



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (South)
BY: Development Manager
DATE: 15 November 2016
DEVELOPMENT: Development of 101 dwellings, with associated access, parking and landscaping (outline application with all matters reserved except access)
SITE: Land North of The Rosary Partridge Green West Sussex
WARD: Cowfold, Shermanbury and West Grinstead
APPLICATION: DC/16/2064
APPLICANT: Mrs Elizabeth Tompkins

REASON FOR INCLUSION ON THE AGENDA: - The development, if permitted, would represent a Departure from the adopted Development Plan

RECOMMENDATION: To refuse the application

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application proposes the development of 101 dwellings on a site of approximately 4.8 hectares. Access is for consideration at this stage, with matters of layout, scale, appearance and landscaping reserved for later consideration.

1.3 The proposed access arrangements are shown on drawing number 3657/SK/214 Rev E, within the Transport Statement. This shows a single new access point onto Church Road, opposite the existing dwellings Hookshile and Rivendale. A separate pedestrian access is proposed at the south-eastern corner of the site, where a new pedestrian crossing point is proposed, to link to the existing footway on the eastern side of Church Road. A new link to the Downs Link public footpath is proposed at the south-west corner of the site.

1.4 The application includes an indicative site plan, which demonstrates how the proposed 101 dwellings could be accommodated within the site. This shows the retention of most boundary vegetation and indicative locations for surface water attenuation ponds, play areas and dwellings. The dwellings are shown as predominantly semi-detached, with some detached and short terraces of dwellings and three buildings comprising flats. The semi-detached and detached dwellings would be served by on-plot parking, while the other dwellings would be served by shared parking courts. The indicative scale parameters show mainly two storey dwellings, with the flats being 2.5 storeys.

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- 1.5 The application forms state that the housing mix will provide a total of 61 market units and 40 social rented units (equating to 39% affordable units). The Planning Statement submitted with the application provides a slightly different indicative mix, but also 39%, with 61 market units, 25 affordable rented units and 15 shared ownership units.
- 1.6 A number of supporting documents have been submitted with the application, including:
- Design and Access Statement
 - Planning Statement
 - Landscape and Visual Impact Assessment
 - Transport Assessment and draft Travel Plan
 - Flood Risk Assessment
 - Surface Water Drainage Strategy
 - Tree Survey and Arboricultural Report
 - Archaeological Desk-Based Assessment and Written Scheme of Investigation
 - Ecological Appraisal

DESCRIPTION OF THE SITE

- 1.7 The site lies outside of the built-up area boundary, but adjoins it to the south (dwellings on The Rosary) and the dwellings on the opposite side of Church Road also lie within the built-up area boundary. The western boundary of the site is the Downs Link footpath, which is separated from the site by trees and vegetation. The northern boundary of the site is demarked by a stream. The boundaries with Church Road and The Rosary are also vegetated.
- 1.8 The site comprises two fields that slope down from the south-east to the north-west. There is a small wooden shelter to the south-west corner of the site. A number of the existing trees are subject of Tree Preservation Orders. There is no access onto a highway from the site. Access is currently taken from a gate to the Downs Link at the southwestern corner of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 1, 4, 6, 7, 8, 10, 11 and 12.

RELEVANT COUNCIL POLICY

- 2.3 The Development Plan consists of the Horsham District Planning Framework (November 2015) (HDPF).
- 2.4 The relevant Policies of the HDPF are 1 (Sustainable Development), 2 (Strategic Development), 3 (Development Hierarchy), 4 (Settlement Expansion), 15 (Housing Provision), 16 (Meeting Local Housing Needs), 24 (Environmental Protection), 25 (The Natural Environment and Landscape Character), 26 (Countryside Protection), 27 (Settlement Coalescence), 31 (Green Infrastructure), 32 (The Quality of New Development), 33 (Development Principles), 34 (Cultural and Heritage Assets), 35 (Climate Change), 36 (Appropriate Energy Use), 37 (Sustainable Construction), 38 (Flooding), 39 (Infrastructure Provision), 40 (Sustainable Transport) and 41 (Parking).

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 West Grinstead Parish has been designated as a Neighbourhood Plan Area. No draft plan has been published yet.

PLANNING HISTORY

WG/29/87	Erection of 72 houses and garages	Refused
WG/29/88	Residential development 51 houses	Refused
DC/14/0820	Outline development of a mix of 129 private and affordable housing units, with associated access, parking and additional landscaping on land to the west of Church Road	Refused

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.

INTERNAL CONSULTATIONS

- 3.2 Environmental Health Officer (summary): No Objection subject to Conditions
- A Construction Environmental Management Plan will be necessary to minimise adverse impacts on nearby residents during the construction period.
 - It will be necessary to demonstrate that there are no contaminants in the soil that could pose risks to future occupants, as a result of the historic use of this land for farming.
 - As a result of the predicted future trip generation resulting from this development, an appropriate assessment of the air quality impacts and any proposed mitigation should be provided.
 - The requirements above can be secured by conditions.
- 3.3 HDC Community and Leisure (summary): Comment
- Financial contributions are requested towards community infrastructure improvements, including the provision of multi-sport courts at the village recreation ground.
 - Note that two LEAPs are proposed, but a single LEAP would be preferable.
 - The full details of the LEAP will be necessary at the detailed application stage. The design should ensure that the play area integrates well with the local context (i.e. the indicative square shape would not be suitable).
 - The applicant should note the requirements for a buffer zone around play areas- the edge of the activity zone must be a minimum of 20m from the nearest property boundary.
 - There is sufficient natural and amenity space.
 - Full details of the SuDS features are necessary to ensure these blend with the landscape and are safely accessible with no gradients exceeding 1 in 3.
 - Attenuation ponds should not be expected to be under water for more than 48 hours after heavy rain.
- 3.4 HDC Ecology Consultant (summary): Objection
- The submitted Preliminary Ecological Appraisal recommends further survey work in relation to bats, dormouse, common species of reptile and great crested newt to support any planning application and fully assess the potential impacts of the proposed development.
 - No reports of these further surveys have been submitted with the application.

