

**IN THE MATTER OF  
THE EXAMINATION OF THE  
HORSHAM DISTRICT LOCAL PLAN 2023-2040**

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**Hearing Statement  
on behalf of Mr Peter Freeman  
Hearing Day 10 – Tuesday 21 January 2025  
Question 8.a)**

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**Introduction**

1. This statement is prepared on behalf Mr Peter Freeman, who has made representations throughout the preparation of the Horsham District Local Plan 2023-2040 (“**HDCLP**”). It is provided to set the context for proposed oral submissions intended to be made at Hearing Day 10 on Tuesday 21 January 2025.
2. These representations are made in respect of Matter 9, Issue 2 – *Whether the other sites (settlement site allocations) allocated in the Plan and associated policies are justified, effective, consistent with national policy and positively prepared?*
3. In particular, site allocation PG1 (“**the Allocation**”, or “**PG1 site**”), which is covered under Question 8.a): *Is Strategic Policy HA12: Partridge Green Housing Allocations sound?*
4. Our client’s position is that the **PG1** site is unsound. A site visit is highly recommended in order for the Inspector to appreciate the particular problems with the proposed Allocation. In order to make the HDCLP sound and legally-compliant, the inspector is respectfully invited to recommend a main modification that the **PG1** site be removed from the plan.

**The Site**

5. The **PG1** site is known as *Land north of the Rosary* (“**the Site**”). There have been five planning applications in recent years, with all but the most recent refused or withdrawn for various reasons, including highways/access safety and water neutrality.
6. The most recent application (Ref: DC/23/2279 - *Outline Application for the erection of 81 new dwellings and associated public open space, landscaping, vehicular access, drainage and highways infrastructure works with all matters reserved except access*) went before planning committee on 17 September 2024, at which members equivocally resolved to grant permission as follows:

*RESOLVED*

*That DC/23/2279 be delegated to the Head of Development with a view for approval, in consultation with the local members and the Chair of Planning Committee South, to explore and seek to achieve a pedestrian footway to the northern part of site vehicle access.*

7. Members’ concerns are recorded in a transcript of the committee meeting, which is annexed to these submissions, and included:

*Cllr Croker*

*Personally, I find it – ridiculous is the wrong word, but it'll have to do that there is no footway adjacent to the sole vehicle access point to the site.*

*Cllr Noel*

*So I have serious doubts about the access arrangements and I wouldn't be happy to accept this proposal until we see more coming from West Sussex about traffic calming, traffic control and better visibility splays.*

8. No Decision Notice has been issued. Considering the application is outline only with all matters reserved except access, the fact that access remains unsatisfactory is indicative of the fundamental problems with the site.
9. The issue of safe access arrangements, and the need for traffic calming was a reason for refusal for previous applications on this site, in particular, DC/14/0820, in which the description of the site access was:

*Vehicular access to the development is proposed to be taken from a single point from Church Road (B2135) and positioned approximately half way up the longitudinal length of the site.*

10. WSCC Highways response to those arrangements was:

*In the location of the development, the B2135 has quite significant variations in its vertical and horizontal alignment along the frontage of the proposal. These changes in alignment would act to restrict visibility at a proposed access point as well as forward visibility. In light of these constraints, it is unclear whether satisfactory vehicular or pedestrian access could be achieved into the development site from the B2135. It would seem prudent to consider this in greater detail to ensure that an access arrangement can be provided to allow the development to be delivered.*

*[...]*

*To address the visibility issues, the applicant has suggested that the speed limit be lowered and traffic calming introduced on the B2135. However both processes are subject to further statutory consultation processes, the outcomes of which cannot be guaranteed. The introduction of a change in speed limit itself would not ensure compliance; this is evidence by the fact that the existing 40mph speed limit is already being exceeded regularly. Safe access to, and the delivery of the development itself should not be reliant upon measures that have no certainty in terms of their outcomes.*

11. And the planning officer concluded:

*Whilst enforcing speed limits is a matter for the Police, reducing the speed limit would itself not guarantee compliance. This is evidenced by the recorded speeds within the existing 40mph speed limit. In light of the fact that the speed limit reduction and traffic calming are necessary to enable the provision of safe vehicular and pedestrian access, it is not appropriate to approve planning permission where this is reliant upon the making of a Traffic Regulation Order and the assumption that this would be complied with.*

12. The concerns held by members are aligned with those of locals and West Grinstead Parish Council, who consider that access to the site is fundamentally unsafe. Whilst the speed limit has been reduced to 30mph there remains widespread non-compliance with the amended speed limit and therefore concerns over traffic speed, and therefore safety, remain as valid as they were for the earlier application. But there are also other fundamental problems with the **PG1** site.

### **Problems with the PG1 site**

13. Our client's position is that the Allocation is unsound and should be removed. The reasons for this are set out in detail in our client's previous representations and supporting reports, which should be read in conjunction with this document. In summary, the Allocation is not sound because:

- a. it conflicts with other policies in the HDCLP, namely:
  - i. Strategic Policy 2: Development Hierarchy
  - ii. Strategic Policy 3: Settlement Expansion
  - iii. Strategic Policy 13: The Natural Environment and Landscape Character
  - iv. Strategic Policy 14: Countryside Protection
  - v. Strategic Policy 15: Settlement Coalescence
  - vi. Strategic Policy 19: Development Quality
  - vii. Strategic Policy 20: Development Principles
  - viii. Strategic Policy 24: Sustainable Transport
- b. it conflicts with the West Grinstead Neighbourhood Plan
- c. safe access to the site is fundamentally problematic

### **Strategic Policy 2: Development Hierarchy**

14. This policy would apply to any development on **PG1** and would require it to:

- (i) Demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of Partridge Green and Jolesfield, in accordance with the settlement hierarchy;
- (ii) Maintain the cohesive settlement form of Partridge Green and Jolesfield;
- (iii) Be limited in scale to reflect the existing scale and character of the function and form of Partridge Green and Jolesfield;
- (iv) Consider that, for Jolesfield, settlement character is material; including form, density, age and historic character of dwellings and, importantly, the overall sense that one has left the open countryside and entered a defined village community;
- (v) Ensure that development is carried out in a manner that protects, retains and enhances the rural landscape character of the District;
- (vi) Ensure the expansion of Partridge Green and Jolesfield is carefully managed.

15. The nature of the **PG1** site means that its development will impact the cohesive settlement forms of Partridge Green and Jolesfield, as well as their character, function and form. As made clear in the **MB Landscape Report** supporting our client's previous representations, current proposals to

develop the site will not be consistent with these principles for the following reasons. These reasons would apply generally to development of the **PG1** site, and therefore its allocation is contrary to **SP2**:

- (i) Partridge Green and Jolesfield are different in form and character and the open gap provided by the **PG1** site helps to preserve the separate function and character of each settlement;
- (ii) By virtue of its undeveloped and open character, the **PG1** site provides a clear physical and visual separation or a gap between the built-up areas of Partridge Green and Jolesfield on the west side of the B2135;
- (iii) From the Downs Link there are countryside views across the **PG1** site and separation between Partridge Green and Jolesfield can be discerned;
- (iv) The function of the gap as proposed as a formal amenity space in the pending application rather than agricultural land would contribute to a weakening in the perceptual gap;
- (v) Views of the countryside with a veteran oak tree in the foreground and the South Downs/Chanctonbury Ring in the background when looking from the B2135 would be replaced with views of a housing development;
- (vi) Harm to the setting of a non-designated heritage asset recommended for inclusion on the local list (Jolesfield House) due to the proposed quantum of housing and proximity to the north eastern corner of the site;
- (vii) People travelling along the B2135 in vehicles would not perceive any gap. Development would appear to be continuous along the western side of the B1235;
- (viii) People within any public open space at the northern end of the development would be aware of the immediate proximity of Jolesfield House to the extension of Partridge Green. There would be no sense of separation between the two settlements.

