



**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19th June 2018

**DEVELOPMENT:** Proposed erection of 3 x chalet style 4-bed dwellings with associated landscaping, hardstanding and alterations to existing access

**SITE:** Land Off Little East Street Billingshurst West Sussex

**WARD:** Billingshurst and Shipley

**APPLICATION:** DC/17/1502

**APPLICANT:** **Name:** Mr Daniel Corcoran **Address:** 111 Bell Street Reigate RH2 7LF

**REASON FOR INCLUSION ON THE AGENDA:** (1) This application is a Departure within the meaning of the Town and Country (Development Plans and Consultations) (Departures) Directions 1999  
(2) More than 8 different households have made written representations which is inconsistent with the Officers' recommendation

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

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.2 The current proposal seeks to develop the site for 3no detached properties with parking and garage spaces, accessed from the southern corner of the site and along the private access lane Little East Street, which then joins the A272 / East Street further to the south-west.
- 1.3 There would be a turning head at the southern end of the site to facilitate turning vehicles such as refuse and emergency. A link would be provided across the southern part of the site to the public footpath which is shown on the adjacent development site to the east, and which would provide pedestrian access through from Little East Street to the doctor's surgery, playground and community centre on Roman Way (north-east of the site).
- 1.4 All three new dwellings would have the same footprint and appearance, and would be provided with an off-set garage to the side and surface parking for 2 additional vehicles. The 4 bedrooms and 3 bathrooms would all be at first-floor level, and set partly within the roof-space, with all habitable and primary windows facing front and rear. The ground-floor living rooms would additionally be provided with small side-facing windows each side of the expressed chimney stack.

- 1.5 The houses would have stone window cills, brick elevations to the lower parts and hanging tiles to the upper parts with a detail tile band. Roofs would include wall-dormers and dropped eaves with half-hipped roofs and expressed chimney stacks.
- 1.6 Plots 1 and 2 would be orientated to east – west (front facing east), with Plot 3 orientated north-south (front facing south).
- 1.7 A secondary fenceline seeks to protect the northern buffer planting from any encroaching development, thus excluding this buffer strip from the residential garden of Plot 3. Front boundaries are indicated as a mixture of low-level retaining walls where needed and timber post and rail style fencing.
- 1.8 A bin collection point is indicated on the western side of the access drive, serving the development, located opposite Plot 2.
- 1.9 As originally submitted, the proposal was for 4 detached properties, comprising 3x 4-bed houses and 1x 3-bed bungalow, the latter with rooms in the loft and rear dormers. Parking would have provided in 3-blocks of garages and surface parking for a total of 14 spaces, including 2 marked as 'visitor' spaces. During the process of the application, the proposal has been reduced to three dwellings with integrated garages, as this was considered to result in a more appropriate form and quantum of development for this site, taking account of the adjacent development and the conservation area. This arrangement retains a proposed new pedestrian access link through to the eastern neighbouring development site as per the initial submission site layout.

#### DESCRIPTION OF THE SITE

- 1.10 The application site comprises a rectangular area of land that lies adjacent to the current Billingshurst Built-up Area Boundary (BUAB), amounting to an area of some 0.24ha and set on sloping land levels. The highest part of the site abuts the rear residential gardens of properties along Roman Road (north), a boundary that currently forms a reasonably robust 'green corridor' of shrubs, trees and other vegetation.
- 1.11 The southern boundary of the site adjoins a culvert and a public footpath through an area of woodland which adjoins the existing BUAB of the village. The area to the south of the site, and Little East Street itself, is known to experience flooding issues. Although not set within a designated Flood Zone, the Environment Agency considers the southern part of the site adjacent to the culvert to fall within a 'low-risk' area for surface water flooding, whilst Little East Street itself is considered to present a 'high-risk' area for surface water flooding, with events dependant on rain-fall and volume and other localised features.
- 1.12 The site was until recently used as privately-owned allotments, forming part of a wider allotment site which is now part of the adjacent residential re-development underway directly to the east (45 dwellings- DC/15/1382). The first site visit in September revealed that some plots were already vacant, and that any remaining tenants had been given a 12-month notice to quit, expiring in April 2018. All plots have now been vacated.
- 1.13 At the time of the initial submission, only part of the site at the south-eastern corner / proposed vehicular entrance, fell within the Billingshurst Conservation Area (CA). Subsequently the Conservation Area Boundary has been amended in January 2018 to include the entire site.
- 1.14 The now adopted Billingshurst Conservation Area Appraisal and Management Proposal (Jan 2018) is in part out of date already, as the adjacent wider allotment site to the east is still referred to as an open space rather than the residential development that it now is. Development beyond to form the 'East of Billingshurst' expansion of up to 475 new dwellings

has also commenced since the document was written, with only reference to the outline permission granted in March 2014 (DC/14/2536) contained in the text.