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- The current level of information submitted is therefore insufficient to allow adequate assessment of the ecological impacts of the development upon protected species against relevant planning policies.
- The presence of a protected species within a site is a material consideration in assessment of a planning application that, if implemented, would be likely to result in harm to the species or its habitat.
- Therefore, it is essential that the presence or otherwise of protected species, and the extent that they might be affected by the proposed application, is established before any permission is granted.
- These surveys should be carried out by a suitably qualified ecologist who is recognised by a relevant professional body in accordance with current guidelines, and their report should determine whether these species may be impacted, and if so, the measures that will be required to avoid, mitigate or compensate for these impacts.

3.5 Drainage Engineer (summary):

- No objections, subject to conditions requiring details of sustainable drainage strategy.

3.6 Strategic Planning (summary): Objection

- The principle of residential development on this site outside the built-up area boundary and in the countryside is unacceptable.
- The site is not allocated for development in the HDPF or in a made Neighbourhood Plan, and the Council has a 5-year supply of housing land.
- The proposed development is not in accordance with Policy 4 in particular.

3.7 Landscape Architect (summary): Objection

- Some development could be accommodated within the site without detriment to landscape character, but 101 dwellings would give rise to an adverse urbanising effect on the character of the site.
- The illustrative drawing demonstrates that it is not possible to deliver a layout for 101 dwellings that relates sympathetically to the surroundings and allows for a sensitive design transition to Jolesfield and the wider countryside.
- Terraced units at north eastern corner are in close proximity to boundary vegetation. The dense nature of this development becomes intrusive in views from Church Road, exacerbating the urbanising effect and change in character along Church Road.
- There is no transition or reduction in scale and density towards the northern boundary to respond to adjacent character.
- Parking clusters create a stark, urbanised environment, out of character for countryside and suburban character of the village.
- Play areas have a poor relationship with the dwellings- failing to provide natural surveillance.
- No arrival points for the play areas/open space along the western boundary.
- Development turns its back on open amenity space.
- Better relationship should be created between the LEAPs and the ponds to increase the amenity of the open space and play value.
- Additional planting to the south boundary would create a more robust buffer between the development and The Rosary.
- An outline landscape management and maintenance plan should be provided to clarify how the existing boundary vegetation long term retention and management would be secured.
- Location of surface water drainage features, particularly attenuation ponds, are in close proximity of mature trees and could present a threat to the collective contribution made by the existing trees to landscape character.
- The proposal does not protect, enhance or conserve landscape and townscape character.
- Some concerns previously raised (DC/14/0820) have been addressed, but the number of units should be further reduced to enable the proposed development to sit comfortably

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within the site, relate sympathetically to its surroundings and enable a sensitive transition to the dispersed settlement character of Jolesfield and the wider countryside.

OUTSIDE AGENCIES

3.8 West Sussex County Rights of Way (summary): Comment

- Consideration should be given to a pedestrian access and crossing point at the north eastern corner of the development, to provide a link to pfp1840, to Jolesfield CofE Primary School.
- Clarification is required as to whether the access to the Downs Link in the south-west corner of the site is to be dedicated as a bridleway. If so, it will need to meet WSCC standards for width, surfacing and visibility splays.
- Surface water run-off should not be discharged to drainage ditches running alongside the Downs Link.
- A financial contribution of £76,000 is requested to improve public rights of way in the vicinity of the site, to encourage sustainable transport choices.

3.9 West Sussex County Highway Authority (summary): Objection

- Development would result in increased risk to road users as a result of the proposed site access.
- There is an absence of proposals to improve National Cycle Route 223 in the vicinity of the site and lack of detail of connection from the site to the route.
- The application lacks a framework green travel plan.
- The site is on the margins of sustainability, as while there is employment in the village, most residents are likely to work outside of Partridge Green and any shopping other than minor items will need a trip to a larger settlement.
- The principle of better pedestrian access to the site is supported, but the proposal for an additional crossing on Church Road has not been assessed.
- The Road Safety Audit highlights an increased risk of collisions and recommends that the access design not be introduced.
- Concern that a 30mph speed limit would not be kept to.

3.10 West Sussex County Strategic Planning (summary):

- No objection, subject to financial contributions to education, libraries, fire and rescue and transport.

3.11 West Sussex Flood Risk Management (summary): Comment

- Low surface water flood risk for majority of the site
- North and north west sections of the site are at high risk from surface water flooding.
- Low risk of ground water flooding.
- Drainage Strategy proposes sustainable drainage methods.
- Some properties are shown to be within the area of high surface water flood risk. Consideration of this should be taken into account in the detailed drainage designs.
- Development should not commence until details of drainage have been approved.

3.12 Horsham and West Sussex Clinical Commissioning Group (summary): Comment

- Cowfold Surgery operate a branch surgery in Partridge Green.
- Improvements of internal infrastructure for patients are necessary to accommodate more patients.
- A contribution towards these improvements is necessary.