16. For all those reasons, development of the Site would be contrary to **SP2** and so it should not be allocated.

### Strategic Policy 3: Settlement Expansion

17. In order to comply with **SP3**, proposed development on the **PG1** site would be required to:

- (i) Demonstrate that it meets an identified housing need;
- (ii) Be contained within an existing defensible boundary;
- (iii) Maintain and enhance the landscape and townscape character features of Partridge Green and Jolesfield.

18. The nature of the **PG1** site means that any development on it would not maintain and enhance the landscape and townscape character features of Partridge Green and Jolesfield. The **MB Landscape Report** assesses the landscape and townscape character of the area, concluding that the **PG1** site is of medium/high value. It goes on to consider the landscape and townscape impacts of the proposed development of the **PG1** site, concluding that it would:

- (i) exacerbate the visual intrusion caused by suburban development at Partridge Green;
- (ii) not respond to the historic settlement pattern;

- (iii) not Secure landscape improvements to screen the suburban edge of Partridge Green;
- (iv) not maintain or restore the historic agricultural pattern and fabric of smaller fields;
- (v) not protect the setting of an area valued for its natural beauty;
- (vi) not protect an area of tranquil character from visually intrusive development;
- (vii) not Locate buildings to avoid loss of important views towards features such as church towers or the wider landscape;
- (viii) not locate buildings to avoid damage to settlement settings;
- (ix) not respect or complement the rural settlement form, pattern and character and its landscape setting, or reinforce local distinctiveness;
- (x) not enable highways improvements within and on the approaches to the settlement, in a way which does not detract from local historic and rural character;
- (xi) not protect, conserve, or enhance the small-scale, intimate and pastoral character of the landscape;
- (xii) not protect, conserve, or enhance the strong network of hedgerows;
- (xiii) not protect, conserve, or enhance the historic pattern of assarts.

19. For all those reasons, development of the **PG1** site would be contrary to **SP3** and so it should not be allocated.

*Strategic Policy 13: The Natural Environment and Landscape Character*

*Strategic Policy 14: Countryside Protection*

*Strategic Policy 15: Settlement Coalescence*

20. The Inspector is invited to read in full the *Review of Proposed Site Allocation PG1* by Michelle Bolger Expert Landscape Consultancy annexed to our client's previous written representations. That report very clearly sets out fundamental issues with the Allocation in relation to landscape impacts, particularly the background to the consideration of the Site for allocation and the conflicts with **SP13**, **SP14** and **SP15**.

*Strategic Policy 19: Development Quality*

*Strategic Policy 20: Development Principles*

*Strategic Policy 24: Sustainable Transport*

21. Taken together these policies overlap with many of the points in response to **SP2** and **SP3**, including respecting the landscape and townscape character, contributing to a sense of place, and responding sympathetically to the local landscape and townscape – those points are not repeated here. In addition to the points already covered, policies **SP19**, **SP20** and **SP24** all include objectives relating to safe and convenient active travel such as access to pedestrian, cycle and public transport routes. As such, any development of the **PG1** site is required (among other things) to:

- (i) encourage low traffic neighbourhoods with good street design that prioritises pedestrians and cyclists;
  - (ii) ensure new development is well-connected to wider cycling and walking networks, prioritising the ability of residents to safely and conveniently walk and cycle to meet their everyday needs using walking and cycling routes that are safe, direct and have priority over motorised traffic, and are integrated well with the existing and wider network.
22. The **PG1** site suffers from issues which make it unsuitable for complying with policies **SP19**, **SP20** and **SP24**. One such issue is the **PG1** site's ability to promote active travel modes and provide safe recreational/utility routes, links into public rights of way and safe connectivity to the surrounding area. The B2135 is a busy road with limited potential for safe crossing points for pedestrians and cyclists and any development on the **PG1** site will be severely restricted in its ability to comply with policies **SP19**, **SP20** and **SP24**.
23. One particular issue highlighted by the planning application on the **PG1** site currently before Horsham DC is the safe and convenient connection into the site and linkages into the PROW network. Public footpath 1840 is located adjacent to the northern corner of the **PG1** site, and leads directly to Jolesfield Church of England Primary School (children of ages 5 – 11) and Bluebells Day Nursery (children of ages 0 – 5 years). It also provides access to the nearest bus stops which can be used for onward travel (although note that bus services have recently been reduced). However, there is no footway on the western side of Church Road, and on the eastern side of Church Road there is a large grass bank which lies to the south of the point of a proposed crossing. The bank also accommodates a large oak tree. These factors present serious difficulties in siting suitable safe pedestrian and/or cycle access at the northern end of the Site and thereby providing safe and convenient access to the PROW network. Pedestrian or cycle access would therefore represent a wholly unsafe arrangement, particularly given the expected frequency of its use by vulnerable pedestrians.
24. Recent planning applications for the site have provided for both northern and southern pedestrian accesses; the viability of the former in respect of the latest application was however questioned by West Sussex County Council Highways following issues raised by our client, and was subsequently removed from the proposal, demonstrating the serious constraints of the site in terms of safe access. Although a resolution to grant has been passed, safety issues remain with the current pending proposal following an equivocal resolution to grant and no Decision Notice has been issued.
25. The issues with **PG1** are given particular clarity by comparing the potential for sites **PG2** and **PG3** to comply with these policies; neither of which require crossing a busy road so pedestrians or cyclists can safely and conveniently walk and cycle to meet their everyday needs using walking and cycling routes that are safe, direct and have priority over motorised traffic, and are integrated well with the existing and wider network.
26. The question of safe and suitable vehicular access is also relevant to the objectives under these policies, and serious concerns have already been raised with Horsham DC over the safety of a new vehicular access in this position on the B2135 due to excessive vehicle speeds on this stretch of road, gradient and visibility, and which would also impact on the safety of pedestrians and cyclists and the ease with which they can access the wider network – unlike the other proposed sites, **PG2** and **PG3**, for which safe vehicular access is likely to be less of a concern.
27. Given the location and constraints of the **PG1** site, there are a number of barriers to compliance with policies **SP19**, **SP20** and **SP24**, thereby justifying its removal as an allocated site in the Plan.

28. We expect our client's transport consultant to speak to these issues at the hearing.

West Grinstead Neighbourhood Plan

29. Policy **HA12** provides that "support will be given to proposals that seek to achieve community aspirations as set out in the Neighbourhood Plan, including the provision and/or enhancement of community facilities". The aspirations of the Neighbourhood Plan include "protecting the rural character of the area and the distinct identity of the settlements that make up the Neighbourhood Plan area", with the overall vision being "To ensure that the distinctive characteristics of the Parish, including its sense of community, rural feel, historic buildings and the relationship with the surrounding countryside are protected and enhanced...". Strategic objectives also include to "maintain the separate identities of the settlements of Partridge Green, Littleworth, Jolesfield, West Grinstead, and Dial Post within the Parish."
30. For the reasons set out above in response to the other policies, it is clear that development of the **PG1** site does not protect the rural character of the area and the distinct identities of Partridge Green and Jolesfield. The distinctive characteristics of the Parish, including its sense of community, rural feel, historic buildings and the relationship with the surrounding countryside will not be protected or enhanced. In particular, allocation of the **PG1** site will not maintain the separate identities of Partridge Green and Jolesfield. Allocation of the **PG1** site therefore directly conflicts with policy **HA12** and so the allocation should not be supported in the Plan.

Conclusion

31. For the reasons set out above, site allocation **PG1** of policy **HA12** is not sound and should be removed. There is an in-principle objection to the allocation of the site and a secondary objection on the basis of a misunderstanding in respect of the capacity of the site to accommodate the number of dwellings suggested under site allocation **PG1**.