- 1.15 The document clarifies the reason for including the application site within the CA boundary only insofar as to allude to the preservation of what fragments remain of the former agricultural setting of the village.
- 1.16 The previous use of the site was as private allotments, which maintained a degree of openness of the site, albeit as cultivated allotments plots with a number of sheds along the southern side. There is no public access across the land as it currently stands, although the development to the east includes for a footpath along its southern side, currently gated and locked where it adjoins the application site.
- 1.17 Vehicular access to the site is along the privately-owned Little East Street, which currently serves some 9 residential dwellings and leads off the adopted residential feeder road of Rose Hill. Rose Hill is a winding public highway, forming a collection of cul-de-sacs that serves some 86 or so residential properties.
- 1.18 The route along Little East Street also forms an established pedestrian public right of way (PROW) that connects a series of PROWs to the east of the village directly into the heart of the village and the services, public transport links (bus) and shops provided therein.

## **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:

## **2.2 National Planning Policy Framework**

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

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:  
Billingshurst Conservation Area Appraisal & Management Proposal (2018)  
Design Statement for the Parish of Billingshurst (2009)

2.4 RELEVANT NEIGHBOURHOOD PLAN

The Billingshurst Neighbourhood Plan is still at an early stage

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

Of relevance to this proposal are the following applications for development to the land to the east of site:

|              |                                                                                                                                                                                                                                                                                                                                                        |                                     |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| DC/15/1382   | Erection of 45 dwellings, associated landscaping and parking, amended access to Billingshurst Doctor's Surgery (Outline).                                                                                                                                                                                                                              | Application Permitted on 27.06.2016 |
| DISC/16/0190 | Approval of details reserved by condition 18 (Ecological Mitigation and Management Plan and Construction Environmental Management Plan) of DC/15/1382                                                                                                                                                                                                  | Application Permitted on 14.09.2016 |
| DC/16/1528   | Variation of condition 1 of previously approved planning permission DC/15/1382 Relating to a proposed minor material amendment to site access                                                                                                                                                                                                          | Application Permitted on 20.09.2016 |
| DC/16/2962   | Reserved matters application for erection of 45 dwellings, associated landscaping and parking, amended access to Billingshurst Doctor's Surgery. To cover appearance, landscaping and scale. (outline application ref DC/15/1382)                                                                                                                      | Application Permitted on 21.07.2017 |
| DC/17/2372   | Non Material amendment to previously permitted application DC/16/2962 (Reserved matters application for erection of 45 dwellings, associated landscaping and parking, amended access to Billingshurst Doctor's Surgery. To cover appearance, landscaping and scale. (outline application ref DC/15/1382)). Proposed amendments to approved site layout | Application Permitted on 27.11.2017 |

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

3.2 **HDC Strategic Planning:** Comment:

- Although the site is not allocated in the Local Plan or a Neighbourhood Plan, it would be contrary to HDPF policy. However, the agreed expansion of the settlement, as a result of permissions DC/13/0735 (475 dwellings) and DC/15/1382 (45 dwellings) is recognised as a material consideration, and therefore, the wider principle of development in this area has been accepted beyond the existing BUAB.
- The principle of development in this broad location has been accepted, and this will change the character of this location area the medium term. It is therefore considered

that the particular circumstances affecting this particular application means that the weight that can be attributed to this policy is more limited that would usually be the case.

- HDPF Policy 15 identifies a district wide need for at least 1500 homes to be delivered through neighbourhood plans. Billingshurst Parish is actively progressing the preparation of the neighbourhood plan. As Horsham District Council has a demonstrable 5 year housing land supply, the location of this site outside the existing BUAB (albeit in an area where development is more broadly acceptable), it is considered that it would be more appropriate for the Parish, in consultation with the local community, to consider whether this site is an appropriate location for a Neighbourhood Plan allocation that would contribute to the district wide requirement for homes to be delivered through neighbourhood planning.
- Although the majority of the proposed development is not located in the existing Conservation Area, the Council has recently undertaken a review of the Conservation Area in Billingshurst. The outcome of this appraisal recommended a number of amendments to the Conservation area, including an extension to include the application site.
- Comments made on this document are now being reviewed, and it is currently anticipated that the Conservation Area amendments (subject to the outcome of the consultation) will be taken to Cabinet for formal agreement in January 2018. It is therefore considered that the proposed Conservation Area is now a material consideration in relation to this site, although it cannot be afforded full weight at the current time.

