and concept plans do not acknowledge this approach – instead suggesting development across the whole site. Furthermore suggesting 2 ½ storey housing in the top corner of the site – the most visible part of the site. However, these concept plans are illustrative only.
- 6.13 Therefore whilst the illustrative scheme would be harmful to the character of the landscape, an appropriate scheme could be developed, with fewer units concentrated on the lower slope of the site and leaving less or indeed no development on the upper slopes in order to protect the wider landscape. Therefore as a matter of principle, no objection is raised in landscape terms to the scheme.

**Noise**

- 6.14 The NPPF seeks to ensure that new development would avoid causing significant adverse impacts on health and quality of life. Any such impacts should be mitigated, including through the use of conditions.
- 6.15 The HDPF through Policy 24 seeks to minimise exposure to, amongst other effects, noise.
- 6.16 The site forms part of an existing working nursery and if this site were developed for housing, the remainder of the nursery would continue in operation, although it is suggested that in the long term the nursery may not continue. However while it does, it is not considered that the continued operation would adversely affect any new nearby residential development on this site.

**Highways**

- 6.17 The promotion of a sustainable transport system is a fundamental aspect of the NPPF. It encourages Local Planning Authorities to reduce the need to travel, provide a choice to people about how they travel although recognising that different policies and measures will be appropriate for urban and rural communities.
- 6.18 At a local level Policy 40 seeks a sustainable transport system encouraging a re-balancing in favour of non car modes of transport as a means of access to jobs, homes, services and facilities.
- 6.19 The site lies within walking distance of the bus service, with the train station just over 1600m's distant. A number of facilities are within walking distance of the site i.e. primary school, public open space, food shop, church, post office, etc. In addition a children's play area would be provided on the site and the public footpath at the edge of the site gives access to the wider landscape. In terms of accessibility the site is therefore considered to be reasonably sustainable, which would aid its environmental sustainability. However, as set out in paragraph 8 of the NPPF, sustainability comprises three strands, of which environmental is only one. All three strands of sustainability should be achieved to

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constitute sustainable development and it is not therefore considered that the relative accessibility of a limited number of services to the site would result in it being termed sustainable development.

6.20 The County Highways Authority has assessed the scheme against the maximum quantum of development and it has been concluded that the proposed access arrangements would be acceptable and would not give rise to such increases in traffic as to cause adverse highways impacts.

6.21 Overall in highways terms this scheme is considered to be acceptable.

### **Drainage**

6.22 The NPPF advises that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk.

6.23 The HDPF at Policy 38 gives priority to sites with the lowest flood risk and where sites have a potential to increase flood risk, they must incorporate the use of sustainable drainage systems (SuDS) where technically feasible or incorporate water management measures which reduce the risk of flooding and ensure flood risk is not increased elsewhere.

6.24 This scheme lies within Flood Zone 1 where there is a less than 1:1000 year chance of flooding and in that respect is considered acceptable for housing. The risk of flooding from other sources such as surface water is also considered to be low. Surface water run off arising from the development should be managed as part of a Sustainable Drainage System (SuDS), and development should not increase flood risk elsewhere. Surface water run-off rates should not increase as a result of development and during peak rainfall events, surface water run-off should be reduced.

6.25 The scheme has been assessed by the Council's Drainage Officer and it is considered acceptable subject to appropriate conditions regarding full design details.

### **Infrastructure**

6.26 The NPPF recognises the principle that new development should help pay for the infrastructure that is required to support new development across the district. At a local level, Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, contributions would be required towards:

35% Affordable housing  
Community Centres/Halls  
Open space, sport and recreation  
Libraries,  
Education,  
Fire and rescue  
Highways improvements.

6.27 All contributions must be justified in accordance with the three tests set out under regulation 122 of the Community and Infrastructure Levy (CIL) Regulations 2010, in so far that they must be; necessary to make the development acceptable in planning terms; directly related to the development and; fairly and reasonably related in scale and kind to the development. Any projects identified for funding through S106 would need to be confirmed as meeting the three statutory tests prior to inclusion in a Legal Agreement.

6.28 The developer contributions, which would be secured through an appropriate legal agreement, would be allocated towards improvements within the local area, to ensure they mitigate the impact of the proposed development and ensure that local services and facilities remain available for the use of future residents of the development. As can be

seen from the consultation responses because this is an outline application where the specific details of the individual units is unknown, the contributions would be based upon formula rather than an agreement to particular sums of money. However in the absence of such a legal agreement, this remains an in principle objection to the scheme.