**Richard Buxton Solicitors**  
**22 November 2024**

**Appendix**

**Transcript of Horsham DC planning committee meeting**

**17 September 2024**



## MEETING TRANSCRIPT

DC/23/2279 – Land North of The Rosary,  
Partridge Green, West Sussex, RH13 8JS

In attendance at meeting on: 17<sup>th</sup> September 2024

**Councillors:**

Len Ellis-Brown (Chairman), Philip Circus, Paul Clarke, Mike Croker, Joy Dennis, Victoria Finnegan, Ruth Fletcher, Joan Grech, Alan Manton, Nicholas Marks, Roger Noel, Gill Perry, John Trollope, Peter van der Borgh

**Officers:**

Jason Hawkes (Principal Planning Officer), Emma Parks (Head of Development and Building Control), Claire Browne (Solicitor)

**Public Speakers:**

Peter Freeman (Objector), Rod Geal (Objector), Andrew Munton (Supporter), Chris Lyons (Supporter), Cllr David Green (Objector), Statement by Cllr Knowles

<b>Speaker</b>	<b>Transcription</b>	<b>Para</b>
Chair	Moving on to item no 6, this is DC/23/2279 Land North of The Rosary, Partridge Green. I would ask the Officer to make the presentation, please.	1.
Jason Hawkes	<p>Thank you. Since the report was published, additional letters and emails of objection have been received. One of the letters sets out that the transport assessment wrongly states that the site is served by three buses. It is only served by one bus and this is a mistake. Notwithstanding this, the site is considered a sustainable location, taking into account the services available at Partridge Green, as outlined in the Local Plan Review Settlement Sustainability Assessment and also in the individual assessment of the site for allocation for the Local Plan Review.</p> <p>A letter has also been received from a Solicitor which has been I believe sent to all Councillors. The letter requests a site visit by the Councillors and states that expert reports have been submitted which are not given due consideration in the Officers' report. As stated in the report, all the independent reports that have been submitted have been fully taken into consideration and assessed by the relevant professionals at Horsham District Council and the County Council.</p> <p>The letter also refers to the [REDACTED] of the proposed legal agreement and water neutrality. In terms of making sure there's a correct amount of offsetting for this development, this would be secured via obligations and legal agreements in the event that permission is granted. Based on calculations the proposal requires approximately 227 Saxon Weald properties to be fitted with a water saving device to offset this proposal. It should be noted this is not a definitive amount. If more properties are required to offset this proposal, then these would need to come forward. This would be secured under the terms of the legal agreement. Saxon Weald would be a signatory to the agreement.</p> <p>The water saving fixtures would need to be installed prior to occupation of any of the dwellings proposed under this application. The legal agreement would also require the fixtures to be retained in perpetuity. As Saxon Weald have a large portfolio of properties within the Saxon – Sussex North water supply zone,</p>	2.

providing additional properties to cover the offsetting for this development would not be an issue. The legal agreement would be enforceable and includes requirement for the water saving measures to be inspected if required. An agreement for the same requirements with Saxon Weald for offsetting has been agreed and approved under a separate application which has been through the necessary legal checks.

The letter refers to policy compliance with policy 26 and 27 of the HDPF. This relates to development in the countryside and settlement coalescence. As stated in the report, in the Officers' opinion the proposed landscape impact and coalescing impacts are considered appropriate, taking into account the weight attached to the Council's lack of a five-year supply of housing and the presumption in favour of sustainable development. Officers do, however, acknowledge that this is a departure from the Local Plan for development in the countryside and is therefore contrary to policies 2, 4 and 26 of the HDPF in respect to the principle of development.

Emails received also refer to concerns regarding the impact of the proposal on the retained TPO near the access and highway safety. The concerns raised do not bring up any new matters for consideration which are not already addressed in the report.

So here we see the application site. The site relates to two fields located north of The Rosary and to the west of Church Road at Partridge Green. The site there is highlighted in red. This shows the two fields in aerial view. The site is divided east/west by a row of trees some of them covered by TPOs. The site is mostly enclosed by trees and hedgerows with limited views from Church Road and the Downs Link. Here we see the adjacent – the site adjacent to the Downs Link to the west. A high pressure mains gas pipeline runs along the Downs Link. There are also trees covered by TPOs within the site, as I said, within the central area and along the eastern boundary.

This shows the relationship of the site within the built-up area – adjacent to the built-up area and boundary with Partridge Green to the north and south – south and east, sorry. The smaller settlements of Littleworth and Jolesfield are located to the north. So this photo is taken from the south of Church Road looking north. The property to the left is part of The Rosary which looks over the site. This photo is taken from the north looking south on Church Road and shows the site to the right there behind the trees and adjacent to an access to a neighbouring property. So these photos are taken from within site and show the existing fields within the site.

The proposal is for outline consent for 81 dwellings with all matters reserved except for access. The scheme proposes a new vehicle access onto Church Road, as can be seen here. The majority of the housing is to the southern part of the site, with the central trees retained and enhanced. To the north, housing is proposed to the northeast section with an attenuation pond, play area and pumping station proposed to the north-western area.

This plan shows two pedestrian accesses to the southeast and western parts of the site to allow access to Partridge Green and the Downs Link. This is the parameter plan for the development. This shows the developable areas for the site. Councillors will note that the development areas are set within the site, mostly retaining the trees and hedgerows which enclose it.

	<p>As outlined in the report, the site has an extensive planning history with recent applications for housing for this site. The last application refused in 2022 was for a similar layout as shown here and was refused for two reasons stated here relating to the lack of a water neutrality solution and the lack of a legal agreement. These reasons for refusal and the previous scheme are a material consideration to determine the application, taking into account that the current scheme is very similar to the previous refused scheme.</p> <p>As originally submitted, the proposal included two accesses for pedestrians onto Church Road to the north and south. The vehicle access is not classed as pedestrian access, as stated in the report in paragraph 6.38. This is an error. Due to safety concerns raised by Highways, the northern access has been removed, leaving the southern access for pedestrians onto Church Road only. This is considered appropriate, taking into account the proximity of the site to Partridge Green, as seen here. The southern access would provide a direct access to Partridge Green facilities and services. As such, the lack of a northern pedestrian access is not considered an issue.</p> <p>This slide shows the proposed vehicle access with proposed sight lines. As stated in the report, Highways are satisfied that this provides suitable and safe access to the site with adequate sight lines. The scheme is also considered appropriate in terms of traffic generation. As stated in the report, Horsham's Tree Officer has objected to the proposal and these objections are noted. However, with the benefits of suitable methods of construction, such as manual excavation to be supervised by an arboriculturalist, it is stated – it is felt, as stated in the report, that the impact on the root protection area of the adjacent TPO would be minimal. These details are recommended to be secured by a condition.</p> <p>As outlined in the report, the scheme is a departure from the current Local Plan. However, taking into account the weight attached to the lack of a five-year housing land supply and the presumption in favour of sustainable development, the proposal is recommended for approval as required by the NPPF. This takes into account the lack of harm attributed to the scheme and its allocation in the upcoming Horsham District Local Plan.</p> <p>The scheme is therefore recommended for approval subject to consultation from Southern Gas Networks regarding the proximity of the gas pipeline and a legal agreement to secure the following: Provision of 40% affordable housing, provision to secure water neutrality offsetting measures, improvements to public rights of way, contribution for the County for a monitoring fee for the travel plan, and provision of future maintenance and management of the LEAP and open space. Thank you.</p>	
Chair	Thank you very much. Could I invite the first speaker of this evening, Peter Freeman, and remind you you have two minutes. Thank you.	3.
Peter Freeman	So this comes on automatically, does it?	4.
Chair	I think it's on all the time actually.	5.
Peter Freeman	Okay. I just put my timer on, if I may. So I start at my convenience.	6.
Chair	<span style="background-color: yellow;">                    </span> .	7.
Peter Freeman	Sure. For now I'll focus on safety but ask you to consider later my notes and reports on trees, landscape and visual impact, settlement coalescence, heritage and ecology. Whilst I commissioned the reports and you may question the	8.