### **3.3 HDC Conservation: No Objection**

Comments dated May 2018 – taking account of the adopted CA boundary expansion and submitted heritage statement:

- Since the preparation of the CA appraisal document and the CA extension in Jan 2018, a significant number of dwellings have been built to the east of the plot, resulting in an adverse impact on the character of the plot and consequently the character has been significantly diluted.
- It is therefore no longer considered to add to the agricultural setting of Billingshurst, and is not large enough to constitute a buffer between the housing to the west and that to the east.
- The site does not encourage an understanding of transition between the village and its historic agricultural surrounds and this plot of land no longer directly or indirectly reinforces or illustrates the character of the conservation area which is sought to be preserved.
- The wooded area and the footpath to the south and south east does, however, reinforce the character of the conservation area and a transition between village and the wider countryside
- Design of the proposed houses would be similar to those surrounding the site, but materials, form and detailing should be of the highest quality to ensure the dwellings do not add to the sense of 'suburban sprawl'. Conditions are therefore advised with regard to materials and details

Further comments dated 4 June 2018:

- This area was included in an extension of the conservation area boundary in some part due to the potential, now realised, to develop the other parts of the allotment gardens to the east. It is understandable that what had previously been undeveloped land should be regarded as a clear reminder of the relationship the settlement had with its agricultural setting.
- However, the decision to include this part of the allotments gardens within the conservation area was not taken with an intention to prevent any development but to ensure that any development was considered with reference to the character of the conservation area and the desire to preserve that character. Although this

parcel of land was included with the wooded area to the north of East Street, it has a different character than this area due to its having been tilled.

- In my view, the principle to develop the remaining portion of the allotment gardens can be accepted where any potential development would reinforce the character of the historic settlement and act as a foil to the surrounding post war suburban infill.

### **3.4 HDC Landscape:** Objection.

- The layout is also more in keeping with the adjacent urban grain and more sensitively positioned within the slope and relationship with the neighbouring houses.
- However, the development of the site would still result in the localised harm to the landscape character and visual amenity of the area and affect the remaining qualities of the historic wooded and agricultural setting of the conservation area as before and therefore the principle of development is resisted.
- The view is maintained that the proposal is not considered to make a positive contribution to the character and distinctiveness of the area or to retain and improve the setting of the conservation area. It would also result in the loss of a community facility which contributes to the green infrastructure as well as health and wellbeing of the community.
- The proposal would result in an irreversible and permanent development which would harm the character and appearance of the area

### **3.5 HDC Housing:** No Objection

### **3.6 HDC Drainage Engineer:** No Objection

- No overall objections to the surface water drainage strategy proposed. The assessment demonstrates that the development proposal can be satisfactorily accommodated without increasing flood risk elsewhere.
- Planning Conditions should be secured in the event of approval to show full details of the measures to dispose of both foul and surface water that also include consultation with Southern Water Services plus evidence to show that an agreement is in place for the ongoing maintenance of any SuDS systems over the lifetime of the development; and/or evidence that the SuDS will be adopted by third party

### **3.7 HDC Waste and Recycling:** No Objection

- The turning circle will need to be provided with 'no parking' signs to prevent residents parking in the designated turning zone

## **OUTSIDE AGENCIES**

### **3.8 WSCC Highways:** Comment

- Little East Street is of varying widths along its length with no separate facilities for pedestrians. However, given the number of existing, and proposed, dwellings along Little East Street, it would be considered as 'lightly trafficked' and meet the principles for a shared surface.
- There should still be sufficient space along its length to accommodate passing cars and pedestrians, particularly given the increase in activity which would result from the proposal, and the increase in pedestrian movements – there are currently no considerations regarding improvements along Little East Street to accommodate the proposal.
- The parking demand calculator generates a demand for 10 spaces across the development, which is one more 'visitor' space in addition to the 3 'visitor' spaces being provided – however, this deficiency of one space does not raise any concerns as additional visitor parking is demand is quite low, and could likely be accommodated within the site or on-street without any severe highway safety issues resulting

### 3.9 WSCC Rights of Way: Comment

- Although maximum flexibility around users of the path network would be welcomed, it is understood that this might be constrained to some extent by the section of path within the adjacent development.
- Safeguarding measures would be welcomed to protect the surface of the PROW during and post construction – applicant is noted to have agreed to submit a ‘pre-commencement footpath condition survey’ and will remediate any damage during construction as ownership of Little East Street remains with the applicant

### 3.10 Southern Water: No Objection

#### PUBLIC CONSULTATIONS

### 3.11 Parish Council: Objection maintained to amended plans:

- Will Little East Street be offered for a Section 38 adoption in future?
- Where is the CMP so existing residents can be reasonably accommodated during development?
- A foot and cycle connection be provided to the adjacent development (3m width min)
- Concern has been raised about the loss of the allotments - is it that there is no requirement to replace as they are privately owned rather Council owned / managed? Certainly the calculations need to be reviewed in light of the queries
- No visitor parking provided
- The issue of the watercourse and adding to the channels volume needs further consideration