PUBLIC CONSULTATIONS

3.13 West Grinstead Parish Council (summary): Objection

- Strong objection.

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- Concerned that the Applicant's Highway Consultant's comments conclude that they are uncomfortable with the proposed new junction/pedestrian crossing.
- Sight lines are not sufficient for the stopping distances necessary for vehicles travelling on the B2135.
- The proposed pedestrian crossing is not well located. Pedestrians will want to cross by Church Close, which is the shortest route to Jolesfield School.
- Traffic roundels will have little impact on vehicle speeds.
- Neighbourhood Plan consultation responses show overwhelming local support for redevelopment of brownfield sites over green field sites for housing.
- Neighbourhood Planning is the best way for Partridge Green to develop. Proposals of this size will undermine the local strategy and the wishes of the local community.
- This scale of development is inappropriate to the settlement characteristics.
- This development would cause coalescence of Partridge Green and Jolesfield.
- This area has the highest level of sensitivity to development
- Existing sewage treatment plant is already inadequate to cope with the needs of existing properties.
- Partridge Green has problems of rainwater runoff in heavy rain. The northwestern corner of the site is prone to flooding and the development would exacerbate this.

3.14 The Council has received nine letters of objection, which include the following points:

- Previous applications here have been refused and the reasons for refusal remain applicable.
- Proposed site access is at a dangerous point.
- The speed limit in the vicinity of the site is regularly exceeded.
- Additional vehicle movements increase the risk of a serious accident.
- The junction of the B2135 and A24 (north) is hazardous and this would add to the use of that junction.
- The B2135 (Church Road) is used as a rat-run to avoid the A27.
- Partridge Green does not have sufficient infrastructure to provide for additional residents (schools, GPs, public transport, shopping, parking etc).
- The sewer system in the area has inadequate capacity.
- The application is pre-emptive of the Neighbourhood Plan process.
- Public consultation for the Neighbourhood Plan shows a strong preference for development on brownfield sites.
- There are alternative brownfield sites that would be more appropriate for development.
- The development is contrary to the Horsham District Planning Framework.
- Only small scale developments are acceptable in a category 2 settlement.
- The development is a significant increase in housing in Partridge Green and not appropriate for the size of the village, the road network and amenities.
- The development would urbanise the western part of Partridge Green.
- Development would impact on the unique areas of Jolesfield and Littleworth.
- Development would destroy the green space between Partridge Green and Jolesfield.
- This site is visible from many areas in the vicinity.

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

Introduction and Principle of Development

- 6.1 The starting point for assessment of a planning application is whether the proposal complies with the relevant Policies of the Development Plan, with regard to any other material considerations. The HDPF is the Adopted Development Plan for this area. Recent appeal decisions (i.e. post-adoption of the HDPF) have confirmed that the District can demonstrate a 5-year supply of housing land (see the May 2016 housing trajectory monitoring update for full details of housing land supply). Although one appeal decision (Cisswood House Hotel, ref DC/15/0589) suggested that the built-up area boundaries shown on the HDPF Policies Map were out of date, as these could be amended through the Neighbourhood Plan making process, the Council did not agree with that Inspector's interpretation and has continued to treat these boundaries as up-to-date. A more recent appeal decision (Old Claytons Kennels, DC/14/0921) confirmed that the built-up area boundaries are in fact up to date, despite there being the opportunity for revisions through Neighbourhood Planning and other programmed work such as a Site Allocations SPD. It is therefore considered that the HDPF is sound and up to date and as such, it is the starting point for assessment of any planning application within the District, outside of the South Downs National Park.
- 6.2 In this case, the application site lies outside of the defined built-up area boundary of Partridge Green and is not allocated for development in the Local Plan or in a Neighbourhood Plan. The strategy for growth in the HDPF seeks to direct new development to the most sustainable areas, balancing the need to deliver new dwellings against the potential environmental, economic and social impacts that can arise through poorly located development. This strategy requires new residential development to come forward through the redevelopment of sites in built-up areas in accordance with Policy 3 and outside of built-up areas where the proposal complies with Policy 4 (i.e. where allocated in a Local Plan or Neighbourhood Plan) or in accordance with Policy 26 (i.e. where the development is essential to the countryside location). In addition, Policy 17 allows for the release of greenfield land for schemes of 100% affordable housing, subject to compliance with a number of detailed criteria
- 6.3 In this case, the site is located outside of the built-up area boundaries and is not the subject of an allocation (either in the Local Plan or a Neighbourhood Plan), nor is it essential to the countryside location. The principle of development is therefore contrary to Policies 1, 2, 3, 4 and 26 of the HDPF. This conflict with the strategy for growth set out in the Development Plan carries significant weight against the proposal.
- 6.4 It is noted that the application follows the refusal of DC/14/0820 for 129 units, and that no objection was raised to the principle of development at that time. However, at the time of the Council's consideration of that application, the 2007 Core Strategy could not demonstrate a 5-year housing land supply and the Council was using the Facilitating Appropriate Development SPD to assess the suitability of proposals for housing development outside of built-up areas. The Policy context has since changed significantly, and as set out above the Council is now in a strong position with regards housing land supply following the recent Adoption of the HDPF. The possibility of such a change in policy position was highlighted to the Applicant in an informative attached to the decision of DC/14/0820: "*The applicant is advised that at the point of determination of this application the principle of residential development on this site has not been objected, this position is*

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likely to change upon the increased weight given to the Horsham District Planning Framework as it gets closer to adoption. Specifically, when the Local Planning Authority has identified a 5 Year Housing Land Supply and it has been agreed by the Examination Inspector, it is likely that the principle of residential development upon this site would be unacceptable, in accordance with Policy 3 of the Horsham District Planning Framework”.