	<p>validity of their conclusions, I think you'll find their professionalism is self-evident and the findings are sound. By contrast, too many of HDC's consultees make factual errors and omissions and I fail to understand how their judgments can be given weight.</p> <p>Turning to the site access, I've sent you pre-app emails between the developer and County Highways discussing which standards to use. Both hope to find ways of using shorter splays and want to massage data with a wet weather adjustment. NPPF policy doesn't get a mention. How is it right that the same Highways Officer who gave paid for pre-app advice is later HDC's consultee?</p> <p>Four years after I first highlighted a multitude of errors, the northern pedestrian access has been shelved. Gledhill's agreed that wet weather adjustments are discredited and there's no sign of the 30 speed limit bedding in. Correctly adjusted 85<sup>th</sup> percentile data given by the applicant was 39.2 southbound and 43.4 to the north. That was the worst day, but by no means unusual. An appeal decision states that MfS uses the same parameters as DMRB for speeds over 37. Yet Gledhill is in denial. His stance is irrational and dangerous.</p> <p>There's no pavement to the west and no controlled crossing. I believe the plans don't demonstrate visibility compliant with the data supplied and worst of all, there's an access road without pavements, creating extreme danger and a site of dysfunctional design. Safe and suitable access for all users is not available, so these plans clearly breach policies 114 to 116 of the NPPF. I'm appalled your Officers haven't brought this to your attention and that representation is habitually ignored. You too should be appalled.</p>	
Chair	Thank you. Okay. Forgive me if I pronounce your surname incorrectly. Rod Geal, is it?	9.
Rod Geal	It's Geal actually.	10.
Chair	Okay. Apologies.	11.
Rod Geal	<p>It's okay. Good afternoon. When considering new development, nothing should be more important than highway safety. So to myself and many other villagers who know the area well the most controversial aspect of this application are the two proposed accesses. The site vehicle access is located on a left-hand bend and on an uphill gradient in the crown of a hill, as you travel along from north to south. A system of double white lines has been introduced along the length of the site frontage to warn of danger from the layout due to reduced visibility.</p> <p>For the 2016 application of the access it was identically positioned and rejected owing to a series of safety issues being determined. The Local Highway Authority commented at the time, "It appears that the site access issue will be difficult to resolve." We have a matching situation now and the Highways Authority have failed to respond to a recent detailed technical report which is highly critical of their proposals and the applicant's road safety audits.</p> <p>Two of the most important of the various issues are, 1, the pedestrian access which presents serious highway safety risks, particularly for vulnerable groups attempting to cross close to a blind crest and bend and, 2, the proposition that the vehicle access can be used by pedestrians, yet no footways or crossing facilities are provided. This arrangement will lead to pedestrians walking within the carriageway, a significant and dangerous safety concern.</p> <p>The judgment of the Highway Authority must be questioned, if they are satisfied that residents, specifically parents with children and pushchairs, the elderly with</p>	12.

	<p>vision and or walking difficulties and the disabled in wheelchairs will be attempting to negotiate these hazards without risk. These arrangements are not consistent with policies 114 and 115 of the NPPF and for these reasons alone I urge you to refuse this application.</p>	
Chair	<p>Thank you very much. Okay. Andrew Munton, please. You have two minutes. Thank you.</p>	13.
Andrew Munton	<p>Chair, Councillors, thank you for giving me this opportunity to speak this evening. I'm Andrew Munton, Planning Director Reside Developments, a local award winning independent high quality developer. Reside Developments is a conscientious developer that constantly delivers high quality sustainable housing schemes across the southeast. Members will be aware that this scheme has been before Committee previously. On that occasion, the only reason for refusal was due to the scheme not being able to achieve – demonstrate water neutrality.</p> <p>Reside has worked hard to find a suitable solution where the remaining water savings needed to achieve water neutrality after the onsite measures is to offset the remaining requirements using credits from Saxon Weald who are retrofitting their existing stock. This is the same solution that the Council approved at Committee in December for Reside's south water scheme. The scheme is therefore fully water neutral.</p> <p>Reside has continued to work tirelessly with your Officers to create a high quality development fitting of a beautiful village like Partridge Green. This site is a proposed allocation in the recently submitted Local Plan and the site meets the emerging policy requirements set out therein. Our homes are sustainable, achieving a reduction in CO<sup>2</sup> greater than national policy, and our schemes are all gas free. Specifically, this scheme achieves more than 10% biodiversity net gain on the site.</p> <p>Reside takes its responsibility seriously and listens to the local community. We responded to detailed comments made on this application, including for example agreeing to a financial contribution to the improvement of a public right of way just to the north of the village and removing the additional pedestrian access on Church Road.</p> <p>My colleague Chris will explain the scheme's benefits in more detail, but this development achieves water neutrality, as agreed by water – by Natural England. It's vital that we all work collaboratively together to deliver new homes. There is so much need in this district. I therefore ask that you endorse your Officers' recommendation and approve this planning application. Thank you.</p>	14.
Chair	<p>Thank you very much. David Green, please. We have – apologies. I jumped ahead of myself. Chris Lyons. Sorry. Chris Lyons, please. Sorry, I jumped ahead of myself. Apologies.</p>	15.
Chris Lyons	<p>Good evening, Members. My name is Dr Chris Lyons and I'm a Planning Consultant at SLR Consulting. This planning application before you has already been considered at great length and all of the technical issues fully assessed several times. The previous planning application was refused two years ago and in that time there's been no significant change in the development plan in Horsham, with the same Local Plan still carrying weight.</p> <p>However, there has been a significantly increased demand for housing in the district. As you know, the Council's new plan is saying you're unable to meet this demand for new homes due to water neutrality. Therefore, we believe there's an imperative for any suitable site that has a water neutrality solution to be</p>	16.

	<p>supported. As you've heard, this site does have a water neutrality solution.</p> <p>In terms of whether this site is suitable, I refer you back to the previous scheme which was refused for two reasons. The second was simply to secure the Section 106 and therefore the only substantive issue was the first reason relating to water neutrality. Both issues have now been addressed. The previous decision is a material planning consideration and we do not believe the policies have materially changed in relation to the other points. The Council's report on that application considered all of the other technical issues and on balance were satisfied with the proposals.</p> <p>The report concluded that it is acknowledged that the need for additional housing in the Horsham District is pressing and that the provision of 81 homes on the edge of an existing settlement carries significant weight in favour of the proposal. Furthermore, the site is now a proposed allocation in the proposed Local Plan which shows the Council accepts the site as a suitable one, including the late query relating to the Southern Gas Network.</p> <p>We believe the application as submitted was appropriate, but we've worked with your Officers to make additional amendments were requested. You can see from the illustrative layout that 81 units can be achieved within an attractive and spacious setting with a good buffer zone to the boundaries, meaning the scheme will be well contained and is a natural extension to the village. The scheme also contains a play area, good access to the Downs Link for walking and cycling and a large area of open space. We believe this will be a very attractive environment and one that will be popular with future develop – residents. Thank you.</p>	
Chair	Thank you very much. This time I hope to get it right. David Green. You have five minutes, Cllr Green.	17.
Cllr Green	<p>Good evening, ladies and gentlemen. West Grinstead Parish Council is opposed to this application. It's the fifth such application we've had for this site. It's the third for 81 dwellings. This application is virtually identical, certainly to the last one. The second application of the five, which was for 101 dwellings, was withdrawn, but the others have all been refused and that's despite the third of them being taken to appeal.</p> <p>So what's different about this application? What distinguishes it from the last one which was refused in July 2021? By then, HDC was already unable to evidence a five year supply, but it hadn't at that stage produced a facilitating appropriate development document. The other thing to have changed is that the applicant didn't have an offsetting strategy to counter water neutrality. It does this time by reason of the deal it's come to with Saxon Weald.</p> <p>The Parish Council's main concern ever since that first application has always been the safety of the access to the site. It has to be recognised that the site is on an incline and on a slight bend. It also has to be accepted that the site frontage to the B2135 is lined by a number of mature oaks subject to TPOs. This inevitably limits the visibility lines the developer would be able to achieve.</p> <p>At the time of the initial application, the speed limit on the B2135 past the site was 40mph. Even the applicant's own review at the time indicated that adequate visibility could not be achieved. The Planning Officer, who was then Emma Parks, reported that to address the visibility issues the applicant has suggested that the speed limit be lowered and traffic calming introduced on the B2135. However, both processes are subject to further statutory consultation processes the outcomes of which cannot be guaranteed. The introduction of a change in</p>	18.