#### Previous concerns raised to the initial scheme:

- Access to Little East Street (a road limited by its width and worse when cars are parked opposite the existing homes) and Rosehill is already very bad and will be worsened both by construction traffic and then by the increased vehicle movements to serve the new dwellings;
- The watercourse (a ditch) into which most of the attenuated surface water will run into is inadequate. Attenuated surface water will be disposed of down the Bowling Alley from some of the 475 houses as well as the 45 granted permission on the upper allotment area and these proposed new dwellings will be adjacent to the area that floods now. The ditch was cleared with an Operation Watershed grant two years ago but little has been done since. The recent development work on the upper allotment site caused top soil to wash into the ditch behind the houses in Rosehill after heavy rain. The ditch flows to the rear of Bakers Meadow (a small development of five houses) and from there behind the retail outlets in the High Street which have experienced regular flooding from this watercourse;
- As part of the current development of 45 houses on the allotment site, land has been set aside to serve as a footpath to the surgery. The increase in traffic on this site will compromise pedestrian safety;
- The proposed cladding is out of keeping with the existing houses;
- Two spaces for visitor parking is inadequate;
- Little East Street is in the Conservation Area and, in the recently conducted Conservation Area Appraisal it is proposed that the Conservation Area be extended in this location to take in the application site.

### 3.12 Letters of objection received from 8 neighbouring and nearby properties

- Clarification regarding footpath linking adjacent site to the public footpath along Little East Street.

- Potential increased use of lane by pedestrians accessing the adjacent footpath to the Doctor's surgery - also increased cycles and possible motorcycles using the footpath.
- Lack of street lighting would make it dangerous for increased pedestrian traffic along Little East Street.
- Footpath presents opportunities for increased crime and antisocial behaviour - reducing security for adjoining homes.
- Footpath would be beneficial to many, particularly the elderly, although with no lighting, it would be dark during the winter months - so one or two strategically placed lights would assist with pedestrian safety - as many as 150+ new pedestrian users of the proposed footpath.
- Footpath does not appear to have featured in the plans for the adjacent development so this appears to not benefit from planning permission
- Ditch has recently been cleared by developers of adjacent site (and application site) - which will take surface water from the 475 new dwellings to the north-east of the village, as well as the 45 dwellings to the east of the site, in addition to the proposed dwellings - so there should be a condition to secure maintenance of the watercourse and long-term maintenance plan which developers should be responsible for.
- Inadequate parking for visitors for existing properties in the area - new development will further limit parking - 2 visitor spaces would be inadequate for expectations.
- Current allotment site is used by many in the local community - young and old
- Refuse truck repeatedly fails to collect bins from the area owing to cars parked along Rosehill.
- Loss of privacy to residents along Little East Street.
- Loss of setting and tranquillity of area.
- Shortage of allotments in the village - calculations and figures available suggests that available provision would amount to some 0.85sq.m per person, which fall below the recommended 1.25 0 2sq.m per person - the loss of the allotment site would therefore result in a loss of a valuable community amenity asset - allotment holders at the site did not want to leave.
- Increased flooding by way of overburdened drainage ditch - increased surface water run-off which would have been previously absorbed by allotments.
- Existing access road is currently too narrow.
- Use of weather-board cladding would be out of character in an area mostly tile-hung.
- Bin collection point is unnecessary - existing bins are successfully collected along the Lane.
- Design appears to be in empathy with surrounding properties
- Clarification required regarding the extent of the site, as the red line extends up to Rosehill, then all residents should have been notified and the drainage strategy and tree survey extended to include these areas.

Additional comments received following the amended scheme being re-consulted upon:

- Limitation of existing Little East Street width and existing vehicle parking – potential conflict with additional 3 houses and 9 vehicles using Little East Street.
- Damage to roadways from bin lorries trying to pass parked vehicles.
- Damage to and inundation of existing drainage ditch arising from additional combined development to the east of Billingshurst and potential problems downstream (recent flooding in 2013, 2015 and 2016).
- Clarification still required on the proposed footpath – potential for increased number of pedestrians using the shortcut along Little East Street – unlit road, narrow and reversing cars owing to narrowness.
- Continued use of land (within proposed extended conservation area) to be retained as open / amenity land as allotments for the community and wildlife.

#### **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**

The main issues for the Local Planning Authority to consider in the determination of this application are:

- Principle of the development considering its location outside the current defined BUAB and proximity to Billingshurst village
- Impact on Heritage Setting given the expansion of the Billingshurst Conservation Area, and the wider Archaeological Notification Area
- Impact on context, character and neighbouring residential amenities
- Impact of the development on Highways, including the Public Right of Way along Little East Street
- Potential impact on Biodiversity, landscape setting and flooding issues experienced at the site.