**Neighbour Amenities**

- 6.29 Both the NPPF, and the HDPF through Policy 33, seek to protect the amenities of existing and future occupiers from the effects of new development.
- 6.30 In this case the precise details of the scheme are unknown so effects on individual properties are not definitive. The scheme has been subject to objections and expressions of concern from residents nearby about adverse impacts from noise, disturbance, pollution, traffic, privacy and other issues, detailed above. However whilst the precise details of the scheme are not set out at this outline stage, it is considered that a scheme for at least some dwellings could take place on this site without causing significant adverse impact upon nearby residents. The site is sufficiently far from existing development that the new housing would not cause any direct impacts such as loss of light, privacy, or be visually intrusive. Whilst it would undoubtedly generate additional activity, noise, light and traffic, it is not anticipated that any of these would be at such significant levels as to detract from the existing residents' amenities: any more than the existing dwellings in Drovers Lane harm the amenities of the houses previously on the edge of Pulborough in Glebelands.
- 6.31 The impacts on neighbouring amenity are not considered to be significant and would not justify a reason for refusal. This aspect of the scheme is therefore considered to be acceptable.

**Ecology**

- 6.32 The NPPF and HDPF both seek to conserve the natural environment and protect and, where possible, through Policy 31 of the HDPF seek enhancements to the bio-diversity of an area.
- 6.33 The site has been subject to a desktop study and Extended Phase 1 Habitat survey which confirm that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals. The site is dominated by habitats of negligible to low ecological value and only the boundary treelines are assessed to provide moderate ecological value at the local level and the proposals have sought to retain and safeguard these. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals. A number of mitigation measures have been proposed to minimise the risk of harm to protected species and the opportunity exists to provide a number of net gains in biodiversity as part of the proposals.
- 6.34 The scheme has been assessed by the Council's Ecologist who raises no objection subject to the use of a number of conditions to provide for mitigation and enhancement measures.

**Housing:**

- 6.35 The NPPF requires, at paragraph 47, that Local Planning Authorities should identify, and update annually, a supply of deliverable sites sufficient to meet their housing requirements for a 5 year period, with an additional buffer of 5%. Paragraph 49 of the NPPF indicates that, in the absence of a demonstrable five year housing supply, relevant policies for the supply of housing should be considered out-of-date. It should be noted nevertheless that this does not represent a maximum figure – rather if other sites become available i.e. windfall sites, that are policy compliant, such development could be approved.

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- 6.36 The NPPF also advises at paragraph 50 that a wide choice of homes should be delivered and that where affordable housing is identified as being needed that policies for meeting this should be provided. This approach is supported by Policies 15 and 16 within the HDPF.
- 6.37 The Council is able to demonstrate a 5 year housing land supply which does not include this site. Although identified in the SHELAA as potentially developable in the longer term, this site is not required in the short term to contribute to the Councils housing provision. This site could be considered to fall within the definition of a windfall site, but since it does not comply with the locational policies contained within the HDPF, being outside of a built up area, and it is not allocated in a Neighbourhood Plan (that is sufficiently advanced to be afforded significant weight), it is not a windfall site that complies with the policies of the HDPF and therefore is not recommended for permission. The housing on this site cannot therefore form part of the 750 windfall units referred to in Policy 15 of the HDPF, which are anticipated to be delivered on sites within the built up area that accord with the overarching strategy for sustainable development set out in the HDPF. There remains an 'in principle' objection to the provision of housing on this site.
- 6.38 The site could make an affordable housing contribution on site and subject to a relevant legal obligation would be policy compliant in that respect.