	<p>speed limit itself would not ensure compliance. This is evidenced by the fact that the existing 40mph speed limit is already being exceeded regularly. Safe access to and the delivery of the development itself should not be reliant upon measures that have no certainty in terms of their outcomes.</p> <p>Well, the speed limit was reduced from 40 to 30, but seemingly though this was of itself sufficient to satisfy Highways' concerns. There was no call for up-to-date traffic data, the applicants still working on data obtained pre-pandemic, nor was there any call for traffic calming measures, as mentioned in the earlier report. Reducing a speed limit doesn't of itself render a road safer. It'll only be safer if it causes drivers to reduce their speeds. How do you measure that? Surely you have to obtain up-to-date data.</p> <p>We do have that data. We have that data because we maintain a speed indicator device at the foot of Staples Hill almost opposite the northern end of the site, so we know from this that 53% of traffic entering the village observes the speed limit, but only 14% of the outgoing traffic. Some of that traffic is going awfully fast. The fastest speeds recorded are 78 leaving the village and 87 entering it.</p> <p>We would therefore ask you to question the advice you've received from Highways and refuse this application. Alternatively, if you feel that you have to grant consent, we would ask that you consider granting – imposing an additional pre-commencement condition along the lines of the development hereby approved shall not commence until traffic calming measures have been submitted to and approved by the Local Planning Authority to ensure, so far as reasonably practicable, that traffic using the B2135 past the site observes the speed limit of 30. The approved scheme will be implemented prior to the first occupation of the development.</p> <p>Otherwise, the major issue, and you have probably read about this in the local press, exercising Partridge Green at the moment, is the change to the 17 bus service between Horsham and Brighton, the only bus service the village enjoys. What's happening is that the service is being improved if you pay attention to Stagecoach unless you happen to live in Partridge Green. Under the new timetable, if you live in Partridge Green and want to take the bus to Horsham during the middle of the day, you're now going to have to take a bus south to Henfield and then change to a northbound bus that follows the A281 north and bypasses Partridge Green.</p>	
Chair	Excuse me. Sorry to interrupt, but you've had your five minutes. Thank you very much.	19.
Cllr Green	Okay. Thank you.	20.
Jason Hawkes	<p>So, yeah, in terms of the vehicle access, this is the same vehicle access proposed in the last two applications. There was a 2016 application with a similar access which was refused, but the main difference, as stated, was the speed limit which at that point was 40mph which has now been reduced to 30, so that is a significant change. And for the current application, the applicant has undergone all the relevant tests and requirements by the County and the County have also looked at all the submitted surveys and there was also a survey done in 2023 by the County itself, which is referenced in 6.37.</p> <p>So this takes into account the independent survey submitted by the residents, so all that has been taken into consideration and the access is, as in the previous applications, is considered appropriate with the appropriate sight lines, taking</p>	21.

	into account the speed limit and the 85 <sup>th</sup> percentile, which is considered appropriate. So unfortunately we have – well, not unfortunately, but take – we have to give that significant weight to the County's Highways' comments, so that's...	
F1	Sorry to interrupt, I just missed those last couple of sentences. I didn't quite catch what you were saying. Can you just say that again?	22.
Jason Hawkes	I was just saying that the speed limit has now been reduced, since the 2016 application, from 40 to 30 which is a significant change, which is why at that time the access in the 2016 application was considered inappropriate. And now this application is considered appropriate, taking into account what's now before us and taking also into account the 85 <sup>th</sup> percentile which has been taken – the surveys done by the applicants.	23.
Chair	Okay. Thank you. The Local Ward Members are not here this evening, but Cllr Knowles has submitted a note which we will be read out this evening by the Committee Officer on behalf of Cllr Knowles. Thank you.	24.
F2	<p>Thank you very much. I've got the statement here from Joanne Knowles. As Ward Councillor, I've received many emails of concern about this application. The common themes are access, both road and the removal of much of the no 17 bus service. Before COVID the no 17 was half hourly with evening and weekend provision. It was cut back hourly and no evening or Sunday service during COVID.</p> <p>Last month late August, the new timetable was announced without consultation, cutting off the Partridge Green loop, so there is no direct route between Horsham between 09:30am and 07:47pm Monday to Friday and still no Sunday service. This is a result of cost cutting by Stagecoach and the village being excluded from the reinstated Sunday service provision funded by West Sussex County Council.</p> <p>The road access. We are aware that the West Sussex Highways team have limited capacity and often raise no issues, but residents know that there may be serious implications to a further access point and increased traffic. We must seek to reduce the chance of further accidents along this fast, busy road with visibility challenges and many access points.</p> <p>If it is possible to add a condition to see further traffic calming measures be included to reduce the speed of vehicles entering and leaving the village alongside the B2135, that would improve this application considerably. Thank you very much on behalf of Joanne Knowles.</p>	25.
Chair	Thank you very much. I now open this for debate amongst the Members. Cllr Fletcher.	26.
Cllr Fletcher	Could I ask whether – sorry, this is just a point of order, is whether I could ask whether the Officers had any comments on any of the things raised so far.	27.
Jason Hawkes	I did. In terms of the bus service, we recognise there is a limited bus service which is proposed to be amended, but as stated, we still feel this is a sustainable location for development, taking into account the location of the site close to some services within Partridge Green.	28.
Cllr Fletcher	I was wondering whether you had a comment on the suggestion from Cllr Knowles and the Member of West Grinstead Parish about the condition on traffic calming.	29.
Jason Hawkes	Well, we're guided by the Highways on this and they've not required traffic calming for this application is necessary, so it's not something we're requiring as part of the application.	30.
Emma	In any event, you can't just add a pre-commencement condition for traffic	31.



Parks	calming, because we don't know whether it's feasible, what's possible, and ultimately it's outside of the red edge of the application site. So there are other means in which you potentially could secure it, but I think it's not as simple as that, but obviously, you know, in considering mitigation, you have to consider is it necessary to make the development acceptable, and it's that key test which Officers in the County obviously feel is not met which is why we're not seeking to secure traffic calming as a result of this development. Thank you.	
Chair	Okay. Thank you. Cllr Circus.	32.
Cllr Circus	<p>Thank you, Chairman. From time to time I read the reports of Officers that are tendered to us at these meetings and, frankly, there seems to be a disconnect between what the report says and what the recommendation is. It seems to me in many ways this report makes the case for rejecting the application. Certainly, if you read some of the serious concerns of a number of the consultees, I'd just say something about Highways.</p> <p>I hope my colleague, Cllr Dennis, won't be too cross with me, but the problem with County Highways and because of the enormous number of applications they get, these sort of comments from County Highways are based on desk research. So what we have is the result of a desk research exercise versus the known experience of people who know this road and can see this road and have had experience of it over many years.</p> <p>What I wanted specifically to draw attention to was the letter we all had from a firm of solicitors called Richard Buxton, if I may, Chairman, which I thought was a cogently written and argued letter. And I wonder whether we could be told – I mean this letter went I think to Lauren as Head of Legal Services. In paragraph 9 it says the involvement of a third party, that's Saxon Weald of course, in the Section 106 agreement will not and cannot be sufficient unlike of course the actual developer who is directly party to the Section 106 agreement.</p> <p>And then the Solicitor goes on to say, there is no way of binding Sussex Weald's successors in title, nor is there any way of enforcing directly against the developer should there be any failure to deliver these offsetting measures after implementation. We've had an argument on a number of occasions, Chairman, about water neutrality in terms of is it water neutral and can it be seen to be water neutral in perpetuity, and in fact that's the point that is made further on in the Solicitor's letter.</p> <p>Now, I wonder whether – I mean, as I've understood the Officer's comments on this aspect of water neutrality, it tended to be, and I hope I'm not doing them an unfairness, if it's water neutral now, we can assume it will remain water neutral, which has always seemed to me a highly questionable proposition. Given that the conclusion, particularly as a result of those comments about water neutrality, that the Solicitor who wrote this letter says that it would be unlawful for Members to proceed, I wonder whether we could be told whether my learned friend, the Monitoring Officer, has actually responded.</p> <p>I know the letter was only received yesterday, so I do think that we ought to have a response. This is a Solicitor who – a firm that clearly specialises in planning law and here's a serious point about binding the successors in title to Saxon Weald, seems to me, you know, given this point about in perpetuity, seems to me a very relevant point. I think we need some comfort, if I can put it like that, on that point before any of us would feel remotely content to agree to this application. Thank you.</p>	33.