##### **Principle:**

- 6.1 Policy 2 of the HDPF seeks to maintain the District's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment as set out within policy criteria. The policy sets out the Council's main strategy for the location of development across the District 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.
- 6.2 Policy 3 of the HDPF states that development will be permitted within towns and villages which have defined built up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the identified settlement hierarchy set out within the policy.
- 6.3 Under this policy, Billingshurst is considered to be a 'small town and larger village', which is provided with a good range of services and facilities, strong community networks and local employment provision. However, the site currently lies outside of the defined Billingshurst BUAB, and is therefore considered to be sited in the countryside for planning purposes, despite being in close proximity to existing housing on all sides and only a short walk away from all of the village services and public transport links. HDPF Policy 4 permits settlement expansion only where allocated within either the HDPF or a Neighbourhood Plan. In this instance the site is not allocated therefore its development for housing runs contrary to Policy 4. Furthermore the nature of the development cannot be said to be 'essential to its countryside location, thereby conflicting with Policy 26. On this basis the development of the site for housing falls to be considered as a departure from the development plan.

- 6.4 The conflict with Policies 4 and 26 carries significant weight against the grant of planning permission. However, in this instance there are material considerations that outweigh this conflict. The principal consideration is the recent development of the remaining allotment site to the east with 45 dwellings under planning permission DC/15/1382, and the allocated strategic development site of 475 dwellings beyond. Both these development sites are under construction, and both fall outside the defined BUAB of Billingshurst. The resultant impact of these developments has been to isolate this relatively small parcel of countryside land, with significant built development now on all sides severing its visual and physical relationship with the wider open countryside beyond to the east. As such the site does not now contribute towards the rural setting of the village therefore its development with housing would not have a harmful impact on the countryside.
- 6.5 It is noted that a review of settlement boundaries has commended within the consultation paper 'Local Plan Review Issues and Options – Employment, Tourism and Sustainable Rural Development (April 2018)'. For Billingshurst, this boundary review seeks to shift the existing village boundary east to encompass this application site and the adjacent developments to the east. Although at an early stage and currently of very limited material weight, this consultation document shows a proposed policy direction to include the site within the expanded BUAB for Billingshurst.
- 6.6 Furthermore, the site is in relatively close proximity to the village centre and its associated facilities, as well as to public transport links including train and bus networks. As such the residential development of the site can be considered to be sustainably located notwithstanding its location outside the BUAB.
- 6.7 In respect of the loss of the allotments on the site, this has been largely established by the adjacent development which covers the majority of the wider allotment site. The 12 'whole' allotments on the site are in private ownership, and there is no statutory protection afforded to privately owned allotments as there would be to Council-owned sites. According to figures supplied by the applicant, when they purchased the site there were 12 retained 'whole' allotments plots on the application site, of which only 8 were actively occupied. Of these 8 plots, 2 tenants are said to have since relocated a plot on the Manor Fields allotment site, 3 are stated to have been 'winding down their plots anyway', and the remaining 3 allotments holders provided no indication on their intentions.
- 6.8 In assessing the loss of the significantly greater number of allotments on the adjacent site it was noted that the gradient of the site would preclude any alternative sports-related community use of the site and that there are a number of nearby play spaces available. Accordingly it was considered that requiring the land to be given over to another form of community use could not be justified. It is considered that these conclusions remain relevant for this current site, which is of a significantly smaller area.
- 6.9 Policy 43 requires that the loss of community facilities is resisted unless it has been demonstrated that the use is no longer feasible, or where alternative facilities are available in the area. The applicant has identified that there is approximately 1.86sqm of allotments per person in Billingshurst Parish, including a 1.3ha site at Manor Fields, above the minimum 1.25sqm per person recommended within the HDC Sport, Open Space and Recreation Assessment 2014. The loss of the 12 allotments spaces on this site would not therefore reduce the proportionality of allotments space in the area below the recommended minimum. On this basis, and having regard to the precedent set by the loss of the wider allotment site and the topographical constraints of the site, it is considered that the loss of the allotments can be considered acceptable when assessed against Policy 43.
- 6.10 Although contrary to Policies 4 and 26, the implemented expansion of the village towards the east, enveloping the site with residential development, is a significant material consideration in the determination of this proposal, as is the proximity of the site to the facilities of the village. Accordingly it is considered that the principle of the development of

the site for housing can in this instance be accepted as a sustainable form of development and as a departure from the development plan.

### **Design and Appearance:**

- 6.11 The proposal, as revised, seeks three identically designed chalet houses, set in a linear arrangement through the site. The density of development and the relationship between the dwellings and those to the north, east and west is commensurate to that established within the wider area and as such the proposal would not appear out of keeping.
- 6.12 The proposed materials being suggested include the use of brick and hanging tiles, along with stone cills and plain roof tiles, details of which would be secured as part of an appropriate planning condition. This again is considered commensurate to the established character of the area. Accordingly the layout, scale and design of the dwellings would not harm the character of the site or wider area in accordance with Policies 32 and 33 of the HDPF.