- 6.5 While consideration must therefore be given to whether the current proposal addresses the previous reasons for refusal, the policy context against which the application is assessed is now materially different, warranting a fresh assessment of the proposal in light of the recently adopted Policies. Before moving on to consider whether there are any other material considerations which would warrant permitting this development as a Departure to the Development Plan, it is necessary to consider the proposal in terms of other relevant Policies of the HDPF, and identify whether any other harm or benefits arise.

Landscape

- 6.6 The first reason for refusal of the previous application included reference to a harmful urbanising impact on the rural landscape character of the site and as it had not been demonstrated that the proposed quantum of development (129 units) could be accommodated without harm to the visual amenities and character of the area and future pressure on protected and other trees around the site to be harmfully pruned or felled. The third reason for refusal included reference to erosion of existing planting, to the detriment of the rural landscape character and setting of the site.
- 6.7 In comparison to the previously refused scheme, the current application reduces the quantum of development by 28 units, to 101. This has resulted in the indicative layout showing wider buffer areas between the developed part of the site and the site boundaries. The previous indicative layout showed a number of private gardens (mainly along the Church Road frontage) tightly abutting the retained landscaping to this boundary, and an L-shaped building of flats within metres of the southern boundary with The Rosary. The revised indicative layout re-orientates the dwellings so that most of the boundary vegetation is outside of residential gardens, and contained within public areas. The large L-shaped building has also been removed, allowing a greater landscaped buffer to the south-western corner of the site.
- 6.8 The comments of the HDC Landscape Architect in respect of the previously refused scheme identified several areas of concern in addition to the urbanisation of the site and the harmful impact of the large L-shaped building. These included the illustrative layout not responding well to the topography of the site and cutting across the contours, areas of open space not being faced by development presenting a ‘secured by design’ problem and lack of transition to the lower density development to the north. The illustrative layout submitted with this application does not sufficiently address many of these concerns. The illustrative layout locates two LEAPs in areas behind residential gardens/parking areas, resulting in poorly overlooked spaces. Although the L-shaped building has been removed and no longer results in the same harmful impact when viewed from the Downs Link, the revised scheme shows three 2.5 storey buildings comprising flats towards the centre of the site, with the eastern most of these on higher ground and in a prominent location close to the proposed site access. The illustrative layout therefore provides for a urbanising impact when viewed from Church Road.
- 6.9 The illustrative layout does not make provision for a reduction in density towards the northern boundary, in order to provide a transition to the development to the north which is very sparse and rural in character. The 2001 Partridge Green and Dial Post Design Statement SPG provides an assessment of the characteristics of settlements in the area. It identifies Jolesfield as a separate hamlet to the north of Partridge Green, the focal point of which was the Green Man pub. Section 6a of the Design Statement SPG advises that open spaces are an essential part of the landscape and an integral part of the rural

character of the area, providing important buffers between areas of different uses and character, which it states is “*especially true of the...areas of remaining open countryside that separate Partridge Green, Jolesfield and Littleworth Lane*”. It goes on to state that “*The retention of the open areas between Littleworth and Jolesfield and Partridge Green, centred around Jolesfield Common...is considered of key importance by the local communities*”. While development at Staples Hill has encroached on the gap between Partridge Green and Jolesfield to a degree, the proposed development would add to the cumulative impact of development in this gap, by developing on the western side of Church Road. The guidance in the SPG adds weight to the need to ensure that any development of this site achieves a suitable transition from Partridge Green to Jolesfield, which maintains the distinction between the two areas and protects the more rural character and setting of Jolesfield. The HDC Landscape Architect highlights the importance of any development at this site maintaining the separate characters of these two areas, and providing a suitable transition in any new development. The consultation response refers to the inclusion of a cluster of terraced units in the north eastern corner adding to the urbanising impact when viewed from Church Road, and the inability of the site to accommodate 101 dwellings while providing a suitable transition. This results in conflict with Policy 27, which seeks to protect landscapes from development which would result in the coalescence of settlements and maintain the identity of places and settlements.

6.10 While the illustrative layout provided therefore represents an improvement in comparison to the previously refused scheme, there are still a number of concerns arising. The submitted illustrative layout does not demonstrate that the proposed quantum of development can be delivered in an acceptable way.

6.11 While the reduction in the quantum of development proposed has resulted in wider landscaped buffer strips, and reduces the likelihood of pressure for felling the retained boundary trees, the proposal for 101 dwellings still represents the harmful urbanisation of this currently undeveloped site, to the detriment of the rural character of the site and locality. The spatial strategy of the HDPF seeks to direct development to those sites which are considered to be most sustainable, and this includes consideration of landscape impacts. Policy 2 sets out that the spatial strategy seeks to maintain the District’s unique rural character whilst ensuring that the needs of the community are met through sustainable growth. It states that the spatial strategy includes managing development around the edges of existing settlements in order to protect the rural character and landscape and to retain and enhance natural environmental resources, including landscapes and landscape character. Policy 25 sets out that the Council will support development which protects, conserves and enhances landscape and townscape character. Policy 26 sets out that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Given the urbanisation of the site arising from the proposed development, the proposal would not enhance or conserve the key features and characteristics of the landscape and rural character of the area.