<p>Emma Parks</p>	<p>Cllr Circus, thank you. I'll pass over to my legal colleague in a second, but first of all we have seen the letter and in fact my colleague's update, Jason's update, did include reference to that letter at the very beginning of the meeting, so all Officers have read and considered that letter and my legal colleague will talk about the details.</p> <p>Just before doing so, with reference to the comments in the report around any level of harm, I think all Members will recognise, you know, an Officers' report will always balance those matters and quite often with a development there is a level of harm which the report will be explicit on. Obviously, what's key when you have an application such as this, which we consider water neutral, and when you're in a no five-year housing land supply position, is as set out within paragraph 6.61 where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.</p> <p>So I think Members need to be cautioned where there is reference in the report to any harm that that justifies a reason for refusal, because that is not the Officers' view and that is not the intention and the report should be looked at as a whole and reference to the conclusions and the planning balance. I'll just pass over to my legal colleague now with regard to the water neutrality points. Thank you.</p>	<p>34.</p>
<p>Claire Browne</p>	<p>Yes. It's a technical question, so I'm afraid you're going to get a technical answer. I'm going to read – I'm going to paraphrase section 106 of the Town and Country Planning Act and that will answer your question. I'm going to do it fairly thoroughly, so that no one steps out of this chamber having listened to this without understanding how it works.</p> <p>So we start off at subsection 1 which says that any person interested in land in the area of a Local Planning Authority may enter into a planning obligation, and that includes Saxon Weald. And that can require specified operations or activities to be carried out in, on, over or under the land, so they can enter into the 106 agreement and they can bind their own land and they can enter into covenants that require them to carry out things like fitting flow regulators, taking out inefficient lavatory systems, fitting taps and so forth retrospectively to increase the efficiency of the water usage in their housing stock.</p> <p>So a planning obligation – I'm moving on to subsection 2 now – may impose any restriction or requirement mentioned either indefinitely or for such period or periods as may be specified, so we require that these covenants are entered into indefinitely. Now obviously if things change and the Natural England position is revoked or amended, then we will be happy to vary or even discharge the covenants that are entered into, if perhaps there is a change in infrastructure provision or so forth, but we require these provisions to be entered into in perpetuity.</p> <p>And planning obligations are enforceable by us as the Local Planning Authority. We have inserted clauses into our Section 106 agreements which require that we can take water meter readings and even obtain readings from water suppliers without necessarily having reference to the provider, so they – so anyone with a water meter agrees to allow us to access their data.</p> <p>And the part about – in the letter about enforceability against the developer is rather a red herring, because if the offsetting measures were not – did not remain in place, it wouldn't be the developer that we would be enforcing against, it would be the offsetting land provider, so it would be Saxon Weald because</p>	<p>35.</p>

	<p>they would enter into the agreement just like the developer and they would be subject to the covenants therein that they had entered into.</p> <p>And there's also this suggestion that there wouldn't be any way of these covenants being passed on to successors in title, but that's entirely contrary to the law, because subsection 3 says that planning obligations are enforceable by the Authority against the person entering into the obligation and against any person deriving title from that person. To put it in layman's speak, if you buy a property from Saxon Weald, unfortunately you will be subject to the same obligations that they entered into before you and so they are passed down. It's statutory.</p> <p>Now, Cllr Circus as a lawyer will probably know that in private covenants you can't pass on positive covenants, only negative ones, only restrictive ones. That's the rule in <i>Tulk v Moxhay</i>, if I remember rightly, but this is a statutory provision. It is different. It is here in black and white. So – does somebody want to get that? However, we can release persons from being bound by obligations once they've sold on their land if they were not responsible in the first place.</p> <p>And finally, subsection 5 it talks about restrictions or requirements imposed under planning obligations are enforceable by injunction, which is a severe penalty and should provide adequate comfort that we have plenty of clout when it comes to making sure that water neutrality provisions remain in place. We take in a monitoring fee. We intend to make sure that until such time as water neutrality is no longer required, we can ensure that these provisions remain in place. Does anyone have any questions about that?</p>	
Cllr Circus	Can I just... So in other words, your advice is that this covenant is enforceable in perpetuity even if there is, you know, a successor in title?	36.
Claire Browne	That is the statutory provision.	37.
Cllr Circus	Right. Okay.	38.
Claire Browne	<p>And if – I just want to cover off one more point, that if there is – it might have occurred to you as a lawyer that perhaps some seek to offset against property outside our area and that can be done using a provision of the Local Government Miscellaneous Provisions Act 1982 section 33, which basically allows similar enforceability provisions, so persons that are parties to an instrument under seal, so we're talking about people that basically enter into a deed, we can also carry out enforce – we can enforce provisions outside our area when it comes to regulating the use of land.</p> <p>So we've got a dual enforcement tool here in the law. So I'm hoping that that provides you all of the comfort that you need that we have statutory provision. I'm not quite sure how this letter seeks to put it that that wouldn't be the case, but we are quite satisfied. Thank you.</p>	39.
Cllr Circus	Okay. Thanks for that.	40.
Chair	Thank you. Can I just remind that you should have your phone turned to silent or turned off, please? Thank you. Cllr Croker. Cllr Croker. Sorry, I'll come to you in a moment, Cllr Noel.	41.
Cllr Croker	Thank you, Chair. It'd probably be remiss of me not to comment about Southern Water's statement that they can facilitate foul sewage disposal despite the fact that in 2023 their local sewage works had 1,600 hours of storm overflows. However, leaving that aside for a minute, I'd like to go back to travel matters.	42.