### **Impact on Heritage Setting:**

- 6.13 Policy 34 of the HDPF seeks to ensure that developments affecting such assets should make reference to the significance of the asset as well as preserving and ensuring legibility of locally distinctive vernacular building forms and settings, features, fabric and materials. In addition, the setting of heritage assets, including views, should be preserved and retained. The NPPF (2012) sets out that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and that they should be conserved in a manner that is appropriate to their significance. The NPPF also advises that new development within the setting of heritage assets should enhance or better reveal their significance.
- 6.14 The application site now lies within the expanded Billingshurst Conservation Area, which was expanded in January 2018 through the adoption of the Conservation Area Appraisal and Management Plan (Jan 2018). Prior to this the site abutted the Conservation Area. The Conservation Area now includes this site and part of the woodland to the southeast,, but not the residential development north of the lane either side of the application site. The Appraisal sets out that these areas comprise an important element of the historic wooded and agricultural setting of the conservation area. To the south, the recent mid-1990's residential development along Rose Hill sits within the Conservation Area and is visually screened and separated from the application site by trees.
- 6.15 The impact of the development on the Billingshurst Conservation Area is a material consideration, as is the Billingshurst Conservation Area Appraisal and Management Plan. The Appraisal identifies the post-war infill housing immediately to the south of the site as having a 'neutral' impact. It also allows for appropriate new development, setting out that any such new development must be sympathetic to its context in terms of siting, scale, materials and details, and should also follow the existing pattern or grain of development, not obstruct important views, and not dominate buildings in the immediate vicinity.
- 6.16 The adopted Conservation Area Appraisal and extensions to the conservation area boundary to include the application site appear to make sense when seen on a plan, where the approvals of the eastern residential development schemes are noted as a text reference only. However, the plans showing the context of this part of the conservation area and the suggested expansion no longer accurately visually represent the resulting eastward expansion of the village as the development immediately east of the site has now commenced and is largely complete. From the site visit the site is now very clearly enclosed by post-war housing, which the Appraisal identifies as having a neutral impact on the conservation area, and by very recent residential development. As such the historic agricultural setting of the conservation area that the boundary expansion seeks to protect

has been largely lost, being now confined to this small parcel of remaining private allotments.

- 6.17 The development of the site in the manner proposed would complement the existing grain of development of the area and would be of an appropriate scale and form to the locality. Further it would not interrupt any key views of the conservation area or the setting of any listed buildings, thereby according with the principles for new development set out in the Appraisal.
- 6.18 The Council's Conservation Officer has reviewed the application in light of the expanded conservation area boundary and residential development now constructed to the east and no raises objection to the proposal. The Conservation Officer has advised that the site 'no longer adds to an illustration of an agricultural setting to Billingshurst. It is not large enough to constitute a buffer between the housing to the west and that to the east. Therefore it does not encourage an understanding of transition between the village and its historic agricultural surrounds'. Consequently the Conservation Officer is satisfied that this piece of land no longer directly or indirectly reinforces or illustrates the character of the conservation area that is desired to be preserved, and as such considers that the principle of development can be accepted.
- 6.19 On this basis, and subject to conditions to ensure an appropriate and high quality use of materials and detailing appropriate to the conservation area, it is not considered that the development of the site with three houses in the manner proposed would have a harmful impact on the historic character, appearance or setting of the Billingshurst Conservation Area.
- 6.20 The application site forms part of a larger Archaeological Notification Area that stretches further to the east and was considered as part of the adjacent re-development scheme. A Written Scheme of Investigation was submitted as part of the adjoining application DC/16/2962 to address the archaeological potential of the site. A condition is recommended to ensure the archaeological interest of the site is suitably investigated prior to works commencing.

#### **Impact on Neighbouring Amenities:**

- 6.21 Policy 33 of the HDPF seeks to avoid unacceptable harm to neighbouring amenity. Officers acknowledge the comments raised by neighbouring properties regarding loss of amenity and overlooking.
- 6.22 Given the site's topography and location of the proposed development, it is considered that minimal harm would occur to the residential amenities of the nearest established properties to the west, Flint House, Thistledown, Wisteria Cottage, and Shire Cottage, by way of outlook, loss of privacy or light.
- 6.23 Distances of some 11m would be maintained between the side elevation of the proposed new Plot 3 and the side of Thistledown. Front-to front distances of some 20m would be maintained between Plot 2 and Wisteria Cottage and Spring Cottage. A distance of some 17m and an off-set of outlook would be achieved between Plot 1 and Flint House. There would be a minimum back-to-back distance of some 18m at the rear of Plot 2 to the new development to the east of the site. The proposed siting of the new dwellings and their relationships with adjoining residential properties is considered to be commensurate with the village location.
- 6.24 Whilst the proposed new development is not in general considered to lead to any adverse impact in terms of overlooking of neighbouring residential properties, it is noted that

proposed garden depths of some 8m-11m are limited in terms of depth, but would be provided with a reasonable private amenity area given the plot widths being achieved.