Townscape

6.12 The previous reasons for refusal of DC/14/0820 included reference to the cramped and congested layout of the development being out of keeping with the visual amenities and character of the area. The existing development in the northern part of Partridge Green is predominantly residential. The older residential properties within the settlement are generally set in fairly substantial plots, but more recent development in the vicinity of the site such as Staples Hill, Cambria Close and The Rosary/Bedford Square have been developed at a higher density, with more closely spaced dwellings in smaller plots than older properties on Church Road. The existing urban grain is therefore fairly varied. Existing developments vary in density from around 24 dwellings per hectare (Staples Hill) to 14 dwellings per hectare (Downlands). The proposal would provide 101 dwellings on a site of about 4.8ha, resulting in a density of about 21 dwellings per hectare, and is

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therefore comparable in density to the developed area of Partridge Green, but does not reflect that of the hamlet of Jolesfield to the north (about 24 dwellings over an area of about 5ha, equating to a density in the region of 4.8dph).

- 6.13 In comparison to the previously refused scheme, the reduction in the number of dwellings proposed would allow a more spacious development to come forward, with the illustrative site plan showing most of the pairs of semis now separated by single storey garage sections, replacement of the large L-shaped flats building with three separate smaller scale blocks of flats and the introduction of a number of areas of landscaping/play areas breaking up the northern and southern parts of the development. However, as set out above, the illustrative layout lacks provision for a transition in density across the site, to reflect the rural grain of the Jolesfield area to the north. If the 101 units were re-arranged to reduce the density in the northern part of the site which reflects the layout and density of the Jolesfield area, the knock-on effect would be an uncharacteristically high density development in the southern part of the site, which does not reflect the existing density and pattern of development adjoining the site within Partridge Green. As such, the illustrative layout does not demonstrate that the proposed quantum of development can be delivered in a layout that integrates well with the existing townscape and pattern of development in the vicinity of the site.
- 6.14 Concern was also raised in the previous Officers' report in respect of the proposed scale of development, mainly as a result of the large L-shaped 2.5 storey block of flats on the south western corner of the site. However, residential development in the area is generally one to two storeys in height, and there are no prominent examples of 2.5 storey development in the immediate vicinity of the site. While the flats are now broken up into three blocks, and relocated so that their impact on views from the Downs Link is reduced, the illustrative layout shows that these buildings of uncharacteristic scale would still be prominent in the Church Road street scene, particularly due to the proximity of the easternmost of the flats to Church Road and its location on high ground within the site. The applicant's illustrative layout is based on provision of flats over three floors within these buildings, and reducing their height to reflect the two storey scale of buildings in the locality would necessitate an increase in the footprint of built form in comparison to the submitted illustrative layout. The submitted illustrative layout therefore does not demonstrate that the proposed quantum of development can be delivered in a way which integrates well with the scale of surrounding development.
- 6.15 The illustrative site plan shows two areas of extensive hardsurfacing- one to serve the terraced dwellings in the north-eastern corner of the site and one to the rear of two of the blocks of flats in the approximate centre of the site. Such expansive areas of hardsurfacing generally result in a poor appearance, providing an urban layout which is not reflective of the semi-rural character of this small settlement. Lack of integration of parking areas into a development layout resulting in large areas of hardsurfacing are not indicative of the high quality of design sought for new developments by the NPPF and HDPF. Furthermore, the northernmost terrace of dwellings and the westernmost block of flats are fairly distant from any parking areas, as shown on the illustrative site plan. It is also of concern that the parking court adjacent to the two blocks of flats on the eastern side of the access road is shown on the illustrative site plan as providing only 12 parking spaces, whereas the application forms indicate the provision of nine 1-bedroom flats and fifteen 2-bedroom flats. It is therefore not clear that a layout can come forward providing sufficient parking in a convenient location, while still providing a suitably spacious layout and retention of existing landscaping features.
- 6.16 In light of the proposed quantum of development and the illustrative site plan which provides an indication of the Applicant's expectations for how the proposed 101 dwellings could be delivered, it is not clear that the quantum of development plus necessary ancillary facilities such as car parking and play areas can be provided in an acceptable way that

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does not result in harm to landscape and townscape. The proposal is therefore contrary to Policies 2, 4, 25, 27, 32 and 33 of the HDPF and NPPF's requirement for development to be of a high standard of design.

Amenity of Future Occupiers

- 6.17 The previous reasons for refusal included reference to the quantum of development proposed (129 dwellings) giving rise to a poor quality residential environment. As discussed above, the illustrative site plan demonstrates that the reduction in unit numbers allows for a more spacious layout to come forward, and residential gardens are not so constrained by retained trees as shown on the previous illustrative site plan. Overall, the garden depths shown on the illustrative site plan are fairly short, at between 7.5-9m. Although the illustrative site plan shows a good level of public open space, including equipped play areas, and a link to the Downs Link right of way to provide access to the wider countryside for recreation. The LEAPs should incorporate a 20m buffer from the activity area to the nearest residential property. These buffers are necessary to minimise disturbance to adjacent residents through activity at the play areas. The buffer areas have not been incorporated into the illustrative layout. Therefore, it is not clear that there is sufficient space within the site to incorporate these play areas plus the necessary buffers and the 101 dwellings proposed, in an acceptable layout which integrates satisfactorily in terms of landscape and townscape.
- 6.18 As set out above, the illustrative site plan shows the location of parking courts to serve the flats and terraced dwellings, some of which are not conveniently located to serve those dwellings. This is contrary to Policy 33, which requires the incorporation of convenient, safe and visually attractive areas for the parking of vehicles and cycles, and would not result in a good level of amenity for future occupiers.