	<p>Personally, I find it – ridiculous is the wrong word, but it'll have to do that there is no footway adjacent to the sole vehicle access point to the site.</p> <p>Secondly, a couple of questions on access for pedestrians. Firstly, is there a dropped kerb provision for the southern access point for pedestrians on both sides of the road? And the other question is access to the Downs Link, which I'm not clear whether that is pedestrian only or includes cycles. So perhaps some clarification on that would be useful, please. Thank you.</p>	
Jason Hawkes	<p>In terms of the Southern Water, they have commented on the application and not raised any objections and going forward, we condition the details for drainage and sewage to be submitted to be approved, so that's not considered to be an issue.</p> <p>For the vehicle access, you are correct that it doesn't include a pedestrian pavement. I suppose that was not considered necessary as part of the application and there is – considering the access to the southern – with the removal of the northern access, as I explained earlier, that's not – the southern access is considered sufficient to cover that. So in the event that a pavement is added to the vehicle access, that would require an amendment to the application and an assessment of that would have to be done by Highways.</p> <p>For the pedestrian access I'm not sure – I don't have the details in front of me whether it's a dropped kerb access, but I'm assuming it would be, considering it's a pedestrian access. And for the Downs Link, I don't think we have those full details in front of us as whether it's – as it's an outline application, they would come forward as part of the reserved matters, so we would secure that as a cycle path as well as a pedestrian path, yes, in the event that that comes – in the event that this application is permitted.</p>	43.
Cllr Croker	<p>Thank you for that. I mean I make the point about the pedestrian access on the access road because were one to live there and wish to go north for some of the attractions of Partridge Green, such as The Green Man for example, it's a bit of a long walk round and I can see people going over the fence basically.</p>	44.
Jason Hawkes	<p>Well, I have – I did talk to the Highways because this issue came up earlier. I did talk to the Highways Officer and he did say there is potential for a pavement to be added. It would have to be to the northern part of the vehicle access, because as I stated there is potential impact on the tree to the south which you wouldn't want a pavement there because that would further impact on the root protection area. So there is scope there, but – he has stated in principle it's acceptable, yeah, but it would be subject to further assessments and amendment plans, so there is a possibility there of adding a pavement, but it would, as stated, it would require a further assessment and amendments to the application.</p>	45.
Chair	<p>Okay Cllr Croker? Cllr Noel.</p>	46.
Cllr Noel	<p>Thank you, Chairman. I'd like to return to the question of vehicle access from the B2315. Could we just see the photos again of the access points looking north and south on the B2315, please? So that's looking north? That's looking north? Is that right?</p>	47.
M1	<p>Yes.</p>	48.
Cllr Noel	<p>And it's got a continuous white line all the way along it? So there's obviously problems with cars overtaking there. Could I see the opposite direction, please? Okay. Now, I went to go and view the site this afternoon. I was there at about 4:15, perhaps a little bit later, and I drove past the site and then I turned round and I was coming from a southern direction. I drove all the way past, turned round and then came back down the road just to check the traffic, because the</p>	49.

	<p>traffic was extremely heavy.</p> <p>I turned into Church Lane, so that I could turn round again and come back up north towards Horsham. Church Lane is a little bit further south of the access point on the map. I had extreme problems being able to view, because we were close to the brow of the hill, I had extreme problems viewing the traffic coming over the brow of the hill. I have to say there was a car parked further along on the verge, but I just couldn't see the traffic that was coming over. I had real problems getting out of there.</p> <p>Now, this is within a few yards of the proposed access point further north up the B2135. I can't see that some 200 residents or 100 – sorry, 80-odd cars coming in and out and perhaps with two-car families, say, 120 cars coming in and out every day are going to be able to access and come out of that point safely, especially during school rush time. So I have serious doubts about the access arrangements and I wouldn't be happy to accept this proposal until we see more coming from West Sussex about traffic calming, traffic control and better visibility splays.</p>	
Chair	Sorry, could we – you might agree with it, but could you keep the applause? Thank you.	50.
Emma Parks	I just want to remind Members in terms of the history of this site here, obviously there was an application refused in 2022 which wasn't refused on Highways grounds and essentially the access is materially the same. I think our view is it is the best location for the access and the technical details do demonstrate that it would provide a safe access. So I think we just need to be mindful of the material history for the site here and the consultation responses we have received from West Sussex County Council Highways. Thank you.	51.
M2	<p>If I can just add a point as well. The access to the site is located on the brow of the hill and your experience, Councillor, in coming out of Church Lane further to the south meant that you were looking up towards the crest of the hill with traffic coming over the other side, so it's not the same arrangement as is being proposed here.</p> <p>So the drawings we have show that the location is on the peak, the crest of the hill and that the visibility splays are achievable to the 85<sup>th</sup> percentile in accordance with national requirements for safe accesses. So the view of the experienced County Officers who have reviewed all the information that has been submitted, both by the applicant and other parties, is that access can be safely provided in this location. Thank you.</p>	52.
Chair	Thank you. I'll come to – Cllr Noel, yes.	53.
Cllr Noel	Is there no way that this – any decision on this can be deferred until West Sussex look at it again? Or is it going to be a yes or no today?	54.
Emma Parks	West Sussex County Council Highways have visited the site and we've gone back to them a number of times, particularly regarding the representations, etc., received, so if Members feel that's critical to your decision making, that's a decision you can make. But I think Officers' views is you have the information that you need and obviously we should be seeking to make a decision today if at all possible and only deferring it if it is really critical to do so and you definitely don't have information that you need to be able to assess it. I think Officers' view is it has been scrutinised and it is considered to be acceptable. I recognise there are local concerns, but obviously the evidence base we have says that it is an acceptable access. Thank you.	55.
Chair	Thank you. Cllr Fletcher.	56.
Cllr	Thank you. The previous application was basically refused just for water	57.

Fletcher

neutrality and we are operating under the tilted balance and we have an application here which makes a really substantial contribution to our housing supply, so in effect the principle of the development is fairly established here. The water neutrality solution, as far as I can see, appears to be very sound, but I do really understand the very real concerns that people have about highway safety and access on this site.

It's a 30mph speed limit, but we're in a situation where the actual speeds are significantly in excess of that and the way the road is operating is right at the boundaries of the sorts of speeds that Manual for Streets 2 was designed to cover where they sort of typical – their sort of cut-off speeds that they talk about are 60km/h and 40mph, which are slightly different, and many of these speeds are right on that boundary level.

Manual for Streets 2 allows you to take into account the context of the site, so it doesn't just – it's not a hard and fast cut-off of what's acceptable or not, but I would argue that the suggestion that's been made that we should be applying Design Manual for Roads and Bridges geometries here is a case of being careful what you'd wish for, because the more you open up the geometries of things, the more you're encouraging vehicles to go faster.

What really disappoints me is that West Sussex, on seeing these disappointingly high speeds for a 30mph limit in a village environment, instead of seeking to reduce those speeds, we're seeking to secure the maximum possible visibility plays. It seems to me that the obvious approach here in terms of giving the best result for the residents and the best safety that's available would be to seek to reduce the speeds.

That's not something that we can guarantee to do at this point, because it's not within our control as a Local Planning Authority to require that planning – that traffic calming takes place. Nonetheless, I think I would like to look at what things we might be able to do within the scope of what we've got before us. So one thing I'd like to say thank you to the Officers for looking at the possibility of adding a piece of footway just to the north of the vehicle access, because, as Cllr Croker says and one of the speakers said, I think it's inevitable that pedestrians will choose to exit at that site.

So a bit later on I'd like to ask the Officer whether that – how that would be best addressed, because I understand that West Sussex have said that they're open to that. So for example, I'm wondering whether that is something that could be done by a delegation with a view to accept subject to, in order to be able to look at how that could be done.

The second thing I'd like to discuss is that this is an outline application. At the moment it's not safe to have the northern access pedestrian access there, but it would be lovely to have a northern pedestrian access there. And as again Cllr Croker says, it is conceivable that some people will hop over the fence in their quest to get to The Green Man or wherever it is they're going.

It would be a terrible shame if the reserved matters design for this site blocked off the space that is currently sitting there in that indicative design and therefore prevented you ever having a northern access, because maybe, and I really hope there is, one day we will have a speed reduction through moving of the speed limit, traffic calming and so on, that means that traffic is going along there at a more reasonable speed, and at that point it might well be that the residents or