- 6.25 Concern has been raised by existing neighbouring residents regarding the additional pedestrian and cycle traffic along Little East Street seeking to access the footpath through to the adjacent development and towards the surgery on Roman Way, acting as a shortcut. It is noted that one of the features of the village of Billingshurst, is the high number of alleyways and footpaths that cut through development areas, which have created a highly linked village where it is easy to travel on foot. Little East Street already forms a PROW which connects with a number of footpaths to the east side of the village which will eventually integrate into the extended residential development area to the east, with this public right of way already well-used locally. The proposal to create a footpath link through the application site to the adjacent site and then towards Roman Way would be in keeping with this character and would not unduly affect residential amenities of properties sited along Little East Street, by way of loss of privacy, any more than the use of the established PROW has the potential for.

### **Highways and Traffic:**

- 6.26 Policy 40 supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 4 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds where the residual cumulative impacts of development are severe'.
- 6.27 The proposed development does rely on an existing vehicular access off the public highway Rosehill, which in turn leads off East Street / A272. Direct access to the site would, in part, be reliant upon the privately maintained Little East Street which is at present owned by the applicant. Following additional details relating to the Little East Street access being provided, the PROW team have advised that there would be no objections to the scheme provided a number of planning conditions are secured. The principle of the proposal has not raised any comments with regard to the potential the resulting impact on the wider public highway network.
- 6.28 The applicant would be expected to submit details of a Construction Management Plan (CTMP/CEMP) as part of the planning conditions, details of which would include site parking, delivery timings and could also extend to cover warning signage along Little East Street during construction phases. The applicant has also offered to submit a pre-commencement footpath survey and post-completion survey as part of a planning condition, to highlight any damage to the private lane / PROW and setting out any appropriate remedial work.
- 6.29 It is also noted that each dwelling would be provided with a total of 3 vehicular parking spaces, which includes for the potential on-site visitor spaces, which is the recommended allocation for 4-bed dwellings in the locality and considered an appropriate quantum for a development of this scale. The turning space at the southern side of the site is to be retained entirely as a turning area with open landscaping around the trees and the footpath link through to the adjacent development site, and this is secured by condition.
- 6.30 With regard to the footpath shown at the south-eastern corner of the site, leading to the footpath in the adjacent development and providing a link through to the Doctor's surgery and other community facilities on Roman Way, it is the applicant's intention to provide this, with surface details to be agreed as part of the landscaping scheme so that they accord with the adjacent development. Details regarding lighting to the footpath can also be agreed as part of an appropriate planning condition. The approved footpath along the southern boundary of the adjacent development site includes low-level LED bollard lights.

### **Biodiversity and Landscaping**

- 6.31 The site is noted to have been allotments for many years, and includes a vegetated field boundary to the northern edge, separating the site from the houses along Roman Way. Further screening is provided along the southern boundary which adjoins the culvert and the public right of way through the adjacent woodland. The proposal is now set clear of existing landscaping elements and retains the Root Protection Areas of the trees along the southern site boundary.
- 6.32 The Landscape Architect has raised objection on the grounds that the development would result in localised harm to the landscape character and visual amenity of the area. As set out above, it is considered that the former agricultural character of the site has been lost by virtue of the adjacent development to the east such that the site now appears as a narrow strip of land surrounded by urban development. Whilst an area of woodland would be retained outside the site to the south and extending to the east, it is not considered that the addition of three houses and an associated access round would be or appreciable harm to the limited landscape character that remains in the area. Conditions recommended to secure the protection of boundary trees and secure appropriate soft landscaping to ensure the development suitably presents and does not harm the trees adjacent to the site
- 6.33 The submitted ecology report refers to the translocated reptile species as part of the adjacent site development and has not identified any further protected species habitats on the remaining site. Biodiversity improvements as suggested are to be secured as part of an appropriate planning condition.

### **Drainage:**

- 6.34 Comments are noted from neighbouring residents regarding the flooding events along Little East Street, and the increased pressure on the culvert following the neighbouring developments as well as that being proposed on the application site.
- 6.35 The Council's Drainage Consultant has advised that the surface water drainage strategy, which includes water butts and cellular storage to control water discharge into the adjacent water course in storm events, adequately demonstrates that the development proposal would not increase surface water flooding elsewhere and could be satisfactorily accommodated on site without increasing the flood risk elsewhere.
- 6.36 In the event of permission being secured for the development, drainage conditions are advised to show full measures to dispose of foul and surface water, and final details of the surface water drainage strategy, including its maintenance.

### **Conclusion:**

- 6.37 The proposed development is acknowledged to be contrary to Policies 4 and 26 by virtue of being located outside of the existing defined BUAB, unallocated for development, and not essential to a countryside location. However, the underlying reasons for these local and national rural restraint policies is to protect rural character and appropriate land uses. Although the site has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan, and the Council is able to demonstrate a 5 year housing land supply, the location of the site within an expanded village settlement where adjacent residential development has been accepted beyond the BUAB, enveloping the site, is a material consideration in this instance that carries significant weight. Furthermore, it is noted that the site is well located in terms of access local services, shops, schools and health facilities, as well as public / alternative means of transport.