Amenity of Existing Residents

- 6.19 The previous reasons for refusal included reference to harm to the amenities of occupiers of neighbouring properties. As set out above, the previous illustrative site plan included a large 2.5 storey L-shaped building comprising flats in the south west corner of the site, in very close proximity to the boundary with properties on The Rosary. The revised illustrative layout shows smaller scale buildings to be sited further from the boundary with the existing adjacent properties, and separated by a landscaped buffer area and rear gardens. As such, the illustrative layout demonstrates that the proposed quantum of development could be delivered without harm to the amenity of existing neighbouring residents. Other neighbouring dwellings are set a sufficient distance from the site to prevent harm to their privacy and amenity.

Highways and Parking

- 6.20 The previous reasons for refusal included reference to the development resulting in an unacceptable and severe impact to highway and pedestrian safety, as it had not been demonstrated that adequate visibility could be achieved between the site and Church Road for either vehicles or pedestrians.
- 6.19 WSCC Highway Authority object to the proposal. Their consultation response identifies three main areas of concern- increased risk to road users as a result of the proposed site access junction, the absence of proposals to improve National Cycle Route 223 and lack of detail on the proposed connection from the site to the route, and absence of a framework green travel plan. The Highway Authority advise that the Road Safety Audit highlights an increased risk of collisions as a result of the proposed site access junction. Section 8.2 of the Road Safety Audit raises concern regarding the available inter-visibility of vehicles, and that reduced visibility as a result of the location of the access on a bend and near the brow of a hill, will cause turning vehicle collisions. The RSA recommendation is "Do not introduce scheme as designed". Section 8.3 draws a similar conclusion in respect of vehicles exiting the site. The Designer's Response in the RSA sets out the view that

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visibility is appropriate for the recorded speed limits, making reference to the uphill gradient on the southbound approach reducing braking distance and allowing a reduction in stopping sight distance, exceedance of emergency stopping sight distances for the speed limit here and the low volume of traffic using the junction. The Highway Engineer however does not support the proposed access design, citing a concern that the speed limit would not be kept to and that the length of the slope of the road would not necessarily reduce the braking distance for vehicles, given their likely momentum. It therefore has not been demonstrated that the proposed access would serve the development with safety and convenience, as required by the NPPF and Policy 40 of the HDPF.

- 6.20 The County Rights of Way team have advised that there is potential for improved connectivity to existing public rights of way as part of this proposal, namely a pedestrian crossing point at the north-eastern corner of the site to link to the existing footpath leading to Jolesfield Primary school. Without details of the proposed crossing point however, the Highway Authority have not been able to assess the safety of this potential pedestrian link.
- 6.21 The illustrative site plan also shows a connection to the Downs Link bridleway to the south-west corner of the site. The Rights of Way team have advised that this should meet their relevant standards, if it is to be dedicated as a bridleway. The Highway Authority note that there is a lack of information regarding improvement of the Downs Link as a cycle route (National Cycle Network 223), as it is currently poorly surfaced and recommended only for use by mountain bikes.
- 6.22 Although the WSCC Highways consultation response refers to the absence of a framework travel plan to demonstrate a commitment from the developer to carry out measures to encourage residents to use sustainable means of transport, one has been submitted and a full travel plan could be required by condition.

Flooding and Drainage

- 6.23 A Surface Water Drainage Strategy has been submitted with this application. This states that post-development runoff will be restricted to the site greenfield runoff rates for the up to 1:100 year plus climate change allowance rates, and that this will be achieved by the use of a sustainable drainage system using features such as attenuation ponds and flow control devices to discharge to the watercourse to the north of the site. The application drawings show the indicative location of attenuation ponds towards the western side of the site. The Council's Drainage Engineer raises no objection to the proposal, subject to conditions to secure full details and implementation of the drainage strategy.

Ecology and Arboriculture

- 6.24 A Preliminary Ecological Appraisal Report has been submitted with the application. This identifies that there are habitats within the site with potential to support bats, dormice, common reptiles, great crested newts and breeding birds. Although the site is assessed as being of low ecological value overall, the boundary vegetation is identified as being of relatively greater ecological importance. The Applicant's Report recommends that further survey work is carried out to confirm the presence/absence of a number of protected species in order for the proposals to be fully assessed. The Council's Ecology Consultant concurs with this view, stating that these surveys and reports are necessary to determine whether biodiversity, including protected species, may be impacted by the development, and if so, the measures that will be required to avoid, mitigate or compensate for these impacts.
- 6.25 Although the impact of the development on ecology and protected species did not form part of the previous reasons for refusal, the Planning Practice Guidance and current professional guidance for Ecologists is clear that the relevant surveys are necessary in advance of determining a planning application. The Council must ensure that, in determining a planning application, sufficient regard is had for the impact on protected

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species in order to fulfil the duty under the Conservation of Habitats and Species Regulations 2010. In this case, since the information submitted with the application identifies the need for further investigation with regard to protected species, it is necessary for any planning decision to be informed by this information. As such, the proposal in its current form has not demonstrated that the development will not result in harm to protected species and that biodiversity will be enhanced. This is contrary to Policy 31 of the HDPF.