	<p>somebody decides they want to have a northern access.</p> <p>So the second thing I want to explore is whether it would be possible to put in a condition on an approval that the reserved matters design allows that gap to be maintained such that, should there ever be a realistic prospect of a northern access, there is enough space for that to occur.</p> <p>I was going to raise the point about the Downs Link and access, which absolutely does need to be for cycles, because it will obviously be used for cycles, I wasn't sure that I'd seen in the conditions and so on how that was definitely being secured to LTN 120 standards, so I just wanted to clarify with the Officers that that is secure in the documentation as we have it.</p> <p>And the last thing I wanted to talk again was about the traffic calming issue. Obviously, we can't have a condition that requires there to be traffic calming, but I did just want to ask again about whether we could through condition, through informative, through something get the issue of traffic calming looked at at this stage.</p>	
Chair	Okay. Thank you.	58.
Emma Parks	<p>Thank you, Cllr Fletcher. In terms of the northern link and kind of future proofing it, obviously this is a reserved matters where layout is for later consideration, so I think the best way to set forward your future expectations is by way of an informative in terms of how you would want the reserved matters to be, because we're not considering layout now, so I think some clear direction of what your expectations are at the reserved matter stage would probably be most appropriate for that.</p> <p>In terms of the main vehicle access and the adding a pedestrian link to the north, you could do that through delegation if that's what Members wish to look at. I think you have to be mindful that obviously we've had initial feedback from County that that looks like it is hopefully technically feasible, but we don't have a definite on that, so it would – I would suggest the wording is around exploring and seeking to achieve if practical to do so, something along those lines, recognising that there may be a small possibility for whatever reason it's just [REDACTED]. And I've forgot, Cllr Fletcher, I know there was something else and I've forgotten what it was.</p>	59.
Cllr Fletcher	[REDACTED].	60.
Emma Parks	<p>Oh, the cycle access, yeah. Oh, yeah, so the Downs Link again I'd say that's – I would suggest as an informative again because it's the layout of the site and I think Dr Lyons did raise a point in saying it's cycle and pedestrian, but obviously we don't have that detail now.</p> <p>And in terms of traffic calming, I think it's – I think I expressed earlier on that I think it's our view it's not necessary to make the development acceptable, but I recognise the concerns in your comments, Cllr Fletcher. I think within the scope of this application I think my suggestion would be to encourage exploring that with County by way of an informative, because I think it's difficult for us to justify that. We don't have any detail, even if we were to consider it necessary, we couldn't just add a condition on.</p> <p>It would have to be by way of discussion with County and a legal agreement and obviously our view is it's just not necessary for this development but recognise that there could be benefits that the developer may wish to explore separately</p>	61.

	with County Highways. I hope that answers all your questions, Cllr Fletcher.	
Cllr Fletcher	Thank you. That's really helpful and I think personally I'd feel inclined to take you up on all four of those suggestions. The informatives wouldn't need an alternative motion, but the delegation to explore and seek to achieve a pedestrian footpath would. So I'll wait until the debate has concluded and see if it's then an appropriate time to bring an alternative motion on that.	62.
Chair	I'll come to you in a moment, Peter – Cllr van der Borgh. Cllr Clarke.	63.
Cllr Clarke	<p>Thank you, Chairman. I went through – I did ask a question about the transport plan and got an answer, but obviously you get an answer to a question, it depends how you ask the question. I found that the transport plan section was quite misleading because actually, from what I've heard, the bus doesn't actually provide a really good way of getting into Horsham which is quite disappointing, giving a bus voucher for a non-existent bus. I did find it quite interesting.</p> <p>I went through, as you would imagine, basically paragraph 6.51 through to 6.55 and I found that 6.54 and 6.53 sort of contradict each other, but clearly what's needed is at least an offset of 227 properties plus, and the agents have also agreed that additional properties may be required by Saxon Weald to offset this development if the water isn't offset properly.</p> <p>But if I look at the condition, condition 9, I read it and it didn't strike me that it – well, it didn't strike me that it actually met those conditions of ensuring that it was 227 plus, but on the other hand if it's been written by a legal hand, somebody might tell me that it has – that it does ensure that. So I'd like to know, as it is worded there, does it guarantee the 227 plus do meet the water neutrality requirement. That's my first question.</p> <p>And I would also say that I would certainly support a condition or an amendment looking to put a pavement on the north side of the drive out of this development. I think it makes absolute sense because it doesn't affect the root ball of the oak tree which is at the south. Thank you.</p>	64.
M2	So in response to your question there, Councillor, condition 9 looks purely at the new homes and the water efficiencies that will go within them to achieve just shy of 85 litre per person per day fixtures and fittings. The legal agreement, which will accompany a planning permission, would secure the offsetting on the Saxon Weald properties which would be the 227, potentially more, homes. Hopefully that answers your question.	65.
Cllr Clarke	If I may, Chairman, so basically you're saying it's a separate document?	66.
M2	Correct. There's two parts to it, yes.	67.
Chair	Cllr van der Borgh.	68.
Cllr van der Borgh	Thank you, Chairman. Just looking at the map here, there are quite a number of access points along that road on both sides plus there are – appear to be access points to individual homes that don't come off roads, and I'm curious as to why this access is going to be any more perilous than any of the ones that are already in existence. Thank you.	69.
Chair	Okay. Cllr Perry.	70.
Cllr Perry	It's a point on the buses really, because as a user of the no. 17 bus I just think West Sussex should be accepting this has only happened, this change to the Partridge Green bus, on 1 <sup>st</sup> September, it's now 17 <sup>th</sup> September, and I'm wondering if there's anything we can do to put a little bit more pressure on for the Partridge Green service to be improved. If it's going to potentially be over 200 people more in the area, they definitely need a better service to Horsham.	71.



	I've seen people having to get off the bus and walk a very long way into Partridge Green only today and other people left quite stranded because they haven't, you know, haven't been able to have the access they used to have only a few weeks ago. So this bus service is a really important situation and one I hope that can be considered somehow.	
Chair	Thank you.	72.
Emma Parks	I think if there's anything that Horsham District Council wishes to do, it would sit outside the framework of this Planning Committee. I think obviously there are other matters which consider a site sustainable, not just its links by bus, but obviously that's something that I can discuss perhaps with a Cabinet Member outside of the Planning Committee forum. Obviously in terms of this site, notwithstanding the recent changes, it's still considered to be a sustainable site close to some level of services and obviously that's supported by the background documents for the new Local Plan review. Thank you.	73.
Chair	Any other comments? No. Okay. Cllr Fletcher, you had a number of proposals, informatives, etc.	74.
Cllr Fletcher	Yes and I'm hoping the Officers might assist me on this, so I'm suggesting that we do put in the informatives about future proofing the northern link, about ensuring that the Downs Link access across the site and onto the Downs Link meets LTN 120 and is suitable for both pedestrians and cyclists, and that we encourage exploration with County on traffic calming, something which hopefully the Parish Council will be happy to engage in as well.  So that leaves an alternative motion regarding a delegation with a view to approval in consultation with the Head of Planning, the Local Members and the Cabinet Member, and I'm open for alternative suggestions on that, to explore and seek to achieve a pedestrian footway on the northern side of the vehicle access to the site.	75.
Chair	Thank you. I just want to ask for clarity on a couple of points.	76.
Cllr Fletcher	Happy to take advice if it can be improved.	77.
Chair	Just to make sure that we capture it, we've captured it.	78.
Emma Parks	██████████ Cllr Fletcher. I don't think there's anything I would suggest. I think it's very clear what the alternative motion is. I'll read what I've put. The alternative motion is to delegate with a view to approve in consultation with Local Members and the Cabinet Members for Planning to explore and seek to achieve a pedestrian footway on the northern part of the site access	79.
Chair	Vehicle access.	80.
Emma Parks	Vehicle access, well, access ██████████. And then obviously the informatives regarding safeguarding the northern pedestrian link, ensuring the Downs Link access meets LTN 120 and suitable for pedestrian and cyclists and I think it's for the developer to explore traffic calming with West Sussex County Council Highways. I think that was clear.	81.
Cllr Fletcher	Yes, I mean I think as HDC we would be happy to support that, yes. I don't know if that needs to be added in.	82.
Chair	Do I have a seconder for that motion? Cllr Croker, do you second it or are you asking ██████████?	83.
Cllr Croker	I second the motion.	84.
Chair	Okay. Thank you. Okay. All those in favour. Right.	85.
F2	That's 11 for.	86.
Chair	Those against.	87.
F2	And 2 against.	88.
Chair	Any abstentions?	89.

F2	No abstentions.	90.
Chair	Therefore the motion is carried. Thank you. Before we move on, just a five minute break. Is everyone happy to have a five minute break or do you want to carry on? Okay, five minute break.	91.