- 6.38 The proposed development has been reduced from 4 dwellings to 3 such that its layout, scale and appearance is in keeping with the character of the wider area without resulting in a harmful impact on the Billingshurst Conservation Area or the amenities of adjacent occupiers. On this basis, and subject to the recommended conditions, the proposed development is considered acceptable as a departure from the development plan.

## 7. RECOMMENDATIONS

### Conditions:

1 Plans list

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

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

- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Traffic Management Plan / Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. pedestrian notification and warning during construction phases along Little East Street
- iv. safeguarding measures to protect the surface of the PROW
- v. post-completion signage to prevent obstruction of / parking within the designated turning spaces

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of neighbouring occupants and users of the public right of way during construction and in accordance with Policies 33, 40 and 41 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **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 strategy shall include details of means to control surface water drainage, including the maintenance of

any approved infrastructure. 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).

- 6 **Pre-Commencement Condition:** No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.

Reason: To confirm the presence of, and to characterise those archaeological remains as may be present on the site and to enable the recording of any such items of historical or archaeological interest in accordance with Policy 34 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement Condition:** No development shall commence until full details of biodiversity enhancement measures recommended in the Preliminary Ecological Appraisal (dated June 2017), and an amended reptile survey, including any relevant translocation details, has been submitted by the applicant and approved in writing by the local planning authority and the works shall be undertaken in accordance with the approved details. This will include details of any proposed reptile receptor site, in addition to mitigation and enhancement for other species. Any such measures shall thereafter be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the ecology and biodiversity of the area and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000, to ensure that a habitat remains for them during and after development in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 8 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until samples and a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved buildings 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).

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

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

- 10 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.

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:** Prior to the first occupation of any part of the development hereby permitted, full details of the hard and soft landscaping works, including fences, walls and / or gates, lighting and pedestrian footpath details, crown lifting and or other landscaping works along Little East Street, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape 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. Any plants, which within a period of 5 years, die, are removed, or become 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:** Prior to the first occupation of any part of the development hereby permitted, the parking turning and access facilities shall have been implemented in accordance with the approved details as shown on plan 17-1000-005 rev B and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 17-1000-005 rev B. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

- 14 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a PROW condition survey report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include photographic evidence / survey of the footpath and public right of way prior to construction works taking place and at post-completion of the works. The report shall also include measures, if appropriate, of any remediation works to the PROW. Any agreed shall be undertaken in accordance with the approved report.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of neighbouring occupants and users of the public right of way during construction and in accordance with Policies 33, 40 and 41 of the Horsham District Planning Framework (2015).

- 15 **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, a scheme to ensure no parking within the turning head shall have been submitted to and

approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation of the development and shall be retained as such thereafter.

Reason: To ensure adequate turning and access facilities are available for refuse and service vehicles to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 16 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted a bat sensitive lighting scheme shall be produced in liaison with the consultant ecologist and taking account of the adjacent development to the east of the site. The development shall thereafter be carried out in accordance with the approved details and no additional external lighting shall be erected or placed within the site or attached to any building without prior approval in writing from the Local Planning Authority.

Reason: To safeguard the ecology and biodiversity of the area and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000, to ensure that a habitat remains for them during and after development in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 17 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a landscape management plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all landscape areas shall have been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** The fencing to the northern boundary of Plot 3 detailed on drawing no. 17-1000-005-C shall be implemented and maintained in accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter.

Reason: In the interest of securing adequate biodiversity opportunities in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** The garages hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 20 **Regulatory Condition:** The new roof junctions at ridge, hips, valleys, eaves and verges shall be built to reflect traditional detailing including exposed rafter feet, cut verges without Winchester cuts, bonnet hip and valley tiles and hogs back or half round ridge tiles. The new windows fitted in the extension shall have flush fitting casements if manufactured in timber or plastic. All roof lights shall be metal framed and sit flush with the roof slope; timber framed roof lights will not be acceptable. Rainwater goods shall be cast iron or cast aluminium or cast effect plastic.

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 Policies 33 and 34 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT:

If your development site includes a watercourse or water-dependent habitat, such as wet woodland or floodplain marsh, you must always seek to [conserve and enhance these habitats and where possible provide new similar habitats](#).

Watercourses should be left with an appropriately sized, development-free buffer zone on both sides of the channel. Usually, a minimum of 5 metres on both sides of the watercourse will be required.

Riparian owners should seek to protect and enhance the watercourses on their land and carry out any Water Framework Directive actions in line with the [South East River Basin District Management Plan](#).

Background Papers: DC/17/1502