- 6.26 The previous reasons for refusal referred to pressure for future works to protected and other trees within the site. The illustrative site plan now includes an indication of the areas likely to be overshadowed by retained trees. This demonstrates that the Applicant has sought to locate gardens and dwellings in areas unaffected by shading, thereby reducing the likelihood of future pressure to fell trees. The Council's Arboricultural Officer has not provided a written consultation response, but the application has been discussed with him, and he advises that the proposed layout would not result in the same level of post-development pressure for works to protected trees as the previous layout, and therefore he raises no objection in this respect.
- 6.27 The proposed attenuation ponds are shown to encroach into the root protection areas of the retained vegetation to the western site boundary, however this area is not covered by TPOs, which are limited to trees on the Church Road boundary and on the boundary between the northern and southern fields. Therefore, although the Landscape Architect raises concern regarding the landscape impacts arising from the location of the attenuation ponds and the potential associated loss of vegetation, the Arboricultural Officer does not raise objection in terms of the impact on retained trees.

Sustainability

- 6.28 The HDPF requires consideration of sustainable construction methods, climate change, water conservation and energy use within the development. However, these are matters which are best addressed at the reserved matters stage, when the detailed design and layout of the scheme are for consideration. No objection is therefore raised in respect of these matters at the outline stage.
- 6.29 In terms of the sustainability of the location of the site, Partridge Green is listed as a 'Medium Village' in the settlement hierarchy in Policy 3. These are defined as settlements that "have a modest level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements". Although the WSCC Highways consultation response comments that the site is on the margins of sustainability, as there are limited shopping facilities in the village and residents are likely to work outside of Partridge Green. The site is within walking distance from the village centre, with shops and a public house, as well as employment areas to the south of the village, and for longer journeys, the No.17 bus service linking Horsham and Brighton runs long Church Road and provides an hourly service. This provides a convenient link to Henfield, which has a much wider range of shops and services. As such, it is considered that the site is suitably located to encourage journeys by modes other than the private car.

Infrastructure and Affordable Housing

- 6.30 The previous reasons for refusal referred to the absence of a Legal Agreement to secure affordable housing provision and financial contributions to infrastructure provision. The application forms indicate the provision of 40 affordable units, which on this development of 101 dwellings equate to about 39%, which is greater than the 35% required by Policy 16. Although the application forms indicate the provision of 40 social rented units, the Planning Statement refers to provision of 25 affordable rented units and 15 shared ownership units. This equates to 60% affordable rented, whereas the HDPF requires 70% affordable rented.

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However, in light of this application proposing to provide more than 35% of the units as affordable, it is considered that the tenure split is acceptable in this case.

- 6.31 The Applicant's Planning Statement refers to the involvement of a housing association in working up the design of the development to demonstrate housing types and distribution of the units. Although the Applicant refers to securing the affordable units by condition at the full application stage, this needs to be secured by a Legal Agreement at the outline stage.
- 6.32 Policy 39 states that the release of land for development will be dependent on there being sufficient capacity in existing local infrastructure to meet the additional requirements arising from the new development. In terms of provision of play areas, the illustrative site plan shows two LEAPs (Local Equipped Area for Play) within the scheme. The Council's Community and Leisure team advise that a single consolidated play area would be preferable, and that this should meet relevant standards including a buffer of at least 20m between the activity area and the nearest residential property. The illustrative layout does not allow for these buffer areas, and therefore it is not clear that a development of 101 dwellings plus a LEAP with suitable buffer area can come forward at the reserved matters stage, even if the LEAPs are consolidated into a single play area as suggested by the Community and Leisure team. Furthermore, the two illustrative LEAP locations are both set to the rear of residential properties, with little overlooking and natural surveillance. As such, it has not been demonstrated that an acceptable layout could be achieved that makes suitable provision for outdoor play while still accommodating 101 dwellings.
- 6.33 The site is not of a size that can reasonably accommodate other community infrastructure such as youth facilities and community halls/buildings. It would therefore be necessary for the developer to make a contribution to off-site provision of such facilities to ensure that these are available and adequate to serve the needs of future occupiers. In particular, there is a need to provide additional facilities at the recreation ground in Partridge Green and to provide financial contributions to education, libraries, fire and rescue services and transport. These financial contributions would need to be secured by way of a Legal Agreement.
- 6.34 At the time of drafting this report, there was no completed Legal Agreement in place to secure affordable housing provision and infrastructure contributions. As such, the proposal is contrary to Policies 16 (meeting local housing need) and 39 (infrastructure provision) of the HDPF.

Other Material Considerations and the NPPF Presumption in Favour of Sustainable Development

- 6.35 Notwithstanding the above, it is necessary to review the Applicant's evidence in support of the proposal in considering whether there are sufficient benefits coming forward to justify permitting the development as a Departure from the Development Plan. It has been established through appeal decisions that housing targets (in this case the 16,000 dwellings to be delivered by the HDPF in the plan period, equating to 800 per annum) are not ceiling figures and can be exceeded. However, any dwellings delivered over the 800 per annum target should still be in accordance with the Development Plan (i.e. on allocated sites or windfalls that accord with Policies 3 or 4), or justified as a Departure from the Development Plan on the basis of strong material considerations to outweigh the harm arising.
- 6.36 The Applicant's Planning Statement (paragraph 6.3.5) suggests that the inclusion of the site in the SHELAA (Strategic Housing and Economic Land Availability Assessment) equates to the allocation of the site as referred to in Policy 4. However, this is not the case, as the SHELAA is not a site allocations document. A SHELAA is the technical exercise of gathering together information to create a portfolio of sites which may be considered for future planning purposes (for example in a Site Allocations SPD or a Neighbourhood Plan)

and forms part of the evidence base for the HDPF. It is a fairly broad-brush, desk-based, technical exercise to provide an assessment of potential housing and economic land capacity, and is not subject to any public consultation. An adopted development plan document such as a Local Plan, a Supplementary Planning Document or a Neighbourhood Plan may include site allocations, but these documents go through a rigorous and transparent process of public consultation and examination, which is quite different to the SHELAA. The SHELAA page on the Council's website includes the clear caveat that "*the assessment of sites for new housing in the SHELAA does not mean that a site will be granted planning permission or allocated for development in any future plans. Any planning proposals on sites identified in the SHELAA will be judged on their merits against relevant planning policies and any other material considerations*". As such, the site is not allocated for development in any Local Plan or Neighbourhood Plan, and the SHELAA holds very limited weight in decision making.