### **Archaeology:**

- 6.39 The NPPF recognises heritage assets as an irreplaceable resource that should be conserved according to their significance.
- 6.40 Policy 34 of the HDPF seeks to sustain and enhance its historic environment through positive management of development affecting heritage assets.
- 6.41 The site is located within the boundary of an Archaeological Notification Area (ANA) identified due to the potential for Roman settlement to the north west of Pulborough. The evidence collated by the applicants suggests potential for a Roman building within the site, but with little information regarding the circumstances of its discovery, location, form and extent, or indeed if it still survives. The significance of any such structure if it exists cannot be determined at this stage.
- 6.42 To the south of the site, prior to the development of the Drovers Lane development, evidence for late Iron Age/Romano-British agricultural activity was recorded and the evidence suggests that these features may extend into the proposed development site. Should this be the case these features will be of local importance.
- 6.43 The evidence for the study area surrounding the site suggests that there is little potential to encounter finds pre dating the Roman period, or post Roman period as the evidence suggests that the site has been historically utilised as farmland.
- 6.44 In terms of the principle of development against this archaeological background, on the basis that this is an outline application where the details of the scheme (including the number, and therefore extent, of dwellings) are not set, it is considered that a scheme could be controlled by conditions that would ensure the identification and protection of any archaeological remains. It could therefore be made clear that development should not take place unless and until relevant works are carried out to establish precisely what archaeological remains may be on site. The results of evaluation could, were remains are identified on site, influence the final design, density and layout of the development, should that be necessary. This approach would not be appropriate on a proposed development with a submitted design, but the open nature of the number of dwellings here affords flexibility. Therefore an 'in principle' objection is not raised to the scheme on archaeological grounds.

**Sustainability:**

- 6.45 The NPPF identifies a presumption in favour of sustainable development and sets out the three dimensions of sustainable development – an economic role, social role and environmental role. The application scheme would contribute towards the economic objectives and social objectives of the NPPF, but as a result of the location of this site outside the identified settlement boundary its development would fundamentally conflict with the environmental role required by the NPPF. In order to comprise sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. This scheme would cause harm to the environmental protection of the area by building in the countryside. Consequently since this would prevent compliance with all aspects of the NPPF this scheme would not comprise sustainable development.

**Conclusion**

- 6.46 In accordance with S38 of the Planning and Compulsory Purchase Act and the NPPF this decision must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.47 The NPPF aims to ensure that Local Authorities maintain a 5 year housing land supply and that policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year housing land supply. The Council has an up to date Development Plan and is able to demonstrate a 5 year housing supply and the scheme should therefore be determined in accordance with the policies of the HDPF.
- 6.48 The HDPF aims to concentrate growth within the main settlements and Pulborough is identified as a small town/larger village with a good range of services and facilities to which the site would have good access. Policy 4 resists proposals outside Built Up Area Boundaries unless they are allocated in the Local Plan or in a Neighbourhood Plan. In this case the site is not an allocated site and the Neighbourhood Plan is at too early a stage to be accorded anything other than limited weight. It is therefore considered that the proposal is contrary to the Council's strategy on settlement policy expansion. This is a significant objection to the scheme and would result in an unsustainable development that would be contrary to both local and national policies. Accordingly it is recommended that permission be refused.
- 6.49 Whilst the site is quite visible, due to its topography from surrounding land, it is considered that subject to an appropriate number of dwellings and acceptable form that the impact of the scheme upon the wider landscape could be acceptable.
- 6.50 The lack of a completed S106 agreement results in the scheme's non compliance with both national and local policies and this raises an objection to the scheme.
- 6.51 In all other respects it is considered that this scheme could provide an acceptable form of environment for future residents and those neighbours to the site.



## **7. RECOMMENDATIONS**

### **7.1 Refuse permission for the following reasons:**

1. The proposed development is located in the countryside, outside the defined built-up area boundary of Pulborough on a site not allocated for development within the Horsham District Planning Framework, or an adopted Neighbourhood Plan. This scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements. Furthermore the proposed development is not essential to its countryside location. Consequently it represents unsustainable development contrary to Policies 1, 2, 3, 4, 5, 25 and 26 of the Horsham District Planning Framework (2015) and paragraphs 7, 14, and 64 of the National Planning Policy Framework (2012).
2. The NPPF and Policy 16 require the provision of affordable housing on sites such as this, whilst Policy 39 requires new development to meet additional infrastructure requirements arising from the new development. Both the provision of affordable housing and contributions to infrastructure improvements/provision must be secured by way of a Legal Agreement. No completed Agreement is in place and therefore there is no means by which to secure these Policy requirements. As such, the proposal is contrary to Policies 16 and 39 of the Horsham District Planning Framework (2015), paragraph 50 of the NPPF, and the Horsham District Local Development Framework Planning Obligations Supplementary Planning Document.

Background Papers: DC/16/0731