- 6.37 As the Applicant's position is that the site is allocated for development, they do not put forward a case in support of permitting the application as a departure from the Development Plan. However, the Applicant's Planning Statement also focuses on the contribution that the site would make to meeting housing need, and refers to slow 'build starts' in the area. As set out above, the HDPF provides for a 5-year housing land supply, and the latest completions figures for the District indicate over 1,200 units completed in the 2015/16 financial year. This is a healthy completions rate in comparison to the annual target of 800 per annum set out in the HDPF.
- 6.38 Delivery of housing is a benefit of the proposal, but the location of the site being in conflict with the strategy for growth set out in the HDPF and therefore contrary to the plan-led system carries significant weight against the proposal. The provision of housing is not considered to be a benefit of sufficient weight to balance this harm. It is accepted that the provision of affordable housing is a benefit of the development, particularly if the final tenure mix provides a significant proportion of affordable rented accommodation. This benefit can be afforded substantial weight in decision-making. However, it is not considered that this alone is a sufficient benefit to warrant granting permission for this proposal as a Departure from the Development Plan.
- 6.39 The NPPF states that Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. The NPPF states that there are three dimensions to sustainable development- economic, social and environmental- and that these three roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, the NPPF states that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. In this case, a social gain is provided in terms of provision of affordable housing. Although the development would secure financial contributions to local infrastructure provision, this is intended to mitigate the impacts of development and not provide a gain. In addition, there is environmental harm arising as a result of the concern set out above regarding protected species and landscape harm. The proposal therefore does not simultaneously generate social, environmental and economic gains and is not sustainable development for the purposes of the NPPF.

Planning Balance and Conclusion

- 6.30 Although a five year housing land supply can be demonstrated within Horsham District, appeal decisions have established that housing targets are not to be taken as a ceiling figure. The provision of up to 61 market and 40 affordable dwellings would contribute to the NPPF's requirement for a significant boost in housing and attracts weight as a material consideration in determination of this application. Notwithstanding that benefit, the development would conflict with the Council's recently adopted spatial strategy, which is a material consideration of substantial weight in assessment of this application. It would also

cause a detrimental impact on highway safety and biodiversity. Overall, it is considered that the totality of the harm identified would outweigh the benefits, and that the proposal is not sustainable development within the meaning in the NPPF, and is contrary to Policies 1, 2, 3, 4, 15, 16, 25, 26, 27, 31, 32, 33, 39 and 40 of the Horsham District Planning Framework (Adopted November 2015).

7. RECOMMENDATIONS

7.1 To refuse the application for the following reasons:

1. The proposed development is located in the open countryside, outside of any defined Built Up Area Boundary, on a site not allocated for development within the Horsham District Planning Framework, or a 'Made' Neighbourhood Development Plan. The Council is able to demonstrate a 5 year housing land supply and consequently 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 and consequently represents an inappropriate, unsustainable and unacceptable form of development that is contrary to the aims and objectives of the NPPF and Policies 1, 2, 3, 4, 15, 25 & 26 of the Horsham District Planning Framework (2015).
2. It has not been demonstrated that the proposed quantum of development can be accommodated within the site without resulting in: a significant urbanising impact on the rural landscape character of the site and locality; a poor quality residential environment for future occupiers; and, a poor integration of the new development with the layout and pattern of adjacent development in Partridge Green and Jolesfield. The proposal would therefore result in harm to landscape, townscape and the amenity of future occupiers and is contrary to the NPPF and to Policies 2, 4, 25, 26, 27, 32 and 33 of the Horsham District Planning Framework (2015).
3. It has not been demonstrated that the site can be accessed without resulting in increased risks to road users and increased risk of collisions as a result of the site access junction. In addition, the application does not make provision for improvements to the National Cycle Network route 223, to provide links to the north and south and take pedestrians and cyclists away from the potential risks of Church Road. The proposal is therefore contrary to the NPPF and to Policies 32, 33 and 40 of the Horsham District Planning Framework (2015).
4. Policy 31 seeks to ensure that development includes measures to enhance the biodiversity of the District and should create and manage new habitats where appropriate. In this case, there are habitat features within the site that have the potential to be of biodiversity value, and there is a lack of investigation into the ecological features of the site. Therefore, it is not possible to determine whether the site is suitable for the amount of development proposed, and what the appropriate level of mitigation and/or compensation for the development may be, as required by Paragraphs 117-119 of the NPPF. The proposal is therefore contrary to the NPPF and to Policies 2, 25, 31 of the Horsham District Planning Framework (2015).
5. Policy 16 requires 35% affordable housing provision on developments of this size. 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).

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Notes to Applicant

- a. The reason for refusal (above) in respect of affordable housing provision and infrastructure contributions could be addressed by the completion of a Legal Agreement. If the Applicant is minded to appeal the refusal of this application, you are advised to liaise with the Local Planning Authority prior to the submission of an appeal with a view to finalising an acceptable Agreement.

Background Papers: DC/16/2064